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1st Session

HOUSE OF REPRESENTATIVES

REPORT
117–70

INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

TO ACCOMPANY

H.R. 3684

JUNE 22, 2021.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT

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Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3684]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3684) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2022

SEC. 101. DEFINITIONS.

In this division, the following definitions apply:

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

(2) MASS TRANSIT ACCOUNT.—The term "Mass Transit Account" means the portion of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

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

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

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

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

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

(A) American Samoa.

(B) The Commonwealth of the Northern Mariana Islands.

(C) Guam.

(D) The United States Virgin Islands.

SEC. 102. EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.

(a) EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.—

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

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) HIGHWAY TRUST FUND.—

(i) HIGHWAY ACCOUNT.—

(I) IN GENERAL.—Except as provided in subclause (II), there is authorized to be appropriated from the Highway Account for fiscal year 2022, for each program under the covered laws with respect

to which amounts are authorized to be appropriated from such account for fiscal year 2021, an amount equal to the amount authorized for appropriation with respect to the program from such account for fiscal year 2021.

(II) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, there is authorized to be appropriated from the Highway Account for fiscal year 2022—

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

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

(ii) MASS TRANSIT ACCOUNT.—

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

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

(B) GENERAL FUND.—

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

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

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

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

(4) OBLIGATION LIMITATION.—

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

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

(i) IN GENERAL.—Notwithstanding any other provision of this section, section 1102 of the FAST Act (Public Law 114–94), section 1101 of title I of division B of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), or title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (Public Law 116–260), for fiscal year 2022, the obligations for Federal-aid highway and highway safety construction programs shall not exceed $46,400,294,311.

(ii) LIMITATION ON FEDERAL HIGHWAY ADMINISTRATION ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this section, of the amount described in clause (i), for fiscal year 2022 an amount not to exceed $492,000,000 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for

necessary expenses for administration and operation of the Federal Highway Administration or transferred to the Appalachian Regional Commission for administrative activities associated with the Appalachian Development Highway System.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Title 23, United States Code.

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

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

(a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(b) OBLIGATION AUTHORITY.—

(1) IN GENERAL.—

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

(B) PERIOD OF AVAILABILITY.—

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

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

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

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

(2) DISTRIBUTION OF OBLIGATION AUTHORITY.—

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

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

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

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

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

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

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

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

(d) SUPPLEMENTAL STATE FUNDS.—

(1) DISTRIBUTION.—

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

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

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

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

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

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

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

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

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

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

(f) PUERTO RICO FUNDS.—

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

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

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

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

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

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

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

(g) TERRITORIAL FUNDS.—

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

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

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

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

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

(h) FEDERAL LAND MANAGEMENT AGENCY FUNDS.—

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

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

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

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

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

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

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

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

(i) MEMBER DESIGNATED PROJECTS.—

(1) TREATMENT.—

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

(B) REQUIREMENTS.—

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

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

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

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

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

(iii) TRANSIT PROJECTS.—

(I) TRANSFERS.—Member designated project funds made available for transit capital and planning projects may be transferred to, and administered by, the Secretary in accordance with section 104(f) of title 23, United States Code.

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

(2) REPURPOSING OF FUNDS.—

(A) IN GENERAL.—

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

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

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

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

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

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

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

(i) consider whether the member designated project can be completed with the amount reserved for the member designated project and other committed funds;

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

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

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

(i) may be used and shall be treated—

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

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

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

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

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

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

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

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

(ii) for funds specified in section 107 to be used within a political subdivision of a State, applied to an activity within or predominantly serving such political subdivision;

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

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

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

SEC. 104. FEDERAL TRANSIT ADMINISTRATION.

(a) ALL STATIONS ACCESSIBILITY PROGRAM.—

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

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

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

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

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

(3) ELIGIBLE FACILITIES.—The Secretary—

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

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

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

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

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

(C) the applicant's plans to—

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

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

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

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

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

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

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

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

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

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

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

(10) DEFINITIONS.—In this section:

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

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

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

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

(b) REDUCING TRANSIT DESERTS.—

(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients for eligible projects to establish new bus service or increase the frequency of bus service.

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

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

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

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

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

(A) acquisition of vehicles;

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

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

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

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

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

(A) provide reliable and frequent connections to jobs, education and workforce training, and essential destinations;

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

(C) support unserved and underserved populations and communities.

(5) FEDERAL SHARE.—

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

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

(6) GRANT REQUIREMENTS.—

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

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

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

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

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

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

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

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

(11) DEFINITIONS.—In this subsection:

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

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

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

(ii) State or local governmental entities that operate or propose to operate fixed route bus service or express lane transit.

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

(c) FEDERAL SHARE ADJUSTMENTS.—

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

(2) CRITERIA.—In making allocations under subparagraph (1), the Secretary shall take into consideration the extent to which the project sponsor demonstrates a need for a higher Federal share, including the extent to which—

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

(B) a project sponsor has experienced, as a result of the coronavirus public health emergency.

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

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

SEC. 105. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

SEC. 106. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts authorized under section 102, there is authorized to be appropriated from the Highway Account for fiscal year 2022, for activities under this subsection, $209,900,000.

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

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

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

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

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

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

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

(3) TREATMENT OF FUNDS.—Amounts made available under this section shall be made available for obligation and administered as if made available under chapter 311 of title 49, United States Code.

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

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

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

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

SEC. 107. MEMBER DESIGNATED PROJECT AUTHORIZATIONS.

(a) MEMBER DESIGNATED PROJECTS.—The amount listed for each member designated project in the table in subsection (c) shall be available (from amounts made

available by paragraphs (1), (3), and (4) of section 103(c)) for fiscal year 2022 to carry out each such project.

(b) SAVINGS CLAUSE.—

(1) ADDITIONAL INFORMATION.—In administering member designated projects, the Secretary shall consider the additional information provided in the Committee Report, or any subsequent report superceding such Committee Report, accompanying this Act.

(2) SUBSEQUENT PHASES.—

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

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

(3) REPURPOSING.—Nothing in the table in subsection (c), or the Committee Report, or any subsequent report superceding such Committee Report, accompanying this Act, shall prevent funds reserved for a member designated project from being repurposed as described in section 103(i)(2), provided that all requirements in such section are satisfied.

(c) PROJECT DESIGNATIONS.—The table in this subsection is as follows:

No.	Project Name	City	State/Territory	Amount
1	Cowles Street Reconstruction	Fairbanks	AK	7,955,000
2	Replace Bridge 114.3	Anchorage	AK	6,421,200
3	Seldon Road Extension, Phase 2	Wasilla	AK	5,623,800
4	Alabama State Highway 77 Northbound Bridge Replacement 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 Interchange Lighting at SR–24 (Corr V) and SR–19	Red Bay	AL	860,000
8	Widening of Hwy 411	Moody	AL	509,000
9	Bridge Replacement on CR–39	Montgomery	AL	2,339,717
10	Bridge Replacement over Sipsey River	Greene and Pickens Counties	AL	3,296,963
11	Dallas County—Bridge Replacement 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 Freedom 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 Mobility and Safety Improvements	Phoenix	AZ	5,000,000
18	5th/6th Street Complete Streets Project	Tucson	AZ	7,000,000
				3,500,000

No.	Project Name	City	State/Territory	Amount
				3,500,000
19	77th Street Access Improvements	Scottsdale	AZ	1,102,748
20	Chino Road Extension 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 Electric Vehicle Charging Stations	Phoenix	AZ	2,400,000
24	Drexel Road Extension and Bridge Project	Tucson	AZ	5,000,000
25	Electric Bus Infrastructure	Flagstaff	AZ	1,485,000
26	Flashing Yellow Arrow (FYA) Phase III	Glendale	AZ	800,000
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
				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

No.	Project Name	City	State/Territory	Amount
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
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
64	Transit Security & Operations Center	Anaheim	CA	5,000,000
65	US395 Olancha-Cartago 4 Lane Project	Olancha, Cartago	CA	2,000,000
66	"I" Street Operating Maintenance Facility Rehabilitation Project	San Bernardino	CA	2,000,000

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

No.	Project Name	City	State/Territory	Amount
85	Atwater-Merced Expressway (AME) Phase 1B Right of Way acquisition	Merced	CA	2,000,000
86	Azusa Avenue Pedestrian Handicap Accessibility & Signal Synchronization Improvements Project	West Covina	CA	3,000,000
87	Bay Bridge Forward – I–80/Powell Street Transit Access and I–80 Westbound Bus Lane Extension	Emeryville and Oakland	CA	3,000,000
88	Bay Trail at Shoreline Park	San Leandro	CA	3,000,000
89	Bay Trail Connectivity—Vista Point Bay Trail	Sausalito	CA	1,300,000
90	Belmont Alameda de las Pulgas Corridor Project	Belmont	CA	2,400,000
91	Beverly and Robertson Boulevards Complete Street Improvements	West Hollywood	CA	3,000,000
92	Boulder Creek Complete Streets Improvements Project	Boulder Creek	CA	1,500,000
93	Broadway Rehabilitation Project	Glendale	CA	2,008,000
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 SouthEast 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 Citywide 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
116	Destination Crenshaw Streetscape Improvement Project	Los Angeles	CA	7,600,000
117	Downtown Mobility Phase 3A	San Diego	CA	5,600,000
118	Duarte—Donald & Bernice Watson Multi-Use Pathway Improvement Project	Duarte	CA	1,225,000
119	East Bayshore Road Safety Improvements	East Palo Alto	CA	1,000,000
120	East Los Angeles Community Mobility	Los Angeles	CA	800,000
121	East Oakland Hydrogen Fueling Upgrade	Oakland	CA	2,000,000
122	East San Fernando Valley Traffic Signals on the High Injury Network	Van Nuys and North Hollywood	CA	1,797,312
123	East San Fernando Valley Transit Corridor (ESFVTC) Transit-Oriented Community (TOC) Plan	Van Nuys, Arleta, Pacoima	CA	1,236,000
124	East San Fernando Valley Transit Corridor Project	City of San Fernando to Van Nuys	CA	10,000,000
125	East San Jose Corridor Safety Improvement Project	San Jose	CA	4,700,000

No.	Project Name	City	State/Territory	Amount
126	El Camino Real to Via De LaValle	San Diego	CA	2,500,000
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
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

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

No.	Project Name	City	State/Territory	Amount
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 Morrison and Sepulveda	Los Angeles	CA	710,000
176	New Traffic Signal at Plummer and White Oak Avenue	Los Angeles	CA	710,400
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
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

No.	Project Name	City	State/Territory	Amount
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
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 Hollywoood	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	lameda, 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
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

No.	Project Name	City	State/Territory	Amount
212	Serramonte Boulevard and Serramonte Center Driveway 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
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	Oxnard	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
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

No.	Project Name	City	State/Territory	Amount
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
251	Widen Central Ave to add new Class II Bike Lanes near U.S. 101 to the northwest 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
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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*
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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
				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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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
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, Eastbound, 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

No.	Project Name	City	State/Territory	Amount
419	Papalaua 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
422	Wakea Avenue (Route 3920, MP 0.70-MP 0.71) and Kamehameha Avenue (Route 3940, MP 0.91–MP0.92) Intersection Improvements	Maui	HI	2,186,000
423	HIRTA Regional Transit Facility	Waukee	IA	2,321,000
424	In the City of Iowa City, on Dodge Street, from Burlington Street north to Governor Street.	Iowa City	IA	9,943,600
425	Iowa 136 bridge replacement over Elwood Creek 3.1 miles west of US 61 in Clinton County	Clinton County	IA	1,144,800
426	Marion County—County Road G28 corridor	Marion County	IA	2,000,000
427	Red Rock Prarie Trail (Iowa 117 to Co Rd S27)	Prairie City	IA	900,000
428	Bus Replacements Across the District	Des Moinse	IA	5,000,000
429	Mills Civic Parkway Improvements	West Des Moines	IA	2,000,000
430	Red Oak Bridge Replacement	Red Oak	IA	700,000
431	Southeast Connector	Des Moines	IA	7,000,000
432	Traffic Incident Management Center at Camp Dodge—Phase I	Johnston	IA	4,880,000
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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 Design	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 Improvements	Tinley Park	IL	1,500,000
477	9th Street Two-Way Conversion (Whitman Interchange)	Rockford	IL	4,050,000
478	Algonquin Road (Various Intersections) and Wilmot Road at Main Street Intersection Improvements	Spring Grove	IL	2,400,000
479	All Stations Accessibility Program—Blue Line Irving Park	Chicago	IL	4,330,000
480	Arterial Resurfacing	Chicago	IL	9,357,677
481	Berkeley Industrial Pedestrian Connector	Chicago	IL	424,500
482	Bike Path along Quentin Road	Hawthorn Woods/ Lake Zurich	IL	1,000,000
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 Estates	IL	2,000,000

No.	Project Name	City	State/Territory	Amount
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 Station)	Chicago	IL	3,370,000
490	CTA Red Line—Loyola Station Improvements	Chicago	IL	3,600,000
491	DeKalb Traffic Signal Upgrades	DeKalb	IL	570,000
492	Division Street Resurfacing	Oak Park	IL	2,000,000
493	Dundee Ave Reconstruction	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
498	Greater Downtown 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 Interchange	Chicago Ridge	IL	5,000,000
502	I–294 Crestwood/Robbins Interchange	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

No.	Project Name	City	State/Territory	Amount
509	Jackson Blvd Resurfacing (Desplaines to Harlem Ave)	Chicago	IL	800,000
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
524	PACE Transit Signal Priority	Chicago	IL	900,000
525	Park Blvd Resurfacing	Streamwood	IL	220,783
526	Patriot Path	Lake County	IL	9,794,640
527	Proposed Midwest Medical Center Entrance and Highway Improvements	Galena	IL	2,000,000
528	Pulaski Corridor Improvements	Chicago	IL	500,000
529	Pulaski Road: 127th St to 159th St	Alsip, Crestwood, Midlothian, Markham, and Robbins	IL	2,500,000
530	Rand US–12 / Kensington / IL–83 Intersection Improvements	Mount Prospect	IL	4,500,000
531	Rand/Central/Mt Prospect Road Intersection Improvements	Mount Prospect and Desplains	IL	371,000
532	Randall and Hopps Road Intersection	Elgin	IL	5,000,000
533	Randall Road from Alexandra Blvd to Polaris Dr/Acorn Ln	Lake in the Hills	IL	2,000,000

No.	Project Name	City	State/Territory	Amount
534	Rehabilitative Resurfacing of Belmont Avenue—25th Ave to W of Elm St, Fran	Franklin Park	IL	588,000
535	Rehabilitative Resurfacing of Ill 64 North Ave—I–294 to Harlem Ave & N Frontage Rd - 7th Ave to 5th Ave	Elmwood Park, Melrose Park, Northlake, River Forest, River Grove	IL	7,920,000
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
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 Relocation & Expansion	Woodstock	IL	4,000,000

No.	Project Name	City	State/Territory	Amount
551	Zero Emission Locomotive Commuter Rail Pilot	Blue Island, Chicago, Joliet, Midlothian, Mokena, New Lenox, Oak Forest, Robbins, 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	Unincorporated Lake County	IN	1,500,000
554	Central Avenue Road Reconstruction	Portage	IN	2,000,000
555	IndyGo EV Charging Stations	Indianapolis	IN	774,000
556	Kennedy Avenue Bridge Replacement	Highland and Hammond	IN	8,100,000
557	Monument Circle/Market Street Reconstruction	Indianapolis	IN	12,864,000
558	Willowcreek Road Extension	Unincorporated Porter County	IN	7,411,200
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
573	Washington Creek Bridge Replacement	Lawrence	KS	400,000
574	West Kellogg/US–54/400 Expansion	Wichita	KS	1,800,000

No.	Project Name	City	State/Territory	Amount
575	U.S. 69/167th St. Interchange Improvement Project	Overland Park	KS	15,000,000
576	Congestion reduction and traffic improvement project on KY–17/Scott Boulevard/ Greenup Street	Covington	KY	2,000,000
577	Extend KY 3155 from the southern Intersection at KY 259 westerly 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 Bypass 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 Virginia State Line	Cranks, Harlan County	KY	960,000
582	Improve westbound lanes of US 60 from KY 1957 to KY 6106	Lewisport, Hancock County	KY	3,200,000
583	KY 335 improvements from US 31W south of KY 218 to I–65	Horse Cave, Hart County	KY	3,200,000
584	KYCT project 6–80101, KY –18 / Superstreet 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, Bullit County	KY	4,800,000
588	Reimagine 9th Street	Louisvile	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
597	MRB South GBR: LA 1 to LA 30 Connector (Pre-Engineering Design)	Baton Rouge	LA	8,000,000

No.	Project Name	City	State/Territory	Amount
598	Amherst Town Common Transportation and Mobility Improvements	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 Community Path	Belmont	MA	3,500,000
602	Blackstone Valley Multi-Use Path Phase 1, Segment – 2	Blackstone	MA	8,130,842
603	Blue Line Signal Program	Revere, Boston	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—Purchase Misc. Electric Power Equipment	Brockton	MA	480,000
608	Christina Street Rail Bridge	Newton	MA	1,600,000
609	Columbian Square Intersection Improvements	Weymouth	MA	3,000,000
610	Court and Cherry Street Intersection Improvement	Plymouth	MA	2,000,000
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	Tewksbury	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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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
655	Warren Street / Blue Hill Avenue Multimodal 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

No.	Project Name	City	State/Territory	Amount
				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
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
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
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
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	Skanee Road Improvements (from Jentoft Road to Town Road)	L'Anse and Arvon Townships	MI	7,530,000
743	Skanee 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

No.	Project Name	City	State/Territory	Amount
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
				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
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

No.	Project Name	City	State/Territory	Amount
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
781	I–44: Bridge rehabilitation over Gasconade overflow. Project involves bridge L0753	Laclede County	MO	331,200
782	I–70: Bridge improvements over Chouteau Creek. Project involves bridge A5118 and A5119	Cooper County	MO	246,400
783	Improve bridge conditions at Rt. C in Audrain County	Audrain County	MO	548,800
784	Improve pavement condition Rt. BB Randolph County	Randolph County	MO	600,800
785	Improve pavement condition Rt. K Randolph County	Randolph County	MO	763,200
786	Interstate 35 and 19th Street Interchange	Kearney	MO	5,500,000
787	Jazz District Pedestrian Plaza at 18th & Vine	Kansas City	MO	6,000,000
788	Kansas City Regional Zero Emission Electric Bus Program	Kansas City	MO	10,500,000
				6,000,000
				4,500,000
789	Little Blue Trace—Rock Island Trail Connector	Kansas City	MO	500,000
790	MM Highway Expansion from I–44 to US 60	Republic	MO	3,200,000
791	MO 100: Bridge improvements over Cedar Creek Project involves A1848	Osage County	MO	917,600

No.	Project Name	City	State/Territory	Amount
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
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	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.	Pulaski County	MO	2,656,000
807	Payment to St. Robert to add sidewalks and upgrade signalized intersection at St. Robert Boulevard in St. Robert	St. Robert	MO	547,200
808	Raum Road Bridge Replacement	Lawson	MO	3,128,000
809	Riverway Boulevard Reconstruction	Riverside	MO	3,200,000
810	RT 18: Pavement improvements from Rte. Y to I–49 in Adrian and on Loop 49 from Passaic to Rte. 52 in Butler.	Adrian	MO	1,586,400
811	RT A: Bridge replacement over Enon Creek. Project involves bridge K0851	Moniteau County	MO	1,091,200
812	RT A: Bridge replacement over Moreau Creek. Project involves R0235	Cole County	MO	545,600
813	RT J: Bridge rehabilitation over Young Branch, 0.1 mile south of 217th Street and 0.4 mile northeast of Branic Drive in Peculiar. Project involves bridge A2331	Peculiar	MO	555,200
814	RT J: Bridge removal over the Niangua River. Project involves bridge S0391	Camden County	MO	204,800
815	RT K: Pavement improvements from I–49 to County Road 1800 near Nevada.	Nevada	MO	448,000
816	RT PP: Pavement improvements from Route C in Roseland to Route 7 in Tightwad	Roseland	MO	453,600
817	RT T: Pavement improvements and add rumblestripes from Rte. 52 to Rte. 135 and from Rte. 135 to the end of state maintenance	Morgan County	MO	3,020,000
818	RT. K bridge replacement over Dry Fork Creek Bridge	Montgomery County	MO	965,600

No.	Project Name	City	State/Territory	Amount
819	Study to determine base stability and flood resiliency near McKitrick	McKittrick	MO	80,000
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
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
859	Fuquay-Varina Townwide ITS/Signal System	Fuquay-Varina	NC	2,560,000
860	GoRaleigh/GoWake Coordinated 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
865	Military Cutoff Road (US 17)/Eastwood Road (US 74) Interchange (Drysdale Drive Extension)	Wilmington	NC	3,840,000
866	N. Fork Coweeta Creek Bridge Replacement	Otta	NC	452,000
867	Pender Street Pedestrian Improvement, Infrastructure Repair, and Resurfacing	Wilson	NC	8,400,000
868	RIDE- Rural Microtransit	Wilson	NC	2,000,000
869	Silas Creek Parkway Sidewalk	Winston-Salem	NC	4,533,600
870	South Tar River Greenway	Greenville	NC	1,775,000
871	Streetlighting on High Injury Network	Charlotte	NC	8,000,000
872	Transit Bus Stop Improvements	Chapel Hill	NC	900,000
873	US 19/129 Road Improvements	Murphy	NC	3,851,000
874	US 74/NC 108 Interchange	Columbus	NC	1,000,000
875	Heartland Expressway Phase III	Minatare	NE	10,000,000
876	Signal System Master Plan Accelerated Implementation	Omaha	NE	20,000,000
877	US–275 Norfolk to Wisner	Norfolk to Wisner	NE	20,000,000
878	Ashuelot-Trail Cheshire Trail (42511)	Swanzey	NH	1,200,000
879	Bedford 40664—U.S. 3 Widening from Hawthorne Drive North to Manchester Airport Access Road	Bedford	NH	4,980,000
880	Claremont Intersection Improvements (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

No.	Project Name	City	State/Territory	Amount
884	Gorham Sidewalk (Route 2 (Lancaster Rd))	Gorham	NH	898,196
885	Heritage Rail Trail East	Nashua	NH	1,200,000
886	Littleton Sidewalk Project (41362)	Littleton	NH	710,159
887	Loudon Intersection Improvements (40632)	Loudon	NH	2,347,256
888	Malboro Street Cheshire Rail Trail (42515)	Keene	NH	681,123
889	Maplewood Avenue Complete Streets	Portsmouth	NH	2,804,300
890	Merrimack River Greenway	Concord	NH	1,584,800
891	Multi-use Path Connecting Warner Village to Exit 9 Business Area	Warner	NH	920,000
892	NH 128 and Sherburne Road and Mammoth and 111A	Pelham	NH	1,240,000
893	Pedestrian Bridge Crossing Granite Street	Manchester	NH	3,360,000
894	Plymouth Sidewalk Project	Plymouth	NH	414,000
895	Reconstruct Mechanic St / High St / Mascoma St Intersection (4094)	Lebanon	NH	2,400,000
896	Rt 11 Safety and Capacity Improvements	Rochester	NH	5,664,000
897	Spruce Street Connector	Nashua	NH	1,000,000
898	Trestle Bridge—Mill City Park Trail	Franklin	NH	1,200,000
899	Waterville Valley Pedestrian Improvements	Waterville Valley	NH	948,110
900	Whitefield Sidewalk Project	Whitefield	NH	396,704
901	Berkshire Valley Road Truck Circulation Project	Kenvil (Roxbury Township)	NJ	2,000,000
902	Bloomfield Avenue Roadway Improvements & Traffic Signal Modernization	West Caldwell, Caldwell, North Caldwell, Verona, Montclair, Glen Ridge, Bloomfield, and Newark	NJ	10,000,000
				5,000,000
				5,000,000
903	Bloomfield Station Rehabilitation Project	Bloomfield	NJ	2,000,000
904	Carteret Ferry Terminal Project	Carteret	NJ	5,625,000
905	City of Passaic Pedestrian Greenway Project	Passaic	NJ	883,432
906	Construction of Pedestrian Bridge on Columbia Trail (Relocation of Openaki Bridge Truss)	Long Valley (Washington Township)	NJ	1,000,000

No.	Project Name	City	State/Territory	Amount
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 Bikeway 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
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

No.	Project Name	City	State/Territory	Amount
931	North Broad Street Redevelopment Project	Newark	NJ	1,200,000
932	Ocean Drive (CR621) Upgrades and Bridge Improvements	Lower Township	NJ	7,000,000
933	Parkside Neighborhood School and Pedestrian Traffic Safety	Camden	NJ	6,000,000
934	Passaic Bus Terminal Canopy	Passaic	NJ	1,600,000
935	Patriots Way Bridge Superstructure Replacement	Oakland	NJ	4,184,830
936	Pedestrian Bridge at the Great Falls National Historical Park	Paterson	NJ	1,000,000
937	Pedestrian Improvement for Metro Park	Township of Woodbridge	NJ	1,250,000
938	Permanent Ferry Terminal Peninsula Project	Bayonne	NJ	4,321,600
939	Pleasant Avenue & Park Avenue / Pedestrian & Vehicular Safety Improvements & Restoration Project	Weehawken	NJ	7,520,000
940	Point Pleasant Beach Channel Drive ADA Compliance Upgrade and Surface Revitalization project	Point Pleasant Beach Borough	NJ	1,399,785
941	Pompton River Rail Bridge (Pequannock Valley Pedestrian Trail) Substructure Repair	Township of Pequannock, Morris County, and Township of Wayne, Passaic County	NJ	1,500,000
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 Subsurface Soil Stabilization	Edgewater	NJ	1,760,000

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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
971	Union County Structurally Deficient Bridge Initiative – Oakland 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) Extension	Township of Branchburg	NJ	6,493,600
976	West Milford Bikeway Connector Project	West Milford	NJ	536,000
977	Willingboro EV Charging Stations	Willingboro	NJ	800,000
978	Woodbine Bikeway and Trailhead Improvements	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
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

No.	Project Name	City	State/Territory	Amount
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
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 / Crosstown 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
1007	City of Poughkeepsie Market Street Connectivity Project	Poughkeepsie	NY	2,400,000
1008	Concrete Pavement Rehabilitation I–495	Brookhaven	NY	7,998,048

No.	Project Name	City	State/Territory	Amount
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
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 Avnenue 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 Flooding 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 Bicycle & Pedestrian 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 Transportation Access and Mobility Study	Goshen	NY	400,000
1040	Outer Harbor Multi-Use Trails	Buffalo	NY	2,000,000
1041	Park Ave—Ingersoll Houses Safety Improvements	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 Pavement Preservation Project	Auburn	NY	2,778,400
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

No.	Project Name	City	State/Territory	Amount
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
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 (HWCSCHMN)	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
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

No.	Project Name	City	State/Territory	Amount
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
1083	11th Street Reconstruction Project	Canton	OH	1,500,000
1084	Arlington Road Corridor	Green	OH	5,578,551
1085	Bagley Road Reconstruction	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*
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

No.	Project Name	City	State/Territory	Amount
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
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 Interchange	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 Replacement Project	Cincinnati	OH	15,000,000
1124	Bobcat Way: Transformation 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
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

No.	Project Name	City	State/Territory	Amount
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
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 Interstate 35 at Interchanges between Memorial and 2nd Street	Edmond	OK	10,000,000
1146	I–35 Widening in Love County	Love County	OK	17,120,000
1147	I35/I240 Interchange	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 Replacement & 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 Colorado (Ports-to-Plains Corridor)	Boise City	OK	3,250,000
1154	181st Safety Improvements	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
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

No.	Project Name	City	State/Territory	Amount
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
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 Improvement Project SR 130 to Arnold Palmer Airport	Mt Pleasant and Unity Townships	PA	5,000,000
1184	Lower State Road Grade Crossing Safety Improvements	Philadelphia	PA	1,200,000
1185	Marsh Creek Greenway	Wellsboro	PA	5,000,000
1186	PA Route 26 Jacksonville Road Betterment	Bellefonte	PA	5,000,000
1187	PA Turnpike / I–95 Interchange Project, Section C	Bensalem	PA	5,000,000
1188	PA Turnpike / I–95 Interchange Project, Section D30	Bensalem	PA	5,000,000
1189	Purchase of 8 Microtransit Vans	State College	PA	416,000
1190	Route 61 Revitalization	Schuykill County	PA	15,200,000
1191	Sassafras Street Extension Pedestrian Bridge	Erie	PA	4,400,000
1192	SR 1001 Farrandsville Road Improvements	Woodward Township and Lock Haven	PA	1,200,000
1193	SR 104 over Mahantango Creek	Chapman Township	PA	1,000,000
1194	SR2027 Speers Bridge Replacement over I–70	Speers Borough	PA	5,672,564
1195	SR87 ov Kettle Creek	Hillsgrove Township	PA	1,040,000
1196	State Route 68 Corridor Improvements	Butler	PA	6,630,000
1197	US 422 Bypass Phase 2	Butler, Connoquenessing, and Franklin Townships	PA	2,454,000
1198	US 6: Reynolds St – Baldwin St Ext (Route 6 Highway Reconstruction)	Meadville	PA	2,000,000
1199	US Business Route 322 (State Route 3014) Atherton Street Section 153 Drainage/Repaving Project	State College	PA	5,550,000
1200	Warrensville Road Slide Rehabilitation	Williamsport	PA	3,360,000
1201	Waynesburg Betterment	Waynesburg Borough & Franking Township	PA	8,000,000
1202	69th Street Transportation Center Master Plan	Upper Darby	PA	1,600,000

No.	Project Name	City	State/Territory	Amount
1203	Blakely Borough Main Street Corridor Improvement Project	Blakely Borough, Lackwanna County	PA	1,497,417
1204	Bridge Replacement 209 & 33 NB over Appenzell Creek	Hamilton Township	PA	2,000,000
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
1215	Erie Station (Broad Street Line) Accessibility Improvements	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 Improvement—7th and Race Specific	Philadelphia	PA	240,000
1219	Hazleton Buses and Bus Infrastructure	Hazleton	PA	1,500,000
1220	Hill District Corridor Enhancements	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 Resurfacing Project	Dallas Township, Luzerne County	PA	1,200,000

No.	Project Name	City	State/Territory	Amount
1224	Main Street Grade Crossing in Darby Borough	Darby Borough	PA	1,000,000
1225	Mantua Neighborhood Traffic Safety Project (34th St.)	Philadelphia	PA	4,000,000
1226	Marcus Hook Regional Rail Station Accessibility Improvements	Marcus Hook	PA	11,250,000
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
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

No.	Project Name	City	State/Territory	Amount
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 Sidewalks	Bristol and Warren	RI	8,000,000
1255	Pawtucket Avenue Veteran's Memorial Parkway to Waterman Avenue	East Providence	RI	5,600,000
1256	Post Road and Old Post Road Improvements	Westerly, Charlestown	RI	10,400,000
1257	Route 2, Bald Hill Road, and New London Avenue Improvements	Warwick/Cranston	RI	4,000,000
1258	RT–114, Wampanoag Trail (East Shore Expressway to Federal Road)	Barrington and East Providence	RI	5,920,000
1259	Trestle Trail—West Section	Coventry	RI	4,400,000
1260	I 26/ 526 Interchange	North Charleston	SC	20,000,000
1261	SC–126 Belvedere Clearwater Road Widening	Clearwater	SC	13,069,695
1262	Corridor Improvement at Old State Road (US 21/176) from Savany Hunt Creek Road (S–86) to Old Sandy Run Road (S–31)	Calhoun County	SC	1,100,000
1263	Intersection Improvement at Old State Road (US 21/176) and Savany Hunt Creek Road (S–86)	Gaston	SC	1,100,000
1264	Santee Wateree Regional Transportation #2022	Sumter	SC	2,000,000
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

No.	Project Name	City	State/Territory	Amount
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
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 Substandard Street	Austin	TX	10,000,000
1288	Bear Creek Road Improvement Project	Glenn Heights	TX	3,329,417
1289	City of South Houston--Concrete Sidewalks	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
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

No.	Project Name	City	State/Territory	Amount
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 Wort	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
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
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

No.	Project Name	City	State/Territory	Amount
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
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 Redesign	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 Intermodal Center Pedestrian Bridge Project	Provo	UT	1,000,000
1352	Safe Route to School Sidewalk Project	Salt Lake County	UT	73,345

No.	Project Name	City	State/Territory	Amount
1353	Sharp/Tintic Railroad Connection	Springville and Spanish Fork	UT	1,700,000
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
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 Interchange Improvements 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 Infrastructure Improvements	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

No.	Project Name	City	State/Territory	Amount
1377	Parallel Chesapeake Tunnel Project	Northampton County	VA	3,111,500
1378	Peninsula Transit Signal Priority Improvements	Newport News and Hampton	VA	9,702,071
1379	Red Lane Road/Rt. 60 Continuous Green T	Powhatan	VA	3,145,663
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 (Courthouse 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
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

No.	Project Name	City	State/Territory	Amount
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
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
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

No.	Project Name	City	State/Territory	Amount
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	Aubrun	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
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
1440	South Whidbey—Clinton Area Transportation Infrastructure Improvements	Clinton	WA	1,500,000
1441	SR 99/NB Duwamish River Bridge—Grid Deck Replacement	Seattle	WA	2,000,000
1442	SR522 Corridor Improvement	Maltby	WA	4,000,000
1443	Town to Zylstra Lake Multi-Modal Trail	Friday Harbor	WA	5,280,000
1444	Tukwila International Boulevard Bus Rapid Transit Station	Tukwila	WA	2,000,000

No.	Project Name	City	State/Territory	Amount
1445	US 12/Heron St Bridge Tier 1—Bridge Rehabilitation	Aberdeen	WA	2,038,166
1446	US–2 WB Trestle	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 Roundabout	Tumwater	WA	3,250,000
1450	Atwood Ave. (Fair Oaks Ave. to Cottage Grove Rd.)	Madison	WI	6,275,000
1451	BeerLine Bike and Pedestrian Trail	Milwaukee	WI	1,200,000
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 Country 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
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

No.	Project Name	City	State/Territory	Amount
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.

(5) Section 2106.

(6) Section 2112.

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

(8) Section 2305.

(9) Section 2307.

(10) Section 2902(2).

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the pre-disaster mitigation program under section 124 of such title, the railway crossings program under section 130 of such title, the surface transportation program under section 133 of such title, the highway safety improvement program under section 148 of such title, the congestion mitigation and air quality improvement program under section 149 of such title, the clean corridors program under section 151 of such title, the national highway freight program under section 167 of

such title, the carbon pollution reduction program under section 171 of such title, and metropolitan planning under section 134 of such title—

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

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

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

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

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

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

(4) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

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

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) RECONNECTING NEIGHBORHOODS PROGRAM.—To carry out section 1311 of this Act, $750,000,000 for each of fiscal years 2023 through 2026.

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

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

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

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

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

(B) the continuing race and gender discrimination described in subparagraph (A) merits the continuation of the disadvantaged business enterprise program;

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

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

(E) the testimony and documentation described in subparagraph (D) demonstrate that discrimination across the United States poses an injurious and enduring barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has negatively affected firm formation, development and success in many aspects of surface transportation-related business in the public and private markets; and

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

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

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

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

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

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

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

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

(i) women;

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

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

(5) UNIFORM CERTIFICATION.—

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

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

(i) on-site visits;
(ii) personal interviews with personnel;
(iii) issuance or inspection of licenses;
(iv) analyses of stock ownership;
(v) listings of equipment;
(vi) analyses of bonding capacity;
(vii) listings of work completed;
(viii) examination of the resumes of principal owners;
(ix) analyses of financial capacity; and
(x) analyses of the type of work preferred.

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

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

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

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

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

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

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

(9) SENSE OF CONGRESS ON FULFILLING CERTAIN CONTRACTS.—It is the sense of Congress that contractors participating in a federally funded transportation contract with a small business concern owned and controlled by socially and economically disadvantaged individuals should ensure that the percentage of a contract promised to such small business concern is fulfilled, unless prior approval is obtained consistent with the regulations under part 26 of title 49, Code of Federal Regulations.

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

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

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

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

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

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

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

SEC. 1102. OBLIGATION LIMITATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) shall determine the proportion that—

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

(B) the total of—

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

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

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

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

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

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

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

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

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the surface transportation program in section 133(d)(1)(B) of title 23, United States Code, that are exempt from the limitation under subsection (b)(15) and the amounts apportioned under sections 202 and 204 of such title) in the proportion that—

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

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

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

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

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

(e) SPECIAL LIMITATION.—

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

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

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

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

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

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

(f) LOP-OFF.—

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

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

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

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

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

SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.

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

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34) as paragraphs (2), (4), (5), (7), (9), (11), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (24), (25), (26), (27), (29), (30), (33), (34), (35), (36), (37), (38), (39), (43), (44), (45), (46), and (47), respectively;

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

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

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

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

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

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

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

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

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

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

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

"(8) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The term 'context sensitive design principles' means principles for the design of a public road that—

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

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

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

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

"(A) is used to transport—

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

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

"(B) is identified, consistent with sections 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (A).";

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

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

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

"(23) NATURAL INFRASTRUCTURE.—

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

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

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

"(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.

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

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

"(28) PROTECTIVE FEATURE.—

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

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

"(i) raising roadway grades;

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

"(iii) stabilizing slide areas;

"(iv) stabilizing slopes;

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

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

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

"(viii) installing seismic retrofits on bridges;

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

"(x) the use of natural infrastructure;

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

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

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

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

"(31) REPEATEDLY DAMAGED FACILITY.—The term 'repeatedly damaged facility' means a road, highway, or bridge that has required repair and reconstruction activities on 2 or more occasions due to natural disasters or catastrophic failures resulting in emergencies declared by the Governor of the State in which the road, highway, or bridge is located or emergencies or major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(32) RESILIENCE.—

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

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

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

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

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

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

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

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

"(40) TRANSPORTATION DEMAND MANAGEMENT; TDM.—The terms 'transportation demand management' and 'TDM' mean the use of strategies to inform

and encourage travelers to maximize the efficiency of a transportation system leading to improved mobility, reduced congestion, and lower vehicle emissions.

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

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

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

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

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

(2) in subsection (b)—

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

(B) in paragraph (3)—

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

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

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

(iv) by adding at the end the following:

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

"(J) climate change presents a significant risk to safety, the economy, and national security, and reducing the contributions of the transportation system to the Nation's total carbon pollution is critical; and

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

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

SEC. 1104. APPORTIONMENT.

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

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

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

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

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

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

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

"(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the covered programs as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(6) METROPOLITAN PLANNING.—

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

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

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

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

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

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

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

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

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

"(7) RAILWAY CROSSINGS.—

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

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

"(C) STATE SHARE.—

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

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

"(II) 50 percent of the amount for a fiscal year shall be apportioned to States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

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

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

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

"(10) CLEAN CORRIDORS.—

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

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

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

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

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

"(c) CALCULATION OF AMOUNTS.—

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

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

"(i) each of—

"(I) the base apportionment; and

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

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

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

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

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

"(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2023 through 2026, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the covered programs in accordance with paragraph (1).";

(3) in subsection (d)(1)(A)—

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

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

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

"(h) SUPPLEMENTAL FUNDS.—

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

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

"(i) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

"(F) metropolitan planning under section 134;

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

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

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

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

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

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

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

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

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

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

SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

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

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

(2) in subsection (c)—

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

(B) by adding at the end the following:

"(4) SPECIAL RULE.—

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

"(i) determine the ratio that—

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

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

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

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

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

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

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

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

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

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

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

"(I) the amounts allocated for the zero emission vehicle component assessment under section 5312(h) of such title; and

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

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

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

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

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

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

(4) in subsection (e)—

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

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

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

SEC. 1106. TRANSPARENCY.

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

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

"(1) REQUIREMENT.—

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

"(B) USER FRIENDLY DATA.—The data compiled under subparagraph (A) shall be in a user friendly format that can be searched, downloaded, disaggregated, and filtered by data category.

"(2) PROJECT DATA.—

"(A) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Secretary shall make available on the website of the Department of Transportation a report that describes—

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

"(ii) the total cost of such project;

"(iii) the amount of Federal funding obligated for such project;

"(iv) the program or programs from which Federal funds have been obligated for such project;

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

"(I) less than 5,000 individuals;

"(II) 5,000 or more individuals but less than 50,000 individuals;

"(III) 50,000 or more individuals but less than 200,001 individuals; or

"(IV) greater than 200,000 individuals;

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

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

"(I) a road reconstruction project;

"(II) a new road construction project;

"(III) a new bridge construction project;

"(IV) a bridge rehabilitation project; or

"(V) a bridge replacement project; and

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

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

"(3) STATE DATA.—

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

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

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

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

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

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

"(i) the amount of funding by each apportioned and allocated program for which the State received funding under this title;

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

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

"(4) DEFINITIONS.—In this subsection:

"(A) ACTIVE PROJECT.—

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

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

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

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

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

(1) in subsection (g)—

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

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

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

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

"(C) PERIODIC REVIEW.—The Secretary shall review, not less frequently than every 2 years, the monitoring of subrecipients by the States."; and

(B) by adding at the end the following:

"(6) FEDERAL FUNDING EXCHANGE PROGRAMS.—

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

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

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

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

"(C) COVERED PROJECT DEFINED.—In this paragraph, the term 'covered project' means a project carried out with exchanged State or local funds as described in subparagraph (A).";

(2) in subsection (h)(3)—

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

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

(3) by adding at the end the following:

"(k) MEGAPROJECTS.—

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

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

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

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

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

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

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

"(2) PEER REVIEW GROUP.—

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

"(B) MEMBERSHIP.—

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

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

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

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

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

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

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

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

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

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

"(l) SPECIAL EXPERIMENTAL PROJECTS.—

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

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

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

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

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

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

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

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

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

"(i) project needs and benefits; and

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

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

"(C) make a determination, based on the evaluation made pursuant to subparagraph (B), on any ratings, rankings, scores, or similar metrics for applications made to the covered program.

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

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

"(B) a description of the review process;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) IMPROVING RISK BASED STEWARDSHIP AND OVERSIGHT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Highway Administration shall reference U.S. DOT Office of Inspector General Report No. ST2020035 and take the following actions, as necessary, to improve the risk based stewardship and oversight of the Federal Highway Administration:

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

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

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

(4) Develop and implement a process to routinely monitor the implementation and evaluate the effectiveness of Federal Highway Administration risk-based project involvement.

SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET DESIGN.

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

(1) in subsection (a)—

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

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

(2) in subsection (b)—

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

(B) by striking "the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project" and inserting "the existing and future operational performance of the facility";

(3) in subsection (c)(1)—

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

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

(C) by adding at the end the following:

"(E) context sensitive design principles.";

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

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

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

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

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

"(2) DESIGN FLEXIBILITY.—

"(A) IN GENERAL.—

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

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

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

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

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

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

(5) by adding at the end the following:

"(s) CONTEXT SENSITIVE DESIGN.—

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

"(2) POLICIES OR PROCEDURES.—

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

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

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

"(3) GUIDANCE.—

"(A) IN GENERAL.—

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

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

"(iii) UPDATE.—The Secretary shall periodically update the guidance described in this paragraph, including the model policies or procedures described under subparagraph (B)(v).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL SHARE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1110. TOLLING.

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

(1) in subsection (a)—

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

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the same manner as construction of toll-free highways is permitted under this chapter in the—

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

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

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

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

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

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

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

"(viii) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility, subject to the requirements of section 166; and

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

"(B) AGREEMENT TO TOLL.—

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

"(ii) APPLICABILITY.—

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

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

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

"(cc) conversion, with or without Federal participation, of a non-tolled lane on the National Highway System to a toll facility under subparagraph (E).

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

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

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

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

"(ii) the facility shall provide for access at no cost to public transportation vehicles and over-the-road buses serving the public; and

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

"(D) CONSIDERATION OF IMPACTS.—

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

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

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

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

"(IV) Environmental justice and equity impacts.

"(V) Impacts on freight movement.

"(VI) Economic impacts on businesses.

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

"(E) CONGESTION PRICING.—

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

"(ii) REQUIREMENT.—Prior to entering into an agreement to convert a non-tolled lane on the National Highway System to a toll facility, the Secretary shall ensure (in addition to the requirements under subparagraphs (B), (C), and (D)) that such toll facility and the planned investments to improve public transportation or other non-tolled alternatives in the corridor are reasonably expected to improve the operation of the cordon or corridor, as described in clauses (iii) and (iv).

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

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

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

"(bb) for the corridor or cordon that provides for continuous monitoring, assessment, and reporting on the impacts of congestion pricing on the operation of the corridor or cordon;

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

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

"(iv) DETERMINATION.—

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

"(II) DEGRADED CORRIDOR OR CORDON.—For the purposes of clause (iii)(III), a corridor or cordon shall be considered to be degraded if congestion pricing or investments to improve public transportation or other non-tolled alternatives have not resulted in—

"(aa) an increase in person or freight throughput in the corridor or cordon; or

"(bb) a reduction in person hours of delay in the corridor or cordon, as determined by the Secretary.

"(III) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.—In this subparagraph, the term 'minimum average operating speed' means—

"(aa) 35 miles per hour, in the case of a toll facility with a speed limit of 45 miles per hour or greater; and

"(bb) not more than 10 miles per hour below the speed limit, in the case of a toll facility with a speed limit of less than 50 miles per hour.

"(v) MAINTENANCE OF OPERATING PERFORMANCE.—

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

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

"(III) UPDATE.—Until the date on which the Secretary determines that the public authority has brought the facility or corridor or cordon into compliance with this subparagraph, the public authority shall submit annual updates that describe—

"(aa) the actions taken to bring the facility into compliance;

"(bb) the actions taken to bring the corridor or cordon into compliance; and

"(cc) the progress made by those actions.

"(IV) COMPLIANCE.—If a public authority fails to bring a facility into compliance under this subparagraph, the Secretary may subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

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

public authority shall consult with the metropolitan planning organization for the area.

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

(B) in paragraph (3)—

(i) in subparagraph (A)—

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

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

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

"(vi) toll discounts or rebates for users of the toll facility that have no reasonable alternative transportation method to the toll facility; and

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

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

"(B) TRANSPARENCY.—

"(i) ANNUAL AUDIT.—

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

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

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

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

(D) in paragraph (9)—

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

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

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

"(10) INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION.—

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

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

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

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

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

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

"(C) INITIAL CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

(d) SAVINGS CLAUSE.—

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

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

(A) operating;

(B) in the planning and design phase; or

(C) in the construction phase.

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

SEC. 1111. HOV FACILITIES.

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

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

"(6) EMERGENCY VEHICLES.—The public authority may allow the following vehicles to use the HOV facility if the authority establishes requirements for clearly identifying the vehicles:

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

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

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

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

(4) in subsection (e)—

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

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

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

(D) by adding at the end the following:

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

(5) in subsection (f)—

(A) in paragraph (1)—

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

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

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

SEC. 1112. BUY AMERICA.

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

(1) in subsection (a)—

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

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

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

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

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

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

(4) in subsection (d)—

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

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

(5) in subsection (g) by inserting "or within the scope of the applicable finding, determination, or environmental review decision made pursuant to authority granted by the Secretary under section 330, if applicable," before "regardless of the"; and

(6) by adding at the end the following:

"(h) WAIVER PROCEDURE.—

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

"(2) PUBLIC NOTIFICATION AND COMMENT.—

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

"(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

"(i) describe whether the application is being made for a determination described in subsection (b)(1); and

"(ii) be provided to the public by electronic means, including on the public website of the Department of Transportation.

"(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

"(A) on the public website of the Department of Transportation; and

"(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

"(i) REVIEW OF NATIONWIDE WAIVERS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and at least every 5 years thereafter, the Secretary shall review any standing nationwide waiver issued by the Secretary under this section to ensure such waiver remains justified.

"(2) PUBLIC NOTIFICATION AND OPPORTUNITY FOR COMMENT.—

"(A) IN GENERAL.—Not later than 30 days before the completion of a review under paragraph (1), the Secretary shall provide notification and an opportunity for public comment on such review.

"(B) MEANS OF NOTIFICATION.—Notification provided under this subparagraph shall be provided by electronic means, including on the public website of the Department of Transportation.

"(3) DETAILED JUSTIFICATION IN FEDERAL REGISTER.—After the completion of a review under paragraph (1), the Secretary shall publish in the Federal Register a detailed justification for the determination made under paragraph (1) that addresses all public comments received under paragraph (2).

"(4) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider the research on supply chains carried out under section 1112(c) of the INVEST in America Act.

"(j) REPORT.—Not later than 120 days after the last day of each fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of

the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Appropriations of the Senate a report on the waivers provided under subsection (h) during the previous fiscal year and the justifications for such waivers.

"(k) CONSTRUCTION MATERIALS DEFINED.—In this section, the term 'construction materials' means primary materials, except for iron and steel, that are commonly used in highway construction, as determined by the Secretary.".

(b) CONSTRUCTION MATERIALS.—

(1) ESTABLISHMENT OF REQUIREMENTS.—The Secretary shall issue such regulations as are necessary to implement the amendment made subsection (a)(1)(D). Such regulations shall ensure the continued availability of construction materials to carry out projects under title 23, United States Code.

(2) CONSIDERATIONS.—The requirements of this section, and the amendments made by this section—

(A) shall seek to maximize jobs located in the United States;

(B) may establish domestic content requirements that increase over time, based on the current and expected future domestic availability of construction materials; and

(C) shall take into consideration the research conducted under subsection (c).

(3) APPLICABILITY.—The amendment made by subsection (a)(1)(D) shall take effect beginning on the date that the Secretary establishes the requirements described under paragraph (1).

(c) RESEARCH ON SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary shall conduct research on covered items that are commonly used or acquired under title 23, United States Code, including—

(A) construction materials;

(B) manufactured products;

(C) vehicles; and

(D) alternative fuel infrastructure and electric vehicle supply equipment.

(2) CONSIDERATIONS.—The research under paragraph (1) shall consider—

(A) the current domestic availability of covered items;

(B) the current supply chain for covered items; and

(C) the estimated demand, in relation to total United States demand from all sources, for covered items from—

(i) procurement under the Federal-aid highway program;

(ii) procurement under other programs administered by the Secretary of Transportation; and

(iii) other Federal procurement.

(3) DOMESTIC SUPPLIERS.—As part of the review under this paragraph, the Secretary may establish and maintain a list of known domestic suppliers of covered items.

(4) DEFINITION OF COVERED ITEM.—For the purposes of this section, the term "covered item" means any material or product (except for iron and steel) subject to the requirements of section 313(a) of title 23, United States Code, that is commonly used in highway construction or procured under the Federal-aid highway program.

(d) IRON AND STEEL.—This section, and the amendments made by this section, shall not affect the requirements under section 634.410(b)(1)(ii) of title 23, Code of Federal Regulations, with respect to iron and steel.

(e) SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008.—Section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIREMENTS.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors on construction work performed on projects financed or otherwise assisted in whole or in part by a loan, loan guarantee, grant, credit enhancement, or any other form of Federal assistance administered by the Secretary or the Department, including programs to capitalize revolving loan funds and subsequent financing cycles under such funds, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) and section 3145 of title 40.";

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b), as so redesignated, by inserting "APPRENTICESHIP AND SKILL TRAINING PROGRAMS.—" before "The provisions".

(b) CONFORMING AMENDMENTS.—

(1) Section 133 of title 23, United States Code, is amended by striking subsection (i).

(2) Section 167 of title 23, United States Code, is amended by striking subsection (l).

(3) Section 1401 of the MAP–21 (23 U.S.C. 137 note) is amended by striking subsection (e).

SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

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

"(A) except as provided under subparagraph (C), have a term of not more than 3 years;";

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.".

SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(G) by inserting ", including the payment of fees awarded under section 2412 of title 28" after "with the project".

(2) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

"(5) except as provided under paragraph (7), have a term of not more than 5 years;";

(B) in paragraph (6) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.";

(3) in subsection (g)(1)—

(A) in subparagraph (C) by striking "annual";

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

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

"(C) in the case of an agreement period of greater than 5 years under subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and"; and

(4) by adding at the end the following:

"(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be an agency of the United States for the purposes of section 2412 of title 28.".

SEC. 1116. CORROSION PREVENTION FOR BRIDGES.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE BRIDGE PROJECTS.—The term "applicable bridge projects" means a project for construction, replacement, rehabilitation, preservation, or protection, other than de minimis work, as determined by the applicable State department of transportation, on a bridge project that receives financial assistance under title 23, United States Code.

(2) CERTIFIED CONTRACTOR.—The term "certified contractor" means a contracting or subcontracting firm that has been certified by an industry-wide recognized third party organization that evaluates the capability of the contractor or subcontractor to properly perform 1 or more specified aspects of applicable bridge projects described in subsection (b)(2).

(3) QUALIFIED TRAINING PROGRAM.—The term "qualified training program" means a training program in corrosion control, mitigation, and prevention that is either—

(A) offered or accredited by an organization that sets industry corrosion standards; or

(B) an industrial coatings applicator training program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act") that meets the standards of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

(b) APPLICABLE BRIDGE PROJECTS.—

(1) QUALITY CONTROL.—A certified contractor shall carry out aspects of an applicable bridge project described in paragraph (2).

(2) ASPECTS OF APPLICABLE BRIDGE PROJECTS.—Aspects of an applicable bridge project referred to in paragraph (1) shall include—

(A) surface preparation or coating application on steel or rebar of an applicable bridge project;

(B) removal of a lead-based or other hazardous coating from steel of an existing applicable bridge project; and

(C) shop painting of structural steel or rebar fabricated for installation on an applicable bridge project.

(3) CORROSION MANAGEMENT SYSTEM.—In carrying out an applicable bridge project, a State department of transportation shall—

(A) implement a corrosion management system that utilizes industry-recognized standards and corrosion mitigation and prevention methods to address—

(i) surface preparation;

(ii) protective coatings;

(iii) materials selection;

(iv) cathodic protection;

(v) corrosion engineering;

(vi) personnel training; and

(vii) best practices in environmental protection to prevent environmental degradation and uphold public health.

(B) require certified contractors, for the purpose of carrying out aspects of applicable bridge projects described in paragraph (2), to employ a substantial number of individuals that are trained and certified by a qualified training program as meeting the ANSI/NACE Number 13/SSPC–ACS–1 standard or future versions of this standard.

(4) CERTIFICATION.—The applicable State department of transportation shall only accept bids for projects that include aspects of applicable bridge projects described in paragraph (2) from a certified contractor that presents written proof that the certification of such contractor meets the standards of SSPC QP1, QP2, and QP3 or future versions of these standards.

(c) TRAINING PROGRAM.—As a condition of entering into a contract for an applicable bridge project, each certified contractor shall provide training, through a qualified training program, for each individual who is not a certified coating applicator but that the certified contractor employs to carry out aspects of applicable bridge projects as described in subsection (b)(2).

SEC. 1117. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its expected lifetime; and

(2) data indicating that future repair costs associated with a transportation project frequently total more than half of the initial cost of the project, and that conducting life-cycle cost analysis prior to construction will help States identify the most cost-effective option, improve their economic performance, and lower the total cost of building and maintaining the project.

SEC. 1118. ACCOMMODATION OF CERTAIN FACILITIES IN RIGHT-OF-WAY.

(a) IN GENERAL.—Notwithstanding chapter 1 of title 23, United States Code, electric vehicle charging infrastructure, renewable energy generation facilities, electrical transmission and distribution infrastructure, and broadband infrastructure and conduit shall be treated as a facility covered under part 645 of title 23, Code of Federal Regulations (or successor regulations), for purposes of being accommodated under section 109(l) of title 23, United States Code.

(b) STATE APPROVAL.—A State, on behalf of the Secretary of Transportation, may approve the accommodation of the infrastructure and facilities described in subsection (a) within any right-of-way on a Federal-aid highway pursuant to section 109(l) of title 23, United States Code.

SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Notwithstanding any provision of title 23, United States Code, or any regulation issued by the Secretary of Transportation, section 129(a)(3) of such title shall not apply to a covered public authority that receives funding under such title for pedestrian and bike safety improvements.

(b) NO TOLL.—A covered public authority may not charge a toll, fee, or other levy for use of such improvements.

(c) EFFECTIVE DATE.—A covered public authority shall be eligible for the exemption under subsection (a) for 10 years after the date of enactment of this Act. Any such exemption granted shall remain in effect after the effective date described in this section.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED PUBLIC AUTHORITY.—The term "covered public authority" means a public authority with jurisdiction over a toll facility located within both—

(A) a National Scenic Area; and

(B) the National Trail System.

(2) NATIONAL SCENIC AREA.—The term "National Scenic Area" means an area of the National Forest System federally designated as a National Scenic Area in recognition of the outstanding natural, scenic, and recreational values of the area.

(3) NATIONAL TRAIL SYSTEM.—The term "National Trail System" means an area described in section 3 of the National Trails System Act (16 U.S.C. 1242).

(4) PUBLIC AUTHORITY; TOLL FACILITY.—The terms "public authority" and "toll facility" have the meanings such terms would have if such terms were included in chapter 1 of title 23, United States Code.

Subtitle B—Programmatic Infrastructure Investment

SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) PURPOSES.—The purposes of the national highway performance program shall be—

"(1) to provide support for the condition and performance of the National Highway System, consistent with the asset management plans of States;

"(2) to support progress toward the achievement of performance targets of States established under section 150;

"(3) to increase the resilience of Federal-aid highways and bridges; and

"(4) to provide support for the construction of new facilities on the National Highway System, consistent with subsection (d)(3).";

(2) in subsection (d)—

(A) in paragraph (1)(A) by striking "or freight movement on the National Highway System" and inserting "freight movement, environmental sustainability, transportation system access, or combating climate change";

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

(C) in paragraph (2)—

(i) in subparagraph (G)—

(I) in clause (i) by inserting "and" at the end;

(II) in clause (ii) by striking "; and" and inserting a period; and

(III) by striking clause (iii);

(ii) in subparagraph (I) by inserting ", including the installation of safety barriers and nets on bridges on the National Highway System" after "National Highway System"; and

(iii) by adding at the end the following:

"(Q) Projects on or off the National Highway System to reduce greenhouse gas emissions that are eligible under section 171, including the installation of electric vehicle charging infrastructure.

"(R) Projects on or off the National Highway System to enhance resilience of a transportation facility eligible under section 124, including protective features and natural infrastructure.

"(S) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility eligible for assistance under this section.

"(T) Projects on or off the National Highway System to improve an evacuation route eligible under section 124(b)(1)(C).

"(U) The removal, retrofit, repurposing, remediation, or replacement of a highway on the National Highway System that creates a barrier to community connectivity to improve access for multiple modes of transportation."; and

(D) by adding at the end the following:

"(3) a project that is otherwise eligible under this subsection to construct new capacity for single occupancy passenger vehicles only if the State—

"(A) has demonstrated progress in achieving a state of good repair, as defined in the State's asset management plan, on the National Highway System;

"(B) demonstrates that the project—

"(i) supports the achievement of performance targets of the State established under section 150; and

"(ii) is more cost effective, as determined by benefit-cost analysis, than—

"(I) an operational improvement to the facility or corridor;

"(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; or

"(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

"(C) has a public plan for maintaining and operating the new asset while continuing its progress in achieving a state of good repair under subparagraph (A).";

(3) in subsection (e)—

(A) in the heading by inserting "ASSET AND" after "STATE";

(B) in paragraph (4)(D) by striking "analysis" and inserting "analyses, both of which shall take into consideration climate change adaptation and resilience;"; and

(C) in paragraph (8) by striking "Not later than 18 months after the date of enactment of the MAP–21, the Secretary" and inserting "The Secretary"; and

(4) by adding at the end the following:

"(k) BENEFIT-COST ANALYSIS.—In carrying out subsection (d)(3)(B)(ii), the Secretary shall establish a process for analyzing the cost and benefits of projects under such subsection, ensuring that—

"(1) the benefit-cost analysis includes a calculation of all the benefits addressed in the performance measures established under section 150;

"(2) the benefit-cost analysis includes a consideration of the total maintenance cost of an asset over the lifecycle of the asset; and

"(3) the State demonstrates that any transportation demand modeling used to calculate the benefit-cost analysis has a documented record of accuracy.".

SEC. 1202. INCREASING THE RESILIENCE OF TRANSPORTATION ASSETS.

(a) PREDISASTER MITIGATION PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 123 the following:

"§ 124. Predisaster mitigation program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a predisaster mitigation program to enhance the resilience of the transportation system of the United States, mitigate the impacts of covered events, and ensure the efficient use of Federal resources.

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to the State under section 104(b)(8) may be obligated for—

"(A) construction activities, including construction of natural infrastructure or protective features—

"(i) to increase the resilience of a surface transportation infrastructure asset to withstand a covered event;

"(ii) to relocate or provide a reasonable alternative to a repeatedly damaged facility; and

"(iii) for an evacuation route identified in the vulnerability assessment required under section 134(i)(2)(I)(iii) or section 135(f)(10)(C) to—

"(I) improve the capacity or operation of such evacuation route through communications and intelligent transportation system equipment and infrastructure, counterflow measures, and shoulders; and

"(II) relocate such evacuation route or provide a reasonable alternative to such evacuation route to address the risk of a covered event;

"(B) resilience planning activities, including activities described in sections 134(i)(2)(I) and 135(f)(10) of this title and sections 5303(i)(2)(I) and 5304(f)(10) of title 49; and

"(C) the development of projects and programs that help States, territories, and regions recover from covered events that significantly disrupt the transportation system, including—

"(i) predisaster training programs that help agencies and regional stakeholders plan for and prepare multimodal recovery efforts; and

"(ii) the establishment of region-wide telework training and programs.

"(2) INFRASTRUCTURE RESILIENCE AND ADAPTATION.—No funds shall be obligated to a project under this section unless the project meets each of the following criteria:

"(A) The project is designed to ensure resilience over the anticipated service life of the surface transportation infrastructure asset.

"(B) The project is identified in the metropolitan or statewide transportation improvement program as a project to address resilience vulnerabilities, consistent with section 134(j)(3)(E) or 135(g)(5)(B)(iii).

"(3) PRIORITIZATION OF PROJECTS.—A State shall develop a process to prioritize projects under this section based on the degree to which the proposed project would—

"(A) be cost effective in the long-term;

"(B) reduce the risk of disruption to a surface transportation infrastructure asset considered critical to support population centers, freight movement, economic activity, evacuation, recovery, national security functions, or critical infrastructure; and

"(C) ease disruptions to vulnerable, at-risk, or transit-dependant populations.

"(c) GUIDANCE.—The Secretary shall provide guidance to States to assist with the implementation of paragraphs (2) and (3) of subsection (b).

"(d) DEFINITIONS.—In this section:

"(1) COVERED EVENT.—The term 'covered event' means a climate change effect (including sea level rise), flooding, and an extreme event or other natural disaster (including wildfires, seismic activity, and landslides).

"(2) SURFACE TRANSPORTATION INFRASTRUCTURE ASSET.—The term 'surface transportation infrastructure asset' means a facility eligible for assistance under this title or chapter 53 of title 49.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 123 the following:

"124. Predisaster mitigation program.".

(b) PROJECTS IN FLOOD-PRONE AREAS.—Section 109 of title 23, United States Code, is further amended by adding at the end the following:

"(t) PROJECTS IN FLOOD-PRONE AREAS.—For projects and actions that, in whole or in part, encroach within the limits of a flood-prone area, the Secretary shall ensure that such projects and actions are—

"(1) designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk by using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the asset and future forecasted land use changes; and

"(2) designed using analysis that considers the capital costs, risks, and other economic, engineering, social and environmental concerns of constructing a project in a flood-prone area.".

(c) METROPOLITAN TRANSPORTATION PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 134(i)(2) of title 23, United States Code, is amended by adding at the end the following:

"(I) CLIMATE CHANGE AND RESILIENCE.—

"(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

"(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(III) at the discretion of the metropolitan planning organization, identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

"(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 134(j)(3) of title 23, United States Code, is amended by adding at the end the following:

"(E) RESILIENCE PROJECTS.—The TIP shall—

"(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

"(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.".

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5303(i)(2) of title 49, United States Code, is amended by adding at the end the following:

"(I) CLIMATE CHANGE AND RESILIENCE.—

"(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

"(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(III) at the discretion of the metropolitan planning organization, identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emer-

gency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

"(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation, as appropriate, with State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 5303(j)(3) of title 49, United States Code, is amended by adding at the end the following:

"(E) RESILIENCE PROJECTS.—The TIP shall—

"(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

"(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.".

(d) STATEWIDE AND NONMETROPOLITAN PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 135(f) of title 23, United States Code, is amended by adding at the end the following:

"(10) CLIMATE CHANGE AND RESILIENCE.—

"(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

"(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(iv) describes the States's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

"(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 135(g)(5)(B) of title 23, United States Code, is amended by adding at the end the following:

"(iii) RESILIENCE PROJECTS.—The STIP shall—

"(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

"(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.".

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5304(f) of title 49, United States Code, is amended by adding at the end the following:

"(10) CLIMATE CHANGE AND RESILIENCE.—

"(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

"(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(iv) describes the State's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

"(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 5304(g)(5)(B) of title 49, United States Code, is amended by adding at the end the following:

"(iii) RESILIENCE PROJECTS.—The STIP shall—

"(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

"(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.".

SEC. 1203. EMERGENCY RELIEF.

(a) IN GENERAL.—Section 125 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by inserting "wildfire," after "severe storm,";

(2) by striking subsection (b);

(3) in subsection (c)(2)(A) by striking "in any 1 fiscal year commencing after September 30, 1980," and inserting "in any fiscal year";

(4) in subsection (d)—

(A) in paragraph (3)(C) by striking "(as defined in subsection (e)(1))";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter.

"(2) RESTRICTIONS.—

"(A) IN GENERAL.—No funds shall be expended from the emergency fund authorized by this section unless—

"(i) an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

"(ii) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

"(B) COST LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility unless the Secretary determines that the project incorporates economically justified betterments, including protective features to increase the resilience of the facility.

"(C) REPEATEDLY DAMAGED FACILITIES.—An application submitted under this section for the permanent repair or reconstruction of a repeatedly damaged facility shall include consideration and, if feasible, incorporation of economically justifiable betterments, including protective features, to increase the resilience of such facility.

"(3) SPECIAL RULE FOR BRIDGE PROJECTS.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

"(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

"(B) if a construction phase of a replacement structure is included in the approved statewide transportation improvement program at the time of an event described in subsection (a).";

(5) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2) by striking "subsection (d)(1)" and inserting "subsection (c)(1)"; and

(C) by redesignating paragraphs (2) and (3), as amended, as paragraphs (1) and (2), respectively;

(6) by redesignating subsections (c) through (g), as amended, as subsections (b) through (f), respectively; and

(7) by adding at the end the following:

"(g) IMPOSITION OF DEADLINE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

"(A) the date on which the Governor declared the emergency, as described in subsection (c)(2)(A)(i); or

"(B) the date on which the President declared the emergency to be a major disaster, as described in such subsection.

"(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.

"(h) HAZARD MITIGATION PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a hazard mitigation pilot program for the purpose of mitigating future hazards posed to Federal-aid highways, Federal lands transportation facilities, and Tribal transportation facilities.

"(2) ALLOCATION OF FUNDS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the pilot program established under this subsection.

"(B) CALCULATION.—Annually, the Secretary shall calculate the total amount of outstanding eligible repair costs under the emergency relief program under this section, including the emergency relief backlog, for each State, territory, and Indian Tribe.

"(C) ALLOCATION.—Any amounts made available under this subsection shall be distributed to each State, territory, or Indian Tribe based on—

"(i) the ratio that the total amount of outstanding eligible repair costs for such State, territory, or Indian Tribe, as described under subparagraph (B); bears to

"(ii) the total amount of outstanding eligible repair costs for all States, territories, and Indian Tribes, as described under subparagraph (B).

"(D) LIMITATION.—The allocation to a State, territory, or Indian Tribe described under subparagraph (C) shall not exceed 5 percent of the total amount of outstanding eligible repair costs under the emergency relief program for such State, territory, or Indian Tribe, as described in subparagraph (B).

"(3) ELIGIBLE ACTIVITIES.—Amounts made available under this subsection shall be used for protective features or other hazard mitigation activities that—

"(A) the Secretary determines are cost effective and that reduce the risk of, or increase the resilience to, future damage to existing assets as a result of natural disasters; and

"(B) are eligible under section 124.

"(4) REPORT.—For each fiscal year in which funding is made available for the program under this subsection, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

"(A) a description of the activities carried out under the pilot program;

"(B) an evaluation of the effectiveness of the pilot program in meeting purposes described in paragraph (1); and

"(C) policy recommendations to improve the effectiveness of the pilot program.

"(5) SUNSET.—The authority provided under this subsection shall terminate on October 1, 2025.

"(i) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall—

"(1) revise the emergency relief manual of the Federal Highway Administration—

"(A) to include and reflect the definition of the term 'resilience' (as defined in section 101(a));

"(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

"(C) to consider economically justified betterments in emergency relief projects, such as—

"(i) protective features that increase the resilience of the facility; and

"(ii) incorporation of context sensitive design principles and other planned betterments that improve the safety of the facility;

"(2) consider transportation system access for moderate and low-income families impacted by a major disaster or emergency declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(3) develop best practices for improving the use of resilience in—

"(A) the emergency relief program under this section; and

"(B) emergency relief efforts;

"(4) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and

"(5) develop and implement a process to track—

"(A) the consideration of resilience as part of the emergency relief program under this section; and

"(B) the costs of emergency relief projects.

"(j) DEFINITIONS.—In this section:

"(1) COMPARABLE FACILITY.—The term 'comparable facility' means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

"(2) CONSTRUCTION PHASE.—The term 'construction phase' means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

"(3) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

"(A) is maintained;

"(B) is open to the general public; and

"(C) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

"(4) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.".

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title 23, United States Code, is amended by striking "section 125(e)" and inserting "section 125(j)".

(2) TRIBAL TRANSPORTATION PROGRAM.—Section 202(b)(6)(A) of title 23, United States Code, is amended by striking "section 125(e)" and inserting "section 125(d)".

(c) REPEAL.—Section 668.105(h) of title 23, Code of Federal Regulations, is repealed.

SEC. 1204. RAILWAY CROSSINGS.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is amended—

(1) in the section heading by striking "**Railway-highway crossings**" and inserting "**Railway crossings**";

(2) in subsection (a)—

(A) by striking "Subject to section 120 and subsection (b) of this section, the entire" and inserting "IN GENERAL.—The";

(B) by striking "then the entire" and inserting "the"; and

(C) by striking ", subject to section 120 and subsection (b) of this section,";

(3) by amending subsection (b) to read as follows:

"(b) CLASSIFICATION.—

"(1) IN GENERAL.—The construction of projects for the elimination of hazards at railway crossings represents a benefit to the railroad. The Secretary shall classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and shall set for each such classification a percentage of the total project cost that represent the benefit to the railroad or railroads for the purpose of determining the railroad's share of the total project cost. The Secretary shall determine the appropriate classification of each project.

"(2) NONCASH CONTRIBUTIONS.—

"(A) IN GENERAL.—Not more than 5 percent of the cost share described in paragraph (1) may be attributable to noncash contributions of materials and labor furnished by the railroad in connection with the construction of such project.

"(B) REQUIREMENT.—The requirements under section 200.306 and 200.403(g) of title 2, Code of Federal Regulations (or successor regulations), shall apply to any noncash contributions under this subsection.

"(3) TOTAL PROJECT COST.—For the purposes of this subsection, the determination of the railroad's share of the total project cost shall include environment, design, right-of-way, utility accommodation, and construction phases of the project.";

(4) in subsection (c)—

(A) by striking "Any railroad involved" and inserting "BENEFIT.—Any railroad involved";

(B) by striking "the net benefit" and inserting "the cost associated with the benefit"; and

(C) by striking "Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.";

(5) by striking subsection (e) and inserting the following:

"(e) RAILWAY CROSSINGS.—

"(1) ELIGIBLE ACTIVITIES.—Funds apportioned to a State under section 104(b)(7) may be obligated for the following:

"(A) The elimination of hazards at railway-highway crossings, including technology or protective upgrades.

"(B) Construction or installation of protective devices (including replacement of functionally obsolete protective devices) at railway-highway crossings.

"(C) Infrastructure and noninfrastructure projects and strategies to prevent or reduce suicide or trespasser fatalities and injuries along railroad rights-of-way and at or near railway-highway crossings.

"(D) Projects to mitigate any degradation in the level of access from a highway-grade crossing closure.

"(E) Bicycle and pedestrian railway grade crossing improvements, including underpasses and overpasses.

"(F) Projects eligible under section 22907(c)(5) of title 49, provided that amounts obligated under this subparagraph—

"(i) shall be administered by the Secretary in accordance with such section as if such amounts were made available to carry out such section; and

"(ii) may be used to pay up to 90 percent of the non-Federal share of the cost of a project carried out under such section.

"(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other highway safety improvement program purposes.";

(6) by striking subsection (f) and inserting the following:

"(f) FEDERAL SHARE.—Notwithstanding section 120, the Federal share payable on account of any project financed with funds made available to carry out subsection (e) shall be up to 90 percent of the cost thereof.";

(7) by striking subsection (g) and inserting the following:

"(g) REPORT.—

"(1) STATE REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the INVEST in America Act, and at least biennially thereafter, each State shall submit to the Secretary a report on the progress being made to implement the railway crossings program authorized by this section and the effectiveness of projects to improve railway crossing safety.

"(B) CONTENTS.—Each State report under subparagraph (A) shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

"(2) DEPARTMENTAL REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the deadline for the submission of a report under paragraph (1)(A), the Secretary shall publish on the website of the Department of Transportation a report on the progress being made by the State in implementing projects to improve railway crossings.

"(B) CONTENTS.—The report under subparagraph (A) shall include—

"(i) the number of projects undertaken;

"(ii) distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

"(iii) an analysis and evaluation of each State program;

"(iv) the identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

"(v) recommendations for future implementation of the railway crossings program.";

(8) in subsection (j)—

(A) in the heading by inserting "AND PEDESTRIAN" after "BICYCLE"; and

(B) by inserting "and pedestrian" after "bicycle"; and

(9) in subsection (l)—

(A) in paragraph (1) by striking "Not later than" and all that follows through "each State" and inserting "Not later than 6 months after a new railway crossing becomes operational, each State"; and

(B) in paragraph (2) by striking "On a periodic" and all that follows through "every year thereafter" and inserting "On or before September 30 of each year".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by amending the item relating to section 130 to read as follows:

"130. Railway crossings.".

(c) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway crossing program under section 130 of title 23, United States Code.

(d) SENSE OF CONGRESS RELATING TO TRESPASSER DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the sense of Congress that the Department of Transportation should, where feasible, coordinate departmental efforts to prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway crossings.

SEC. 1205. SURFACE TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in the heading by striking "**block grant**";

(2) in subsection (a) by striking "block grant";

(3) in subsection (b)—

(A) by striking "block grant";

(B) in paragraph (1)(B) by inserting ", except that for the purposes of this section hovercraft and terminal facilities for hovercraft engaging in water transit for passengers or vehicles shall be considered ferry boats and ferry terminal facilities eligible under section 129(c)" after "section 129(c)";

(C) in paragraph (4) by striking "railway-highway grade crossings" and inserting "projects eligible under section 130 and installation of safety barriers and nets on bridges";

(D) in paragraph (6)—

(i) by striking "Recreational" and inserting "Transportation alternatives projects eligible under subsection (h), recreational"; and

(ii) by striking "1404 of SAFETEA–LU (23 U.S.C. 402 note)" and inserting "211";

(E) in paragraph (12) by striking "travel" and inserting "transportation"; and

(F) by adding at the end the following:

"(16) Protective features (including natural infrastructure and vegetation control and clearance) to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

"(17) Projects to reduce greenhouse gas emissions eligible under section 171, including the installation of electric vehicle charging infrastructure.

"(18) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this section.

"(19) A surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

"(20) roads in rural areas that primarily serve to transport agricultural products from a farm or ranch to a marketplace.

"(21) The removal, retrofit, repurposing, remediation, or replacement of a highway or other transportation facility that creates a barrier to community connectivity to improve access for multiple modes of transportation.";

(4) in subsection (c)—

(A) by striking "block grant" and inserting "program";

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

"(3) for a project described in—

"(A) subsection (h); or

"(B) section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;";

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) for a project described in section 5308 of title 49; and";

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "each fiscal year" after "apportioned to a State";

(ii) by striking "the reservation of" and inserting "setting aside"; and

(iii) in subparagraph (A)—

(I) by striking "the percentage specified in paragraph (6) for a fiscal year" and inserting "57 percent for fiscal year 2023, 58 percent for fiscal year 2024, 59 percent for fiscal year 2025, and 60 percent for fiscal year 2026";

(II) in clause (i) by striking "of over" and inserting "greater than"; and

(III) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in urbanized areas of the State with an urbanized area population greater than 49,999 and less than 200,001;

"(iii) in urban areas of the State with a population greater than 4,999 and less than 50,000; and

"(iv) in other areas of the State with a population less than 5,000; and";

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

"(3) LOCAL COORDINATION AND CONSULTATION.—

"(A) COORDINATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(ii), a State shall—

"(i) establish a process to coordinate with all metropolitan planning organizations in the State that represent an urbanized area described in such paragraph; and

"(ii) describe how funds described under paragraph (1)(A)(ii) will be allocated equitably among such urbanized areas during the period of fiscal years 2023 through 2026.

"(B) JOINT RESPONSIBILITY.—Each State and the Secretary shall jointly ensure compliance with subparagraph (A).

"(C) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.";

(C) in the heading for paragraph (4) by striking "OVER 200,000" and inserting "GREATER THAN 200,000";

(D) by striking paragraph (6) and inserting the following:

"(6) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The State and all metropolitan planning organizations in the State that represent an urbanized area with a population of greater than 200,000 may jointly establish a program to improve the ability of applicants to deliver projects under this subsection in an efficient and expeditious manner and reduce the period of time between the selection of the project and the obligation of funds for the project by providing—

"(i) technical assistance and training to applicants for projects under this subsection; and

"(ii) funding for one or more full-time State, regional, or local government employee positions to administer this subsection.

"(B) ELIGIBLE FUNDS.—To carry out this paragraph, a State or metropolitan planning organization may use funds made available under paragraphs (2) or (6) of section 104(b)

"(C) USE OF FUNDS.—Amounts used under this paragraph may be expended—

"(i) directly by the State or metropolitan planning organization; or

"(ii) through contracts with State agencies, private entities, or nonprofit organizations.";

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "over 200,000" and inserting "greater than 200,000"; and

(ii) by striking "2016 through 2020" and inserting "2023 through 2026"; and

(B) by adding at the end the following:

"(3) ANNUAL AMOUNTS.—To the extent practicable, each State shall annually notify each affected metropolitan planning organization as to the amount of obligation authority that will be made available under paragraph (1) to each affected metropolitan planning organization for the fiscal year.";

(7) by striking subsection (f) and inserting the following:

"(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

"(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In this subsection, the term 'off-system bridge' means a bridge located on a public road, other than a bridge on a Federal-aid highway.

"(2) SPECIAL RULE.—

"(A) SET ASIDE.—Of the amounts apportioned to a State for each fiscal year under this section other than the amounts described in subparagraph (C), the State shall obligate for activities described in subsection (b)(2) (as in effect on the day before the date of enactment of the FAST Act) for off-system bridges an amount that is not less than 20 percent of the amounts available to such State under this section in fiscal year 2020, not including the amounts described in subparagraph (C).

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(C) LIMITATIONS.—The following amounts shall not be used for the purposes of meeting the requirements of subparagraph (A):

"(i) Amounts described in section 133(d)(1)(A).

"(ii) Amounts set aside under section 133(h).

"(iii) Amounts described in section 505(a).

"(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

"(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

"(B) that crediting shall be conducted in accordance with procedures established by the Secretary."; and

(8) in subsection (g)—

(A) in the heading by striking "5,000" and inserting "50,000"; and

(B) in paragraph (1) by striking "subsection (d)(1)(A)(ii)" and all that follows through the period at the end and inserting "clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on roads functionally classified as rural minor collectors or local roads or on critical rural freight corridors designated under section 167(e).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

"133. Surface transportation program.".

(c) CONFORMING AMENDMENTS.—

(1) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108(c) of title 23, United States Code, is amended—

(A) in paragraph (2)(A) by striking "block grant"; and

(B) in paragraph (3) by striking "block grant".

(2) PUBLIC TRANSPORTATION.—Section 142(e)(2) of title 23, United States Code, is amended by striking "block grant".

(3) HIGHWAY USE TAX EVASION PROJECTS.—Section 143(b)(8) of title 23, United States Code, is amended in the heading by striking "BLOCK GRANT".

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B) by striking "block grant"; and

(B) in paragraph (2)(A) by striking "block grant".

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—Section 165 of title 23, United States Code, is amended—

(A) in subsection (b)(2)(A)(ii) by striking "block grant" each time such term appears; and

(B) in subsection (c)(6)(A)(i) by striking "block grant".

(6) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 322(h)(3) of title 23, United States Code, is amended by striking "block grant".

(7) TRAINING AND EDUCATION.—Section 504(a)(4) of title 23, United States Code, is amended by striking "block grant".

SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.

Section 133(h) of title 23, United States Code, is amended to read as follows:

"(h) TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE.—

"(1) SET ASIDE.—For each fiscal year, of the total funds apportioned to all States under section 104(b)(2) for a fiscal year, the Secretary shall set aside an amount such that—

"(A) the Secretary sets aside a total amount under this subsection for a fiscal year equal to 10 percent of such total funds; and

"(B) the State's share of the amount set aside under subparagraph (A) is determined by multiplying the amount set aside under subparagraph (A) by the ratio that—

"(i) the amount apportioned to the State for the transportation enhancement program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

"(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

"(2) ALLOCATION WITHIN A STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsections (d) and (e), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

"(i) for each fiscal year, the percentage referred to in paragraph (1)(A) of subsection (d) shall be deemed to be 66 percent; and

"(ii) paragraph (3) of subsection (d) shall not apply.

"(B) LOCAL CONTROL.—

"(i) IN GENERAL.—A State may make available up to 100 percent of the funds set aside under paragraph (1) to the entities described in subclause (I) if the State submits to the Secretary, and the Secretary approves, a plan that describes—

"(I) how such funds shall be made available to metropolitan planning organizations, regional transportation planning organizations, counties, or other regional transportation authorities;

"(II) how the entities described in subclause (I) shall select projects for funding and how such entities shall report selected projects to the State;

"(III) the legal, financial, and technical capacity of such entities; and

"(IV) the procedures in place to ensure such entities comply with the requirements of this title.

"(ii) REQUIREMENT.—A State that makes funding available under a plan approved under this subparagraph shall make available an equivalent amount of obligation authority to an entity described in clause (i)(I) to whom funds are made available under this subparagraph.

"(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for any of the following projects or activities:

"(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities to access daily needs.

"(C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

"(D) Construction of turnouts, overlooks, and viewing areas.

"(E) Community improvement activities, including—

"(i) inventory, control, or removal of outdoor advertising;

"(ii) historic preservation and rehabilitation of historic transportation facilities;

"(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

"(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

"(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 328(a) and 329.

"(G) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this subsection.

"(H) The recreational trails program under section 206.

"(I) The safe routes to school program under section 211.

"(J) Activities in furtherance of a vulnerable road user assessment described in section 148.

"(K) Any other projects or activities described in section 101(a)(29) or section 213, as such sections were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94).

"(4) ACCESS TO FUNDS.—

"(A) IN GENERAL.—A State, metropolitan planning organization required to obligate funds in accordance with paragraph (2)(A), or an entity required to obligate funds in accordance with paragraph (2)(B) shall develop a com-

petitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

"(B) PRIORITY.—The processes described in subparagraph (A) shall prioritize project location and impact in low-income, transit-dependent, or other high-need areas.

"(C) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term 'eligible entity' means—

"(i) a local government, including a county or multi-county special district;

"(ii) a regional transportation authority;

"(iii) a transit agency;

"(iv) a natural resource or public land agency;

"(v) a school district, local education agency, or school;

"(vi) a tribal government;

"(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;

"(viii) a nonprofit organization carrying out activities related to transportation;

"(ix) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization that serves an urbanized area with a population of over 200,000 or a State agency) that the State determines to be eligible, consistent with the goals of this subsection; and

"(x) a State, at the request of any entity listed in clauses (i) through (ix).

"(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—

"(A) IN GENERAL.—For each fiscal year, a State shall—

"(i) obligate an amount of funds set aside under this subsection equal to 175 percent of the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

"(ii) return 1 percent of the funds described in clause (i) to the Secretary for the administration of such program; and

"(iii) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of such section.

"(B) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under this paragraph if the Governor of the State notifies the Secretary not later than 30 days prior to the date on which an apportionment is made under section 104 for any fiscal year.

"(6) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

"(A) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

"(i) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

"(ii) funding for one or more full-time State employee positions to administer this subsection.

"(B) USE OF FUNDS.—Amounts used under subparagraph (A) may be expended—

"(i) directly by the State; or

"(ii) through contracts with State agencies, private entities, or nonprofit entities.

"(C) IMPROVING PROJECT DELIVERY.—

"(i) IN GENERAL.—The Secretary shall take such action as may be necessary, consistent with Federal requirements, to facilitate efficient and timely delivery of projects under this subsection that are small, low impact, and constructed within an existing built environment.

"(ii) CONSIDERATIONS.—The Secretary shall consider the use of programmatic agreements, expedited or alternative procurement processes (including project bundling), and other effective practices to facilitate the goals of this paragraph.

"(7) FEDERAL SHARE.—

"(A) FLEXIBLE MATCH.—

"(i) IN GENERAL.—Notwithstanding section 120—

"(I) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

"(II) the Federal share of the cost of an individual project in this subsection may be up to 100 percent.

"(ii) AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120.

"(iii) REQUIREMENT.—This subparagraph shall only apply to a State if such State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this subparagraph.

"(B) SAFETY PROJECTS.—Notwithstanding section 120, funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

"(i) is a project described in section 148(e)(1); and

"(ii) is consistent with the State strategic highway safety plan (as defined in section 148(a)).

"(8) FLEXIBILITY.—

"(A) STATE AUTHORITY.—

"(i) IN GENERAL.—A State may use not more than 50 percent of the funds set aside under this subsection that are available for obligation in any area of the State (suballocated consistent with the requirements of subsection (d)(1)(B)) for any purpose eligible under subsection (b).

"(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the State demonstrates to the Secretary—

"(I) that the State held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate;

"(II) that the State offered technical assistance to all eligible entities and provided such assistance upon request by an eligible entity; and

"(III) that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

"(B) MPO AUTHORITY.—

"(i) IN GENERAL.—A metropolitan planning organization that represents an urbanized area with a population of greater than 200,000 may use not more than 50 percent of the funds set aside under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

"(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the Secretary certifies that the metropolitan planning organization—

"(I) held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate; and

"(II) demonstrates that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

"(9) ANNUAL REPORTS.—

"(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

"(i) the number of project applications received for each fiscal year, including—

"(I) the aggregate cost of the projects for which applications are received; and

"(II) the types of projects by eligibility category to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

"(ii) the list of each project selected for funding for each fiscal year, including specifying the fiscal year for which the project was selected, the fiscal year in which the project is anticipated to be funded, the recipient, the funding sources (including non-Federal match), the project status, the specific location, the congressional district, the type by eligibility category, and a brief description.

"(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).".

SEC. 1207. BRIDGE INVESTMENT.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading by striking "**National bridge and tunnel inventory and inspection standards**" and inserting "**Bridges and tunnels**";

(2) in subsection (a)(1)(B) by striking "deficient";

(3) in subsection (b)(5) by striking "structurally deficient bridge" and inserting "bridge classified as in poor condition";

(4) in subsection (d)—

(A) in paragraph (2) by striking "Not later than 2 years after the date of enactment of the MAP–21, each" and inserting "Each"; and

(B) by striking paragraph (4);

(5) in subsection (j)—

(A) in paragraph (2) by inserting ", 124," after "section 119";

(B) in paragraph (3)(A) by inserting ", 124," after "section 119"; and

(C) in paragraph (5) by striking "financial characteristics" and all that follows through the end and inserting "Federal share."; and

(6) by adding at the end the following:

"(l) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.—

"(1) GOALS.—The goals of this subsection shall be to—

"(A) support the achievement of a state of good repair for the Nation's bridges;

"(B) improve the safety, efficiency, and reliability of the movement of people and freight over bridges; and

"(C) improve the condition of bridges in the United States by reducing—

"(i) the number of bridges—

"(I) in poor condition; or

"(II) in fair condition and at risk of falling into poor condition;

"(ii) the total person miles traveled over bridges—

"(I) in poor condition; or

"(II) in fair condition and at risk of falling into poor condition;

"(iii) the number of bridges that—

"(I) do not meet current geometric design standards; or

"(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

"(iv) the total person miles traveled over bridges that—

"(I) do not meet current geometric design standards; or

"(II) cannot meet the load and traffic requirements typical of the regional transportation network.

"(2) BRIDGES ON PUBLIC ROADS.—

"(A) MINIMUM BRIDGE INVESTMENT.—Excluding the amounts described in subparagraph (C), of the total funds apportioned to a State under paragraphs (1) and (2) of section 104(b) for fiscal years 2023 to 2026, a State shall obligate not less than 20 percent for projects described in subparagraph (E).

"(B) PROGRAM FLEXIBILITY.—A State required to obligate funds under subparagraph (A) may use any combination of funds apportioned to a State under paragraphs (1) and (2) of section 104(b).

"(C) LIMITATION.—Amounts described below may not be used for the purposes of calculating or meeting the minimum bridge investment requirement under subparagraph (A)—

"(i) amounts described in section 133(d)(1)(A);

"(ii) amounts set aside under section 133(h); and

"(iii) amounts described in section 505(a).

"(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the expenditure of funds described in subparagraph (C) for bridge projects eligible under such section.

"(E) ELIGIBLE PROJECTS.—Funds required to be obligated in accordance with paragraph (2)(A) may be obligated for projects or activities that—

"(i) are otherwise eligible under either section 119 or section 133, as applicable;

"(ii) support the achievement of performance targets of the State established under section 150, are consistent with the transportation asset management plan of the State, or provide support for the condition and performance of bridges on public roads within the State; and

"(iii) remove, replace, reconstruct, rehabilitate, preserve, or protect a bridge included on the national bridge inventory authorized by subsection (b), including through—

"(I) seismic retrofits;

"(II) systematic preventive maintenance;

"(III) installation of scour countermeasures;

"(IV) the use of innovative materials that extend the service life of the bridge and reduce preservation costs, as compared to conventionally designed and constructed bridges;

"(V) the use of nontraditional production techniques, including factory prefabrication;

"(VI) painting for purposes of bridge protection;

"(VII) application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions;

"(VIII) corrosion control;

"(IX) construction of protective features (including natural infrastructure) alone or in combination with other activities eligible under this paragraph to enhance resilience of a bridge;

"(X) bridge security countermeasures;

"(XI) impact protection measures for bridges;

"(XII) inspection and evaluation of bridges;

"(XIII) training for bridge inspectors consistent with subsection (i); and

"(XIV) removal of a bridge classified as in poor condition in order to improve community connectivity.

"(F) BUNDLES OF PROJECTS.—A State may use a bundle of projects as described in subsection (j) to satisfy the requirements of subparagraph (A), if each project in the bundle is otherwise eligible under subparagraph (E).

"(G) FLEXIBILITY.—The Secretary may, at the request of a State, reduce the required obligation under subparagraph (A) if—

"(i) the reduction is consistent with a State's asset management plan for the National Highway System;

"(ii) the reduction will not limit a State's ability to meet its performance targets under section 150 or to improve the condition and performance of bridges on public roads within the State; and

"(iii) the State demonstrates that it has inadequate needs to justify the expenditure.

"(H) BRIDGE INVESTMENT REPORT.—The Secretary shall annually publish on the website of the Department of Transportation a bridge investment report that includes—

"(i) the total Federal funding obligated for bridge projects in the most recent fiscal year, on a State-by-State basis and broken out by Federal program;

"(ii) the total Federal funding obligated, on a State-by-State basis and broken out by Federal program, for bridge projects carried out pursuant to the minimum bridge investment requirements under subparagraph (A);

"(iii) the progress made by each State toward meeting the minimum bridge investment requirement under subparagraph (A) for such State, both cumulatively and for the most recent fiscal year;

"(iv) a summary of—

"(I) each request made under subparagraph (G) by a State for a reduction in the minimum bridge investment requirement under subparagraph (A); and

"(II) for each request described in subclause (I) that is granted by the Secretary—

"(aa) the percentage and dollar amount of the reduction; and

"(bb) an explanation of how the State met each of the criteria described in subparagraph (G); and

"(v) a summary of—

"(I) each request made by a State for a reduction in the obligation requirements under section 133(f); and

"(II) for each request that is granted by the Secretary—

"(aa) the percentage and dollar amount of the reduction; and

"(bb) an explanation of how the Secretary made the determination under section 133(f)(2)(B).

"(I) OFF-SYSTEM BRIDGES.—A State may apply amounts obligated under this subsection or section 133(f)(2)(A) to the obligation requirements of both this subsection and section 133(f).

"(J) NHS PENALTY.—A State may apply amounts obligated under this subsection or section 119(f)(2) to the obligation requirements of both this subsection and section 119(f)(2).

"(K) COMPLIANCE.—If a State fails to satisfy the requirements of subparagraph (A) by the end of fiscal year 2025, the Secretary may subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Bridges and tunnels.".

SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) by striking "only includes a project" and inserting "includes a project";

(ii) in clause (xiii) by inserting ", including the development of a vulnerable road user safety assessment or a vision zero plan under section 1601 of the INVEST in America Act" after "safety planning";

(iii) by amending clause (xviii) to read as follows:

"(xviii) Safe routes to school infrastructure-related projects eligible under section 211.";

(iv) in clause (xxvi) by inserting "or leading pedestrian intervals" after "hybrid beacons"; and

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

"(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

"(xxix) Installation of infrastructure improvements, including sidewalks, crosswalks, signage, and bus stop shelters or protected waiting areas.";

(B) in paragraph (11)—

(i) in subparagraph (A)—

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

(II) by redesignating clause (x) as clause (xi); and

(III) by inserting after clause (ix) the following:

"(x) State or local representatives of educational agencies to address safe routes to school and schoolbus safety; and";

(ii) in subparagraph (E) by inserting "Tribal," after "State,";

(iii) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and

(iv) by inserting after subparagraph (F) the following:

"(G) includes a vulnerable road user safety assessment described under paragraph (16);";

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(D) by inserting after paragraph (9) the following:

"(10) SAFE SYSTEM APPROACH.—The term 'safe system approach' means a roadway design that emphasizes minimizing the risk of injury or fatality to road users and that—

"(A) takes into consideration the possibility and likelihood of human error;

"(B) accommodates human injury tolerance by taking into consideration likely crash types, resulting impact forces, and the human body's ability to withstand such forces; and

"(C) takes into consideration vulnerable road users.

"(11) SPECIFIED SAFETY PROJECT.—

"(A) IN GENERAL.—The term 'specified safety project' means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.

"(B) INCLUSION.—The term 'specified safety project' includes a project that—

"(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);

"(ii) facilitates enforcement of traffic safety laws;

"(iii) provides infrastructure and infrastructure-related equipment to support emergency services;

"(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or

"(v) supports safe routes to school noninfrastructure-related activities described under section 211(e)(2).'; and

(E) by adding at the end the following:

"(15) TRANSPORTATION MANAGEMENT AREA.—The term 'transportation management area' means an area designated under section 134(k).

"(16) VULNERABLE ROAD USER.—The term 'vulnerable road user' means a nonmotorist—

"(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term 'number of non-motorized fatalities' in section 490.205 of title 23, Code of Federal Regulations (or successor regulation); or

"(B) described in the term 'number of non-motorized serious injuries' in such section.

"(17) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term 'vulnerable road user safety assessment' means an assessment of the safety performance of the State or a metropolitan planning organization within the State with respect to vulnerable road users and the plan of the State or metropolitan planning organization to improve the safety of vulnerable road users described in subsection (l).";

(2) in subsection (c)—

(A) in paragraph (1) by striking "(a)(11)" and inserting "(a)(13)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi) by inserting ", consistent with the vulnerable road user safety assessment" after "nonmotorized crashes";

(ii) in subparagraph (B)(i)—

(I) by inserting ", consistent with a safe system approach," after "identify";

(II) by inserting "excessive design speeds and speed limits," after "crossing needs,"; and

(III) by striking "motorists (including motorcyclists), bicyclists, pedestrians, and other highway users" and inserting "road users"; and

(iii) in subparagraph (D)(iii) by striking "motorists (including motorcyclists), bicyclists, pedestrians, persons with disabilities, and other highway users" and inserting "road users";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking "Not later than 1 year after the date of enactment of the MAP–21, the" and inserting "The"; and

(ii) in subparagraph (B)—

(I) in clause (iv) by inserting "and serious injury" after "fatality";

(II) in clause (vii) by striking "; and" and inserting a semicolon;

(III) by redesignating clause (viii) as clause (ix); and

(IV) by inserting after clause (vii) the following:

"(viii) the findings of a vulnerable road user safety assessment of the State; and"; and

(B) in paragraph (2)(B)(i) by striking "subsection (a)(11)" and inserting "subsection (a)(13)";

(4) in subsection (e)—

(A) in paragraph (1)(C) by striking ", without regard to whether the project is included in an applicable State strategic highway safety plan"; and

(B) by adding at the end the following:

"(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

"(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

"(B) RULE OF STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to require a State to revise any State process, plan, or program in effect on the date of enactment of this paragraph.

"(C) EFFECT OF PARAGRAPH.—

"(i) REQUIREMENTS.—A project funded under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

"(ii) OTHER APPORTIONED PROGRAMS.—Subparagraph (A) shall not apply to amounts that may be obligated for noninfrastructure projects apportioned under any other paragraph of section 104(b).";

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(1) HIGH-RISK RURAL ROAD SAFETY.—

"(A) IN GENERAL.—If the Secretary determines that the fatality rate on rural roads in a State for the most recent 2-year period for which data are available exceeds the median fatality rate for rural roads among all States, such State shall be required to—

"(i) obligate over the 2 fiscal years following the fiscal year in which such determination is made for projects on high-risk rural roads an amount not less than 7.5 percent of the amounts apportioned to the State under section 104(b)(3) for fiscal year 2020; and

"(ii) include, in the subsequent update to the State strategic highway safety plan, strategies to reduce the fatality rate.

"(B) SOURCE OF FUNDS.—Any amounts obligated under subparagraph (A) shall be from amounts described under section 133(d)(1)(B).

"(C) ANNUAL DETERMINATION.—The determination described under subparagraph (A) shall be made on an annual basis.

"(D) CONSULTATION.—In carrying out a project with an amount obligated under subparagraph (A), a State shall consult with, as applicable, local governments, metropolitan planning organizations, and regional transportation planning organizations.";

(B) in paragraph (2)—

(i) in the heading by striking "DRIVERS" and inserting "ROAD USERS";

(ii) by striking "drivers and pedestrians" and inserting "road users"; and

(iii) by striking "address the increases in" and inserting "reduce"; and

(C) by adding at the end the following:

"(3) VULNERABLE ROAD USER SAFETY.—

"(A) HIGH RISK STATES.—

"(i) ANNUAL DETERMINATION.—Beginning on the date of enactment of the INVEST in America Act, the Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

"(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries per capita over such 2-year period among all States, that State shall be required to obligate over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not less than 50 percent of the amount set aside in such State under section 133(h)(1) for fiscal year 2020 (less any amounts obligated for projects in that State as required by subparagraph (B)(ii)) for—

"(I) in the first two fiscal years after the enactment of the INVEST in America Act—

"(aa) performing the vulnerable road user safety assessment as required by subsection (l);

"(bb) providing matching funds for transportation alternatives safety projects as identified in section 133(h)(7)(B); or

"(cc) projects eligible under subparagraphs (A), (B), (C), or (I) of section 133(h); and

"(II) in each 2-year period thereafter, projects identified in the program of projects described in subsection (l)(2)(C).

"(B) HIGH RISK AREAS.—

"(i) ANNUAL DETERMINATION.—The Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities per capita in a transportation management area over the most recent 2-

year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

"(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities per capita in the transportation management area over the most recent 2-year period for which data are available exceeds the median number of such fatalities over such 2-year period among all such areas, then there shall be required to be obligated over the 2 fiscal years following the fiscal year in which such determination is made, for projects identified in the program of projects described in subsection (l)(7)(C), an amount that is not less than 50 percent of the amount set aside for that urbanized area under section 133(h)(2) for fiscal year 2020.

"(iii) APPLICABILITY.—The obligation requirement described in clause (ii) shall not take effect until the subject metropolitan planning organization has developed the vulnerable road user safety assessment described in subsection (l)(7).

"(C) SOURCE OF FUNDS.—

"(i) IN GENERAL.—Any amounts required to be obligated under this paragraph shall be from amounts apportioned under section 104(b) except for—

"(I) amounts described in section 133(d)(1)(A); and

"(II) amounts set aside under section 133(h).

"(ii) AREAS IN A HIGH RISK STATE.—If an area subject to the obligation requirement described in subparagraph (B)(ii) is located in a State required to obligate funds to vulnerable road user safety under subparagraph (A)(ii), any obligations in such State for projects identified in the program of projects described in subsection (l)(7)(C) shall count toward such State's obligation requirement under subparagraph (A)(ii).";

(6) in subsection (h)(1)(A)—

(A) by inserting ", including any efforts to reduce vehicle speed" after "under this section"; and

(B) by inserting "and projects identified under a vulnerable road user safety assessment" after "projects"; and

(7) by adding at the end the following:

"(l) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after date of enactment of the INVEST in America Act, each State shall create a vulnerable road user safety assessment.

"(2) CONTENTS.—A vulnerable road user safety assessment required under paragraph (1) shall include—

"(A) a description of the location within the State of each vulnerable road user fatality and serious injury, including, if available, the design speed of the roadway at any such location;

"(B) a description of any corridors identified by a State, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that pose a high risk of a vulnerable road user fatality or serious injury, including, if available, the design speeds of such corridors; and

"(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B), in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under subparagraph (B).

"(3) ANALYSIS.—In creating a vulnerable road user safety assessment under this subsection, a State shall assess the last 5 years of available data.

"(4) REQUIREMENTS.—In creating a vulnerable road user safety assessment under this subsection, a State shall—

"(A) take into consideration a safe system approach; and

"(B) coordinate with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B).

"(5) UPDATE.—A State shall update a vulnerable road user safety assessment on the same schedule as the State updates the State strategic highway safety plan.

"(6) TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(C) may not degrade transportation system access for vulnerable road users.

"(7) URBANIZED AREA ASSESSMENTS.—

"(A) IN GENERAL.—A metropolitan planning organization representing a transportation management area shall, in consultation with local governments in such area, complete a vulnerable road user safety assessment based on the most recent 5 years of available data at least once every 4 years.

"(B) CONTENTS.—The assessment completed under subparagraph (A) shall include—

"(i) a description of the location within the area of each vulnerable road user fatality and, if available, serious injury;

"(ii) a description of any corridors that represent a high-risk area identified under paragraph (2)(B) or have otherwise been identified by the metropolitan planning organization or local government that pose a high risk of a vulnerable road user fatality or serious injury; and

"(iii) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B).".

(b) TECHNICAL AMENDMENT.—Section 148 of title 23, United States Code, is amended—

(1) in the heading for subsection (a)(8) by striking "ROAD USERS" and inserting "ROAD USER"; and

(2) in subsection (i)(2)(D) by striking "safety safety" and inserting "safety".

(c) HIGH-RISK RURAL ROADS.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall update the study described in paragraph (1) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation an updated report of the report described in paragraph (2) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(3) BEST PRACTICES MANUAL.—Not later than 180 days after the date of submission of the report described in paragraph (2), the Secretary shall update the best practices manual described in section 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii) by striking "subsection (h)" and inserting "subsection (i)";

(B) in paragraph (7) by inserting "shared micromobility (including bikesharing and shared scooter systems), publicly accessible charging stations, docks, and storage for electric bicycles and micromobility devices," after "carsharing";

(C) in paragraph (8)(B) by striking "; or" and inserting a semicolon;

(D) in paragraph (9) by striking the period and inserting "; or"; and

(E) by adding at the end the following:

"(10) if the project or program mitigates seasonal or temporary traffic congestion from long-haul travel or tourism.";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the heading by inserting ", HYDROGEN VEHICLE," after "ELECTRIC VEHICLE";

(ii) by inserting "hydrogen or" after "charging stations or"; and

(iii) by inserting ", hydrogen-powered," after "battery powered"; and

(B) in paragraph (3) by inserting ", and is consistent with section 166" after "travel times"; and

(3) by striking subsection (m) and inserting the following:

"(m) OPERATING ASSISTANCE.—

"(1) PROJECTS.—A State may obligate funds apportioned under section 104(b)(4) in an area of such State that is otherwise eligible for obligations of such funds for operating costs under chapter 53 of title 49 or on a system for which CMAQ funding was made available, obligated, or expended in fiscal year 2012, or, notwithstanding subsection (b), on a State-supported Amtrak route with a cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 or alternative cost allocation under section 24712(g)(3) of title 49.

"(2) TIME LIMITATION.—In determining the amount of time for which a State may obligate funds under paragraph (1) for operating assistance for an area of a State or on a system, the Secretary shall allow such obligations to occur, in such area or on such system—

"(A) with a time limitation of not less than 3 years; and

"(B) in the case of projects that demonstrate continued net air quality benefits beyond 3 years, as determined annually by the Secretary in consultation with the Administrator of the Environmental Protection Agency, with no imposed time limitation.".

SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.

(a) ELECTRIC VEHICLE CHARGING STATIONS.—Chapter 1 of title 23, United States Code, is amended by inserting after section 154 the following new section:

"§ 155. Electric vehicle charging stations

"(a) IN GENERAL.—Any electric vehicle charging infrastructure funded under this title shall be subject to the requirements of this section.

"(b) INTEROPERABILITY.—An electric vehicle charging station funded under this title shall—

"(1) provide a charging connector type or means to transmit electricity to vehicles that meets applicable industry accepted practices and safety standards; and

"(2) have the ability to serve vehicles produced by more than one vehicle manufacturer.

"(c) OPEN ACCESS TO PAYMENT.—Electric vehicle charging stations shall provide payment methods available to all members of the public to ensure secure, convenient, and equal access and shall not be limited by membership to a particular payment provider.

"(d) NETWORK CAPABILITY.—An electric vehicle charging station funded under this title shall be capable of being remotely monitored.

"(e) GUIDANCE.—Not less than 180 days after enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, publish guidance for public comment applicable to any electric vehicle charging station funded in whole or in part under this title related to—

"(1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure;

"(2) the physical and payment interoperability of electric vehicle charging infrastructure;

"(3) any traffic control device or on-premises sign acquired, installed, or operated related to an electric vehicle charging station funded under this title; and

"(4) network connectivity of electric vehicle charging, including measures to protect personal privacy and ensure cybersecurity.

"(f) WAGE REQUIREMENTS.—Section 113 shall apply to any project for electric vehicle charging infrastructure funded under this title.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 154 the following new item:

"155. Electric vehicle charging stations.".

(c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The Secretary of Transportation shall update the Manual on Uniform Traffic Control Devices to—

(1) ensure uniformity in providing road users direction to electric charging stations that are open to the public; and

(2) allow the use of a comprehensive system of signs for electric vehicle charging providers to help drivers identify the type of charging and connector types available at the location.

(d) AGREEMENTS RELATING TO THE USE AND ACCESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Notwithstanding subsection (a) or (b), the Secretary shall permit, consistent with section 155, the charging of electric vehicles on rights-of-way of the Interstate System, including in—

"(A) a rest area; or

"(B) a fringe or corridor parking facility, including a park and ride facility.

"(2) SAVINGS CLAUSE.—Nothing in this subsection shall permit commercial activities on rights-of-way of the Interstate System, except as necessary for the charging of electric vehicles in accordance with this subsection.".

SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.

(a) IN GENERAL.—Section 167 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6) by striking "; and" and inserting a semicolon; and

(B) by striking paragraph (7) and inserting the following:

"(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network, including—

"(A) greenhouse gas emissions;

"(B) local air pollution, including local pollution derived from vehicles idling at railway crossings;

"(C) minimizing, capturing, or treating stormwater runoff and addressing other adverse impacts to water quality; and

"(D) wildlife habitat loss; and

"(8) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors.";

(2) in subsection (e)(2) by striking "150 miles" and inserting "300 miles";

(3) in subsection (f)(4) by striking "75 miles" and inserting "150 miles";

(4) in subsection (h) by striking "Not later than" and all that follows through "shall prepare" and inserting "As part of the report required under section 503(b)(8), the Administrator shall biennially prepare";

(5) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by amending paragraph (4) to read as follows:

"(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed, updated, or amended, as applicable, a freight plan in accordance with section 70202 of title 49.";

(C) in paragraph (5)—

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

"(B) LIMITATION.—The Federal share of a project described in subparagraph (C)(xxiii) shall fund only elements of such project that provide public benefits."; and

(ii) in subparagraph (C)—

(I) in clause (iii) by inserting "and freight management and operations systems" after "freight transportation systems"; and

(II) by amending clause (xxiii) to read as follows:

"(xxiii) Freight intermodal or freight rail projects, including—

"(I) projects within the boundaries of public or private freight rail or water facilities (including ports);

"(II) projects that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility; and

"(III) any other surface transportation project to improve the flow of freight into or out of a facility described in subclause (I) or (II).";

(D) in paragraph (6) by striking "paragraph (5)" and inserting "paragraph (3)"; and

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively; and

(6) in subsection (k)(1)(A)(ii) by striking "ports-of entry" and inserting "ports-of-entry".

(b) NATIONAL HIGHWAY FREIGHT NETWORK.—If a congressionally designated future Interstate, or any portion thereof, is included in a State Freight Plan (regardless of whether such project is included in the freight investment plan of the State) approved by the Department of Transportation prior to October 1, 2021, such route shall be considered to be on the National Highway Freight Network established under section 167(c) of title 23, United States Code.

SEC. 1213. CARBON POLLUTION REDUCTION.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Carbon pollution reduction

"(a) ESTABLISHMENT.—The Secretary shall establish a carbon pollution reduction program to support the reduction of greenhouse gas emissions from the surface transportation system.

"(b) ELIGIBLE PROJECTS.—A project is eligible for funding under this section if such project—

"(1) is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system;

"(2) will help a State meet the greenhouse gas emissions performance targets established under section 150(d); and

"(3) is—

"(A) eligible for assistance under this title or under chapter 53 of title 49 or is a capital project for vehicles and facilities (whether publicly or privately owned) that are used to provide intercity passenger service by bus; or

"(B) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation, provided that the project will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

"(c) GUIDANCE.—The Secretary shall issue guidance on methods of determining the reduction of single occupant vehicle trips and improvement of mobility on public roads as those factors relate to intercity rail passenger transportation projects under subsection (b)(4).

"(d) OPERATING EXPENSES.—A State may use not more than 10 percent of the funds provided under section 104(b)(9) for the operating expenses of public transportation and passenger rail transportation projects.

"(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility and is consistent with section 166.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall annually evaluate the progress of each State in carrying out the program under this section by comparing the percent change in carbon dioxide emissions per capita on public roads in the State calculated as—

"(A) the annual carbon dioxide emissions per capita on public roads in the State for the most recent year for which there is data; divided by

"(B) the average annual carbon dioxide emissions per capita on public roads in the State in calendar years 2015 through 2019.

"(2) MEASURES.—In conducting the evaluation under paragraph (1), the Secretary shall—

"(A) prior to the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such data as are available, which may include data on motor fuels usage published by the Federal Highway Administration and information on emissions factors or coefficients published by the Energy Information Administration of the Department of Energy; and

"(B) following the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such measures.

"(g) PROGRESS REPORT.—The Secretary shall annually issue a carbon pollution reduction progress report, to be made publicly available on the website of the Department of Transportation, that includes—

"(1) the results of the evaluation under subsection (f) for each State; and

"(2) a ranking of all the States by the criteria under subsection (f), with the States that, for the year covered by such report, have the largest percentage reduction in annual carbon dioxide emissions per capita on public roads being ranked the highest.

"(h) HIGH-PERFORMING STATES.—

"(1) DESIGNATION.—For purposes of this section, each State that is 1 of the 15 highest ranked States, as determined under subsection (g)(2), and that achieves a reduction in carbon dioxide emissions per capita on public roads, as determined by the evaluation in subsection (f), shall be designated as a high-performing State for the following fiscal year.

"(2) USE OF FUNDS.—For each State that is designated as a high-performing State under paragraph (1)—

"(A) notwithstanding section 120, the State may use funds made available under this title to pay the non-Federal share of a project under this section during any year for which such State is designated as a high-performing State; and

"(B) notwithstanding section 126, the State may transfer up to 50 percent of funds apportioned under section 104(b)(9) to the program under section 104(b)(2) in any year for which such State is designated as a high-performing State.

"(3) TRANSFER.—For each State that is 1 of the 15 lowest ranked States, as determined under subsection (g)(2), the Secretary shall transfer 10 percent of the amount apportioned to the State under section 104(b)(2) in the fiscal year following the year in which the State is so ranked, not including amounts set aside under section 133(d)(1)(A) and under section 133(h) or 505(a), to the apportionment of the State under section 104(b)(9).

"(4) LIMITATION.—The Secretary shall not conduct a transfer under paragraph (3)—

"(A) until the first fiscal year following the effective date of greenhouse gas performance measures under section 150(c)(7)(A); and

"(B) with respect to a State in any fiscal year following the year in which such State achieves a reduction in carbon dioxide emissions per capita on public roads in such year as determined by the evaluation under subsection (f).

"(i) REPORT.—Not later than 2 years after the date of enactment of this section and periodically thereafter, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue a report—

"(1) detailing, based on the best available science, what types of projects eligible for assistance under this section are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

"(2) detailing, based on the best available science, what types of projects eligible for assistance under this section are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"171. Carbon pollution reduction.".

(c) APPLICABILITY.—Subsection (b)(2) of section 171 of title 23, United States Code, as added by this section, shall apply to a State beginning on the first fiscal year following the fiscal year in which the State sets greenhouse gas performance targets under section 150(d) of title 23, United States Code.

SEC. 1214. RECREATIONAL TRAILS.

Section 206 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "except for" and all that follows and inserting the following: "except for—

"(A) a motorized wheelchair; and

"(B) in any case in which applicable laws and regulations permit use, an electric bicycle, as defined in section 217(j).";

(B) in paragraph (2)—

(i) in subparagraph (F) by striking "and" at the end;

(ii) in subparagraph (G) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(F) electric bicycling."; and

(2) by adding at the end the following:

"(j) SPECIAL RULE.—Section 113 shall not apply to projects under this section.

"(k) USE OF OTHER APPORTIONED FUNDS.—Funds apportioned to a State under section 104(b) that are obligated for recreational trails and related projects shall be administered as if such funds were made available for purposes described under this section.".

SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 210 the following:

"§ 211. Safe routes to school program

"(a) PROGRAM.—The Secretary shall carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

"(b) PURPOSES.—The purposes of the program shall be—

"(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

"(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

"(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

"(c) USE OF FUNDS.—Amounts apportioned to a State under paragraphs (2) and (3) of section 104(b) may be used to carry out projects, programs, and other activities under this section.

"(d) ELIGIBLE ENTITIES.—Projects, programs, and activities funded under this section may be carried out by eligible entities described under section 133(h)(4)(B) that demonstrate an ability to meet the requirements of this section.

"(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

"(1) INFRASTRUCTURE-RELATED PROJECTS.—

"(A) IN GENERAL.—A State may obligate funds under this section for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

"(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

"(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—In addition to projects described in paragraph (1), a State may obligate funds under this section for noninfrastructure-related activities to encourage walking and bicycling to school, including—

"(A) public awareness campaigns and outreach to press and community leaders;

"(B) traffic education and enforcement in the vicinity of schools;

"(C) student sessions on bicycle and pedestrian safety, health, and environment;

"(D) programs that address personal safety; and

"(E) funding for training, volunteers, and managers of safe routes to school programs.

"(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under paragraphs (2) and (3) of section 104(b) shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

"(4) RURAL SCHOOL DISTRICT OUTREACH.—A coordinator described in paragraph (3) shall conduct outreach to ensure that rural school districts in the State are aware of such State's safe routes to school program and any funds authorized by this section.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project, program, or activity under this section shall be 100 percent.

"(g) CLEARINGHOUSE.—

"(1) IN GENERAL.—The Secretary shall maintain a national safe routes to school clearinghouse to—

"(A) develop information and educational programs on safe routes to school; and

"(B) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

"(2) FUNDING.—The Secretary shall carry out this subsection using amounts authorized to be appropriated for administrative expenses under section 104(a).

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) IN THE VICINITY OF SCHOOLS.—The term 'in the vicinity of schools' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

"(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term 'primary, middle, and high schools' means schools providing education from kindergarten through twelfth grade.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 1404 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1228–1230), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(2) ANALYSIS.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 210 the following:

"211. Safe routes to school program.".

SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "104(b)(3)" and inserting "104(b)(4)"; and

(B) by striking "a position" and inserting "at least one full-time positions";

(2) in subsection (e) by striking "bicycles" and inserting "pedestrians or bicyclists" each place such term appears;

(3) in subsection (j)—

(A) in paragraph (1) by inserting "or operators of micromobility devices" after "bicyclists";

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

"(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means mean a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that can safely share a bicycle transportation facility with other users of such facility and meets the requirements of one of the following three classes:

"(A) CLASS 1 ELECTRIC BICYCLE.—The term 'class 1 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

"(B) CLASS 2 ELECTRIC BICYCLE.—The term 'class 2 electric bicycle' means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

"(C) CLASS 3 ELECTRIC BICYCLE.—The term 'class 3 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

"(3) MICROMOBILITY DEVICE.—The term 'micromobility device' means any wheeled vehicle equipped with a low powered electric motor—

"(A) that is designed primarily for human transport;

"(B) that weighs not more than 100 pounds; and

"(C) that has a top speed of 20 miles per hour or less.".

SEC. 1217. NOISE BARRIERS.

(a) PERMITTING USE OF HIGHWAY TRUST FUND FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—Section 339(b)(1) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note) is amended to read as follows:

"(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct a Type II noise barrier (as defined by section 772.5(I) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (I) of section 109 of title 23, United States Code, unless—

"(A) such a barrier is part of a project approved by the Secretary before November 28, 1995; or

"(B) such a barrier separates a highway or other noise corridor from a group of structures of which the majority of those closest to the highway or noise corridor—

"(i) are residential in nature; and

"(ii) either—

"(I) were constructed before the construction or most recent widening of the highway or noise corridor; or

"(II) are at least 10 years old.".

(b) ELIGIBILITY FOR SURFACE TRANSPORTATION PROGRAM FUNDS.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b) by adding at the end the following:

"(22) Planning, design, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations).."; and

(2) in subsection (c)(2) by inserting "and paragraph (22)" after "(11)".

SEC. 1218. SAFE STREETS FOR ALL.

Section 148 of title 23, United States Code, is further amended by adding at the end the following:

"(m) SAFE STREETS FOR ALL.—

"(1) SAFE STREETS SET-ASIDE.—

"(A) ESTABLISHMENT.—The Secretary shall establish a safe streets program to eliminate the occurrence of transportation-related fatalities and serious injuries on public roads, with a focus on vulnerable road users.

"(B) AMOUNT.—Of the funds apportioned to a State under section 104(b)(3) for each fiscal year, the Secretary shall reserve an amount such that—

"(i) the Secretary reserves a total under this subsection of $500,000,000 for each of fiscal years 2023 through 2026; and

"(ii) the State's share of that total is distributed in the same manner as the amount apportioned to the State under section 104(b)(3) for each fiscal year bears to the total amount of funds apportioned to all States under such section.

"(2) SUBALLOCATION.—For each fiscal year for which funds are set aside under this subsection, such funds shall be obligated within a State in the manner described in subsections (d) and (e) of section 133, except that, for the purposes of this subsection, the percentage referred to in section 133(d)(1)(A) shall be treated as 100 percent.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Funds set aside under this subsection shall be available for obligation—

"(i) for a complete streets project that supports the safe, comfortable, convenient, and independent movement of all users of the transportation system, of all ages and abilities, consistent with context sensitive design principles;

"(ii) for activities eligible under the safe routes to school program under section 211;

"(iii) to develop and implement the policies and procedures described in section 109(s);

"(iv) for any element of vision zero planning described under section 1601 of the INVEST in America Act and to implement an existing vision zero plan;

"(v) for other activities in furtherance of the vulnerable road user safety assessment of the State or the metropolitan planning organization described under subsection (l); and

"(vi) for any other project, program, or plan eligible under this section that provides for the safe and adequate accommodation of all users of the surface transportation network, as determined by the Secretary.

"(B) SPECIAL RULE.—If a State or metropolitan planning organization demonstrates to the satisfaction of the Secretary that such State or metropolitan planning organization has met all its needs for vulnerable road user safety under this section, the State or metropolitan planning organization may use funds made available under this subsection for other highway safety improvement program purposes, subject to the suballocation under paragraph (2). The Secretary may not make a determination under this subparagraph if the State or metropolitan planning organization has been subject to the special rule described in subsection (g)(3) within the last 5 years.".

SEC. 1219. YOUTH SERVICE AND CONSERVATION CORPS.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 211 (as added by this Act) the following:

"§ 212. Use of youth service and conservation corps

"(a) IN GENERAL.—The Secretary may allow and shall encourage project sponsors to enter into contracts and cooperative agreements with qualified youth service or conservation corps, as described in sections 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)) and 106(c)(3) of the National and Community Service Trust Act of 1993 (42 U.S.C. 12656(c)(3)) to perform appropriate projects eligible under sections 133(h), 162, 206, and 211.

"(b) REQUIREMENTS.—Under any contract or cooperative agreement entered into with a qualified youth service or conservation corps under this section, the Secretary shall—

"(1) set the amount of a living allowance or rate of pay for each participant in such corps at—

"(A) such amount or rate as required under State law in a State with such requirements; or

"(B) for corps in States not described in subparagraph (A), at such amount or rate as determined by the Secretary, not to exceed the maximum living allowance authorized by section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594); and

"(2) not subject such corps to the requirements of section 112.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 211 (as added by this Act) the following:

"212. Use of youth service and conservation corps.".

Subtitle C—Project-Level Investments

SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended to read as follows:

"§ 117. Projects of national and regional significance

"(a) ESTABLISHMENT.—The Secretary shall establish a projects of national and regional significance program under which the Secretary may make grants to, and es-

tablish multiyear grant agreements with, eligible entities in accordance with this section.

"(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require.

"(c) GRANT AMOUNTS AND PROJECT COSTS.—

"(1) IN GENERAL.—Each grant made under this section—

"(A) shall be in an amount that is at least $25,000,000; and

"(B) shall be for a project that has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) in the case of a project—

"(I) located in 1 State or territory, 30 percent of the amount apportioned under this chapter to the State or territory in the most recently completed fiscal year; or

"(II) located in more than 1 State or territory, 50 percent of the amount apportioned under this chapter to the participating State or territory with the largest apportionment under this chapter in the most recently completed fiscal year.

"(2) LARGE PROJECTS.—For a project that has eligible project costs that are reasonably anticipated to equal or exceed $500,000,000, a grant made under this section—

"(A) shall be in an amount sufficient to fully fund the project, or in the case of a public transportation project, a minimum operable segment, in combination with other funding sources, including non-Federal financial commitment, identified in the application; and

"(B) may be awarded pursuant to the process under subsection (d), as necessary based on the amount of the grant.

"(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

"(1) IN GENERAL.—A large project that receives a grant under this section may be carried out through a multiyear grant agreement in accordance with this subsection.

"(2) REQUIREMENTS.—A multiyear grant agreement for a large project shall—

"(A) establish the terms of participation by the Federal Government in the project;

"(B) establish the amount of Federal financial assistance for the project;

"(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided; and

"(D) determine the period of time for completing the project, even if such period extends beyond the period of an authorization.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—A multiyear grant agreement under this subsection—

"(i) shall obligate an amount of available budget authority specified in law; and

"(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(B) CONTINGENT COMMITMENT.—A contingent commitment under this subsection is not an obligation of the Federal Government under section 1501 of title 31.

"(C) INTEREST AND OTHER FINANCING COSTS.—

"(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

"(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(4) ADVANCE PAYMENT.—An eligible entity carrying out a large project under a multiyear grant agreement—

"(A) may use funds made available to the eligible entity under this title or title 49 for eligible project costs of the large project; and

"(B) shall be reimbursed, at the option of the eligible entity, for such expenditures from the amount made available under the multiyear grant agreement for the project in that fiscal year or a subsequent fiscal year.

"(e) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—The Secretary may make a grant under this section only for a project that is a project eligible for assistance under this title or chapter 53 of title 49 and is—

"(A) a bridge project carried out on the National Highway System, or that is eligible to be carried out under section 165;

"(B) a project to improve person throughput that is—

"(i) a highway project carried out on the National Highway System, or that is eligible to be carried out under section 165;

"(ii) a public transportation project; or

"(iii) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation; or

"(C) a project to improve freight throughput that is—

"(i) a highway freight project carried out on the National Highway Freight Network established under section 167 or on the National Highway System;

"(ii) a freight intermodal, freight rail, or railway-highway grade crossing or grade separation project; or

"(iii) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.

"(2) LIMITATION.—

"(A) CERTAIN FREIGHT PROJECTS.—Projects described in clauses (ii) and (iii) of paragraph (1)(C) may receive a grant under this section only if—

"(i) the project will make a significant improvement to the movement of freight on the National Highway System; and

"(ii) the Federal share of the project funds only elements of the project that provide public benefits.

"(B) CERTAIN PROJECTS FOR PERSON THROUGHPUT.—Projects described in clauses (ii) and (iii) of paragraph (1)(B) may receive a grant under this section only if the project will make a significant improvement in mobility on public roads.

"(f) ELIGIBLE PROJECT COSTS.—An eligible entity receiving a grant under this section may use such grant for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

"(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section for funding under this section only if the Secretary determines that the project—

"(1) generates significant regional or national economic, mobility, safety, resilience, or environmental benefits;

"(2) is cost effective;

"(3) is based on the results of preliminary engineering;

"(4) has secured or will secure acceptable levels of non-Federal financial commitments, including—

"(A) one or more stable and dependable sources of funding and financing to construct, maintain, and operate the project; and

"(B) contingency amounts to cover unanticipated cost increases;

"(5) cannot be easily and efficiently completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

"(6) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

"(h) MERIT CRITERIA AND CONSIDERATIONS.—

"(1) MERIT CRITERIA.—In awarding a grant under this section, the Secretary shall evaluate the following merit criteria:

"(A) The extent to which the project supports achieving a state of good repair.

"(B) The level of benefits the project is expected to generate, including—

"(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

"(ii) reductions in maintenance costs over the life of the asset;

"(iii) safety benefits, including the reduction of accidents and related costs;

"(iv) improved person or freight throughput, including congestion reduction and reliability improvements;

"(v) national and regional economic benefits;

"(vi) resilience benefits, including the ability to withstand disruptions from a seismic event;

"(vii) environmental benefits, including reduction in greenhouse gas emissions and air quality benefits; and

"(viii) benefits to all users of the project, including pedestrian, bicycle, nonvehicular, railroad, and public transportation users.

"(C) How the benefits compare to the costs of the project.

"(D) The average number of people or volume of freight, as applicable, supported by the project, including visitors based on travel and tourism.

"(2) ADDITIONAL CONSIDERATIONS.—In awarding a grant under this section, the Secretary shall consider the following:

"(A) Whether the project spans at least 1 border between 2 States.

"(B) Whether the project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents.

"(C) Whether the project uses innovative technologies, innovative design and construction techniques, or pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes and, if so, the degree to which such technologies, techniques, or materials are used.

"(D) Whether the project improves connectivity between modes of transportation moving people or goods in the Nation or region.

"(E) Whether the project provides new or improved connections between at least two metropolitan areas with a population of at least 500,000.

"(F) Whether the project would replace, reconstruct, or rehabilitate a commuter corridor (including a high-commuter corridor (as such term is defined in section 203(a)(6))) that is in poor condition.

"(G) Whether the project would improve the shared transportation corridor of a multistate corridor.

"(i) PROJECT SELECTION.—

"(1) EVALUATION.—To evaluate applications for funding under this section, the Secretary shall—

"(A) determine whether a project is eligible for a grant under this section;

"(B) evaluate, through a methodology that is discernible and transparent to the public, how each application addresses the merit criteria pursuant to subsection (h);

"(C) assign a quality rating for each merit criteria for each application based on the evaluation in subparagraph (B);

"(D) ensure that applications receive final consideration by the Secretary to receive an award under this section only on the basis of such quality ratings and that the Secretary gives final consideration only to applications that meet the minimally acceptable level for each of the merit criteria; and

"(E) award grants only to projects rated highly under the evaluation and rating process.

"(2) CONSIDERATIONS FOR LARGE PROJECTS.—In awarding a grant for a large project, the Secretary shall—

"(A) consider the amount of funds available in future fiscal years for the program under this section; and

"(B) assume the availability of funds in future fiscal years for the program that extend beyond the period of authorization based on the amount made available for the program in the last fiscal year of the period of authorization.

"(3) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure geographic diversity and a balance between rural and urban communities among grant recipients over fiscal years 2023 through 2026.

"(4) PUBLICATION OF METHODOLOGY.—

"(A) IN GENERAL.—Prior to the issuance of any notice of funding opportunity for grants under this section, the Secretary shall publish and make publicly available on the Department's website—

"(i) a detailed explanation of the merit criteria developed under subsection (h);

"(ii) a description of the evaluation process under this subsection; and

"(iii) how the Secretary shall determine whether a project satisfies each of the requirements under subsection (g).

"(B) UPDATES.—The Secretary shall update and make publicly available on the website of the Department of Transportation such information at any time a revision to the information described in subparagraph (A) is made.

"(C) INFORMATION REQUIRED.—The Secretary shall include in the published notice of funding opportunity for a grant under this section detailed information on the rating methodology and merit criteria to be used to evaluate applications, or a reference to the information on the website of the Department of Transportation, as required by subparagraph (A).

"(j) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this section may not exceed 60 percent.

"(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

"(k) BRIDGE INVESTMENTS.—Of the amounts made available to carry out this section, the Secretary shall reserve not less than $1,000,000,000 in each fiscal year to make grants for projects described in subsection (e)(1)(A).

"(l) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(m) TIFIA PROGRAM.—At the request of an eligible entity under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

"(n) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may use up to $5,000,000 in each fiscal year for the costs of administering the program under this section.

"(o) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 to provide technical assistance to eligible entities.

"(p) CONGRESSIONAL REVIEW.—

"(1) NOTIFICATION.—Not less than 60 days before making an award under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) a list of all applications determined to be eligible for a grant by the Secretary;

"(B) the quality ratings assigned to each application pursuant to subsection (i);

"(C) a list of applications that received final consideration by the Secretary to receive an award under this section;

"(D) each application proposed to be selected for a grant award;

"(E) proposed grant amounts, including for each new multiyear grant agreement, the proposed payout schedule for the project; and

"(F) an analysis of the impacts of any large projects proposed to be selected on existing commitments and anticipated funding levels for the next 4 fiscal years, based on information available to the Secretary at the time of the report.

"(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the Secretary's list of proposed projects.

"(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

"(q) TRANSPARENCY.—

"(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

"(A) a summary of each application made to the program for the grant application period; and

"(B) the evaluation and justification for the project selection, including ratings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

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

"(r) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a group of States;

"(2) a unit of local government, including a metropolitan planning organization, or a group of local governments;

"(3) a political subdivision of a State or local government;

"(4) a special purpose district or public authority with a transportation function, including a port authority;

"(5) an Indian Tribe or Tribal organization;

"(6) a Federal agency eligible to receive funds under section 201, 203, or 204, including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management, that applies jointly with a State or group of States;

"(7) a territory; and

"(8) a multistate or multijurisdictional group of entities described in this paragraph.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 117 and inserting the following:

"117. Projects of national and regional significance.".

SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, as amended by this title, is further amended by adding at the end the following:

"§ 173. Community transportation investment grant program

"(a) ESTABLISHMENT.—The Secretary shall establish a community transportation investment grant program to improve surface transportation safety, state of good repair, accessibility, and environmental quality through infrastructure investments.

"(b) GRANT AUTHORITY.—

"(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary shall make grants, on a competitive basis, to eligible entities in accordance with this section.

"(2) GRANT AMOUNT.—The maximum amount of a grant under this section shall be $25,000,000.

"(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

"(d) ELIGIBLE PROJECT COSTS.—Grant amounts for an eligible project carried out under this section may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to such land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

"(e) RURAL AND COMMUNITY SETASIDES.—

"(1) IN GENERAL.—The Secretary shall reserve—

"(A) not less than 25 percent of the amounts made available to carry out this section for projects located in rural areas; and

"(B) not less than 25 percent of the amounts made available to carry out this section for projects located in areas with a population greater than 74,999 individuals and fewer than 200,001 individuals.

"(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means all areas of a State or territory that are outside of an urbanized area with a population greater than 74,999 individuals, as determined by the Bureau of the Census.

"(3) EXCESS FUNDING.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

"(f) EVALUATION.—To evaluate applications under this section, the Secretary shall—

"(1) develop a process to objectively evaluate applications on the benefits of the project proposed in such application—

"(A) to transportation safety, including reductions in traffic fatalities and serious injuries;

"(B) to state of good repair, including improved condition of bridges and pavements;

"(C) to transportation system access, including improved access to jobs and services; and

"(D) in reducing greenhouse gas emissions;

"(2) develop a rating system to assign a numeric value to each application, based on each of the criteria described in paragraph (1);

"(3) for each application submitted, compare the total benefits of the proposed project, as determined by the rating system developed under paragraph (2), with the costs of such project, and rank each application based on the results of the comparison; and

"(4) ensure that only such applications that are ranked highly based on the results of the comparison conducted under paragraph (3) are considered to receive a grant under this section.

"(g) WEIGHTING.—In establishing the evaluation process under subsection (f), the Secretary may assign different weights to the criteria described in subsection (f)(1) based on project type, population served by a project, and other context-sensitive considerations, provided that—

"(1) each application is rated on all criteria described in subsection (f)(1); and

"(2) each application has the same possible minimum and maximum rating, regardless of any differences in the weighting of criteria.

"(h) TRANSPARENCY.—

"(1) PUBLICLY AVAILABLE INFORMATION.—Prior to the issuance of any notice of funding opportunity under this section, the Secretary shall make publicly available on the website of the Department of Transportation a detailed explanation of the evaluation and rating process developed under subsection (f), including any differences in the weighting of criteria pursuant to subsection (g), if applicable, and update such website for each revision of the evaluation and rating process.

"(2) NOTIFICATIONS TO CONGRESS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate the following written notifications:

"(A) A notification when the Secretary publishes or updates the information required under paragraph (1).

"(B) Not later than 30 days prior to the date on which the Secretary awards a grant under this section, a notification that includes—

"(i) the ratings of each application submitted pursuant to subsection (f)(2);

"(ii) the ranking of each application submitted pursuant to subsection (f)(3); and

"(iii) a list of all applications that receive final consideration by the Secretary to receive an award under this section pursuant to subsection (f)(4).

"(C) Not later than 3 business days prior to the date on which the Secretary announces the award of a grant under this section, a notification describing each grant to be awarded, including the amount and the recipient.

"(i) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $3,000,000 in each fiscal year to provide technical assistance to eligible entities.

"(j) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 for the administrative costs of carrying out the program under this section.

"(k) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(l) TRANSPARENCY.—

"(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

"(A) a summary of each application made to the program for the grant application period; and

"(B) the evaluation and justification for the project selection, including ratings and rankings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

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

"(m) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a metropolitan planning organization;

"(B) a unit of local government;

"(C) a transit agency;

"(D) an Indian Tribe or Tribal organization;

"(E) a multijurisdictional group of entities described in this paragraph;

"(F) a special purpose district with a transportation function or a port authority;

"(G) a territory; or

"(H) a State that applies for a grant under this section jointly with an entity described in subparagraphs (A) through (G).

"(2) ELIGIBLE PROJECT.—The term 'eligible project' means any project eligible under this title or chapter 53 of title 49.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following new item:

"173. Community transportation investment grant program.".

SEC. 1303. CLEAN CORRIDORS PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish a formula program to strategically deploy electric vehicle charging infrastructure along designated alternative fuel corridors that will be accessible to all drivers of electric vehicles.

(b) NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.—Section 151 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall" and inserting "The Secretary shall periodically";

(2) in subsection (b)(2) by inserting "previously designated by the Federal Highway Administration or" after "fueling corridors";

(3) in subsection (d)—

(A) by striking "Not later than" and inserting the following:

"(1) IN GENERAL.—Not later than";

(B) by striking "5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter" and inserting "180 days after the date of enactment of the INVEST in America Act";

(C) by inserting "establish a recurring process to regularly" after "the Secretary shall"; and

(D) by adding at the end the following:

"(2) FREIGHT CORRIDORS.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall designate national electric vehicle charging and hydrogen fueling freight corridors that identify the near- and long-term need for, and the location of, electric vehicle charging and hydrogen fueling infrastructure to support freight and goods movement at strategic locations along major national highways, the National Highway Freight Network, and goods movement locations including ports, intermodal centers, and warehousing locations.";

(4) in subsection (e)—

(A) in paragraph (1) by striking "; and" and inserting a semicolon;

(B) in paragraph (2)—

(i) by striking "establishes an aspirational goal of achieving" and inserting "describes efforts to achieve"; and

(ii) by striking "by the end of fiscal year 2020." and inserting ", including progress on the implementation of subsection (f); and";

(C) by adding at the end the following:

"(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure to allow for the predictable deployment of such infrastructure."; and

(5) by adding at the end the following:

"(f) CLEAN CORRIDORS PROGRAM.—

"(1) ESTABLISHMENT.—There is established a clean corridors program (referred to in this subsection as the "Program") to provide funding to States to strategically deploy electric vehicle charging and hydrogen fueling infrastructure along alternative fuel corridors and to establish an interconnected network to facilitate data collection, access, and reliability.

"(2) PURPOSE.—The purpose of the Program is to provide funding for—

"(A) the acquisition and installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability;

"(B) proper operation and maintenance of electric vehicle charging infrastructure; and

"(C) data sharing about charging and fueling infrastructure to ensure the long-term success of investments made through the Program.

"(3) ALTERNATIVE DISTRIBUTION OF FUNDS.—

"(A) PLAN.—The Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires, describing how such State intends to use its allocation under this section.

"(B) EFFICIENT OBLIGATION OF FUNDS.—If a State fails to submit the plan required by subparagraph (A) to the Secretary in a timely manner, or if the Secretary determines a State has not taken sufficient action to carry out its plan, the Secretary may—

"(i) withdraw from the State the funds that were apportioned to the State for a fiscal year under section 104(b)(10);

"(ii) award such funds on a competitive basis to local units of government within the State for use on projects that meet the eligibility requirements described in paragraph (4); and

"(iii) ensure timely obligation of such funds.

"(C) REDISTRIBUTION AMONG STATES.—If the Secretary determines that any funds withdrawn from a State under subparagraph (B)(i) cannot be fully awarded to local units of government within the State under subparagraph (B)(ii) in a manner consistent with the purpose of this subsection, any such funds remaining under subparagraph (B)(i) shall be—

"(i) apportioned among other States (except States for which funds for that fiscal year have been withdrawn under subparagraph (B)(i)) in the same ratio as funds apportioned for that fiscal year under section 104(b)(10)(C) for the Program; and

"(ii) only available to carry out this section.

"(4) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Funding made available under this subsection shall be for projects—

"(i) directly related to the electric charging or hydrogen fueling of a vehicle; and

"(ii) only for infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than 1 company.

"(B) LOCATION OF INFRASTRUCTURE.—

"(i) IN GENERAL.—Any charging or fueling infrastructure acquired or installed with funding under this subsection shall be located along an alternative fuel corridor.

"(ii) GUIDANCE.—Not later than 90 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy charging and fueling infrastructure along alternative fuel corridors, consistent with this section.

"(iii) ADDITIONAL CONSIDERATIONS.—In developing the guidance required under clause (ii), the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider—

"(I) the distance between publicly available charging and fueling infrastructure eligible under this section;

"(II) connections to the electric grid or fuel distribution system, including electric distribution upgrades, vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the electric grid, and alignment with electric distribution interconnection processes;

"(III) plans to protect the electric grid from added load of charging distribution systems from adverse impacts of changing load patterns, including through on site storage;

"(IV) plans for the use of renewable energy sources to power charging, energy storage, and hydrogen fuel production;

"(V) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this subsection;

"(VI) the need for publicly available electric vehicle charging infrastructure in rural corridors;

"(VII) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure;

"(VIII) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives;

"(IX) fostering enhanced, coordinated, public-private or private investment in charging and fueling infrastructure;

"(X) ensuring consumer protection and pricing transparency;

"(XI) the availability of onsite amenities for vehicle operators, including restrooms or food facilities; and

"(XII) any other factors, as determined by the Secretary.

"(5) ELIGIBLE PROJECT COSTS.—Subject to paragraph (6), funds made available under this subsection may be used for—

"(A) the acquisition or installation of electric vehicle charging or hydrogen fueling infrastructure;

"(B) operating assistance for costs allocable to operating and maintaining infrastructure acquired or installed under this subsection, for a period not to exceed five years;

"(C) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to infrastructure acquired, installed, or operated under this subsection; or

"(D) on-premises signs to provide information about infrastructure acquired, installed, or operated under this subsection.

"(6) GUIDANCE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, publish guidance for public comment related to—

"(A) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this subsection;

"(B) the physical and payment interoperability of electric vehicle charging infrastructure under this subsection;

"(C) any traffic control device or on-premises sign acquired, installed, or operated under this subsection;

"(D) any data requested by the Secretary related to a project funded under this subsection, including the format and schedule for the submission of such data; and

"(E) network connectivity of electric vehicle charging that includes measures to protect personal privacy and ensure cybersecurity.

"(7) FEDERAL SHARE.—The Federal share payable for the cost of a project funded under this subsection shall be 80 percent.

"(8) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available for the Program shall be available until expended.

"(9) ADDITIONAL ASSISTANCE GRANTS.—For each of fiscal years 2023 through 2026, before making an apportionment under section 104(b)(10), the Secretary shall set aside, from amounts made available to carry out the clean corridors program under this subsection, $100,000,000 for grants to States or localities that require additional assistance to strategically deploy infrastructure eligible under this subsection along alternative fuel corridors to fill gaps in the national charging network, including in rural areas.

"(10) DEFINITION OF ALTERNATIVE FUEL CORRIDORS.—In this subsection, the term 'alternative fuel corridors' means a fuel corridor—

"(A) designated under subsection (a); or

"(B) equivalent to a fuel corridor described under such subsection that is designated, after consultation with any affected Indian Tribes or Tribal organizations, by a State or group of States.".

SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, as amended by this title, is further amended by inserting after section 171 the following:

"§ 172. Community climate innovation grants

"(a) ESTABLISHMENT.—The Secretary shall establish a community climate innovation grant program (in this section referred to as the 'Program') to make grants, on a competitive basis, for locally selected projects that reduce greenhouse gas emissions while improving the mobility, accessibility, and connectivity of the surface transportation system.

"(b) PURPOSE.—The purpose of the Program shall be to support communities in reducing greenhouse gas emissions from the surface transportation system.

"(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under the Program to the following entities:

"(1) A metropolitan planning organization.

"(2) A unit of local government or a group of local governments, or a county or multi-county special district.

"(3) A subdivision of a local government.

"(4) A transit agency.

"(5) A special purpose district with a transportation function or a port authority.

"(6) An Indian Tribe or Tribal organization.

"(7) A territory.

"(8) A multijurisdictional group of entities described in paragraphs (1) through (7).

"(d) APPLICATIONS.—To be eligible for a grant under the Program, an entity specified in subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

"(e) ELIGIBLE PROJECTS.—The Secretary may only provide a grant under the Program for a project that is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system and—

"(1) is a project eligible for assistance under this title or under chapter 53 of title 49, or is a capital project for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus; or

"(2) is a capital project as defined in section 22906 of title 49 to improve intercity passenger rail that will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

"(f) ELIGIBLE USES.—Grant amounts received for a project under the Program may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

"(g) PROJECT PRIORITIZATION.—In making grants for projects under the Program, the Secretary shall give priority to projects that are expected to yield the most significant reductions in greenhouse gas emissions from the surface transportation system.

"(h) ADDITIONAL CONSIDERATIONS.—In making grants for projects under the Program, the Secretary shall consider the extent to which—

"(1) a project maximizes greenhouse gas reductions in a cost-effective manner;

"(2) a project reduces dependence on single-occupant vehicle trips or provides additional transportation options;

"(3) a project improves the connectivity and accessibility of the surface transportation system, particularly to low- and zero-emission forms of transportation, including public transportation, walking, and bicycling;

"(4) an applicant has adequately considered or will adequately consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

"(5) a project contributes to geographic diversity among grant recipients, including to achieve a balance between urban, suburban, and rural communities;

"(6) a project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents;

"(7) a project uses pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes;

"(8) a project repurposes neglected or underused infrastructure, including abandoned highways, bridges, railways, trail ways, and adjacent underused spaces, into new hybrid forms of public space that support multiple modes of transportation; and

"(9) a project includes regional multimodal transportation system management and operations elements that will improve the effectiveness of such project and encourage reduction of single occupancy trips by providing the ability of users to plan, use, and pay for multimodal transportation alternatives.

"(i) FUNDING.—

"(1) MAXIMUM AMOUNT.—The maximum amount of a grant under the Program shall be $25,000,000.

"(2) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out the Program, the Secretary may use up to 1 percent to provide technical assistance to applicants and potential applicants.

"(j) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high-occupancy vehicle facility and is consistent with section 166.

"(l) PUBLIC COMMENT.—Prior to issuing the notice of funding opportunity for funding under this section for fiscal year 2023, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall solicit public comment on the method of determining the significant reduction in greenhouse gas emissions required under subsection (e).

"(m) CONSULTATION.—Prior to making an award under this section in a given fiscal year, the Secretary shall consult with the Administrator of the Environmental Protection Agency to determine which projects are expected to yield a significant reduction in greenhouse gas emissions as required under subsection (e).

"(n) RURAL SET-ASIDE.—

"(1) IN GENERAL.—The Secretary shall set aside not less than 10 percent of the amounts made available to carry out this section for projects located in rural areas.

"(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means all areas of a State or territory that are outside of an urbanized area with a population greater than 74,999 individuals, as determined by the Bureau of the Census.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 171 the following:

"172. Community climate innovation grants.".

SEC. 1305. METRO PERFORMANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a metro performance program in accordance with this section to enhance local decision making and provide enhanced local control in transportation project delivery.

(b) DIRECT RECIPIENT DESIGNATION.—

(1) IN GENERAL.—The Secretary shall designate high-performing metropolitan planning organizations based on the criteria in paragraph (3) to be direct recipients of funds under this section.

(2) AUTHORITY.—Nothing in this section shall be construed to prohibit a direct recipient from taking any action otherwise authorized to secure and expend Federal funds authorized under chapter 1 of title 23, United States Code.

(3) CRITERIA.—In designating an applicant under this subsection, the Secretary shall consider—

(A) the legal, financial, and technical capacity of the applicant;

(B) the level of coordination between the applicant and—

(i) the State department of transportation of the State or States in which the metropolitan planning area represented by the applicant is located;

(ii) local governments and providers of public transportation within the metropolitan planning area represented by the applicant; and

(iii) if more than one metropolitan planning organization is designated within an urbanized area represented by the applicant, any other such metropolitan planning organization;

(C) in the case of an applicant that represents an urbanized area population of greater than 200,000, the effectiveness of project delivery and timely obligation of funds made available under section 133(d)(1)(A)(i) of title 23, United States Code;

(D) if the applicant or a local government within the metropolitan planning area that the applicant represents has been the recipient of a discretionary grant from the Secretary within the preceding 5 years, the administration of such grant;

(E) the extent to which the planning and decision making process of the applicant, including the long-range transportation plan and the approved

transportation improvement program under section 134 of such title, support—

(i) the performance goals established under section 150(b) of such title; and

(ii) the achievement of metropolitan or statewide performance targets established under section 150(d) of such title;

(F) whether the applicant is a designated recipient of funds as described under subparagraphs (A) and (B) of section 5302(4) of title 49, United States Code, or a direct recipient of funds under section 5307 of such title from the Federal Transit Administration; and

(G) any other criteria established by the Secretary.

(4) REQUIREMENTS.—

(A) CALL FOR NOMINATION.—Not later than February 1, 2022, the Secretary shall publish in the Federal Register a notice soliciting applications for designation under this subsection.

(B) GUIDANCE.—The notification under paragraph (1) shall include guidance on the requirements and responsibilities of a direct recipient under this section, including implementing regulations.

(C) DETERMINATION.—The Secretary shall make all designations under this section for fiscal year 2023 not later than June 1, 2022.

(5) TERM.—Except as provided in paragraph (6), a designation under this subsection shall—

(A) be for a period of not less than 5 years; and

(B) be renewable.

(6) TERMINATION.—

(A) IN GENERAL.—The Secretary shall establish procedures for the termination of a designation under this subsection.

(B) CONSIDERATIONS.—In establishing procedures under subparagraph (A), the Secretary shall consider—

(i) with respect to projects carried out under this section, compliance with the requirements of title 23, United States Code, or chapter 53 of title 49, United States Code; and

(ii) the obligation rate of any funds—

(I) made available under this section; and

(II) in the case of a metropolitan planning organization that represents a metropolitan planning area with an urbanized area population of greater than 200,000, made available under section 133(d)(1)(A)(i) of title 23, United States Code.

(c) USE OF FUNDS.—

(1) ELIGIBLE PROJECTS.—Funds made available under this section may be obligated for the purposes described in section 133(b) of title 23, United States Code.

(2) ADMINISTRATIVE EXPENSES AND TECHNICAL ASSISTANCE.—Of the amounts made available under this section, the Secretary may set aside not more than $5,000,000 in each of fiscal years 2023 through 2026 for program management, oversight, and technical assistance to direct recipients.

(d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

(1) DIRECT AVAILABILITY OF FUNDS.—Notwithstanding title 23, United States Code, the amounts made available under this section shall be allocated to each direct recipient for obligation.

(2) DISTRIBUTION OF AMOUNTS AMONG DIRECT RECIPIENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), on the first day of the fiscal year for which funds are made available under this section, the Secretary shall allocate such funds to each direct recipient as the proportion of the population (as determined by data collected by the Bureau of the Census) of the urbanized area represented by any 1 direct recipient bears to the total population of all of urbanized areas represented by all direct recipients.

(B) MINIMUM AND MAXIMUM AMOUNTS.—Of funds allocated to direct recipients under subparagraph (A), each direct recipient shall receive not less than $10,000,000 and not more than $50,000,000 each fiscal year.

(C) MINIMUM GUARANTEED AMOUNT.—In making a determination whether to designate a metropolitan planning organization as a direct recipient under subsection (b), the Secretary shall ensure that each direct recipient receives the minimum required allocation under subparagraph (B).

(D) ADDITIONAL AMOUNTS.—If any amounts remain undistributed after the distribution described in this subsection, such remaining amounts and an associated amount of obligation limitation shall be made available as if suballocated under clauses (i) and (ii) of section 133(d)(1)(A) of title 23,

United States Code, and distributed among the States in the proportion that the relative shares of the population (as determined by data collected by the Bureau of the Census) of the urbanized areas of each State bears to the total populations of all urbanized areas across all States.

(3) PROJECT DELIVERY.—

(A) IN GENERAL.—For 1 or more projects carried out with funds provided under this section, the direct recipient may, consistent with the agreement entered into with the Secretary under this paragraph, assume the Federal-aid highway project approval and oversight responsibilities vested in the State department of transportation under section 106 of title 23, United States Code.

(B) PARTNERSHIP.—The direct recipient may partner with a State, unit of local government, regional entity, or transit agency to carry out a project under this section.

(C) PROCEDURAL, LEGAL, AND SUBSTANTIVE REQUIREMENTS.—A direct recipient entering into an agreement with the Secretary under this section shall assume responsibility for compliance with all procedural and substantive requirements as would apply if that responsibility were carried out by a State, unless the direct recipient or the Secretary determines that such assumption of responsibility for 1 or more of the procedural and substantive requirements is not appropriate.

(D) WRITTEN AGREEMENT.—The Secretary and the direct recipient shall enter into an agreement in writing relating to the extent to which the direct recipient assumes the responsibilities of the Secretary under this paragraph. Such agreement shall be developed in consultation with the State.

(E) USE OF FUNDS.—The direct recipient may use amounts made available under this section for costs incurred in implementing this paragraph and to compensate a State, unit of local government, or transit agency for costs incurred in providing assistance under this paragraph.

(F) LIMITATIONS.—The direct recipient may not assume responsibilities described in subparagraph (A) for any project that the Secretary determines to be in a high-risk category, including projects on the National Highway System.

(e) EXPENDITURE OF FUNDS.—

(1) CONSISTENCY WITH METROPOLITAN PLANNING.—Except as otherwise provided in this section, programming and expenditure of funds for projects under this section shall be consistent with the requirements of section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

(2) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Notwithstanding subsections (j)(5) and (k)(4) of section 134 of title 23, United States Code, or subsections (j)(5) and (k)(4) of section 5303 of title 49, United States Code, a direct recipient shall select, from the approved transportation improvement program under such sections, all projects to be funded under this section, including projects on the National Highway System.

(B) ELIGIBLE PROJECTS.—The project selection process described in this subsection shall apply to all federally funded projects within the boundaries of a metropolitan planning area served by a direct recipient that are carried out under this section.

(C) CONSULTATION REQUIRED.—In selecting a project under this subsection, the metropolitan planning organization shall consult with—

(i) in the case of a highway project, the State and locality in which such project is located; and

(ii) in the case of a transit project, any affected public transportation operator.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a direct recipient to partner with a State department of transportation or other recipient of Federal funds under title 23, United States Code, or chapter 53 of title 49, United States Code, to carry out a project.

(f) TREATMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in this section, funds made available to carry out this section shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be determined in accordance with section 120 of title 23, United States Code.

(g) REPORT.—

(1) DIRECT RECIPIENT REPORT.—Not later than 60 days after the end of each fiscal year, each direct recipient shall submit to the Secretary a report that includes—

(A) a list of projects funded with amounts provided under this section;

(B) a description of any obstacles to complete projects or timely obligation of funds; and

(C) recommendations to improve the effectiveness of the program under this section.

(2) REPORT TO CONGRESS.—Not later than October 1, 2024, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) summarizes the findings of each direct recipient provided under paragraph (1);

(B) describes the efforts undertaken by both direct recipients and the Secretary to ensure compliance with the requirements of title 23 and chapter 53 of title 49, United States Code;

(C) analyzes the capacity of direct recipients to receive direct allocations of funds under chapter 1 of title 23, United States Code; and

(D) provides recommendations from the Secretary to—

(i) improve the administration, oversight, and performance of the program established under this section;

(ii) improve the effectiveness of direct recipients to complete projects and obligate funds in a timely manner; and

(iii) evaluate options to expand the authority provided under this section, including to allow for the direct allocation to metropolitan planning organizations of funds made available to carry out clause (i) or (ii) of section 133(d)(1)(A) of title 23, United States Code.

(3) UPDATE.—Not less frequently than every 2 years, the Secretary shall update the report described in paragraph (2).

(h) DEFINITIONS.—

(1) DIRECT RECIPIENT.—In this section, the term "direct recipient" means a metropolitan planning organization designated by the Secretary as high-performing under subsection (b) and that was directly allocated funds as described in subsection (d).

(2) METROPOLITAN PLANNING AREA.—The term "metropolitan planning area" has the meaning given such term in section 134 of title 23, United States Code.

(3) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" has the meaning given such term in section 134 of title 23, United States Code.

(4) NATIONAL HIGHWAY SYSTEM.—The term "National Highway System" has the meaning given such term in section 101 of title 23, United States Code.

(5) STATE.—The term "State" has the meaning given such term in section 101 of title 23, United States Code.

(6) URBANIZED AREA.—The term "urbanized area" has the meaning given such term in section 134 of title 23, United States Code.

SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a gridlock reduction program to make grants, on a competitive basis, for projects to reduce, and mitigate the adverse impacts of, traffic congestion.

(b) APPLICATIONS.—To be eligible for a grant under this section, an applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(c) ELIGIBILITY.—

(1) ELIGIBLE APPLICANTS.—The Secretary may make grants under this section to an applicant that serves an eligible area and that is—

(A) a metropolitan planning organization;

(B) a unit of local government or a group of local governments;

(C) a multijurisdictional group of entities described in subparagraphs (A) and (B);

(D) a special purpose district or public authority with a transportation function, including a port authority; or

(E) a State that is in partnership with an entity or group of entities described in subparagraph (A), (B), or (C).

(2) ELIGIBLE AREA.—An eligible area for an eligible entity under paragraph (1) shall be—

(A) a combined statistical area, as defined by the Office of Management and Budget, with a population of not less than 1,300,000; or

(B) a metropolitan statistical area that is not part of a combined statistical area, as defined by the Office of Management and Budget, that has a population of not less than 750,000.

(d) ELIGIBLE PROJECTS.—The Secretary may award grants under this section to applicants that submit a comprehensive program of surface transportation-related projects to reduce traffic congestion and related adverse impacts, including a project for one or more of the following:

(1) Transportation systems management and operations, including strategies to improve the operations of high-occupancy vehicle lanes.

(2) Intelligent transportation systems to improve connectivity and innovation.

(3) Real-time traveler information.

(4) Traffic incident management.

(5) Active traffic management.

(6) Traffic signal timing.

(7) Multimodal travel payment systems.

(8) Transportation demand management, including employer-based commuting programs such as carpool, vanpool, transit benefit, parking cashout, shuttle, or telework programs.

(9) A project to provide transportation options to reduce traffic congestion, including—

(A) a project under chapter 53 of title 49, United States Code, including value capture and transit-oriented development projects;

(B) a bicycle or pedestrian project, including a project to provide safe and connected active transportation networks; and

(C) a surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

(10) Any other project, as determined appropriate by the Secretary utilizing eligible projects.

(e) AWARD PRIORITIZATION.—

(1) IN GENERAL.—In selecting grants under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent transportation congestion, as determined by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—In selecting grants under this section, the Secretary shall also consider the extent to which the project would—

(A) reduce traffic congestion and improve the reliability of the surface transportation system;

(B) mitigate the adverse impacts of traffic congestion on the surface transportation system, including safety and environmental impacts;

(C) maximize the use of existing capacity; and

(D) employ innovative, integrated, and multimodal solutions to the items described in subparagraphs (A), (B), and (C).

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section may not exceed 60 percent.

(2) MAXIMUM FEDERAL SHARE.—Federal assistance other than a grant for a project under this section may be used to satisfy the non-Federal share of the cost of such project, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

(g) USE OF FUNDS.—Funds made available for a project under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(h) FUNDING.—

(1) GRANT AMOUNT.—A grant under this section shall be in an amount not less than $10,000,000 and not more than $50,000,000.

(2) AVAILABILITY.—Funds made available under this program shall be available until expended.

(i) FREIGHT PROJECT SET-ASIDE.—

(1) IN GENERAL.—The Secretary shall set aside not less than 50 percent of the funds made available to carry out this section for grants for freight projects under this subsection.

(2) ELIGIBLE USES.—The Secretary shall provide funds set aside under this subsection to applicants that submit a comprehensive program of surface transportation-related projects to reduce freight-related traffic congestion and related adverse impacts, including—

(A) freight intelligent transportation systems;

(B) real-time freight parking information;

(C) real-time freight routing information;

(D) freight transportation and delivery safety projects;

(E) first-mile and last-mile delivery solutions;

(F) shifting freight delivery to off-peak travel times;

(G) reducing greenhouse gas emissions and air pollution from freight transportation and delivery, including through the use of innovative vehicles that produce fewer greenhouse gas emissions;

(H) use of centralized delivery locations;

(I) designated freight vehicle parking and staging areas;

(J) curb space management; and

(K) other projects, as determined appropriate by the Secretary.

(3) AWARD PRIORITIZATION.—

(A) IN GENERAL.—In providing funds set aside under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent congestion due to freight transportation, as determined by the Secretary.

(B) ADDITIONAL CONSIDERATIONS.—In providing funds set aside under this subsection, the Secretary shall consider the extent to which the proposed project—

(i) reduces freight-related traffic congestion and improves the reliability of the freight transportation system;

(ii) mitigates the adverse impacts of freight-related traffic congestion on the surface transportation system, including safety and environmental impacts;

(iii) maximizes the use of existing capacity;

(iv) employs innovative, integrated, and multimodal solutions to the items described in clauses (i) through (iii);

(v) leverages Federal funds with non-Federal contributions; and

(vi) integrates regional multimodal transportation management and operational projects that address both passenger and freight congestion.

(4) FLEXIBILITY.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

(j) REPORT.—

(1) RECIPIENT REPORT.—The Secretary shall ensure that not later than 2 years after the Secretary awards grants under this section, the recipient of each such grant submits to the Secretary a report that contains—

(A) information on each activity or project that received funding under this section;

(B) a summary of any non-Federal resources leveraged by a grant under this section;

(C) any statistics, measurements, or quantitative assessments that demonstrate the congestion reduction, reliability, safety, and environmental benefits achieved through activities or projects that received funding under this section; and

(D) any additional information required by the Secretary.

(2) REPORT TO CONGRESS.—Not later than 9 months after the date specified in paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available on a website, a report detailing—

(A) a summary of any information provided under paragraph (1); and

(B) recommendations and best practices to—

(i) reduce traffic congestion, including freight-related traffic congestion, and improve the reliability of the surface transportation system;

(ii) mitigate the adverse impacts of traffic congestion, including freight-related traffic congestion, on the surface transportation system, including safety and environmental impacts; and

(iii) employ innovative, integrated, and multimodal solutions to the items described in clauses (i) and (ii).

(k) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intention to award such a grant.

(l) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of title 23, United States Code, to a highway project;

(B) the requirements of chapter 53 of title 49, United States Code, to a public transportation project; and

(C) the requirements of section 22905 of title 49, United States Code, to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49, United States Code, shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49, United States Code, shall apply.

(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of title 23, United States Code, and sections 5320, 22905(a), and 24305(f) of title 49, United States Code, to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(m) TREATMENT OF FUNDS.—Except as provided in subsection (l), funds authorized for the purposes described in this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1307. REBUILD RURAL BRIDGES PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities.

(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, to eligible applicants in accordance with this section.

(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(d) ELIGIBLE PROJECTS.—The Secretary—

(1) shall provide grants under this section to projects eligible under title 23, United States Code, including projects on and off of the Federal-aid highway system, to inspect, replace, rehabilitate, or preserve—

(A) an off-system bridge;

(B) a bridge on Tribal land; or

(C) a bridge in poor condition located in a rural community; and

(2) may provide a grant for a bundle of bridges described in paragraph (1).

(e) ELIGIBLE PROJECT COSTS.—A recipient of a grant under this section may use such grant for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, and construction contingencies; and

(3) bridge inspection, evaluation, and preservation.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out using a grant under this section may not exceed 80 percent of the total cost of such project.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total cost of such project.

(g) CONSIDERATIONS.—In making grants under this section, the Secretary shall consider—

(1) whether the project can be completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

(2) the level of benefits the project is expected to generate, including—

(A) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

(B) reductions in maintenance costs over the life of the asset;

(C) safety benefits, including the reduction of accidents and related costs; and

(D) benefits to the economy of the rural or Tribal community.

(h) INVESTMENTS IN COLONIAS.—

(1) IN GENERAL.—Of the grants made available under this section, for fiscal years 2023 through 2026, a total of not less than $10,000,000 shall be made available to provide grants that improve the safety, state of good repair, or connectivity through bridge investments in and providing access to, colonias.

(2) COLONIA DEFINED.—In this section, the term "colonia" means any identifiable community that—

(A) is in the State of Arizona, California, New Mexico, or Texas;

(B) is in the area of the United States within 150 miles of the border between the United States and Mexico, except that the term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000;

(C) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(D) was in existence as a colonia before November 28, 1990.

(i) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

(A) a State;

(B) a metropolitan planning organization or a regional transportation planning organization;

(C) a unit of local government;

(D) a Federal land management agency;

(E) an Indian Tribe or Tribal organization;

(F) a territory; and

(G) a multijurisdictional group of entities described in subparagraph (A) through (F).

(2) OFF SYSTEM BRIDGE.—The term "off-system bridge" has the meaning given such term in section 133(f) of title 23, United States Code, (as added by this Act).

(3) RURAL COMMUNITY.—The term "rural community" means an area that is not an urbanized area, as such term is defined in section 101(a) of title 23, United States Code.

SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program under which the Secretary shall make grants, on a competitive basis, to eligible entities to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle operators.

(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(c) ELIGIBLE PROJECTS.—Projects eligible under this section are projects that—

(1) construct safety rest areas that include parking for commercial motor vehicles;

(2) construct commercial motor vehicle parking facilities—

(A) adjacent to private commercial truckstops and travel plazas;

(B) within the boundaries of, or adjacent to, a publicly owned freight facility, including a port terminal operated by a public authority; and

(C) at existing facilities, including inspection and weigh stations and park-and-ride locations;

(3) open existing weigh stations, safety rest areas, and park-and-ride facilities to commercial motor vehicle parking;

(4) facilitate access to publicly and privately provided commercial motor vehicle parking, such as through the use of intelligent transportation systems;

(5) construct turnouts along a Federal-aid highway for commercial motor vehicles;

(6) make capital improvements to public commercial motor vehicle parking facilities that are closed on a seasonal basis to allow the facilities to remain open year-round;

(7) open existing commercial motor vehicle chain-up areas that are closed on a seasonal basis to allow the facilities to remain open year-round for commercial motor vehicle parking;

(8) address commercial motor vehicle parking and layover needs in emergencies that strain the capacity of existing publicly and privately provided commercial motor vehicle parking; and

(9) make improvements to existing commercial motor vehicle parking facilities, including advanced truckstop electrification systems.

(d) USE OF FUNDS.—

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

(A) development phase activities, including planning, feasibility analysis, benefit-cost analysis, environmental review, preliminary engineering and design work, and other preconstruction activities necessary to advance a project described in subsection (c); and

(B) construction and operational improvements, as such terms are defined in section 101 of title 23, United States Code.

(2) PRIVATE SECTOR PARTICIPATION.—An eligible entity that receives a grant under this section may partner with a private entity to carry out an eligible project under this section.

(3) LIMITATION.—Not more than 10 percent of the amounts made available to carry out this section may be used to promote the availability of existing commercial motor vehicle parking.

(e) SELECTION CRITERIA.—In making grants under this section, the Secretary shall consider—

(1) in the case of construction of new commercial motor vehicle parking capacity, the shortage of public and private commercial motor vehicle parking near the project; and

(2) the extent to which each project—

(A) would increase commercial motor vehicle parking capacity or utilization;

(B) would facilitate the efficient movement of freight;

(C) would improve safety, traffic congestion, and air quality;

(D) is cost effective; and

(E) reflects consultation with motor carriers, commercial motor vehicle operators, and private providers of commercial motor vehicle parking.

(f) NOTIFICATION OF CONGRESS.—Not later than 3 business days before announcing a project selected to receive a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(g) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with subsections (b) and (c) of section 120 of title 23, United States Code.

(h) PROHIBITION ON CHARGING FEES.—To be eligible for a grant under this section, an eligible entity shall certify that no fees will be charged for the use of a project assisted with such grant.

(i) AMENDMENT TO MAP–21.—Section 1401(c)(1) of MAP–21 (23 U.S.C. 137 note) is amended—

(1) by inserting "and private providers of commercial motor vehicle parking" after "personnel"; and

(2) in subparagraph (A) by striking "the capability of the State to provide" and inserting "the availability of".

(j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

(1) UPDATE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the survey of each State required under section 1401(c)(1) of the MAP–21 (23 U.S.C. 137 note).

(2) REPORT.—Not later than 1 year after the deadline under paragraph (1), the Secretary shall publish on the website of the Department of Transportation a report that—

(A) evaluates the availability of adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

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

(C) reports on the progress being made to provide adequate commercial motor vehicle parking facilities in the State.

(3) CONSULTATION.—The Secretary shall prepare the report required under paragraph (2) in consultation with—

(A) relevant State motor carrier safety personnel;

(B) motor carriers and commercial motor vehicle operators; and

(C) private providers of commercial motor vehicle parking.

(k) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given such term in section 31132 of title 49, United States Code.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a political subdivision of a State or local government carrying out responsibilities relating to commercial motor vehicle parking; and

(E) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (D).

(3) SAFETY REST AREA.—The term "safety rest area" has the meaning given such term in section 120(c) of title 23, United States Code.

SEC. 1309. ACTIVE CONNECTED TRANSPORTATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an active connected transportation grant program to provide for safe and connected active transportation networks and active transportation connectors.

(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, in accordance with this section.

(c) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this section to—

(1) a State;

(2) a metropolitan planning organization;

(3) a regional transportation authority;

(4) a unit of local government, including a county or multi-county special district;

(5) a Federal land management agency;

(6) a natural resource or public land agency;

(7) an Indian Tribe or Tribal organization;

(8) any local or regional governmental entity with responsibility for or oversight of transportation or recreational trails; and

(9) a multistate or multijurisdictional group of entities described in this subsection.

(d) APPLICATIONS.—To be eligible for a grant under this section, an entity specified under subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(e) ELIGIBLE PROJECTS.—The Secretary shall provide grants under this section to projects that improve the connectivity and the use of active transportation facilities—

(1) including—

(A) active transportation networks;

(B) active transportation connectors; and

(C) planning related to the development of—

(i) active transportation networks;

(ii) active transportation connectors; and

(iii) vision zero plans or complete streets prioritization plans under section 1601; and

(2) that have—

(A) total project costs of not less than $15,000,000; or

(B) in the case of planning grants under subsection (f)(2), a total cost of not less than $100,000.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section for fiscal years 2023 through 2026 and except as provided in paragraph (2), the Secretary shall obligate—

(A) not less than 30 percent to eligible projects that construct active transportation networks; and

(B) not less than 30 percent to eligible projects that construct active transportation connectors.

(2) PLANNING GRANTS.—Of the amounts made available to carry out this section for fiscal years 2023 through 2026, the Secretary may use not more than 10 percent to provide planning grants to eligible applicants for activities under subsection (e)(1)(C).

(g) CONSIDERATIONS.—In making grants under this section, the Secretary shall consider the extent to which—

(1) a project is likely to provide substantial additional opportunities for active transportation, including walking and bicycling, including through the creation of—

(A) active transportation networks connecting destinations within or between communities, including between schools, workplaces, residences, businesses, recreation areas, and other community areas; and

(B) active transportation connectors connecting 2 or more communities, metropolitan areas, or States, including greenway paths;

(2) an applicant has adequately considered or will consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

(3) the project would improve safety for vulnerable road users, including through the use of complete street design policies or a safe system approach; and

(4) a project integrates active transportation facilities with public transportation services, where available, to improve access to public transportation.

(h) LIMITATION.—

(1) IN GENERAL.—The share of the cost of a project assisted with a grant under this section may not exceed 80 percent.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total project cost.

(i) ELIGIBLE PROJECT COSTS.—Amounts made available for a project under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(j) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(k) DEFINITIONS.—In this section:

(1) ACTIVE TRANSPORTATION NETWORK.—The term "active transportation network" means facilities built for alternative methods of transportation to motor vehicles for individuals, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect destinations within an area covered by a unit of local government, a county, a community, including a community on Federal lands, or a metropolitan area.

(2) ACTIVE TRANSPORTATION CONNECTOR.—The term "active transportation connector" means facilities built for alternative methods of transportation to motor vehicles for individuals, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect 2 or more active transportation networks or connect communities, areas covered by a unit of local government, counties, metropolitan areas, Federal lands, or States.

(3) GREENWAY PATH.—The term "greenway path" means an active transportation connector that—

(A) crosses jurisdictional boundaries, including State lines, and provides for connectivity between multiple communities, counties, metropolitan areas, or States; or

(B) is a component of a regionally or nationally significant network.

(4) SAFE SYSTEM APPROACH.—The term "safe system approach" has the meaning given such term in section 148(a) of title 23, United States Code.

(5) VULNERABLE ROAD USER.—The term "vulnerable road user" has the meaning given such term in section 148(a) of title 23, United States Code.

SEC. 1310. WILDLIFE CROSSINGS PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive wildlife crossings grant program (referred to in this section as the "program") to provide grants for projects that seek to achieve—

(1) a reduction in the number of wildlife-vehicle collisions; and

(2) improved habitat connectivity for terrestrial and aquatic species.

(b) ELIGIBLE ENTITIES.—The Secretary may make grants under the program to the following entities:

(1) A State.

(2) An Indian Tribe or Tribal organization.

(3) A territory.

(4) A Federal land management agency described in section 203(b) of title 23, United States Code.

(5) A group of entities described in paragraphs (1) through (4).

(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) CONSIDERATIONS.—In selecting grant recipients under the program, the Secretary shall consider the following:

(1) PRIMARY CRITERIA.—The extent to which the proposed project is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

(2) SECONDARY CRITERIA.—

(A) The resilience benefits of the project.

(B) The extent to which the project incorporates climate science, including expected changes in migration patterns.

(C) The extent to which the project sponsor has coordinated with the relevant State agency with jurisdiction over fish and wildlife, if appropriate.

(D) In the case of a project involving species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), whether the project sponsor has coordinated with the United States Fish and Wildlife Service.

(E) Other ecological benefits of the project, including—

(i) reductions in stormwater runoff and other water pollution; and

(ii) the benefits of improved habitat connectivity for pollinators and the use of natively appropriate grasses.

(F) Whether the project supports local economic development and improvement of visitation opportunities.

(G) The extent to which the project incorporates innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.

(H) The extent to which the project provides educational and outreach opportunities.

(I) Whether the project will further research to evaluate, compare effectiveness of, and identify best practices in selected projects.

(J) How the benefits compare to the costs of the project.

(K) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate.

(e) ELIGIBLE PROJECT COSTS.—Grant amounts for a project under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;

(2) construction (including construction of protective features), reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements; and

(3) planning and technical assistance activities consistent with section 5107 of title 49, United States Code, including—

(A) data collection on wildlife-vehicle collisions;

(B) integration of State, Tribal, territorial, regional, or Federal wildlife conservation plans and data collection with transportation planning and project selection;

(C) technical assistance, including workforce development training, on reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species; and

(D) education and public outreach to reduce wildlife-vehicle collisions.

(f) PARTNERSHIPS.—

(1) IN GENERAL.—A grant received under the program may be used to provide funds to an eligible partner as a subrecipient, in accordance with the terms of the project agreement and subject to the requirements of this section.

(2) ELIGIBLE PARTNER DEFINED.—In this section, the term "eligible partner" means—

(A) an eligible entity described in subsection (b);

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a regional transportation authority;

(E) a special purpose district or public authority with a transportation function, including a port authority;

(F) a non-profit entity or institution of higher education; or

(G) a Federal, Tribal, regional, State, or local governmental entity not described in subsection (b).

(g) REQUIREMENTS.—

(1) RURAL PROJECTS.—The Secretary shall reserve not less than 50 percent of the amounts made available under this section for projects located in a rural community.

(2) RESILIENCE.—A project under this section shall be designed to ensure resilience over the anticipated service life of the asset.

(3) LIMITATION.—The Secretary may not award more than 10 percent of the amounts made available under this section for grants that propose only activities described in subsection (e)(3).

(h) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(i) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall publish, on the website of the Department of Transportation, a report describing the activities under the program for the fiscal year that ends during that calendar year.

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) a detailed description of the activities carried out under the program;

(B) an evaluation of the effectiveness of the program in meeting the purposes described in subsection (b); and

(C) policy recommendations, if any, to improve the effectiveness of the program.

(j) DEFINITIONS.—In this section:

(1) PROTECTIVE FEATURES.—The term "protective features" has the meaning given such term in section 101 of title 23, United States Code.

(2) RESILIENCE.—The term "resilience" has the meaning given that term in section 101 of title 23, United States Code.

(3) RURAL COMMUNITY.—The term "rural community" means any area of a State or territory that is not an urbanized area, as such term is defined in section 101 of title 23, United States Code.

(4) SECRETARY.—The term "Secretary" has the meaning given such term in section 101 of title 23, United States Code.

(5) STATE.—The term "State" has the meaning given such term in section 101 of title 23, United States Code.

SEC. 1311. RECONNECTING NEIGHBORHOODS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a reconnecting neighborhoods program under which an eligible entity may apply for funding in order to identify, remove, replace, retrofit, or remediate the effects from eligible facilities and restore or improve connectivity, mobility, and access in disadvantaged and underserved communities, including—

(1) studying the feasibility and impacts of removing, retrofitting, or remediating the effects on community connectivity from an existing eligible facility;

(2) conducting preliminary engineering and final design activities for a project to remove, retrofit, or remediate the effects on community connectivity from an existing eligible facility;

(3) conducting construction activities necessary to carry out a project to remove, retrofit, or remediate the effects on community connectivity from an existing eligible facility; and

(4) ensuring any activities carried out under this section—

(A) focus on improvements that will benefit the populations impacted by or previously displaced by the eligible facility; and

(B) emphasize equity by garnering community engagement, avoiding future displacement, and ensuring local participation in the planning process.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may award a planning grant or a capital construction grant to—

(A) a State;

(B) a unit of local government;

(C) an Indian Tribe or Tribal organization;

(D) a territory;

(F) a metropolitan planning organization;

(G) a transit agency;

(H) a special purpose district with a transportation function; and

(I) a group of entities described in this paragraph.

(2) PARTNERSHIPS.—An eligible entity may enter into an agreement with the following entities to carry out the eligible activities under this section:

(A) A nonprofit organization.

(B) An institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), including historically black colleges and universities, defined as the term "Predominantly Black institution" is defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(c) PLANNING GRANTS.—

(1) IN GENERAL.—The Secretary may award grants (referred to in this section as a "planning grants") to carry out planning activities described in paragraph (2).

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, or remediating an existing eligible facility to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, or remediation and the surrounding street network;

(ii) the capacity of existing transportation networks to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, or remediation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, or remediation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, or remediate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a roadway design or use that increases safety, mobility, and access for all users, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility; and

(vii) the environmental impacts of retaining or reconstructing the eligible facility and the anticipated effect of the proposed alternative use or roadway design;

(B) public engagement activities to provide opportunities for public input into a plan to remove, replace, retrofit, or remediate the effects from an eligible facility, including—

(i) building organizational or community capacity to, and educating community members on how to, engage in and contribute to eligible planning activities described in subsection (c)(2);

(ii) identifying community needs and desires for community improvements and developing community driven solutions in carrying out eligible planning activities described in subsection (c)(2);

(iii) conducting assessments of equity, mobility and access, environmental justice, affordability, economic opportunity, health outcomes, and other local goals to be used in carrying out eligible planning activities described in subsection (c)(2); and

(iv) forming a community advisory board in accordance with subsection (d)(7);

(C) other transportation planning activities required in advance of a project to remove, retrofit, or remediate an existing eligible facility to restore community connectivity, as determined by the Secretary;

(D) evaluating land use and zoning changes necessary to improve equity and maximize transit-oriented development in connection with project eligible for a capital construction grant, including activities eligible under section 5327 of title 49, United States Code; and

(E) establishment of anti-displacement and equitable neighborhood revitalization strategies in connection with project eligible for a capital construction grant, including establishment of a community land trust for land acquisition, land banking, and equitable transit-oriented development.

(3) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity.

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to conduct transportation planning; and

(ii) to identify innovative solutions to challenges posed by existing eligible facilities, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants;

(ii) technical assistance under paragraph (3); and

(iii) the activities would benefit populations impacted by or previously displaced by an eligible facility; and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(ii) on the basis of preliminary assessment into the feasibility of removing, retrofitting, or remediating the eligible facility to restore community connectivity, and increase safety, mobility, and access for all users, further planning activities are necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed $2,000,000 for any recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used may not exceed 80 percent.

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award grants (referred to in this section as a "capital construction grants") to eligible entities to carry out eligible projects described in paragraph (3).

(2) PARTNERSHIPS.—In the case that the owner of an eligible facility that is the subject of the capital construction grant is not an eligible entity, an eligible entity shall demonstrate the existence of a partnership with the owner of the eligible facility.

(3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction grant includes the following:

(A) The removal, retrofit, or remediation of the effects on community connectivity from of an eligible facility.

(B) The replacement of an eligible facility with a new facility that—

(i) restores community connectivity;

(ii) employs context sensitive solutions appropriate for the surrounding community; and

(iii) is otherwise eligible for funding under title 23, United States Code.

(C) Support for community partnerships, including a community advisory board described under paragraph (7), in connection with a capital construction grant awarded under this subsection.

(D) Other activities required to remove, replace, retrofit, or remediate an existing eligible facility, as determined by the Secretary.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for capital construction grants;

(B) evaluate applications on the basis of—

(i) the degree to which the project will improve mobility and access through the removal of barriers;

(ii) the appropriateness of removing, retrofitting, or remediating the effects on community connectivity from the eligible facility, based on current traffic patterns and the ability of the project and the regional transportation network to absorb transportation demand and provide safe mobility and access;

(iii) the impact of the project on freight movement;

(iv) the results of a cost-benefit analysis of the project;

(v) the extent to which the grantee has plans for inclusive economic development in place, including the existing land use and whether the zoning provides for equitable and transit-oriented development of underutilized land;

(vi) the degree to which the eligible facility is out of context with the current or planned land use;

(vii) the results of any feasibility study completed for the project;

(viii) whether the eligible facility is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ix) whether the project is consistent with the relevant long-range transportation plan and included in the relevant statewide transportation improvement program;

(x) whether the project is consistent with, and how the project would impact, the relevant transportation performance management targets; and

(xi) the extent to which the project benefits populations impacted by or previously displaced by the eligible facility;

(C) ensure that the project has conducted sufficient community engagement, such as the activities described in subsection (c)(2)(B); and

(D) ensure that the jurisdiction in which the eligible facility is located has an anti-displacement policy or a community land trust in place.

(5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not less than $5,000,000 for each recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the total cost of a project carried out using a capital construction grant may not exceed 80 percent.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which, if formed, shall—

(i) facilitate community engagement with respect to the project; and

(ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

(B) MEMBERSHIP.—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

(i) the community, including residents in the immediate vicinity of the project;

(ii) owners of businesses that serve the community;

(iii) labor organizations that represent workers that serve the community;

(iv) State and local government; and

(v) private and non-profit organizations that represent local community development.

(C) DIVERSITY.—The community advisory board shall be representative of the community served by the project.

(e) PRIORITIES.—In selecting recipients of planning grants, capital construction grants, and technical assistance under this section, the Secretary shall give priority to—

(1) an application from a community that is economically disadvantaged, including an environmental justice community, an underserved community, or a community located in an area of persistent poverty (as such term is defined in section 101 of title 23, United States Code); and

(2) an eligible entity that has—

(A) entered into a community benefits agreement with representatives of the community or formed a community advisory board under paragraph (7) of subsection (d);

(B) demonstrated a plan for employing residents in the area impacted by the activity or project through targeted hiring programs; and

(C) demonstrated a plan for improving transportation system access.

(f) ADMINISTRATIVE EXPENSES.—Of amounts made available to carry out this section, the Secretary may set aside not more than $5,000,000 in each fiscal year for the costs of administering the program under this section.

(g) TECHNICAL ASSISTANCE.—Of amounts made available to carry out this section, the Secretary may set aside not more than $5,000,000 in each fiscal year to provide technical assistance to eligible entities under subsection (c)(3).

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) identifies and creates an online mapping tool showing any examples of potential projects to remove eligible facilities, and assesses the potential impacts of carrying out such projects; and

(2) assesses projects funded under subsection (d) to provide best practices.

(i) DEFINITIONS.—In this section:

(1) ANTI-DISPLACEMENT POLICY.—The term "anti-displacement policy" means a policy that limits the displacement of low-income, disadvantaged, and underserved communities from neighborhoods due to new investments in housing, businesses, and infrastructure.

(2) COMMUNITY LAND TRUST.—The term "community land trust" means a nonprofit organization established or with the responsibility, as applicable—

(A) to develop the real estate created by the removal or capping of an eligible facility; and

(B) to carry out anti-displacement or community development strategies, including—

(i) affordable housing preservation and development;

(ii) homeownership and property improvement programs;

(iii) the development or rehabilitation of park space or recreation facilities; and

(iv) community revitalization and economic development projects.

(3) ELIGIBLE FACILITY.—

(A) IN GENERAL.—The term "eligible facility" means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

(B) INCLUSIONS.—In this section, the term "eligible facility" may include—

(i) a limited access highway;

(ii) a railway;

(iii) a viaduct;

(iv) a principal arterial facility; or

(v) any other transportation facility for which the high speeds, grade separation, or other design factors create an obstacle to connectivity.

SEC. 1312. APPRENTICESHIP UTILIZATION.

(a) IN GENERAL.—

(1) CERTIFICATION REQUIREMENT.—To receive a grant under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act, each applicant shall include in a grant application a certification that such applicant will ensure that any contractor or subcontractor utilized in carrying out activities with such grant—

(A) meets or exceeds the apprenticeship employment goal; and

(B) to the extent practicable, employs qualified apprentices from traditionally underrepresented populations, including women and minorities, in meeting or exceeding such goal.

(2) EXCEPTIONS.—The Secretary may adjust the requirements of this section if the grant applicant—

(A) demonstrates a lack of availability of qualified apprentices in a specific geographic area; or

(B) makes a good faith effort to comply with the requirements of this section.

(b) REGULATIONS.—The Secretary shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the requirements of this section, including reporting requirements for applicants awarded a grant.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the utilization of qualified apprentices for projects carried out under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act, that includes—

(1) the total number of labor hours fulfilled by qualified apprentices;

(2) the total number of qualified apprentices employed;

(3) the total number of grant recipients that met or exceeded the apprenticeship employment goal; and

(4) best practices utilized by grant recipients that met or exceeded the apprenticeship employment goal.

(d) PUBLIC TRANSPARENCY.—At the end of each fiscal year, the Secretary shall make available on a public website information on the utilization of qualified apprentices in the preceding fiscal year for each grant program under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act, including—

(1) the total number of grant applicants that certified they would be able to meet or exceed the apprenticeship employment goal under subsection (a); and

(2) the total number of grants awarded for which applicants certified they would be able to meet or exceed the apprenticeship employment goal.

(e) DEFINITIONS.—In this section:

(1) APPRENTICESHIP EMPLOYMENT GOAL.—The term "apprenticeship employment goal" means the utilization of qualified apprentices for not less than 15 percent of the total labor hours used for construction activities for a project.

(2) QUALIFIED APPRENTICE.—The term "qualified apprentice" means an employee participating in an apprenticeship program that—

(A) is registered with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by such Office of Apprenticeship pursuant to the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act"); and

(B) satisfies the requirements of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

Subtitle D—Planning, Performance Management, and Asset Management

SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "resiliency needs while minimizing transportation-related fuel consumption and air pollution" and inserting "resilience and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions";

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).";

(3) in subsection (c)—

(A) in paragraph (1) by striking "and transportation improvement programs" and inserting "and TIPs"; and

(B) by adding at the end the following:

"(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.";

(4) in subsection (d)—

(A) in paragraph (2) by striking "Not later than 2 years after the date of enactment of MAP–21, each" and inserting "Each";

(B) in paragraph (3) by adding at the end the following:

"(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

"(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

"(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

"(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).";

(C) in paragraph (6)(B) by striking "paragraph (2)" and inserting "paragraphs (2) or (3)(D)"; and

(D) in paragraph (7)—

(i) by striking "an existing metropolitan planning area" and inserting "an urbanized area"; and

(ii) by striking "the existing metropolitan planning area" and inserting "the area";

(5) in subsection (g)—

(A) in paragraph (1) by striking "a metropolitan area" and inserting "an urbanized area";

(B) in paragraph (2) by striking "MPOS" and inserting "METROPOLITAN PLANNING AREAS";

(C) in paragraph (3)(A) by inserting "emergency response and evacuation, climate change adaptation and resilience," after "disaster risk reduction,"; and

(D) by adding at the end the following:

"(4) COORDINATION BETWEEN MPOS.—

"(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

"(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(6) in subsection (h)(1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;";

(B) in subparagraph (I)—

(i) by inserting ", sea level rise, extreme weather, and climate change" after "stormwater"; and

(ii) by striking "and" at the end;

(C) by redesignating subparagraph (J) as subparagraph (M); and

(D) by inserting after subparagraph (I) the following:

"(J) support emergency management, response, and evacuation and hazard mitigation;

"(K) improve the level of transportation system access;

"(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and";

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets es-

tablished under section 150(d), the improvement of transportation system access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.";

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting "reduce greenhouse gas emissions and" before "restore and maintain";

(B) in paragraph (2)(G) by inserting "and climate change" after "infrastructure to natural disasters";

(C) in paragraph (2)(H) by inserting "greenhouse gas emissions," after "pollution,";

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

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

"(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

"(i) State conservation plans or maps; and

"(ii) inventories of natural or historic resources."; and

(E) by amending paragraph (6)(C) to read as follows:

"(C) METHODS.—

"(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) hold any public meetings at convenient and accessible locations and times;

"(II) employ visualization techniques to describe plans; and

"(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(9) in subsection (j) by striking "transportation improvement program" and inserting "TIP" each place it appears; and

(10) by striking "Federally" each place it appears and inserting "federally".

SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "statewide transportation improvement program" and inserting "STIP";

(B) in paragraph (2)—

(i) by striking "The statewide transportation plan and the" and inserting the following:

"(A) IN GENERAL.—The statewide transportation plan and the";

(ii) by striking "transportation improvement program" and inserting "STIP"; and

(iii) by adding at the end the following:

"(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases."; and

(C) in paragraph (3) by striking "transportation improvement program" and inserting "STIP";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting "reduce greenhouse gas emissions," after "promote energy conservation,";

(II) by inserting "and public health" after "improve the quality of life"; and

(III) by inserting ", including housing and land use patterns" after "economic development patterns";

(ii) in subparagraph (I)—

(I) by inserting ", sea level rise, extreme weather, and climate change" after "mitigate stormwater"; and

(II) by striking "and" after the semicolon;

(iii) by redesignating subparagraph (J) as subparagraph (M); and

(iv) by inserting after subparagraph (I) the following:

"(J) facilitate emergency management, response, and evacuation and hazard mitigation;

"(K) improve the level of transportation system access;

"(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

"(i) the national goals described in section 150(b);

"(ii) the consideration of transportation system access (consistent with section 150(f));

"(iii) the achievement of statewide targets established under section 150(d); and

"(iv) the general purposes described in section 5301 of title 49."; and

(ii) in subparagraph (D) by striking "statewide transportation improvement program" and inserting "STIP"; and

(C) in paragraph (3) by striking "statewide transportation improvement program" and inserting "STIP";

(3) in subsection (e)(3) by striking "transportation improvement program" and inserting "STIP";

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

(ii) by amending clause (ii) to read as follows:

"(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

"(I) State and tribal conservation plans or maps; and

"(II) inventories of natural or historic resources.";

(B) in paragraph (3)(B)—

(i) by striking "In carrying out" and inserting the following:

"(i) IN GENERAL.—in carrying out";

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(C) in paragraph (4)(A) by inserting "reduce greenhouse gas emissions and" after "potential to"; and

(D) in paragraph (8) by inserting "greenhouse gas emissions," after "pollution,";

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking "statewide transportation improvement program" and inserting "STIP";

(B) in paragraph (3) by striking "operators),," and inserting "operators),";

(C) in paragraph (4) by striking "statewide transportation improvement program" and inserting "STIP" each place it appears;

(D) in paragraph (5)—

(i) in subparagraph (A) by striking "transportation improvement program" and inserting "STIP";

(ii) in subparagraph (B)(ii) by striking "metropolitan transportation improvement program" and inserting "TIP";

(iii) in subparagraph (C) by striking "transportation improvement program" and inserting "STIP" each place it appears;

(iv) in subparagraph (E) by striking "transportation improvement program" and inserting "STIP";

(v) in subparagraph (F)(i) by striking "transportation improvement program" and inserting "STIP" each place it appears;

(vi) in subparagraph (G)(ii) by striking "transportation improvement program" and inserting "STIP"; and

(vii) in subparagraph (H) by striking "transportation improvement program" and inserting "STIP";

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking "transportation improvement program" and inserting "STIP"; and

(II) by striking "and projects carried out under the bridge program or the Interstate maintenance program"; and

(ii) in subparagraph (B)—

(I) by striking "or under the bridge program or the Interstate maintenance program";

(II) by striking "5310, 5311, 5316, and 5317" and inserting "5310 and 5311"; and

(III) by striking "statewide transportation improvement program" and inserting "STIP";

(F) in paragraph (7)—

(i) in the heading by striking "TRANSPORTATION IMPROVEMENT PROGRAM" and inserting "STIP"; and

(ii) by striking "transportation improvement program" and inserting "STIP";

(G) in paragraph (8) by striking "statewide transportation plans and programs" and inserting "statewide transportation plans and STIPs"; and

(H) in paragraph (9) by striking "transportation improvement program" and inserting "STIP";

(6) in subsection (h)(2)(A) by striking "Not later than 5 years after the date of enactment of the MAP–21," and inserting "Not less frequently than once every 4 years,";

(7) in subsection (k) by striking "transportation improvement program" and inserting "STIP" each place it appears; and

(8) in subsection (m) by striking "transportation improvement programs" and inserting "STIPs".

SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.

(a) IN GENERAL.—Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by inserting "or elimination" after "significant reduction";

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and reduce the climate impacts of the transportation system.";

(2) in subsection (c)—

(A) in paragraph (1) by striking "Not later than 18 months after the date of enactment of the MAP–21, the Secretary" and inserting "The Secretary"; and

(B) by adding at the end the following:

"(7) GREENHOUSE GAS EMISSIONS.—The Secretary shall establish, in consultation with the Administrator of the Environmental Protection Agency, measures for States to use to assess—

"(A) carbon dioxide emissions per capita on public roads;

"(B) carbon dioxide emissions using different parameters than described in subparagraph (A) that the Secretary determines to be appropriate; and

"(C) any other greenhouse gas emissions on public roads that the Secretary determines to be appropriate.";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each" and inserting "Each"; and

(ii) by striking "and (6)" and inserting "(6), and (7)"; and

(B) by adding at the end the following:

"(3) REGRESSIVE TARGETS.—

"(A) IN GENERAL.—A State may not establish a regressive target for the measures described under paragraph (4) or paragraph (7) of subsection (c).

"(B) REGRESSIVE TARGET DEFINED.—In this paragraph, the term 'regressive target' means a target that fails to demonstrate constant or improved performance for a particular measure.";

(4) in subsection (e)—

(A) by striking "Not later than 4 years after the date of enactment of the MAP–21 and biennially thereafter, a" and inserting "A"; and

(B) by inserting "biennial" after "the Secretary a"; and

(5) by adding at the end the following:

"(f) TRANSPORTATION SYSTEM ACCESS.—

"(1) IN GENERAL.—The Secretary shall establish measures for States and metropolitan planning organizations to use to assess the level of safe, reliable, and convenient transportation system access to—

"(A) employment; and

"(B) services.

"(2) CONSIDERATIONS.—The measures established pursuant to paragraph (1) shall include the ability for States and metropolitan planning organizations to assess—

"(A) the change in the level of transportation system access for various modes of travel, including connection to other modes of transportation, that would result from new transportation investments;

"(B) the level of transportation system access for economically disadvantaged communities, including to affordable housing; and

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

"(3) DEFINITION OF SERVICES.—In this subsection, the term 'services' includes healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.".

(b) METROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 134 of title 23, United States Code, is further amended—

(1) in subsection (j)(2)(D)—

(A) by striking "PERFORMANCE TARGET ACHIEVEMENT" in the heading and inserting "PERFORMANCE MANAGEMENT";

(B) by striking "The TIP" and inserting the following:

"(i) IN GENERAL.—The TIP"; and

(C) by adding at the end the following:

"(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas that represent an urbanized area designated as a transportation management area under subsection (k), the TIP shall include—

"(I) a discussion of the anticipated effect of the TIP toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to such performance targets; and

"(II) a description of how the anticipated effect of the TIP would improve the overall level of transportation system access, consistent with section 150(f).";

(2) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking "shall address congestion management" and inserting the following: "shall address—

"(i) congestion management";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f), that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49."; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking "; and" and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f).."; and

(3) in subsection (l)(2)—

(A) by striking "5 years after the date of enactment of the MAP–21" and inserting "2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter";

(B) in subparagraph (C) by striking "and whether metropolitan planning organizations are developing meaningful performance targets; and" and inserting a semicolon; and

(C) by striking subparagraph (D) and inserting the following:

"(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B)); and

"(E) the progress of implementing the measure established under section 150(f).".

(c) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 135(g)(4) of title 23, United States Code, is further amended—

(1) by striking "PERFORMANCE TARGET ACHIEVEMENT" in the heading and inserting "PERFORMANCE MANAGEMENT";

(2) by striking "shall include, to the maximum extent practicable, a discussion" and inserting the following: "shall include—

"(A) a discussion";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f).".

(d) METROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (j)(2)(D)—

(A) by striking "PERFORMANCE TARGET ACHIEVEMENT" and inserting "PERFORMANCE MANAGEMENT";

(B) by striking "The transportation improvement plan" and inserting the following:

"(i) IN GENERAL.—The TIP"; and

(C) by adding at the end the following:

"(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas that represent an urbanized area 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) of title 23.";

(2) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking "shall address congestion management" and inserting the following: "shall address—

"(i) congestion management";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f) of title 23, that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this chapter and title 23."; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking "; and" and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f) of title 23."; and

(3) in subsection (l)(2)—

(A) by striking "5 years after the date of enactment of the Federal Public Transportation Act of 2012" and inserting "2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter";

(B) in subparagraph (C) by striking "and whether metropolitan planning organizations are developing meaningful performance targets; and" and inserting a semicolon; and

(C) by striking subparagraph (D) and inserting the following:

"(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B) of title 23); and

"(E) the progress of implementing the measure established under section 150(f) of title 23.".

(e) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5304(g)(4) of title 49, United States Code, is amended—

(1) by striking "PERFORMANCE TARGET ACHIEVEMENT" and inserting "PERFORMANCE MANAGEMENT";

(2) by striking "shall include, to the maximum extent practicable, a discussion" and inserting the following: "shall include—

"(A) a discussion";

(3) by striking the period at the end and inserting "; and";

(4) by striking "statewide transportation improvement program" and inserting "STIP" each place it appears; and

(5) by adding at the end the following:

"(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f) of title 23.".

(f) SAVINGS CLAUSE.—

(1) REGRESSIVE TARGETS.—The prohibition in the amendment made by subsection (a)(3)(B) shall apply to States beginning on the date that is 1 year before the subsequent State target and reporting deadlines related to safety performance management established pursuant to section 150 of title 23, United States Code.

(2) ACCESS PLANNING REQUIREMENTS.—The requirements in the amendments made by subsections (b), (c), (d), and (e) shall apply beginning on the date on which the requirements for the measure described in section 150(f) of title 23, United States Code, take effect.

(g) DEVELOPMENT OF GREENHOUSE GAS MEASURE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out paragraph (7) of section 150(c) of title 23, United States Code, as added by this Act.

(h) DEVELOPMENT OF TRANSPORTATION SYSTEM ACCESS MEASURE.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group to assess the provisions of paragraphs (1) and (2) of section 150(f) and make recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access for various modes of travel, consistent with section 150(f) of title 23, United States Code.

(2) MEMBERS.—The working group established pursuant to paragraph (1) shall include representatives from—

(A) the Department of Transportation;

(B) State departments of transportation, including representatives that specialize in pedestrian and bicycle safety;

(C) the Bureau of Transportation Statistics;

(D) metropolitan planning organizations representing transportation management areas (as those terms are defined in section 134 of title 23, United States Code);

(E) other metropolitan planning organizations or local governments;

(F) providers of public transportation;

(G) nonprofit entities related to transportation, including relevant safety groups;

(H) experts in the field of transportation access data; and

(I) any other stakeholders, as determined by the Secretary.

(3) REPORT.—

(A) SUBMISSION.—Not later than 1 year after the establishment of the working group pursuant to paragraph (1), the working group shall submit to the Secretary a report of recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access, consistent with section 150(f) of title 23, United States Code.

(B) PUBLICATION.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall publish the report on a publicly accessible website of the Department of Transportation.

(4) RULEMAKING.—Not later than 2 years after the date on which the Secretary receives the report under paragraph (3), the Secretary shall issue such regulations as are necessary to implement the requirements of section 150(f) of title 23, United States Code.

(5) TERMINATION.—The Secretary shall terminate the working group established pursuant to paragraph (1) on the date on which the regulation issued pursuant to paragraph (4) takes effect.

(i) TRANSPORTATION SYSTEM ACCESS DATA.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary of Transportation establishes the measure required under section 150(f) of title 23, United States Code, the Secretary shall develop or procure eligible transportation system access data sets and analytical tools and make such data sets and analytical tools available to State departments of transportation and metropolitan planning areas that represent transportation management areas.

(2) REQUIREMENTS.—An eligible transportation system access data set and analytical tool shall have the following characteristics:

(A) The ability to quantify the level of safe, reliable, and convenient transportation system access to—

(i) employment;

(ii) services; and

(iii) connections to other modes of transportation.

(B) The ability to quantify transportation system access for various modes of travel, including—

(i) driving;

(ii) public transportation;

(iii) walking (including conveyance for persons with disabilities); and

(iv) cycling (including micromobility).

(C) The ability to disaggregate the level of transportation system access by various transportation modes by a variety of population categories, including—

(i) low-income populations;

(ii) minority populations;

(iii) age;

(iv) disability; and

(v) geographical location.

(D) The ability to assess the change in the level of transportation system access that would result from new transportation investments.

(3) CONSIDERATION.—An eligible transportation system access data set and analytical tool shall take into consideration safe and connected networks for walking, cycling, and persons with disabilities.

(j) DEFINITIONS.—In this section:

(1) TRANSPORTATION SYSTEM ACCESS.—The term "transportation system access" has the meaning given such term in section 101 of title 23, United States Code.

(2) SERVICES.—The term "services" has the meaning given such term in section 150(f) of title 23, United States Code.

SEC. 1404. TRANSPORTATION DEMAND DATA AND MODELING STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study on transportation demand data and modeling, including transportation demand forecasting, and make recommendations for developing and utilizing transportation and traffic demand models with a demonstrated record of accuracy.

(2) CONTENTS.—In carrying out the study under this section, the Secretary shall—

(A) collect observed transportation demand data and transportation demand forecasts from States and metropolitan planning organizations, including data and forecasts on—

(i) traffic counts;

(ii) transportation mode share and public transportation ridership; and

(iii) vehicle occupancy measures;

(B) compare the transportation demand forecasts with the observed transportation demand data gathered under subparagraph (A), including an analysis of the level of accuracy of forecasts and possible reasons for large discrepancies; and

(C) use the information described in subparagraphs (A) and (B) to—

(i) develop best practices and guidance for States and metropolitan planning organizations to use in forecasting transportation demand for future investments in transportation improvements;

(ii) evaluate the impact of transportation investments, including new roadway capacity, on transportation behavior and transportation demand, including public transportation ridership, induced highway transportation, and congestion;

(iii) support more accurate transportation demand forecasting by States and metropolitan planning organizations;

(iv) enhance the capacity of States and metropolitan planning organizations to—

(I) forecast transportation demand; and

(II) track observed transportation behavior responses, including induced transportation, to changes in transportation capacity, pricing, and land use patterns; and

(v) develop transportation demand management strategies to maximize the efficiency of the transportation system, improve mobility, reduce congestion, and lower vehicle emissions.

(3) COVERED ENTITIES.—In carrying out the study under this section, the Secretary shall ensure that data and forecasts described in paragraph (2)(A) are collected from—

(A) States;

(B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer; and

(C) metropolitan planning organizations that serve an area with a population of over 200,000 people.

(4) WORKING WITH THE PRIVATE SECTOR.—In carrying out this section, the Secretary may, and is encouraged to, procure additional data as necessary from university transportation centers, private sector providers, and other entities as is needed and may use funds authorized under section 503(b) of title 23, United States Code, for carrying out this paragraph.

(5) WORKING WITH AFFECTED COMMUNITIES.—In carrying out this section, the Secretary shall consult with, and collect data and input from, representatives of—

(A) the Department of Transportation;

(B) State departments of transportation;

(C) metropolitan planning organizations;

(D) local governments;

(E) providers of public transportation;

(F) nonprofit entities related to transportation, including safety, cycling, disability, and equity groups; and

(G) any other stakeholders, as determined by the Secretary.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the study conducted under subsection (a).

(c) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of transportation plans, models, and demand forecasts.

(d) UPDATE GUIDANCE AND REGULATIONS.—The Secretary shall—

(1) update Department of Transportation guidance and procedures to utilize best practices documented throughout the Federal program; and

(2) ensure that best practices included in the report are incorporated into appropriate regulations as such regulations are updated.

(e) CONTINUING IMPROVEMENT.—The Secretary shall set out a process to repeat the study under this section every 2 years as part of the conditions and performance report, including—

(1) progress in the accuracy of model projections;

(2) further recommendations for improvement; and

(3) further changes to guidance, regulation, and procedures required for the Department of Transportation to adopt best practices.

SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as "beyond the first 4 years".

Subtitle E—Federal Lands, Tribes, and Territories

SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Section 165 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ANNUAL ALLOCATION.—For the Puerto Rico and territorial highway program, there shall be made available—

"(1) $340,000,000 for the Puerto Rico highway program under subsection (b) for each of fiscal years 2023 through 2026; and

"(2) for the territorial highway program under subsection (c)—

"(A) $113,044,097 for fiscal year 2023;

"(B) $114,961,294 for fiscal year 2024;

"(C) $117,190,719 for fiscal year 2025; and

"(D) $119,237,332 for fiscal year 2026.";

(2) in subsection (b)(2) by adding at the end the following:

"(D) TRANSFERABILITY.—Of the amounts described in clauses (i) and (ii) of subparagraph (C) for the Puerto Rico highway program, Puerto Rico may transfer not to exceed 50 percent in a fiscal year of such amounts for activities described in clause (iii) of such subparagraph.".

(3) in subsection (c)(6)(A)—

(A) by redesignating clauses (iv), (v), (vi), and (vii) as clauses (v), (vi), (vii), and (viii), respectively; and

(B) by inserting after clause (iii) the following:

"(iv) Ferry boats and terminal facilities that are privately or majority privately owned, in accordance with paragraphs (1), (2), (4), (5), (6), and (7) of section 129(c), that provide a substantial public benefit."; and

(4) by adding at the end the following:

"(d) PARTICIPATION OF TERRITORIES IN DISCRETIONARY PROGRAMS.—For any program in which the Secretary may allocate funds out of the Highway Trust Fund (other than the Mass Transit Account) to a State at the discretion of the Secretary, the Secretary may allocate funds to one or more territory for any project or activity that otherwise would be eligible under such program if such project or activity was being carried out in a State.".

(b) ACCESS AND DEVELOPMENT ROADS.—Section 118(d) of title 23, United States Code, is amended by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, and any other territory of the United States".

SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking "improving deficient" and inserting "the construction and reconstruction of";

(B) in paragraph (2)—

(i) in subparagraph (A) by inserting "construct," after "project to"; and

(ii) in subparagraph (B)—

(I) by striking "deficient"; and

(II) by inserting "in poor condition" after "facility bridges"; and

(C) in paragraph (3)—

(i) in the heading by striking "ELIGIBLE BRIDGES" and inserting "ELIGIBILITY FOR EXISTING BRIDGES";

(ii) by striking "a bridge" and inserting "an existing bridge"; and

(iii) in subparagraph (C) by striking "structurally deficient or functionally obsolete" and inserting "in poor condition"; and

(2) in subsection (e) by striking "for eligible projects described in section 148(a)(4)." and inserting the following: "for—

"(A) eligible projects described in section 148(a)(4);

"(B) projects to promote public awareness and education concerning highway safety matters (including bicycle, all-terrain, motorcyclist, and pedestrian safety); or

"(C) projects to enforce highway safety laws.".

SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

(a) TRIBAL TRANSPORTATION PROGRAM.—Section 202 of title 23, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Before making any distribution under subsection (b), the Secretary shall set aside $50,000,000 from the funds made available under the tribal transportation program for each fiscal year to carry out the Tribal High Priority Projects program under section 1123 of MAP–21 (23 U.S.C. 202 note).".

(b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123 of MAP–21 (23 U.S.C. 202 note) is amended—

(1) in subsection (a)(1)(C) by striking "required by that section" and inserting "required under such program";

(2) in subsection (b)(1) by striking "use amounts made available under subsection (h) to";

(3) in subsection (d)—

(A) in paragraph (2) by inserting ", in consultation with the Secretary of the Interior," after "The Secretary"; and

(B) in paragraph (3) by striking "of the Interior" each place it appears;

(4) in subsection (f) by striking "$1,000,000" and inserting "$5,000,000";

(5) in subsection (g) by striking "and the Secretary" and inserting "or the Secretary"; and

(6) by striking subsection (h) and inserting the following:

"(h) ADMINISTRATION.—The funds made available to carry out this section shall be administered in the same manner as funds made available for the Tribal transportation program under section 202 of title 23, United States Code.".

SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 203(a) of title 23, United States Code, is amended by adding at the end the following:

"(6) TRANSFER FOR HIGH-COMMUTER CORRIDORS.—

"(A) REQUEST.—If the head of a covered agency determines that a high-commuter corridor requires additional investment, based on the criteria described in subparagraph (D), the head of a covered agency, with respect to such corridor, shall submit to the State—

"(i) information on condition of pavements and bridges;

"(ii) an estimate of the amounts needed to bring such corridor into a state of good repair, taking into consideration any planned future investments; and

"(iii) at the discretion of the head of a covered agency, a request that the State transfer to the covered agency, under the authority of section 132 or section 204, or to the Federal Highway Administration, under the authority of section 104, a portion of such amounts necessary to address the condition of the corridor.

"(B) STATE RESPONSE.—Not later than 45 days after the date of receipt of the request described in subparagraph (A)(iii), the State shall—

"(i) approve the request;

"(ii) deny the request and explain the reasons for such denial; or

"(iii) request any additional information necessary to take action on the request.

"(C) NOTIFICATION TO THE SECRETARY.—The head of a covered agency shall provide to the Secretary a copy of any request described under subparagraph (A)(iii) and response described under subparagraph (B).

"(D) CRITERIA.—In making a determination under subparagraph (A), the head of a covered agency, with respect to the corridor, shall consider—

"(i) the condition of roads, bridges, and tunnels; and

"(ii) the average annual daily traffic.

"(E) DEFINITIONS.—In this paragraph:

"(i) COVERED AGENCY.—The term 'covered agency' means a Federal agency eligible to receive funds under this section, section 203, or section 204, including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management.

"(ii) HIGH-COMMUTER CORRIDOR.—The term 'high-commuter corridor' means a Federal lands transportation facility that has an average annual daily traffic of not less than 20,000 vehicles.".

(b) GAO STUDY REGARDING NPS MAINTENANCE.—

(1) STUDY.—The Comptroller General of the United States shall study the National Park Service maintenance prioritization of Federal lands transportation facilities.

(2) CONTENTS.—At minimum, the study under paragraph (1) shall examine—

(A) general administrative maintenance of the National Park Service;

(B) how the National Park Service currently prioritizes maintenance of Federal facilities covered under the Federal Lands Transportation Program;

(C) what kind of maintenance the National Parkway Service is performing;

(D) to what degree does the National Park Service prioritize high-commuter corridors; and

(E) how the National Park Service can better service the needs of high commuter corridors.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report summarizing the study and the results of such study, including recommendations for addressing the maintenance needs and prioritization of high-commuter corridors.

(4) DEFINITION OF HIGH-COMMUTER CORRIDOR.—In this section, the term "high-commuter corridor" means a Federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles.

SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 207 the following:

"§ 208. Federal lands and Tribal major projects program

"(a) ESTABLISHMENT.—The Secretary shall establish a Federal lands and Tribal major projects program (referred to in this section as the 'program') to provide funding to construct, reconstruct, or rehabilitate critical Federal lands and Tribal transportation infrastructure.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 may apply for funding under the program.

"(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal agency or Indian Tribe.

"(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility, except that such facility is not required to be included in an inventory described in section 202 or 203, and for which—

"(1) the project—

"(A) has completed the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) which has been demonstrated through—

"(i) a record of decision with respect to the project;

"(ii) a finding that the project has no significant impact; or

"(iii) a determination that the project is categorically excluded; or

"(B) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project; and

"(2) the project has an estimated cost equal to or exceeding—

"(A) $12,500,000 if it is on a Federal lands transportation facility or a Federal lands access transportation facility; and

"(B) $5,000,000 if it is on a Tribal transportation facility.

"(d) ELIGIBLE ACTIVITIES.—Grant amounts received for a project under this section may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, and rehabilitation activities.

"(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

"(f) PROJECT REQUIREMENTS.—The Secretary may select a project to receive funds under the program only if the Secretary determines that the project—

"(1) improves the condition of critical transportation facilities, including multimodal facilities;

"(2) cannot be easily and efficiently completed with amounts made available under section 202, 203, or 204; and

"(3) is cost effective.

"(g) MERIT CRITERIA.—In making a grant under this section, the Secretary shall consider whether the project—

"(1) will generate state of good repair, resilience, economic competitiveness, quality of life, mobility, or safety benefits;

"(2) in the case of a project on a Federal lands transportation facility or a Federal lands access transportation facility, has costs matched by funds that are not provided under this section or this title; and

"(3) generates benefits for land owned by multiple Federal land management agencies or Indian Tribes, or which spans multiple States.

"(h) EVALUATION AND RATING.—To evaluate applications, the Secretary shall—

"(1) determine whether a project meets the requirements under subsection (f);

"(2) evaluate, through a discernable and transparent methodology, how each application addresses one or more merit criteria established under subsection (g);

"(3) assign a rating for each merit criteria for each application; and

"(4) consider applications only on the basis of such quality ratings and which meet the minimally acceptable level for each of the merit criteria.

"(i) COST SHARE.—

"(1) FEDERAL LANDS PROJECTS.—

"(A) IN GENERAL.—Notwithstanding section 120, the Federal share of the cost of a project on a Federal lands transportation facility or a Federal lands access transportation facility shall be up to 90 percent.

"(B) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds may be used to pay the non-Federal share of the cost of a project carried out under this section.

"(2) TRIBAL PROJECTS.—The Federal share of the cost of a project on a Tribal transportation facility shall be 100 percent.

"(j) USE OF FUNDS.—For each fiscal year, of the amounts made available to carry out this section, not more than 50 percent shall be used for eligible projects on Federal lands transportation facilities or Federal lands access transportation facilities and Tribal transportation facilities, respectively.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 207 the following new item:

"208. Federal lands and Tribal major projects program.".

(c) REPEAL.—Section 1123 of the FAST Act (23 U.S.C. 201 note), and the item related to such section in the table of contents under section 1(b) of such Act, are repealed.

SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

Section 102 of title 49, United States Code, is amended—

(1) in subsection (e)(1)—

(A) by striking "6 Assistant" and inserting "7 Assistant";

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

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and"; and

(2) in subsection (f)—

(A) in the heading by striking "DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS" and inserting "OFFICE OF TRIBAL GOVERNMENT AFFAIRS"; and

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

"(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs, to—

"(A) oversee the Tribal transportation self-governance program under section 207 of title 23;

"(B) plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

"(C) coordinate Tribal transportation programs and activities in all offices and administrations of the Department;

"(D) provide technical assistance to Indian Tribes and Tribal organizations;

"(E) be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the tribal transportation program under section 202 of title 23; and

"(F) ensure that Department programs have in place, implement, and enforce requirements and obligations for regular and meaningful consultation and collaboration with Tribes and Tribal officials under Executive Order No. 13175 and to serve as the primary advisor to the Secretary and other Department components regarding violations of those requirements.".

SEC. 1507. ALTERNATIVE CONTRACTING METHODS.

(a) LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—Section 201 of title 23, United States Code, is amended by adding at the end the following:

"(f) ALTERNATIVE CONTRACTING METHODS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use a contracting method available to a State under this title on behalf of—

"(A) a Federal land management agency, with respect to any funds available pursuant to section 203 or 204;

"(B) a Federal land management agency, with respect to any funds available pursuant to section 1535 of title 31 for any eligible use described in sections 203(a)(1) and 204(a)(1) of this title; or

"(C) a Tribal Government, with respect to any funds available pursuant to section 202(b)(7)(D).

"(2) METHODS DESCRIBED.—The contracting methods referred to in paragraph (1) shall include, at a minimum—

"(A) project bundling;

"(B) bridge bundling;

"(C) design-build contracting;

"(D) 2-phase contracting;

"(E) long-term concession agreements; and

"(F) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection—

"(A) affects the application of the Federal share for a project carried out with a contracting method under this subsection; or

"(B) modifies the point of obligation of Federal salaries and expenses.".

(b) USE OF ALTERNATIVE CONTRACTING METHOD.—In carrying out the amendments made by this section, the Secretary shall—

(1) in consultation with the applicable Federal land management agencies, establish procedures that are—

(A) applicable to each alternative contracting method; and

(B) to the maximum extent practicable, consistent with requirements for Federal procurement transactions;

(2) solicit input on the use of each alternative contracting method from any affected industry prior to using such method; and

(3) analyze and prepare an evaluation of the use of each alternative contracting method.

SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.

(a) IN GENERAL.—The Commissioner of the Bureau of Reclamation may transfer ownership of a bridge that is owned by the Bureau of Reclamation if—

(1) the ownership of the bridge is transferred to a State with the concurrence of such State;

(2) the State to which ownership is transferred agrees to operate and maintain the bridge;

(3) the transfer of ownership complies with all applicable Federal requirements, including—

(A) section 138 of title 23, United States Code;

(B) section 306108 of title 54, United States Code; and

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

(4) the Bureau of Reclamation and the State to which ownership is being transferred jointly notify the Secretary of Transportation of the intent to conduct a transfer prior to such transfer.

(b) ACCESS.—In a transfer of ownership of a bridge under this section, the Commissioner of the Bureau of Reclamation—

(1) shall not be required to transfer ownership of the land on which the bridge is located or any adjacent lands; and

(2) shall make arrangements with the State to which ownership is being transferred to allow for adequate access to such bridge, including for the purposes of construction, maintenance, and bridge inspections pursuant to section 144 of title 23, United States Code.

SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO INDIAN TRIBES.

Not later than January 31 of each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) identifies the number of Indian Tribes that were direct recipients of funds under any discretionary Federal highway, transit, or highway safety program in the prior fiscal year;

(2) lists the total amount of such funds made available directly to such Tribes;

(3) identifies the number and location of Indian Tribes that were indirect recipients of funds under any formula-based Federal highway, transit, or highway safety program in the prior fiscal year; and

(4) lists the total amount of such funds made available indirectly to such tribes through states or other direct recipients of Federal highway, transit or highway safety funding.

SEC. 1510. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the deferred maintenance of United States forest roads, including—

(1) the current backlog;

(2) the current actions on such maintenance and backlog;

(3) the impacts of public safety due to such deferred maintenance; and

(4) recommendations for Congress on ways to address such backlog.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1511. FEDERAL LANDS ACCESS PROGRAM.

Section 204(a) of title 23, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting "context-sensitive solutions," after "restoration,";

(B) in clause (i), by inserting ", including interpretive panels in or adjacent to those areas" after "areas";

(C) in clause (v), by striking "and" at the end;

(D) by redesignating clause (vi) as clause (ix); and

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

"(vi) contextual wayfinding markers;

"(vii) landscaping;

"(viii) cooperative mitigation of visual blight, including screening or removal; and"; and

(2) by adding at the end the following:

"(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the Secretary shall ensure that the entity carrying out the activity considers—

"(A) the use of locally adapted native plant materials; and

"(B) designs that minimize runoff and heat generation.".

Subtitle F—Additional Provisions

SEC. 1601. VISION ZERO.

(a) IN GENERAL.—A local government, metropolitan planning organization, or regional transportation planning organization may develop and implement a vision zero plan to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years.

(b) USE OF FUNDS.—Amounts apportioned to a State under paragraph (2) or (3) of section 104(b) of title 23, United States Code, may be used—

(1) to carry out vision zero planning under this section or a vulnerable road user safety assessment; and

(2) to implement an existing vision zero plan.

(c) CONTENTS OF PLAN.—A vision zero plan under this section shall include—

(1) a description of programs, strategies, or policies intended to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years, that is consistent with a State strategic highway safety plan and uses existing transportation data and consideration of risk factors;

(2) plans for implementation of, education of the public about, and enforcement of such programs, strategies, or policies;

(3) a description of how such programs, strategies, or policies, and the enforcement of such programs, strategies, or policies will—

(A) equitably invest in the safety needs of low-income and minority communities;

(B) ensure that such communities are not disproportionately targeted by law enforcement; and

(C) protect the rights of members of such communities with respect to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

(4) a description of a mechanism to evaluate progress of the development and implementation of the plan, including the gathering and use of transportation safety and demographic data.

(d) INCLUSIONS.—A vision zero plan may include a complete streets prioritization plan that identifies a specific list of projects to—

(1) create a connected network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect communities and provide safe, reliable, affordable, and convenient access to employment, housing, and services, consistent with the goals described in section 150(b) of title 23, United States Code;

(2) integrate active transportation facilities with public transportation service or improve access to public transportation; and

(3) improve transportation options for low-income and minority communities.

(e) COORDINATION.—A vision zero plan under this section shall provide for coordination of various subdivisions of a unit of local government in the implementation of the plan, including subdivisions responsible for law enforcement, public health, data collection, and public works.

(f) SAFETY PERFORMANCE MANAGEMENT.—A vision zero plan under this section is not sufficient to demonstrate compliance with the safety performance or planning requirements of section 148 or 150 of title 23, United States Code.

(g) GUIDANCE ON SAFE SYSTEM APPROACH.—The Secretary of Transportation shall develop guidance on the consideration of a safe system approach in project planning, scoping, and design to facilitate the implementation of vision zero plans under this section and vulnerable road user assessments under section 148 of title 23, United States Code.

(h) DEFINITIONS.—In this section, the terms "safe system approach" and "vulnerable road user safety assessment" have the meanings given such terms in section 148 of title 23, United States Code.

SEC. 1602. SPEED LIMITS.

(a) SPEED LIMITS.—The Secretary of Transportation shall revise the Manual on Uniform Traffic Control Devices to provide for a safe system approach to setting speed limits, consistent with the safety recommendations issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–27 and H–17–028.

(b) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

(1) crash statistics;

(2) road geometry characteristics;

(3) roadside characteristics;

(4) traffic volume;

(5) the possibility and likelihood of human error;

(6) human injury tolerance;

(7) the prevalence of vulnerable road users; and

(8) any other consideration, consistent with a safe system approach, as determined by the Secretary.

(c) REPORT ON SPEED MANAGEMENT PROGRAM PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update and report on the implementation progress of the Speed Management Program Plan of the Department of Transportation, as described in the safety recommendation issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–018.

(d) DEFINITIONS.—In this section, the terms "safe system approach" and "vulnerable road user" have the meanings given such terms in section 148(a) of title 23, United States Code.

SEC. 1603. DIG ONCE FOR BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term "appropriate State agency" means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and facilitate the installation and operation of broadband infrastructure within the State.

(2) BROADBAND.—The term "broadband" has the meaning given the term "advanced telecommunications capability" in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(3) BROADBAND CONDUIT.—The term "broadband conduit" means a conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provision of broadband.

(4) BROADBAND INFRASTRUCTURE.—The term "broadband infrastructure" means any buried or underground facility and any wireless or wireline connection that enables the provision of broadband.

(5) BROADBAND PROVIDER.—The term "broadband provider" means an entity that provides broadband to any person, including, with respect to such entity—

(A) a corporation, company, association, firm, partnership, nonprofit organization, or any other private entity;

(B) a State or local broadband provider;

(C) an Indian Tribe; and

(D) a partnership between any of the entities described in subparagraphs (A), (B), and (C).

(6) COVERED HIGHWAY CONSTRUCTION PROJECT.—

(A) IN GENERAL.—The term "covered highway construction project" means, without regard to ownership of a highway, a project funded under title 23, United States Code, and administered by a State department of transportation to construct a new highway or an additional lane for an existing highway, to reconstruct an existing highway, or new construction, including construction of a paved shoulder.

(B) EXCLUSIONS.—The term "covered highway construction project" excludes any project—

(i) awarded before the date on which regulations required under subsection (b) take effect;

(ii) that does not include work beyond the edge of pavement or current paved shoulder;

(iii) that is less than a mile in length; or

(iv) that is—

(I) a project primarily for resurfacing, restoration, rehabilitation, or maintenance;

(II) a bicycle, pedestrian, transportation alternatives, sidewalk, recreational trails, or safe routes to school project;

(III) an operational improvement (as such term is defined in section 101 of title 23, United States Code);

(IV) a project primarily to install signage; or

(V) a culvert project.

(7) DIG ONCE REQUIREMENT.—The term "dig once requirement" means a requirement designed to reduce the cost and accelerate the deployment of broadband by minimizing the number and scale of repeated excavations for the installation and maintenance of broadband conduit or broadband infrastructure in rights-of-way.

(8) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(9) NTIA ADMINISTRATOR.—The term "NTIA Administrator" means the Assistant Secretary of Commerce for Communications and Information.

(10) PROJECT.—The term "project" has the meaning given such term in section 101 of title 23, United States Code.

(11) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(12) STATE.—The term "State" has the meaning given such term in section 401 of title 23, United States Code.

(13) STATE OR LOCAL BROADBAND PROVIDER.—The term "State or local broadband provider" means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides broadband to any person or facilitates the provision of broadband to any person in such State.

(b) DIG ONCE REQUIREMENT.—Not later than 12 months after the date of enactment of this Act, to facilitate the installation of broadband infrastructure, the Sec-

retary shall issue such regulations as may be necessary to ensure that each State that receives funds under chapter 1 of title 23, United States Code, complies with the following provisions:

(1) BROADBAND PLANNING AND NOTICE.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) review existing State broadband plans, including existing dig once requirements of the State, municipal governments incorporated under State law, and Indian tribes within the State, to determine opportunities to coordinate covered highway construction projects occurring within or across highway rights-of-way with planned broadband infrastructure projects;

(B) identify a broadband coordinator, who may have additional responsibilities in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State; and

(C) establish a process—

(i) for the registration of broadband providers that seek to be included in the advance notification of, and opportunity to participate in, broadband infrastructure right-of-way facilitation efforts within the State; and

(ii) to electronically notify all broadband providers registered under clause (i)—

(I) of the State transportation improvement program on at least an annual basis; and

(II) of covered highway construction projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(2) COORDINATION AND COMPLIANCE.—

(A) MOBILE NOW ACT.—A State department of transportation shall be considered to meet the requirements of subparagraphs (B) and (C) of paragraph (1) if such State department of transportation has been determined to be in compliance with the requirements established under section 607 of division P of the Consolidated Appropriations Act, 2018 (47 U.S.C. 1504).

(B) WEBSITE.—A State department of transportation shall be considered to meet the requirements of paragraph (1)(C) if the State publishes on a public website—

(i) the State transportation improvement program on at least an annual basis; and

(ii) covered highway construction projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(C) COORDINATION.—The State department of transportation, in consultation with appropriate State agencies, shall by rule or regulation establish a process for a broadband provider to commit to installing broadband conduit or broadband infrastructure as part of any covered highway construction project.

(D) APPROPRIATE STATE AGENCY.—In lieu of the State department of transportation, at the discretion of the State, an appropriate State agency, in consultation with the State department of transportation, may carry out the requirements of paragraph (1).

(3) REQUIRED INSTALLATION OF BROADBAND CONDUIT.—

(A) IN GENERAL.—The State department of transportation shall install broadband conduit, in accordance with this paragraph (except as described in subparagraph (F)), as part of any covered highway construction project, unless a broadband provider has committed to install broadband conduit or broadband infrastructure as part of such project in a process described under paragraph (2)(C).

(B) INSTALLATION REQUIREMENTS.—In installing broadband conduit or broadband infrastructure as part of a covered highway construction project, the State department of transportation shall ensure that—

(i) installation pursuant to this paragraph of broadband conduit, broadband infrastructure, and means or points of access to such conduit or infrastructure (such as poles, hand holes, manholes, pull tape, or ducts) shall provide for the current and future safe operation of the traveled way, is consistent with part 645 of title 23, Code of Federal Regulations, and any accommodation policies of the State under such part to reasonably enable deployment of such conduit, infrastructure, and means or points of access, and any Damage Prevention and Underground Facilities Protection or related requirements of the State;

(ii) an appropriate number of broadband conduits, as determined in consultation with the appropriate State agencies, are installed along the right-of-way of a covered highway construction project to accommodate multiple broadband providers, with consideration given to the availability of existing broadband conduits;

(iii) the size of each broadband conduit is consistent with industry best practices, consistent with the requirements of part 645 of title 23, Code of Federal Regulations, and sufficient to accommodate anticipated demand, as determined in consultation with the appropriate State agencies;

(iv) any hand holes and manholes necessary for fiber access and pulling with respect to such conduit are placed at intervals consistent with standards determined in consultation with the appropriate State agencies (which may differ by type of road, topologies, and rurality) the requirements of part 645 of title 23, Code of Federal Regulations, and other applicable safety requirements;

(v) each broadband conduit installed pursuant to this paragraph includes a pull tape and is capable of supporting fiber optic cable placement techniques consistent with best practices and the requirements of part 645 of title 23, Code of Federal Regulations;

(vi) broadband conduit is placed at a depth consistent with requirements of the covered highway construction project and best practices and that, in determining the depth of placement, consideration is given to the location of existing utilities and cable separation requirements of State and local electrical codes; and

(vii) installation of broadband conduit shall not preclude the installation of other specific socially, environmentally, or economically beneficial uses of the right-of-way, such as planned energy transmission or renewable energy generation projects.

(C) PROGRAMMATIC REVIEW.—The State department of transportation may make determinations on the implementation of the requirements described in subparagraph (B) on a programmatic basis.

(D) ACCESS.—

(i) IN GENERAL.—The State department of transportation shall ensure that any requesting broadband provider has access to each broadband conduit installed by the State pursuant to this paragraph, on a competitively neutral and nondiscriminatory basis and in accordance with State permitting, licensing, leasing, or other similar laws and regulations.

(ii) SOCIALLY BENEFICIAL USE.—The installation of broadband conduit as part of a covered highway construction project shall be considered a socially-beneficial use of the right-of-way under section 156(b) of title 23, United States Code.

(iii) IN-KIND COMPENSATION.—The State department of transportation may negotiate in-kind compensation with any broadband provider requesting access to broadband conduit installed under the provisions of this paragraph.

(iv) SAFETY CONSIDERATIONS.—The State department of transportation shall provide for a process for a broadband provider to safely access to the highway right-of-way during installation and on-going maintenance of the broadband conduit and broadband infrastructure, including a traffic control safety plan.

(v) COMMUNICATION.—A broadband provider with access to the conduit installed pursuant to this subsection shall notify, and receive permission from, the relevant agencies of State responsible for the installation of such broadband conduit prior to accessing any highway or highway right-of-way, in accordance with applicable Federal requirements.

(E) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, broadband conduit and broadband infrastructure installation projects installed by a State under this paragraph shall comply with section 113(a) of title 23, United States Code.

(F) WAIVER AUTHORITY.—

(i) IN GENERAL.—A State department of transportation may waive the required installation of broadband conduit for part or all of any covered highway construction project under this paragraph if, in the determination of the State department of transportation—

(I) broadband infrastructure, terrestrial broadband infrastructure, aerial broadband fiber cables, or broadband conduit is present

near a majority of the length of the covered highway construction project;

(II) installation of terrestrial or aerial broadband fiber cables associated with the covered highway construction project is more appropriate for the context or a more cost-effective means to facilitate broadband service to an area not adequately served by broadband and such installation is present or planned;

(III) the installation of broadband conduit increases overall costs of a covered highway construction project by 1.5 percent or greater;

(IV) the installation of broadband conduit associated with the covered highway construction project is not reasonably expected to be utilized or connected to future broadband infrastructure in the 20 years following the date on which such determination is made, as determined by the State department of transportation, in consultation with appropriate State agencies and potentially affected local governments and Indian tribes;

(V) the requirements of this paragraph would require installation of conduit redundant with a dig once requirement of a local government or Indian tribe;

(VI) there exists a circumstance involving force majeure; or

(VII) the installation of conduit is not appropriate based on other relevant factors established by the Secretary in consultation with the NTIA Administrator through regulation.

(ii) CONTENTS OF WAIVER.—A waiver authorized under this subparagraph shall—

(I) identify the covered highway construction project; and

(II) include a brief description of the determination of the State for issuing such waiver.

(iii) AVAILABILITY OF WAIVER.—Notification of a waiver authorized under this subparagraph shall be made publicly available, such as on a public website of the State department of transportation described in paragraph (2)(B).

(iv) WAIVER DETERMINATION.—

(I) IN GENERAL.—The State department of transportation shall be responsible for the waiver determination described under this paragraph, consistent with the regulation issued pursuant to this subsection, and may grant a programmatic waiver for categories of projects excluded under this subparagraph.

(II) NO PRIVATE CAUSE OF ACTION.—The waiver determination described under this paragraph shall be final and conclusive. Nothing in this section shall provide a private right or cause of action to challenge such determination in any court of law.

(4) PRIORITY.—If a State provides for the installation of broadband infrastructure or broadband conduit in the right-of-way of a covered highway construction project, the State department of transportation, along with appropriate State agencies, shall carry out appropriate measures to ensure that an existing broadband provider is afforded access that is non-discriminatory, competitively neutral, and equal in opportunity, as compared to other broadband providers, with respect to the program under this subsection.

(c) GUIDANCE FOR THE INSTALLATION OF BROADBAND CONDUIT.—The Secretary, in consultation with the NTIA Administrator, shall issue guidance for best practices related to the installation of broadband conduit as described in subsection (b)(2) and of conduit and similar infrastructure for intelligent transportation systems (as such term is defined in section 501 of title 23, United States Code) that may utilize broadband conduit installed pursuant to subsection (b)(2).

(d) CONSULTATION.—

(1) IN GENERAL.—In issuing regulations required by this subsection or to implement any part of this section, the Secretary shall consult—

(A) the NTIA Administrator;

(B) the Federal Communications Commission;

(C) State departments of transportation;

(D) appropriate State agencies;

(E) agencies of local governments responsible for transportation and rights-of-way, utilities, and telecommunications and broadband;

(F) Indian tribes;

(G) broadband providers; and

(H) manufacturers of optical fiber, conduit, pull tape, and related items.

(2) BROADBAND USERS.—The Secretary shall ensure that the entities consulted under subparagraphs (C) through (F) of paragraph (1) include entities

that have expertise with rural areas and populations with limited access to broadband infrastructure.

(3) BROADBAND PROVIDERS.—The Secretary shall ensure that the entities consulted under subparagraph (G) of paragraph (1) include entities that provide broadband to rural areas and populations with limited access to broadband infrastructure.

(4) CONSULTING SMALL MUNICIPALITIES.—The Secretary shall ensure that the agencies of local governments consulted under subparagraph (E) of paragraph (1) include rural areas, specifically agencies of local governments with populations less than 50,000.

(e) OVERSIGHT.—

(1) IN GENERAL.—The Secretary shall periodically review compliance with the regulations issued pursuant to this section and ensure that State waiver determinations are consistent with such regulations.

(2) EFFICIENT REVIEW.—The review described under paragraph (1) may be carried out through the risk-based stewardship and oversight program described under section 106(g) of title 23, United States Code.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall affect or discharge any oversight responsibility of the Secretary specifically provided for under title 23, United States Code, or any other Federal law.

(f) ADDITIONAL PROVISIONS.—

(1) APPLICABILITY.—

(A) IN GENERAL.—The portion of the regulation issued pursuant to subsection (b) relating to the provisions under paragraph (3) of such subsection shall not take effect until a source of dedicated funding for the installation and long term maintenance of broadband conduit described in subsection (g)(2) is established.

(B) APPLICABILITY DATE.—Paragraphs (2) through (4) of subsection (b) and subsection (d) shall apply only to covered highway construction projects for which Federal obligations or expenditures are initially approved on or after the date on which regulations required under this subsection take effect.

(2) RULES OF CONSTRUCTION.—

(A) STATE LAW.—Nothing in this subsection shall be construed to require a State to install or allow the installation of broadband conduit or broadband infrastructure—

(i) that is otherwise inconsistent with what is allowable under State law; or

(ii) where the State lacks the authority for such installation, such as any property right or easement necessary for such installation.

(B) NO REQUIREMENT FOR INSTALLATION OF MOBILE SERVICES EQUIPMENT.—Nothing in this section shall be construed to require a State, a municipal government incorporated under State law, or an Indian Tribe to install or allow for the installation of equipment essential for the provision of commercial mobile services (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401)), other than broadband conduit and associated equipment described in paragraph (3)(B).

(3) RELATION TO STATE DIG ONCE REQUIREMENTS.—Nothing in subsections (b), (c), (d), or (e) or any regulations issued pursuant to subsection (b) shall be construed to alter or supersede any provision of a State law or regulation that provides for a dig once requirement that includes similar or more stringent requirements to the provisions of subsections (b), (c), (d), or (e) and any regulations promulgated under subsection (b).

(g) DIG ONCE FUNDING TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary and the NTIA Administrator shall jointly establish an independent task force on funding the nationwide dig once requirement described in this section to be known as the "Dig Once Funding Task Force" (hereinafter referred to as the "Task Force").

(2) DUTIES.—The duties of the Task Force shall be to—

(A) estimate the annual cost for implementing, administering, and maintaining a nationwide dig once requirement;

(B) propose and evaluate options for funding a nationwide dig once requirement described in this section that includes—

(i) a discussion of the role and potential share of costs of—

(I) the Federal Government;

(II) State and local governments and Indian tribes; and

(III) broadband providers installing broadband conduit or broadband infrastructure under this section;

(ii) consideration of the role of existing dig once requirements on States, local governments, and Indian tribes and the role of private broadband investment, with a goal to not discourage or disincentivize such dig once requirements or such investment; and

(iii) evaluating the appropriate entity or entities responsible for maintaining the broadband infrastructure and conduit installed pursuant to a dig once requirement; and

(C) propose a cost-based model fee schedule for a State to charge a broadband provider to access and use conduit installed by such State pursuant to this section that—

(i) shall consider costs (including administrative costs) associated with installation and long-term maintenance of the broadband conduit installed pursuant to this section;

(ii) may vary by topography, location, type of road, rurality, and other factors; and

(iii) may consider financial and market incentives for expanding broadband infrastructure.

(3) REPORTS.—

(A) INTERIM REPORT AND BRIEFING.—Not later than 9 months after the appointment of Members to the Task Force under paragraph (4)(D), the Task Force shall—

(i) submit to Congress an interim report on the findings of the Task Force; and

(ii) provide briefings for Congress on the findings of the Task Force.

(B) FINAL REPORT.—Not later than 3 months after the submission of the interim report under subparagraph (A), the Task Force shall submit to Congress a final report on the findings of the Task Force.

(4) MEMBERS.—

(A) APPOINTMENTS.—The Task Force shall consist of 14 members, comprising—

(i) 2 co-chairs described in subparagraph (B);

(ii) 6 members jointly appointed by the Speaker and minority leader of the House of Representatives, in consultation with the respective Chairs and Ranking Members of—

(I) the Committee on Transportation and Infrastructure of the House of Representatives;

(II) the Committee on Energy and Commerce of the House of Representatives; and

(III) the Committee on Appropriations of the House of Representatives; and

(iii) 6 members jointly appointed by the majority leader and minority leader of the Senate, in consultation with the respective Chairs and Ranking Members of the—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Commerce, Science, and Transportation of the Senate; and

(III) the Committee on Appropriations of the Senate.

(B) CO-CHAIRS.—The Task Force shall be co-chaired by the Secretary and the NTIA Administrator, or the designees of the Secretary and NTIA Administrator.

(C) COMPOSITION.—The Task Force shall include at least—

(i) 1 representative from a State department of transportation;

(ii) 1 representative from a local government;

(iii) 1 representative from an Indian tribe;

(iv) 1 representative from a broadband provider;

(v) 1 representative from a State or local broadband provider;

(vi) 1 representative from a labor union; and

(vii) 1 representative from a public interest organization.

(D) APPOINTMENT DEADLINE.—Members shall be appointed to the Task Force not later than 60 days after the date of enactment of this Act.

(E) TERMS.—Members shall be appointed for the life of the Task Force. A vacancy in the Task Force shall not affect the powers of the Task Force and the vacancy shall be filled in the same manner as the initial appointment was made.

(5) CONSULTATIONS.—In carrying out the duties required under this subsection, the Task Force shall consult, at a minimum—

(A) the Federal Communications Commission;

(B) agencies of States including—

(i) State departments of transportation; and

(ii) appropriate State agencies;

(C) agencies of local governments responsible for transportation and rights-of-way, utilities, and telecommunications and broadband;

(D) Indian tribes;

(E) broadband providers and other telecommunications providers;

(F) labor unions; and

(G) State or local broadband providers and Indian tribes that act as broadband providers.

(6) ADDITIONAL PROVISIONS.—

(A) EXPENSES FOR NON-FEDERAL MEMBERS.—Non-Federal members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of such members in the performance of services for the Task Force.

(B) STAFF.—Staff of the Task Force shall comprise detailees with relevant expertise from the Department of Transportation and the National Telecommunications and Information Administration, or another Federal agency that the co-chairpersons consider appropriate, with the consent of the head of the Federal agency, and such detailees shall retain the rights, status, and privileges of the regular employment of such detailees without interruption.

(C) ADMINISTRATIVE ASSISTANCE.—The Secretary and NTIA Administrator shall provide to the Task Force on a reimbursable basis administrative support and other services for the performance of the functions of the Task Force.

(7) TERMINATION.—The Task Force shall terminate not later than 90 days after submission of the final report required under paragraph (3)(B).

SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Administrator shall seek to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to under which the Transportation Research Board shall conduct a study—

(A) to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities eligible for assistance under title 23, United States Code, to inform the development of appropriate total maximum daily load requirements;

(B) to provide recommendations (including recommended revisions to existing laws and regulations) regarding the evaluation and selection by State departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed, including environmental restoration and pollution abatement carried out under section 328 of title 23, United States Code;

(C) to examine the potential for the Secretary to assist State departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in subparagraphs (A) and (B) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) to examine the benefit of concentrating stormwater retrofits in impaired watersheds and selecting such retrofits according to a process that depends on a watershed management plan developed in accordance with section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329).

(2) REQUIREMENTS.—In conducting the study under the agreement entered into pursuant to paragraph (1), the Transportation Research Board shall—

(A) review and supplement, as appropriate, the methodologies examined and recommended in the 2019 report of the National Academies of Sciences, Engineering, and Medicine titled "Approaches for Determining and Complying with TMDL Requirements Related to Roadway Stormwater Runoff";

(B) consult with—

(i) the Secretary of Transportation;

(ii) the Secretary of Agriculture;
(iii) the Administrator;
(iv) the Secretary of the Army, acting through the Chief of Engineers; and
(v) State departments of Transportation; and
(C) solicit input from—
(i) stakeholders with experience in implementing stormwater management practices for projects; and
(ii) educational and technical stormwater management groups.

(3) REPORT.—In carrying out the agreement entered into pursuant to paragraph (1), not later than 18 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary of Transportation, the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

(b) STORMWATER BEST MANAGEMENT PRACTICES REPORTS.—

(1) REISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall update and reissue the best management practices reports to reflect new information and advancements in stormwater management.

(2) UPDATES.—Not less frequently than once every 5 years after the date on which the Secretary reissues the best management practices reports under paragraph (1), the Secretary shall update and reissue the best management practices reports, unless the contents of the best management practices reports have been incorporated (including by reference) into applicable regulations of the Secretary.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BEST MANAGEMENT PRACTICES REPORTS.—The term "best management practices reports" means—
(A) the 2014 report sponsored by the Department of Transportation titled "Determining the State of the Practice in Data Collection and Performance Measurement of Stormwater Best Management Practices" (FHWA–HEP–16–021); and
(B) the 2000 report sponsored by the Department of Transportation titled "Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring".

(3) TOTAL MAXIMUM DAILY LOAD.—The term "total maximum daily load" has the meaning given such term in section 130.2 of title 40, Code of Federal Regulations (or successor regulations).

SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board under the authority of section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)), shall publish final accessibility guidelines setting forth minimum standards for pedestrian facilities in the public right-of-way, including shared use paths.

(b) ADOPTION OF REGULATIONS.—Not later than 180 days after the establishment of the guidelines pursuant to subsection (a), the Secretary shall issue such regulations as are necessary to adopt such guidelines.

SEC. 1606. HIGHWAY FORMULA MODERNIZATION REPORT.

(a) HIGHWAY FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations on such method and data.

(2) ASSESSMENT.—The highway formula modernization study required under paragraph (1) shall include an assessment of, based on the latest available data, whether the apportionment method under such section results in—
(A) an equitable distribution of funds based on the estimated tax payments attributable to—
(i) highway users in the State that are paid into the Highway Trust Fund; and
(ii) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(B) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(3) CONSIDERATIONS.—In carrying out the assessment under paragraph (2), the Secretary shall consider the following:

(A) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA–LU (Public Law 109–59).

(B) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in subparagraph (A).

(C) The measures established under section 150 of title 23, United States Code, and whether such measures are appropriate for consideration as formula apportionment factors.

(D) The results of the CMAQ formula modernization study required under subsection (b).

(E) Inclusion of the Commonwealth of Puerto Rico in the apportionment under subsections (b) and (c) of section 104 of such title, including an estimate of the anticipated contributions to the Highway Trust Fund from the citizens of Puerto Rico if Puerto Rico was subject to applicable highway user fees.

(F) A needs-based assessment of the share of Federal-aid highway funds that should be made available to the territories described under section 165(c) of such title.

(G) Any other factors that the Secretary determines are appropriate.

(4) RECOMMENDATIONS.—The Secretary shall, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), develop recommendations on a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves an equitable distribution of funds described under paragraph (2)(A) and the goals described in paragraph (2)(B).

(b) CMAQ FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall conduct an CMAQ formula modernization study to assess whether the apportionment method under section 104(b)(4) of title 23, United States Code, results in a distribution of funds that best achieves the air quality goals of section 149 of such title.

(2) CONSIDERATIONS.—In providing consultation under this subsection, the Administrator of the Environmental Protection Agency shall provide to the Secretary an analysis of—

(A) factors that contribute to the apportionment, including population, types of pollutants, and severity of pollutants, as such factors were determined on the date prior to the date of enactment of MAP–21;

(B) the weighting of the factors listed under subparagraph (A); and

(C) the recency of the data used in making the apportionment under section 104(b)(4) of title 23, United States Code.

(3) RECOMMENDATIONS.—If, in conducting the study under this subsection, the Secretary finds that modifying the apportionment method under section 104(b)(4) of title 23, United States Code, would best achieve the air quality goals of section 149 of title 23, United States Code, the Secretary shall, in consultation with the Administrator, include in such study recommendations for a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves the air quality goals section 149 of such title.

(c) REPORT.—No later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the highway formula modernization study and the CMAQ formula modernization study.

SEC. 1607. CONSOLIDATION OF PROGRAMS.

Section 1519 of MAP–21 (Public Law 112–141) is amended—

(1) in subsection (a)—

(A) by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2023 through 2026"; and

(B) by striking "$3,500,000" and inserting "$4,000,000";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out under subsection (a) shall be 100 percent.".

SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the efforts of the Department of Transportation to encourage elementary, secondary, and post-secondary students to pursue careers in the surface transportation sector.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of efforts to increase awareness of careers related to surface transportation among elementary, secondary, and post-secondary students;

(2) a description of efforts to prepare and inspire such students for surface transportation careers;

(3) a description of efforts to support the development of a diverse, well-qualified workforce for future surface transportation needs; and

(4) the effectiveness of the efforts described in paragraphs (1) through (3).

SEC. 1609. TASK FORCE ON DEVELOPING A 21ST CENTURY SURFACE TRANSPORTATION WORKFORCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force on developing a 21st century surface transportation workforce (in this section referred to as the "Task Force").

(b) DUTIES.—Not later than 12 months after the establishment of the Task Force under subsection (a), the Task Force shall develop and submit to the Secretary recommendations and strategies for the Department of Transportation to—

(1) evaluate the current and future state of the surface transportation workforce, including projected job needs in the surface transportation sector;

(2) identify factors influencing individuals pursuing careers in surface transportation, including barriers to attracting individuals into the workforce;

(3) address barriers to retaining individuals in surface transportation careers;

(4) identify and address potential impacts of emerging technologies on the surface transportation workforce;

(5) increase access for vulnerable or underrepresented populations, especially women and minorities, to high-skill, in-demand surface transportation careers;

(6) facilitate and encourage elementary, secondary, and post-secondary students in the United States to pursue careers in the surface transportation sector; and

(7) identify and develop pathways for students and individuals to secure pre-apprenticeships, registered apprenticeships, and other work-based learning opportunities in the surface transportation sector of the United States.

(c) CONSIDERATIONS.—In developing recommendations and strategies under subsection (b), the Task Force shall—

(1) identify factors that influence whether young people pursue careers in surface transportation, especially traditionally underrepresented populations, including women and minorities;

(2) consider how the Department, businesses, industry, labor, educators, and other stakeholders can coordinate efforts to support qualified individuals in pursuing careers in the surface transportation sector;

(3) identify methods of enhancing surface transportation pre-apprenticeships and registered apprenticeships, job skills training, mentorship, education, and outreach programs that are exclusive to youth in the United States; and

(4) identify potential sources of funding, including grants and scholarships, that may be used to support youth and other qualified individuals in pursuing careers in the surface transportation sector.

(d) CONSULTATION.—In developing the recommendations and strategies required under subsection (b), the Task Force may consult with—

(1) local educational agencies and institutes of higher education, including community colleges and vocational schools; and

(2) State workforce development boards.

(e) REPORT.—Not later than 60 days after the submission of the recommendations and strategies under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing such recommendations and strategies.

(f) COMPOSITION OF TASK FORCE.—The Secretary shall appoint members to the Task Force whose diverse background and expertise allow such members to contribute balanced points of view and ideas in carrying out this section, comprised of equal representation from each of the following:

(1) Industries in the surface transportation sector.

(2) Surface transportation sector labor organizations.

(3) Such other surface transportation stakeholders and experts as the Secretary considers appropriate.

(g) PERIOD OF APPOINTMENT.—Members shall be appointed to the Task Force for the duration of the existence of the Task Force.

(h) COMPENSATION.—Task Force members shall serve without compensation.

(i) SUNSET.—The Task Force shall terminate upon the submission of the report required under subsection (e).

(j) DEFINITIONS.—In this section:

(1) PRE-APPRENTICESHIP.—The term "pre-apprenticeship" means a training model or program that prepares individuals for acceptance into a registered apprenticeship and has a demonstrated partnership with one or more registered apprenticeships.

(2) REGISTERED APPRENTICESHIP.—The term "registered apprenticeship" means an apprenticeship program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act"), that satisfies the requirements of parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERVICES.

Section 140(b) of title 23, United States Code, is amended to read as follows:

"(b) WORKFORCE TRAINING AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor and any other department or agency of the Government, State agency, authority, association, institution, Indian Tribe or Tribal organization, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes.

"(2) STATE RESPONSIBILITIES.—A State department of transportation participating in the program under this subsection shall—

"(A) develop an annual workforce plan that identifies immediate and anticipated workforce gaps and underrepresentation of women and minorities and a detailed plan to fill such gaps and address such underrepresentation;

"(B) establish an annual workforce development compact with the State workforce development board and appropriate agencies to provide a coordinated approach to workforce training, job placement, and identification of training and skill development program needs, which shall be coordinated to the extent practical with an institution or agency, such as a State workforce development board under section 101 of the Workforce Innovation and Opportunities Act (29 U.S.C. 3111), that has established skills training, recruitment, and placement resources; and

"(C) demonstrate program outcomes, including—

"(i) impact on areas with transportation workforce shortages;

"(ii) diversity of training participants;

"(iii) number and percentage of participants obtaining certifications or credentials required for specific types of employment;

"(iv) employment outcome, including job placement and job retention rates and earnings, using performance metrics established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

"(v) to the extent practical, evidence that the program did not preclude workers that participate in training or registered apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter.

"(3) FUNDING.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as necessary, not to exceed

$10,000,000 in each fiscal year, for the administration of this subsection. Such sums shall remain available until expended.

"(4) NONAPPLICABILITY OF TITLE 41.—Subsections (b) through (d) of section 6101 of title 41 shall not apply to contracts and agreements made under the authority granted to the Secretary under this subsection.

"(5) USE OF SURFACE TRANSPORTATION PROGRAM AND NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—Notwithstanding any other provision of law, not to exceed ½ of 1 percent of funds apportioned to a State under paragraph (1) or (2) of section 104(b) may be available to carry out this subsection upon request of the State transportation department to the Secretary.".

SEC. 1611. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM FUNDING FLEXIBILITY.

(a) IN GENERAL.—Any funds made available to a State for the Appalachian development highway system program under subtitle IV of title 40, United States Code, before the date of enactment of this Act may be used, at the request of such State to the Secretary of Transportation, for the purposes described in section 133(b) of title 23, United States Code.

(b) LIMITATION.—The authority in subsection (a) may only be used by an Appalachian development highway system State if all of the Appalachian development highway system corridors authorized by subtitle IV of title 40, United States Code, in such State, have been fully completed and are open to traffic prior to the State making a request to the Secretary as described in subsection (a).

SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT PROGRAM.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (e)(1) by inserting "and (8) through (9)" after "paragraphs (1) through (4)"; and

(2) in subsection (f) by adding at the end the following:

"(4) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that includes—

"(A) a list of all grant recipients under this subsection;

"(B) an explanation of why each recipient was chosen in accordance with the criteria under paragraph (2);

"(C) a summary of each recipient's objective to carry out the purpose described in paragraph (1) and an analysis of progress made toward achieving each such objective;

"(D) an accounting for the use of Federal funds obligated or expended in carrying out this subsection; and

"(E) an analysis of outcomes of the program under this subsection.".

SEC. 1613. WORKING GROUP ON CONSTRUCTION RESOURCES.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group (in this section referred to as the "Working Group") to conduct a study on access to covered resources for infrastructure projects.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in the production and transportation of covered resources.

(2) REPRESENTATION.—The Working Group shall include at least one representative of each of the following:

(A) State departments of transportation.

(B) State agencies associated with covered resources protection.

(C) State planning and geologic survey and mapping agencies.

(D) Commercial motor vehicle operators, including small business operators and operators who transport covered resources.

(E) Covered resources producers.

(F) Construction contractors.

(G) Labor organizations.

(H) Metropolitan planning organizations and regional planning organizations.

(I) Indian Tribes.

(J) Professional surveying, mapping, and geospatial organizations.

(K) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 6 months after the date on which the Secretary receives the report under subsection (e)(1).

(c) DUTIES.—In carrying out the study required under subsection (a), the Working Group shall analyze—

(1) the use of covered resources in transportation projects funded with Federal dollars;

(2) how the proximity of covered resources to such projects affects the cost and environmental impact of such projects;

(3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and

(4) any challenges for transportation project sponsors regarding access and proximity to covered resources.

(d) CONSULTATION.—In carrying out the study required under subsection (a), the Working Group shall consult with, as appropriate—

(1) chief executive officers of States;

(2) State and local transportation planning agencies;

(3) Indian Tribes;

(4) other relevant State, Tribal, and local agencies, including State agencies associated with covered resources protection;

(5) members of the public with industry experience with respect to covered resources;

(6) other Federal entities that provide funding for transportation projects; and

(7) any other stakeholder the Working Group determines appropriate.

(e) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the study required under subsection (a), including a summary of comments received during the consultation process under subsection (d); and

(B) any recommendations to preserve access to and reduce the costs and environmental impacts of covered resources for infrastructure projects.

(2) DEPARTMENTAL REPORT.—Not later than 3 months after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the findings under such report and any recommendations, as appropriate.

(f) DEFINITIONS.—In this section:

(1) COVERED RESOURCES.—The term "covered resources" means common variety materials used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTERCHANGES.

(a) IN GENERAL.—Notwithstanding section 315 of title 23, United States Code, and section 1.36 of title 23, Code of Federal Regulations, the Secretary of Transportation may not impose a penalty on a State that does not comply with section 2E.31 of the Manual on Uniform Traffic Control Devices (or a successor section) with respect to the numbering of highway interchanges.

(b) APPLICABILITY.—Subsection (a) shall only apply to a method of numbering of a highway interchange in effect on the date of enactment of this Act.

SEC. 1615. TOLL CREDITS.

(a) PURPOSES.—The Secretary of Transportation shall—

(1) identify the extent of the demand to purchase toll credits;

(2) identify the expected cash price of toll credits;

(3) analyze the impact of the exchange of toll credits on transportation expenditures; and

(4) identify any other repercussions of establishing a toll credit exchange.

(b) SOLICITATION.—To carry out the requirements of this section, the Secretary shall solicit information from States eligible to use a credit under section 120(i) of title 23, United States Code, including—

(1) the amount of unused toll credits, including—

(A) toll revenue generated and the sources of that revenue;

(B) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and

(C) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage

of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;

(2) the documentation of maintenance of effort for toll credits earned by the State; and

(3) the accuracy of the accounting system of the State to earn and track toll credits.

(c) WEBSITE.—The Secretary shall make available a publicly accessible website on which a State eligible to use a credit under section 120(i) of title 23, United States Code shall publish the information described under subsection (b)(1).

(d) EVALUATION AND RECOMMENDATIONS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available on the website of the Department of Transportation—

(1) an evaluation of the accuracy of the accounting and documentation of toll credits earned under section 120(i);

(2) a determination whether a toll credit marketplace is viable and cost effective;

(3) estimates, to the extent possible, of the average sale price of toll credits; and

(4) recommendations on any modifications necessary, including legislative changes, to establish and implement a toll credit exchange program.

(e) DEFINITION.—In this section, the term "State" has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS PROCUREMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the procurement processes used by State departments of transportation to select construction materials on projects utilizing Federal-aid highway funds.

(b) CONTENTS.—The review under subsection (a) shall include—

(1) a review of competitive practices in the bidding process for transportation construction materials;

(2) a list of States that currently issue bids that include flexibility in the type of construction materials used to meet the project specifications;

(3) any information provided by States on considerations that influence the decision to include competition by type of material in transportation construction projects;

(4) any data on whether issuing bids that include flexibility in the type of construction materials used to meet the project specifications will affect project costs over the lifecycle of an asset;

(5) any data on the degree to which competition leads to greater use of sustainable, innovative, or resilient materials; and

(6) an evaluation of any barriers to more widespread use of competitive bidding processes for transportation construction materials.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the review initiated by the Secretary pursuant to this section.

SEC. 1617. NATIONWIDE ROAD SAFETY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall, every 2 years, conduct nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each State.

(b) REQUIREMENTS.—The assessments required under subsection (a) shall be conducted—

(1) by Department of Transportation field offices from the Federal Highway Administration, the National Highway Transportation Safety Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration; and

(2) in consultation with—

(A) State and local agencies with jurisdiction over pedestrian and bicycle safety;

(B) pedestrian safety and bicycle safety advocacy organizations; and

(C) other relevant pedestrian and bicycle safety stakeholders.

(c) PURPOSES.—The purpose of the assessments under this section is to—

(1) identify and examine specific locations with documented or perceived problems with pedestrian and bicycle safety and access;

(2) examine barriers to providing safe pedestrian and bicycle access to transportation infrastructure; and

(3) develop and issue recommendations designed to effectively address specific safety and access issues and enhance pedestrian and bicycle safety in high risk areas.

(d) REPORT ON STATE ASSESSMENTS.—Upon completion of the assessment of a State, the Secretary shall issue, and make available to the public, a report containing the assessment that includes—

(1) a list of locations that have been assessed as presenting a danger to pedestrians or bicyclists; and

(2) recommendations to enhance pedestrian and bicycle safety in those locations.

(e) REPORT ON NATIONWIDE PROGRAM.—Upon completion of the biannual assessment nationwide required under this section, the Secretary shall issue, and make available to the public, that covers assessments for all jurisdictions and also present it to the congressional transportation committees.

(f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY DATABASE.—The Secretary, in order to enhance pedestrian and bicycle safety and improve information sharing on pedestrian and bicycle safety challenges between the Federal Government and State and local governments, shall maintain a national pedestrian and bicycle safety database that includes—

(1) a list of high-risk intersections, roads, and highways with a documented history of pedestrian or bicycle accidents or fatalities and details regarding those incidents; and

(2) information on corrective measures that have been implemented at the State, local, or Federal level to enhance pedestrian and bicyclist safety at those high risk areas, including details on the nature and date of corrective action.

(g) STATE DEFINED.—In this section, the term "State" means each of the States, the District of Columbia, and Puerto Rico.

SEC. 1618. CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.

(a) CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the Transportation Research Board of the National Academies to conduct a study of the actions needed to ensure that Federal agencies are taking into account current and future climate conditions in planning, designing, building, operating, maintaining, investing in, and upgrading any federally funded transportation infrastructure investments.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in—

(1) the 2018 report issued the American Society of Civil Engineers, titled "Climate-Resilient Infrastructure: Adaptive Design and Risk Management"; and

(2) the report issued by the California Climate-Safe Infrastructure Working Group, titled "Paying it Forward: The Path Toward Climate-Safe Infrastructure in California".

(c) CONTENTS OF STUDY.—The study shall include specific recommendations regarding the following:

(1) Integrating scientific knowledge of projected climate change impacts, and other relevant data and information, into Federal infrastructure planning, design, engineering, construction, operation and maintenance.

(2) Addressing critical information gaps and challenges.

(3) Financing options to help fund climate-resilient infrastructure.

(4) A platform or process to facilitate communication between climate scientists and other experts with infrastructure planners, engineers and other relevant experts.

(5) A stakeholder process to engage with representatives of State, local, tribal and community groups.

(6) A platform for tracking Federal funding of climate-resilient infrastructure.

(7) Labor and workforce needs to implement climate-resilient transportation infrastructure projects including new and emerging skills, training programs, competencies and recognized postsecondary credentials that may be required to adequately equip the workforce.

(8) Outlining how Federal infrastructure planning, design, engineering, construction, operation, and maintenance impact the environment and public health of disproportionately exposed communities. For purposes of this paragraph, the term "disproportionately exposed communities" means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, mi-

grant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, people experiencing homelessness, people with disabilities, people who are incarcerated, or youth.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for information related to climate resilient transportation infrastructure by considering—

(1) the current informational and institutional barriers to integrating projected infrastructure risks posed by climate change into federal infrastructure planning, design, engineering, construction, operation and maintenance;

(2) the critical information needed by engineers, planners and those charged with infrastructure upgrades and maintenance to better incorporate climate change risks and impacts over the lifetime of projects;

(3) how to select an appropriate, adaptive engineering design for a range of future climate scenarios as related to infrastructure planning and investment;

(4) how to incentivize and incorporate systems thinking into engineering design to maximize the benefits of multiple natural functions and emissions reduction, as well as regional planning;

(5) how to take account of the risks of cascading infrastructure failures and develop more holistic approaches to evaluating and mitigating climate risks;

(6) how to ensure that investments in infrastructure resilience benefit all communities, including communities of color, low-income communities and Indian Tribes that face a disproportionate risk from climate change and in many cases have experienced long-standing unmet needs and underinvestment in critical infrastructure;

(7) how to incorporate capital assessment and planning training and techniques, including a range of financing options to help local and State governments plan for and provide matching funds;

(8) how federal agencies can track and monitor federally funded resilient infrastructure in a coordinated fashion to help build the understanding of the cost-benefit of resilient infrastructure and to build the capacity for implementing resilient infrastructure; and

(9) the occupations, skillsets, training programs, competencies and recognized postsecondary credentials that will be needed to implement such climate-resilient transportation infrastructure projects, and how to ensure that any new jobs created by such projects ensure that priority hiring considerations are given to individuals facing barriers to employment, communities of color, low-income communities and Indian Tribes that face a disproportionate risk from climate change and have been excluded from job opportunities.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of Federal transportation infrastructure and private sector stakeholders; and

(2) is encouraged to consult with—

(A) representatives from the thirteen federal agencies that comprise the United States Global Change Research Program;

(B) representatives from the Department of the Treasury;

(C) professional engineers with relevant expertise in infrastructure design;

(D) scientists from the National Academies with relevant expertise;

(E) scientists, social scientists and experts from academic and research institutions who have expertise in climate change projections and impacts; engineering; architecture; or other relevant areas of expertise;

(F) licensed architects with relevant experience in infrastructure design;

(G) certified planners;

(H) representatives of State and local governments and Indian Tribes;

(I) representatives of environmental justice groups; and

(J) representatives of labor unions that represent key trades and industries involved in infrastructure projects.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

SEC. 1619. NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.

Subsection (s) of section 127 of title 23, United States Code is amended to read as follows:

"(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, powered primarily by means of electric battery power, or fueled primarily by means of other zero emission fuel technologies, may exceed the weight limit on the power unit by up to 2,000 pounds (up to a maximum gross vehicle weight of 82,000 pounds) under this section.".

SEC. 1620. GUIDANCE ON EVACUATION ROUTES.

(a) IN GENERAL.—

(1) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, and consistent with guidance issued by the Federal Emergency Management Agency pursuant to section 1209 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), shall revise existing guidance or issue new guidance as appropriate for State and local governments and Indian Tribes regarding the design, construction, maintenance, retrofit, and repair of evacuation routes.

(2) CONSIDERATIONS.—In revising or issuing guidance under subsection (a)(1), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand the effects of hydrostatic and hydrodynamic forces on viability, including recommendations regarding appropriate drainage structures or other flood prevention mechanisms to manage stormwater, runoff, and the effect of storm surge;

(ii) withstand the risks that flammability poses to viability;

(iii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iv) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;

(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

(3) REPORT.—In the case in which the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, concludes existing guidance addresses the considerations in paragraph (2), The Administrator of the Federal Highway Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed report describing how existing guidance addresses such considerations.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, shall study the vulnerability of evacuation routes that are part of the national highway system to the risks of extreme weather, including flooding and storm surge.

(2) CONTENTS.—In conducting the study under paragraph (1), the Administrator shall examine—

(A) the likelihood of Federal evacuation routes flooding during a 100-year, 500-year, and 1000-year weather event;

(B) whether Federal evacuation routes that have historically flooded have recovered quickly from extreme weather events;

(C) the availability of alternative evacuation routes to accommodate the flow of evacuees in the event of an evacuation route becoming impassable due to flooding; and

(D) the impact of impassable evacuation routes on vulnerable individuals, with consideration of the return of evacuees after an extreme weather event, including—

(i) individuals with a physical or mental disability;

(ii) individuals in schools, daycare centers, mobile home parks, prisons, nursing homes, and other long-term care facilities and detention centers;

(iii) individuals with limited proficiency in English;

(iv) the elderly; and

(v) individuals who are tourists, seasonal workers, or homeless.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the study and the results of such study, including identifying which segments of Federal evacuation routes are most vulnerable to becoming impassable due to flooding.

SEC. 1621. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION.—

(1) CENTRAL TEXAS CORRIDOR.—Section 1105(c)(84) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended to read as follows:

"(84) The Central Texas Corridor, including the route—

"(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

"(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

"(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

"(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

"(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

"(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

"(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas to Interstate 20 at Odessa, Texas.".

(2) CENTRAL LOUISIANA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following:

"(91) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.".

(3) CENTRAL MISSISSIPPI CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(92) The Central Mississippi Corridor, including the route—

"(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi-Alabama State Border; and

"(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.".

(4) MIDDLE ALABAMA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(93) The Middle Alabama Corridor including the route—

"(A) beginning at the Alabama-Mississippi Border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80 specifically:

"(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

"(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

"(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama; and

"(E) generally following the most expedient route until intersecting with existing United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.".

(5) MIDDLE GEORGIA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(94) The Middle Georgia Corridor including the route—

"(A) beginning at the Alabama-Georgia Border generally following the Fall Line Freeway from Columbus Georgia to Augusta, Georgia specifically:

"(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate route 75 in Byron, Georgia;

"(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16. Following Interstate 16 east it would next join United States Route 80 and then onto State Route 57; and

"(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass. After the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.".

(6) LOUISIANA CAPITAL REGION.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(95) The Louisiana Capital Region High Priority Corridor, which shall generally follow—

"(A) Interstate 10, between its intersections with Interstate 12 and Louisiana Highway 415;

"(B) Louisiana Highway 415, between its intersections with Interstate 10 and United States route 190;

"(C) United States route 190, between its intersections with Louisiana Highway 415 and intersection with Interstate 110;

"(D) Interstate 110, between its intersections with United States route 190 and Interstate 10;

"(E) Louisiana Highway 30, near St. Gabriel, LA and its intersections with Interstate 10;

"(F) Louisiana Highway 1, near White Castle, LA and its intersection with Interstate 10; and

"(G) A bridge connecting Louisiana Highway 1 with Louisiana Highway 30, south of the Interstate described in subparagraph (A).".

(b) INCLUSION OF CERTAIN SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) by inserting "subclauses (I) through (IX) of subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv)," after "subsection (c)(37),";

(2) by inserting "subsection (c)(84)," after "subsection (c)(83),"; and

(3) by striking "and subsection (c)(91)" and inserting "subsection (c)(91), subsection (c)(92), subsection (c)(93), subsection (c)(94), subsection (c)(95), and subsection (c)(96)".

(c) DESIGNATION.—Section 1105(e)(5)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking "The route referred to in subsection (c)(84) is designated as Interstate Route I–14." and inserting "The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route re-

ferred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84) is designated as Interstate Route I–214. The routes referred to in subparagraphs (C), (D), (E), (F), and (G) of subsection (c)(84) and in subsections (c)(91), (c)(92), (c)(93), and (c)(94) are designated as Interstate Route I–14.".

SEC. 1622. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

(a) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, shall review the guidance issued pursuant to section 1228 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), and revise or issue new guidance regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to roads eligible for assistance under Federal Highway Administration programs.

(b) CONSIDERATIONS.—In revising or issuing new guidance under subsection (a), the Administrator shall consider methods of repair, restoration, and replacement of damaged or destroyed roads that—

(1) improve the ability of a previously inundated or submerged road to withstand the effects of hydrostatic and hydrodynamic forces, including stormwater, runoff, or storm surge; and

(2) provide for long-term cost savings.

SEC. 1623. DRY BULK WEIGHT TOLERANCE.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(v) DRY BULK WEIGHT TOLERANCE.—

"(1) DEFINITION OF DRY BULK GOODS.—In this subsection, the term 'dry bulk goods' means any homogeneous unmarked nonliquid cargo being transported in a trailer specifically designed for that purpose.

"(2) WEIGHT TOLERANCE.—Notwithstanding any other provision of this section, except for the maximum gross vehicle weight limitation, a commercial motor vehicle transporting dry bulk goods may not exceed 110 percent of the maximum weight on any axle or axle group described in subsection (a), including any enforcement tolerance.".

SEC. 1624. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking "2016 through 2020" and inserting "2023 through 2026".

SEC. 1625. LABOR STANDARDS.

It is the policy of the United States that funds authorized or made available by this Act, or the amendments made by this Act, should not be used to purchase products produced whole or in part through the use of child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.

SEC. 1626. CLIMATE RESILIENCY REPORT BY GAO.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall evaluate and issue a report to Congress on the economic benefits, including avoided impacts on property and life, of the use of model, consensus-based building codes, standards, and provisions that support resilience to climate risks and impacts, including—

(1) flooding;

(2) wildfires;

(3) hurricanes;

(4) heat waves;

(5) droughts;

(6) rises in sea level; and

(7) extreme weather.

(b) REPORT ISSUES.—The report required under subsection (a) shall include the following:

(1) An assessment of the status of adoption of building codes, standards, and provisions within the States, territories, and tribes at the State or jurisdictional level; including whether the adopted codes meet or exceed the most recent published edition of a national, consensus-based model code.

(2) An analysis of the extent to which pre-disaster mitigation measures provide benefits to the nation and individual States, territories and tribes, including—

(A) an economic analysis of the benefits to the design and construction of new resilient infrastructure;

(B) losses avoided, including economic losses, number of structures (buildings, roads, bridges), and injuries and deaths by utilizing building codes and standards that prioritize resiliency; and

(C) an economic analysis of the benefits to using hazard resistant building codes in rebuilding and repairing infrastructure following a disaster.

(3) An assessment of the building codes and standards referenced or otherwise currently incorporated into Federal policies and programs, including but not limited to grants, incentive programs, technical assistance and design and construction criteria, administered by the Federal Emergency Management Agency (hereinafter referred to as "FEMA"), including—

(A) the extent to which such codes and standards contribute to increasing climate resiliency;

(B) recommendations for how FEMA could improve their use of codes and standards to prepare for climate change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges; and

(C) how FEMA could increase efforts to support the adoption of hazard resistant codes by the States, territories, and Indian Tribes.

(4) Recommendations for FEMA on how to better incorporate climate resiliency into efforts to rebuild after natural disasters.

SEC. 1627. DESIGNATION OF JOHN R. LEWIS VOTING RIGHTS HIGHWAY.

(a) DESIGNATION.—The portion of United States Route 80 from Selma, Alabama to Montgomery, Alabama shall be known as the "John R. Lewis Voting Rights Highway".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of United States Route 80 from Selma, Alabama to Montgomery, Alabama is deemed to be a reference to the "John R. Lewis Voting Rights Highway".

SEC. 1628. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FERRIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the capital investment needs of United States public ferries and how Federal funding programs are meeting such needs.

(b) CONSIDERATIONS.—In carrying out the study under subsection (a), the Comptroller General shall examine the feasibility of including United States public ferries in the conditions and performance report of the Department of Transportation.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the results of the study described in subsection (a), including any recommendations for how to include ferries in the conditions and performance report of the Department of Transportation.

SEC. 1629. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department of Transportation should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act and the amendments made by this Act to ensure that these projects—

(1) increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and

(2) are as cost effective as practicable.

SEC. 1630. GAO STUDY ON PER-MILE USER FEE EQUITY.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study on the impact of equity issues associated with per-mile user fee funding systems on the surface transportation system.

(b) CONTENTS.—The study under subsection (a) shall include the following with respect to per-mile user fee systems:

(1) The financial, social, and other impacts of per-mile user fee systems on individuals, low-income individuals, and individuals of different races.

(2) The impact that access to alternative modes of transportation, including public transportation, has in carrying out per-mile user fee systems.

(3) The ability to access jobs and services, which may include healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.

(4) Equity issues for low-income individuals in urban and rural areas.

(5) Any differing impacts on passenger vehicles and commercial vehicles.

(c) INCLUSIONS.—In carrying out the study under subsection (a), the Comptroller General shall include an analysis of the following programs:

(1) The State surface transportation system funding pilot program under section 6020 of the FAST Act; and

(2) The national surface transportation system funding pilot under section 5402 of this Act.

(d) REPORT.—Not later than 2 years after the date of the enactment after this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report containing the results of the study under subsection (a), including recommendations for how to equitably implement per-mile user fee systems.

(e) DEFINITIONS.—

(1) PER-MILE USER FEE.—The term "per-mile user fee" means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(2) COMMERCIAL VEHICLE.—The term "commercial vehicle" has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

SEC. 1631. GAO REVIEW OF EQUITY CONSIDERATIONS AT STATE DOTS.

(a) REVIEW REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall undertake a review of the extent to which State departments of transportation have in place best practices, standards, and protocols designed to ensure equity considerations in transportation planning, project selection, and project delivery, including considerations of the diverse transportation needs of low-income populations, minority populations, and other diverse populations.

(b) EVALUATION.—After the completion of the review under subsection (a), the Comptroller General shall issue and make available on a publicly accessible Website a report detailing—

(1) findings based on the review in subsection (a);

(2) a comprehensive set of recommendations for State departments of transportation to improve equity considerations, which may include model legislation, best practices, or guidance; and

(3) any recommendations to Congress for additional statutory authority needed to support State department of transportation efforts to incorporate equity considerations into transportation planning, project selection, and project delivery.

(c) REPORT.—After completing the review and evaluation required under subsections (a) and (b), and not later than 2 years after the date of enactment of this Act, the Comptroller General shall make available on a publicly accessible Website, a report that includes—

(1) findings based on the review conducted under subsection (a);

(2) the outcome of the evaluation conducted under subsection (b);

(3) a comprehensive set of recommendations to improve equity considerations in the public transportation industry, including recommendations for statutory changes if applicable; and

(4) the actions that the Secretary of Transportation could take to effectively address the recommendations provided under paragraph (3).

SEC. 1632. STUDY ON EFFECTIVENESS OF SUICIDE PREVENTION NETS AND BARRIERS FOR STRUCTURES OTHER THAN BRIDGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to identify—

(1) the types of structures, other than bridges, that attract a high number of individuals attempting suicide-by-jumping;

(2) the characteristics that distinguish structures identified under paragraph (1) from similar structures that do not attract a high number of individuals attempting suicide-by-jumping;

(3) the types of nets or barriers that are effective at reducing suicide-by-jumping with respect to the structures identified under paragraph (1);

(4) methods of reducing suicide-by-jumping with respect to the structures identified under paragraph (1) other than nets and barriers;

(5) quantitative measures of the effectiveness of the nets and barriers identified under paragraph (3);

(6) quantitative measures of the effectiveness of the additional methods identified under paragraph (4);

(7) the entities that typically install the nets and barriers identified under paragraph (3); and

(8) the costs of the nets and barriers identified under paragraph (3).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1633. TRANSPORTATION PLANNING ACTIVITIES.

The Secretary or Transportation shall take all reasonable efforts to provide assistance for an Olympic or Paralympic event, or a Special Olympics International event, including the following:

(1) Planning activities of States and metropolitan planning organizations and transportation projects relating to an international Olympic or Paralympic event, or a Special Olympics International event, under sections 134 and 135 of title 23, United States Code.

(2) Developing intermodal transportation plans necessary for the projects, in coordination with State and local transportation agencies.

(3) Efforts to expedite review and comment by the Department of Transportation on any required submittals pertaining to an Olympic or Paralympic event or a Special Olympics International event.

(4) Providing technical assistance.

SEC. 1634. BETTER UTILIZING INFRASTRUCTURE FOR LASTING DEVELOPMENT OF VETERANS BUSINESSES ACT.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) VETERAN.—The term "veteran" has the meaning given the term in section 101(2) of title 38, United States Code.

(3) VETERAN OWNED SMALL BUSINESS CONCERN.—The term "veteran owned small business concern" has the meaning given the term "small business concern owned and controlled by veterans" in section 3(q) of the Small Business Act (15 U.S.C. 632 (q)).

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

(c) UNIFORM CRITERIA.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a veteran owned small business concern for the purpose of this section. Such criteria shall include a limit on the personal net worth of the veterans who own and control the small business concern.

(d) REPORTING.—The Secretary shall establish minimum requirements for use by State government in reporting to the Secretary—

(1) information concerning veteran owned small business concern awards, commitments, and achievement; and

(2) such other information as the Secretary determined to be appropriate for the proper monitoring of the veterans business enterprise program.

SEC. 1635. VEHICLE WEIGHT LIMITATIONS.

Section 127(i)(1)(A) of title 23, United States Code, is amended by inserting "an emergency or" before "a major disaster".

SEC. 1636. ROADWAY WORKER PROTECTION WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group (in this section referred to as the "Working Group") to review the methods, practices, and technologies necessary to protect workers in roadway work zones.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in roadway safety.

(2) REPRESENTATION.—The Working group shall include at least one representative of each of the following:

(A) State departments of transportation.

(B) Local governments or metropolitan planning organizations.

(C) Temporary traffic control organizations.

(D) Roadway user organizations.

(E) Vehicle and commercial vehicle manufacturers.

(F) Labor organizations.
(G) Traffic safety organizations.
(H) Motor carrier and independent owner-operator organizations.
(I) Law enforcement and first responder organizations.
(J) Autonomous vehicle technology companies.
(K) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 6 months after the date on which the Secretary receives the report under subsection (f)(1).

(c) DUTIES.—In carrying out the review required under subsection (a), the Working Group shall—

(1) evaluate and analyze current work zone safety and worker protection traffic control best practices;

(2) identify causes of work zone injuries and fatalities;

(3) identify and evaluate technologies related to vehicle interaction with work zones and workers in work zones; and

(4) identify challenges for transportation construction project sponsors regarding improving work zone safety.

(d) CONSULTATION.—In carrying out the review required under subsection (a), the Working Group shall consult with—

(1) transportation construction contractor organizations;

(2) roadway and roadway safety equipment manufacturer organizations;

(3) academic experts; and

(4) any other stakeholder the Working Group determines appropriate.

(e) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the review required under subsection (a), including a summary of any comments received during the consultation process under subsection (d); and

(B) recommendations on safety countermeasures, technologies, programs and policies for the Department of Transportation to improve roadway work zone safety and practices.

(2) REPORT TO CONGRESS.—Not later than 1 month after the date on which the Secretary receives a report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the report.

SEC. 1637. GAO STUDY ON NATURE-BASED SOLUTIONS FOR COASTAL HIGHWAY RESILIENCE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the utilization of nature-based solutions for improving the resilience of coastal highways and bridges.

(b) CONTENTS.—In conducting the study under subsection (a), the Comptroller General shall examine—

(1) the resiliency benefits of nature-based features that work in conjunction with structural features to protect coastal highways and bridges by reducing the impacts of floods or other risks of extreme weather;

(2) the ecological benefits of nature-based features for habitat restoration, water quality improvements, and recreational aesthetics;

(3) any potential savings to taxpayers over the lifecycles of roadways produced by an integrated approach to resilience against extreme weather;

(4) the utilization rates for integrated nature-based solutions among transportation agencies; and

(5) any barriers to the use of nature-based solutions by transportation agencies to improve the resilience of coastal roads and bridges.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the study under subsection (a) and the results of such study, including recommendations for how the Federal Highway Administration can encourage transportation agencies to use natural and nature-based features to improve the resilience of coastal highways and bridges.

SEC. 1638. PROHIBITION ON THE USE OF CIVIL PENALTIES FOR CAMPAIGN FINANCE.

No amounts may be assessed on funds collected pursuant to section 5309 of this Act or section 20704, 20171, 20174, or 80502 of title 49, United States Code, (as added by this Act) for purposes of making payments in support of a campaign for

election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

SEC. 1639. REPEAL OF PILOT PROGRAM.

Section 325 of title 23, United States Code, is repealed.

SEC. 1640. TECHNICAL CORRECTIONS.

(a) IN GENERAL.— Title 23, United States Code, is amended as follows:

(1) NAME CORRECTION.—Section 101(a)(16)(C),as amended, is amended by striking "United States Customs and Immigration Services" and inserting " U.S. Customs and Border Protection".

(2) TRANSFER OF FUNDS.—Section 104(f)(3) is amended—

(A) in subparagraph (A), by striking "the Federal Highway Administration" and inserting "an operating administration of the Department of Transportation"; and

(B) in the paragraph heading, by striking "Federal Highway Administration" and inserting "an operating administration of the Department of Transportation".

(3) TERMS AND CONDITIONS.—Section 108(c)(3)(F) is amended—

(A) by inserting "of 1969 (42 U.S.C. 4321 et seq.)" after "Policy Act"; and

(B) by striking "this Act" and inserting "this title".

(4) EXCLUSION.—Section 112(b)(2) is amended in subparagraph (F) by striking "(F)" and all that follows through "Subparagraphs" and inserting "(F) Subparagraphs".

(5) REFERENCE TO STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 115(c) is amended by striking "135(f)" and inserting "135(g)".

(6) OPPORTUNITY FOR COMMENT.—Section 134(j) is amended by striking "subsection (i)(5)" both places it appears and inserting "subsection (i)(6)".

(7) PERFORMANCE-BASED APPROACH.—Section 135(f)(7)(B) is amended by striking the semicolon at the end and inserting a period.

(8) EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.—Section 139 is amended—

(A) in subsection (b)(1) by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969";

(B) in subsection (c) by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969" each place it appears; and

(C) in subsection (k)(2) by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969".

(9) NONDISCRIMINATION.—Section 140(a) is amended, in the third sentence, by inserting a comma after "Secretary".

(10) PUBLIC TRANSPORTATION.—Section 142 is amended by striking subsection (i).

(11) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149 is amended—

(A) in subsection (b)(1)(A)(ii) by striking "; or," and inserting "; or"; and

(B) in subsection (g)(2)(B) by striking the semicolon at the end and inserting "; and".

(12) TRIBAL TRANSPORTATION PROGRAM DATA COLLECTION.—Section 201(c)(6)(A)(ii) is amended by striking "(25 U.S.C. 450 et seq.)" and inserting "(25 U.S.C. 5301 et seq.)".

(13) TRIBAL TRANSPORTATION PROGRAM.—Section 202 is amended—

(A) by striking "(25 U.S.C. 450 et seq.)" each place it appears and inserting "(25 U.S.C. 5301 et seq.)";

(B) in subsection (a)(10)(B) by striking "(25 U.S.C. 450e(b))" and inserting "(25 U.S.C. 5307(b))"; and

(C) in subsection (b)—

(i) in paragraph (5) in the matter preceding subparagraph (A) by inserting "the" after "agreement under"; and

(ii) in paragraph (6)(A) by inserting "the" after "in accordance with".

(14) PERMISSIBLE USES OF RECREATIONAL TRAILS PROGRAM APPORTIONED FUNDS.—Section 206(d)(2)(G) is amended by striking "use of recreational trails" and inserting "uses of recreational trails".

(15) TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.—Section 207 is amended—

(A) in subsection (g)—

(i) by striking "(25 U.S.C. 450j–1)" and inserting "(25 U.S.C. 5325)"; and

(ii) by striking "(25 U.S.C. 450j-1(f))" and inserting "(25 U.S.C. 5325(f))";

(B) in subsection (l)—

(i) in paragraph (1), by striking "(25 U.S.C. 458aaa–5)" and inserting "(25 U.S.C. 5386)";

(ii) in paragraph (2), by striking "(25 U.S.C. 458aaa–6)" and inserting "(25 U.S.C. 5387)";

(iii) in paragraph (3), by striking "(25 U.S.C. 458aaa–7)" and inserting "(25 U.S.C. 5388)";

(iv) in paragraph (4), by striking "(25 U.S.C. 458aaa–9)" and inserting "(25 U.S.C. 5390)";

(v) in paragraph (5), by striking "(25 U.S.C. 458aaa–10)" and inserting "(25 U.S.C. 5391)";

(vi) in paragraph (6), by striking "(25 U.S.C. 458aaa–11)" and inserting "(25 U.S.C. 5392)";

(vii) in paragraph (7), by striking "(25 U.S.C. 458aaa–14)" and inserting "(25 U.S.C. 5395)";

(viii) in paragraph (8), by striking "(25 U.S.C. 458aaa–15)" and inserting "(25 U.S.C. 5396)"; and

(ix) in paragraph (9), by striking "(25 U.S.C. 458aaa–17)" and inserting "(25 U.S.C. 5398)"; and

(C) in subsection (m)(2)—

(i) by striking "505" and inserting "501"; and

(ii) by striking "(25 U.S.C. 450b; 458aaa)" and inserting "(25 U.S.C. 5304; 5381)".

(16) BUY AMERICA.—Section 313 is amended—

(A) in subsection (e)(2) by striking "States;" and inserting "States,"; and

(B) in subsection (f)(1) by striking ", and" and inserting "; and".

(17) PROCEDURES FOR A GIFT OR DONATION.—Section 323(d) is amended in the matter preceding paragraph (1) by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969".

(18) HIGHWAY SAFETY PROGRAMS.—Section 402(b)(1)(E) is amended by striking the semicolon at the end and inserting "; and".

(19) USE OF FREIGHT CAPACITY BUILDING PROGRAM FUNDS.—Section 504(g)(6) is amended by striking "make grants or to" and inserting "make grants to".

(20) DEVELOPMENT PHASE ACTIVITIES.—Section 602(e) is amended by striking "601(a)(1)(A)" and inserting "601(a)(2)(A)".

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents for title 23, United States Code, is amended in the item relating to chapter 1 by striking "**FEDERAL AID HIGHWAYS**" and inserting "**FEDERAL-AID HIGHWAYS**".

(2) CHAPTER 3.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

SEC. 2101. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"(a) GRANTS.—

"(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335, 5337, 5339, and 5340—

"(A) $17,894,460,367 for fiscal year 2023;

"(B) $18,201,940,770 for fiscal year 2024;

"(C) $18,551,676,708 for fiscal year 2025; and

"(D) $18,901,573,693 for fiscal year 2026.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

"(A) $189,879,151 for fiscal year 2023, $192,841,266 for fiscal year 2024, $195,926,726 for fiscal year 2025, and $199,002,776 for fiscal year 2026, shall be available to carry out section 5305;

"(B) $7,505,830,848 for fiscal year 2023, $7,622,921,809 for fiscal year 2024, $7,744,888,558 for fiscal year 2025, and $7,866,483,309 for fiscal year 2026 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

"(C) $101,510,000 for fiscal year 2023, $103,093,556 for fiscal year 2024, $104,743,053 for fiscal year 2025, and $106,387,519 for fiscal year 2026 shall be available for grants under section 5308;

"(D) $434,830,298 for fiscal year 2023, $441,613,651 for fiscal year 2024, $448,679,469 for fiscal year 2025, and $455,723,737 for fiscal year 2026 shall be available to carry out section 5310, of which not less than—

"(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5310(j); and

"(ii) $20,302,000 for fiscal year 2023, $20,618,711 for fiscal year 2024, $20,948,611 for fiscal year 2025, and $21,277,504 for fiscal year 2026 shall be available to carry out section 5310(k);

"(E) $1,025,199,724 for fiscal year 2023, $1,041,192,839 for fiscal year 2024, $1,057,851,925 for fiscal year 2025, and $1,074,460,200 for fiscal year 2026 shall be available to carry out section 5311, of which not less than—

"(i) $55,679,500 for fiscal year 2023, $56,392,100 for fiscal year 2024, $57,134,374 for fiscal year 2025, and $57,874,383 for fiscal year 2026 shall be available to carry out section 5311(c)(1); and

"(ii) $50,755,000 for fiscal year 2023, $51,546,778 for fiscal year 2024, $52,371,526 for fiscal year 2025, and $53,193,759 for fiscal year 2026 shall be available to carry out section 5311(c)(2);

"(F) $53,498,300 for fiscal year 2023; $54,020,873 for fiscal year 2024; $54,565,207 for fiscal year 2025; $55,107,881 for fiscal year 2026 shall be available to carry out section 5312, of which not less than—

"(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out each of sections 5312(d)(3) and 5312(d)(4);

"(ii) $3,045,300 for fiscal year 2023, $3,092,807 for fiscal year 2024, $3,142,292 for fiscal year 2025, and $3,191,626 for fiscal year 2026 shall be available to carry out section 5312(h);

"(iii) $10,151,000 for fiscal year 2023, $10,309,356 for fiscal year 2024, $10,474,305 for fiscal year 2025, and $10,638,752 for fiscal year 2026 shall be available to carry out section 5312(i); and

"(iv) $10,075,500 for fiscal year 2023, $10,154,678 for fiscal year 2024, $10,237,153 for fiscal year 2025, and $10,319,376 shall be available to carry out section 5312(j);

"(G) $23,347,300 for fiscal year 2023, $23,711,518 for fiscal year 2024, $24,090,902 for fiscal year 2025, and $24,469,129 for fiscal year 2026 shall be available to carry out section 5314, of which not less than—

"(i) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for fiscal year 2025, and $4,255,501 for fiscal year 2026 shall be available to carry out section of 5314(a);

"(ii) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5314(c); and

"(iii) $12,181,200 for fiscal year 2023, $12,371,227 for fiscal year 2024, $12,569,166 for fiscal year 2025, and $12,766,502 for fiscal year 2026 shall be available to carry out section 5314(b)(2);

"(H) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5318;

"(I) $30,453,000 for fiscal year 2023, $30,928,067 for fiscal year 2024, $31,422,916 for fiscal year 2025, and $31,916,256 for fiscal year 2026 shall be available to carry out section 5328, of which not less than—

"(i) $25,377,500 for fiscal year 2023, $25,773,389 for fiscal year 2024, $26,185,763 for fiscal year 2025, and $26,596,880 for fiscal year 2026 shall be available to carry out section of 5328(b); and

"(ii) $2,537,750 for fiscal year 2023, $2,577,339 for fiscal year 2024, $2,618,576 for fiscal year 2025, and $2,659,688 for fiscal year 2026 shall be available to carry out section 5328(c);

"(J) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for fiscal year 2025, and $4,255,501 for fiscal year 2026 shall be available to carry out section 5335;

"(K) $5,366,233,728 for fiscal year 2023, $5,460,789,084 for fiscal year 2024, $5,560,170,578 for fiscal year 2025, and $5,660,288,417 for fiscal year 2026 shall be available to carry out section 5337;

"(L) to carry out the bus formula program under section 5339(a)—

"(i) $1,240,328,213 for fiscal year 2023, $1,259,667,334 for fiscal year 2024, $1,279,832,171 for fiscal year 2025, and $1,299,925,536 for fiscal year 2026; except that

"(ii) 15 percent of the amounts under clause (i) shall be available to carry out 5339(d);

"(M) $437,080,000 for fiscal year 2023, $424,748,448 for fiscal year 2024, $387,944,423 for fiscal year 2025, and $351,100,151 for fiscal year 2026 shall be available to carry out section 5339(b);

"(N) $890,000,000 for fiscal year 2023, $950,000,000 for fiscal year 2024, $1,065,000,000 for fiscal year 2025, and $1,180,000,000 for fiscal year 2026 shall be available to carry out section 5339(c); and

"(O) $587,133,905 for each of fiscal years 2023 through 2026 shall be available to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

"(i) $309,688,908 for each of fiscal years 2023 through 2026 shall be for growing States under section 5340(c); and

"(ii) $277,444,997 for each of fiscal years 2023 through 2026 shall be for high density States under section 5340(d).

"(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 $3,500,000,000 for fiscal year 2023, $4,250,000,000 for fiscal year 2024, $5,000,000,000 for fiscal year 2025, and 5,500,000,000 for fiscal year 2026.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $142,060,785 for fiscal year 2023, $144,191,696 for fiscal year 2024, $146,412,248 for fiscal year 2025, and 148,652,356 for fiscal year 2026.

"(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $6,000,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5329.

"(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,500,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5326.

"(d) OVERSIGHT.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

"(A) 0.5 percent of amounts made available to carry out section 5305.

"(B) 0.75 percent of amounts made available to carry out section 5307.

"(C) 1 percent of amounts made available to carry out section 5309.

"(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

"(E) 0.5 percent of amounts made available to carry out section 5310.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 1 percent of amounts made available to carry out section 5337, of which not less than 25 percent of such amounts shall be available to carry out section 5329 and of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

"(H) 1 percent of amounts made available to carry out section 5339 of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

"(I) 1 percent of amounts made available to carry out section 5308.

"(2) ACTIVITIES.—The activities described in this paragraph are as follows:

"(A) Activities to oversee the construction of a major capital project.

"(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

"(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

"(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

"(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from

the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts from future appropriations from the general fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

"(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.

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

"(1) IN GENERAL.—Funds provided under this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 5312(i)(1) of title 49, United States Code, is amended by striking "5338(a)(2)(G)(ii)" and inserting "5338(a)(2)(F)(iii)".

(2) Section 5333(b) of title 49, United States Code, is amended by striking "5328, 5337, and 5338(b)" each place it appears and inserting "and 5337".

(3) Section 5336 of title 49, United States Code, is amended in subsection (d)(1) by striking "5338(a)(2)(C)" and inserting "5338(a)(2)(B)".

(4) Subsections (c) and (d)(1) of section 5327 of title 49, United States Code, are amended by striking "5338(f)" and inserting "5338(d)".

(5) Section 5340(b) of title 49, United States Code, is amended by striking "5338(b)(2)(N)" and inserting "5338(a)(2)(O)".

SEC. 2102. CHAPTER 53 DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E)—

(A) by striking "and the installation" and inserting ", the installation"; and

(B) by inserting ", charging stations and docks for electric micromobility devices, and bikeshare projects" after "public transportation vehicles";

(2) in paragraph (3)—

(A) in subparagraph (G) by striking clause (iii) and inserting the following:

"(iii) provides a fair share of revenue established by the Secretary that will be used for public transportation, except for a joint development that is a community service (as defined by the Federal Transit Administration), publicly operated facility, or offers a minimum of 50 percent of units as affordable housing, meaning legally binding affordability restricted housing units available to tenants with incomes below 60 percent of the area median income or owners with incomes below the area median;";

(B) in subparagraph (M) strike "; or" and insert a semicolon;

(C) in subparagraph (N)—

(i) by striking "no emission" and inserting "zero emission"; and

(ii) by striking "(as defined in section 5339(c)) or facilities." and inserting "or facilities; or"; and

(D) by adding at the end the following:

"(O) the employment of forensic consultants, cybersecurity experts, or third-party penetration testers to identify, evaluate, test, and patch ransomware attack vulnerabilities."; and

(3) by adding at the end the following:

"(25) RESILIENCE.—

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

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

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

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

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

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

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

"(26) ASSAULT ON A TRANSIT WORKER.—The term 'assault on a transit worker' means any circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties.".

SEC. 2103. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking "urban area" and inserting "urbanized area";

(B) by adding at the end the following:

"(3) EXCEPTIONS.—This subsection shall not apply to financial assistance under this chapter—

"(A) in which the non-Federal share of project costs are provided from amounts received under a service agreement with a State or local social service agency or private social service organization pursuant to section 5307(d)(3)(E) or section 5311(g)(3)(C);

"(B) provided to a recipient or subrecipient whose sole receipt of such assistance derives from section 5310; or

"(C) provided to a recipient operating a fixed route service that is—

"(i) for a period of less than 30 days;

"(ii) accessible to the public;

"(iii) contracted by a local government entity that provides local cost share to the recipient; and

"(iv) not contracted for the purposes of a convention or on behalf of a convention and visitors bureau.

"(4) GUIDELINES.—The Secretary shall publish guidelines for grant recipients and private bus operators that clarify when and how a transit agency may provide the service in the event a registered charter provider does not contact the customer, provide a quote, or provide the service.";

(2) in subsection (h)—

(A) in paragraph (1) by adding "or" at the end; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (j) and inserting the following:

"(j) REPORTING ACCESSIBILITY COMPLAINTS.—

"(1) IN GENERAL.—The Secretary shall ensure that an individual who believes that he or she, or a specific class in which the individual belongs, has been subjected to discrimination on the basis of disability by a State or local governmental entity, private nonprofit organization, or Tribe that operates a public transportation service and is a recipient or subrecipient of funds under this chapter, may, by the individual or by an authorized representative, file a complaint with the Department of Transportation.

"(2) PROCEDURES.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall implement procedures that allow an individual to submit a complaint described in paragraph (1) by phone, mail-in form, and online through the website of the Office of Civil Rights of the Federal Transit Administration.

"(3) NOTICE TO INDIVIDUALS WITH DISABILITIES.—Not later than 12 months after the date of enactment of the INVEST in America Act, the Secretary shall require that each public transit provider and contractor providing paratransit services shall include on a publicly available website of the service provider, any related mobile device application, and online service—

"(A) notice that an individual can file a disability-related complaint with the local transit agency and the process and any timelines for filing such a complaint;

"(B) the telephone number, or a comparable electronic means of communication, for the disability assistance hotline of the Office of Civil Rights of the Federal Transit Administration;

"(C) notice that a consumer can file a disability related complaint with the Office of Civil Rights of the Federal Transit Administration; and

"(D) an active link to the website of the Office of Civil Rights of the Federal Transit Administration for an individual to file a disability-related complaint.

"(4) INVESTIGATION OF COMPLAINTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall publish a report that lists the disposition of complaints described in paragraph (1), including—

"(A) the number and type of complaints filed with Department of Transportation;

"(B) the number of complaints investigated by the Department;

"(C) the result of the complaints that were investigated by the Department including whether the complaint was resolved—

"(i) informally;

"(ii) by issuing a violation through a noncompliance Letter of Findings; or

"(iii) by other means, which shall be described; and

"(D) if a violation was issued for a complaint, whether the Department resolved the noncompliance by—

"(i) reaching a voluntary compliance agreement with the entity;

"(ii) referring the matter to the Attorney General; or

"(iii) by other means, which shall be described.

"(5) REPORT.—The Secretary shall, upon implementation of this section and annually thereafter, submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available a report containing the information collected under this section.";

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

"(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with bid specifications requirements of grant recipients under this chapter. Under this subsection, grantee inspections and review are required, and a manufacturer certification is not sufficient."; and

(5) by amending subsection (r) to read as follows:

"(r) REASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—

"(1) IN GENERAL.—A recipient of assistance under this chapter—

"(A) may not deny reasonable access for a private intercity or charter transportation operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes; and

"(B) shall respond to any request for reasonable access within 75 days of the receipt of the request and, if a recipient of assistance under this chapter denies access to a private intercity or charter transportation operator based on the reasonable access standards, provide, in writing, the reasons for the denial.

"(2) DETERMINING REASONABLE ACCESS.—In determining reasonable access under paragraph (1)(A), capacity requirements of the recipient of assistance and the extent to which access would be detrimental or beneficial to existing public transportation services must be considered and demographic makeup of the riders of a private intercity or charter transportation operator may not be cited as a detriment to the provision of access.

"(3) NOTIFICATION.—If a private intercity or charter transportation operator requesting access under this subsection is denied such access by a recipient of assistance under this chapter or does not receive a written response within 75 days of submitting the request, such operator may notify the Secretary for purposes of inclusion in the report under paragraph (4).

"(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing each instance reported under paragraph (3) in which—

"(A) a private intercity or charter transportation operator requested reasonable access and was denied, and the reasons provided by the recipient of assistance under this chapter for the denial; and

"(B) a recipient of assistance under this chapter did not respond to a request for reasonable access within 75 days.".

SEC. 2104. MISCELLANEOUS PROVISIONS.

(a) STATE OF GOOD REPAIR GRANTS.—Section 5337(e) of title 49, United States Code, is amended by adding at the end the following:

"(3) ACCESSIBILITY COSTS.—Notwithstanding paragraph (1), the Federal share of the net project cost of a project to provide accessibility improvements consistent with standards in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) shall be 90 percent.".

(b) APPORTIONMENTS BASED ON GROWING STATES AND HIGH DENSITY STATES FORMULA FACTORS.—Section 5340(a) of title 49, United States Code, is amended by inserting "and the District of Columbia" after "United States".

(c) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (i) by striking "; and" and inserting a semicolon;

(B) in clause (ii) by striking "and vehicle electronics." and inserting "cybersecurity and mitigating the threat of ransomware, and vehicle electronics; and"; and

(C) by adding at the end the following:

"(iii) technical assistance to assist recipients with the impacts of a new census count.";

(2) in subsection (a)(2)—

(A) by redesignating subparagraphs (H) and (I) as subparagraphs (J) and (K), respectively; and

(B) by inserting after subparagraph (G) the following:

"(H) cybersecurity and mitigating the threat of ransomware;";

(3) in subsection (b)(1)(B) by striking "females" and inserting "women"; and

(4) in subsection (c)(4)(A) by inserting ", and not more than 2 percent of amounts under 5311," after "5339".

(d) NATIONAL TRANSIT DATABASE.—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting ", including information on transit routes and ridership on those routes" after "public sector investment decision"; and

(2) in subsection (c) by inserting ", any data on each assault on a transit worker, and pedestrian injuries and fatalities as a result of an impact with a bus. Each of the data sets shall be publicly reported without aggregating the data with other safety data" after "by the recipient".

(e) URBANIZED AREA FORMULA GRANTS.—Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i) by striking "or" at the end; and

(B) by adding at the end the following:

"(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or";

(2) in subsection (a)(2)(B)—

(A) in clause (i) by striking "or" at the end;

(B) in clause (ii) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).."; and

(3) in subsection (b)—

(A) in paragraph (6) by striking "and" at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) ensure that the proposed program of projects provides improved access to transit for the individuals described in section 5336(j); and".

(f) TECHNICAL CORRECTION.—Section 5307(a)(2)(B)(ii) of title 49, United States Code, is amended by striking "service during peak" and inserting "service, during peak".

(g) TRANSPORTATION DEVELOPMENT CREDITS AS LOCAL MATCH.—

(1) SECTION 5307.—Section 5307(d)(3) of title 49, United States Code, is amended—

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

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

(C) by adding at the end the following:

"(F) transportation development credits.".

(2) SECTION 5309.—Section 5309 of title 49, United States Code, is amended—

(A) in subsection (f) by adding at the end the following:

"(3) TRANSPORTATION DEVELOPMENT CREDITS.—For purposes of assessments and determinations under this subsection or subsection (h), transportation development credits that are included as a source of local financing or match shall be treated the same as other sources of local financing."; and

(B) in subsection (l)(4)—

(i) in subparagraph (B) by striking "; or" and inserting a semicolon;

(ii) in subparagraph (C) by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(D) transportation development credits; or".

(3) SECTION 5339.—Section 5339(a)(7)(B) of title 49, United States Code, is amended—

(A) in clause (iv) by striking "; or" and inserting a semicolon;

(B) in clause (v) by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(vi) transportation development credits.".

(h) CLARIFICATION OF INCIDENTAL USE.—Section 5310(b)(7) of title 49, United States Code, is amended—

(1) in the header by inserting "AND INCIDENTAL USE" after "INDIVIDUALS";

(2) by inserting "or providing other incidental services" after "individuals"; and

(3) by striking "delivery service does not conflict" and inserting "service does not conflict".

SEC. 2105. POLICIES AND PURPOSES.

Section 5301(b) of title 49, United States Code, is amended—

(1) in paragraph (7) by striking "; and" and inserting a semicolon;

(2) in paragraph (8) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(9) reduce the contributions of the surface transportation system to the total carbon pollution of the United States; and

"(10) improve the resiliency of the public transportation network to withstand weather events and other natural disasters.".

SEC. 2106. FISCAL YEARS 2022 AND 2023 FORMULAS.

For fiscal years 2022 and 2023, the Secretary of Transportation shall apportion and distribute formula funds provided for under chapter 53 of title 49, United States Code, using data submitted to the 2019 National Transit Database.

SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is further amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan and statewide transportation planning processes identified in this chapter; and".

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).";

(3) in subsection (c)—

(A) in paragraph (1) by striking "and transportation improvement programs" and inserting "and TIPs"; and

(B) by adding at the end the following:

"(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.";

(4) in subsection (d)—

(A) in paragraph (2) by striking "Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each" and inserting "Each";

(B) in paragraph (3) by adding at the end the following:

"(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

"(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

"(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

"(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).";

(C) in paragraph (6)(B) by striking "paragraph (2)" and inserting "paragraphs (2) or (3)(D)"; and

(D) in paragraph (7)—

(i) by striking "an existing metropolitan planning area" and inserting "an urbanized area"; and

(ii) by striking "the existing metropolitan planning area" and inserting "the area";

(5) in subsection (g)—

(A) in paragraph (1) by striking "a metropolitan area" and inserting "an urbanized area";

(B) in paragraph (2) by striking "MPOS" and inserting "METROPOLITAN PLANNING AREAS"

(C) in paragraph (3)(A) by inserting "emergency response and evacuation, climate change adaptation and resilience," after "disaster risk reduction,"; and

(D) by adding at the end the following:

"(4) COORDINATION BETWEEN MPOS.—

"(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

"(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(6) in subsection (h)(1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;";

(B) in subparagraph (H) by striking "and" at the end;

(C) in subparagraph (I) by striking the period at the end and inserting "and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;"; and

(D) by inserting after subparagraph (I) the following:

"(J) support emergency management, response, and evacuation and hazard mitigation;

"(K) improve the level of transportation system access; and

"(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.";

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b) of title 23, the achievement of metropolitan and statewide targets established under section 150(d) of title 23, the improvement of transportation system access (consistent with section 150(f)) of title 23, and the general purposes described in section 5301 of this title.";

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting "reduce greenhouse gas emissions and" before "restore and maintain";

(B) in paragraph (2)(G) by inserting "and climate change" after "infrastructure to natural disasters";

(C) in paragraph (2)(H) by inserting "greenhouse gas emissions," after "pollution,";

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

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

"(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

"(i) State conservation plans or maps; and

"(ii) inventories of natural or historic resources."; and

(E) by amending paragraph (6)(C) to read as follows:

"(C) METHODS.—

"(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) hold any public meetings at convenient and accessible locations and times;

"(II) employ visualization techniques to describe plans; and

"(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(9) in subsection (j) by striking "transportation improvement program" and inserting "TIP" each place it appears; and

(10) by striking "Federally" each place it appears and inserting "federally".

SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "statewide transportation improvement program" and inserting "STIP";

(B) in paragraph (2)—

(i) by striking "The statewide transportation plan and the" and inserting the following:

"(A) IN GENERAL.—The statewide transportation plan and the";

(ii) by striking "transportation improvement program" and inserting "STIP"; and

(iii) by adding at the end the following:

"(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases."; and

(C) in paragraph (3) by striking "transportation improvement program" and inserting "STIP";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting "reduce greenhouse gas emissions," after "promote energy conservation,";

(II) by inserting "and public health" after "improve the quality of life"; and

(III) by inserting ", including housing and land use patterns" after "economic development patterns";

(ii) in subparagraph (H) by striking "and";

(iii) in subparagraph (I) by striking the period at the end and inserting "and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;"; and

(iv) by adding at the end the following:

"(J) facilitate emergency management, response, and evacuation and hazard mitigation;

"(K) improve the level of transportation system access; and

"(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

"(i) the national goals described in section 150(b) of title 23;

"(ii) the consideration of transportation system access (consistent with section 150(f) of title 23);

"(iii) the achievement of statewide targets established under section 150(d) of title 23; and

"(iv) the general purposes described in section 5301 of this title."; and

(ii) in subparagraph (D) by striking "statewide transportation improvement program" and inserting "STIP"; and

(C) in paragraph (3) by striking "statewide transportation improvement program" and inserting "STIP";

(3) in subsection (e)(3) by striking "transportation improvement program" and inserting "STIP";

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

(ii) by amending clause (ii) to read as follows:

"(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

"(I) State and tribal conservation plans or maps; and

"(II) inventories of natural or historic resources.";

(B) in paragraph (3)(B)—

(i) by striking "In carrying out" and inserting the following:

"(i) IN GENERAL.—in carrying out";

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(C) in paragraph (4)(A) by inserting "reduce greenhouse gas emissions and" after "potential to"; and

(D) in paragraph (8) by inserting "including consideration of the role that intercity buses may play in reducing congestion, pollution, greenhouse gas emissions, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, in-

cluding systems that are privately owned and operated" after "transportation system";

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking "statewide transportation improvement program" and inserting "STIP";

(B) in paragraph (5)—

(i) in subparagraph (A) by striking "transportation improvement program" and inserting "STIP";

(ii) in subparagraph (B)(ii) by striking "metropolitan transportation improvement program" and inserting "TIP";

(iii) in subparagraph (C) by striking "transportation improvement program" and inserting "STIP" each place it appears;

(iv) in subparagraph (E) by striking "transportation improvement program" and inserting "STIP";

(v) in subparagraph (F)(i) by striking "transportation improvement program" and inserting "STIP" each place it appears;

(vi) in subparagraph (G)(ii) by striking "transportation improvement program" and inserting "STIP"; and

(vii) in subparagraph (H) by striking "transportation improvement program" and inserting "STIP";

(C) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking "transportation improvement program" and inserting "STIP"; and

(II) by striking "and projects carried out under the bridge program or the Interstate maintenance program under title 23"; and

(ii) in subparagraph (B)—

(I) by striking "or under the bridge program or the Interstate maintenance program"; and

(II) by striking "statewide transportation improvement program" and inserting "STIP";

(D) in paragraph (7)—

(i) in the heading by striking "TRANSPORTATION IMPROVEMENT PROGRAM" and inserting "STIP"; and

(ii) by striking "transportation improvement program" and inserting "STIP";

(E) in paragraph (8) by striking "statewide transportation plans and programs" and inserting "statewide transportation plans and STIPs"; and

(F) in paragraph (9) by striking "transportation improvement program" and inserting "STIP";

(6) in subsection (h)(2)(A) by striking "Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012," and inserting "Not less frequently than once every 4 years,";

(7) in subsection (j) by striking "transportation improvement program" and inserting "STIP" each place it appears; and

(8) in subsection (l) by striking "transportation improvement programs" and inserting "STIPs".

SEC. 2109. OBLIGATION LIMITATION.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, shall not exceed—

(1) $17,894,460,367 for fiscal year 2023;

(2) $18,201,940,770 for fiscal year 2024;

(3) $18,551,676,708 for fiscal year 2025; and

(4) $18,901,573,693 for fiscal year 2026.

SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF FUNDS.

Section 5324 of title 49, United States Code, is amended by adding at the end the following:

"(f) IMPOSITION OF DEADLINE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded pursuant to this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

"(A) the date on which the Governor declared the emergency, as described in subsection (a)(2); or

"(B) the date on which the President declared a major disaster, as described in such subsection.

"(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant an extension.".

SEC. 2111. CERTIFICATION REQUIREMENTS.

The certification requirements described in section 661.12 of title 49, Code of Federal Regulations, shall, after the date of enactment of this Act, include a certification that buses or other rolling stock (including train control, communication and traction power equipment) being procured do not contain or use any covered telecommunications equipment or services, as such term is defined by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 2112. HOLD HARMLESS.

Notwithstanding any other provision of law, for fiscal years 2021 and 2022, the Secretary of Transportation shall allow project sponsors, at the request of such sponsor, to submit ridership and service data and projections collected before January 20, 2020 and projections based on that data to determine project eligibility under section 5309 of title 49, United States Code.

SEC. 2113. STUDY ON ACCESSIBILITY OF PUBLIC TRANSPORTATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report that includes—

(1) a description of the challenges faced by each of the populations described in subsection (b) when riding public transportation; and

(2) recommendations to improve the accessibility of federally-funded public transportation for the populations described in subsection (b).

(b) COVERED POPULATIONS.—The populations described in subsection (a) shall be—

(1) pregnant women; and

(2) individuals living in areas of persistent poverty, as such term is defined in section 172(l) of title 23, United States Code, as added by this Act, and individuals that are unbanked or underbanked.

Subtitle B—Improving Frequency and Ridership

SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND RIDERSHIP COMPETITIVE GRANTS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5307 the following new section:

"§ 5308. Multi-jurisdictional bus frequency and ridership competitive grants

"(a) IN GENERAL.—The Secretary shall make grants under this section, on a competitive basis, to eligible recipients to increase the frequency of bus service and the ridership of public transit buses.

"(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) APPLICATION TIMING.—Not later than 90 days after amounts are made available to carry out this section, the Secretary shall solicit grant applications from eligible recipients for projects described in subsection (d).

"(d) USES OF FUNDS.—An eligible recipient of a grant under this section shall use such grant for transportation capital projects that—

"(1) increase—

"(A) the frequency of bus service;

"(B) bus ridership; and

"(C) total person throughput; and

"(2) are consistent with, and as described in, the design guidance issued by the National Association of City Transportation Officials and titled 'Transit Street Design Guide'.

"(e) GRANT CRITERIA.—In making grants under this section, the Secretary shall consider the following:

"(1) Each eligible recipient's projected increase in bus frequency.

"(2) Each eligible recipient's projected increase in bus ridership.

"(3) Each eligible recipient's projected increase in total person throughput.

"(4) The degree of regional collaboration described in each eligible recipient's application, including collaboration with—

"(A) a local government entity that operates a public transportation service;

"(B) local government agencies that control street design;

"(C) metropolitan planning organizations (as such term is defined in section 5303); and

"(D) State departments of transportation.

"(f) GRANT TIMING.—The Secretary shall award grants under this section not later than 120 days after the date on which the Secretary completes the solicitation described in subsection (c).

"(g) REQUIREMENTS OF THE SECRETARY.—In carrying out the program under this section, the Secretary shall—

"(1) not later than the date described in subsection (c), publish in the Federal Register a list of all metrics and evaluation procedures to be used in making grants under this section; and

"(2) publish in the Federal Register—

"(A) a summary of the final metrics and evaluations used in making grants under this section; and

"(B) a list of the ratings of eligible recipients receiving a grant under this section based on such metrics and evaluations.

"(h) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section shall not exceed 80 percent.

"(2) RESTRICTION ON GRANT AMOUNTS.—The Secretary may make a grant for a project under this section in an amount up to 150 percent of the amount—

"(A) provided for such project under title 23; and

"(B) provided for such project from non-Federal funds budgeted for roadways.

"(i) REQUIREMENTS OF SECTION 5307.—Except as otherwise provided in this section, a grant under this section shall be subject to the requirements of section 5307.

"(j) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Amounts made available to carry out this section shall remain available for 4 fiscal years after the fiscal year for which the amount was made available.

"(2) UNOBLIGATED AMOUNTS.—After the expiration of the period described in paragraph (1) for an amount made available to carry out this section, any unobligated amounts made available to carry out this section shall be added to the amounts made available for the following fiscal year.

"(k) ELIGIBLE RECIPIENTS.—In this section, the term 'eligible recipient' means a recipient of a grant under section 5307 in an urbanized area with a population greater than 500,000.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5307 the following new item:

"5308. Multi-jurisdictional bus frequency and ridership competitive grants.".

SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FORMULA.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by striking "95.61 percent" and inserting "95 percent";

(II) in clause (i) by striking "95.61 percent" and inserting "95 percent"; and

(III) in clause (ii) by striking "95.61 percent" and inserting "95 percent"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking "4.39 percent" and inserting "5 percent";

(II) in clause (i)—

(aa) by inserting "in the highest 25 percent of routes by ridership" before "multiplied by"; and

(bb) by striking "vehicle passenger miles traveled for each dollar of operating cost in an area" and inserting "vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership"; and

(III) in clause (ii)—

(aa) by inserting "in the highest 25 percent of routes by ridership" before "multiplied by"; and

(bb) by striking "vehicle passenger miles traveled for each dollar of operating cost in all areas" and inserting "vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership"; and

(B) by adding at the end the following:

"(3) SPECIAL RULE.—For fiscal years 2023 and 2024, the percentage—

"(A) in paragraph (2)(A) in the matter preceding clause (i) shall be treated as 100 percent; and

"(B) in paragraph (2)(B) in the matter preceding clause (i) shall be treated as 0 percent.";

(2) in subsection (c)—

(A) in paragraph (1) by striking "90.8 percent" and inserting "90 percent" each place it appears;

(B) in paragraph (2)—

(i) by striking "9.2 percent" and inserting "8 percent";

(ii) by striking "200,000" and inserting "500,000";

(iii) by striking subparagraph (A) and inserting the following:

"(A) the number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership; divided by"; and

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

"(B) the total number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the total number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership in all areas."; and

(C) by adding at the end the following:

"(3) Two percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 and less than 500,000 is entitled to receive an amount using the formula in paragraph (1).

"(4) For fiscal years 2023 and 2024, the percentage—

"(A) in paragraph (1) in the matter preceding subparagraph (A) shall be treated as 100 percent;

"(B) in paragraph (2) in the matter preceding subparagraph (A) shall be treated as 0 percent; and

"(C) in paragraph (3) shall be treated as 0 percent."; and

(3) by adding at the end the following:

"(k) PEAK REVENUE SERVICE DEFINED.—In this section, the term 'peak revenue service' means the time period between the time in the morning that an agency first exceeds the number of midday vehicles in revenue service and the time in the evening that an agency falls below the number of midday vehicles in revenue service.".

SEC. 2203. MOBILITY INNOVATION.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following new section:

"§ 5316. Mobility innovation

"(a) IN GENERAL.—Amounts made available to a covered recipient to carry out sections 5307, 5310, and 5311 may be used by such covered recipient under this section to assist in the financing of—

"(1) mobility as a service; and

"(2) mobility on demand services.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the net cost of a project carried out under this section shall not exceed 70 percent.

"(2) INSOURCING 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 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;

"(iii) compliance with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(iv) low-income service to increase access to employment, healthcare, and other essential services;

"(v) service during times of the day when regular transit service is not operating, as long as regular transit service hours are not reduced;

"(vi) new service that operates in areas of lower density that are unserved or underserved by regular transit service;

"(vii) rural service; and

"(viii) improvement in paratransit service quality.

"(2) FARE COLLECTION MODERNIZATION.—In developing guidance referred to in this section, the Secretary shall ensure that—

"(A) all costs associated with installing, modernizing, and managing fare collection, including touchless payment systems, shall be considered eligible expenses under this title and subject to the applicable Federal share; and

"(B) such guidance includes guidance on how agencies shall provide unbanked and underbanked users with an opportunity to benefit from mobility as a service platforms.

"(3) PROHIBITION ON USE OF FUNDS.—Amounts used by a covered recipient for projects eligible under this section may not be used for—

"(A) single passenger vehicle miles (in a passenger motor vehicle, as such term is defined in section 32101, that carries less than 9 passengers), unless the trip—

"(i) meets the definition of public transportation; and

"(ii) begins or completes a fixed route public transportation trip;

"(B) deadhead vehicle miles; or

"(C) any service considered a taxi service that operates under an exemption from testing requirements under section 5331.

"(d) FEDERAL REQUIREMENTS.—A project carried out under this section shall be treated as if such project were carried out under the section from which the funds were provided to carry out such project, including the application of any additional requirements provided for by law that apply to section 5307, 5310, or 5311, as applicable.

"(e) WAIVER.—

"(1) INDIVIDUAL WAIVER.—Except as provided in paragraphs (2) and (3), the Secretary may waive any requirement applied to a project carried out under this section pursuant to subsection (d) if the Secretary determines that the project would—

"(A) not undermine labor standards;

"(B) increase employment opportunities of the recipient unless the Secretary determines that such a waiver does not affect employment opportunities; and

"(C) be consistent with the public interest.

"(2) WAIVER UNDER OTHER SECTIONS.—The Secretary may not waive any requirement under paragraph (1) for which a waiver is otherwise available.

"(3) PROHIBITION OF WAIVER.—Notwithstanding paragraph (1), the Secretary may not waive any requirement of—

"(A) section 5333;

"(B) section 5331;

"(C) section 5302(14); and

"(D) chapter 53 that establishes a maximum Federal share for operating costs.

"(4) APPLICATION OF SECTION 5320.—Notwithstanding paragraphs (1) and (2), the Secretary may only waive the requirements of section 5320 with respect to—

"(A) a passenger vehicle owned by an individual;

"(B) subsection (q) of such section for any passenger vehicle not owned by an individual for the period beginning on the date of enactment of this section and ending 3 years after such date;

"(C) any shared micromobility device for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date; and

"(D) rolling stock that is part of a dedicated fleet of vehicles for the provision of microtransit that is operated by, or exclusively on behalf of, the covered recipient for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date.

"(5) LIMITATION.—A waiver issued under subparagraphs (B), (C), or (D) of paragraph (4) may only be issued on an individual project basis at the request of the covered recipient and may not be renewed or extended beyond the initial 3-year period of the waiver.

"(f) OPEN DATA STANDARDS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to develop an open data standard and an application programming interface necessary to carry out this section.

"(2) REGULATIONS.—The regulations required under paragraph (1) shall require public transportation agencies, mobility on demand providers, mobility as a service technology providers, other non-government actors, and local governments the efficient means to transfer data to—

"(A) foster the efficient use of transportation capacity;

"(B) enhance the management of new modes of mobility;

"(C) enable the use of innovative planning tools;

"(D) enable single payment systems for all mobility on demand services;

"(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, real time operations data, and rules;

"(F) prohibit the transfer of personally identifiable information;

"(G) protect confidential business information;

"(H) enhance cybersecurity protections; and

"(I) allow data governance, including but not limited to licensing and terms of information sharing, periodic risk assessments, policies regarding data retention and information handling policies, and anonymization techniques.

"(3) PROHIBITION ON FOR PROFIT ACTIVITY.—Any data received by an entity under this subsection may not be sold, leased, or otherwise used to generate profit, except for the direct provision of the related mobility on demand services and mobility as a service.

"(4) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have a maximum of 17 members limited to representatives of the Department of Transportation, State and local governments, metropolitan planning organizations, urban and rural covered recipients, associations that represent public transit agencies, representatives from at least 3 different organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States, mobility on demand providers, and mobility as a service technology providers.

"(5) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

"(6) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (4) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (5) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(g) APPLICATION OF RECIPIENT VEHICLE REVENUE MILES.—With respect to vehicle revenue miles with one passenger of a covered recipient using amounts under this section, such miles—

"(1) shall be included in the National Transit Database under section 5335; and

"(2) shall be excluded from vehicle revenue miles data used in the calculation described in section 5336.

"(h) SAVINGS CLAUSE.—Subsection (c)(2) and subsection (g) shall not apply to any eligible activities under this section if such activities are—

"(1) being carried out in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

"(2) projects eligible under section 5310 that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(i) DEFINITIONS.—In this section:

"(1) COVERED RECIPIENT.—The term 'covered recipient' means a State or local government entity, private nonprofit organization, or Tribe that—

"(A) operates a public transportation service; and

"(B) is a recipient or subrecipient of funds under section 5307, 5310, or 5311.

"(2) DEADHEAD VEHICLE MILES.—The term 'deadhead vehicle miles' means the miles that a vehicle travels when out of revenue service, including leaving or returning to the garage or yard facility, changing routes, when there is no expectation of carrying revenue passengers, and any miles traveled by a private operator without a passenger.

"(3) MOBILITY AS A SERVICE.—The term 'mobility as a service' means services that constitute the integration of mobility on demand services and public transportation that are available and accessible to all travelers, provide multimodal trip planning, and a unified payment system.

"(4) MOBILITY ON DEMAND.—The term 'mobility on demand' means an on-demand transportation service shared among individuals, either concurrently or one after another.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following new item:

"5316. Mobility innovation.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date on which the Secretary of Transportation has finalized both—

(1) the guidance required under section 5316(c) of title 49, United States Code; and

(2) the regulations required under section 5316(f) of title 49, United States Code.

(d) SAVINGS CLAUSE.—Nothing in this section, or the amendments made by this section, shall prohibit the use of funds for an eligible activity or pilot project of a covered recipient authorized under the law in effect on the day before the date of enactment of this Act before the effective date described in subsection (c).

SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by adding at the end the following:

"(D) CENSUS DESIGNATION.—The Secretary may approve a State program that allocates not more than 5 percent of such State's apportionment to assist rural areas that were redesignated as urban areas not more than 2 fiscal years after the last census designation of urbanized area boundaries."; and

(B) in paragraph (3) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)";

(ii) in subparagraph (A) by striking "$5,000,000" and inserting "$10,000,000"; and

(iii) in subparagraph (B) by striking "$30,000,000" and inserting "the amount remaining under section 5338(a)(2)(E)(i) after the amount under subparagraph (A) is distributed";

(B) in paragraph (2)(C) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)"; and

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)"; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

"(B) LAND AREA.—

"(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 15 percent of the amount apportioned under this paragraph, multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

"(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

"(C) POPULATION.—Each State shall receive an amount equal to 50 percent of the amount apportioned under this paragraph, multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

"(D) VEHICLE REVENUE MILES.—

"(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 25 percent of the amount apportioned under this paragraph, multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

"(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

"(E) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 10 percent of the amount apportioned under this paragraph, multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.";

(3) in subsection (f)—

(A) in paragraph (1) by inserting "A State may expend funds to continue service into another State to extend a route." before "Eligible activities under";

(B) in paragraph (2) by inserting "and makes the certification and supporting documents publicly available" before the period at the end; and

(C) by adding at the end the following:

"(3) MEANINGFUL CONNECTIONS.—All projects funded under this subsection shall directly serve, or make meaningful scheduled connections to, the national intercity bus network."; and

(4) in subsection (g) by adding at the end the following:

"(6) ALLOWANCE FOR VOLUNTEER HOURS.—

"(A) APPLICABLE REGULATIONS.—For any funds provided by a department or agency of the Government under paragraph (3)(D) or by a service agreement under paragraph (3)(C), and such department or agency has regulations in place that provide for the valuation of volunteer hours as allowable in-kind contributions toward the non-Federal share of project costs, such regulations shall be used to determine the allowable valuation of volunteer hours as an in-kind contribution toward the non-Federal remainder of net project costs for a transit project funded under this section.

"(B) LIMITATIONS.—Subparagraph (A) shall not apply to the provision of fixed-route bus services funded under this section.".

SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.

Section 5310 of title 49, United States Code, is amended by adding at the end the following:

"(j) ONE-STOP PARATRANSIT PROGRAM.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish a one-stop paratransit competitive grant program to encourage an extra stop in non-fixed route Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) service for a paratransit rider to complete essential tasks.

"(2) PREFERENCE.—The Secretary shall give preference to eligible recipients that—

"(A) have comparable data for the year prior to implementation of the grant program and made available to the Secretary, academic and nonprofit organizations for research purposes; and

"(B) plan to use agency personnel to implement the pilot program.

"(3) APPLICATION CRITERIA.—To be eligible to participate in the grant program, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including information on—

"(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

"(i) childcare or education facilities;

"(ii) pharmacies;

"(iii) grocery stores; and

"(iv) bank or ATM locations;

"(B) methodology for informing the public of the grant program;

"(C) vehicles, personnel, and other resources that will be used to implement the grant program;

"(D) if the applicant does not intend the grant program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the grant program to apply; and

"(E) the anticipated amount of increased operating costs.

"(4) SELECTION.—The Secretary shall seek to achieve diversity of participants in the grant program by selecting a range of eligible entities that includes at least—

"(A) 5 eligible recipients that serve an area with a population of 50,000 to 200,000;

"(B) 10 eligible recipients that serve an area with a population of over 200,000; and

"(C) 5 eligible recipients that provide transportation for rural communities.

"(5) DATA-SHARING CRITERIA.—An eligible recipient in this subsection shall provide data as the Secretary requires, which may include—

"(A) number of ADA paratransit trips conducted each year;

"(B) requested time of each paratransit trip;

"(C) scheduled time of each paratransit trip;

"(D) actual pickup time for each paratransit trip;

"(E) average length of a stop in the middle of a ride as allowed by this subsection;

"(F) any complaints received by a paratransit rider;

"(G) rider satisfaction with paratransit services; and

"(H) after the completion of the grant, an assessment by the eligible recipient of its capacity to continue a one-stop program independently.

"(6) REPORT.—

"(A) IN GENERAL.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which such fiscal year ends.

"(B) CONTENTS.—The report required under subparagraph (A) shall include a detailed description of the activities carried out under the program, and an evaluation of the program, including an evaluation of the data shared by eligible recipients under paragraph (5).".

Subtitle C—Buy America and Other Procurement Reforms

SEC. 2301. BUY AMERICA.

(a) BUY AMERICA.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting before section 5321 the following:

"§ 5320. Buy America

"(a) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

"(b) WAIVER.—The Secretary may waive subsection (a) if the Secretary finds that—

"(1) applying subsection (a) would be inconsistent with the public interest;

"(2) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

"(3) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

"(A) the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock; and

"(B) final assembly of the rolling stock has occurred in the United States; or

"(4) including domestic material will increase the cost of the overall project by more than 25 percent.

"(c) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

"(1) WAIVER PROCEDURE.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under subsection (b)(1), (b)(2), or (b)(4) as to whether to waive subsection (a).

"(2) PUBLIC NOTIFICATION AND COMMENT.—

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

"(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

"(i) describe whether the application is being made for a waiver described in subsection (b)(1), (b)(2) or (b)(4); and

"(ii) be provided to the public by electronic means, including on a public website of the Department of Transportation.

"(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

"(A) on the public website of the Department of Transportation; and

"(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

"(4) ANNUAL REPORT.—Annually, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (1) during the preceding year.

"(d) ROLLING STOCK WAIVER CONDITIONS.—

"(1) LABOR COSTS FOR FINAL ASSEMBLY.—In this section, highly skilled labor costs involved in final assembly shall be included as a separate component in the cost of components and subcomponents under subsection (b)(3)(A).

"(2) HIGH DOMESTIC CONTENT COMPONENT BONUS.—In this section, in calculating the domestic content of the rolling stock under subsection (b)(3)(A), the percent, rounded to the nearest whole number, of the domestic content in components of such rolling stock, weighted by cost, shall be used in calculating the domestic content of the rolling stock, except—

"(A) with respect to components that exceed—

"(i) 70 percent domestic content, the Secretary shall add 10 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

"(ii) 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

"(B) in no case may a component exceed 100 percent domestic content when calculating the domestic content of the rolling stock.

"(3) ROLLING STOCK FRAMES OR CAR SHELLS.—

"(A) INCLUSION OF COSTS.—Subject to the substantiation requirement of subparagraph (B), in calculating the cost of the domestic content of the rolling stock under subsection (b)(3), in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of the steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

"(B) SUBSTANTIATION.—If a rolling stock vehicle manufacturer wishes to include in the calculation of the vehicle's domestic content the cost of steel or iron produced in the United States and used in the rolling stock frames and car shells that are not produced in the United States, the manufacturer shall maintain and provide upon request a mill certification that substantiates the origin of the steel or iron.

"(4) TREATMENT OF WAIVED COMPONENTS AND SUBCOMPONENTS.—In this section, a component or subcomponent waived under subsection (b) shall be excluded from any part of the calculation required under subsection (b)(3)(A).

"(5) ZERO-EMISSION VEHICLE DOMESTIC BATTERY CELL INCENTIVE.—The Secretary shall add 2.5 percent to the total domestic content when calculating the domestic content of the rolling stock for any zero-emission vehicle that uses only battery cells for propulsion that are manufactured domestically.

"(6) PROHIBITION ON DOUBLE COUNTING.—

"(A) IN GENERAL.—No labor costs included in the cost of a component or subcomponent by the manufacturer of rolling stock may be treated as rolling stock assembly costs for purposes of calculating domestic content.

"(B) VIOLATION.—A violation of this paragraph shall be treated as a false claim under subchapter III of chapter 37 of title 31.

"(7) DEFINITION OF HIGHLY SKILLED LABOR COSTS.—In this subsection, the term 'highly skilled labor costs'—

"(A) means the apportioned value of direct wage compensation associated with final assembly activities of workers directly employed by a rolling stock original equipment manufacturer and directly associated with the final assembly activities of a rolling stock vehicle that advance the value or improve the condition of the end product;

"(B) does not include any temporary or indirect activities or those hired via a third-party contractor or subcontractor;

"(C) are limited to metalworking, fabrication, welding, electrical, engineering, and other technical activities requiring training;

"(D) are not otherwise associated with activities required under section 661.11 of title 49, Code of Federal Regulations; and

"(E) includes only activities performed in the United States and does not include that of foreign nationals providing assistance at a United States manufacturing facility.

"(e) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

"(1) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under subsection (b)(2), the Secretary shall provide to the applicant a written certification that—

"(A) the steel, iron, or manufactured goods, as applicable, (referred to in this paragraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

"(B) the item produced in the United States is of a satisfactory quality; and

"(C) includes a list of known manufacturers in the United States from which the item can be obtained.

"(2) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in the manner described in subsection (c).

"(f) WAIVER PROHIBITED.—The Secretary may not make a waiver under subsection (b) for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

"(1) has an agreement with the United States Government under which the Secretary has waived the requirement of this section; and

"(2) has violated the agreement by discriminating against goods to which this section applies that are produced in the United States and to which the agreement applies.

"(g) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under title II of division B of the INVEST in America Act if a court or department, agency, or instrumentality of the Government decides the person intentionally—

"(1) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies but not produced in the United States; or

"(2) represented that goods described in paragraph (1) were produced in the United States.

"(h) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

"(i) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

"(j) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

"(k) STEEL AND IRON.—For purposes of this section, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations, may be considered produced in the United States.

"(l) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under subsection (b)(1), including under any regulation promulgated under such subsection, the term 'small purchase' means a purchase of not more than $150,000.

"(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—

"(1) IN GENERAL.—The Secretary shall prescribe regulations requiring a preaward and postdelivery certification of a rolling stock vehicle that meets the requirements of this section and Government motor vehicle safety requirements to be eligible for a grant under this chapter. For compliance with this section—

"(A) Federal inspections and review are required;

"(B) a manufacturer certification is not sufficient; and

"(C) a rolling stock vehicle that has been certified by the Secretary remains certified until the manufacturer makes a material change to the vehicle, or adjusts the cost of all components of the rolling stock, that reduces, by more than half, the percentage of domestic content above 70 percent.

"(2) CERTIFICATION OF PERCENTAGE.—

"(A) IN GENERAL.—The Secretary may, at the request of a component or subcomponent manufacturer, certify the percentage of domestic content and place of manufacturing for a component or subcomponent.

"(B) PERIOD OF CERTIFICATION.—Any component or subcomponent certified by the Secretary shall remain certified until the manufacturer makes a material change to the domestic content or the place of manufacturing of such component or subcomponent.

"(3) FREEDOM OF INFORMATION ACT.—In carrying out this subsection, the Secretary shall apply the provisions of section 552 of title 5, including subsection (b)(4) of such section.

"(4) NONCOMPLIANCE.—The Secretary shall prohibit recipients from procuring rolling stock, components, or subcomponents from a supplier that intentionally provides false information to comply with this subsection.

"(n) SCOPE.—The requirements of this section apply to all contracts for a public transportation project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the public transportation project is funded with amounts made available to carry out this chapter.

"(o) BUY AMERICA CONFORMITY.—The Secretary shall ensure that all Federal funds for new commuter rail projects shall comply with this section and shall not be subject to section 22905(a).

"(p) AUDITS AND REPORTING OF WASTE, FRAUD, AND ABUSE.—

"(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an annual audit on certifications under subsection (m) regarding compliance with Buy America.

"(2) REPORT FRAUD, WASTE, AND ABUSE.—The Secretary shall display a 'Report Fraud, Waste, and Abuse' button and link to Department of Transportation's Office of Inspector General Hotline on the Federal Transit Administration's Buy America landing page.

"(3) CONTRACT REQUIREMENT.—The Secretary shall require all recipients who enter into contracts to purchase rolling stock with funds provided under this chapter to include in such contract information on how to contact the Department of Transportation's Office of Inspector General Hotline to report suspicions of fraud, waste, and abuse.

"(q) PASSENGER MOTOR VEHICLES.—

"(1) IN GENERAL.—Any domestically manufactured passenger motor vehicle shall be considered to be produced in the United States under this section.

"(2) DOMESTICALLY MANUFACTURED PASSENGER MOTOR VEHICLE.—In this subsection, the term 'domestically manufactured passenger motor vehicle' means any passenger motor vehicle, as such term is defined in section 32304(a) that—

"(A) has under section 32304(b)(1)(B) its final assembly place in the United States; and

"(B) the percentage (by value) of passenger motor equipment under section 32304(b)(1)(A) equals or exceeds 60 percent value added.

"(r) ROLLING STOCK COMPONENTS AND SUBCOMPONENTS.—No bus shell, railcar frame, or other component or subcomponent that is primarily made of steel or iron shall be treated as produced in the United States for purposes of subsection (b)(3) or determined to be of domestic origin under section 661.11 of title 49, Code of Federal Regulations, if the material inputs of such component or subcomponent were

imported into the United States and the processes performed in the United States on the imported articles would not result in a change in the article's classification to chapter 86 or 87 of the Harmonized Tariff Schedule of the United States from another chapter or a new heading of any chapter from the heading under which the article was classified upon entry.

"(s) TREATMENT OF STEEL AND IRON COMPONENTS AS PRODUCED IN THE UNITED STATES.—Notwithstanding any other provision of any law or any rule, regulation, or policy of the Federal Transit Administration, steel and iron components of a system, as defined in section 661.3 of title 49, Code of Federal Regulations, and of manufactured end products referred to in Appendix A of such section, may not be considered to be produced in the United States unless such components meet the requirements of section 661.5(b) of title 49, Code of Federal Regulations.

"(t) REQUIREMENT FOR TRANSIT AGENCIES.—Notwithstanding the provisions of this section, if a transit agency accepts Federal funds, such agency shall adhere to the requirements of this section in procuring rolling stock.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting before the item relating to section 5321 the following:

"5320. Buy America.".

(3) CONFORMING AMENDMENTS.—

(A) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314(a)(2)(G) of title 49, United States Code, is amended by striking "sections 5323(j) and 5323(m)" and inserting "section 5320".

(B) URBANIZED AREA FORMULA GRANTS.—Section 5307(c)(1)(E) of title 49, United States Code, is amended by inserting ", 5320," after "5323".

(C) INNOVATIVE PROCUREMENT.—Section 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C. 5325 note) is amended by striking "5323(j)" and inserting "5320".

(b) BUS ROLLING STOCK.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise Appendix B and Appendix D of section 661.11 of title 49, Code of Federal Regulations, with respect to bus rolling stock to maximize job creation and align such section with modern manufacturing techniques.

(c) RAIL ROLLING STOCK.—Not later than 30 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to revise subsections (t), (u), and (v) of section 661.11 of title 49, Code of Federal Regulations, with respect to rail rolling stock to maximize job creation and align such section with modern manufacturing techniques.

(d) RULE OF APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to any contract entered into on or after the date of enactment of this Act.

(2) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—Contracts described in paragraph (1) shall be subject to the following delayed applicability requirements:

(A) Section 5320(m)(2) shall apply to contracts entered into on or after the date that is 30 days after the date of enactment of this Act.

(B) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of bus rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (b); or

(ii) the date that is 1 year after the date of enactment of this Act.

(C) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of rail rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (c); or

(ii) the date that is 2 years after the date of enactment of this Act.

(D) Section 5320(p)(1) shall apply on the date that is 1 year after the latest of the application dates described in subparagraphs (A) through (C).

(3) SPECIAL RULE FOR CERTAIN CONTRACTS.—For any contract described in paragraph (1) for which the delivery for the first production vehicle occurs before October 1, 2024, paragraphs (1) and (4) of section 5320(d) shall not apply.

(4) SPECIAL RULE FOR BATTERY CELL INCENTIVES.—For any contract described in paragraph (1) for which the delivery for the first production vehicle occurs before October 1, 2023, section 5320(d)(5) shall not apply.

(5) APPLICATION OF EXISTING LAW.—During any periods described in this subsection, the Secretary shall apply the requirements of sections 5323(j) and

5323(m) of title 49, United States Code, as in effect on the day before the date of enactment of this Act, as applicable.

(e) SPECIAL RULE FOR DOMESTIC CONTENT.—

(1) IN GENERAL.—For the calculation of the percent of domestic content calculated under section 5320(d)(2) for a contract for rolling stock entered into on or after October 1, 2021—

(A) if the delivery of the first production vehicle occurs in fiscal year 2023 or fiscal year 2024, for components that exceed 70 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content; and

(B) if the delivery of the first production vehicle occurs in fiscal year 2025 or fiscal year 2026—

(i) for components that exceed 70 percent but do not exceed 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content; or

(ii) for components that exceed 75 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content.

(2) CONTRACTS AFTER OCTOBER 1, 2021.—For the calculation of the percent of domestic content calculated under section 5320(d)(2) for a contract for rolling stock entered into on or after October 1, 2021 for a vehicle described in section 5339(c)(1)(D), and notwithstanding subsection (e)(1), if the delivery of the first production vehicle occurs in fiscal year 2023 or 2024, for components that exceed 70 percent domestic content, the Secretary shall add 30 additional percent to the component's domestic content.

(3) BATTERY CELLS.—Paragraph (1) and paragraph (2) of this subsection shall not apply to any contract for rolling stock if the manufacturer of the rolling stock or the manufacturer of the battery cells used for propulsion of the rolling stock is an entity described in 49 USC 5323(u)(1) and (u)(2).

SEC. 2302. BUS PROCUREMENT STREAMLINING.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(x) BUS PROCUREMENT STREAMLINING.—

"(1) IN GENERAL.—The Secretary may only obligate amounts for acquisition of buses under this chapter to a recipient that issues a request for proposals for an open market procurement that meets the following criteria:

"(A) Such request for proposals is limited to performance specifications, except for components or subcomponents identified in the negotiated rulemaking carried out pursuant to this subsection.

"(B) Such request for proposals does not seek any alternative design or manufacture specification of a bus offered by a manufacturer, except to require a component or subcomponent identified in the negotiated rulemaking carried out pursuant to this subsection.

"(2) SPECIFIC BUS COMPONENT NEGOTIATED RULEMAKING.—

"(A) INITIATION.—Not later than 120 days after the date of enactment of the INVEST in America Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and issue such regulations as are necessary to establish as limited a list as is practicable of bus components and subcomponents described in subparagraph (B).

"(B) LIST OF COMPONENTS.—The regulations required under subparagraph (A) shall establish a list of bus components and subcomponents that may be specified in a request for proposals described in paragraph (1) by a recipient. The Secretary shall ensure the list is limited in scope and limited to only components and subcomponents that cannot be selected with performance specifications to ensure interoperability.

"(C) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

"(D) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this paragraph shall have a maximum of 11 members limited to representatives of the Department of Transportation, urban and rural recipients (including State government recipients), and transit vehicle manufacturers.

"(E) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in subparagraph (D) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation

and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to provide additional authority for the Secretary to restrict what a bus manufacturer offers to sell to a public transportation agency.".

SEC. 2303. BUS TESTING FACILITY.

Section 5318 of title 49, United States Code, is amended by adding at the end the following:

"(f) TESTING SCHEDULE.—The Secretary shall—

"(1) determine eligibility of a bus manufacturer's request for testing within 10 business days; and

"(2) make publicly available the current backlog (in months) to begin testing a new bus at the bus testing facility.".

SEC. 2304. REPAYMENT REQUIREMENT.

(a) IN GENERAL.—A transit agency shall repay into the general fund of the Treasury any funds received from the Federal Transit Administration under section 3401 of the American Rescue Plan Act of 2021 (Public Law 117–2) if the funds were used to award a contract or subcontract to an entity for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

(1) is incorporated in or has manufacturing facilities in the United States; and

(2) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

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

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

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

(b) CERTIFICATION.—Not later than 60 days after the date of enactment of this section, a transit agency that received funds pursuant to the laws specified in subsection (a) shall certify that the agency has not and shall not use such funds to purchase rolling stock described in subsection (a).

SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING A MAJOR DISASTER.

(a) IN GENERAL.—Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(y) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

"(1) DEFINED TERM.—In this subsection, the term 'decennial census date' has the meaning given the term in section 141(a) of title 13.

"(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, for purposes of this chapter, the Secretary shall treat an area as an urbanized area for the period described in paragraph (3) if—

"(A) a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the area during the 3-year period preceding the decennial census date for the 2010 decennial census or for any subsequent decennial census;

"(B) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding the major disaster described in subparagraph (A); and

"(C) the population of the area fell below 50,000 as a result of the major disaster described in subparagraph (A).

"(3) COVERED PERIOD.—The Secretary shall treat an area as an urbanized area under paragraph (2) during the period—

"(A) beginning on—

"(i) in the case of a major disaster described in paragraph (2)(A) that occurred during the 3-year period preceding the decennial census date for the 2010 decennial census, October 1 of the first fiscal year that begins after the date of enactment of this subsection; or

"(ii) in the case of any other major disaster described in paragraph (2)(A), October 1 of the first fiscal year—

"(I) that begins after the decennial census date for the first decennial census conducted after the major disaster; and

"(II) for which the Secretary has sufficient data from that census to determine that the area qualifies for treatment as an urbanized area under paragraph (2); and

"(B) ending on the day before the first fiscal year—

"(i) that begins after the decennial census date for the second decennial census conducted after the major disaster described in paragraph (2)(A); and

"(ii) for which the Secretary has sufficient data from that census to determine which areas are urbanized areas for purposes of this chapter.

"(4) POPULATION CALCULATION.—An area treated as an urbanized area under this subsection shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the most recent decennial census conducted before the major disaster described in paragraph (2)(A).

"(5) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of enactment of this subsection.".

(b) AMENDMENT TAKES EFFECT ON ENACTMENT.—Notwithstanding section 1001, the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK PROCUREMENTS.

(a) CERTIFICATION.—Section 5323(u)(4) of title 49, United States Code, is amended—

(1) in subparagraph (A) in the heading by striking "RAIL"; and

(2) by adding at the end the following:

"(C) NONRAIL ROLLING STOCK.—Notwithstanding subparagraph (B) of paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5339, a recipient shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rolling stock for use in public transportation with a rolling stock manufacturer described in paragraph (1).".

(b) SPECIAL RULE.—Section 5323(u)(5)(A) of title 49, United States Code, is amended by striking "made by a public transportation agency with a rail rolling stock manufacturer described in paragraph (1)" and all that follows through the period at the end and inserting "as of December 20, 2019, including options and other requirements tied to these contracts or subcontracts, made by a public transportation agency with a restricted rail rolling stock manufacturer.".

SEC. 2307. SPARE RATIO WAIVER.

Section 5323 of title 49, United States Code, is further amended by adding at the end the following:

"(z) SPARE RATIO WAIVER.—The Federal Transit Administration shall waive spare ratio policies for rolling stock found in FTA Grant Management Requirements Circular 5010.1, FTA Circular 9030.1 providing Urbanized Area Formula Program guidance, and other guidance documents for 2 years from the date of enactment of the INVEST in America Act.".

Subtitle D—Bus Grant Reforms

SEC. 2401. FORMULA GRANTS FOR BUSES.

Section 5339(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "and subsection (d)" after "In this subsection";

(B) in subparagraph (A) by striking "term 'low or no emission vehicle' has" and inserting "term 'zero emission vehicle' has";

(C) in subparagraph (B) by inserting "and the District of Columbia" after "United States"; and

(D) in subparagraph (C) by striking "the District of Columbia,";

(2) in paragraph (2)(A) by striking "low or no emission vehicles" and inserting "zero emission vehicles";

(3) in paragraph (4)—

(A) in subparagraph (A) by inserting "and subsection (d)" after "this subsection"; and

(B) in subparagraph (B) by inserting "and subsection (d)" after "this subsection";

(4) in paragraph (5)(A)—

(A) by striking "$90,500,000" and inserting "$156,750,000";

(B) by striking "2016 through 2020" and inserting "2023 through 2026";
(C) by striking "$1,750,000" and inserting "$3,000,000"; and
(D) by striking "$500,000" and inserting "$750,000";

(5) in paragraph (7) by adding at the end the following:
"(C) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding subparagraph (A), a grant for a capital project for buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles under this subsection shall be for 90 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.";

(6) in paragraph (8)—
(A) by striking "3 fiscal years" and inserting "4 fiscal years"; and
(B) by striking "3-fiscal-year period" and inserting "4-fiscal-year period"; and

(7) by striking paragraph (9).

SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS.

Section 5339(b) of title 49, United States Code, is amended—

(1) in the heading by striking "BUSES AND BUS FACILITIES COMPETITIVE GRANTS" and inserting "BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS";

(2) in paragraph (1)—
(A) by striking "buses and";
(B) by inserting "and certain buses" after "capital projects";
(C) in subparagraph (A) by striking "buses or related equipment" and inserting "bus-related facilities"; and
(D) by striking subparagraph (B) and inserting the following:
"(B) purchasing or leasing buses that will not replace buses in the applicant's fleet at the time of application and will be used to—
"(i) increase the frequency of bus service; or
"(ii) increase the service area of the applicant.";

(3) by striking paragraph (2) and inserting the following:
"(2) GRANT CONSIDERATIONS.—In making grants—
"(A) under subparagraph (1)(A), the Secretary shall only consider—
"(i) the age and condition of bus-related facilities of the applicant compared to all applicants and proposed improvements to the resilience (as such term is defined in section 5302) of such facilities;
"(ii) for a facility that, in whole or in part, encroaches within the limits of a flood-prone area, the extent to which the facility is designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk; and
"(iii) for a bus station, the degree of multi-modal connections at such station; and
"(B) under paragraph (1)(B), the Secretary shall consider the improvements to headway and projected new ridership."; and

(4) in paragraph (6) by striking subparagraph (B) and inserting the following:
"(B) GOVERNMENT SHARE OF COSTS.—
"(i) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.
"(ii) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding clause (i), the Government share of the cost of an eligible project for the financing of buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles shall not exceed 90 percent.".

SEC. 2403. ZERO EMISSION BUS GRANTS.

(a) IN GENERAL.—Section 5339(c) of title 49, United States Code, is amended—

(1) in the heading by striking "LOW OR NO EMISSION GRANTS" and inserting "ZERO EMISSION GRANTS";

(2) in paragraph (1)—
(A) in subparagraph (B)—
(i) in the matter preceding clause (i) by striking "in an eligible area";
(ii) in clause (i) by striking "low or no emission" and inserting "zero emission";
(iii) in clause (ii) by striking "low or no emission" and inserting "zero emission";

(iv) in clause (iii) by striking "low or no emission" and inserting "zero emission";

(v) in clause (iv) by striking "facilities and related equipment for low or no emission" and inserting "related equipment for zero emission";

(vi) in clause (v) by striking "facilities and related equipment for low or no emission vehicles;" and inserting "related equipment for zero emission vehicles; or";

(vii) in clause (vii) by striking "low or no emission" and inserting "zero emission";

(viii) by striking clause (vi); and

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

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

"(D) the term 'zero emission bus' means a bus that is a zero emission vehicle;";

(C) by striking subparagraph (E) and inserting the following:

"(E) the term 'zero emission vehicle' means a vehicle used to provide public transportation that produces no carbon dioxide or particulate matter;";

(D) in subparagraph (F) by striking "and" at the end;

(E) by striking subparagraph (G) and inserting the following:

"(G) the term 'priority area' means an area that is—

"(i) designated as a nonattainment area for ozone or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d));

"(ii) a maintenance area, as such term is defined in section 5303, for ozone or particulate matter; or

"(iii) in a State that has enacted a statewide zero emission bus transition requirement, as determined by the Secretary; and"; and

(F) by adding at the end the following:

"(H) the term 'low-income community' means any population census tract if—

"(i) the poverty rate for such tract is at least 20 percent; or

"(ii) in the case of a tract—

"(I) not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income; or

"(II) located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater statewide median family income or the metropolitan area median family income.";

(3) in paragraph (3)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(4) by striking paragraph (5) and inserting the following:

"(5) GRANT ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall make grants to eligible projects relating to the acquisition or leasing of equipment for zero-emission buses or zero-emission buses—

"(A) that procure—

"(i) at least 10 zero emission buses;

"(ii) if the recipient operates less than 50 buses in peak service, at least 5 zero emission buses; or

"(iii) hydrogen buses;

"(B) for which the recipient's board of directors has approved a long-term integrated fleet management plan that—

"(i) establishes—

"(I) a goal by a set date to convert the entire bus fleet to zero emission buses; or

"(II) a goal that within 10 years from the date of approval of such plan the recipient will convert a set percentage of the total bus fleet of such recipient to zero emission buses; and

"(ii) examines the impact of the transition on the applicant's current workforce, by identifying skills gaps, training needs, and retraining needs of the existing workers of such applicant to operate and maintain zero-emission vehicles and related infrastructure, and avoids the displacement of the existing workforce; and

"(C) for which the recipient has performed a fleet transition study that includes optimal route planning and an analysis of how utility rates may impact the recipient's operations and maintenance budget.";

(5) in paragraph (7)(A) by striking "80" and inserting "90"; and

(6) by adding at the end the following:

"(8) LOW AND MODERATE COMMUNITY GRANTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects serving predominantly low-income communities.

"(9) PRIORITY SET-ASIDE.—Of the amounts made available under this subsection in a fiscal year, not less than—

"(A) 20 percent shall be distributed to applicants in priority areas; and

"(B) 10 percent shall be distributed to applicants not located in priority areas whose board of directors have approved a long-term integrated fleet management plan that establishes a goal to convert 100 percent of their bus fleet to zero-emission buses within 15 years.".

(b) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

"(9) MAINTENANCE AREA.—The term 'maintenance area' has the meaning given the term in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a).".

SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.

Section 5339 of title 49, United States Code, is amended by adding at the end the following:

"(d) RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.—

"(1) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients and subrecipients described in paragraph (2) in financing capital projects to replace, rehabilitate, and purchase buses and related equipment.

"(2) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—Not later than September 1 annually, the Secretary shall make public a list of eligible recipients and subrecipients based on the most recent data available in the National Transit Database to calculate the 20 percent of eligible recipients and subrecipients with the highest percentage of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration.

"(3) URBAN APPORTIONMENTS.—Funds allocated under section 5338(a)(2)(L)(ii) shall be—

"(A) distributed to—

"(i) designated recipients in an urbanized area with a population of at least 200,000 made eligible by paragraph (1); and

"(ii) States based on subrecipients made eligible by paragraph (1) in an urbanized area under 200,000; and

"(B) allocated pursuant to the formula set forth in section 5336 other than subsection (b), using the data from the 20 percent of eligible recipients and subrecipients.

"(4) RURAL ALLOCATION.—The Secretary shall—

"(A) calculate the percentage of funds under section 5338(a)(2)(L)(ii) to allocate to rural subrecipients by dividing—

"(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) of the rural subrecipients described in paragraph (2); by

"(ii) the total asset vehicle miles for buses beyond such benchmark of all eligible recipients and subrecipients described in paragraph (2); and

"(B) prior to the allocation described in paragraph (3)(B), apportion to each State the amount of the total rural allocation calculated under subparagraph (A) attributable to such State based the proportion that—

"(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) for rural subrecipients described in paragraph (2) in such State; bears to

"(ii) the total asset vehicle miles described in subparagraph (A)(i).

"(5) APPLICATION OF OTHER PROVISIONS.—Paragraphs (3), (7), and (8) of subsection (a) shall apply to eligible recipients and subrecipients described in paragraph (2) of a grant under this subsection.

"(6) PROHIBITION.—No eligible recipient or subrecipient outside the top 5 percent of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration may receive a grant in both fiscal year 2023 and fiscal year 2024.

"(7) REQUIREMENT.—The Secretary shall require—

"(A) States to expend, to the benefit of the subrecipients eligible under paragraph (2), the apportioned funds attributed to such subrecipients; and

"(B) designated recipients to provide the allocated funds to the recipients eligible under paragraph (2) the apportioned funds attributed to such recipients.".

SEC. 2405. WORKFORCE DEVELOPMENT TRAINING GRANTS.

Section 5339 of title 49, United States Code, is amended by adding at the end the following:

"(e) WORKFORCE DEVELOPMENT TRAINING GRANTS.—

"(1) IN GENERAL.—Not less than 12.5 percent of funds authorized to be made available for subsection (c) shall be available to fund workforce development training eligible under section 5314(b)(2) (including registered apprenticeships and other labor-management training programs), related to operations or maintenance of zero emission vehicles.

"(2) ELIGIBLE RECIPIENTS.—Recipients eligible under subsection (c) shall be eligible to receive a grant under this subsection.

"(3) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under this subsection shall be 100 percent.

"(4) PRIORITIZATION.—In making grants under this subsection, the Secretary shall prioritize applications that jointly fund training as part of a vehicle procurement application under subsection (c).".

Subtitle E—Supporting All Riders

SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.

Section 5336(j) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "75 percent" and inserting "50 percent";

(2) in paragraph (2) by striking "25 percent" and inserting "12.5 percent"; and

(3) by adding at the end the following:

"(3) 30 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

"(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

"(B) the number of individuals in all such urbanized areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.

"(4) 7.5 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population less than 200,000 in the ratio that—

"(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

"(B) the number of individuals in all such areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.".

SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.

Section 5311 of title 49, United States Code, as amended in section 2204, is further amended—

(1) in subsection (a) by adding at the end the following:

"(3) PERSISTENT POVERTY COUNTY.—The term 'persistent poverty county' means any county with a poverty rate of at least 20 percent—

"(A) as determined in each of the 1990 and 2000 decennial censuses;

"(B) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the estimates are available; and

"(C) has at least 25 percent of its population in rural areas.";

(2) in subsection (b)(2)(C)(i) by inserting "and persistent poverty counties" before the semicolon; and

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

"(2) PERSISTENT POVERTY PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

"(A) IN GENERAL.—The Secretary shall carry out a public transportation assistance program for areas of persistent poverty.

"(B) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(E)(ii) to carry out this paragraph, the Secretary shall apportion funds to recipients for service in, or directly benefitting, persistent poverty counties for any eligible purpose under this section in the ratio that—

"(i) the number of individuals in each such rural area residing in a persistent poverty county; bears to

"(ii) the number of individuals in all such rural areas residing in a persistent poverty county.".

SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

"(j) DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.—

"(1) IN GENERAL.—Not later than 300 days after the date of enactment of the INVEST in America Act, the Secretary shall award grants (which shall be known as 'Access to Jobs Grants') to eligible entities, on a competitive basis, to implement reduced fare transit service.

"(2) NOTICE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary shall provide notice to eligible entities of the availability of grants under paragraph (1).

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including, at a minimum, the following:

"(A) A description of how the eligible entity plans to implement reduced fare transit access with respect to low-income individuals, including any eligibility requirements for such transit access.

"(B) A description of how the eligible entity will consult with local community stakeholders, labor unions, local education agencies and institutions of higher education, public housing agencies, and workforce development boards in the implementation of reduced fares.

"(C) A description of the eligible entity's current fare evasion enforcement policies, including how the eligible entity plans to use the reduced fare program to reduce fare evasion.

"(D) An estimate of additional costs to such eligible entity as a result of reduced transit fares.

"(E) A plan for a public awareness campaign of the transit agency's ability to provide reduced fares, including in foreign languages, based on—

"(i) data from the Bureau of the Census, consistent with the local area demographics where the transit agency operates, including the languages that are most prevalent and commonly requested for translation services; or

"(ii) qualitative and quantitative observation from community service providers including those that provide health and mental health services, social services, transportation, and other relevant social services.

"(F) Projected impacts on ridership.

"(G) Projected benefits in closing transit equity gaps.

"(H) Projected impact on the ability of students to access education or workforce training programs.

"(4) GRANT DURATION.—Grants awarded under this subsection shall be for a 2-year period.

"(5) SELECTION OF ELIGIBLE RECIPIENTS.—In carrying out the program under this subsection, the Secretary shall award not more than 20 percent of grants to eligible entities located in rural areas.

"(6) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use such grant to implement a reduced fare transit program and offset lost fare revenue.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the eligibility of an applicant if a State, local, or Tribal governmental entity provides reduced fare transportation to low-income individuals.

"(8) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, local, or Tribal governmental entity that operates a public transportation service and is a recipient or subrecipient of funds under this chapter.

"(B) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual—

"(i) that has qualified for—

"(I) any program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

"(III) the program of block grants for States for temporary assistance for needy families (TANF) established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(IV) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(V) a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

"(VI) benefits under the Low-Income Home Energy Assistance Act of 1981;

"(VII) special supplemental food program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(VIII) a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

"(ii) whose family income is at or below a set percent (as determined by the eligible recipient) of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved; or

"(iii) that is a low-income veteran or member of the military.

"(9) REPORT.—The Secretary shall designate a university transportation center under section 5505 to collaborate with the eligible entities receiving a grant under this subsection to collect necessary data to evaluate the effectiveness of meeting the targets described in the application of such recipient, including increased ridership, impacts on fare evasion, and progress towards significantly closing transit equity gaps.".

SEC. 2504. EQUITY IN TRANSIT SERVICE PLANNING.

(a) BEST PRACTICES.—

(1) IN GENERAL.—

(A) ASSISTANCE TO PROVIDERS OF PUBLIC TRANSIT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue nonbinding best practices to assist providers of public transportation in setting the threshold for a major service change as described in Circular 4702.1B of the Federal Transit Administration.

(B) SPECIFIC PROVIDERS OF PUBLIC TRANSIT.—For the purposes of this section, the term "providers of public transportation" means providers that operate 50 or more fixed route vehicles in peak service and are located in an urbanized area of 200,000 or more in population.

(2) BEST PRACTICES.—In developing the best practices described in paragraph (1), the Secretary—

(A) shall issue specific recommendations for setting the threshold of a major service change, which shall include, at a minimum, recommendations related to—

(i) changes in hours of operations, including consideration of changes during nonpeak hours;

(ii) changes in the frequency of service;

(iii) changes in coverage, including the opening and closing of stations and stops and the changing of routes; and

(iv) the use of route-specific analyses in addition to service-area level analyses;

(B) shall recommend specific percentage change standards for the elements described in clauses (i), (ii), and (iii) of subparagraph (A) to assist providers of public transportation in setting the threshold for a major service change in a manner that ensures meaningful analyses and the provision of equitable service; and

(C) may issue different best practices for providers of public transportation of different sizes and service types.

(b) TRANSIT COOPERATIVE RESEARCH PROGRAM REPORT.—

(1) REVIEW.—Not later than 3 years after the issuance of the best practices described in subsection (a), the Transit Cooperative Research Program of the National Academy of Sciences shall conduct a review of the manner in which providers of public transportation define the threshold for a major service change for purposes of compliance with Circular 4702.1B of the Federal Transit Administration, including—

(A) a survey of the standards used by providers of public transportation to define the threshold for a major service change;

(B) a review of the differences in standards used to define the threshold for a major service change for providers of public transportation of different sizes and service types;

(C) information on the considerations used by providers of public transportation when defining the threshold for a major service change; and

(D) the extent to which providers of public transportation are using the best practices described in subsection (a).

(2) REPORT.—After the completion of the review described in paragraph (1), the National Academy of Sciences shall issue a report on the findings of the review and submit such report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 2505. GAO STUDY ON FARE-FREE TRANSIT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the provision of fare-free transit service in the United States, including an assessment of—

(1) the extent to which fare-free transit is available in the United States; and

(2) the potential impacts of fare-free transit, which may include—

(A) increased transit ridership;

(B) improved access to transportation for low-income riders and marginalized communities;

(C) improved access to jobs and services;

(D) enhanced equity of the surface transportation system;

(E) reductions in disputes or law enforcement actions related to transit fares;

(F) environmental impacts;

(G) safety considerations; and

(H) the challenges of replacing farebox revenue.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle F—Supporting Frontline Workers and Passenger Safety

SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.

Section 5314(b) of title 49, United States Code, is amended—

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

"(2) NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.—

"(A) ESTABLISHMENT.—The Secretary shall establish a national transit frontline workforce training center (hereinafter referred to as the 'Center') and enter into a cooperative agreement with a nonprofit organization with a demonstrated capacity to develop and provide transit career pathway programs through labor-management partnerships and registered apprenticeships on a nationwide basis, in order to carry out the duties under subparagraph (B). The Center shall be dedicated to the needs of the frontline transit workforce in both rural and urban transit systems by providing training in the maintenance and operations occupations based on industry best practices.

"(B) DUTIES.—

"(i) IN GENERAL.—In cooperation with the Administrator of the Federal Transit Administration, public transportation authorities, and national entities, the Center shall develop and conduct training and educational programs for frontline local transportation employees of recipients eligible for funds under this chapter.

"(ii) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under clause (i) may include courses in recent developments, techniques, and procedures related to—

"(I) developing consensus national training standards, skills, competencies, and recognized postsecondary credentials in partnership with industry stakeholders for key frontline transit occupations with demonstrated skill gaps;

"(II) developing recommendations and best practices for curriculum and recognized postsecondary credentials, including related instruction and on-the-job learning for registered apprenticeship programs for transit maintenance and operations occupations;

"(III) building local, regional, and statewide transit training partnerships to identify and address workforce skill gaps and develop skills, competencies, and recognized postsecondary credentials needed for delivering quality transit service and supporting employee career advancement;

"(IV) developing programs for training of transit frontline workers, instructors, mentors, and labor-management partnership representatives, in the form of classroom, hands-on, on-the-job, and web-based training, delivered at a national center, regionally, or at individual transit agencies;

"(V) developing training programs for skills and competencies related to existing and emerging transit technologies, including zero emission buses;

"(VI) developing improved capacity for safety, security, and emergency preparedness in local transit systems and in the industry as a whole through—

"(aa) developing the role of the transit frontline workforce in building and sustaining safety culture and safety systems in the industry and in individual public transportation systems; and

"(bb) training to address transit frontline worker roles in promoting health and safety for transit workers and the riding public;

"(VII) developing local transit capacity for career pathways programs with schools and other community organizations for recruiting and training under-represented populations as successful transit employees who can develop careers in the transit industry;

"(VIII) in collaboration with the Administrator of the Federal Transit Administration, the Bureau of Labor Statistics, the Employment and Training Adminstration, and organizations representing public transit agencies, conducting and disseminating research to—

"(aa) provide transit workforce job projections and identify training needs and gaps;

"(bb) determine the most cost-effective methods for transit workforce training and development, including return on investment analysis;

"(cc) identify the most effective methods for implementing successful safety systems and a positive safety culture; and

"(dd) promote transit workforce best practices for achieving cost-effective, quality, safe, and reliable public transportation services; and

"(IX) providing culturally competent training and educational programs to all who participate, regardless of gender, sexual orientation, or gender identity, including those with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities.

"(C) COORDINATION.—The Secretary shall coordinate activities under this section, to the maximum extent practicable, with the Employment and Training Administration, including the National Office of Apprenticeship of the Department of Labor and the Office of Career, Technical, and Adult Education of the Department of Education.

"(D) AVAILABILITY OF AMOUNTS.—

"(i) IN GENERAL.—Not more than 1 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 and not more than 2 percent of amounts made available to a recipient under section 5311 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

"(ii) EXISTING PROGRAMS.—A recipient may use amounts made available under clause (i) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

"(iii) LIMITATION.—Any funds made available under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, a registered apprenticeship program, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

"(E) DEFINITIONS.—In this paragraph:

"(i) CAREER PATHWAY.—The term 'career pathway' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.";

(2) in paragraph (3) by striking "or (2)"; and

(3) by striking paragraph (4).

SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C)(ii)—

(A) in subclause (I) by striking "and" at the end;

(B) in subclause (II) by striking the semicolon and inserting "; and"; and

(C) by adding at the end the following:

"(III) innovations in driver assistance technologies and driver protection infrastructure where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;";

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by adding after subparagraph (C) the following:

"(D) in consultation with the Secretary of the Department of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health during an emergency as defined in section 5324;".

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting "the safety committee established under paragraph (4), and subsequently," before "the board of directors";

(ii) in subparagraph (C) by striking "public, personnel, and property" and inserting "public and personnel to injuries, assaults, fatalities, and, consistent with guidelines by the Centers for Disease Control and Prevention, infectious diseases, and strategies to minimize the exposure of property";

(iii) in subparagraph (F) by striking "and" at the end; and

(iv) by striking subparagraph (G) and inserting the following:

"(G) a comprehensive staff training program for the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

"(i) the completion of a safety training program;

"(ii) continuing safety education and training; and

"(iii) de-escalation training;

"(H) a requirement that the safety committee only approve a safety plan under subparagraph (A) if such plan stays within such recipient's fiscal budget; and

"(I) a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers using data submitted to the National Transit Database, including—

"(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

"(ii) transit worker assault mitigation, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations when a recipient's risk analysis performed by the safety committee established in paragraph (4) determines that such barriers or other measures would reduce assaults on and injuries to transit workers."; and

(B) by adding at the end the following:

"(4) SAFETY COMMITTEE.—For purposes of the approval process of an agency safety plan under paragraph (1), the safety committee shall be convened by a joint labor-management process and consist of an equal number of—

"(A) frontline employee representatives, selected by the labor organization representing the plurality of the frontline workforce employed by the recipient or if applicable a contractor to the recipient; and

"(B) employer or State representatives."; and

(4) in subsection (e)(4)(A)(v) by inserting ", inspection," after "has investigative".

SEC. 2603. INNOVATION WORKFORCE STANDARDS.

(a) PROHIBITION ON USE OF FUNDS.—No financial assistance under chapter 53 of title 49, United States Code, may be used for—

(1) an automated vehicle providing public transportation unless—

(A) the recipient of such assistance that proposes to deploy an automated vehicle providing public transportation certifies to the Secretary of Transportation that the deployment does not eliminate or reduce the frequency of existing public transportation service; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1); and

(2) a mobility on demand service unless—

(A) the recipient of such assistance that proposes to deploy a mobility on demand service certifies to the Secretary that the service meets the criteria under section 5307, 5310, 5311, 5312, or 5316 of title 49, United States Code; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1).

(b) WORKFORCE DEVELOPMENT PLAN.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, proposing to deploy an automated vehicle providing public transportation or mobility on demand service shall submit to the Secretary, prior to implementation of such service, a workforce development plan if such service, combined with any other automated vehicle providing public transportation or mobility on demand service offered by such recipient, would exceed more than 0.5 percent of the recipient's total annual transit passenger miles traveled.

(2) CONTENTS.—The workforce development plan under subsection (a) shall include the following:

(A) A description of services offered by existing conventional modes of public transportation in the area served by the recipient that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service, including jobs and functions of such jobs.

(B) A forecast of the number of jobs provided by existing conventional modes of public transportation that would be eliminated or that would be substantially changed and the number of jobs expected to be created by the proposed automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(C) Identified gaps in skills needed to operate and maintain the proposed automated vehicle providing public transportation or mobility on demand service.

(D) A comprehensive plan to transition, train, or retrain employees that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service.

(E) An estimated budget to transition, train, or retrain employees impacted by the proposed automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(c) NOTICE REQUIRED.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, shall issue a notice to employees who, due to the use of an automated vehicle providing public transportation or mobility on demand service, may be subjected to a loss of employment or a change in responsibilities not later than 60 days before signing a contract for such service or procurement. A recipient shall provide employees copies of a request for a proposal related to an automated vehicle providing public transportation or mobility on demand services at the time such request is issued.

(2) CONTENT.—The notice required in paragraph (1) shall include the following:

(A) A description of the automated vehicle providing public transportation or mobility on demand service.

(B) The impact of the automated vehicle providing public transportation or mobility on demand service on employment positions, including a description of which employment positions will be affected and whether any new positions will be created.

(d) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term "automated vehicle" means a motor vehicle that—

(A) is capable of performing the entire task of driving (including steering, accelerating and decelerating, and reacting to external stimulus) without human intervention; and

(B) is designed to be operated exclusively by a Level 4 or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

(2) MOBILITY ON DEMAND.—The term "mobility on demand" has the meaning given such term in section 5316 of title 49, United States Code.

(3) PUBLIC TRANSPORTATION.—The term "public transportation" has the meaning given such term in section 5302 of title 49, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the use of funds for an eligible activity or pilot project of a covered recipient authorized under current law prior to the date of enactment of this Act.

SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET ASIDES.

Section 5329(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) SAFETY COMMITTEE PERFORMANCE MEASURES.—

"(A) IN GENERAL.—The safety committee described in paragraph (4) shall establish performance measures for the risk reduction program in paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the National Transit Database.

"(B) SAFETY SET ASIDE.—With respect to a recipient serving an urbanized area that receives funds under section 5307, such recipient shall allocate not less than 0.75 percent of such funds to projects eligible under section 5307.

"(C) FAILURE TO MEET PERFORMANCE MEASURES.—Any recipient that receives funds under section 5307 that does not meet the performance measures established in subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

"(D) ELIGIBLE PROJECTS.—Funds set aside under this paragraph shall be used for projects that are reasonably likely to meet the performance measures established in subparagraph (A), including modifications to rolling stock and de-escalation training.".

SEC. 2605. U.S. EMPLOYMENT PLAN.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"§ 5341. U.S. Employment Plan

"(a) DEFINITIONS.—In this section:

"(1) COMMITMENT TO HIGH-QUALITY CAREER AND BUSINESS OPPORTUNITIES.—The term 'commitment to high-quality career and business opportunities' means participation in a registered apprenticeship program.

"(2) COVERED INFRASTRUCTURE PROGRAM.—The term 'covered infrastructure program' means any activity under a program or project under this chapter for the purchase or acquisition of rolling stock.

"(3) U.S. EMPLOYMENT PLAN.—The term 'U.S. Employment Plan' means a plan under which an entity receiving Federal assistance for a project under a covered infrastructure program shall—

"(A) include in a request for proposal an encouragement for bidders to include, with respect to the project—

"(i) high-quality wage, benefit, and training commitments by the bidder and the supply chain of the bidder for the project; and

"(ii) a commitment to recruit and hire individuals described in subsection (e) if the project results in the hiring of employees not currently

or previously employed by the bidder and the supply chain of the bidder for the project;

"(B) give preference for the award of the contract to a bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A); and

"(C) ensure that each bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A) that is awarded a contract complies with those commitments.

"(4) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

"(b) BEST-VALUE FRAMEWORK.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program is encouraged—

"(1) to ensure that each dollar invested in infrastructure uses a best-value contracting framework to maximize the local value of federally funded contracts by evaluating bids on price and other technical criteria prioritized in the bid, such as—

"(A) equity;

"(B) environmental and climate justice;

"(C) impact on greenhouse gas emissions;

"(D) resilience;

"(E) the results of a 40-year life-cycle analysis;

"(F) safety;

"(G) commitment to creating or sustaining high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)) for disadvantaged or underrepresented individuals in infrastructure industries in the United States; and

"(H) access to jobs and essential services by all modes of travel for all users, including individuals with disabilities; and

"(2) to ensure community engagement, transparency, and accountability in carrying out each stage of the project.

"(c) PREFERENCE FOR REGISTERED APPRENTICESHIP PROGRAMS.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program, with respect to the project for which the assistance is received, shall give preference to a bidder that demonstrates a commitment to high-quality job opportunities affiliated with registered apprenticeship programs.

"(d) USE OF U.S. EMPLOYMENT PLAN.—Notwithstanding any other provision of law, in carrying out a project under a covered infrastructure program that receives assistance under this chapter, the recipient shall use a U.S. Employment Plan for each contract of $10,000,000 or more for the purchase of manufactured goods or of services, based on an independent cost estimate.

"(e) PRIORITY.—The Secretary shall ensure that the entity carrying out a project under the covered infrastructure program gives priority to—

"(1) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including ex-offenders and disabled individuals;

"(2) veterans; and

"(3) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

"(f) REPORT.—Not less frequently than once each fiscal year, the Secretary shall jointly submit to Congress a report describing the implementation of this section.

"(g) INTENT OF CONGRESS.—

"(1) IN GENERAL.—It is the intent of Congress—

"(A) to encourage recipients of Federal assistance under covered infrastructure programs to use a best-value contracting framework described in subsection (b) for the purchase of goods and services;

"(B) to encourage recipients of Federal assistance under covered infrastructure programs to use preferences for registered apprenticeship programs as described in subsection (c) when evaluating bids for projects using that assistance;

"(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in carrying out the project for which the assistance was provided; and

"(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

"(2) INCLUSION.—A best-value contracting framework described in subsection (b) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5341. U.S. Employment Plan.".

SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

Section 5314(a) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting after subparagraph (H) (as added by section 2104 of this Act) the following:

"(I) provide innovation and capacity-building to rural and tribal public transportation recipients that do not duplicate the activities of sections 5311(b) or 5312; and"; and

(2) by adding at the end the following:

"(4) AVAILABILITY OF AMOUNTS.—Of the amounts made available to carry out this section under section 5338(a)(2)(G)(i), $1,500,000 shall be available to carry out activities described in paragraph (2)(I).".

SEC. 2607. RESILIENT PUBLIC TRANSPORTATION STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on resilience planning and innovative resilience strategies for public transportation and shared mobility.

(b) CONTENTS.—In carrying out the study under subsection (a), the Secretary shall assess—

(1) best practices for making public transportation more resilient to external shocks, such as pandemics and natural hazards; and

(2) new materials and technologies that may improve the resilience of public transportation and shared mobility, including innovative transit vehicles, emerging electric vehicle chassis platforms, and smart air quality control systems.

(c) PARTNERSHIPS.—In carrying out the study under subsection (a), the Secretary shall consult with institutions of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), academic experts, and nonprofit organizations with expertise in engineering, travel behavior, artificial intelligence, policy analysis, planning, public healthy and safety, and social and racial equity.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle G—Transit-Supportive Communities

SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5327 the following:

"§ 5328. Transit-supportive communities

"(a) ESTABLISHMENT.—The Secretary shall establish within the Federal Transit Administration, an Office of Transit-Supportive Communities to make grants, provide technical assistance, and assist in the coordination of transit and housing policies within the Federal Transit Administration, the Department of Transportation, and across the Federal Government.

"(b) TRANSIT ORIENTED DEVELOPMENT PLANNING GRANT PROGRAM.—

"(1) DEFINITION.—In this subsection the term 'eligible project' means—

"(A) a new fixed guideway capital project or a core capacity improvement project as defined in section 5309;

"(B) an existing fixed guideway system, or an existing station that is served by a fixed guideway system; or

"(C) the immediate corridor along the highest 25 percent of routes by ridership as demonstrated in section 5336(b)(2)(B).

"(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State, local governmental authority, or metropolitan planning organization to assist in financing comprehensive planning associated with an eligible project that seeks to—

"(A) enhance economic development, ridership, equity, reduction of greenhouse gas emissions, or other goals established during the project development and engineering processes or the grant application;

"(B) facilitate multimodal connectivity and accessibility;

"(C) increase access to transit hubs for pedestrian and bicycle traffic;

"(D) enable mixed-use development;

"(E) identify infrastructure needs associated with the eligible project; and

"(F) include private sector participation.

"(3) ELIGIBILITY.—A State, local governmental authority, or metropolitan planning organization that desires to participate in the program under this subsection shall submit to the Secretary an application that contains at a minimum—

"(A) an identification of an eligible project;

"(B) a schedule and process for the development of a comprehensive plan;

"(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

"(D) proposed performance criteria for the development and implementation of the comprehensive plan;

"(E) a description of how the project will advance equity and reduce and mitigate social and economic impacts on existing residents and businesses and communities historically excluded from economic opportunities vulnerable to displacement; and

"(F) identification of—

"(i) partners;

"(ii) availability of and authority for funding; and

"(iii) potential State, local or other impediments to the implementation of the comprehensive plan.

"(4) COST SHARE.—A grant under this subsection shall not exceed an amount in excess of 80 percent of total project costs, except that a grant that includes an affordable housing component shall not exceed an amount in excess of 90 percent of total project costs.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, local governmental authorities, and metropolitan planning organizations in the planning and development of transit-oriented development projects and transit-supportive corridor policies, including—

"(1) the siting, planning, financing, and integration of transit-oriented development projects;

"(2) the integration of transit-oriented development and transit-supportive corridor policies in the preparation for and development of an application for funding under section 602 of title 23;

"(3) the siting, planning, financing, and integration of transit-oriented development and transit-supportive corridor policies associated with projects under section 5309;

"(4) the development of housing feasibility assessments as allowed under section 5309(g)(3)(B);

"(5) the development of transit-supportive corridor policies that promote transit ridership and transit-oriented development;

"(6) the development, implementation, and management of land value capture programs; and

"(7) the development of model contracts, model codes, and best practices for the implementation of transit-oriented development projects and transit-supportive corridor policies.

"(d) VALUE CAPTURE POLICY REQUIREMENTS.—

"(1) VALUE CAPTURE POLICY.—Not later than October 1 of the fiscal year that begins 2 years after the date of enactment of this section, the Secretary, in collaboration with State departments of transportation, metropolitan planning organizations, and regional council of governments, shall establish voluntary and consensus-based value capture standards, policies, and best practices for State and local value capture mechanisms that promote greater investments in public transportation and affordable transit-oriented development.

"(2) REPORT.—Not later than 15 months after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State and local laws and policies that provide for value capture and

value sharing that promote greater investment in public transportation and affordable transit-oriented development.

"(e) EQUITY.—In providing technical assistance under subsection (c), the Secretary shall incorporate strategies to promote equity for underrepresented and underserved communities, including—

"(1) preventing displacement of existing residents and businesses;

"(2) mitigating rent and housing price increases;

"(3) incorporating affordable rental and ownership housing in transit-oriented development;

"(4) engaging under-served, limited English proficiency, low-income, and minority communities in the planning process;

"(5) fostering economic development opportunities for existing residents and businesses; and

"(6) targeting affordable housing that help lessen homelessness.

"(f) AUTHORITY TO REQUEST STAFFING ASSISTANCE.—In fulfilling the duties of this section, the Secretary shall, as needed, request staffing and technical assistance from other Federal agencies, programs, administrations, boards, or commissions.

"(g) REVIEW EXISTING POLICIES AND PROGRAMS.—Not later than 24 months after the date of enactment of this section, the Secretary shall review and evaluate all existing policies and programs within the Federal Transit Administration that support or promote transit-oriented development to ensure their coordination and effectiveness relative to the goals of this section.

"(h) REPORTING.—Not later than February 1 of each year beginning the year after the date of enactment of this section, the Secretary shall prepare a report detailing the grants and technical assistance provided under this section, the number of affordable housing units constructed or planned as a result of projects funded in this section, and the number of affordable housing units constructed or planned as a result of a property transfer under section 5334(h)(1). The report shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(i) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to provide any financial assistance for the construction of housing.

"(j) PRIORITY FOR LOW-INCOME AREAS.—In awarding grants under this section, the Secretary shall give priority to projects under this section that expand or build transit in low-income areas or that provide access to public transportation to low-income areas that do not have access to public transportation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5327 the following:

"5328. Transit-supportive communities.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 20005 of the MAP–21 (Public Law 112–141) is amended—

(1) by striking "(a) AMENDMENT.—"; and

(2) by striking subsection (b).

SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE HOUSING.

Section 5334(h)(1) of title 49, United States Code, is amended to read as follows:

"(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

"(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

"(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

"(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

"(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

"(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

"(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

"(i) the asset is a necessary component of a proposed transit-oriented development project;

"(ii) the transit-oriented development project will increase transit ridership;

"(iii) at least 40 percent of the housing units offered in the transit-oriented development, including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and/or owners with incomes at or below 60 percent the area median income;

"(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

"(v) with respect to a transfer to a third party entity—

"(I) a local government authority or nonprofit organization is unable to receive the property;

"(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

"(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.".

SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, is further amended—

(1) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i) by striking "; and" and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) in the case of a new fixed guideway capital project or a core capacity improvement project, allow a weighting 5 percentage points greater to the economic development criterion and 5 percentage points lesser to the lowest scoring criterion if the applicant demonstrates substantial efforts to preserve or encourage affordable housing near the project by providing documentation of policies that allow by-right multifamily housing, single room occupancy units, or accessory dwelling units, providing local capital sources for transit-oriented development, or demonstrate other methods as determined by the Secretary."; and

(B) in paragraph (3) by adding at the end the following:

"(B) establish a warrant that applies to the economic development project justification criteria, provided that the applicant that requests a warrant under this process has completed and submitted a housing feasibility assessment."; and

(2) in subsection (l)(4) by adding at the end the following:

"(E) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) provided that—

"(i) such funds are used in conjunction with the planning or development of affordable housing; and

"(ii) such affordable housing is located within one-half of a mile of a new station.".

Subtitle H—Innovation

SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.

Section 5312(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) MOBILITY INNOVATION SANDBOX PROGRAM.—The Secretary may make funding available under this subsection to carry out research on mobility on demand and mobility as a service activities eligible under section 5316.".

SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.

Section 5312(d) of title 49, United States Code, is further amended by adding at the end the following:

"(4) TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.—

"(A) IN GENERAL.—The Secretary may make funding available under this subsection to carry out research on redesigning transit bus operator compartments to improve safety, operational efficiency, and passenger accessibility.

"(B) OBJECTIVES.—Research objectives under this paragraph shall include—

"(i) increasing bus operator safety from assaults;

"(ii) optimizing operator visibility and reducing operator distractions to improve safety of bus passengers, pedestrians, bicyclists, and other roadway users;

"(iii) expanding passenger accessibility for positive interactions between operators and passengers, including assisting passengers in need of special assistance;

"(iv) accommodating passenger boarding, alighting, and securement consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(v) improving ergonomics to reduce bus operator work-related health issues and injuries, as well as locate key instrument and control interfaces to improve operational efficiency and convenience.

"(C) ACTIVITIES.—Eligible activities under this paragraph shall include—

"(i) measures to reduce visibility impairments and distractions for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments and distractions;

"(ii) the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations;

"(iii) technologies to improve passenger accessibility, including boarding, alighting, and securement 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;

"(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

"(C) to promote the rapid deployment of proven solutions that provide greater accountability for public investments; and

"(D) to create a culture of innovation within the transit community.

"(2) FTA EVERY DAY COUNTS INITIATIVE.—To advance the policies described in paragraph (1), the Administrator of the Federal Transit Administration shall adopt the Every Day Counts initiative to work with recipients to identify and deploy the proven innovation practices and products that—

"(A) accelerate innovation deployment;

"(B) expedite the project delivery process;

"(C) improve environmental sustainability;

"(D) enhance transit safety;

"(E) expand mobility; and

"(F) reduce greenhouse gas emissions.

"(3) CONSIDERATION.—In accordance with the Every Day Counts goals described in paragraphs (1) and (2), the Administrator shall consider research conducted through the university transportation centers program in section 5505.

"(4) INNOVATION DEPLOYMENT.—

"(A) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with recipients to identify a new collection of innovations, best practices, and data to be deployed to recipients through case studies, webinars, and demonstration projects.

"(B) REQUIREMENTS.—In identifying a collection described in subparagraph (A), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

"(5) PUBLICATION.—Each collection identified under paragraph (4) shall be published by the Administrator on a publicly available website.

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.".

SEC. 2804. TECHNICAL CORRECTIONS.

Section 5312 of title 49, United States Code, as amended in section 2503 and 2803, is further amended—

(1) in subsection (e)—

(A) in paragraph (3)(C) by striking "low or no emission vehicles, zero emission vehicles," and inserting "zero emission vehicles"; and

(B) by striking paragraph (6) and inserting the following:

"(6) ZERO EMISSION VEHICLE DEFINED.—In this subsection, the term 'zero emission vehicle' means a passenger vehicle used to provide public transportation that produces no carbon or particulate matter.";

(2) by redesignating the first subsection (g) as subsection (f); and

(3) in subsection (h)—

(A) in the header by striking "LOW OR NO EMISSION" and inserting "ZERO EMISSION";

(B) in paragraph (1)—

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

"(B) the term 'zero emission vehicle' has the meaning given such term in subsection (e)(6);"; and

(ii) in subparagraph (D) by striking "low or no emission vehicle" and inserting "zero emission vehicle" each place such term appears;

(C) in paragraph (2)—

(i) in the heading by striking "LOW OR NO EMISSION" and inserting "ZERO EMISSION"; and

(ii) by striking "low or no emission" and inserting "zero emission" each place such term appears;

(D) in paragraph (3) by striking "low or no emission" and inserting "zero emission" each place such term appears (including in the heading); and

(E) in paragraph (5)(A) by striking "low or no emission" and inserting "zero emission".

SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT BUS DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system and related infrastructure.

(b) AUTHORIZATION.—There shall be available $20,000,000 for each of fiscal years 2022 through 2026.

(c) GRANTS.—The Secretary may enter into grants, contracts, and cooperative agreements with no more than three geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to facilitate the development and testing of commercially viable advance technology transit buses and related infrastructure.

(d) CONSIDERATIONS.—

(1) IN GENERAL.—The Secretary shall consider the applicant's—

(A) ability to contribute significantly to furthering advanced technologies as it relates to transit bus operations, including advanced driver assistance systems, automatic emergency braking, accessibility, and energy efficiency;

(B) financing plan and cost share potential;

(C) technical experience developing or testing advanced technologies in transit buses;

(D) commitment to frontline worker involvement; and

(E) other criteria that the Secretary determines are necessary to carry out the program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.

(e) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis. The Secretary shall give priority consideration to applicants that have successfully managed advanced transportation technology projects, including projects related to public transportation operations for a period of not less than 5 years.

(f) CONSORTIA.—As a condition of receiving an award in (c), the Secretary shall ensure—

(1) that the selected non-profit recipients subsequently establish a consortia for each proposal submitted, including representatives from a labor union, transit agency, an FTA-designated university bus and component testing center, a Buy America compliant transit bus manufacturer, and others as determined by the Secretary;

(2) that no proposal selected would decrease workplace or passenger safety; and

(3) that no proposal selected would undermine the creation of high-quality jobs or workforce support and development programs.

(g) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 80 percent of such cost.

SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.

Section 5312(h)(2) of title 49, United States Code, is amended by striking subparagraph (G).

SEC. 2807. TRANSIT VEHICLE BATTERY RECYCLING AND REUSE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations that, notwithstanding any other provision of law, allow recipients of funds under chapter 53 of title 49, United States Code, at the option of the recipient, to repurpose, recycle, reuse, sell, or lease transit vehicle batteries that are beyond the useful service life of such batteries for the purpose of transit vehicle propulsion and component parts of such batteries.

(b) CONSIDERATIONS.—In issuing regulations under subsection (a), the Secretary shall prioritize second life applications that—

(1) maximize the full use of transit vehicle batteries beyond the useful life of such batteries for transit vehicle propulsion and component parts of such batteries;

(2) enhance the reuse and recycling of transit vehicle batteries, components, and component critical minerals of such batteries;

(3) reduce costs for recipients;

(4) create new streams of revenue for recipients;

(5) support the provision of zero emission public transportation service, which may include the use of wayside charging; and

(6) enhance the resilience of public transportation and the electric vehicle supply equipment network, which may include the use of batteries for energy storage.

(c) SECOND LIFE APPLICATIONS DEFINED.—In this section, the term "second life applications" means the repurposing, recycling, reuse, sale, or leasing of a transit vehicle battery that is beyond the useful service life for the purpose of transit vehicle propulsion and component parts of such battery, but that retains utility for other applications.

Subtitle I—Other Program Reauthorizations

SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

Section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) is amended—

(1) in subsection (b) by striking "The Federal" and inserting "Except as provided in subsection (e)(2), the Federal";

(2) by striking subsections (d) through (f) and inserting the following:

"(d) REQUIRED BOARD APPROVAL.—No amounts may be provided to the Transit Authority under this section until the Transit Authority certifies to the Secretary of Transportation that—

"(1) a board resolution has passed on or before July 1, 2022, and is in effect for the period of July 1, 2022 through June 30, 2031, that—

"(A) establishes an independent budget authority for the Office of Inspector General of the Transit Authority;

"(B) establishes an independent procurement authority for the Office of Inspector General of the Transit Authority;

"(C) establishes an independent hiring authority for the Office of Inspector General of the Transit Authority;

"(D) ensures the Inspector General of the Transit Authority can obtain legal advice from a counsel reporting directly to the Inspector General;

"(E) requires the Inspector General of the Transit Authority to submit recommendations for corrective action to the General Manager and the Board of Directors of the Transit Authority;

"(F) requires the Inspector General of the Transit Authority to publish any recommendation described in subparagraph (E) on the website of the Office of Inspector General of the Transit Authority, except that the Inspector General may redact personally identifiable information and information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority;

"(G) requires the Board of Directors of the Transit Authority to provide written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 30 days before the Board of Directors removes the Inspector General of the Transit Authority, which shall include the reasons for removal and supporting documentation; and

"(H) prohibits the Board of Directors from removing the Inspector General of the Transit Authority unless the Board of Directors has provided a 30 day written notification as described in subparagraph (G) that documents—

"(i) a permanent incapacity;

"(ii) a neglect of duty;

"(iii) malfeasance;

"(iv) a conviction of a felony or conduct involving moral turpitude;

"(v) a knowing violation of a law or regulation;

"(vi) gross mismanagement;

"(vii) a gross waste of funds;

"(viii) an abuse of authority; or

"(ix) inefficiency; and

"(2) the Code of Ethics for Members of the WMATA Board of Directors passed on September 26, 2019, remains in effect, or the Inspector General of the Transit Authority has consulted with any modifications to the Code of Ethics by the Board.

"(e) AUTHORIZATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section—

"(A) for fiscal year 2022, $150,000,000;

"(B) for fiscal year 2023, $155,000,000;

"(C) for fiscal year 2024, $160,000,000;

"(D) for fiscal year 2025, $165,000,000;

"(E) for fiscal year 2026, $170,000,000;

"(F) for fiscal year 2027, $175,000,000;

"(G) for fiscal year 2028, $180,000,000;

"(H) for fiscal year 2029, $185,000,000;

"(I) for fiscal year 2030, $190,000,000; and

"(J) for fiscal year 2031, $200,000,000.

"(2) SET ASIDE FOR OFFICE OF INSPECTOR GENERAL OF TRANSIT AUTHORITY.—From the amounts in paragraph (1), the Transit Authority shall provide at least 7 percent for each fiscal year to the Office of Inspector General of the Transit Authority to carry out independent and objective audits, investigations, and reviews of Transit Authority programs and operations to promote economy, efficiency, and effectiveness, and to prevent and detect fraud, waste, and abuse in such programs and operations."; and

(3) by redesignating subsection (g) as subsection (f).

SEC. 2902. OTHER APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in the matter preceding paragraph (1) by striking "section 5338(a)(2)(C)" and inserting "section 5338(a)(2)(B)";

(B) by amending paragraph (1) to read as follows:

"(1) to carry out section 5307(h)—

"(A) $60,906,000 shall be set aside in fiscal year 2023;

"(B) $61,856,134 shall be set aside in fiscal year 2024;

"(C) $62,845,832 shall be set aside in fiscal year 2025; and

"(D) $63,832,511 shall be set aside in fiscal year 2026;";

(C) in paragraph (2) by striking "3.07 percent" and inserting "6 percent"; and

(D) by amending paragraph (3) to read as follows:

"(3) of amounts not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);"; and

(2) in subsection (i) by adding at the end the following:

"(3) CENSUS PHASE-OUT.—Before apportioning funds under subsection (h)(3), for any urbanized area that is no longer an eligible area due to a change in population in the most recent decennial census, the Secretary shall apportion to such urbanized area, for 3 fiscal years, an amount equal to half of the funds apportioned to such urbanized area pursuant to this subsection for the previous fiscal year.".

Subtitle J—Streamlining

SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, as amended by section 2703 of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (7)—

(i) in subparagraph (A) by striking "$100,000,000" and inserting "$320,000,000"; and

(ii) in subparagraph (B) by striking "$300,000,000" and inserting "$400,000,000";

(B) by striking paragraph (6); and

(C) by redesignating paragraph (7), as so amended, as paragraph (6);

(2) in subsection (b)(2) by inserting "expanding station capacity," after "construction of infill stations,";

(3) in subsection (d)(1)—

(A) in subparagraph (C)(i) by striking "2 years" and inserting "3 years"; and

(B) by adding at the end the following:

"(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.

"(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.";

(4) in subsection (e)(1)—

(A) in subparagraph (C)(i) by striking "2 years" and inserting "3 years"; and

(B) by adding at the end the following:

"(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.

"(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.";

(5) in subsection (e)(2)(A)(iii)(II) by striking "5 years" and inserting "10 years";

(6) in subsection (f)—

(A) in paragraph (1) by striking "subsection (d)(2)(A)(v)" and inserting "subsection (d)(2)(A)(iv)";

(B) in paragraph (2)—

(i) by striking "subsection (d)(2)(A)(v)" and inserting "subsection (d)(2)(A)(iv)";

(ii) in subparagraph (D) by adding "and" at the end;

(iii) by striking subparagraph (E); and

(iv) by redesignating subparagraph (F) as subparagraph (E); and

(C) by adding at the end the following:

"(4) COST-SHARE INCENTIVES.—For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall apply the following requirements and considerations in lieu of paragraphs (1) and (2):

"(A) REQUIREMENTS.—In determining whether a project is supported by local financial commitment and shows evidence of stable and dependable fi-

nancing sources for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) an applicant certifies that local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project, or that the annual operating cost of the proposed project does not exceed 5 percent of the annual cost to operate and maintain the overall public transportation system of the applicant.

"(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall consider—

"(i) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

"(ii) existing grant commitments;

"(iii) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and

"(iv) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.".

(7) in subsection (g)—

(A) in paragraph (2)(A) by striking "degree of local financial commitment" and inserting "criteria in subsection (f)" each place it appears;

(B) in paragraph (3) by striking "The Secretary shall," and all that follows through "to carry out this subsection." and inserting the following: "The Secretary shall—

"(A) to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section if—

"(i) the share of the cost of the project to be provided under this section—

"(I) does not exceed $500,000,000 and the total project cost does not exceed $1,000,000,000; or

"(II) complies with subsection (l)(1)(C);

"(ii) the applicant requests the use of the warrants;

"(iii) the applicant certifies that its existing public transportation system is in a state of good repair; and

"(iv) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection; and";

(C) by striking paragraph (5) and inserting the following:

"(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance on the review and evaluation process and criteria not later than 180 days after the date of enactment of the INVEST in America Act.";

(D) by striking paragraph (6) and inserting the following:

"(6) TRANSPARENCY.—Not later than 30 days after the Secretary receives a written request from an applicant for all remaining information necessary to obtain 1 or more of the following, the Secretary shall provide such information to the applicant:

"(A) Project advancement.

"(B) Medium or higher rating.

"(C) Warrant.

"(D) Letter of intent.

"(E) Early systems work agreement."; and

(E) in paragraph (7) by striking "the Federal Public Transportation Act of 2012" and inserting "the INVEST in America Act";

(8) in subsection (h)—

(A) in paragraph (5) by inserting ", except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such

project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls" before the period at the end; and

(B) in paragraph (7)(C) by striking "10 days" and inserting "3 days";

(9) by striking subsection (i) and inserting the following:

"(i) INTERRELATED PROJECTS.—

"(1) RATINGS IMPROVEMENT.—The Secretary shall grant a rating increase of 1 level in mobility improvements to any project being rated under subsection (d), (e), or (h), if the Secretary certifies that the project has a qualifying interrelated project that meets the requirements of paragraph (2).

"(2) INTERRELATED PROJECT.—A qualifying interrelated project is a transit project that—

"(A) is adopted into the metropolitan transportation plan required under section 5303;

"(B) has received a class of action designation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(C) will likely increase ridership on the project being rated in subsection (d), (e), or (h), respectively, as determined by the Secretary; and

"(D) meets one of the following criteria:

"(i) Extends the corridor of the project being rated in subsection (d), (e), or (h), respectively.

"(ii) Provides a direct passenger transfer to the project being rated in subsection (d), (e), or (h), respectively.";

(10) in subsection (k)—

(A) in paragraph (2)(D) by adding at the end the following:

"(v) LOCAL FUNDING COMMITMENT.— For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall enter into a full funding grant agreement that has at least 75 percent of local financial commitment committed and the remaining percentage budgeted for the proposed purposes."; and

(B) in paragraph (5) by striking "30 days" and inserting "3 days";

(11) in subsection (l)—

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

"(B) CAP.—Except as provided in subparagraph (C), a grant for a project under this section shall not exceed 80 percent of the net capital project cost, except that a grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

"(C) APPLICANT ELECTION OF LOWER LOCAL CIG COST SHARE.—An applicant may elect a lower local CIG cost share for a project under this section for purposes of application of the cost-share incentives under subsection (f)(3). Such cost share shall not exceed 60 percent of the net capital project cost, except that for a grant for a core capacity improvement project such cost share shall not exceed 60 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.";

(B) by striking paragraph (5) and inserting the following:

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require, incentivize (in any manner not specified in this section), or place additional conditions upon a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost or, for a core capacity improvement project, 20 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor."; and

(C) by striking paragraph (8) and inserting the following:

"(8) CONTINGENCY SHARE.—The Secretary shall provide funding for the contingency amount equal to the proportion of the CIG cost share. If the Secretary increases the contingency amount after a project has received a letter of no prejudice or been allocated appropriated funds, the federal share of the additional contingency amount shall be 25 percent higher than the original proportion the CIG cost share and in addition to the grant amount set in subsection (k)(2)(C)(ii).";

(12) in subsection (o) by adding at the end the following:

"(4) CIG PROGRAM DASHBOARD.—Not later than the fifth day of each month, the Secretary shall make publicly available on a website data on, including the status of, each project under this section that is in the project development phase, in the engineering phase, or has received a grant agreement and remains under construction. Such data shall include, for each project—

"(A) the amount and fiscal year of any funding appropriated, allocated, or obligated for the project;

"(B) the date on which the project—

"(i) entered the project development phase;

"(ii) entered the engineering phase, if applicable; and

"(iii) received a grant agreement, if applicable; and

"(C) the status of review by the Federal Transit Administration and the Secretary, including dates of request, dates of acceptance of request, and dates of a decision for each of the following, if applicable:

"(i) A letter of no prejudice.

"(ii) An environmental impact statement notice of intent.

"(iii) A finding of no significant environmental impact.

"(iv) A draft environmental impact statement.

"(v) A final environmental impact statement.

"(vi) A record of decision on the final environmental impact statement.

"(vii) The status of the applicant in securing the non-Federal match, based on information provided by the applicant, including the amount committed, budgeted, planned, and undetermined."; and

(13) by striking "an acceptable degree of" and inserting "a" each place it appears.

SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT DEADLINE.

Section 5336(d) of title 49, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

(3) by inserting after paragraph (1) the following:

"(2) notwithstanding paragraph (1), apportion amounts to the States appropriated under section 5338(a)(2) to carry out sections 5307, 5310, and 5311 not later than December 15 for which any amounts are appropriated; and".

SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.

Section 5334 of title 49, United States Code, is further amended by adding at the end the following:

"(l) DISPOSITION OF ASSETS BEYOND USEFUL LIFE.—

"(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of an asset with a current market value, or proceed from the sale of such asset, acquired under this chapter at least in part with such assistance, after such asset has reached the useful life of such asset, the Secretary shall allow the recipient, or subrecipient, to use the proceeds attributable to the Federal share of such asset calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311.

"(2) MINIMUM VALUE.—This subsection shall only apply to assets with a current market value, or proceeds from sale, of at least $5,000.

"(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of an asset described in paragraph (1) shall be calculated by multiplying—

"(A) the current market value of, or the proceeds from the disposition of, such asset; by

"(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.".

SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBILITY.

Section 5310 of title 49, United States Code, as amended by section 2205, is further amended by adding at the end the following:

"(k) INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

"(1) START UP GRANTS.—

"(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

"(B) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

"(i) a detailed description of the eligible project;

"(ii) an identification of all eligible project partners and the specific role of each eligible project partner in the eligible project, including—

"(I) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

"(II) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

"(III) Federal and State entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; and

"(iii) a description of how the eligible project shall—

"(I) improve local coordination or access to coordinated transportation services;

"(II) reduce duplication of service, if applicable; and

"(III) provide innovative solutions in the State or community.

"(C) PERFORMANCE MEASURES.—An eligible recipient shall specify, in an application for a grant under this paragraph, the performance measures the eligible project, in coordination with project partners, will use to quantify actual outcomes against expected outcomes, including—

"(i) changes to transportation expenditures as a result of improved coordination;

"(ii) changes to healthcare expenditures provided by projects partners as a result of improved coordination; and

"(iii) changes to health care metrics, including aggregate health outcomes provided by projects partners.

"(D) ELIGIBLE USES.—Eligible recipients receiving a grant under this section may use such funds for—

"(i) the deployment of coordination technology;

"(ii) projects that create or increase access to community One-Call/One-Click Centers;

"(iii) projects that coordinate transportation for 3 or more of—

"(I) public transportation provided under this section;

"(II) a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(III) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(IV) Veterans Health Administration; or

"(V) private health care facilities; and

"(iv) such other projects as determined appropriate by the Secretary.

"(E) CONSULTATION.—In evaluating the performance metrics described in subparagraph (C), the Secretary shall consult with the Secretary of Health and Human Services.

"(2) INCENTIVE GRANTS.—

"(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to incentivize innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

"(B) SELECTION OF GRANT RECIPIENTS.—The Secretary shall distribute grant funds made available to carry out this paragraph as described in subparagraph (E) to eligible recipients that apply and propose to demonstrate improvement in the metrics described in subparagraph (F).

"(C) ELIGIBILITY.—An eligible recipient shall not be required to have received a grant under paragraph (1) to be eligible to receive a grant under this paragraph.

"(D) APPLICATIONS.—Eligible recipients shall submit to the Secretary an application that includes—

"(i) which metrics under subparagraph (F) the eligible recipient intends to improve;

"(ii) the performance data eligible recipients and the Federal, State, nonprofit, and private partners, as described in paragraph (1)(B)(ii), of the eligible recipient will make available; and

"(iii) a proposed incentive formula that makes payments to the eligible recipient based on the proposed data and metrics.

"(E) DISTRIBUTION.—The Secretary shall distribute funds made available to carry out this paragraph based upon the number of grant applications approved by the Secretary, number of individuals served by each grant, and the incentive formulas approved by the Secretary using the following metrics:

"(i) The reduced transportation expenditures as a result of improved coordination.

"(ii) The reduced Federal and State healthcare expenditures using the metrics described in subparagraph (F).

"(iii) The reduced private healthcare expenditures using the metrics described in subparagraph (F).

"(F) HEALTHCARE METRICS.—Healthcare metrics described in this subparagraph shall be—

"(i) reducing missed medical appointments;

"(ii) the timely discharge of patients from hospitals;

"(iii) preventing hospital admissions and reducing readmissions of patients into hospitals; and

"(iv) other measureable healthcare metrics, as determined appropriate by the Secretary, in consultation with the Secretary of Health and Human Services.

"(G) ELIGIBLE EXPENDITURES.—The Secretary shall allow the funds distributed by this grant program to be expended on eligible activities described in paragraph (1)(D) and any eligible activity under this section that is likely to improve the metrics described in subparagraph (F).

"(H) RECIPIENT CAP.—The Secretary—

"(i) may not provide more than 20 grants under this paragraph; and

"(ii) shall reduce the maximum number of grants under this paragraph to ensure projects are fully funded, if necessary.

"(I) CONSULTATION.—In evaluating the health care metrics described in subparagraph (F), the Secretary shall consult with the Secretary of Health and Human Services.

"(J) ANNUAL GRANTEE REPORT.—Each grantee shall submit a report, in coordination with the project partners of such grantee, that includes an evaluation of the outcomes of the grant awarded to such grantee, including the performance measures.

"(3) REPORT.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the program, and an evaluation of the 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:

"(4) ZERO-EMISSION OR REDUCED-EMISSION GRANTS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'eligible project' means a project or program of projects in an area eligible for a grant under subsection (a) for—

"(I) acquiring zero- or reduced-emission passenger ferries;

"(II) leasing zero- or reduced-emission passenger ferries;

"(III) constructing facilities and related equipment for zero- or reduced-emission passenger ferries;

"(IV) leasing facilities and related equipment for zero- or reduced-emission passenger ferries;

"(V) constructing new public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

"(VI) constructing shoreside ferry charging infrastructure for zero- or reduced-emission passenger ferries; or

"(VII) rehabilitating or improving existing public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

"(ii) the term 'zero- or reduced-emission passenger ferry' means a passenger ferry used to provide public transportation that reduces emissions by utilizing onboard energy storage systems for hybrid-electric or 100 percent electric propulsion, related charging infrastructure, and other technologies deployed to reduce emissions or produce zero onboard emissions under normal operation; and

"(iii) the term 'recipient' means a designated recipient, a local government authority, or a State that receives a grant under subsection (a).

"(B) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

"(C) GRANT REQUIREMENTS.—A grant under this paragraph shall be subject to the same terms and conditions as a grant under subsection (a).

"(D) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects under this paragraph on a competitive basis.

"(E) GOVERNMENT SHARE OF COSTS.—

"(i) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this paragraph shall not exceed 80 percent.

"(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.".

SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.

Section 5309(h)(4) of title 49, United States Code, is amended by inserting ", the extent to which the project improves transportation options to economically distressed areas," after "public transportation".

SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 TO FEDERALLY FUNDED BUS SHELTERS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue best practices on the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to federally funded bus shelters to assist recipients of Federal funds in receiving exclusions permitted by law.

SEC. 2918. CAPITAL INVESTMENT GRANT STREAMLINING.

(a) IN GENERAL.—Section 3005(b) of the FAST Act (Public Law 116–94) is repealed.

(b) GRANDFATHER CLAUSES.—For any projects that have submitted an application or are being evaluated under the program described in section 3005(b) of such Act prior to the date of enactment of this Act, the Secretary shall—

(1) continue to administer the project under the terms of such section as it existed on the day prior to the date of enactment of this Act; and

(2) for purposes of providing Federal assistance to such project (and notwithstanding any other provision of law), provide such funds as may be necessary from the amounts provided in section 5338(b) of title 49, United States Code, and division A of this Act.

SEC. 2919. DISPOSITION OF ROLLING STOCK TO IMPROVE AIR QUALITY GOALS.

Section 5334 of title 49, United States Code, is further amended by adding at the end the following:

"(m) DISPOSITION OF ROLLING STOCK TO MEET AIR QUALITY GOALS.—

"(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of rolling stock with a current market value, or proceeds from the disposition of such rolling stock, acquired under this chapter at least in part with such assistance, before such rolling stock has reached its useful life, the Secretary may allow the recipient, or subrecipient, to use the proceeds attributable to the Federal share of such rolling stock calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311 without need for repayment of the Federal financial interest.

"(2) COVERED ROLLING STOCK.—This subsection shall only apply to rolling stock disposed of—

"(A) which are replaced by rolling stock that will help improve attainment of air quality goals compared to the rolling stock being replaced; and

"(B) for which the recipient is located in an area that is designated as a nonattainment area for particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of rolling stock described in paragraph (1) shall be calculated by multiplying—

"(A) the current market value of, or the proceeds from the disposition of, such asset; and

"(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.".

TITLE III—HIGHWAY TRAFFIC SAFETY

SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $378,400,000 for fiscal year 2023;
(B) $382,400,000 for fiscal year 2024;
(C) $386,500,000 for fiscal year 2025; and
(D) $390,400,000 for fiscal year 2026.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $182,495,000 for fiscal year 2023;
(B) $184,795,000 for fiscal year 2024;
(C) $187,795,000 for fiscal year 2025; and
(D) $190,695,000 for fiscal year 2026.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $384,119,000 for fiscal year 2023;
(B) $393,205,000 for fiscal year 2024;
(C) $402,205,000 for fiscal year 2025; and
(D) $411,388,000 for fiscal year 2026.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,700,000 for fiscal year 2023;
(B) $5,800,000 for fiscal year 2024;
(C) $5,900,000 for fiscal year 2025; and
(D) $6,000,000 for fiscal year 2026.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 404 of title 23, United States Code—

(A) $60,200,000 for fiscal year 2023;
(B) $60,600,000 for fiscal year 2024;
(C) $60,800,000 for fiscal year 2025; and
(D) $61,200,000 for fiscal year 2026.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code—

(A) $30,586,000 for fiscal year 2023;
(B) $31,000,000 for fiscal year 2024;
(C) $31,500,000 for fiscal year 2025; and
(D) $31,917,000 for fiscal year 2026.

(7) CENTER FOR FAIR AND EQUITABLE TRAFFIC SAFETY ENFORCEMENT.—For carrying out section 3003 of this title, $35,000,000 for each of fiscal years 2023 through 2026.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

(1) shall only be used to carry out such program; and
(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2023 through 2026 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under chapter 4 of title 23, United States Code, including any amendments made by this title, shall be carried out in accordance with regulations issued by the Secretary of Transportation.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary of Transportation shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 3002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

"(3) ADDITIONAL CONSIDERATIONS.—States which have legalized medicinal or recreational marijuana shall consider programs in addition to the programs described in paragraph (2)(A) to educate drivers on the risks associated with marijuana-impaired driving and to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.";

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following:

"(2) ADDITIONAL USES.—In addition to uses authorized under paragraph (1) and as approved by the Secretary, States may use funds under this section to—

"(A) educate the public on the dangers of pediatric vehicular hyperthermia;

"(B) purchase and distribute child restraints to low-income families; and

"(C) reduce injuries and deaths resulting from drivers of motor vehicles not moving to another traffic lane or reducing the speed of such driver's vehicle when passing an emergency, law enforcement, or other vehicle stopped or parked on or near the roadway.".

(C) in paragraph (5), as so redesignated)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraph (B) as subparagraph (D); and

(iii) by inserting after subparagraph (A) the following:

"(B) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (A), a State may expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic system in a work zone or school zone.

"(C) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—Any automated traffic enforcement system installed pursuant to subparagraph (B) shall comply with speed enforcement camera systems and red light camera systems guidelines established by the Secretary."; and

(3) in subsection (n)—

(A) by striking "PUBLIC TRANSPARENCY" and all that follows through "The Secretary" and inserting the following: "PUBLIC TRANSPARENCY.—

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

"(A) IN GENERAL.—In carrying out the requirements of paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under paragraph (1), in order to foster greater transparency in approved State highway safety programs.

"(B) CONTENTS.—The website established under subparagraph (A) shall—

"(i) include each State highway safety plan and annual report submitted and approved by the Secretary under subsection (k);

"(ii) provide a means for the public to search such website for State highway safety program content required in subsection (k), including—

"(I) performance measures required by the Secretary under paragraph (3)(A);

"(II) progress made toward meeting the State's performance targets for the previous year;

"(III) program areas and expenditures; and

"(IV) a description of any sources of funds other than funds provided under this section that the State proposes to use to carry out the State highway safety plan of such State.".

SEC. 3003. FAIR AND EQUITABLE TRAFFIC SAFETY ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to an eligible nonprofit institution of higher education with demonstrated expertise in promoting fair and equitable traffic safety enforcement to establish and operate a national center of excellence for fair and equitable traffic safety enforcement (in this section referred to as the "Center").

(b) PURPOSE.—The purpose of the Center shall be to promote fair and equitable traffic safety enforcement with the goal of reducing traffic fatalities and injuries.

(c) ROLE OF CENTER.—The role of the Center shall be to establish and operate a national fair and equitable traffic safety enforcement clearinghouse to—

(1) develop data collection systems to promote fair and equitable traffic safety enforcement solutions, including assisting States participating in the program established under section 403(j) of title 23, United States Code, (as added by this Act) share data collected to a national database;

(2) develop recommendations for States to improve data collection on law enforcement programs carried out under sections 402 and 405 of this title in order to promote fair and equitable traffic safety enforcement programs;

(3) provide technical assistance to States on the implementation of the program established under section 403(j) of title 23, United States Code, as added by this Act;

(4) research and disseminate best practices for implementing equitable traffic safety enforcement programs; and

(5) develop information and educational programs on implementing equitable traffic safety enforcement best practices.

(d) CONSULTATION.—In carrying out the activities under paragraphs (4) and (5) of subsection (c), the Center shall consult with relevant stakeholders, including—

(1) civil rights organizations;

(2) traffic safety advocacy groups;

(3) law enforcement representatives;

(4) State highway safety offices; and

(5) such other surface transportation stakeholders and industry experts as the Center considers appropriate.

(e) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the Center under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress made toward meeting the goals established under subsection (b).

SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting ", training," after "demonstration projects";

(2) in subsection (f)(1)—

(A) by striking "$2,500,000" and inserting "$3,500,000"; and

(B) by striking "subsection 402(c) in each fiscal year ending before October 1, 2015, and $443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015," and inserting "section 402(c)(2) in each fiscal year"; and

(3) by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

Section 403 of title 23, United States Code, as amended by section 3004 of this Act, is further amended by adding at the end the following:

"(j) GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.—

"(1) GENERAL AUTHORITY.—Subject to the requirements of this subsection, the Secretary shall make grants to a State that—

"(A) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver; or

"(B) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of subparagraph (A).

"(2) USE OF GRANT FUNDS.—A grant received by a State under paragraph (1) shall be used by the State for the costs of—

"(A) collecting and maintaining data on traffic stops;

"(B) evaluating the results of such data; and

"(C) developing and implementing programs to reduce the occurrence of racial profiling.

"(3) LIMITATIONS.—The total amount of grants made to a State under this section in a fiscal year may not exceed—

"(A) 10 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(A); and

"(B) 5 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(B).

"(4) FUNDING.—From funds made available under this section, the Secretary shall set aside $15,000,000 for each fiscal year to carry out this subsection.".

SEC. 3006. NATIONAL SAFETY CAMPAIGNS.

(a) IN GENERAL.—Section 404 of title 23, United States Code, is amended to read as follows:

"§ 404. National safety campaigns

"(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 high-visibility enforcement campaigns and not less than 3 public awareness campaigns will be carried out in each of fiscal years 2023 through 2026.

"(b) HIGH-VISIBILITY ENFORCEMENT.—In carrying out the requirements under paragraph (a), the Secretary shall ensure that in each fiscal year not less than 1 high-visibility enforcement campaign is carried out to—

"(1) reduce alcohol-impaired operation of a motor vehicle;

"(2) reduce alcohol-impaired and drug-impaired operation of a motor vehicle; and

"(3) increase use of seatbelts by occupants of motor vehicles.

"(c) PUBLIC AWARENESS.—The purpose of each public awareness campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

"(1) Increase the proper use of seatbelts and child restraints by occupants of motor vehicles.

"(2) Reduce instances of distracted driving.

"(3) Reduce instances of speeding by drivers.

"(d) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

"(e) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the high-visibility enforcement campaigns under this section, including advertising funded under subsection (d), with consideration given to—

"(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

"(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

"(f) COORDINATION OF DYNAMIC HIGHWAY MESSAGE SIGNS.—During national high-visibility enforcement emphasis periods supported by these funds, the Federal Highway Administration and the National Highway Traffic Safety Administration shall coordinate with State departments of transportation on the use of dynamic highway message signs to support high-visibility national emphasis activities.

"(g) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsections (c) and (d).

"(h) DEFINITION.—In this section:

"(1) CAMPAIGN.—The term 'campaign' means a high-visibility traffic safety law enforcement campaign or a traffic safety public awareness campaign.

"(2) DYNAMIC HIGHWAY.—The term 'dynamic highway message sign' means a traffic control device that is capable of displaying one or more alternative messages which convey information to travelers.

"(3) STATE.—The 'State' has the meaning given that term in section 401.

"(b) CLERICAL AMENDMENT.—The item relating to section 404 in the analysis for chapter 4 of title 23, United States Code, is amended to read as follows:

"'404. National safety campaigns.'.

SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "13 percent" and inserting "12.85 percent";

(B) in paragraph (2) by striking "14.5 percent" and inserting "14.3 percent";

(C) in paragraph (3) by striking "52.5 percent" and inserting "51.75 percent";

(D) in paragraph (4) by striking "8.5 percent" and inserting "8.3 percent";

(E) in paragraph (6) by striking "5 percent" and inserting "4.9 percent";

(F) in paragraph (7) by striking "5 percent" and inserting "4.9 percent";

(G) in paragraph (8)—

(i) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (8)";

(ii) by striking "subsections (b) through (h)" and inserting "subsections (b) through (i)"; and

(iii) by inserting "to carry out any of the other activities described in such subsections, or the amount made available" before "under section 402";

(H) in paragraph (9)(A) by striking "date of enactment of the FAST Act" and inserting "date of enactment of the INVEST in America Act";

(I) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(J) by inserting after paragraph (7) the following:

"(8) DRIVER AND OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet the requirements with respect to driver and officer safety education (as described in subsection (i)).";

(2) in subsection (c)(3)(E) by striking "5" and inserting "10";

(3) in subsection (b)(4)—

(A) in subparagraph (A) by striking clause (v) and inserting the following:

"(v) implement programs in low-income and underserved populations to—

"(I) recruit and train occupant protection safety professionals, nationally certified child passenger safety technicians, police officers, fire and emergency medical personnel, and educators serving low-income and underserved populations;

"(II) educate parents and caregivers in low-income and underserved populations about the proper use and installation of child safety seats; and

"(III) purchase and distribute child safety seats to low-income and underserved populations; and"; and

(B) in subparagraph (B)—

(i) by striking "100 percent" and inserting "90 percent"; and

(ii) by inserting "The remaining 10 percent of such funds shall be used to carry out subsection (A)(v)." after "section 402.";

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

"(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for—

"(A) making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D);

"(B) developing or acquiring information technology for programs to identify, collect, and report data to State and local government agencies, and enter data, including crash, citation and adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle, into the core highway safety databases of a State;

"(C) purchasing equipment used to identify, collect, and report State safety data to support State efforts to improve State traffic safety information systems;

"(D) linking core highway safety databases of a State with such databases of other States;

"(E) improving the compatibility and interoperability of the core highway safety databases of the State with national data systems and data systems of other States;

"(F) costs associated with training State and local personnel on ways to improve State traffic safety information systems;

"(G) hiring a Fatality Analysis Reporting System liaison for a State; and

"(H) conducting research on State traffic safety information systems, including developing and evaluating programs to improve core highway safety databases of such State and processes by which data is identified, collected, reported to State and local government agencies, and entered into such core safety databases.";

(5) by striking subsection (d)(6)(A) and inserting the following:

"(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

"(i) adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals at the time of, or prior to, a conviction of driving under the influence of alcohol or of driving while intoxicated;

"(ii) does not allow any individual required to have an ignition interlock for driving privileges to drive a motor vehicle unless such individual installs an ignition interlock for a minimum 180-day interlock period; or

"(iii) has—

"(I) enacted and is enforcing a state law requiring all individuals convicted of, or whose driving privilege is revoked or denied for, refusing to submit to a chemical or other test for the purpose of determining the presence or concentration of any intoxicating substance to install an ignition interlock for a minimum 180-day interlock period unless the driver successfully completes an appeal process; and

"(II) a compliance-based removal program in which an individual required to install an ignition interlock for a minimum 180-day interlock period and have completed a minimum consecutive period of not less than 60 days of the required interlock period immediately preceding the date of release, without a confirmed violation, as defined by State law or regulations, of driving under the influence of alcohol or driving while intoxicated.";

(6) in subsection (e)—

(A) in paragraph (1) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)";

(B) in paragraph (4)—

(i) by striking "paragraph (2) or (3)" and inserting "paragraph (3) or (4)";

(ii) in subparagraph (A) by striking "communications device to contact emergency services" and inserting "communications device during an emergency to contact emergency services or to prevent injury to persons or property";

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

(iv) by redesignating subparagraph (D) as subparagraph (E); and

(v) by inserting after subparagraph (C) the following:

"(D) a driver who uses a personal wireless communication device for navigation; and";

(C) in paragraph (5)(A)(i) by striking "texting or using a cell phone while" and inserting "distracted";

(D) in paragraph (7) by striking "Of the amounts" and inserting "In addition to the amounts authorized under section 404 and of the amounts";

(E) in paragraph (9)—

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

"(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term 'personal wireless communications device' means—

"(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), a device through which personal services (as such term is defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)) are transmitted, but not including the use of such a device as a global navigation system receiver used for positioning, emergency notification, or navigation purposes; and

"(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation."; and

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

"(E) TEXTING.—The term 'texting' means—

"(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication; and

"(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.";

(F) by striking paragraphs (2), (3), (6), and (8);

(G) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(H) by inserting after paragraph (1) the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

"(B) PRIMARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a primary offense shall be allocated 100 percent of the amount calculated under subparagraph (A).

"(C) SECONDARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a secondary offense shall be allocated 50 percent of the amount calculated under subparagraph (A).

"(D) TEXTING WHILE DRIVING.—Notwithstanding subparagraphs (B) and (C), a State shall be allocated 25 percent of the amount calculated under subparagraph (A) if such State has enacted and is enforcing a law that prohibits a driver from viewing a personal wireless communication device, except for the purpose of navigation.

"(3) PROHIBITION ON HANDHELD PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

"(A) prohibits a driver from holding or using, including texting, a personal wireless communications device while driving, except for the use of a personal wireless communications device—

"(i) in a hands-free manner or with a hands-free accessory; or

"(ii) to activate or deactivate a feature or function of the personal wireless communications device;

"(B) establishes a fine for a violation of the law; and

"(C) does not provide for an exemption that specifically allows a driver to hold or use a personal wireless communication device while stopped in traffic.

"(4) PROHIBITION ON PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

"(A) prohibits a driver from holding or using a personal wireless communications device while driving if the driver is—

"(i) younger than 18 years of age; or

"(ii) in the learner's permit or intermediate license stage described in subparagraph (A) or (B) of subsection (g)(2);

"(B) establishes a fine for a violation of the law; and

"(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communication device while stopped in traffic."; and

(I) by inserting after paragraph (7) the following:

"(8) RULEMAKING.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue such regulations as are necessary to account for diverse State approaches to combating distracted driving that—

"(A) defines the terms personal wireless communications device and texting for the purposes of this subsection; and

"(B) determines additional permitted exceptions that are appropriate for a State law that meets the requirements under paragraph (3) or (4).";

(7) in subsection (g)—

(A) in paragraph (1) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)";

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

"(2) MINIMUM REQUIREMENTS.—

"(A) TIER 1 STATE.—A State shall be eligible for a grant under this subsection as a Tier 1 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

"(i) a learner's permit stage that—

"(I) is at least 180 days in duration;

"(II) requires that the driver be accompanied and supervised at all times; and

"(III) has a requirement that the driver obtain at least 40 hours of behind-the-wheel training with a supervisor; and

"(ii) an intermediate stage that—

"(I) commences immediately after the expiration of the learner's permit stage;

"(II) is at least 180 days in duration; and

"(III) for the first 180 days of the intermediate stage, restricts the driver from—

"(aa) driving at night between the hours of 11:00 p.m. and at least 4:00 a.m. except—

"(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

"(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

"(bb) operating a motor vehicle with more than 1 nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.

"(B) TIER 2 STATE.—A State shall be eligible for a grant under this subsection as a Tier 2 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

"(i) a learner's permit stage that—

"(I) is at least 180 days in duration;

"(II) requires that the driver be accompanied and supervised at all times; and

"(III) has a requirement that the driver obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a supervisor; and

"(ii) an intermediate stage that—

"(I) commences immediately after the expiration of the learner's permit stage;

"(II) is at least 180 days in duration; and

"(III) for the first 180 days of the intermediate stage, restricts the driver from—

"(aa) driving at night between the hours of 10:00 p.m. and at least 4:00 a.m. except—

"(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

"(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

"(bb) operating a motor vehicle with any nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.";

(C) in paragraph (3)—

(i) in subparagraph (A) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)"; and

(ii) in subparagraph (B) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)" each place such term appears;

(D) in paragraph (4) by striking "such fiscal year" and inserting "fiscal year 2009"; and

(E) by striking paragraph (5) and inserting the following:

"(5) USE OF FUNDS.—

"(A) TIER 1 STATES.—A Tier 1 State shall use grant funds provided under this subsection for—

"(i) enforcing a 2-stage licensing process that complies with paragraph (2);

"(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

"(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

"(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; or

"(v) carrying out a teen traffic safety program described in section 402(m).

"(B) TIER 2 STATES .—Of the grant funds made available to a Tier 2 State under this subsection—

"(i) 25 percent shall be used for any activity described in subparagraph (A); and

"(ii) 75 percent may be used for any project or activity eligible under section 402.";

(8) by amending subsection (h)(4) to read as follows:

"(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of pedestrians and bicyclists, including—

"(A) training of law enforcement officials on pedestrian and bicycle safety, State laws applicable to pedestrian and bicycle safety, and infrastructure designed to improve pedestrian and bicycle safety;

"(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety;

"(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists about—

"(i) pedestrian and bicycle safety, including information on nonmotorized mobility and the important of speed management to the safety of pedestrians and bicyclists;

"(ii) the value of the use of pedestrian and bicycle safety equipment, including lighting, conspicuity equipment, mirrors, helmets and other protective equipment, and compliance with any State or local laws requiring their use;

"(iii) State traffic laws applicable to pedestrian and bicycle safety, including motorists' responsibilities towards pedestrians and bicyclists; and

"(iv) infrastructure designed to improve pedestrian and bicycle safety; and

"(D) data analysis and research concerning pedestrian and bicycle safety."; and

(9) by adding at the end the following:

"(i) DRIVER AND OFFICER SAFETY EDUCATION.—

"(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to—

"(A) States that enact a commuter safety education program; and

"(B) States qualifying under paragraph (5)(A).

"(2) FEDERAL SHARE.—The Federal share of the costs of activities carried out using amounts from a grant awarded under this subsection may not exceed 80 percent.

"(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State shall enact a law or adopt a program that requires the following:

"(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—Inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing concerning law enforcement practices during traffic stops, including information on—

"(i) the role of law enforcement and the duties and responsibilities of peace officers;

"(ii) an individual's legal rights concerning interactions with peace officers;

"(iii) best practices for civilians and peace officers during such interactions;

"(iv) the consequences for an individual's or officer's failure to comply with those laws and programs; and

"(v) how and where to file a complaint against or a compliment on behalf of a peace officer.

"(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

"(4) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

"(5) SPECIAL RULE FOR CERTAIN STATES.—

"(A) QUALIFYING STATE.—A State qualifies pursuant to this subparagraph if—

"(i) the Secretary determines such State has taken meaningful steps toward the full implementation of a law or program described in paragraph (3);

"(ii) the Secretary determines such State has established a timetable for the implementation of such a law or program; and

"(iii) such State has received a grant pursuant to this subsection for a period of not more than 5 years.

"(B) WITHHOLDING.—With respect to a State that qualifies pursuant to subparagraph (A), the Secretary shall—

"(i) withhold 50 percent of the amount that such State would otherwise receive if such State were a State described in paragraph (1)(A); and

"(ii) direct any such amounts for distribution among the States that are enforcing and carrying out a law or program described in paragraph (3).

"(6) USE OF GRANT AMOUNTS.—A State receiving a grant under this subsection may use such grant—

"(A) for the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (3); and

"(B) for the implementation of the law described in paragraph (3).".

(b) CONFORMING AMENDMENT.—Sections 402, 403, and 405 of title 23, United States Code, are amended—

(1) by striking "accidents" and inserting "crashes" each place it appears; and

(2) by striking "accident" and inserting "crash" each place it appears.

SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

Section 164(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking "alcohol-impaired" and inserting "alcohol or polysubstance-impaired"; and

(2) in subparagraph (B)—

(A) by striking "alcohol-impaired" and inserting "alcohol or polysubstance-impaired";

(B) by striking "or" and inserting a comma; and

(C) by inserting ", or driving while polysubstance-impaired" after "driving under the influence".

SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Section 4010(2) of the FAST Act (23 U.S.C. 405 note) is amended by striking "deficiencies" and inserting "all deficiencies".

SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING GRANTS.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to carry out research, development, technology transfer, and training activities in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops.

(b) QUALIFICATIONS.—To be eligible for a grant under this section, an institution of higher education shall—

(1) have an active research program or demonstrate, to the satisfaction of the Secretary, that the applicant is beginning a research program to study implicit bias as it relates to racial profiling before and during traffic stops; and

(2) partner with State and local police departments to conduct the research described in paragraph (1) and carry out the implementation of implicit bias training with State and local police departments.

(c) REPORT.—No later than 1 year after a grant has been awarded under this section, the institution of higher education awarded the grant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the research on implicit bias as it relates to racial profiling before and during traffic stops, and recommendations on effective interventions and trainings.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each fiscal year to carry out this section.

(e) DEFINITIONS.—In this section, the term "implicit bias training program" means a program that looks at the attitudes, stereotypes, and lenses human beings develop through various experiences in life that can unconsciously affect how they interact with one another.

SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.

Section 4007 of the FAST Act (23 U.S.C. 153 note) is amended—

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

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

(3) by adding at the end the following:

"(3) otherwise profile and stop motorcycle operators or motorcycle passengers using as a factor the clothing or mode of transportation of such operators or passengers.".

SEC. 3012. ELECTRONIC DRIVER'S LICENSE.

(a) REAL ID ACT.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking "a driver's license or identification card" and inserting "a physical or digital driver's license or identification card".

(b) TITLE 18.—Section 1028(d)(7)(A) of title 18, United States Code, is amended by striking "government issued driver's license" and inserting "government issued physical or digital driver's license".

SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.

(a) SHORT TITLE.—This section may be cited as the "Motorcyclist Advisory Council Reauthorization Act".

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a Motorcyclist Advisory Council (in this section referred to as the "Council").

(c) DUTIES.—

(1) ADVISING.—The Council shall advise the Secretary, the Administrator of the National Highway Traffic Safety Administration, and the Administrator of the Federal Highway Administration on transportation issues of concern to motorcyclists, including—

(A) barrier design;

(B) road design, construction, and maintenance practices; and

(C) the architecture and implementation of intelligent transportation system technologies.

(2) BIENNIAL COUNCIL REPORT.—

(A) IN GENERAL.—The Council shall submit a report to the Secretary containing the Council's recommendations regarding the issues described in paragraph (1) on which the Council provides advice pursuant to such paragraph.

(B) TIMING.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and by every 2nd October 31 thereafter, the Council shall submit the report required under this paragraph.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of 12 members appointed by the Secretary as follows:

(A) Five experts from State or local government on highway engineering issues, including—

(i) barrier design;

(ii) road design, construction, and maintenance; or

(iii) intelligent transportation systems.

(B) One State or local traffic and safety engineer, design engineer, or other transportation department official who is a motorcyclist.

(C) One representative from a national association of State transportation officials.

(D) One representative from a national motorcyclist association.

(E) One representative from a national motorcyclist foundation.

(F) One representative from a national motorcycle manufacturing association.

(G) One roadway safety data expert on crash testing and analysis.

(H) One member of a national safety organization that represents the traffic safety systems industry.

(2) DURATION.—

(A) TERM.—Subject to subparagraphs (B) and (C), each member shall serve one term of 2 years.

(B) ADDITIONAL TERMS.—If a successor is not designated for a member before the expiration of the term the member is serving, the member may serve another term.

(C) APPOINTMENT OF REPLACEMENTS.—If a member resigns before serving a full 2-year term, the Secretary may appoint a replacement for such member to serve the remaining portion such term. A member may continue to serve after resignation until a successor has been appointed. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members shall serve without compensation.

(e) TERMINATION.—The Council shall terminate 6 years after the date of its establishment.

(f) DUTIES OF THE SECRETARY.—

(1) ACCEPT OR REJECT RECOMMENDATION.—

(A) SECRETARY DETERMINES.—The Secretary shall determine whether to accept or reject a recommendation contained in a Council report.

(B) TIMING.—

(i) MUST ACCEPT OR REJECT.—The Secretary must indicate in each report submitted under this section the Secretary's acceptance or rejection of each recommendation listed in such report.

(ii) EXCEPTION.—The Secretary may indicate in a report submitted under this section that a recommendation is under consideration. If the Secretary does so, the Secretary must accept or reject the recommendation in the next report submitted under this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the Secretary receives a Council report, the Secretary shall submit a report to the following committees and subcommittees:

(i) The Committee on Transportation and Infrastructure of the House of Representatives.

(ii) The Committee on Environment and Public Works of the Senate.

(iii) The Committee on Commerce, Science, and Transportation of the Senate.

(iv) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(v) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate.

(B) CONTENTS.—A report submitted under this subsection shall include—

(i) a list containing—

(I) each recommendation contained in the Council report described in paragraph (1); and

(II) each recommendation indicated as under consideration in the previous report submitted under this subsection; and

(ii) for each such recommendation, whether it is accepted, rejected, or under consideration by the Secretary.

(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide such administrative support, staff, and technical assistance to the Council as the Secretary determines to be necessary for the Council to carry out its duties.

(g) DEFINITIONS.—In this section:

(1) COUNCIL REPORT.—The term "Council report" means the report described in subsection (f)(2).

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3014. REPORT ON MARIJUANA RESEARCH.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the Department of Transportation website, a report and recommendations on—

(1) increasing and improving access, for scientific researchers studying impairment while driving under the influence of marijuana, to samples and strains of marijuana and products containing marijuana lawfully being offered to patients or consumers in a State on a retail basis;

(2) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis;

(3) facilitating access, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, to samples and strains of marijuana and products containing marijuana from such clearinghouse for purposes of research on marijuana-impaired driving; and

(4) identifying Federal statutory and regulatory barriers to the conduct of scientific research and the establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.

(b) DEFINITION OF MARIJUANA.—In this section, the term "marijuana" has the meaning given such term in section 4008 of the FAST Act (Public Law 114–94).

SEC. 3015. COMPTROLLER GENERAL STUDY ON NATIONAL DUI REPORTING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the reporting of alcohol-impaired driving arrest and citation results into Federal databases to facilitate the widespread identification of repeat impaired driving offenders.

(b) INCLUSIONS.—The study conducted under subsection (a) shall include a detailed assessment of—

(1) the extent to which State and local criminal justice agencies are reporting alcohol-impaired driving arrest and citation results into Federal databases;

(2) barriers on the Federal, State, and local levels to the reporting of alcohol-impaired driving arrest and citation results into Federal databases, as well as barriers to the use of those systems by criminal justice agencies;

(3) Federal, State, and local resources available to improve the reporting of alcohol-impaired driving arrest and citation results into Federal databases;

(4) recommendations for policies and programs to be carried out by the National Highway Traffic Safety Administration; and

(5) recommendations for programs and grant funding to be authorized by Congress.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

SEC. 3016. REPORT ON IMPAIRED DRIVING.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with the heads of appropriate Federal agencies, State highway safety offices, State toxicologists, traffic safety advocates, and other interested parties, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, using the National Safety Council model guidelines for toxicology testing—

(1) identifies any barriers that States encounter in submitting the alcohol and drug toxicology results to the Fatality Analysis Reporting System;

(2) provides recommendations on how to address any barriers identified under paragraph (1);

(3) provides further steps that the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, shall take to assist States in improving—

(A) toxicology testing in cases of motor vehicle crashes; and

(B) the reporting of alcohol and drug toxicology results in cases of motor vehicle crashes.

SEC. 3017. IMPAIRED DRIVING COUNTERMEASURE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a priority should be placed on creating State systems, programs, and processes that improve impaired driving detection in cases in which alcohol, drugs, and especially multiple substances are involved;

(2) States and communities should have access to a broader range of countermeasures, technologies, and resources to address multiple substance impaired driving; and

(3) increased Federal funding should be made available for efforts to improve public safety through the approaches described in paragraphs (1) and (2).

(b) PURPOSE.—The purpose of this section is to increase national investment in, and maximize the use of, innovative programs and technologies to eliminate multiple substance impaired driving.

(c) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking clause (iii) and inserting the following:

"(iii)(I) court support of high-visibility enforcement efforts;

"(II) hiring criminal justice professionals, including law enforcement officers, prosecutors, traffic safety resource prosecutors, judges, judicial outreach liaisons, and probation officers;

"(III) training and education of the criminal justice professionals described in subclause (II) to assist those professionals in preventing impaired driving and handling impaired driving cases, including by providing compensation to a law enforcement officer to replace a law enforcement officer who is—

"(aa) receiving such drug recognition expert training; or

"(bb) participating as an instructor in such drug recognition expert training; and

"(IV) establishing driving while intoxicated courts;";

(ii) by striking clauses (v) and (vi) and inserting the following:

"(v) improving—

"(I) blood alcohol concentration screening and testing;

"(II) the detection of potentially impairing drugs, including through the use of oral fluid as a specimen; and

"(III) reporting relating to the testing and detection described in subclauses (I) and (II);

"(vi)(I) paid and earned media in support of high-visibility enforcement efforts;

"(II) conducting initial and continuing—

"(aa) standardized field sobriety training, advanced roadside impaired driving enforcement training, and drug recognition expert training for law enforcement; and

"(bb) law enforcement phlebotomy training; and

"(III) to purchase equipment to carry out impaired driving enforcement activities authorized by this subsection;";

(iii) in clause (ix), by striking "and" at the end;

(iv) in clause (x), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following:

"(xi) testing and implementing programs and purchasing technologies to better identify, monitor, or treat impaired drivers, including—

"(I) oral fluid screening technologies;

"(II) electronic warrant programs;

"(III) equipment to increase the scope, quantity, quality, and timeliness of forensic toxicology chemical testing;

"(IV) case management software to support the management of impaired driving offenders; and

"(V) technology to monitor impaired driving offenders."; and

(B) in subparagraph (C)—

(i) in the second sentence, by striking "Medium-range" and inserting the following:

"(ii) MEDIUM-RANGE AND HIGH-RANGE STATES.—Subject to clause (iii), medium-range";

(ii) in the first sentence, by striking "Low-range" and inserting the following:

"(i) LOW-RANGE STATES.—Subject to clause (iii), low-range"; and

(iii) by adding at the end the following:

"(iii) ALL STATES.—

"(I) REPORTING OF IMPAIRED DRIVING CRIMINAL JUSTICE INFORMATION.—A State may use grant funds for any expenditure designed to increase the timely and accurate reporting of crash information, including electronic crash reporting systems that allow accurate real-time or near real-time uploading of crash information, and impaired driving criminal justice information to Federal, State, and local databases.

"(II) IMPAIRED DRIVING COUNTERMEASURES.—A State may use grant funds for any expenditure to research or evaluate impaired driving countermeasures."; and

(2) in paragraph (7)(A), in the matter preceding clause (i), by inserting "or local" after "authorizes a State".

TITLE IV—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

SEC. 4101. MOTOR CARRIER SAFETY GRANTS.

(a) IN GENERAL.—Section 31104 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

"(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

"(A) $388,950,000 for fiscal year 2023;

"(B) $398,700,000 for fiscal year 2024;

"(C) $408,900,000 for fiscal year 2025; and

"(D) $418,425,000 for fiscal year 2026.

"(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

"(A) $72,604,000 for fiscal year 2023;

"(B) $74,424,000 for fiscal year 2024;

"(C) $76,328,000 for fiscal year 2025; and

"(D) $78,106,000 for fiscal year 2026.

"(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

"(A) $1,037,200 for fiscal year 2023;

"(B) $1,063,200 for fiscal year 2024;

"(C) $1,090,400 for fiscal year 2025; and

"(D) $1,115,800 for fiscal year 2026.

"(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

"(A) $56,008,800 for fiscal year 2023;

"(B) $57,412,800 for fiscal year 2024;

"(C) $58,881,600 for fiscal year 2025; and

"(D) $60,253,200 for fiscal year 2026.";

(2) by striking subsection (c) and inserting the following:

"(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

"(1) IN GENERAL.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.8 percent of those amounts for partner training and program support in that fiscal year.

"(2) USE OF FUNDS.—The Secretary shall use at least 50 percent of the amounts deducted under paragraph (1) on training and related training materials for non-Federal Government employees.

"(3) PARTNERSHIP.—The Secretary shall carry out the training and development of materials pursuant to paragraph (2) in partnership with one or more nonprofit organizations, through a competitive grant, that have—

"(A) expertise in conducting a training program for non-Federal Government employees; and

"(B) a demonstrated ability to involve in a training program the target population of commercial motor vehicle safety enforcement employees.";

(3) in subsection (f)—

(A) in paragraph (1) by striking "the next fiscal year" and inserting "the following 2 fiscal years";

(B) in paragraph (2)—

(i) by striking "section 31102(l)(2)" and inserting "paragraphs (2) and (4) of section 31102(l)";

(ii) by striking "the next 2 fiscal years" and inserting "the following 3 fiscal years"; and

(C) in paragraph (3) by striking "the next 4 fiscal years" and inserting "the following 5 fiscal years"; and

(4) by adding at the end the following:

"(j) TREATMENT OF REALLOCATIONS.—Amounts that are obligated and subsequently, after the date of enactment of this subsection, released back to the Secretary under subsection (i) shall not be subject to limitations on obligations provided under any other provision of law.".

(b) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Section 31313(b) of title 49, United States Code, is amended—

(1) by striking the period at the end and inserting "; and";

(2) by striking "A recipient" and inserting the following: "In participating in financial assistance program under this section—

"(1) a recipient"; and

(3) by adding at the end the following:

"(2) a State may not receive more than $250,000 in grants under subsection (a)(2)(B) in any fiscal year—

"(A) in which the State prohibits private commercial driving schools or independent commercial driver's license testing facilities from offering a commercial driver's license skills test as a third-party tester; or

"(B) in which a State fails to report to the Administrator of the Federal Motor Carrier Safety Administration, during the previous fiscal year, the average number of days of delays for an initial commercial driver's license skills test or retest within the State.".

SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Section 31110 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

"(1) $380,500,000 for fiscal year 2023;

"(2) $381,500,000 for fiscal year 2024;

"(3) $382,500,000 for fiscal year 2025; and

"(4) $384,500,000 for fiscal year 2026.".

(b) ADMINISTRATIVE EXPENSES.—

(1) USE OF FUNDS.—The Administrator of the Federal Motor Carrier Safety Administration shall use funds made available in subsection (a) for—

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

(B) completing outstanding mandates;

(C) carrying out a Large Truck Crash Causal Factors Study of the Administration;

(D) construction and maintenance of border facilities; and

(E) other activities authorized under section 31110(b) of title 49, United States Code.

(2) DEFINITION OF OUTSTANDING MANDATE.—In this subsection, the term "outstanding mandate" means a requirement for the Federal Motor Carrier Safety Administration to issue regulations, undertake a comprehensive review or study, conduct a safety assessment, or collect data—

(A) under this Act;

(B) under MAP–21 (Public Law 112–141), that has not been published in the Federal Register, if required, or otherwise completed as of the date of enactment of this Act;

(C) under the FAST Act (Public Law 114–94), that has not been published in the Federal Register, if required, or otherwise completed as of the date of enactment of this Act; and

(D) under any other Act enacted before the date of enactment of this Act that has not been published in the Federal Register by the date required in such Act.

SEC. 4103. IMMOBILIZATION GRANT PROGRAM.

Section 31102(l) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "and (3)" and inserting ", (3), and (4)";

(2) in paragraph (2)(F)(ii)(II) by inserting ", specifically including the priority activities described in paragraph (4)" after "required for participation"; and

(3) by adding at the end the following:

"(4) PRIORITIZATION OF IMMOBILIZING UNSAFE PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.—

"(A) IN GENERAL.—The Secretary shall prioritize the awarding of discretionary grants to States for activities related to paragraph (2)(F)(II) for the enforcement of out of service orders if such vehicles are found to be unsafe or have violated a Federal out of service order.

"(B) ELIGIBILITY.—To be eligible for a grant described under this paragraph, a State shall have the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle if such vehicle is found to be unsafe or fail inspection or to have violated a Federal out of service order.

"(C) USE OF FUNDS.—Grant funds received under this paragraph may be used for—

"(i) the immobilization or impoundment of commercial motor vehicles that are unsafe, fail inspection, or have violated a Federal out of service order;

"(ii) safety inspections of vehicles described in clause (i);

"(iii) other activities related to the activities described in clauses (i) and (ii), as determined by the Secretary.

"(D) PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE DEFINED.—In this paragraph, the term 'passenger-carrying commercial motor vehicle' has the meaning given such term in section 31301.".

SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the prevalence of, characteristics of, and safe operation of commercial vehicles that have a gross vehicle weight rating or gross vehicle weight below 10,000 pounds, and are utilized in package delivery of goods moving in interstate commerce.

(b) INDEPENDENT RESEARCH.—If the Secretary decides to enter into a contract with a third party to perform the research required under subsection (a), the Secretary shall—

(1) solicit applications from research institutions that conduct objective, fact-based research to conduct the study; and

(2) ensure that such third party does not have any financial or contractual ties with an entity engaged in interstate commerce utilizing commercial vehicles or commercial motor vehicles.

(c) ENTITIES INCLUDED.—As part of the review, the Secretary shall collect information from a cross-section of companies that use fleets of such vehicles for package delivery in interstate commerce, including companies that—

(1) directly perform deliveries;

(2) use contracted entities to perform work; and

(3) utilize a combination of direct deliveries and contract entities.

(d) EVALUATION FACTORS.—The review shall include an evaluation of the following:

(1) Fleet characteristics, including fleet structure, and vehicle miles traveled.

(2) Fleet management, including scheduling of deliveries and maintenance practices.

(3) Driver employment characteristics, including the basis of compensation and classification.

(4) How training, medical fitness, hours on duty, and safety of drivers is evaluated and overseen by companies, including prevention of occupational injuries and illnesses.

(5) Safety performance metrics, based on data associated with the included entities, including crash rates, moving violations, failed inspections, and other related data points.

(6) Financial responsibility and liability for safety or maintenance violations among companies, fleet managers, and drivers.

(7) Loading and unloading practices, and how package volume and placement in the vehicle is determined.

(8) Information on the use of driver safety applications, if applicable.

(9) Information on work-related injury and illness data of drivers.

(10) Other relevant information determined necessary by the Secretary in order to make recommendations under subsection (e).

(e) REPORT AND RECOMMENDATIONS.—Upon completion of the review, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate a report containing—

(1) the findings of the Secretary on each of the factors in (d);

(2) a list of regulations applicable to commercial motor vehicles and commercial motor vehicle operators that are not applicable to commercial vehicle operations described in this section; and

(3) recommendations, based on the findings, on changes to laws or regulations at the Federal, State, or local level to promote safe operations and safe and fair working conditions for commercial vehicle operators.

Subtitle B—Motor Carrier Safety Oversight

SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144 of SAFETEA–LU (49 U.S.C. 31100 note) is amended—

(1) in subsection (b)(1) by inserting ", including small business motor carriers" after "industry"; and

(2) in subsection (d) by striking "September 30, 2013" and inserting "September 30, 2026".

SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall implement a revised methodology to be used in the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration to identify and prioritize motor carriers for intervention,

using the recommendations of the study required by section 5221(a) of the FAST Act (49 U.S.C. 31100 note).

(b) DATA AVAILABILITY.—The Secretary shall, in working toward implementation of the revised methodology described in subsection (a) prioritize revisions necessary to—

(1) restore the public availability of all relevant safety data under a revised methodology; and

(2) make such safety data publicly available that was made publicly available on the day before the date of enactment of the FAST Act, as appropriate under a revised methodology.

(c) IMPLEMENTATION.—

(1) PROGRESS REPORTS.—Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until the date on which the Secretary implements the revised methodology described in subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website of the Department of Transportation, a progress report on—

(A) the status of the revision of the methodology and related data modifications under subsection (a), a timeline for completion of such revision, and an estimated date for implementation of such revised methodology;

(B) an explanation for any delays in development or implementation of the revised methodology over the reporting period; and

(C) if the Secretary has not resumed making publicly available the data described in subsection (b), an updated timeline for the restoration of the public availability of data and a detailed explanation for why such restoration has not occurred.

(2) PUBLICATION AND NOTIFICATION.—Prior to commencing the use of the revised methodology described in subsection (a) to identify and prioritize motor carriers for intervention (other than in a testing capacity), the Secretary shall—

(A) publish a detailed summary of the methodology in the Federal Register and provide a period for public comment; and

(B) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing.

(d) SAFETY FITNESS RULE.—

(1) RULEMAKING.—Not later than 1 year after the date on which the Secretary notifies Congress under subsection (c)(2), the Secretary shall issue final regulations pursuant to section 31144(b) of title 49, United States Code, to revise the methodology for issuance of motor carrier safety fitness determinations.

(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Secretary shall consider the use of all available data to determine the fitness of a motor carrier.

(e) REPEAL.—Section 5223 of the FAST Act (49 U.S.C. 31100 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.

Section 31315 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)(A) by inserting ", including data submission requirements," after "terms and conditions"; and

(B) by striking paragraph (8) and inserting the following:

"(8) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—The Secretary shall establish terms and conditions for each exemption to ensure that the exemption will not likely degrade the level of safety achieved by the person or class of persons granted the exemption, and allow the Secretary to evaluate whether an equivalent level of safety is maintained while the person or class of persons is operating under such exemption, including—

"(i) requiring the regular submission of accident and incident data to the Secretary;

"(ii) requiring immediate notification to the Secretary in the event of a crash that results in a fatality or serious bodily injury;

"(iii) for exemptions granted by the Secretary related to hours of service rules under part 395 of title 49, Code of Federal Regulations, requiring that the exempt person or class of persons submit to the Secretary evidence of participation in a recognized fatigue management plan; and

"(iv) providing documentation of the authority to operate under the exemption to each exempt person, to be used to demonstrate compliance if requested by a motor carrier safety enforcement officer during a roadside inspection.

"(B) IMPLEMENTATION.—The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions."; and

(2) in subsection (e) by inserting ", based on an analysis of data collected by the Secretary and submitted to the Secretary under subsection (b)(8)" after "safety".

SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PASSENGERS.

Section 31144(i) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "who the Secretary registers under section 13902 or 31134"; and

(B) in subparagraph (B) by inserting "to motor carriers of passengers and" after "apply"; and

(2) by adding at the end the following:

"(5) MOTOR CARRIER OF PASSENGERS DEFINED.—In this subsection, the term 'motor carrier of passengers' includes an offeror of motorcoach services that sells scheduled transportation of passengers for compensation at fares and on schedules and routes determined by such offeror, regardless of ownership or control of the vehicles or drivers used to provide the transportation by motorcoach.".

SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "or" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) transportation by a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, that is operated by a person that provides recreational activities if—

"(A) the transportation is provided within a 150 air-mile radius of the location where passengers are boarded; and

"(B) the person operating the motor vehicle, if transporting passengers over a route between a place in a State and a place in another State, is otherwise lawfully providing transportation of passengers over the entire route in accordance with applicable State law.".

SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term "Administration" means the Federal Motor Carrier Safety Administration.

(2) COVERED CARRIER.—The term "covered carrier" means a motor carrier that is—

(A) engaged in the interstate transportation of household goods; and

(B) subject to the requirements of part 375 of title 49, Code of Federal Regulations (as in effect on the effective date of the amendments required by subsection (b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) AMENDMENTS TO REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend regulations related to the interstate transportation of household goods.

(c) CONSIDERATIONS.—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider the following recommended amendments to provisions of title 49, Code of Federal Regulations:

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration titled "Ready to Move–Tips for a Successful Interstate Move" (ESA 03005) on the website of the Administration; or

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to each individual shipper, with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of such title, entitled "Your Rights and Responsibilities When You Move" (ESA–03–006 (or a successor publication)), in the form of a written copy or a hyperlink on

the website of the covered carrier to the location on the website of the Administration containing such publication.

(3) Subsection (e) of section 375.213, to repeal such subsection.

(4) Section 375.401(a), to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph (A) for all household goods shipments, regardless of the distance between—

(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier preparing the estimate; and

(C) to provide to each shipper a copy of publication of the Administration titled "Ready to Move–Tips for a Successful Interstate Move" (ESA 03005) on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of such section in a bill of lading that is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms "freight bill" and "expense bill" with the term "invoice".

SEC. 4207. BROKER GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the definitions of the terms "broker" and "bona fide agents" under part 371 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—In issuing the guidance under subsection (a), the Secretary shall consider the extent to which technology has changed the nature of freight brokerage, the role of bona fide agents, and other aspects of the freight transportation industry.

(c) DISPATCH SERVICES.—In issuing the guidance under subsection (a), the Secretary shall, at a minimum—

(1) examine the role of a dispatch service in the transportation industry;

(2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and

(3) clarify the level of financial penalties for unauthorized brokerage activities under section 14916 of title 49, United States Code, applicable to a dispatch service.

Subtitle C—Commercial Motor Vehicle Driver Safety

SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PASSENGER CARRIERS.

Section 31301 of title 49, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (B) by striking "or";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) is designed or used as a stretch limousine; or";

(2) by redesignating paragraph (15) as paragraph (16); and

(3) by inserting after paragraph (14) the following:

"(15) 'stretch limousine' means any sedan or sports utility vehicle that—

"(A) has been modified to add seating capacity to that provided by the vehicle manufacturer through an extended chassis, lengthened wheelbase, or an elongated seating area;

"(B) as modified, has a seating capacity of more than 8 passengers (including the driver);

"(C) is used under trip-by-trip contracts for the transportation of passengers for compensation on a prearranged basis; and

"(D) is not used for public transportation service, as such term is defined in section 5302;".

SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 31306(c)(2) of title 49, United States Code, is amended by striking ", for urine testing,".

SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.

Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until the compliance date for the final rule published on December 8, 2016, titled "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" (81 Fed. Reg. 88732), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) a schedule, including benchmarks, to complete implementation of the requirements under such final rule;

(2) any anticipated delays, if applicable, in meeting the benchmarks described in paragraph (1);

(3) the progress that the Secretary has made in updating the Department of Transportation's information technology infrastructure to support the training provider registry;

(4) a list of States that have adopted laws or regulations to implement such final rule; and

(5) a list of States, if applicable, that are implementing the rule and confirming that an applicant for a commercial driver's license has complied with the requirements.

SEC. 4304. DRIVER DETENTION TIME.

(a) DATA COLLECTION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) begin to collect data on delays experienced by operators of commercial motor vehicles, as required under section 5501 of the FAST Act (49 U.S.C. 14103 note) and as referenced in the request for information published on June 10, 2019, titled "Request for Information Concerning Commercial Motor Vehicle Driver Detention Times During Loading and Unloading" (84 Fed. Reg. 26932); and

(2) make such data available on a publicly accessible website of the Department of Transportation.

(b) DETENTION TIME LIMITS.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to establish limits on the amount of time that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver before the loading or unloading of the vehicle, if the operator is not compensated for such time detained.

(2) CONTENTS.—As part of the rulemaking conducted pursuant to subsection (a), the Secretary shall—

(A) consider the diverse nature of operations in the movement of goods by commercial motor vehicle;

(B) examine any correlation between time detained and violations of the hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(C) determine whether the effect of detention time on safety differs based on—

(i) how an operator is compensated; and

(ii) the contractual relationship between the operator and the motor carrier, including whether an operator is an employee, a leased owner-operator, or an owner-operator with independent authority; and

(D) establish a process for a motor carrier, shipper, receiver, broker, or commercial motor vehicle operator to report instances of time detained beyond the Secretary's established limits.

(3) INCORPORATION OF INFORMATION.—The Secretary shall incorporate information received under paragraph (2)(D) into the process established pursuant to subsection (a) once a final rule takes effect.

(c) DATA PROTECTION.—Data made available pursuant to this section shall be made available in a manner that—

(1) precludes the connection of the data to any individual motor carrier or commercial motor vehicle operator; and

(2) protects privacy and confidentiality of individuals, operators, and motor carriers submitting the data.

(d) COMMERCIAL MOTOR VEHICLE DEFINED.—In this section, the term "commercial motor vehicle" has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4305. TRUCK LEASING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall establish a Truck Leasing Task Force (hereinafter referred to as the "Task Force").

(b) MEMBERSHIP.—The Secretary of Transportation shall select not more than 15 individuals to serve as members of the Task Force, including equal representation from each of the following:

(1) Labor organizations.

(2) The motor carrier industry, including independent owner-operators.

(3) Consumer protection groups.

(4) Safety groups.

(5) Members of the legal profession who specialize in consumer finance issues.

(c) DUTIES.—The Task Force shall examine, at a minimum—

(1) common truck leasing arrangements available to property-carrying commercial motor vehicle drivers, including lease-purchase agreements;

(2) the terms of such leasing agreements;

(3) the prevalence of predatory leasing agreements in the motor carrier industry;

(4) specific agreements available to drayage drivers at ports related to the Clean Truck Program or similar programs to decrease emissions from port operations;

(5) the impact of truck leasing agreements on the net compensation of property-carrying commercial motor vehicle drivers, including port drayage drivers;

(6) resources to assist property-carrying commercial motor vehicle drivers in assessing the impacts of leasing agreements; and

(7) the classification of property-carrying commercial motor vehicle drivers under lease-purchase agreements.

(d) COMPENSATION.—A member of the Task Force shall serve without compensation.

(e) REPORT.—Upon completion of the examination described in subsection (c), the Task Force shall submit to the Secretary of Transportation, Secretary of Labor, and appropriate congressional committees a report containing—

(1) the findings of the Task Force on the matters described in subsection (c);

(2) best practices related to—

(A) assisting a commercial motor vehicle driver in assessing the impacts of leasing agreements prior to entering into such agreements; and

(B) assisting a commercial motor vehicle driver who has entered into a predatory lease agreement; and

(3) recommendations on changes to laws or regulations, as applicable, at the Federal, State, or local level to promote fair leasing agreements under which a commercial motor vehicle driver is able to earn a living wage.

(f) TERMINATION.—Not later than 1 month after the date of submission of the report pursuant to subsection (e), the Task Force shall terminate.

SEC. 4306. HOURS OF SERVICE.

(a) COMPREHENSIVE REVIEW.—

(1) COMPREHENSIVE REVIEW OF HOURS OF SERVICE RULES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a comprehensive review of hours of service rules and the impacts of waivers, exemptions, and other allowances that limit the applicability of such rules.

(2) CHANGES TO REGULATIONS.—In carrying out the comprehensive review under paragraph (1) and the required analyses under paragraphs (3) and (4), the Secretary shall consider the modifications made in the final rule published on June 1, 2020, titled "Hours of Service of Drivers" (85 Fed. Reg. 33396) and evaluate the impacts of the allowance to operate in excess of the limits in effect prior to June 1, 2020.

(3) LIST OF EXEMPTIONS.—In carrying out the comprehensive review required under paragraph (1), the Secretary shall—

(A) compile a list of waivers, exemptions, and other allowances—

(i) under which a driver may operate in excess of the otherwise applicable limits on on-duty or driving time in absence of such exemption, waiver, or other allowance;

(ii) under which a driver may operate without recording compliance with hours of service rules through the use of an electronic logging device; and

(iii) applicable—

(I) to specific segments of the motor carrier industry or sectors of the economy;

(II) on a periodic or seasonal basis; and

(III) to specific types of operations, including the short haul exemption under part 395 of title 49, Code of Federal Regulations;

(B) specify whether each such waiver, exemption, or other allowance was granted by the Department of Transportation or enacted by Congress, and how long such waiver, exemption, or other allowance has been in effect; and

(C) estimate the number of motor carriers, motor private carriers, and drivers that may qualify to use each waiver, exemption, or other allowance.

(4) SAFETY IMPACT ANALYSIS.—

(A) IN GENERAL.—In carrying out the comprehensive review under paragraph (1), the Secretary, in consultation with State motor carrier enforcement entities, shall undertake a statistically valid analysis to determine the safety impact, including on enforcement, of the exemptions, waivers, or other allowances compiled under paragraph (2) by—

(i) using available data, or collecting from motor carriers or motor private carriers and drivers operating under an exemption, waiver, or other allowance if the Secretary does not have sufficient data, to determine the incidence of accidents, fatigue-related incidents, and other relevant safety information related to hours of service among motor carriers, private motor carriers, and drivers permitted to operate under each exemption, waiver, or other allowance;

(ii) comparing the data described in subparagraph (A) to safety data from motor carriers, motor private carriers, and drivers that are subject to the hours of service rules and not operating under an exemption, waiver, or other allowance; and

(iii) based on the comparison under subparagraph (B), determining whether waivers, exemptions, and other allowances in effect provide an equivalent level of safety as would exist in the absence of exemptions, waivers, or other allowances.

(B) CONSULTATION.—The Secretary shall consult with State motor carrier enforcement entities in carrying out this paragraph.

(C) EXCLUSIONS.—The Secretary shall exclude data related to exemptions, waivers, or other allowances made pursuant to an emergency declaration under section 390.23 of title 49, Code of Federal Regulations, or extended under section 390.25 of title 49, Code of Federal Regulations, from the analysis required under this paragraph.

(5) DRIVER IMPACT ANALYSIS.—In carrying out the comprehensive review under paragraph (1), the Secretary shall further consider—

(A) data on driver detention collected by the Secretary pursuant to section 4304 of this Act and other conditions affecting the movement of goods by commercial motor vehicle, and how such conditions interact with the Secretary's regulations on hours of service;

(B) whether exemptions, waivers, or other allowances that permit additional on-duty time or driving time have a deleterious effect on the physical condition of drivers; and

(C) whether differences in the manner in which drivers are compensated result in different levels of burden for drivers in complying with hours of service rules.

(b) PEER REVIEW.—Prior to the publication of the review required under subsection (d), the analyses performed by the Secretary shall undergo an independent peer review.

(c) PUBLICATION.—Not later than 18 months after the date that the Secretary initiates the comprehensive review under subsection (b)(1), the Secretary shall publish the findings of such review in the Federal Register and provide for a period for public comment.

(d) REPORT TO CONGRESS.—Not later than 30 days after the conclusion of the public comment period under subsection (d), the Secretary shall submit to the Com-

mittee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on a website of the Department of Transportation a report containing the information and analyses required under subsection (b).

(e) REPLACEMENT OF GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to update the Department of Transportation guidance published on June 7, 2018, titled "Hours of Service of Drivers of Commercial Motor Vehicles: Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Personal Conveyance" (83 Fed. Reg. 26377) to prescribe specific mileage or time limits, or both, for the use of personal conveyance.

(f) DEFINITIONS.—In this section:

(1) MOTOR CARRIER; MOTOR PRIVATE CARRIER.—The terms "motor carrier" and "motor private carrier" have the meanings given such terms in section 31501 of title 49, United States Code.

(2) ON-DUTY TIME; DRIVING TIME; ELECTRONIC LOGGING DEVICE.—The terms "on-duty time", "driving time", and "electronic logging device" have the meanings given such terms in section 395.2 of title 49, Code of Federal Regulations (as in effect on June 1, 2020).

SEC. 4307. DRIVER RECRUITMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the inspector general of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report examining the operation of commercial motor vehicles in the United States by drivers admitted to the United States under temporary business visas.

(b) CONTENTS.—The report under paragraph (1) shall include—

(1) an assessment of—

(A) the prevalence of the operation of commercial motor vehicles in the United States by drivers admitted to the United States under temporary business visas;

(B) the characteristics of motor carriers that recruit and use such drivers, including the country of domicile of the motor carrier or subsidiary;

(C) the demographics of drivers operating in the United States under such visas, including the country of domicile of such drivers; and

(D) the contractual relationship between such motor carriers and such drivers;

(2) an analysis of whether such drivers are required to comply with—

(A) motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including—

(i) the English proficiency requirement under section 391.11(2) of title 49, Code of Federal Regulations;

(ii) the requirement for drivers of a motor carrier to report any violations of a regulation to such motor carrier under section 391.27 of title 49, Code of Federal Regulations; and

(iii) driver's licensing requirements under part 383 of title 49, Code of Federal Regulations, including entry-level driver training and drug and alcohol testing under part 382 of such title; and

(B) regulations prohibiting point-to-point transportation in the United States, or cabotage, under part 365 of title 49, Code of Federal Regulations;

(3) an evaluation of the safety record of the operations and drivers described in paragraph (1), including—

(A) violations of the motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including applicable requirements described in paragraph (2)(A); and

(B) the number of crashes involving such operations and drivers; and

(4) the impact of such operations and drivers on—

(A) commercial motor vehicle drivers domiciled in the United States, including employment levels and driver compensation of such drivers; and

(B) the competitiveness of motor carriers domiciled in the United States.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—In this section, the term "commercial motor vehicle" has the meaning given such term in section 31101 of title 49, United States Code.

(2) TEMPORARY BUSINESS VISA.—The term "temporary business visa" means any driver who is present in the United States with status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(1) assess the risk posed by untreated obstructive sleep apnea in drivers of commercial motor vehicles and the feasibility, benefits, and costs associated with establishing screening criteria for obstructive sleep apnea in drivers of commercial motor vehicles;

(2) issue a notice in the Federal Register containing the independently peer-reviewed findings of the assessment required under paragraph (1) not later than 30 days after completion of the assessment and provide an opportunity for public comment; and

(3) if the Secretary contracts with an independent third party to conduct the assessment required under paragraph (1), ensure that the independent third party shall not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or driver advocacy organizations.

(b) SCREENING CRITERIA.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers and provide an opportunity for public comment.

(2) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers.

(c) COMMERCIAL MOTOR VEHICLE DEFINED.—In this section, the term "commercial motor vehicle" has the meaning given such term in section 31132 of title 49, United States Cod

SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.

(a) SHORT TITLE.—This section may be cited as the "Promoting Women in Trucking Workforce Act".

(b) FINDINGS.—Congress finds that—

(1) women make up 47 percent of the workforce of the United States;

(2) women are significantly underrepresented in the trucking industry, holding only 24 percent of all transportation and warehousing jobs and representing only—

(A) 6.6 percent of truck drivers;

(B) 12.5 percent of all workers in truck transportation; and

(C) 8 percent of freight firm owners;

(3) given the total number of women truck drivers, women are underrepresented in the truck-driving workforce; and

(4) women truck drivers have been shown to be 20 percent less likely than male counterparts to be involved in a crash.

(c) SENSE OF CONGRESS REGARDING WOMEN IN TRUCKING.—It is the sense of Congress that the trucking industry should explore every opportunity, including driver training and mentorship programs, to encourage and support the pursuit of careers in trucking by women.

(d) ESTABLISHMENT.—To encourage women to enter the field of trucking, the Administrator shall establish and facilitate an advisory board, to be known as the "Women of Trucking Advisory Board", to promote organizations and programs that—

(1) provide education, training, mentorship, or outreach to women in the trucking industry; and

(2) recruit women into the trucking industry.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of not fewer than seven members whose backgrounds allow those members to contribute balanced points of view and diverse ideas regarding the strategies and objectives described in subsection (f)(2).

(2) APPOINTMENT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall appoint the members of the Board, of whom—

(A) not fewer than one shall be a representative of large trucking companies;

(B) not fewer than one shall be a representative of mid-sized trucking companies;

(C) not fewer than one shall be a representative of small trucking companies;

(D) not fewer than one shall be a representative of nonprofit organizations in the trucking industry;

(E) not fewer than one shall be a representative of trucking business associations;

(F) not fewer than one shall be a representative of independent owner-operators; and

(G) not fewer than one shall be a woman who is a professional truck driver.

(3) TERMS.—Each member shall be appointed for the life of the Board.

(4) COMPENSATION.—A member of the Board shall serve without compensation.

(f) DUTIES.—

(1) IN GENERAL.—The Board shall identify—

(A) industry trends that directly or indirectly discourage women from pursuing careers in trucking, including—

(i) any differences between women minority groups;

(ii) any differences between women who live in rural, suburban, and urban areas; and

(iii) any safety risks unique to the trucking industry;

(B) ways in which the functions of trucking companies, nonprofit organizations, and trucking associations may be coordinated to facilitate support for women pursuing careers in trucking;

(C) opportunities to expand existing opportunities for women in the trucking industry; and

(D) opportunities to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Board shall submit to the Administrator a report describing strategies that the Administrator may adopt—

(A) to address any industry trends identified under paragraph (1)(A);

(B) to coordinate the functions of trucking companies, nonprofit organizations, and trucking associations in a manner that facilitates support for women pursuing careers in trucking;

(C) to—

(i) take advantage of any opportunities identified under paragraph (1)(C); and

(ii) create new opportunities to expand existing scholarship opportunities for women in the trucking industry; and

(D) to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) any strategies recommended by the Board under subsection (f)(2); and

(B) any actions taken by the Administrator to adopt the strategies recommended by the Board (or an explanation of the reasons for not adopting the strategies).

(2) PUBLIC AVAILABILITY.—The Administrator shall make the report under paragraph (1) publicly available—

(A) on the website of the Federal Motor Carrier Safety Administration; and

(B) in appropriate offices of the Federal Motor Carrier Safety Administration.

(h) TERMINATION.—The Board shall terminate on submission of the report to Congress under subsection (g).

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Motor Carrier Safety Administration.

(2) BOARD.—The term "Board" means the Women of Trucking Advisory Board established under subsection (d).

(3) LARGE TRUCKING COMPANY.—The term "large trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue greater than $1,000,000,000.

(4) MID-SIZED TRUCKING COMPANY.—The term "mid-sized trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue of not less than $35,000,000 and not greater than $1,000,000,000.

(5) SMALL TRUCKING COMPANY.—The term "small trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue less than $35,000,000.

SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE SAFETY.

(a) DEFINITION.—Section 31301(14) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting ", and Puerto Rico" before the period.

(b) IMPLEMENTATION.—The Administrator of the Federal Motor Carrier Safety Administration shall work with the Commonwealth of Puerto Rico on obtaining full compliance with chapter 313 of title 49, United States Code, and regulations adopted under that chapter.

(c) GRACE PERIOD.—Notwithstanding section 31311(a) of title 49, United States Code, during a 5-year period beginning on the date of enactment of this Act, the Commonwealth of Puerto Rico shall not be subject to a withholding of an apportionment of funds under paragraphs (1) and (2) of section 104(b) of title 23, United States Code, for failure to comply with any requirement under section 31311(a) of title 49, United States Code.

SEC. 4311. USE OF DATA.

Section 31137(e) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "only"; and

(B) by striking ", including record-of-duty status regulations" and inserting "and to conduct transportation research utilizing such data";

(2) in paragraph (2) by striking "to enforce the regulations referred to in" and inserting "for purposes authorized under"; and

(3) by amending paragraph (3) to read as follows:

"(3) RESEARCH DATA.—The Secretary shall institute appropriate measures to protect the privacy of individuals, operators, and motor carriers when data obtained from an electronic logging device is used for research pursuant to this section and such research is made available to the public.".

Subtitle D—Commercial Motor Vehicle and Schoolbus Safety

SEC. 4401. SCHOOLBUS SAFETY STANDARDS.

(a) SCHOOLBUS SEATBELTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to consider requiring large schoolbuses to be equipped with safety belts for all seating positions, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) CONSIDERATIONS.—In issuing a notice of proposed rulemaking under paragraph (1), the Secretary shall consider—

(A) the safety benefits of a lap/shoulder belt system (also known as a Type 2 seatbelt assembly);

(B) the investigations and recommendations of the National Transportation Safety Board on seatbelts in schoolbuses;

(C) existing experience, including analysis of student injuries and fatalities compared to States without seat belt laws, and seat belt usage rates, from States that require schoolbuses to be equipped with seatbelts, including Type 2 seatbelt assembly;

(D) the impact of lap/shoulder belt systems on emergency evacuations, with a focus on emergency evacuations involving students below the age of 14, and emergency evacuations necessitated by fire or water submersion; and

(E) the impact of lap/shoulder belt systems on the overall availability of schoolbus transportation.

(3) REPORT.—If the Secretary determines that a standard described in paragraph (1) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the reasons for not prescribing such a standard.

(4) APPLICATION OF REGULATIONS.—Any regulation issued based on the notice of proposed rulemaking described in paragraph (1) shall apply to schoolbuses manufactured more than 3 years after the date on which the regulation takes effect.

(b) AUTOMATIC EMERGENCY BRAKING.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(2) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems.

(c) ELECTRONIC STABILITY CONTROL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an electronic stability control system (as such term is defined in section 571.136 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act)); and

(2) as part of such standard, establish performance requirements for electronic stability control systems, including operation of such systems.

(d) FIRE PREVENTION AND MITIGATION.—

(1) RESEARCH AND TESTING.—The Secretary shall conduct research and testing to determine the most prevalent causes of schoolbus fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the schoolbus. Such research and testing shall consider—

(A) fire suppression systems standards, which at a minimum prevent engine fires;

(B) firewall standards to prevent gas or flames from entering into the passenger compartment in schoolbuses with engines that extend beyond the firewall; and

(C) interior flammability and smoke emissions characteristics standards.

(2) STANDARDS.—The Secretary may issue fire prevention and mitigation standards for schoolbuses, based on the results of the Secretary's research and testing under paragraph (1), if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall study and issue a report on the safety implications of temperature controls in school buses. The study and report shall include—

(1) an analysis of the internal temperature in school buses without air conditioning in weather between 80 and 110 degrees Fahrenheit;

(2) the collection and analysis of data on temperature-related injuries to students, including heatstroke and dehydration;

(3) the collection of data on how many public school districts currently operate buses without air conditioning; and

(4) recommendations for preventing heat related illnesses for children on school buses.

(f) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING.—The term "automatic emergency braking" means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward warning function—

(i) to detect vehicles and vulnerable road users ahead of the vehicle; and

(ii) to alert the operator of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) LARGE SCHOOLBUS.—The term "large schoolbus" means a schoolbus with a gross vehicle weight rating of more than 10,000 pounds.

(3) SCHOOLBUS.—The term "schoolbus" has the meaning given such term in section 30125(a) of title 49, United States Code.

SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.

(a) ILLEGAL PASSING RESEARCH.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct research to determine—

(A) drivers' knowledge of and attitudes towards laws governing passing of a school bus under the State in which the driver lives;

(B) the effectiveness of automated school bus camera enforcement systems in reducing school bus passing violations;

(C) whether laws that require automated school bus camera systems to capture images of a driver's face impact the ability of States to enforce such laws;

(D) the effectiveness of public education on illegal school bus passing laws in reducing school bus passing violations; and

(E) the most-effective countermeasures to address illegal passing of school buses and best practices for States to reduce the number of illegal passing violations.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the research and findings required under paragraph (1).

(3) PUBLICATION.—The Secretary shall make publicly available on the website of the Department the report required under paragraph (2) not later than 30 days after the report is submitted under such paragraph.

(b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create and disseminate a public safety messaging campaign, including public safety media messages, posters, digital, and other media messages for distribution to States, divisions of motor vehicles, schools, and other public outlets to highlight the dangers of illegally passing school buses, including educational materials for students and the public on the safest school bus loading and unloading procedures.

(2) CONSULTATION.—The Secretary shall consult with public and private school bus industry representatives and States in developing the materials and messages required under paragraph (1).

(3) UPDATE.—The Secretary shall periodically update the materials used in the campaign.

(c) REVIEW OF ADVANCED SCHOOL BUS SAFETY TECHNOLOGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a review of advanced school bus safety technologies to assess their feasibility, benefits, and costs. The review shall include—

(A) an evaluation of motion-activated alert systems that are capable of detecting and alerting the school bus driver to students, pedestrians, bicyclists, and other vulnerable road users located near the perimeter of the school bus;

(B) an evaluation of advanced school bus flashing lighting systems to improve communication to surrounding drivers;

(C) an evaluation of early warning systems, including radar-based warning systems, to alert school bus drivers and students near the school bus that an approaching vehicle is likely to engage in an illegal passing; and

(D) other technologies that enhance school bus safety, as determined by the Secretary.

(2) PUBLICATION.—The Secretary shall make the findings of the review publicly available on the website of the Department not later than 30 days after its completion.

(d) GAO REVIEW OF STATE ILLEGAL PASSING LAWS AND DRIVER EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report examining State laws and driver education efforts regarding illegal passing of school buses.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an overview of each State's illegal school bus passing laws, including how the laws are enforced and what penalties are imposed on violators;

(B) a review of each State's driver education efforts regarding illegal passing of school buses to determine how each State educates and evaluates new drivers on laws governing passing of a school bus; and

(C) recommendations on how States can improve driver education and awareness of the dangers of illegally passing school buses.

SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) REVIEW OF STATE INSPECTION PRACTICES.—The Secretary of Transportation shall conduct a review of Federal Motor Carrier Safety Regulations related to annual inspection of commercial motor vehicles carrying passengers to determine—

(1) different inspection models in use for commercial motor vehicles carrying passengers to satisfy the Federal inspection requirement;

(2) the number of States that have mandatory annual State vehicle inspections and whether such inspections are used to satisfy the Federal inspection requirement for commercial motor vehicles carrying passengers;

(3) the extent to which passenger carriers utilize self-inspection to satisfy the Federal inspection requirement;

(4) the number of States that have the authority to require the immobilization of impoundment of a commercial motor vehicle carrying passengers if such a vehicle fails inspection; and

(5) the impact on the safety of commercial motor vehicles carrying passengers, based on the inspection model employed.

(b) REPORT TO CONGRESS.—Not later than 1 year after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the findings of the review conducted under subsection (a); and

(2) recommendations on changes to the Secretary's inspection program regulations to improve the safety of commercial motor vehicles carrying passengers.

SEC. 4404. AUTOMATIC EMERGENCY BRAKING.

(a) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all commercial motor vehicles subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations, (relating to electronic stability control systems for heavy vehicles) manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(B) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems in a variety of driving conditions.

(2) CONSIDERATIONS.—Prior to prescribing the standard required under paragraph (1)(A), the Secretary shall—

(A) conduct a review of automatic emergency braking systems in use in applicable commercial motor vehicles and address any identified deficiencies with such systems in the rulemaking proceeding to prescribe the standard, if practicable;

(B) assess the feasibility of updating the software of emergency braking systems in use in applicable commercial motor vehicles to address any deficiencies and to enable such systems to meet the new standard; and

(C) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in applicable commercial motor vehicles, including malfunctions or unwarranted activations of such systems.

(3) COMPLIANCE DATE.—The Secretary shall ensure that the compliance date of the standard prescribed pursuant to paragraph (1) shall be not later than 2 years after the date of publication of the final rule prescribing such standard.

(b) FEDERAL MOTOR CARRIER SAFETY REGULATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations,(relating to electronic stability control systems for heavy vehicles) that is in operation on or after the effective date of the standard prescribed under subsection (a) be used at any time during which such commercial motor vehicle is in operation.

(c) REPORT ON AUTOMATIC EMERGENCY BRAKING IN MEDIUM-DUTY COMMERCIAL MOTOR VEHICLES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall, with respect to commercial motor vehicles not subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations—

(A) complete research on equipping commercial motor vehicles with automatic emergency braking systems to better understand the overall effectiveness of such systems on a variety of commercial motor vehicles;

(B) assess the feasibility, benefits, and costs associated with installing automatic emergency braking systems on newly manufactured commercial motor vehicles with a gross vehicle weight rating of 10,001 pounds or more; and

(C) if warranted, develop performance standards for such automatic emergency braking systems.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that such third party does not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or an entity producing or supplying automatic emergency braking systems.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completing the assessment required under paragraph (1)(B), the Secretary shall issue a notice in the Federal Register containing the findings of the assessment and provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—After the conclusion of the public comment period under paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides—

(A) the results of the assessment under paragraph (1)(B);

(B) a summary of the public comments received by the Secretary under paragraph (3); and

(C) a determination as to whether the Secretary intends to develop performance requirements for automatic emergency braking systems for applicable commercial motor vehicles, including any analysis that led to such determination.

(d) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term "automatic emergency braking system" means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward collision warning function—

(i) to detect vehicles and vulnerable road users ahead of the vehicle; and

(ii) to alert the operator of the vehicle of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4405. UNDERRIDE PROTECTION.

(a) REAR UNDERRIDE GUARDS.—

(1) REAR GUARDS ON TRAILERS AND SEMITRAILERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise motor vehicle safety standards under sections 571.223 and 571.224 of title 49, Code of Federal Regulations, to require trailers and semi-trailers manufactured after the date on which such regulation is issued to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger vehicle traveling at 35 miles per hour makes—

(i) an impact in which the passenger vehicle impacts the center of the rear of the trailer or semitrailer;

(ii) an impact in which 50 percent the width of the passenger vehicle overlaps the rear of the trailer or semitrailer; and

(iii) an impact in which 30 percent of the width of the passenger vehicle overlaps the rear of the trailer or semitrailer.

(B) EFFECTIVE DATE.—The rule issued under subparagraph (A) shall require full compliance with the motor carrier safety standard prescribed in such rule not later than 2 years after the date on which a final rule is issued.

(2) ADDITIONAL RESEARCH.—The Secretary shall conduct additional research on the design and development of rear impact guards that can prevent

underride crashes and protect motor vehicle passengers against severe injury at crash speeds of up to 65 miles per hour.

(3) REVIEW OF STANDARDS.—Not later than 5 years after any revisions to standards or requirements related to rear impact guards pursuant to paragraph (1), the Secretary shall review the standards or requirements to evaluate the need for changes in response to advancements in technology and upgrade such standards accordingly.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to amend the regulations on minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and driver vehicle inspection reports under section 396.11 of title 49, Code of Federal Regulations, to include rear impact guards and rear end protection (as required by section 393.86 of title 49, Code of Federal Regulations).

(B) CONSIDERATIONS.—In updating the regulations described in subparagraph (A), the Secretary shall consider it to be a defect or a deficiency if a rear impact guard is missing or has a corroded or compromised element that affects the structural integrity and protective feature of such guard.

(b) SIDE UNDERRIDE GUARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete additional research on side underride guards to better understand the overall effectiveness of such guards;

(B) assess the feasibility, benefits, and costs associated with installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more; and

(C) if warranted, develop performance standards for such guards.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that such third party does not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or an entity producing or supplying underride guards.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completing the assessment required under paragraph (1)(B), the Secretary shall issue a notice in the Federal Register containing the findings of the assessment and provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—After the conclusion of the public comment period under paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides—

(A) the results of the assessment under this subsection;

(B) a summary of the public comments received by the Secretary under paragraph (3); and

(C) a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to such determination.

(c) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish an Advisory Committee on Underride Protection (in this subsection referred to as the "Committee") to provide advice and recommendations to the Secretary on safety regulations to reduce crashes and fatalities involving truck underrides.

(2) REPRESENTATION.—

(A) IN GENERAL.—The Committee shall be composed of not more than 20 members appointed by the Secretary who are not employees of the Department of Transportation and who are qualified to serve because of their expertise, training, or experience.

(B) MEMBERSHIP.—Members shall include two representatives of each of the following:

(i) Truck and trailer manufacturers.

(ii) Motor carriers, including independent owner-operators.

(iii) Law enforcement.

(iv) Motor vehicle engineers.

(v) Motor vehicle crash investigators.

(vi) Truck safety organizations.

(vii) The insurance industry.
(viii) Emergency medical service providers.
(ix) Families of underride crash victims.
(x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet at least annually.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties described in paragraph (1).

(6) REPORT.—The Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a biennial report that shall—

(A) describe the advice and recommendations made to the Secretary; and

(B) include an assessment of progress made by the Secretary in advancing safety regulations.

(d) DATA COLLECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement recommendations 1 and 2 described in the report by the Government Accountability Office published on March 14, 2019, titled "Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed" (GAO–19–264).

SEC. 4406. TRANSPORTATION OF HORSES.

Section 80502 of title 49, United States Code, is amended—

(1) in subsection (c) by striking "This section does not" and inserting "Subsections (a) and (b) shall not";

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

"(d) TRANSPORTATION OF HORSES.—

"(1) PROHIBITION.—No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing two or more levels stacked on top of each other.

"(2) MOTOR VEHICLE DEFINED.—In this subsection, the term 'motor vehicle'—

"(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

"(B) does not include a vehicle operated exclusively on a rail or rails."; and

(4) in subsection (e), as redesignated—

(A) by striking "A rail carrier" and inserting the following:

"(1) IN GENERAL.—A rail carrier";

(B) by striking "this section" and inserting "subsection (a) or (b)"; and

(C) by striking "On learning" and inserting the following:

"(2) TRANSPORTATION OF HORSES IN MULTILEVEL TRAILER.—

"(A) CIVIL PENALTY.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100, but not more than $500, for each violation. A separate violation of subsection (d) occurs for each horse that is transported, or caused to be transported, in violation of subsection (d).

"(B) RELATIONSHIP TO OTHER LAWS.—The penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.

"(3) CIVIL ACTION.—On learning".

SEC. 4407. ADDITIONAL STATE AUTHORITY.

(a) ADDITIONAL AUTHORITY.—Notwithstanding the limitation in section 127(d) of title 23, United States Code, if a State had in effect on or before June 1, 1991, a statute or regulation which placed a limitation on the overall length of a longer combination vehicle consisting of 3 trailers, such State may allow the operation of a longer combination vehicle to accommodate a longer energy efficient truck tractor in such longer combination vehicle under such limitation, if the additional tractor length is the only added length to such longer combination vehicle and does not result in increased cargo capacity in weight or volume.

(b) SAVINGS CLAUSE.—Nothing in this section authorizes a State to allow an increase in the length of a trailer, semitrailer, or other cargo-carrying unit of a longer combination vehicle.

(c) LONGER COMBINATION VEHICLE DEFINED.—The term "longer combination vehicle" has the meaning given such term in section 127 of title 23, United States Code.

SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSURANCE FOR COMMERCIAL MOTOR VEHICLES.

Section 31139(b) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking "$750,000" and inserting "$2,000,000"; and

(2) by adding at the end the following:

"(3) ADJUSTMENT.—The Secretary, in consultation with the Bureau of Labor Statistics, shall adjust the minimum level of financial responsibility under paragraph (2) quinquennially for inflation.".

SEC. 4409. UNIVERSAL ELECTRONIC IDENTIFIER.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue a final motor vehicle safety standard that requires a commercial motor vehicle manufactured after the effective date of such standard to be equipped with a universal electronic vehicle identifier that—

(1) identifies the vehicle to roadside inspectors for enforcement purposes;

(2) does not transmit personally identifiable information regarding operators; and

(3) does not create an undue cost burden for operators and carriers.

TITLE V—INNOVATION

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $144,000,000 for each of fiscal years 2023 through 2026.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, $152,000,000 for each of fiscal years 2023 through 2026.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, $26,000,000 for each of fiscal years 2023 through 2026.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2023 through 2026.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, $96,000,000 for each of fiscal years 2023 through 2026.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $27,000,000 for each of fiscal years 2023 through 2026.

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

(1) MOBILITY THROUGH ADVANCED TECHNOLOGIES.—To carry out section 503(c)(4) of title 23, United States Code, $70,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(c) of such title.

(2) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—To carry out section 503(d) of title 23, United States Code, $10,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(c) of such title.

(3) NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.—To carry out section 5507 of title 49, United States Code, $2,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out sections 512 through 518 of title 23, United States Code.

(4) NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.—To carry out section 70205 of title 49, United States Code, $4,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(5) STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOTS.—To carry out section 6020 of the FAST Act (23 U.S.C. 503 note), $35,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(6) NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.—To carry out section 5402 of this title, $10,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(c) ADMINISTRATION.—The Federal Highway Administration shall—

(1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a) and paragraph (1) of subsection (b); and

(2) in consultation with relevant modal administrations, administer the programs described in subsections (a)(4) and (b)(2).

(d) TREATMENT OF FUNDS.—Funds authorized to be appropriated by subsections (a) and (b) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this title (including the amendments by this title) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable, except as otherwise provided in this title.

Subtitle A—Research and Development

SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "section 508" and inserting "section 6503 of title 49"; and

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking "; and" and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(iv) to reduce greenhouse gas emissions and limit the effects of climate change."; and

(ii) by striking subparagraphs (D) and (E);

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking "; and" and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(iv) to reduce greenhouse gas emissions and limit the effects of climate change."; and

(ii) in subparagraph (C)—

(I) in clause (iv) by striking "; and" and inserting a semicolon;

(II) in clause (v) by striking the period and inserting "; and"; and

(III) by inserting at the end the following:

"(vi) establishing best practices and creating models and tools to support metropolitan and statewide planning practices to meet the considerations described in sections 134(i)(2)(I) and 135(f)(10) of this title, including—

"(I) strategies to address climate change mitigation and impacts described in sections 134(i)(2)(I)(ii) and 135(f)(10)(B) of this title and the incorporation of such strategies into long range transportation planning;

"(II) preparation of a vulnerability assessment described in sections 134(i)(2)(I)(iii) and 135(f)(10)(C) of this title; and

"(III) integration of these practices with the planning practices described in sections 5303(i)(2)(I) and 5304(f)(10) of title 49.";

(C) in paragraph (5)(A)—

(i) in clause (iv) by striking "; and" and inserting a semicolon;

(ii) in clause (v) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(vi) reducing greenhouse gas emissions and limiting the effects of climate change."; and

(D) by adding at the end the following:

"(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—

"(A) track the condition of highway assets, including interchanges, and the reconstruction history of such assets;

"(B) can be used to assess transportation options;

"(C) allow for the monitoring and modeling of network-level traffic flows on highways; and

"(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.

"(10) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.—

"(A) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150).

"(B) INCLUSIONS.—The data analysis activities authorized under subparagraph (A) may include—

"(i) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

"(ii) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

"(iii) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

"(iv) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e);

"(v) developing tools—

"(I) to improve performance analysis; and

"(II) to evaluate the effects of project investments on performance;

"(vi) assisting in the development or procurement of the transportation system access data under section 1403(g) of the INVEST in America Act; and

"(vii) developing tools and acquiring data described under paragraph (9).

"(C) FUNDING.—The Administrator of the Federal Highway Administration may use up to $15,000,000 for each of fiscal years 2023 through 2026 to carry out this paragraph.".

(b) REPEAL.—Section 6028 of the FAST Act (23 U.S.C. 150 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.

Section 503 of title 23, United States Code, as amended by section 5101, is further amended by adding at the end the following:

"(d) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish and implement a program under which the Secretary shall award grants to eligible entities to research and support the development and deployment of materials that will capture, absorb, adsorb, reduce, or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction and use of highways.

"(2) ACTIVITIES.—Activities under this section may include—

"(A) carrying out research to determine the materials proven to most effectively capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

"(B) evaluating and improves the ability of materials to most effectively capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

"(C) supporting the development and deployment of materials that will capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions; and

"(D) in coordination with standards-setting organizations, such as the American Association of State Highway and Transportation Officials, carrying out research on—

"(i) the extent to which existing state materials procurement standards enable the deployment of materials proven to most effectively reduce or sequester greenhouse gas emissions;

"(ii) opportunities for States to adapt procurement standards to more frequently procure materials proven to most effectively reduce or sequester greenhouse gas emissions; and

"(iii) how to support or incentivize States to adapt procurement standards to incorporate more materials proven to most effectively reduce or sequester greenhouse gas emissions.

"(3) COMPETITIVE SELECTION PROCESS.—

"(A) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(B) CONSIDERATION.—In making grants under this subsection, the Secretary shall consider the degree to which applicants presently carry out research on materials that capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions.

"(C) SELECTION CRITERIA.—The Secretary may make grants under this subsection to any eligible entity based on the demonstrated ability of the applicant to fulfill the activities described in paragraph (2).

"(D) TRANSPARENCY.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process for a grant under this subsection, including—

"(i) specific criteria of evaluation used in the review;

"(ii) descriptions of the review process; and

"(iii) explanations of the grants awarded.

"(4) GRANTS.—

"(A) RESTRICTIONS.—

"(i) IN GENERAL.—For each fiscal year, a grant made available under this subsection shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

"(ii) LIMITATION.—An eligible entity may only receive one grant in a fiscal year under this subsection.

"(B) MATCHING REQUIREMENTS.—As a condition of receiving a grant under this subsection, a grant recipient shall match 50 percent of the amounts made available under the grant.

"(5) PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) coordinate the research, education, and technology transfer activities carried out by grant recipients under this subsection;

"(ii) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse; and

"(iii) to the extent practicable, support the deployment and commercial adoption of effective materials researched or developed under this subsection to relevant stakeholders.

"(B) ANNUAL REVIEW AND EVALUATION.—Not later than 2 years after the date of enactment of this subsection, and not less frequently than annually thereafter, the Secretary shall, consistent with the activities in paragraph (3)—

"(i) review and evaluate the programs carried out under this subsection by grant recipients, describing the effectiveness of the program in identifying materials that capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

"(ii) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing such review and evaluation; and

"(iii) make the report in clause (ii) available to the public on a website.

"(6) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this subsection shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

"(7) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this subsection, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act').

"(8) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a nonprofit institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

"(B) a State department of transportation.".

SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

Section 6503 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "For the period of fiscal years 2017 through 2022, and for each 5-year period thereafter, the Secretary";

(2) in subsection (c)(1)—

(A) in subparagraph (C) by inserting "and security in the transportation system" after "safety";

(B) in subparagraph (D) by inserting "and the existing transportation system" after "infrastructure";

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

(D) by amending subparagraph (F) to read as follows:

"(F) reducing greenhouse gas emissions; and"; and

(E) by adding at the end the following:

"(G) developing and maintaining a diverse workforce in transportation sectors;"; and

(3) in subsection (d) by striking "not later than December 31, 2016," and inserting "not later than December 31, 2022,".

SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (A) by striking "research priorities identified in chapter 65." and inserting the following: "following research priorities:

"(i) Improving the mobility of people and goods.

"(ii) Reducing congestion.

"(iii) Promoting safety.

"(iv) Improving the durability and extending the life of transportation infrastructure and the existing transportation system.

"(v) Preserving the environment.

"(vi) Reducing greenhouse gas emissions."; and

(ii) in subparagraph (B)—

(I) by striking "Technology and" and inserting "Technology,";

(II) by inserting ", the Administrator of the Federal Transit Administration," after "Federal Highway Administration"; and

(III) by striking "and other modal administrations as appropriate" and inserting "and the Administrators of other operating administrations, as appropriate"; and

(B) by adding at the end the following:

"(7) FOCUSED RESEARCH CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider how the program under this section advances research on the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicles.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Not later than 1 year after the date of enactment of this section," and inserting the following:

"(A) SELECTION OF GRANTS.—Not later than 1 year after the date of enactment of the INVEST in America Act,"; and

(ii) by adding at the end the following:

"(B) LIMITATIONS.—A grant under this subsection may not include a cooperative agreement described in section 6305 of title 31.";

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "5 consortia" and inserting "6 consortia";

(ii) in subparagraph (B)—

(I) in clause (i) by striking "not greater than $4,000,000 and not less than $2,000,000" and inserting "not greater than $4,250,000 and not less than $2,250,000"; and

(II) in clause (ii) by striking "section 6503(c)" and inserting "subsection (b)(4)(A)";

(iii) in subparagraph (C) by striking "100 percent" and inserting "50 percent"; and

(iv) by adding at the end the following:

"(D) REQUIREMENT.—In awarding grants under this section, the Secretary shall award 1 grant to a national consortia for each focus area described in subsection (b)(4)(A).";

(C) in paragraph (3)—

(i) in subparagraph (C) by striking "not greater than $3,000,000 and not less than $1,500,000" and inserting "not greater than $3,250,000 and not less than $1,750,000";

(ii) in subparagraph (D)(i) by striking "100 percent" and inserting "50 percent"; and

(iii) by striking subparagraph (E); and

(D) in paragraph (4)—

(i) in subparagraph (A) by striking "greater than $2,000,000 and not less than $1,000,000" and inserting "greater than $2,250,000 and not less than $1,250,000"; and

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

"(C) CONSIDERATION.—In awarding grants under this section, the Secretary shall consider historically black colleges and universities, as such term is defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q), and other minority institutions, as such term is defined by section 365 of the Higher Education Act (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

"(D) FOCUSED RESEARCH.—

"(i) IN GENERAL.—In awarding grants under this section, the Secretary shall select not less than one grant recipient with each of the following focus areas:

"(I) Transit.

"(II) Connected and automated vehicle technology, including cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicle technology.

"(III) Non-motorized transportation, including bicycle and pedestrian safety.

"(IV) The surface transportation workforce, including—

"(aa) current and future workforce needs and challenges; and

"(bb) the impact of technology on the transportation sector.

"(V) Climate change mitigation, including—

"(aa) researching the types of transportation projects that are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

"(bb) researching the types of transportation projects that are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.

"(ii) ADDITIONAL GRANTS.—In awarding grants under this section and after awarding grants pursuant to clause (i), the Secretary may award any remaining grants to any grant recipient based on the criteria described in subsection (b)(4)(A).";

(3) in subsection (d)(3) by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2023 through 2026";

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

"(f) SURPLUS AMOUNTS.—

"(1) IN GENERAL.—Amounts made available to the Secretary to carry out this section that remain unobligated after awarding grants under subsection (c) shall be made available under the unsolicited research initiative under section 5506.

"(2) LIMITATION ON AMOUNTS.—Amounts under paragraph (1) shall not exceed $2,000,000 for any given fiscal year.".

SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5506. Unsolicited research initiative

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a program under which an eligible entity may at any time submit unsolicited research proposals for funding under this section.

"(b) CRITERIA.—A research proposal submitted under subsection (a) shall meet the purposes of the Secretary's 5-year transportation research and development strategic plan described in section 6503(c)(1).

"(c) APPLICATIONS.—To receive funding under this section, eligible entities shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(d) REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available to the public on a public website a report on the progress and findings of the program established under subsection (a).

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent.

"(2) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity carried out under this section.

"(f) FUNDING.—

"(1) IN GENERAL.—Of the funds made available to carry out the university transportation centers program under section 5505, $2,000,000 shall be available for each of fiscal years 2023 through 2026 to carry out this section.

"(2) FUNDING FLEXIBILITY.—

"(A) IN GENERAL.—For fiscal years 2023 through 2026, funds made available under paragraph (1) shall remain available until expended.

"(B) UNCOMMITTED FUNDS.—If the Secretary determines, at the end of a fiscal year, funds under paragraph (1) remain unexpended as a result of a lack of meritorious projects under this section, the Secretary may, for the following fiscal year, make remaining funds available under either this section or under section 5505.

"(g) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) a State;

"(2) a unit of local government;

"(3) a transit agency;

"(4) any nonprofit institution of higher education, including a university transportation center under section 5505; and

"(5) a nonprofit organization.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following new item:

"5506. Unsolicited research initiative.".

SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended by adding at the end the following:

"§ 70205. National cooperative multimodal freight transportation research program

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish and support a national cooperative multimodal freight transportation research program.

"(b) AGREEMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall seek to enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative multimodal freight transportation research program.

"(c) ADVISORY COMMITTEE.—In carrying out the agreement described in subsection (b), the National Academy of Sciences shall select a multimodal freight transportation research advisory committee consisting of multimodal freight stakeholders, including, at a minimum—

"(1) a representative of the Department of Transportation;

"(2) representatives of any other Federal agencies relevant in supporting the nation's multimodal freight transportation research needs;

"(3) a representative of a State department of transportation;

"(4) a representative of a local government (other than a metropolitan planning organization);

"(5) a representative of a metropolitan planning organization;

"(6) a representative of the trucking industry;

"(7) a representative of the railroad industry;

"(8) a representative of the port industry;

"(9) a representative of logistics industry;

"(10) a representative of shipping industry;

"(11) a representative of a safety advocacy group with expertise in freight transportation;

"(12) an academic expert on multimodal freight transportation;

"(13) an academic expert on the contributions of freight movement to greenhouse gas emissions; and

"(14) representatives of labor organizations representing workers in freight transportation.

"(d) ELEMENTS.—The national cooperative multimodal freight transportation research program established under this section shall include the following elements:

"(1) NATIONAL RESEARCH AGENDA.—The advisory committee under subsection (c), in consultation with interested parties, shall recommend a national research agenda for the program established in this section.

"(2) INVOLVEMENT.—Interested parties may—

"(A) submit research proposals to the advisory committee;

"(B) participate in merit reviews of research proposals and peer reviews of research products; and

"(C) receive research results.

"(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

"(4) EVALUATION OF RESEARCH.—

"(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

"(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences shall conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

"(5) DISSEMINATION OF RESEARCH FINDINGS.—

"(A) IN GENERAL.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, a public website for the National Academy of Sciences, publications for the general public, and other appropriate means.

"(B) REPORT.—Not more than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings of the program.

"(e) CONTENTS.—The national research agenda under subsection (d)(1) shall include—

"(1) techniques and tools for estimating and identifying both quantitative and qualitative public benefits derived from multimodal freight transportation projects, including—

"(A) greenhouse gas emissions reduction;

"(B) congestion reduction; and

"(C) safety benefits;

"(2) the impact of freight delivery vehicles, including trucks, railcars, and nonmotorized vehicles, on congestion in urban and rural areas;

"(3) the impact of both centralized and disparate origins and destinations on freight movement;

"(4) the impacts of increasing freight volumes on transportation planning, including—

"(A) first-mile and last-mile challenges to multimodal freight movement;

"(B) multimodal freight travel in both urban and rural areas; and

"(C) commercial motor vehicle parking and rest areas;

"(5) the effects of Internet commerce and accelerated delivery speeds on freight movement and increased commercial motor vehicle volume, including impacts on—

"(A) safety on public roads;

"(B) congestion in both urban and rural areas;

"(C) first-mile and last-mile challenges and opportunities;

"(D) the environmental impact of freight transportation, including on air quality and on greenhouse gas emissions; and

"(E) vehicle miles-traveled by freight-delivering vehicles;

"(6) the impacts of technological advancements in freight movement, including impacts on—

"(A) congestion in both urban and rural areas;

"(B) first-mile and last-mile challenges and opportunities; and

"(C) vehicle miles-traveled;

"(7) methods and best practices for aligning multimodal infrastructure improvements with multimodal freight transportation demand, including improvements to the National Multimodal Freight Network under section 70103; and

"(8) other research areas to identify and address current, emerging, and future needs related to multimodal freight transportation.

"(f) FUNDING.—

"(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 100 percent.

"(2) PERIOD OF AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

"(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given such term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code, is amended by adding at the end the following new item:

"70205. National cooperative multimodal freight transportation research program.".

SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study examining methods to reduce collisions between motorists and wildlife (referred to in this section as "wildlife-vehicle collisions").

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study required under paragraph (1) shall—

(i) update and expand on, as appropriate—

(I) the report titled "Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress": and

(II) the document titled "Wildlife Vehicle Collision Reduction Study: Best Practices Manual" and dated October 2008; and

(ii) include—

(I) an assessment, as of the date of the study, of—

(aa) the causes of wildlife-vehicle collisions;

(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

(cc) the impacts of roads and traffic on habitat connectivity for terrestrial and aquatic species; and

(II) solutions and best practices for—

(aa) reducing wildlife-vehicle collisions; and

(bb) improving habitat connectivity for terrestrial and aquatic species.

(B) METHODS.—In carrying out the study required under paragraph (1), the Secretary shall—

(i) conduct a thorough review of research and data relating to—

(I) wildlife-vehicle collisions; and

(II) habitat fragmentation that results from transportation infrastructure;

(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and

(iii) consult with—

(I) appropriate experts in the field of wildlife-vehicle collisions; and

(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

(3) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study required under paragraph (1).

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) a description of—

(I) the causes of wildlife-vehicle collisions;

(II) the impacts of wildlife-vehicle collisions; and

(III) the impacts of roads and traffic on—

(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(bb) species identified by States as species of greatest conservation need;

(cc) species identified in State wildlife plans; and

(dd) medium and small terrestrial and aquatic species;

(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;

(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and

(iv) guidance to develop, for each State that agrees to participate, a voluntary joint statewide transportation and wildlife action plan.

(C) PURPOSES.—The purpose of the guidance described in subparagraph (B)(iv) shall be—

(i) to address wildlife-vehicle collisions; and

(ii) to improve habitat connectivity for terrestrial and aquatic species.

(D) CONSULTATION.—The Secretary shall develop the guidance described under subparagraph (B)(iv) in consultation with—

(i) Federal land management agencies;

(ii) State departments of transportation;

(iii) State fish and wildlife agencies; and

(iv) Tribal governments.

(b) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—

(1) STANDARDIZATION METHODOLOGY.—

(A) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall develop a quality standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the National Highway System, taking into consideration the practicability of the methodology with respect to technology and cost.

(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—

(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and

(ii) to the extent practicable, identify and correct limitations of such existing methodologies and sources of data collection.

(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—

(i) the Secretary of the Interior;

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;

(iii) Tribal, State, and local transportation and wildlife authorities;

(iv) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(v) members of the American Association of State Highway and Transportation Officials;

(vi) members of the Association of Fish and Wildlife Agencies;

(vii) experts in the field of wildlife-vehicle collisions;

(viii) nongovernmental organizations; and

(ix) other interested stakeholders, as appropriate.

(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—

(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and

(B) encourage the voluntary implementation of the template developed under subparagraph (A) for States, metropolitan planning organizations, and additional relevant transportation stakeholders.

(3) REPORTS.—

(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the development of the standardized methodology required under paragraph (1) not later than—

(i) the date that is 18 months after the date of enactment of this Act; and

(ii) the date that is 180 days after the date on which the Secretary completes the development of such standardized methodology.

(B) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

(I) to reduce the number of wildlife-vehicle collisions; and

(II) to improve habitat connectivity;

(iii) the degree of the impact described in clause (ii); and

(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

(c) NATIONAL THRESHOLD GUIDANCE.—The Secretary of Transportation shall—

(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

(B) highway-related mortality and effects of traffic on the highway on—

(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) species identified by a State as species of greatest conservation need;

(iii) species identified in State wildlife plans; and

(iv) medium and small terrestrial and aquatic species; and

(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the highway on the movements and migrations of those species.

(d) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, based on the study conducted under subsection (a), develop a series of in-person and online workforce development and technical training courses—

(A) to reduce wildlife-vehicle collisions; and

(B) to improve habitat connectivity for terrestrial and aquatic species.

(2) AVAILABILITY.—The Secretary shall—

(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and

(B) update the series of courses not less frequently than once every 2 years.

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended in subsection (a)(2)—

(1) in subparagraph (B) by inserting ", resilience," after "safety";

(2) in subparagraph (D) by striking "and" at the end;

(3) in subparagraph (E) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.";

SEC. 5108. RESEARCH ACTIVITIES.

Section 330(g) of title 49, United States Code, is amended by striking "each of fiscal years 2016 through 2020" and inserting "each of fiscal years 2023 through 2026".

SEC. 5109. TRANSPORTATION EQUITY RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a transportation equity research program for research and demonstration activities that focus on the impacts that surface transportation planning, investment, and operations have on low-income populations, minority populations, and other underserved populations that may be dependent on public transportation. Such activities shall include research on surface transportation equity issues, the development of strategies to advance economic and community development in public transportation-dependent populations, and the development of training programs that promote the employment of low-income populations, minority populations, and other underserved populations on Federal-aid transportation projects constructed in their communities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2023 through 2026.

(c) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years beginning after the last day of the fiscal year for which the amounts are authorized.

SEC. 5110. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.

Section 502(b)(3)(C) of title 23, United States Code, is amended by inserting "entities that represent the needs of metropolitan planning organizations," after "Officials,".

SEC. 5111. METROPOLITAN PLANNING RESEARCH PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with a nonprofit nongovernmental entity that exclusively serves the needs and interests of metropolitan planning organizations to establish a pilot program to provide awards to eligible entities to carry out eligible activities to enhance and improve metropolitan planning practices in surface transportation.

(b) GOALS.—The goals of the pilot program established under this section include—

(1) enhancing metropolitan planning practices in surface transportation;

(2) improving the ability of metropolitan planning organizations to meet performance measures and targets under section 150 of title 23, United States Code;

(3) preparing for the impact that emerging technologies, such as connected and automated vehicles, will have on the metropolitan planning process;

(4) improving environmental considerations in the metropolitan planning process;

(5) reducing greenhouse gas emissions and limiting the effects of climate change;

(6) improving access to jobs and services;

(7) supporting underserved communities; and

(8) expanding the ability of metropolitan planning organizations to collect public input and strengthen community engagement.

(c) FORMS OF ASSISTANCE.—An award provided under this section may be in the form of a grant, contract, or cooperative agreement.

(d) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—To be eligible to receive an award under this section, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(2) SELECTION CRITERIA.—The Secretary may provide awards under this section to any eligible entity based on the demonstrated ability of the entity to fulfill the goals described under subsection (b) and carry out eligible activities.

(e) TRANSPARENCY.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the selection process for providing an award under this section and the results of activities carried out under this section.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE ACTIVITY.—The term "eligible activity" means—

(A) carrying out research to improve metropolitan planning practices;

(B) developing new metropolitan planning tools;

(C) improving existing metropolitan planning tools and practices; or

(D) any other research activities the Secretary determines to be appropriate, consistent with the goals under subsection (b).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a metropolitan planning organization designated under section 134(d) of title 23, United States Code;

(B) a metropolitan planning organization working in partnership with a nonprofit organization;

(C) a metropolitan planning organization working in partnership with a county; or

(D) a group of entities described under subparagraphs (A) through (C).

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using an award under this section shall be 100 percent.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—From the amounts made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2023 through 2026, the Secretary may expend $1,000,000 to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may use up to 5 percent of such funds for administrative expenses.

(i) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

SEC. 5112. INTEGRATED PROJECT DELIVERY.

(a) IN GENERAL.—The Secretary of Transportation shall seek to enter into an agreement with the National Academy of Sciences to support and carry out a study of the effectiveness of integrated project delivery in delivering large infrastructure projects.

(b) CONTENTS.—

(1) AREAS OF STUDY.—The study shall—

(A) identify best practices for surface transportation project delivery with a focus on delivery of large or complex projects;

(B) determine whether there are any regulatory requirements that limit the use of integrated project delivery and the purpose of such regulations; and

(C) analyze the effectiveness of integrated project delivery compared to traditional project delivery methods, including an analysis of outcomes related to safety, cost effectiveness, environmental impacts, and on-time project delivery.

(2) METHODS.—In carrying out the study, the National Academy of Sciences shall consult with entities with experience managing, administering, or implementing integrated project delivery projects.

(c) REPORT.—Not later than 1 year after the completion of the study under subsection (a), the Secretary shall publish a report on the results of the study under this section.

SEC. 5113. ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.

Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

"(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

"(A) IN GENERAL.—The Secretary shall, to the extent practicable, under the technology and innovation deployment program established under paragraph (1), promote, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

"(B) GOALS.—The goals of promoting the accelerated implementation and deployment of advanced digital construction management systems established under subparagraph (A) shall include—

"(i) accelerated State and local government adoption of advanced digital construction management systems applied throughout the project delivery process (including through the design and engineering, construction, and operations phases) that—

"(I) maximize interoperability with other systems, products, tools, or applications;

"(II) boost productivity;

"(III) manage complexity and risk;

"(IV) reduce project delays and cost overruns;

"(V) enhance safety and quality; and

"(VI) support sustainable design and construction;

"(ii) more timely and productive information-sharing among stakeholders through digital collaboration platforms that connect workflows, teams, and data and reduced reliance on paper to manage construction processes and deliverables;

"(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors;

"(iv) the development and deployment of best practices for use in digital construction management;

"(v) increased technology adoption and deployment by States and units of local government that enables project sponsors—

"(I) to integrate the adoption of digital management systems and technologies in contracts; and

"(II) to weigh the cost of digitization and technology in setting project budgets;

"(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States and units of local government—

"(I) to better manage projects using advance digital construction management technologies; and

"(II) to properly measure and reward technology adoption across projects of the State or unit of local government;

"(vii) development of guidance to assist States in updating regulations of the State to allow project sponsors and contractors—

"(I) to report data relating to the project in digital formats; and

"(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

"(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects;

"(ix) development of more sustainable infrastructure that is designed to be more resilient to climate impacts, constructed with less material waste and made with more low-emissions construction materials; and

"(x) enhanced worker and pedestrian safety resulting from increased transparency.".

Subtitle B—Technology Deployment

SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting ", while considering the impacts on jobs" after "transportation community";

(B) in subparagraph (D) by striking "; and" and inserting a semicolon;

(C) in subparagraph (E) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(F) reducing greenhouse gas emissions and limiting the effects of climate change."; and

(2) in paragraph (2)(A) by striking the period and inserting "and findings from the materials to reduce greenhouse gas emissions program under subsection (d).".

SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (v) by striking "; and" and inserting a semicolon;

(B) in clause (vi) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(vii) the deployment of innovative pavement designs, materials, and practices that reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction of highways, with consideration for findings from the materials to reduce greenhouse gas emissions program under subsection (d).";

(2) in subparagraph (C) by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2023 through 2026"; and

(3) in subparagraph (D)(ii)—

(A) in subclause (III) by striking "; and" and inserting a semicolon;

(B) in subclause (IV) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(V) pavement monitoring and data collection practices;

"(VI) pavement durability and resilience;

"(VII) stormwater management;

"(VIII) impacts on vehicle efficiency;

"(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability;

"(X) integration of renewable energy in pavement designs; and

"(XI) greenhouse gas emissions reduction, including findings from the materials to reduce greenhouse gas emissions program under subsection (d).".

SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"§ 520. Every Day Counts initiative

"(a) IN GENERAL.—It is in the national interest for the Department of Transportation, State departments of transportation, and all other recipients of Federal surface transportation funds—

"(1) to identify, accelerate, and deploy innovation aimed at expediting project delivery;

"(2) enhancing the safety of the roadways of the United States, and protecting the environment;

"(3) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

"(4) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

"(5) to create a culture of innovation within the highway community.

"(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, all other recipients of Federal surface transportation funds, and industry stakeholders, including labor representatives, to identify and deploy proven innovative practices and products that—

"(1) accelerate innovation deployment;

"(2) expedite the project delivery process;

"(3) improve environmental sustainability;

"(4) enhance roadway safety;

"(5) reduce congestion; and

"(6) reduce greenhouse gas emissions.

"(c) CONSIDERATIONS.—In carrying out the Every Day Counts initiative, the Administrator shall consider any innovative practices and products in accordance with subsections (a) and (b), including—

"(1) research results from the university transportation centers program under section 5505 of title 49; and

"(2) results from the materials to reduce greenhouse gas emissions program in section 503(d).

"(d) INNOVATION DEPLOYMENT.—

"(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, outreach, and demonstration projects.

"(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

"(e) PUBLICATION.—Each collection identified under subsection (d) shall be published by the Administrator on a publicly available website.

"(f) FUNDING.—The Secretary may use funds made available to carry out section 503(c) to carry out this section.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

"520. Every Day Counts initiative.".

(c) REPEAL.—Section 1444 of the FAST Act (23 U.S.C. 101 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

Subtitle C—Emerging Technologies

SEC. 5301. MOBILITY THROUGH ADVANCED TECHNOLOGIES.

Section 503(c)(4) of title 23, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "Not later than 6 months after the date of enactment of this paragraph, the" and inserting "The";

(B) by striking "establish an advanced transportation and congestion management technologies deployment" and inserting "establish a mobility through advanced technologies";

(C) by inserting "mobility," before "efficiency,"; and

(D) by inserting "environmental impacts," after "system performance,";

(2) in subparagraph (B)—

(A) by striking clause (i) and inserting the following:

"(i) reduce costs, improve return on investments, and improve person throughput and mobility, including through the optimization of existing transportation capacity;";

(B) in clause (iv) by inserting "bicyclist, and" before "pedestrian";

(C) in clause (vii)—

(i) by inserting "increasing job opportunities," after "performance,"; and

(ii) by striking "; or" and inserting a semicolon;

(D) in clause (viii)—

(i) by striking "accelerate the deployment" and inserting "prepare for the safe deployment"; and

(ii) by striking the period and inserting "; or"; and

(E) by adding at the end the following:

"(ix) reduce greenhouse gas emissions and limit the effects of climate change.";

(3) in subparagraph (C)—

(A) in clause (ii)—

(i) in subclause (II)(aa) by striking "congestion" and inserting "congestion and delays, greenhouse gas emissions";

(ii) in subclause (III) by inserting "economic," after "mobility,"; and

(iii) in subclause (IV) by inserting "organizations representing the surface transportation workforce," after "leaders,"; and

(B) by adding at the end the following:

"(iii) CONSIDERATIONS.—An application submitted under this paragraph may include a description of how the proposed project would support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), or the improvement of transportation system access consistent with section 150(f), including through—

"(I) the congestion and on-road mobile-source emissions performance measures established under section 150(c)(5); or

"(II) the greenhouse gas emissions performance measures established under section 150(c)(7).";

(4) in subparagraph (D) by adding at the end the following:

"(iv) PRIORITIZATION.—In awarding a grant under this paragraph, the Secretary shall prioritize projects that, in accordance with the criteria described in subparagraph (B)—

"(I) improve person throughput and mobility, including through the optimization of existing transportation capacity;

"(II) deliver environmental benefits;

"(III) reduce the number and severity of traffic crashes and increase driver, passenger, bicyclist, and pedestrian safety; or

"(IV) reduce greenhouse gas emissions and limit the effects of climate change.

"(v) GRANT DISTRIBUTION.—In each fiscal year, the Secretary shall award not fewer than 3 grants under this paragraph based on the potential of the project to reduce the number and severity of traffic crashes and increase, driver, passenger, bicyclist, and pedestrian safety.

"(vi) WORKFORCE PARTNERSHIPS.—In awarding a grant under this paragraph, the Secretary shall consider, to the extent practicable, any demonstrated partnership of the applicant with representatives of the surface transportation workforce.";

(5) in subparagraph (E)—

(A) in clause (iv) by inserting "consistent with section 5312 of title 49" after "systems";

(B) in clause (vi)—

(i) by inserting ", vehicle-to-pedestrian," after "vehicle-to-vehicle"; and

(ii) by inserting "systems to improve vulnerable road user safety," before "technologies associated with" ;

(C) in clause (viii) by striking "; or" and inserting a semicolon;

(D) in clause (ix) by striking "disabled individuals." and inserting "disabled individuals, including activities under section 5316 of title 49;"; and

(E) by adding at the end the following:

"(x) measures to safeguard surface transportation system technologies under this subparagraph from cybersecurity threats; or

"(xi) retrofitting dedicated short-range communications technology deployed as part of an existing pilot program to cellular vehicle-to-everything technology.";

(6) by striking subparagraph (G) and inserting the following:

"(G) REPORTING.—

"(i) APPLICABILITY OF LAW.—The program under this paragraph shall be subject to the accountability and oversight requirements in section 106(m).

"(ii) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on a website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has provided benefits, such as how the program has—

"(I) reduced traffic-related fatalities and injuries;

"(II) reduced traffic congestion and improved travel time reliability;

"(III) reduced transportation-related emissions;

"(IV) optimized multimodal system performance;

"(V) improved access to transportation alternatives;

"(VI) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

"(VII) provided cost savings to transportation agencies, businesses, and the traveling public;

"(VIII) created or maintained transportation jobs and supported transportation workers; or

"(IX) provided other benefits to transportation users, workers, and the general public.

"(iii) CONSIDERATIONS.—If applicable, the Secretary shall ensure that the activities described in subclauses (I) and (IV) of clause (ii) reflect—

"(I) any information described in subparagraph (C)(iii) that is included by an applicant; or

"(II) the project prioritization guidelines under subparagraph (D)(iv).";

(7) in subparagraph (I) by striking "FUNDING" and all that follows through "the Secretary may set aside" and inserting the following: "FUNDING.—Of the amounts made available to carry out this paragraph, the Secretary may set aside";

(8) in subparagraph (J) by striking the period at the end and inserting ", except that the Federal share of the cost of a project for which a grant is awarded under this paragraph shall not exceed 80 percent.";

(9) in subparagraph (K) by striking "amount described under subparagraph (I)" and inserting "funds made available to carry out this paragraph";

(10) by striking subparagraph (M) and inserting the following:

"(M) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this paragraph for a fiscal year, the Secretary shall transfer to the technology and innovation deployment program—

"(i) any of the funds made available to carry out this paragraph in a fiscal year that the Secretary has not yet awarded under this paragraph; and

"(ii) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under clause (i).."; and

(11) in subparagraph (N)—

(A) in clause (i) by inserting "an urbanized area with" before "a population of"; and

(B) in clause (iii) by striking "a any" and inserting "any".

SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.

(a) USE OF FUNDS FOR ITS ACTIVITIES.—Section 513(c)(1) of title 23, United States Code, is amended by inserting "greenhouse gas emissions reduction," before "and congestion management".

(b) GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (6) by striking "national freight policy goals" and inserting "national multimodal freight policy goals and activities described in subtitle IX of title 49";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) reduction of greenhouse gas emissions and mitigation of the effects of climate change;".

(c) GENERAL AUTHORITIES AND REQUIREMENTS.—Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "20 members" and inserting "25 members";

(B) in subparagraph (A) by striking "State highway department" and inserting "State department of transportation";

(C) in subparagraph (B) by striking "local highway department" and inserting "local department of transportation";

(D) by striking subparagraphs (E), (F), (G), (H), (I), and (J) and inserting the following:

"(E) a private sector representative of the intelligent transportation systems industry;

"(F) a representative from an advocacy group concerned with safety, including bicycle and pedestrian interests;

"(G) a representative from a labor organization; and";

(E) by redesignating subparagraph (K) as subparagraph (H); and

(F) by striking subparagraph (L);

(2) in paragraph (3)—

(A) in subparagraph (A) by striking "section 508" and inserting "section 6503 of title 49";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by inserting "in both urban and rural areas" after "by users"; and

(II) by striking "; and" and inserting a semicolon;

(ii) in clause (iii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iv) assess how Federal transportation resources, including programs under this title, are being used to advance intelligent transportation systems."; and

(C) by adding at the end the following:

"(C) Convene not less frequently than twice each year, either in person or remotely.";

(3) in paragraph (4) by striking "May 1" and inserting "April 1"; and

(4) in paragraph (5) by inserting ", except that section 14 of such Act shall not apply" before the period at the end.

(d) RESEARCH AND DEVELOPMENT.—Section 516(a) of title 23, United States Code, is amended by inserting "including through grants to entities or groups of entities, such as institutions of higher education," after "research and development,".

(e) RESEARCH AND DEVELOPMENT PRIORITY AREAS.—Section 516(b) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively;

(2) by inserting after paragraph (4) the following:

"(5) demonstrate reductions in greenhouse gas emissions;";

(3) in paragraph (7), as so redesignated, by striking "; or" and inserting a semicolon;

(4) in paragraph (8), as so redesignated, by striking the period and inserting a semicolon; and

(5) by adding at the end the following:

"(9) integrate existing observational networks and data management systems for road weather applications; or

"(10) facilitate the interconnectivity of data and information technology systems across different observational networks and different users.".

SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

"§ 5507. National highly automated vehicle and mobility innovation clearinghouse

"(a) IN GENERAL.—The Secretary shall make a grant to an institution of higher education engaged in research on the secondary impacts of highly automated vehicles and mobility innovation to—

"(1) operate a national highly automated vehicle and mobility innovation clearinghouse;

"(2) collect, conduct, and fund research on the secondary impacts of highly automated vehicles and mobility innovation;

"(3) make such research available on a public website; and

"(4) conduct outreach and dissemination of the information described in this subsection to assist communities.

"(b) DEFINITIONS.—In this section:

"(1) HIGHLY AUTOMATED VEHICLE.—The term 'highly automated vehicle' means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

"(2) MOBILITY INNOVATION.—The term 'mobility innovation' means an activity described in section 5316, including mobility on demand and mobility as a service (as such terms are defined in such section).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(4) SECONDARY IMPACTS.—The term 'secondary impacts' means the impacts on land use, urban design, transportation systems, real estate, accessibility, municipal budgets, social equity, availability and quality of jobs, air quality and climate, energy consumption, and the environment.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5506, as added by this Act, the following:

"5507. National highly automated vehicle and mobility innovation clearinghouse.".

(c) DEADLINE FOR CLEARINGHOUSE.—The Secretary of Transportation shall ensure that the institution of higher education that receives the grant described in section 5507(a)(1) of title 49, United States Code, as added by subsection (a), shall establish the national highly automated vehicle clearinghouse described in such section not later than 180 days after the date of enactment of this Act.

SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTOMATED VEHICLES AND ROAD USERS.

(a) PURPOSE.—The purpose of this section shall be to ensure that the increasing deployment of automated vehicles does not jeopardize the safety of road users.

(b) STUDY.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a study on the ability of automated vehicles to safely interact with other road users.

(2) CONTENTS.—In carrying out the study under paragraph (1), the Secretary shall—

(A) examine the ability of automated vehicles to safely interact with general road users, including vulnerable road users;

(B) identify barriers to improving the safety of interactions between automated vehicles and general road users; and

(C) issue recommendations to improve the safety of interactions between automated vehicles and general road users, including, at a minimum—

(i) technology advancements with the potential to facilitate safer interactions between automated vehicles and general road users given the safety considerations in paragraph (3);

(ii) road user public awareness; and

(iii) improvements to transportation planning and road design.

(3) CONSIDERATIONS.—In carrying out the study under paragraph (1), the Secretary shall take into consideration whether automated vehicles can safely operate within the surface transportation system, including—

(A) the degree to which ordinary human behaviors make it difficult for an automated vehicle to safely, reliably predict human actions;

(B) unique challenges for automated vehicles in urban and rural areas;

(C) the degree to which an automated vehicle is capable of uniformly recognizing and responding to individuals with disabilities and individuals of different sizes, ages, races, and other varying characteristics;

(D) for bicyclist, motorcyclist, and pedestrian road users—

(i) the varying and non-standardized nature of bicyclist and pedestrian infrastructure in different locations;

(ii) the close proximity to motor vehicles within which bicyclists often operate, including riding in unprotected bike lanes and crossing lanes to make a left turn, and the risk of such close proximity; and

(iii) roadways that lack marked bicyclist infrastructure, particularly in midsized and rural areas, on which bicyclists often operate;

(E) for motorcyclist road users, the close proximity to other motor vehicles within which motorcyclists operate, including operating between lanes of slow or stopped traffic; and

(F) depending on the level of automation of the vehicle, the degree to which human intervention remains necessary to safely operate an automated vehicle to ensure the safety of general road users in circumstances including—

(i) dangerous weather;

(ii) an electronic or system malfunction of the automated vehicle; and

(iii) a cybersecurity threat to the operation of the vehicle.

(4) PUBLIC COMMENT.—Before conducting the study under paragraph (1), the Secretary shall provide an opportunity for public comment on the study proposal.

(c) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a working group to assist in the development of the study and recommendations under subsection (b).

(2) MEMBERSHIP.—The working group established under paragraph (1) shall include representation from—

(A) the National Highway Traffic Safety Administration;

(B) State departments of transportation;

(C) local governments (other than metropolitan planning organizations, as such term is defined in section 134(b) of title 23, United States Code);

(D) transit agencies;

(E) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(F) bicycle and pedestrian safety groups;

(G) highway and automobile safety groups;

(H) truck safety groups;

(I) law enforcement officers and first responders;

(J) motor carriers and independent owner-operators;

(K) the road construction industry;

(L) labor organizations;

(M) academic experts on automated vehicle technologies;

(N) manufacturers and developers of both passenger and commercial automated vehicles;

(O) a motorcyclist rights group; and

(P) other industries and entities as the Secretary determines appropriate.

(3) DUTIES.—The working group established under paragraph (1) shall assist the Secretary by, at a minimum—

(A) assisting in the development of the scope of the study under subsection (b);

(B) reviewing the data and analysis from such study;

(C) provide ongoing recommendations and feedback to ensure that such study reflects the contents described in paragraphs (2) and (3) of subsection (b); and

(D) providing input to the Secretary on recommendations required under subsection (b)(2)(C).

(4) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The working group under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), except that section 14 of such Act shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, the study initiated under subsection (b), including recommendations for ensuring that automated vehicles safely interact with general road users.

(e) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term "automated vehicle" means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) GENERAL ROAD USERS.—The term "general road users" means—

(A) motor vehicles driven by individuals;

(B) bicyclists and pedestrians;

(C) motorcyclists;

(D) workers in roadside construction zones;

(E) emergency response vehicles, including first responders;

(F) vehicles providing local government services, including street sweepers and waste collection vehicles;

(G) law enforcement officers;

(H) personnel who manually direct traffic, including crossing guards;

(I) users of shared micromobility (including bikesharing and shared scooter systems); and

(J) other road users that may interact with automated vehicles, as determined by the Secretary of Transportation.

(3) VULNERABLE ROAD USER.—The term "vulnerable road user" has the meaning given such term in section 148(a) of title 23, United States Code.

SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPORTATION TECHNOLOGY COUNCIL.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 118. Nontraditional and Emerging Transportation Technology Council

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Nontraditional and Emerging Transportation Technology Council (hereinafter referred to as the 'Council') in accordance with this section.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of the following officers of the Department of Transportation:

"(A) The Secretary of Transportation.

"(B) The Deputy Secretary of Transportation.

"(C) The Under Secretary of Transportation for Policy.

"(D) The General Counsel of the Department of Transportation.

"(E) The Chief Information Officer of the Department of Transportation.

"(F) The Assistant Secretary for Research and Technology.

"(G) The Assistant Secretary for Budget and Programs.

"(H) The Administrator of the Federal Aviation Administration.

"(I) The Administrator of the Federal Highway Administration.

"(J) The Administrator of the Federal Motor Carrier Safety Administration.

"(K) The Administrator of the Federal Railroad Administration.

"(L) The Administrator of the Federal Transit Administration.

"(M) The Administrator of the Federal Maritime Administration.

"(N) The Administrator of the National Highway Traffic Safety Administration.

"(O) The Administrator of the Pipeline and Hazardous Materials Safety Administration.

"(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members of the Department to serve as at-large members of the Council.

"(3) CHAIR AND VICE CHAIR.—The Secretary may designate officials to serve as the Chair and Vice Chair of the Council and of any working groups of the Council.

"(c) DUTIES.—The Council shall—

"(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department to eliminate, so far as practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to safety regulation and oversight, environmental review, and funding issues;

"(2) coordinate the Department's internal oversight of nontraditional and emerging transportation technologies, modes, or projects and engagement with external stakeholders;

"(3) within applicable statutory authority other than this paragraph, develop and establish department-wide processes, solutions, and best practices for identifying, managing and resolving issues regarding emerging transportation technologies, modes, or projects pending or brought before the Department; and

"(4) carry out such additional duties as the Secretary may prescribe, to the extent consistent with this title, including subsections (f)(2) and (g) of section 106.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"118. Nontraditional and Emerging Transportation Technology Council.".

SEC. 5306. SURFACE TRANSPORTATION WORKFORCE RETRAINING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible entities to develop a curriculum for, and establish, transportation workforce training programs in urban and rural areas to train, retrain, or upgrade the skills of surface transportation workers—

(1) whose employment may be changed or worsened by automation;

(2) who have been separated from employment; or

(3) who have received notice of impending employment loss as a result of being replaced by the use of automated vehicles.

(b) ELIGIBLE ENTITIES.—The following entities shall be eligible to receive grants under this section:

(1) Institutions of higher education.

(2) Consortia of institutions of higher education.

(3) Nonprofit organizations with a demonstrated capacity to develop and provide career pathway programs through labor-management partnerships, pre-apprenticeships, or registered apprenticeships on a nationwide basis.

(4) Local governments.

(c) LIMITATION ON AWARDS.—An entity may only receive one grant in a fiscal year under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A recipient of a grant under this section may only use grant amounts for developing and carrying out training programs, including—

(A) identifying and testing new duties for existing jobs impacted by the use of automated vehicles, including mechanical work, diagnostic work, and fleet operations management;

(B) educational programs, including—

(i) coursework or curricula through which participants may pursue a degree or certification; and

(ii) tuition and direct education expenses, excluding salaries, in connection with the education and training of surface transportation workers whose jobs have been affected by the use of automated vehicles; and

(C) employee professional development, including worker training or retraining, including train-the-trainer programs, to upgrade the skills of surface transportation workers whose jobs have been affected by the use of automated vehicles.

(2) REPORTING.—A recipient of a grant under this section shall report to the Secretary the following information:

(A) The sectors of the surface transportation system from which workers are being displaced.

(B) The skills and professions for which workers are being retrained.

(C) How many workers have benefitted from a grant awarded under this section.

(D) Relevant demographic information of impacted workers.

(3) LIMITATION.—Funds made available under this section may not be used to evaluate the effectiveness of automated vehicle technologies.

(e) SELECTION CRITERIA.—In selecting grant recipients under this section, the Secretary shall consider the extent to which an applicant—

(1) demonstrates the capability to develop curricula and provide training, provide retraining, or upgrade the skills of individuals described in subsection (a);

(2) will provide program participants with practical experience and on-the-job training; and

(3) demonstrates a commitment to carry out a surface transportation workforce development program through degree-granting programs or programs that provide other industry-recognized credentials.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a grant under this section shall be 100 percent.

(2) AVAILABILITY OF FUNDS.—For a recipient of a grant under this section carrying out activities under such grant in partnership with a public transportation agency that is receiving funds under section 5307, 5337, or 5339 of title 49, United States Code, up to 0.5 percent of amounts made available under any such section may qualify as the non-Federal share under paragraph (1).

(g) REPORT REQUIREMENTS.—Not later than 60 days after grants are awarded in a fiscal year under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, and Environment and Public Works of the Senate, and make publicly available, a report that includes—

(1) a list of all grant recipients for such fiscal year;

(2) an explanation of why each recipient was chosen in accordance with the selection criteria under subsection (e);

(3) a summary of activities planned to be carried out by each recipient and how such activities relate to the goals established under subsection (a);

(4) the grant amount awarded to each recipient; and

(5) the information required to be provided to the Secretary under subsection (d)(2).

(h) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term "automated vehicle" means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) PUBLIC TRANSPORTATION.—The term "public transportation" has the meaning given such term in section 5302 of title 49, United States Code.

(4) PRE-APPRENTICESHIP.—The term "pre-apprenticeship" means a training model or program that prepares individuals for acceptance into a registered apprenticeship and has a demonstrated partnership with one or more registered apprenticeships.

(5) REGISTERED APPRENTICESHIP.—The term "registered apprenticeship" means an apprenticeship program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act"), that satisfies the requirements of parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2023 through 2026 to carry out this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

SEC. 5307. THIRD-PARTY DATA INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the "program") to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third parties to implement integrated traffic management systems which leverage real-time data to provide dynamic and efficient traffic-flow management for purposes of—

(1) adjusting traffic light cycle times to optimize traffic management and decrease congestion;

(2) expanding or contracting lane capacity to meet traffic demand;

(3) enhancing traveler notification of service conditions;

(4) prioritizing high-priority vehicles such as emergency response and law enforcement within the transportation system; and

(5) any other purposes which the Secretary deems an appropriate use of anonymous user data.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b);

(3) policy recommendations to improve integration of systems between public and private entities; and

(4) a description of costs associated with equipping and maintaining systems.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5308. THIRD-PARTY DATA PLANNING INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the "program") to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third parties to—

(1) utilize private-user data to inform infrastructure planning decisions for the purposes of—

(A) reducing congestion;

(B) decreasing miles traveled;

(C) increasing safety;

(D) improving freight efficiency;

(E) enhancing environmental conditions; and

(F) other purposes as the Secretary deems necessary.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b); and

(3) policy recommendations to improve the implementation of anonymous crowdsourced data into planning decisions.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5309. AUTOMATED COMMERCIAL VEHICLE REPORTING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a repository for submitting entities to submit information to the Secretary on operations of automated commercial motor vehicles in interstate commerce.

(b) PURPOSES.—The purpose of this section shall be to ensure automated commercial motor vehicle safety and transparency in developing and maintaining the repository under this section.

(c) INFORMATION REQUIRED.—

(1) SUBMISSIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a process for submitting entities operating automated commercial motor vehicles in interstate commerce to provide the following information in accordance with paragraph (2):

(A) The name of the submitting entity responsible for the operation of an automated commercial motor vehicle or vehicles.

(B) The make, model, and weight class of such vehicle or vehicles.

(C) The intended level of automation of such vehicle or vehicles, according to the taxonomy described in subsection (f)(1).

(D) The Department of Transportation number or operating authority assigned to the submitting entity described in subparagraph (A), if applicable.

(E) A list of States in which the operation of such vehicle or vehicles will occur and a list of Federal-aid highways (as defined in section 101(a) of title 23, United States Code) on which the operation will occur, as well as total miles traveled in the previous year on a biannual basis.

(F) Any cargo classifications or passengers to be transported in such vehicle or vehicles, including whether the submitting entity is transporting such cargo or passengers under contract with another entity.

(G) Documentation of training or certifications provided to any drivers, or other individuals directly involved in the performance of the dynamic driving task or fallback during operation of the vehicle, if any.

(H) Any fatigue management plans or work hour limitations applicable to drivers, if any, consistent with such standards of the Department regarding automated commercial motor vehicle drivers.

(I) Law enforcement interaction plans for automated commercial motor vehicles submitted to State transportation agencies or State and local law enforcement agencies.

(J) Proof of insurance coverage.

(2) SUBMISSION AND UPDATES.—

(A) IN GENERAL.—A submitting entity responsible for the operation of an automated commercial motor vehicle shall provide the information required under this subsection not later than 60 days after the Secretary has published the notice establishing the process described in paragraph (1).

(B) MATERIAL CHANGE OF INFORMATION.—The submitting entity responsible for the operation of an automated commercial motor vehicle shall notify the Secretary of any material changes to the information previously provided pursuant to this subsection on an annual basis, or on a more frequent basis specified by the Secretary.

(C) AMENDMENT AND CORRECTION.—If a submitting entity responsible for the operation of an automated commercial motor vehicle submits incomplete or inaccurate information pursuant to subsection (c), the submitting entity shall be given an opportunity to amend or correct the submission within a reasonable timeframe to be established by the Secretary.

(d) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available on a publicly accessible website of the Department of Transportation the following information on automated commercial motor vehicles:

(A) The prevalence of planned operations of such vehicles.

(B) The characteristics of such operations.

(C) The geographic location of such operations in a safe manner that reflects only the most significant public road or roads on which the majority of the route takes place, as determined appropriate by the Secretary.

(2) PROTECTION OF INFORMATION.—Any data collected under subsection (c) and made publicly available pursuant to this subsection shall be made available in a manner that—

(A) precludes the connection of the data to any individual motor carrier, shipper, company, vehicle manufacturer, or other submitting entity submitting data;

(B) protects the safety, privacy, and confidentiality of individuals, operators, and submitting entities submitting the data; and

(C) protects from disclosing—

(i) trade secrets; and

(ii) information obtained from a submitting entity that is commercial or financial and privileged or confidential, in accordance with section 552(b)(4) of title 5, United States Code.

(e) CRASH DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require submitting entities to submit information regarding collisions which occur during the operation of an automated commercial motor vehicle on public roads while the vehicle's automated driving system is engaged, including—

(A) fatalities or bodily injury to persons who, as a result of the injury, immediately receive medical treatment away from the scene of a collision involving the automated commercial motor vehicle;

(B) collisions or damage to property involving an automated commercial motor vehicle that results in an automated commercial motor vehicle or a motor vehicle being transported away from the scene by a tow truck or other motor vehicle;

(C) a full description of how the collision or damage to property occurred, including, if applicable, the role of the automated driving system; and

(D) the mode of transportation used by any road users involved in the collision, including general road users, as such term is defined under section 5304 of this Act.

(2) DATA AVAILABILITY.—The Secretary shall ensure that any submitting entity submitting information under this subsection that has a Department of Transportation number or operating authority from the Federal Motor Carrier Safety Administration—

(A) shall be subject to safety monitoring and oversight under the Compliance, Safety, and Accountability program of the Federal Motor Carrier Safety Administration; and

(B) shall be included when the Secretary restores the public availability of relevant safety data under such program under section 4202(b) of this Act.

(3) RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to define the term "safety incident", including collisions, with respect to automated commercial motor vehicle safety.

(B) UPDATE.—Notwithstanding paragraph (1), the Secretary shall carry out this subsection to require submitting entities to submit information regarding safety incidents instead of collisions upon issuing a final rule under subparagraph (A).

(C) VOLUNTARY REPORTING.—

(i) IN GENERAL.—To support the rulemaking under this paragraph, the Secretary shall establish a mechanism through which entities may voluntarily report safety data or other information regarding automated commercial motor vehicles.

(ii) USE OF DATA.—The data collected under this subparagraph may only be used to support the rulemaking under this paragraph.

(iii) PROTECTION FROM DISCLOSURE.—Data or other information submitted under this subparagraph—

(I) shall not be made publicly available; and

(II) shall not be disclosed to the public by the Secretary pursuant to section 552(b)(4) of title 5, United States Code, if the data or other information is submitted to the Secretary voluntarily and is not required to be submitted to the Secretary under any other provision of law.

(f) DEFINITIONS.—In this section:

(1) AUTOMATED COMMERCIAL MOTOR VEHICLE.—The term "Automated commercial motor vehicle" means a commercial motor vehicle (as such term is defined in section 31132 of title 49, United States Code) that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended taxonomy published in April 2021, by the Society of Automotive Engineers International (J3016_202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) BROKER.—The term "broker" has the meaning given such term under section 13102 of title 49, United States Code.

(3) EMPLOYER.—The term "employer" has the meaning given such term under section 31132 of title 49, United States Code.

(4) FREIGHT FORWARDER.—The term "freight forwarder" has the meaning given such term in section 13102 of title 49, United States Code.

(5) MOTOR CARRIER.—The term "motor carrier" has the meaning given such term in section 13102 of title 49, United States Code.

(6) SUBMITTING ENTITY.—The term "submitting entity" means either—

(A) a motor carrier; or

(B) a company that is carrying out motor carrier-related operations in interstate commerce on public roads or an employer thereof, such as a motor carrier, freight forwarder, or broker.

(7) TRUCK PLATOONING.—The term "truck platooning" means a series of commercial motor vehicles traveling in a unified manner with electronically coordinated braking, acceleration, and steering with a driver in the lead commercial motor vehicle.

(g) DUPLICATIVE REPORTING.—

(1) IN GENERAL.—The Secretary may not require duplicative reporting.

(2) JOINT SUBMISSIONS.—Submitting entities working in partnership on the same automated commercial motor vehicle operational trips shall make 1 submission of the information required under this section for each general route, as determined appropriate by the Secretary.

(3) INFORMATION.—In developing the reporting process required under subsection (c), the Secretary shall ensure, to the extent practicable, that submitting entities are not required to submit information previously reported to the Secretary under chapters 139 or 311 of title 49, United States Code.

(h) SAVINGS PROVISION.—Nothing in this section shall add to or detract from any existing—

(1) enforcement authority of the Department of Transportation; or

(2) authority to operate automated commercial motor vehicles in interstate commerce on public roads.

(i) PENALTIES.—An entity that violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(B), of title 49, United States Code, and criminal penalties under section 521(b)(6)(A) of such title, and any other applicable civil and criminal penalties, as determined by the Secretary.

(j) TREATMENT.—In carrying out this section, the Secretary shall treat truck platooning operations the same as automated commercial motor vehicles.

SEC. 5310. TASK FORCE TO PROMOTE AMERICAN VEHICLE COMPETITIVENESS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 66—DOMESTIC PRODUCTION OF ELECTRIC VEHICLES

"Sec.
"6601. Task force.
"6602. Critical mineral sourcing.

"§ 6601. Task force

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Task Force to Promote American Vehicle Competitiveness (hereinafter referred to as the 'Task Force') in accordance with this section.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall be composed of the following officers:

"(A) The Secretary of Transportation.

"(B) The Secretary of the Interior.

"(C) The Secretary of Commerce.

"(D) The Secretary of Energy.

"(E) The Administrator of the Environmental Protection Agency.

"(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members to serve on the Task Force.

"(3) OFFICERS.—The Secretary of Transportation shall serve as Chair and may designate officials to serve as the Vice Chair, and on any working groups of the task force.

"(c) DUTIES.—The Task Force shall—

"(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with domestic sourcing and production of electric vehicle batteries to eliminate, so far as practicable, impediments to the prompt and safe deployment of domestically produced electric vehicle batteries, including with respect to safety regulation and oversight, environmental review, and funding issues;

"(2) coordinate agency oversight of nontraditional and emerging electric vehicle battery sourcing and production technologies, projects, and engagement with external stakeholders;

"(3) within applicable statutory authority other than this subsection, develop, recommend, and establish processes, solutions, and best practices for identifying, managing, and resolving issues regarding domestic sourcing and production of electric vehicle batteries; and

"(4) carry out such additional duties as the Secretary of Transportation may prescribe, to the extend consistent with this title.

"(d) REPORT.—Not later than 12 months after the date of enactment of this section, and annually thereafter, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report containing findings on electric vehicle battery sourcing and production issues in the United States, recommended strategies or measures to streamline sourcing and production and promote American competitiveness, and any recommended legislative solutions.

"§ 6602. Critical mineral sourcing

"(a) IN GENERAL.—The Secretary of Transportation, in conjunction with the Task Force to Promote American Vehicle Competitiveness, shall coordinate with the appropriate agencies to increase domestic sourcing of critical minerals and domestic production of electric vehicle batteries.

"(b) DEPARTMENT COORDINATION.—The Department of Transportation shall coordinate with the Task Force and prioritize accordingly when making awards under section 5339(c) and sections 151 and 155 of title 23.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by adding at the end the following new item:

"66. Domestic Production of Electric Vehicles ..... 6601".

Subtitle D—Surface Transportation Funding Pilot Programs

SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.

Section 6020 of the FAST Act (23 U.S.C. 503 note) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ELIGIBILITY.—

"(1) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(2) ELIGIBLE PROJECTS.—The Secretary may provide grants to States or a group of States under this section for the following projects:

"(A) STATE PILOT PROJECTS.—

"(i) IN GENERAL.—A pilot project to demonstrate a user-based alternative revenue mechanism in a State.

"(ii) LIMITATION.—If an applicant has previously been awarded a grant under this section, such applicant's proposed pilot project must be comprised of core activities or iterations not substantially similar in manner or scope to activities previously carried out by the applicant with a grant for a project under this section.

"(B) STATE IMPLEMENTATION PROJECTS.—A project—

"(i) to implement a user-based alternative revenue mechanism that collects revenue to be expended on projects for the surface transportation system of the State; or

"(ii) that demonstrates progress towards implementation of a user-based alternative revenue mechanism, with consideration for previous grants awarded to the applicant under this section.";

(2) in subsection (c)—

(A) in paragraph (1) by striking "2 or more future"; and

(B) by adding at the end the following:

"(6) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.";

(3) in subsection (d) by striking "to test the design, acceptance, and implementation of a user-based alternative revenue mechanism" and inserting "to test the design and acceptance of, or implement, a user-based alternative revenue mechanism";

(4) in subsection (g) by striking "50 percent" and inserting "80 percent";

(5) in subsection (i) by inserting "and containing a determination of the characteristics of the most successful mechanisms with the highest potential for future widespread deployment" before the period at the end; and

(6) by striking subsections (j) and (k) and inserting the following:

"(j) FUNDING.—Of amounts made available to carry out this section—

"(1) for fiscal year 2023, $17,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $17,500,000 shall be used to carry out projects under subsection (b)(2)(B);

"(2) for fiscal year 2024, $15,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $20,000,000 shall be used to carry out projects under subsection (b)(2)(B);

"(3) for fiscal year 2025, $12,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $22,500,000 shall be used to carry out projects under subsection (b)(2)(B); and

"(4) for fiscal year 2026, $10,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $25,000,000 shall be used to carry out projects under subsection (b)(2)(B).

"(k) FUNDING FLEXIBILITY.—Funds made available in a fiscal year for making grants for projects under subsection (b)(2) that are not obligated in such fiscal year may be made available in the following fiscal year for projects under such subsection or for the national surface transportation system funding pilot under section 5402 of the INVEST in America Act.".

SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

(2) OBJECTIVES.—The objectives of the pilot program are to—

(A) test the design, acceptance, implementation, and financial sustainability of a national per-mile user fee;

(B) address the need for additional revenue for surface transportation infrastructure and a national per-mile user fee; and

(C) provide recommendations regarding adoption and implementation of a national per-mile user fee.

(b) PARAMETERS.—In carrying out the pilot program established under subsection (a), the Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) provide different methods that volunteer participants can choose from to track motor vehicle miles traveled;

(2) solicit volunteer participants from all 50 States and the District of Columbia;

(3) ensure an equitable geographic distribution by population among volunteer participants;

(4) include commercial vehicles and passenger motor vehicles in the pilot program; and

(5) use components of, and information from, the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(c) METHODS.—

(1) TOOLS.—In selecting the methods described in subsection (b)(1), the Secretary of Transportation shall coordinate with entities that voluntarily provide to the Secretary for use in the program any vehicle-miles-traveled collection tools, which may include the following:

(A) Third-party on-board diagnostic (OBD–II) devices.

(B) Smart phone applications.

(C) Telemetric data collected by automakers.

(D) Motor vehicle data obtained by car insurance companies.

(E) Data from the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(F) Motor vehicle data obtained from fueling stations, electric vehicle charging infrastructure, or alternative fueling infrastructure.

(G) Any other method that the Secretary considers appropriate.

(2) COORDINATION.—

(A) SELECTION.—The Secretary shall determine which methods under paragraph (1) are selected for the pilot program.

(B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers appropriate, the Secretary shall provide each selected method to each volunteer participant.

(d) PER-MILE USER FEES.—For the purposes of the pilot program established in subsection (a), the Secretary of the Treasury shall establish on an annual basis—

(1) for passenger vehicles and light trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of the Internal Revenue Code of 1986 with respect to gasoline or any other fuel used in a motor vehicle (other than aviation gasoline or diesel fuel), divided by

(B) the total vehicle miles traveled by passenger vehicles and light trucks; and

(2) for medium- and heavy-duty trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of such Code with respect to diesel fuel, divided by

(B) the total vehicle miles traveled by medium- and heavy-duty trucks.

Taxes shall only be taken into account under the preceding sentence to the extent taken into account in determining appropriations to the Highway Trust Fund under section 9503(b) of such Code, and the amount so determined shall be reduced to account for transfers from such fund under paragraphs (3), (4), and (5) of section 9503(c) of such Code.

(e) VOLUNTEER PARTICIPANTS.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) ensure, to the extent practicable, that an appropriate number of volunteer participants participate in the pilot program; and

(2) issue policies to—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(f) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish an advisory board to advise the Secretary on—

(A) advancing and implementing the pilot program under this section;

(B) carrying out the public awareness campaign under subsection (g); and

(C) developing the report under subsection (m).

(2) MEMBERS.—The advisory board shall, at a minimum, include the following entities, to be appointed by the Secretary—

(A) State departments of transportation;

(B) any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act);

(C) representatives of the trucking industry, including owner-operator independent drivers;

(D) data security experts with expertise in personal privacy;

(E) academic experts on surface transportation;

(F) consumer advocates; and

(G) advocacy groups focused on equity.

(g) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Transportation, with guidance from the advisory board under subsection (f), may carry out a public awareness campaign to increase public awareness regarding a national per-mile user fee, including distributing information related to the pilot program carried out under this section, information from the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note), and information related to consumer privacy.

(2) CONSIDERATIONS.—In carrying out the public awareness campaign under this subsection, the Secretary shall consider issues unique to each State.

(h) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall establish a mechanism to collect per-mile user fees established under subsection (d) from volunteer participants. Such mechanism—

(1) may be adjusted as needed to address technical challenges; and

(2) may allow third-party vendors to collect the per-mile user fees and forward such fees to the Treasury.

(i) AGREEMENT.—The Secretary of Transportation may enter into an agreement with a volunteer participant or an owner of data or technologies, as describe under paragraph (c)(1) containing such terms and conditions as the Secretary considers necessary for participation in the pilot program.

(j) LIMITATION.—Any revenue collected through the mechanism established in subsection (h) shall not be considered a toll under section 301 of title 23, United States Code.

(k) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (h) is deposited into the Highway Trust Fund.

(l) REFUND.—Not more than 45 days after the end of each calendar quarter in which a volunteer participant has participated in the pilot program, the Secretary of the Treasury shall calculate and issue an equivalent refund to volunteer participants for applicable Federal motor fuel taxes under section 4041 and section 4081 of the Internal Revenue Code of 1986, the applicable battery tax under section 4111 of such Code, or both, if applicable.

(m) REPORT TO CONGRESS.—Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary of Transportation and the Secretary of the Treasury shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes an analysis of—

(1) whether the objectives described in subsection (a)(2) were achieved;

(2) how volunteer protections in subsection (e)(2) were complied with;

(3) whether per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system;

(4) how the personal privacy of volunteers was maintained; and

(5) equity effects of the pilot program, including the effects of the program on low-income commuters.

(n) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(o) SUNSET.—The pilot program established under this section shall expire on the date that is 4 years after the date on which volunteer participants begin participating in such program.

(p) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL VEHICLE.—The term "commercial vehicle" has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

(2) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986.

(3) LIGHT TRUCK.—The term "light truck" has the meaning given the term in section 523.2 of title 49, Code of Federal Regulations.

(4) MEDIUM- AND HEAVY-DUTY TRUCK.—The term "medium- and heavy-duty truck" has the meaning given the term "commercial medium- and heavy-duty on-highway vehicle" in section 32901(a) of title 49, United States Code.

(5) PER-MILE USER FEE.—The term "per-mile user fee" means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(6) VOLUNTEER PARTICIPANT.—The term "volunteer participant" means—

(A) an owner or lessee of an individual private motor vehicle who volunteers to participate in the pilot program;

(B) a commercial vehicle operator who volunteers to participate in the pilot program; or

(C) an owner of a motor vehicle fleet who volunteers to participate in the pilot program.

Subtitle E—Miscellaneous

SEC. 5501. ERGONOMIC SEATING WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group to examine the seating standards for commercial drivers.

(2) MEMBERS.—At a minimum, the working group shall include—

(A) seat manufacturers;

(B) commercial vehicle manufacturers;

(C) transit vehicle manufacturers;

(D) labor representatives for the trucking industry;

(E) representatives from organizations engaged in collective bargaining on behalf of transit workers in not fewer than three States; and

(F) musculoskeletal health experts.

(b) OBJECTIVES.—The Secretary shall pursue the following objectives through the working group:

(1) To identify health issues, including musculoskeletal health issues, that afflict commercial drivers due to sitting for long periods of time while on duty.

(2) To identify the impact that commercial vehicle sizing, design, and safety measures have on women in comparison to men, and to identify designs that may improve the health and safety of women drivers.

(3) To identify research topics for further development and best practices to improve seating.

(4) To determine ways to incorporate improved seating into manufacturing standards for public transit vehicles and commercial vehicles.

(c) REPORT.—

(1) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the 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.

(2) SECTION 6307.—Section 6307(b) of title 49, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking "or section 6314(b)";

(ii) in subparagraph (B) by striking "or section 6314(b)"; and

(iii) in subparagraph (C) by striking "or section 6314(b)"; and

(B) in paragraph (2)(A) by striking "or section 6314(b)".

SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

"§ 5508. Transportation workforce outreach program

"(a) IN GENERAL.—The Secretary shall establish and administer a transportation workforce outreach program that carries out a series of public service announcement campaigns during fiscal years 2023 through 2026.

"(b) PURPOSE.—The purpose of each campaign carried out under the program shall be to achieve the following objectives:

"(1) Increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, maritime transportation workers, air traffic controllers, flight attendants, truck drivers, engineers, transit workers, railroad workers, and other transportation professionals.

"(2) Increase diversity, including race, gender, ethnicity, and socioeconomic status, of professionals in the transportation sector.

"(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out the program for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out campaigns under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each fiscal years 2023 through 2026.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of subchapter I of title 49, United States Code, is further amended by inserting after the item relating to section 5507, as added by this Act, the following:

"5508. Transportation workforce outreach program.".

SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

Section 6305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "The Director" and all that follows to the period and inserting "Notwithstanding section 418 of the FAA Reauthorization Act of 2018 (Public Law 115–254), not later than 6 months after the date of enactment of the INVEST in America Act, the Director shall establish and consult with an advisory council on transportation statistics."; and

(2) by striking subsection (d)(3).

SEC. 5505. GAO REVIEW OF DISCRETIONARY GRANT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate a review of the extent to which the Secretary is considering the needs of and awarding funding through covered discretionary grant programs to projects that serve—

(1) low-income communities;

(2) minority communities; and

(3) populations that are underserved or have limited transportation choices.

(b) RECOMMENDATIONS.—The Comptroller General shall include as part of the review under subsection (a) recommendations to the Secretary on possible means to improve consideration of projects that serve the unique needs of communities described in subsection (a)(1).

(c) DEFINITION OF COVERED DISCRETIONARY GRANT PROGRAM.—For purposes of this section, the term "covered discretionary grant programs" means the Projects of National and Regional Significance program under section 117 of title 23, the Community Transportation Investment Grant program under section 173 of such title, and the Community Climate Innovation Grant program under section 172 of such title.

TITLE VI—MULTIMODAL TRANSPORTATION

SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.

Section 70101(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting "in rural and urban areas" after "freight transportation";

(2) in paragraph (7)—

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

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) travel within population centers; and";

(3) in paragraph (9) by striking "; and" and inserting the following: "including—

"(A) greenhouse gas emissions;

"(B) local air pollution;

"(C) minimizing, capturing, or treating stormwater runoff or other adverse impacts to water quality; and

"(D) wildlife habitat loss;";

(4) by redesignating paragraph (10) as paragraph (11); and

(5) by inserting after paragraph (9) the following:

"(10) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and".

SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.

Section 70102(c) of title 49, United States Code, is amended by striking "shall" and all that follows through the end and inserting the following: "shall—

"(1) update the plan and publish the updated plan on the public website of the Department of Transportation; and

"(2) include in the update described in paragraph (1)—

"(A) each item described in subsection (b); and

"(B) best practices to reduce the adverse environmental impacts of freight-related—

"(i) greenhouse gas emissions;

"(ii) local air pollution;

"(iii) stormwater runoff or other adverse impacts to water quality; and

"(iv) wildlife habitat loss.".

SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Section 70103 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C) by striking "of the United States that have" and inserting the following: "of the United States that—

"(i) have a total annual value of cargo of at least $1,000,000,000, as identified by United States Customs and Border Protection and reported by the Bureau of the Census; or

"(ii) have"; and

(2) in subsection (c)—

(A) in paragraph (1) by striking "Not later than 1 year after the date of enactment of this section," and inserting the following:

"(A) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing a plan to designate a final National Multimodal Freight Network, including a detailed summary of the resources within the Office of the Secretary that will be dedicated to carrying out such plan.

"(B) DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 60 days after the submission of the report described in subparagraph (A),";

(B) in paragraph (3)(C)—

(i) by inserting "and metropolitan planning organizations" after "States"; and

(ii) by striking "paragraph (4)" and inserting "paragraphs (4) and (5)";

(C) in paragraph (4)—

(i) in the header by inserting "AND METROPOLITAN PLANNING ORGANIZATION" after "STATE";

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by striking subparagraph (C) and inserting the following:

"(C) CRITICAL URBAN FREIGHT FACILITIES AND CORRIDORS.—

"(i) AREA WITH A POPULATION OF OVER 500,000.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a freight facility or corridor within the borders of the State as a critical urban freight facility or corridor.

"(ii) AREA WITH A POPULATION OF LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a freight 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;

"(V) provides access to a significant air, rail, water, or other freight facility in the State; or

"(VI) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

"(D) LIMITATION.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is—

"(i) for a highway project, not more than 20 percent of the total mileage designated by the Under Secretary in the State; and

"(ii) for a non-highway project, using a limitation determined by the Under Secretary."; and

(D) by adding at the end the following:

"(5) REQUIRED NETWORK COMPONENTS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall ensure that the National Multimodal Freight Network includes the components described in subsection (b)(2).".

SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.

Section 70201(a) of title 49, United States Code, is amended by striking "and local governments" and inserting "local governments, metropolitan planning organizations, and the departments with responsibility for environmental protection and air quality of the State".

SEC. 6005. STATE FREIGHT PLANS.

Section 70202(b) of title 49, United States Code, is amended—

(1) in paragraph (3)(A) by inserting "and urban" after "rural";

(2) in paragraph (9) by striking "; and" and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (12); and

(4) by inserting after paragraph (9) the following:

"(10) strategies and goals to decrease freight-related—

"(A) greenhouse gas emissions;

"(B) local air pollution;

"(C) stormwater runoff or other adverse impacts to water quality; and

"(D) wildlife habitat loss;

"(11) strategies and goals to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and".

SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Treasury and the Commissioner of the Internal Revenue Service, shall establish a joint task force to study the establishment and administration of a fee on multimodal freight surface transportation services.

(b) CONTENTS.—The study required under subsection (a) shall include the following:

(1) An estimation of the revenue that a fee of up to 1 percent on freight transportation services would raise.

(2) An identification of the entities that would be subject to such a fee paid by the owners or suppliers of cargo.

(3) An analysis of the administrative capacity of Federal agencies and freight industry participants to collect such a fee and ensure compliance with fee requirements.

(4) Policy options to prevent avoidance of such a fee, including diversion of freight services to foreign countries.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives and the Committee on Environment and Public Works and the Committee on Finance of the Senate the study required under subsection (a).

SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

Section 116 of title 49, United States Code, is amended—

(1) in subsection (b) by striking paragraph (1) and inserting the following:

"(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1), including by—

"(A) conducting proactive outreach to communities located outside of metropolitan or micropolitan statistical areas (as such areas are defined by the Office of Management and Budget) using data from the most recent decennial Census; and

"(B) coordinating with the Office of Rural Development of the Department of Agriculture, the Office of Community Revitalization of the Environmental Protection Agency, and any other agencies that provide technical assistance for rural communities, as determined by the Executive Director;";

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following:

"(j) ANNUAL PROGRESS REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

"(1) the use of funds authorized under section 605(f) of title 23; and

"(2) the progress of the Bureau in carrying out the purposes described in subsection (b).".

SEC. 6008. TRANSPORTATION EQUITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish an advisory committee, to be known as the Transportation Equity Committee (referred to in this section as the "Committee"), regarding comprehensive and interdisciplinary issues related to transportation equity from a variety of stakeholders in transportation planning, design, research, policy, and advocacy.

(2) PURPOSE OF THE ADVISORY COMMITTEE.—The Committee established under paragraph (1) shall provide independent advice and recommendations to the Secretary on transportation equity, including developing a strategic plan with recommendations to the Secretary on national transportation metrics and the effect on such factors as economic development, connectivity, and public engagement.

(b) DUTIES.—The Committee shall evaluate the work of the Department of Transportation in connecting people to economic and related forms of opportunity and revitalize communities in carrying out its strategic, research, technological, regulatory, community engagement, and economic policy activities related to transportation and opportunity. Decisions directly affecting implementation of transportation policy remain with the Secretary.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall appoint an odd number of members of not less than 9 but not more than 15 members (with a quorum consisting of a majority of members rounded up to the nearest odd number), to include balanced representation from academia, community groups, industry and business, non-governmental organizations, State and local governments, federally recognized Tribal Governments, advocacy organizations, and indigenous groups with varying points of view.

(2) BROAD REPRESENTATION.—To the extent practicable, members of the Committee shall reflect a variety of backgrounds and experiences, geographic diversity, including urban, rural, tribal, territories, and underserved and marginalized communities throughout the country, and individuals with expertise in related areas such as housing, health care, and the environment.

(3) REPLACEMENT FOR NON-ACTIVE MEMBERS .—The Secretary may remove a non-active member who misses 3 consecutive meetings and appoint a replacement to service for the period of time set forth in paragraph (5).

(4) MEETINGS.—The Committee shall meet not less than 2 times each year with not more than 9 months between meetings at a reasonable time, in a place accessible to the public, and in a room large enough to accommodate the Committee members, staff, and reasonable number of interested members of the public. The room in which the Committee meets shall be large enough to accommodate at least 100 and shall be compliant with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(5) TERM.—Each member of the Committee shall serve a 2-year term with not more than 2 consecutive term reappointments, but may continue service until a replacement is appointed.

(6) SUPPORT.—The Office of the Under Secretary for Policy of the Department of the Department of Transportation shall provide necessary funding, logistics, and administrative support for the Committee.

(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee established under this section, with the exception of section 14 of such Act.

SEC. 6009. SENSE OF CONGRESS.

It is the sense of the Congress that walking, bicycling, and public transportation are complementary modes of transportation, and that pedestrian and bicycle pathways and related improvements within the right-of-way of public transportation are an appropriate use of the right-of-way for the benefit of the public, do not exceed the reasonable use of the right-of-way, and every effort should be made to support the development and safe operation of such pedestrian and bicycle pathways.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) CREDITWORTHINESS.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking "a rating" and inserting "an investment grade rating"; and

(B) by striking "$75,000,000" and inserting "$150,000,000"; and

(2) in subparagraph (B)—

(A) by striking "the senior debt" and inserting "senior debt"; and

(B) by striking "credit instrument is for an amount less than $75,000,000" and inserting "total amount of other senior debt and the Federal credit instrument is less than $150,000,000".

(b) BUY AMERICA APPLICATION.—Section 602(c)(1) of title 23, United States Code, is amended by striking "of title 49" inserting "and section 22905(a) of title 49, subject to the requirements of section 5320(o) of title 49,".

(c) NON-FEDERAL SHARE.—Section 603(b) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.".

(d) EXEMPTION OF FUNDS FROM TIFIA FEDERAL SHARE REQUIREMENT.—Section 603(b)(9) of title 23, United States Code, is amended by adding at the end the following:

"(C) TERRITORIES.—Funds provided for a territory under section 165(c) shall not be considered Federal assistance for purposes of subparagraph (A).".

(e) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

"(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

"(i) the terms under paragraph (2); and

"(ii) the additional criteria described in subparagraph (B).

"(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

"(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

"(ii) The secured loan is rated in the A category or higher.

"(iii) The TIFIA program share of eligible project costs is 33 percent or less.

"(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

"(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.".

(f) ASSISTANCE TO SMALL PROJECTS.—Section 605(f)(1) of title 23, United States Code, is amended by striking "$2,000,000" and inserting "$3,000,000".

(g) ADMINISTRATIVE FUNDS.—Section 608(a)(5) of title 23, United States Code, is amended by striking "$6,875,000" and all that follows through the period and inserting "2.5 percent for the administration of the TIFIA program.".

(h) APPLICATION PROCESS REPORT.—Section 609(b)(2)(A) of title 23, United States Code, is amended—

(1) in clause (iv) by striking "and";

(2) in clause (v) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(vi) whether the project is located in a metropolitan statistical area, micropolitan statistical area, or neither (as such areas are defined by the Office of Management and Budget).".

(i) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

"(c) STATUS REPORTS.—

"(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

"(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

"(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

"(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

"(A) the name of the party submitting the letter of interest or application;

"(B) the name of the project;

"(C) the date on which the letter of interest or application was received;

"(D) the estimated project eligible costs;

"(E) the type of credit assistance sought; and

"(F) the anticipated fiscal year and quarter for closing of the credit assistance.".

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 8001. SHORT TITLE.

This division may be cited as the "Improving Hazardous Materials Safety Act of 2021".

TITLE I—AUTHORIZATIONS

SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

"(1) $75,000,000 for fiscal year 2022;

"(2) $70,000,000 for fiscal year 2023;

"(3) $71,000,000 for fiscal year 2024;

"(4) $73,000,000 for fiscal year 2025; and

"(5) $74,000,000 for fiscal year 2026.";

(2) in subsection (b)—

(A) by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026";

(B) in paragraph (1) by striking "$21,988,000" and inserting "$24,025,000"; and

(C) in paragraph (4) by striking "$1,000,000" and inserting "$2,000,000";

(3) in subsection (c) by striking "$4,000,000 for each of fiscal years 2016 through 2020" and inserting "$5,000,000 for each of fiscal years 2022 through 2026";

(4) in subsection (d) by striking "$1,000,000 for each of fiscal years 2016 through 2020" and inserting "$4,000,000 for each of fiscal years 2022 through 2026";

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following:

"(e) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend $1,800,000 for each of fiscal years 2022 through 2026 to carry out the grant program under section 5107(j).".

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED TO LITHIUM CELLS AND BATTERIES.

(a) REPEAL.—Section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(b) CONFORMING AMENDMENTS.—Section 333 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(A) IN GENERAL.—" and all that follows through "the Secretary" and inserting "The Secretary"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2) by striking "Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary" and inserting "The Secretary";

(2) by striking paragraph (4) of subsection (b); and

(3) by striking paragraph (1) of subsection (h) and inserting the following:

"(1) ICAO TECHNICAL INSTRUCTIONS.—The term 'ICAO Technical Instructions' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air.".

(c) LITHIUM BATTERY SAFETY EVALUATION AND REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration, in coordination with the Administrator of the Federal Aviation Administration, shall evaluate outstanding recommendations of the National Transportation Safety Board regarding transportation of lithium batteries by air.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the evaluation described in paragraph (1).

SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS BY RAIL TANK CAR.

(a) STAY OF AUTHORIZATION FOR TRANSPORTATION OF LIQUEFIED NATURAL GAS BY TANK CAR.—

(1) IN GENERAL.—Any regulation authorizing the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act shall have no force or effect until—

(A) the Secretary of Transportation conducts the evaluation, testing, and analysis required in subsections (b), (c), and (d);

(B) the Secretary issues the report required by subsection (e);

(C) the Comptroller General of the United States completes the evaluation and report required under subsection (g); and

(D) the Secretary issues a final rule updating the regulation described in this paragraph that incorporates the additional data, research, and analysis required under this section.

(2) PERMIT OR APPROVAL.—The Secretary shall rescind any special permit or approval for the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act.

(b) EVALUATION.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration, in coordination with the Administrator of the Federal Railroad Administration, shall initiate an evaluation of the safety, security, and environmental risks of transporting liquefied natural gas by rail.

(c) TESTING.—In conducting the evaluation under subsection (a), the Administrator of the Pipeline and Hazardous Materials Safety shall—

(1) perform physical testing of rail tank cars, including, at a minimum, the DOT–113C120–W9 specification, to evaluate the performance of such rail tank cars in the event of an accident or derailment, including evaluation of the ex-

tent to which design and construction features such as steel thickness and valve protections prevent or mitigate the release of liquefied natural gas;

(2) analyze multiple release scenarios, including derailments, front-end collisions, rear-end collisions, side-impact collisions, grade-crossing collisions, punctures, and impact of an incendiary device, at a minimum of three speeds of travel with a sufficient range of speeds to evaluate the safety, security, and environmental risks posed under real-world operating conditions; and

(3) examine the effects of exposure to climate conditions across rail networks, including temperature, humidity, and any other factors that the Administrator of the Federal Railroad Administration determines could influence performance of rail tank cars and components of such rail tank cars.

(d) OTHER FACTORS TO CONSIDER.—In conducting the evaluation under subsection (b), the Administrator of the Pipeline and Hazardous Materials Safety shall evaluate the impact of a discharge of liquefied natural gas from a rail tank car on public safety and the environment, and consider—

(1) the safety benefits of route restrictions, speed restrictions, enhanced brake requirements, personnel requirements, rail tank car technological requirements, and other operating controls;

(2) the inclusion of consist restrictions, including limitations on the arrangement and quantity of rail tank cars carrying liquefied natural gas in any given consist;

(3) the identification of potential impact areas, and the number of homes and structures potentially endangered by a discharge in rural, suburban, and urban environments;

(4) the impact of discharge on the environment, including air quality impacts;

(5) the benefits of advanced notification to the Department of Transportation, State Emergency Response Commissions, and Tribal Emergency Response Commissions of routes for moving liquefied natural gas by rail tank car;

(6) how first responders respond to an incident, including the extent to which specialized equipment or training would be required and the cost to communities for acquiring any necessary equipment or training;

(7) whether thermal radiation could occur from a discharge;

(8) an evaluation of the rail tank car authorized by the Secretary of Transportation for liquefied natural gas or similar cryogenic liquids, and a determination of whether specific safety enhancements or new standards are necessary to ensure the safety of rail transport of liquefied natural gas; and

(9) the risks posed by the transportation of liquefied natural gas by International Organization for Standardization containers authorized by the Federal Railroad Administration.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public—

(1) a report based on the evaluation and testing conducted under subsections (b) and (c), which shall include the results of the evaluation and testing and recommendations for mitigating or eliminating the safety, security, environmental, and other risks of an accident or incident involving the transportation of liquefied natural gas by rail; and

(2) a complete list of all research related to the transportation of liquefied natural gas by rail conducted by the Federal Railroad Administration, the Pipeline and Hazardous Materials Safety Administration, or any other entity of the Federal Government since 2010 that includes, for each research item—

(A) the title of any reports or studies produced with respect to the research;

(B) the agency, entity, or organization performing the research;

(C) the names of all authors and co-authors of any report or study produced with respect to the research; and

(D) the date any related report was published or is expected to publish.

(f) DATA COLLECTION.—The Administrator of the Federal Railroad Administration and the Administrator of the Pipeline and Hazardous Materials Safety Administration shall collect any relevant data or records necessary to complete the evaluation required by subsection (b).

(g) GAO REPORT.—After the evaluation required by subsection (b) has been completed, the Comptroller General shall conduct an independent evaluation to verify that the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration complied with the requirements of this Act, and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such independent evaluation.

(h) FUNDING.—From the amounts made available for fiscal year 2022 under section 5128(a) of title 49, United States Code, the Secretary shall expend not less than $4,000,000 and not more than $6,000,000 to carry out the evaluation under subsection (a).

SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIREMENTS AND GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

"(j) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING.—The Secretary shall establish a program to make grants, on a competitive basis, to nonprofit organizations to develop hazardous materials response training for emergency responders and make such training available electronically or in person.".

SEC. 8204. LITHIUM BATTERY APPROVAL.

(a) IN GENERAL.—Chapter 51 of title 49, United States Code, is amended by adding at the end the following:

"§ 5129. Lithium battery approval

"(a) APPROVAL TO TRANSPORT CERTAIN BATTERIES IN COMMERCE.—A person may not transport in commerce a specified lithium battery that is determined by the Secretary to be a high safety or security risk unless—

"(1) the manufacturer of such battery receives an approval from the Secretary; and

"(2) the manufacture of such battery meets the requirements of this section and the regulations issued under subsection (d).

"(b) TERM OF APPROVAL.—An approval granted to a manufacturer under this section shall not exceed 5 years.

"(c) APPROVAL PROCESS.—To receive an approval for a specified lithium battery under this section, a manufacturer shall—

"(1) allow the Secretary, or an entity designated by the Secretary, to inspect the applicant's manufacturing process and procedures;

"(2) bear the cost of any inspection carried out under paragraph (1); and

"(3) develop and implement, with respect to the manufacture of such battery—

"(A) a comprehensive quality management program; and

"(B) appropriate product identification, marking, documentation, lifespan, and tracking measures.

"(d) REGULATIONS REQUIRED.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue regulations to carry out this section. Such regulations shall include—

"(1) parameters for, and a process for receiving, an approval under this section; and

"(2) a determination of the types of specified lithium batteries that pose a high safety or security risk in transport, including battery or cell type, size, and energy storage capacity.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to affect any provision, limitation, or prohibition with respect to the transportation of a specified lithium battery in effect as of the date of enactment of this section; or

"(2) to authorize transportation of any such battery if such transportation is not already authorized as of the date of enactment of this section.

"(f) SPECIFIED LITHIUM BATTERY DEFINED.—In this section, the term 'specified lithium battery' means—

"(1) a lithium ion cell or battery; or

"(2) a lithium metal cell or battery.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 49, United States Code, is amended by adding at the end the following:

"5129. Lithium battery approval.".

DIVISION D—RAIL

SEC. 9001. SHORT TITLE.

This division may be cited as the "Transforming Rail by Accelerating Investment Nationwide Act" or the "TRAIN Act".

TITLE I—AUTHORIZATIONS

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF GRANTS TO AMTRAK.—

(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

(A) For fiscal year 2022, $2,500,000,000.
(B) For fiscal year 2023, $2,600,000,000.
(C) For fiscal year 2024, $2,700,000,000.
(D) For fiscal year 2025, $2,800,000,000.
(E) For fiscal year 2026, $2,900,000,000.

(2) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

(A) For fiscal year 2022, $3,500,000,000.
(B) For fiscal year 2023, $3,600,000,000.
(C) For fiscal year 2024, $3,700,000,000.
(D) For fiscal year 2025, $3,800,000,000.
(E) For fiscal year 2026, $3,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one-half of one percent annually from the amounts made available under subsection (a) for oversight.

(c) AMTRAK COMMON BENEFIT COSTS FOR STATE-SUPPORTED ROUTES.— For fiscal year 2022, if funds are made available under subsection (a)(2) in excess of the amounts authorized for fiscal year 2020 under section 11101(b) of the FAST Act (Public Law 114–94), Amtrak shall use up to $250,000,000 of the excess funds to defray the share of operating costs of Amtrak's national assets (as such term is defined in section 24320(c)(5) of title 49, United States Code) and corporate services (as such term is defined pursuant to section 24317(b) of title 49, United States Code) that is allocated to the State-supported services. After the update of the cost methodology policy required under section 24712(a)(7)(B) of title 49, United States Code, is implemented, there are authorized to be appropriated to the Secretary for the use of Amtrak such sums as may be necessary for each of the fiscal years 2023 through 2026 for the implementation of the updated policy.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the funds made available under subsection (a)(2), the Secretary may make available up to $4,000,000 for each fiscal year for the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—Of the funds made available under subsection (a)(1), the Secretary may make available up to $6,000,000 for each fiscal year for the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.—There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2022, $26,500,000.
(2) For fiscal year 2023, $27,000,000.
(3) For fiscal year 2024, $27,500,000.
(4) For fiscal year 2025, $28,000,000.
(5) For fiscal year 2026, $28,500,000.

(g) PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EXPANSION GRANTS.—

(1) There are authorized to be appropriated to the Secretary to carry out section 22906 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $4,800,000,000.
(B) For fiscal year 2023, $4,900,000,000.
(C) For fiscal year 2024, $5,000,000,000.
(D) For fiscal year 2025, $5,100,000,000.
(E) For fiscal year 2026, $5,200,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22906 of title 49, United States Code.

(3) HIGH-SPEED RAIL CORRIDOR PLANNING.—The Secretary shall withhold at least 4 percent of funding in paragraph (1) for the purposes described in section 22906(a)(1)(B) of title 49, United States Code. Any funds withheld by this paragraph that remain unobligated at the end of the fiscal year following the fiscal

year in which such funds are made available may be used for any eligible project under section 22906 of such title.

(h) CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22907 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $1,200,000,000.

(B) For fiscal year 2023, $1,300,000,000.

(C) For fiscal year 2024, $1,400,000,000.

(D) For fiscal year 2025, $1,500,000,000.

(E) For fiscal year 2026, $1,600,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 2 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22907 of title 49, United States Code.

(3) RAIL SAFETY PUBLIC AWARENESS.—Of the amounts made available under paragraph (1), the Secretary may make available up to $5,000,000 for each of fiscal years 2022 through 2026 to make grants under section 22907(o) of title 49, United States Code.

(4) RAILROAD TRESPASSING ENFORCEMENT.—Of the amounts made available under paragraph (1), the Secretary may make available up to $250,000 for each of fiscal years 2022 through 2026 to make grants under section 22907(p) of title 49, United States Code.

(5) RAILROAD TRESPASSING SUICIDE PREVENTION.—Of the amounts made available under paragraph (1), the Secretary may make available up to $1,000,000 for each of fiscal years 2022 through 2026 to make grants under section 22907(q) of title 49, United States Code.

(i) BRIDGES, STATIONS, AND TUNNELS GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22909 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $4,800,000,000.

(B) For fiscal year 2023, $4,900,000,000.

(C) For fiscal year 2024, $5,000,000,000.

(D) For fiscal year 2025, $5,100,000,000.

(E) For fiscal year 2026, $5,200,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22909 of title 49, United States Code.

(j) RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for payment of credit risk premiums in accordance with section 502(f)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(1)) the following amounts, to remain available until expended:

(A) For fiscal year 2022, $160,000,000.

(B) For fiscal year 2023, $170,000,000.

(C) For fiscal year 2024, $180,000,000.

(D) For fiscal year 2025, $190,000,000.

(E) For fiscal year 2026, $200,000,000.

(2) REFUND OF PREMIUM.—There are authorized to be appropriated to the Secretary $70,000,000 to repay the credit risk premium under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) for each loan in cohort 3, as defined by the memorandum to the Office of Management and Budget of the Department of Transportation dated November 5, 2018, with interest accrued thereon, not later than 60 days after the date on which all obligations attached to each such loan have been satisfied. For each such loan for which obligations have been satisfied as of the date of enactment of this Act, the Secretary shall repay the credit risk premium of each such loan, with interest accrued thereon, not later than 60 days after the date of the enactment of this Act.

(k) RESTORATION AND ENHANCEMENT GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22908 of title 49, United States Code, $20,000,000 for each of fiscal years 2022 through 2026.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the total amounts appropriated under paragraph (1) for the costs of project management oversight of grants carried out under section 22908 of title 49, United States Code.

(l) GRADE CROSSING SEPARATION GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22912 of title 49, United States Code, (as added by section 9551 of this Act) the following amounts:

(A) For fiscal year 2022, $450,000,000.
(B) For fiscal year 2023, $475,000,000.
(C) For fiscal year 2024, $500,000,000.
(D) For fiscal year 2025, $525,000,000.
(E) For fiscal year 2026, $550,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 2 percent from the total amounts appropriated under paragraph (1) for the costs of project management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22912 of title 49, United States Code.

(m) AUTHORIZATION OF APPROPRIATIONS TO THE FEDERAL RAILROAD ADMINISTRATION.—Section 20117 of title 49, United States Code, is amended to read as follows:

"§ 20117. Authorization of appropriations

"(a) SAFETY AND OPERATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the operations of the Federal Railroad Administration and to carry out railroad safety activities authorized or delegated to the Administrator—

"(A) $290,500,000 for fiscal year 2022;
"(B) $303,300,000 for fiscal year 2023;
"(C) $316,100,000 for fiscal year 2024;
"(D) $324,400,000 for fiscal year 2025; and
"(E) $332,900,000 for fiscal year 2026.

"(2) AUTOMATED TRACK INSPECTION PROGRAM AND DATA ANALYSIS.—From the funds made available under paragraph (1) for each of fiscal years 2022 through 2026, not more than $17,000,000 may be expended for the Automated Track Inspection Program and data analysis related to track inspection. Such funds shall remain available until expended.

"(3) STATE PARTICIPATION GRANTS.—Amounts made available under paragraph (1) for grants under section 20105(e) shall remain available until expended.

"(4) REGIONAL PLANNING GUIDANCE.—The Secretary may withhold up to $20,000,000 from the amounts made available for each fiscal year under paragraph (1) to facilitate and provide guidance for regional planning processes, including not more than $500,000 annually for each interstate rail compact.

"(5) RAILROAD SAFETY INSPECTORS.—

"(A) IN GENERAL.—The Secretary shall ensure that the number of full-time equivalent railroad safety inspection personnel employed by the Office of Railroad Safety of the Federal Railroad Administration does not fall below the following:

"(i) 379 for fiscal year 2022;
"(ii) 403 for fiscal year 2023;
"(iii) 422 for fiscal year 2024;
"(iv) 424 for fiscal year 2025; and
"(v) 426 for fiscal year 2026.

"(B) CONSIDERATION.—In meeting the minimum railroad safety inspector levels under subparagraph (A), the Secretary shall consider the ability of railroad safety inspectors to analyze railroad safety data.

"(C) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

"(i) $3,244,104 for fiscal year 2022.
"(ii) $6,488,208 for fiscal year 2023.
"(iii) $9,056,457 for fiscal year 2024.
"(iv) $9,326,799 for fiscal year 2025.
"(v) $9,597,141 for fiscal year 2026.

"(6) OTHER SAFETY PERSONNEL.—

"(A) INCREASE IN NUMBER OF SUPPORT EMPLOYEES.—The Secretary shall, for each of fiscal years 2022 and 2023, increase by 10 the total number of full-time equivalent employees working as specialists, engineers, or analysts in the field supporting inspectors compared to the number of such employees employed in the previous fiscal year.

"(B) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

"(i) $1,631,380 for fiscal year 2022.
"(ii) $3,262,760 for fiscal year 2023.
"(iii) $3,262,760 for fiscal year 2024.
"(iv) $3,262,760 for fiscal year 2025.
"(v) $3,262,760 for fiscal year 2026.

"(b) RAILROAD RESEARCH AND DEVELOPMENT.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for necessary expenses for carrying out railroad research and development activities the following amounts which shall remain available until expended:

"(A) $67,000,000 for fiscal year 2022.
"(B) $69,000,000 for fiscal year 2023.
"(C) $71,000,000 for fiscal year 2024.
"(D) $73,000,000 for fiscal year 2025.
"(E) $75,000,000 for fiscal year 2026.

"(2) SHORT LINE SAFETY.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may expend not more than $4,000,000—

"(A) for grants to improve safety practices and training for Class II and Class III freight, commuter, and intercity passenger railroads; and

"(B) to develop safety management systems for Class II and Class III freight, commuter, and intercity passenger railroads through the continued development of safety culture assessments, transportation emergency response plans, training and education, outreach activities, best practices for trespassing prevention and employee trauma response, and technical assistance.

"(3) UNIVERSITY RAIL CLIMATE INNOVATION INSTITUTE.—

"(A) IN GENERAL.—Of the amounts made available under paragraph (1), the Secretary may make available up to $20,000,000 for each of fiscal years 2022 through 2026 to establish the University Rail Climate Innovation Institute under section 22913.

"(B) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the total amounts appropriated under subparagraph (A) for the costs of project management oversight of the grant carried out under section 22913.

"(4) SUICIDE PREVENTION RESEARCH FUNDING.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may make available not less than $1,000,000 for human factors research undertaken by the Federal Railroad Administration, including suicide countermeasure evaluation, data exploration and quality improvement, and other initiatives as appropriate.".

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

(1) IN GENERAL.—Funds provided under this section and the amendments made by this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

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

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

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

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

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

(o) RAIL TRUST FUND.—

(1) IN GENERAL.—

(A) FUNDING.—Beginning on the date on which a rail trust fund is established, any amounts made available under subsections (a), (g), (h), (i), (j)(1), (k), and (l) shall be derived from such fund.

(B) RAIL TRUST FUND DEFINED.—In this subsection, the term "rail trust fund" means a trust fund established under the Internal Revenue Code of

1986 for making certain expenditures for the benefit of rail and for crediting certain taxes and penalties collected relating to rail.

(2) SENSE OF COMMITTEE ON NEED FOR RAIL TRUST FUND.—The following is the sense of the Committee on Transportation and Infrastructure of the House of Representatives:

(A) There is a discrepancy in historical Federal investment between highways, aviation, and intercity passenger rail. Between 1949 and 2017, the Federal Government invested more than $2 trillion in our nation's highways and over $777 billion in aviation. The Federal Government has invested $96 billion in intercity passenger rail, beginning in 1971 with the creation of the National Railroad Passenger Corporation. Intercity passenger rail Federal investment is only 12 percent of Federal aviation investment and less than 5 percent of Federal highway investment.

(B) Congress has recognized the value and importance of a predictable, dedicated funding source through a trust fund for all other modes of transportation including for aviation, highways, transit, and waterways. The Highway Trust Fund was created in 1956. The Airport and Aviation Trust Fund was created in 1970. The Inland Waterways Trust Fund was created in 1978. Mass transit was added to the Highway Trust Fund in 1983. The Harbor Maintenance Trust Fund was created in 1986. With regard to Federal transportation investment, only intercity passenger and freight rail do not have a predictable, dedicated funding source through a trust fund.

(C) The Federal Railroad Administration has identified more than $300 billion worth of investment needed to develop both high-speed and higher speed intercity passenger rail corridors around the United States. In addition, a Federal Railroad Administration report from 2014 found that shortline and regional railroads need $7 billion of investment. The Northeast Corridor has a $40 billion state of good repair backlog.

(D) A rail trust fund would provide a predictable, dedicated funding source to high-speed and intercity passenger rail projects and for the public benefits of shortline and regional railroad freight rail projects. A trust fund provides essential longer term funding certainty to allow the United States to develop quality intercity passenger rail service in corridors across the country, eliminate the state of good repair backlog on the Northeast Corridor, allow for accessible equipment and stations for passengers with disabilities, move more freight on rail, redevelop an American passenger rail car manufacturing base, create good paying, middle class jobs, and reduce our nation's transportation carbon emissions.

SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EXPANSION GRANTS.

(a) IN GENERAL.—Section 22906 of title 49, United States Code, is amended to read as follows:

"§ 22906. Passenger rail improvement, modernization, and expansion grants

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible applicants for—

"(A) capital projects that—

"(i) provide high-speed rail or intercity rail passenger transportation;

"(ii) improve high-speed rail or intercity rail passenger performance, including congestion mitigation, reliability improvements, achievement of on-time performance standards established under section 207 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 24101 note), reduced trip times, increased train frequencies, higher operating speeds, electrification, and other improvements, as determined by the Secretary; and

"(iii) expand or establish high-speed rail or intercity rail passenger transportation and facilities; or

"(B) corridor planning activities for high-speed rail described in section 26101(b).

"(2) PURPOSES.—Grants under this section shall be for projects that improve mobility, operational performance, or growth of high-speed rail or intercity rail passenger transportation.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a State;

"(B) a group of States;

"(C) an Interstate Compact;

"(D) a public agency or publicly chartered authority established by 1 or more States;

"(E) a political subdivision of a State;

"(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

"(G) an Indian Tribe.

"(2) CAPITAL PROJECT.—The term 'capital project' means—

"(A) a project or program for acquiring, constructing, or improving—

"(i) passenger rolling stock;

"(ii) infrastructure assets, including tunnels, bridges, stations, track and track structures, communication and signalization improvements; and

"(iii) a facility of use in or for the primary benefit of high-speed or intercity rail passenger transportation;

"(B) project planning, development, design, engineering, location surveying, mapping, environmental analysis or studies;

"(C) acquiring right-of-way or payments for rail trackage rights agreements;

"(D) making highway-rail grade crossing improvements related to high-speed rail or intercity rail passenger transportation service;

"(E) electrification;

"(F) mitigating environmental impacts; or

"(G) a project relating to other assets determined appropriate by the Secretary.

"(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term 'intercity rail passenger transportation' has the meaning given such term in section 24102.

"(4) HIGH-SPEED RAIL.—The term 'high-speed rail' has the meaning given such term in section 26105.

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

"(6) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term 'socially disadvantaged individuals' has the meaning given the term 'socially and economically disadvantaged individuals' in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(c) PROJECT REQUIREMENTS.—

"(1) REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall demonstrate that such applicant has or will have—

"(A) the legal, financial, and technical capacity to carry out the project;

"(B) satisfactory continuing control over the use of the equipment or facilities that are the subject of the project; and

"(C) an agreement in place for maintenance of such equipment or facilities.

"(2) HIGH-SPEED RAIL REQUIREMENTS.—

"(A) CORRIDOR PLANNING ACTIVITIES.—Notwithstanding paragraph (1), the Secretary shall evaluate projects described in subsection (a)(1)(B) based on the criteria under section 26101(c).

"(B) HIGH-SPEED RAIL PROJECT REQUIREMENTS.—To be eligible for a grant for a high-speed rail project, an eligible applicant shall demonstrate compliance with section 26106(e)(2)(A).

"(d) PROJECT SELECTION CRITERIA.—

"(1) PRIORITY.—In selecting a project for a grant under this section, the Secretary shall give preference to projects that—

"(A) are supported by multiple States or are included in a multi-state regional plan or planning process;

"(B) achieve environmental benefits such as a reduction in greenhouse gas emissions or an improvement in local air quality; or

"(C) improve service to and investment in socially disadvantaged individuals.

"(2) ADDITIONAL CONSIDERATIONS.—In selecting an applicant for a grant under this section, the Secretary shall consider—

"(A) the proposed project's anticipated improvements to high-speed rail or intercity rail passenger transportation, including anticipated public benefits on the—

"(i) effects on system and service performance;

"(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

"(iii) overall transportation system, including efficiencies from improved integration with other modes of transportation or benefits associated with achieving modal shifts;

"(iv) ability to meet existing, anticipated, or induced passenger or service demand; and

"(v) projected effects on regional and local economies along the corridor, including increased competitiveness, productivity, efficiency, and economic development;

"(B) the eligible applicant's past performance in developing and delivering similar projects;

"(C) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

"(D) if applicable, agreements between all stakeholders necessary for the successful delivery of the project.

"(3) ADDITIONAL SCREENING FOR HIGH-SPEED RAIL.—In selecting an applicant for a grant under this section, for high-speed rail projects, the Secretary shall, in addition to the application of paragraphs (1) and (2), apply the selection and consideration criteria described in subparagraphs (B) and (C) of section 26106(e)(2).

"(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COST ESTIMATE.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share of total project costs under this section shall not exceed 90 percent.

"(3) TREATMENT OF REVENUE.—Applicants may use ticket and other revenues generated from operations and other sources to satisfy the non-Federal share requirements.

"(f) LETTERS OF INTENT.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

"(A) announces an intention to obligate, for a project under this section, an amount that is not more than the amount stipulated as the financial participation of the Secretary in the project, regardless of authorized amounts; and

"(B) states that the contingent commitment—

"(i) is not an obligation of the Federal Government; and

"(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

"(2) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Appropriations of the House of Representatives;

"(iii) the Committee on Appropriations of the Senate; and

"(iv) the Committee on Commerce, Science, and Transportation of the Senate.

"(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

"(i) a copy of the letter of intent;

"(ii) the criteria used under subsection (d) for selecting the project for a grant; and

"(iii) a description of how the project meets such criteria.

"(g) APPROPRIATIONS REQUIRED.—An obligation may be made under this section only when amounts are appropriated for such purpose.

"(h) AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

"(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 22905, except that the domestic buying preferences of section 24305(f) shall apply to Amtrak in lieu of the requirements of section 22905(a).".

(b) CLERICAL AMENDMENT.—The item relating to section 22906 in the analysis for chapter 229 of title 49, United States Code, is amended to read as follows:

"22906. Passenger rail improvement, modernization, and expansion grants.".

(c) DEFINITION OF SATISFACTORY CONTINUING CONTROL.—Section 22901 of title 49, United States Code, is amended by adding at the end the following:

"(4) SATISFACTORY CONTINUING CONTROL.—The term 'satisfactory continuing control' means the continuing ability to utilize and ensure maintenance of an

asset as a result of full or partial ownership, lease, operating or other enforceable contractual agreements, or statutory access rights.".

SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENT GRANTS.

Section 22907 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1) by striking "The following" and inserting "Except as provided in subsections (o), (p), and (q), the following";

(B) in paragraph (1) by inserting "or the District of Columbia" before the period;

(C) in paragraph (10) by striking "transportation center"; and

(D) by adding at the end the following:

"(12) A commuter authority (as such term is defined in section 24102).

"(13) An Indian Tribe.";

(2) in subsection (c)—

(A) in paragraph (1) by inserting "and upgrades" after "Deployment";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(D) in paragraph (2), as so redesignated, by inserting "or safety" after "address congestion";

(E) in paragraph (3), as so redesignated, by striking "identified by the Secretary" and all that follows through "rail transportation" and inserting "to improve service or facilitate ridership growth in intercity rail passenger transportation or commuter rail passenger transportation (as such term is defined in section 24102)";

(F) in paragraph (4), as so redesignated, by inserting "to establish new quiet zones or" after "engineering improvements";

(G) in paragraph (9), as so redesignated, by inserting ", including for suicide prevention and other rail trespassing prevention" before the period;

(3) in subsection (e)—

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

"(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall give preference to—

"(A) projects that will maximize the net benefits of the funds made available for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2); and

"(B) projects that improve service to, or provide direct benefits to, socially disadvantaged individuals (as defined in section 22906(b)), including relocating or mitigating infrastructure that limits community connectivity, including mobility, access, or economic development of such individuals."; and

(B) in paragraph (3) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)";

(4) in subsection (h)(2) by inserting ", except that a grant for a capital project involving zero-emission locomotive technologies shall not exceed an amount in excess of 90 percent of the total project costs" before the period.

(5) by redesignating subsections (i), (j), and (k) as subsections (l), (m), and (n) respectively; and

(6) by inserting after subsection (h) the following:

"(i) LARGE PROJECTS.—Of the amounts made available under this section, at least 25 percent shall be for projects that have total project costs of greater than $100,000,000.

"(j) COMMUTER RAIL.—

"(1) ADMINISTRATION OF FUNDS.—The amounts awarded under this section for commuter rail passenger transportation projects shall be transferred by the Secretary, after selection, to the Federal Transit Administration for administration of funds in accordance with chapter 53.

"(2) GRANT CONDITION.—

"(A) IN GENERAL.—Notwithstanding section 22905(f)(1) and 22907(j)(1), as a condition of receiving a grant under this section that is used to acquire, construct, or improve railroad right-of-way or facilities, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements established under section 22905(e).

"(B) APPLICATION OF PROTECTIVE ARRANGEMENT.—The grant recipient and the successors, assigns, and contractors of such recipient shall be bound by the protective arrangements required under subparagraph (A). Such recipient shall be responsible for the implementation of such arrangement and for the obligations under such arrangement, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

"(3) APPLICATION OF LAW.—Subsection (g) of section 22905 shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

"(k) DEFINITION OF CAPITAL PROJECT.—In this section, the term 'capital project' means a project or program for—

"(1) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility, expenses incidental to acquisition or construction (including project-level planning, designing, engineering, location surveying, mapping, environmental studies, and acquiring right-of-way), payments for rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

"(3) costs associated with developing State or multi-State regional rail plans; and

"(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904."; and

(7) by striking subsection (l).

SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) IN GENERAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting "civil works such as cuts and fills, stations, tunnels," after "components of track,"; and

(ii) in subparagraph (D) by inserting ", permitting," after "reimburse planning"; and

(B) by striking paragraph (3);

(2) by striking subsection (e)(1) and inserting the following:

"(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the direct loan on the date of execution of the loan agreement.";

(3) in subsection (f)—

(A) in paragraph (1) by adding "The Secretary shall only apply appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, in whole or in part, for entities described in paragraphs (1) through (3) of subsection (a)." at the end;

(B) in paragraph (3) by striking subparagraph (C) and inserting the following:

"(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, if the total amount of the direct loan or loan guarantee is less than $100,000,000.

"(D) In the case of a total amount of a direct loan or loan guarantee greater than $100,000,000, an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee, or an investment-grade rating on the direct loan or loan guarantee and a projection of freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project."; and

(C) by adding at the end the following:

"(5) REPAYMENT OF CREDIT RISK PREMIUMS.—The Secretary shall return credit risk premiums paid, and interest accrued thereon, to the original source when all obligations of a loan or loan guarantee have been satisfied. This paragraph applies to any project that has been granted assistance under this section after the date of enactment of the TRAIN Act."; and

(4) by adding at the end the following:

"(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs under this title and title 49 if such loan is repayable from non-Federal funds.

"(o) BUY AMERICA.—

"(1) IN GENERAL.—In awarding direct loans or loan guarantees under this section, the Secretary shall require each recipient to comply with section 22905(a) of title 49, United States Code.

"(2) SPECIFIC COMPLIANCE.—Notwithstanding paragraph (1), the Secretary shall require—

"(A) Amtrak to comply with section 24305(f) of title 49, United States Code; and

"(B) a commuter authority (as defined in section 24102 of title 49, United States Code) to comply with section 5320 of title 49, United States Code.".

(b) GUIDANCE.—Not later than 9 months after the date of enactment of this Act, the Secretary shall publish guidance that provides applicants for assistance under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) information regarding the types of data, assumptions, and other factors typically used to calculate credit risk premiums required under subsection (f) of such section. Such guidance shall include information to help applicants understand how different factors may increase or decrease such credit risk premiums.

SEC. 9105. BRIDGES, STATIONS, AND TUNNELS (BEST) GRANT PROGRAM.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"§ 22909. Bridges, stations, and tunnels (BeST) grant program

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program (in this section referred to as the 'BeST Program') to provide grants to eligible entities for major capital projects included in the BeST Inventory established under subsection (b) for rail bridges, stations, and tunnels that are publicly owned or owned by Amtrak to make safety, capacity, and mobility improvements.

"(b) BEST INVENTORY.—

"(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of the TRAIN Act, the Secretary shall establish, and publish on the website of the Department of Transportation an inventory (in this section referred to as the 'BeST Inventory') for publicly owned and Amtrak owned major capital projects designated by the Secretary to be eligible for funding under this section. The BeST Inventory shall include major capital projects to acquire, refurbish, rehabilitate, or replace rail bridges, stations, or tunnels and any associated and co-located projects.

"(2) CONSIDERATIONS.—In selecting projects for inclusion in the BeST Inventory, the Secretary shall give priority to projects that provide the most benefit for intercity passenger rail service in relation to estimated costs and that are less likely to secure all of the funding required from other sources.

"(3) UPDATES TO BEST INVENTORY.—Every 2 years after the establishment of the BeST Inventory under paragraph (1), the Secretary shall update the BeST Inventory and include it in its annual budget justification.

"(4) ELIGIBILITY FOR BEST INVENTORY.—Projects included in the BeST Inventory—

"(A) shall be—

"(i) consistent with the record of decision issued by the Federal Railroad Administration in July 2017 titled 'NEC FUTURE: A Rail Investment Plan for the Northeast Corridor' (known as the 'Selected Alternative');

"(ii) consistent with the most recent service development plan under section 24904(a) (hereinafter in this section referred to as the 'Service Development Plan'); and

"(iii) located in a territory for which a cost allocation policy is maintained pursuant to section 24905(c); or

"(B) shall be consistent with a multi-state regional planning document equivalent to the document referred to in subparagraph (A)(ii) with a completed Tier I environmental review of such document pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(5) PROJECT FUNDING SEQUENCING.—The Secretary shall determine the order of priority for projects in the BeST Inventory based on projects identified in paragraph (4) and project management plans as described in subsection (d). The Secretary may alter the BeST Inventory as necessary if eligible entities are not carrying out the schedule identified in the Inventory.

"(6) TERMS.—The Secretary shall ensure the BeST Inventory establishes, for each project included in such Inventory—

"(A) the roles and terms of participation by any railroad bridge, station, or tunnel owners and railroad carriers in the project; and

"(B) the schedule for such project that ensures efficient completion of the project.

"(7) SPECIAL FINANCIAL RULES.—

"(A) IN GENERAL.—Projects listed in the BeST Inventory may include an agreement with a commitment, contingent on future amounts to be specified in law for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(B) STATEMENT OF CONTINGENT COMMITMENT.—An obligation or administrative commitment under this paragraph may be made only when amounts are appropriated. An agreement shall state that any contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

"(C) FINANCING COSTS.—Financing costs of carrying out the project may be considered a cost of carrying out the project under the BeST Inventory.

"(c) EXPENDITURE OF FUNDS.—

"(1) FEDERAL SHARE OF TOTAL PROJECT COSTS.—The Federal share for the total cost of a project under this section shall not exceed 90 percent.

"(2) NON-FEDERAL SHARE.—A recipient of funds under this section may use any source of funds, including other Federal financial assistance, to satisfy the non-Federal funds requirement. The non-Federal share for a grant provided under this section shall be consistent with section 24905(c) or section 24712(a)(7) if either such section are applicable to the railroad territory at the project location.

"(3) AVAILABILITY OF FUNDS.—Funds made available under this section shall remain available for obligation by the Secretary for a period of 10 years after the last day of the fiscal year for which the funds are appropriated, and remain available for expenditure by the recipient of grant funds without fiscal year limitation.

"(4) ELIGIBLE USES.—Funds made available under this section may be used for projects contained in the most recent BeST Inventory, including pre-construction expenses and the acquisition of real property interests.

"(5) FUNDS AWARDED TO AMTRAK.—Grants made to Amtrak shall be provided in accordance with the requirements of chapter 243.

"(6) GRANT CONDITIONS.—Except as provided in this section, the use of any amounts made available for grants under this section shall be subject to the grant requirements in section 22905.

"(d) PROJECT MANAGEMENT.—

"(1) SUBMISSION OF PROJECT MANAGEMENT PLANS.—The Secretary shall establish a process, including specifying formats, methods, and procedures, for applicants to submit a project management plan to the Secretary for a project in the BeST Inventory. Consistent with requirements in section 22903, project management plans shall—

"(A) describe the schedules, management actions, workforce availability, interagency agreements, permitting, track outage availability, and other factors that will determine the entity's ability to carry out a project included in the BeST Inventory; and

"(B) be updated and resubmitted in accordance with this subsection every 2 years according to the schedule in the most recent Service Development Plan, or equivalent multi-state regional planning document with a completed Tier I environmental review conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) NORTHEAST CORRIDOR PROJECTS.—For projects on the Northeast Corridor, an applicant shall submit such project management plan to the Northeast Corridor Commission. Upon receipt of such plan, the Northeast Corridor Commission shall submit to the Secretary an updated Service Development Plan that describes the schedule and sequencing of all capital projects on the Northeast Corridor, including estimates of the amount each sponsor entity will need in program funding for each of the next 2 fiscal years to carry out the entity's projects according to the Service Development Plan.

"(e) COST METHODOLOGY POLICY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall ensure, as a condition of a grant agreement under this section for any project located in a railroad territory where a policy established pursuant to section 24905(c) or section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) applies, that a recipient of funds under either such section maintain compliance with

the policies, or any updates to any applicable cost methodology policy, for the railroad territory encompassing the project location.

"(2) PENALTY FOR NONCOMPLIANCE.—If such recipient does not maintain compliance with the policies described in paragraph (1), the Secretary may—

"(A) withhold funds under this subsection from such recipient up to the amount the recipient owes, but has not paid; and

"(B) permanently reallocate such funds to other recipients after a reasonable period.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State, including the District of Columbia;

"(B) a group of States;

"(C) an Interstate Compact;

"(D) a public agency or publicly chartered authority established by one or more States;

"(E) a political subdivision of a State;

"(F) Amtrak;

"(G) An Indian Tribe; or

"(H) any combination of the entities listed in subparagraphs (A) through (G).

"(2) MAJOR CAPITAL PROJECT.—The term 'major capital project' means a rail bridge, station, or tunnel project used for intercity passenger rail service that has a total project cost of at least $500,000,000.

"(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' has the meaning given the term in section 24904(e).

"(4) PUBLICLY OWNED.—The term 'publicly owned' means major capital projects that are at least partially owned or planned to be owned by the Federal Government or an eligible entity.

"(5) CO-LOCATED PROJECT.—The term 'co-located project' means a capital project that is adjacent to a major capital project and can be carried out during the same period.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"22909. Bridges, stations, and tunnels (BeST) grant program.".

SEC. 9106. BUY AMERICA.

Section 22905(a) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by adding "or" at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraph (4) and inserting the following:

"(4)(A) If the Secretary receives a request for a waiver under paragraph (2), the Secretary shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

"(B) A notice provided under subparagraph (A) shall—

"(i) include the information available to the Secretary concerning the request, including whether the request is being made under subparagraph (A), (B), or (C) of paragraph (2); and

"(ii) be provided by electronic means, including on the official public website of the Department of Transportation.";

(3) in paragraph (5)—

(A) by striking "2012" and inserting "2020, and each year thereafter"; and

(B) by inserting "during the preceding fiscal year" before the period; and

(4) by adding at the end the following:

"(12) The requirements of this subsection apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decisions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source for activities carried out pursuant to such contracts, if at least 1 contract for the project is funded with amounts made available to carry out a provision specified in paragraph (1).".

TITLE II—AMTRAK REFORMS

SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.

Section 24101 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ", to the extent its budget allows,"; and

(ii) by striking "between crowded urban areas and in other areas of" and inserting "throughout";

(B) in paragraph (2) by striking the period and inserting ", thereby providing additional capacity for the traveling public and widespread air quality benefits.";

(C) in paragraph (4)—

(i) by striking "greater" and inserting "high"; and

(ii) by striking "to Amtrak to achieve a performance level sufficient to justify expending public money" and inserting "in order to meet the intercity passenger rail needs of the United States";

(D) in paragraph (5)—

(i) by inserting "intercity and" after "efficient"; and

(ii) by striking "the energy conservation and self-sufficiency" and inserting "addressing climate change, energy conservation, and self-sufficiency";

(E) in paragraph (6) by striking "through its subsidiary, Amtrak Commuter,"; and

(F) by adding at the end the following:

"(9) Long-distance intercity passenger rail provides economic benefits to rural communities and offers intercity travel opportunities where such options are often limited, making long-distance intercity passenger rail an important part of the national transportation system.

"(10) The Northeast Corridor, long-distance routes, and State-supported routes are interconnected and collectively provide national rail passenger transportation.

"(11) Investments in intercity and commuter rail passenger transportation support jobs that provide a pathway to the middle class.";

(2) in subsection (b) by striking "The" and all that follows through "consistent" and inserting "The mission of Amtrak is to provide a safe, efficient, and high-quality national intercity passenger rail system that is trip-time competitive with other intercity travel options, consistent";

(3) in subsection (c)—

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

"(1) use its best business judgment in acting to maximize the benefits of public funding;";

(B) in paragraph (2)—

(i) by striking "minimize Government subsidies by encouraging" and inserting "work with"; and

(ii) by striking the semicolon and inserting "and improvements to service;";

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

"(3) manage the passenger rail network in the interest of public transportation needs, including current and future Amtrak passengers;";

(D) in paragraph (7) by striking "encourage" and inserting "work with";

(E) in paragraph (11) by striking "and" the last place it appears; and

(F) by striking paragraph (12) and inserting the following:

"(12) utilize and manage resources with a long-term perspective, including sound investments that take into account the overall lifecycle costs of an asset;

"(13) ensure that service is accessible, equitable, and accommodating to passengers with disabilities and members of underserved communities; and

"(14) maximize the benefits Amtrak generates for the United States by creating quality jobs and supporting the domestic workforce."; and

(4) by striking subsection (d).

SEC. 9202. AMTRAK STATUS.

Section 24301(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "20102(2)" and inserting "20102"; and

(2) in paragraph (2) by inserting "serving the public interest in reliable passenger rail service" after "for-profit corporation".

SEC. 9203. BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking "President of Amtrak" and inserting "Chief Executive Officer of Amtrak"; and

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

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with a record of support for national intercity passenger rail service. Of the individuals appointed—

"(i) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service on the Northeast Corridor;

"(ii) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service that is not on the Northeast Corridor;

"(iii) 1 shall be a representative of Amtrak employees;

"(iv) 1 shall be an individual with a history of regular Amtrak ridership and an understanding of the concerns of intercity rail passengers;

"(v) 1 shall be an individual with—

"(I) demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network; and

"(II) industry experience or qualifications in transportation, freight and passenger rail transportation, travel, or passenger air transportation; and

"(vi) 1 shall be an individual with general business and financial experience who has demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network.";

(B) in paragraph (2) by inserting "users of Amtrak, including the elderly and individuals with disabilities, and" after "and balanced representation of";

(C) in paragraph (3)—

(i) by striking "Not more than 5" and inserting "Not more than 4"; and

(ii) by adding at the end the following: "A member of the Board appointed under clause (i) or (ii) of paragraph (1)(C) shall serve for a term of 5 years or until such member leaves the elected office such member occupied at the time such member was appointed, whichever is first.";

(D) in paragraph (4) by striking "President" and inserting "Chief Executive Officer"; and

(E) by striking paragraph (5) and inserting the following:

"(5) The Secretary and any Governor of a State may be represented at a Board meeting by a designee.";

(2) in subsection (b)—

(A) by striking "PAY AND EXPENSES" and inserting "DUTIES, PAY, AND EXPENSES"; and

(B) by inserting "Each director must consider the well-being of current and future Amtrak passengers, the public interest in sustainable national passenger rail service, and balance the preceding considerations with the fiduciary responsibilities of the director and the mission and goals of Amtrak." before "Each director not employed by the United States Government or Amtrak"; and

(3) by adding at the end the following:

"(g) GOVERNOR DEFINED.—In this section, the term 'Governor' means the Governor of a State or the Mayor of the District of Columbia and includes a designee of the Governor.".

(b) TIMING OF NEW BOARD REQUIREMENTS.—The appointment and membership requirements under section 24302 of title 49, United States Code (as amended by this Act), shall apply to any member of the Board appointed pursuant to subsection (a)(1)(C) of such section who is appointed on or after the date of enactment of this Act.

SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.

(a) IN GENERAL.—Section 24308(c) of title 49, United States Code, is amended by adding at the end the following: "Notwithstanding section 24103(a) and section 24308(f), Amtrak shall have the right to bring an action for equitable or other relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.".

(b) CONFORMING AMENDMENT.—Section 24103 of title 49, United States Code, is amended by inserting "and section 24308(c)" before ", only the Attorney General".

SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES TO AMTRAK.

Section 24308(e) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following: "(1)(A) When a rail carrier does not agree to allow Amtrak to operate additional trains in accordance with proposed schedules over any rail line of the carrier on which Amtrak is operating or seeks to operate, Amtrak may submit an application to the Board for an order requiring the carrier to allow for the operation of the requested trains. Not later than 90 days after receipt of such application, the Board shall determine whether the additional trains would unreasonably impair freight transportation and—

"(i) upon a determination that such trains do not unreasonably impair freight transportation, order the rail carrier to allow for the operation of such trains on a schedule established by the Board; or

"(ii) upon a determination that such trains do unreasonably impair freight transportation, initiate a proceeding to determine any additional infrastructure investments required by, or on behalf of, Amtrak.

"(B) If Amtrak seeks to resume operation of a train that Amtrak operated during the 5-year period preceding an application described in subparagraph (A), the Board shall apply a presumption that the resumed operation of such train will not unreasonably impair freight transportation unless the Board finds that there are substantially changed circumstances.";

(2) in paragraph (2)—

(A) by striking "The Board shall consider" and inserting "The Board shall";

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

"(A) in making the determination under paragraph (1), take into account any infrastructure investments previously made by, or on behalf of, Amtrak, or proposed in Amtrak's application, with the rail carrier having the burden of demonstrating that the additional trains will unreasonably impair the freight transportation; and"; and

(C) in subparagraph (B) by inserting "consider investments described in subparagraph (A) and" after "times,"; and

(3) by adding at the end the following:

"(4) In a proceeding initiated by the Board under paragraph (1)(A)(ii), the Board shall solicit the views of the parties and require the parties to provide any necessary data or information. Not later than 180 days after the date on which the Board makes a determination under paragraph (1)(A)(ii), the Board shall issue an order requiring the rail carrier to allow for the operation of the requested trains provided that any conditions enumerated by the Board are met. In determining the necessary level of additional infrastructure or other investments needed to mitigate unreasonable impairment of freight transportation, the Board shall use any criteria, assumptions, and processes it considers appropriate.

"(5) The provisions of this subsection shall be in addition to any other statutory or contractual remedies Amtrak may have with respect to operating the additional trains.".

SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.

(a) IN GENERAL.—Section 28103 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

"(1) IN GENERAL.—Amtrak may not impose a choice-of-forum clause that attempts to preclude a passenger, or a person who purchases a ticket for rail transportation on behalf of a passenger, from bringing a claim against Amtrak in any court of competent jurisdiction, including a court within the jurisdiction of the residence of such passenger in the United States (provided that Amtrak does business within that jurisdiction).

"(2) COURT OF COMPETENT JURISDICTION.—Under this subsection, a court of competent jurisdiction may not include an arbitration forum.".

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to any claim that arises on or after the date of enactment of this Act.

SEC. 9207. AMTRAK ADA ASSESSMENT.

(a) ASSESSMENT.—Amtrak shall conduct an assessment and review of all Amtrak policies, procedures, protocols, and guidelines for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under subsection (a).

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) a summary of the policies, procedures, protocols, and guidelines reviewed;

(2) any necessary changes to such policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including full compliance under such Act for stations and facilities for which Amtrak has responsibility under such Act and consideration of the needs of individuals with disabilities when procuring rolling stock and setting ticket fares; and

(3) an implementation plan and timeline for making any such necessary changes.

(d) ENGAGEMENT.—Amtrak shall engage with a range of advocates for individuals with disabilities during the assessment conducted under subsection (a), and develop an ongoing and standardized process for engagement with advocates for individuals with disabilities.

(e) PERIODIC EVALUATION.—At least once every 2 years, Amtrak shall review and update, as necessary, Amtrak policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24323. Prohibition on smoking on Amtrak trains

"(a) PROHIBITION.—Beginning on the date of enactment of the TRAIN Act, Amtrak shall prohibit smoking on board Amtrak trains.

"(b) ELECTRONIC CIGARETTES.—

"(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

"(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24323. Prohibition on smoking on Amtrak trains.".

SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AMTRAK.

Section 24712 of title 49, United States Code, is amended to read as follows:

"§ 24712. State-supported routes operated by Amtrak

"(a) STATE-SUPPORTED ROUTE COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the current and future rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall consist of—

"(i) members representing Amtrak;

"(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

"(iii) members representing States.

"(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

"(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

"(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

"(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

"(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

"(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

"(B) each voting bloc has 1 vote;

"(C) the votes of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

"(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

"(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all members of a voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other voting blocs consistent with the procedures set forth in paragraph (3) shall be deemed unanimous consent.

"(5) MEETINGS; RULES AND PROCEDURES.—The Committee shall define and periodically update the rules and procedures governing the Committee's proceedings. The rules and procedures shall—

"(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

"(B) be adopted in accordance with such decisionmaking procedures.

"(6) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

"(7) COST METHODOLOGY POLICY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(B) REVISIONS TO COST METHODOLOGY POLICY.—

"(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to the requirements of clause (iii), the Committee shall, not later than March 31, 2022, update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note). Such update shall be consistent with the principles for revision of the Committee pursuant to such section and consistent with any subsequent changes to such principles approved by the Committee. The Committee shall implement the updated policy beginning in fiscal year 2023 and shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report documenting and explaining any changes to the policy and plans for implementation not later than 30 days after the adoption of the updated policy.

"(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a policy implemented pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request such costs in the general and legislative annual report required by section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised policy is implemented.

"(iii) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (5) shall include procedures for changing the cost methodology policy under this subparagraph, notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act (49 U.S.C. 22 24101 note), and procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, and data sharing and governance.

"(C) REQUIREMENTS.—The cost methodology policy shall—

"(i) ensure equal treatment in the provision of like services of all States and groups of States;

"(ii) assign to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route; and

"(iii) promote increased efficiency in Amtrak's operating and capital activities.

"(b) INVOICES AND REPORTS.—

"(1) MONTHLY INVOICE.—Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs.

"(2) PLANNING AND DEMAND REPORTS.—A State shall provide to the Committee and Amtrak planning and demand reports with respect to a planned or existing State-supported route.

"(3) FINANCIAL AND PERFORMANCE REPORTS.—The Committee shall require Amtrak to provide to the States and the Committee financial and performance reports at a frequency, and containing such information, as determined appropriate by the Committee.

"(c) DISPUTE RESOLUTION.—

"(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(5), an invoice or a report provided under subsection (b), implementation or compliance with the cost methodology policy developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(7) of this section, either Amtrak or the State may request

that the Surface Transportation Board conduct dispute resolution under this subsection.

"(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

"(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

"(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount related to a State-supported route that a State sponsors that is not in dispute.

"(d) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

"(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

"(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

"(B) administrative expenses that the Secretary determines necessary.

"(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance, including incentives to—

"(1) increase revenue;

"(2) reduce costs;

"(3) finalize contracts by the beginning of the Federal fiscal year; and

"(4) require States to promptly make payments for services delivered.

"(f) STATEMENT OF GOALS AND OBJECTIVES.—

"(1) IN GENERAL.—The Committee shall develop and annually review and update, as necessary, a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The statement shall include a list of capital projects, including infrastructure, fleet, station, and facility initiatives, needed to support the growth of State-supported routes. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

"(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than March 31 of each year, the Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the most recent annual update to the statement developed under paragraph (1).

"(g) NEW OR EXPANDED STATE-SUPPORTED ROUTES.—

"(1) COORDINATION AND CONSULTATION.—In developing a new State-supported route or expanding an existing State-supported route, Amtrak shall closely coordinate with all States in which such route operates, and shall consult with the following:

"(A) The local municipalities in which the proposed route operates.

"(B) Commuter authorities and regional transportation authorities (as such terms are defined in section 24102) in the areas proposed to be served by such route.

"(C) The owner of any rail infrastructure over which the proposed route operates.

"(D) Administrator of the Federal Railroad Administration.

"(E) Other stakeholders, as appropriate.

"(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated or expanded on or after the date of enactment of the TRAIN Act, Amtrak shall enter into an agreement with the State in which the proposed route operates for sharing ongoing operating costs and capital costs in accordance with—

"(A) the cost methodology policy described under subsection (a)(7); or

"(B) the alternative cost methodology schedule described in paragraph (3).

"(3) ALTERNATIVE COST METHODOLOGY.—Under the cost methodology schedule described in this paragraph, with respect to costs not covered by revenues for the operation of a State-supported route, Amtrak shall pay—

"(A) the share Amtrak otherwise would have paid under the cost methodology under subsection (a); and

"(B) a percentage of the share that the State otherwise would have paid under the cost methodology policy under subsection (a) according to the following:

"(i) Amtrak shall pay up to 100 percent of the capital costs and planning costs necessary to initiate a new State-supported route or expand an existing State-supported route, including planning and development, design, and environmental analysis costs, prior to beginning operations on the new route.

"(ii) For the first 2 years of operation, Amtrak shall pay for 100 percent of operating costs and capital costs.

"(iii) For the third year of operation, Amtrak shall pay 90 percent of operating costs and capital costs and the State shall pay the remainder.

"(iv) For the fourth year of operation, Amtrak shall pay 80 percent of operating costs and capital costs and the State shall pay the remainder

"(v) For the fifth year of operation, Amtrak shall pay 50 percent of operating costs and capital costs and the State shall pay the remainder.

"(vi) For the sixth year of operation and thereafter, operating costs and capital costs shall be allocated in accordance with the cost methodology policy described under subsection (a) as applicable.

"(4) DEFINITIONS.—In this subsection, the terms 'capital cost' and 'operating cost' shall apply in the same manner as such terms apply under the cost methodology policy developed under subsection (a).

"(h) COST METHODOLOGY UPDATE AND IMPLEMENTATION REPORT.—Not later than 18 months after an updated cost methodology policy required under subsection (a)(7)(B) is implemented, the Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the implementation of the updated policy.

"(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall provide an update in the general and legislative annual report required by 24315(b) of planned or proposed changes to State-supported routes, including the introduction of new State-supported routes. In identifying routes to be considered planned or proposed under this subsection, Amtrak shall—

"(1) identify the timeframe in which such changes could take effect and whether Amtrak has entered into a commitment with a State under subsection (g)(2); and

"(2) consult with the Committee and any additional States in which a planned or proposed route may operate, not less than 120 days before an annual grant request is transmitted to the Secretary.

"(j) RULE OF CONSTRUCTION.—The decisions of the Committee—

"(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

"(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

"(k) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, including the District of Columbia, that sponsor or propose to sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors or proposes to sponsor such operation on such a route.".

SEC. 9210. AMTRAK POLICE DEPARTMENT.

(a) DEPARTMENT MISSION.—Not later than 180 days after the date of enactment of this Act, Amtrak shall identify the mission of the Amtrak Police Department (in this section referred to as the "Department"), including the scope of the role and priorities of the Department, in mitigating risks to and ensuring the safety and security of Amtrak passengers, employees, trains, stations, facilities, and other infrastructure. In identifying such mission, Amtrak shall consider—

(1) the unique needs of maintaining the safety and security of Amtrak's network; and

(2) comparable passenger rail systems and the mission of the police departments of such rail systems.

(b) WORKFORCE PLANNING PROCESS.—Not later than 120 days after identifying the mission of the Department under subsection (a), Amtrak shall develop a workforce planning process that—

(1) ensures adequate employment levels and allocation of sworn and civilian personnel, including patrol officers, necessary for fulfilling the Department's mission; and

(2) sets performance goals and metrics for the Department that align with the mission of the Department and monitors and evaluates the Department's progress toward such goals and metrics.

(c) CONSIDERATIONS.—In developing the workforce planning process under subsection (b), Amtrak shall—

(1) identify critical positions, skills, and competencies necessary for fulfilling the Department's mission;

(2) analyze employment levels and ensure that—

(A) an adequate number of civilian and sworn personnel are allocated across the Department's 6 geographic divisions, including patrol officers, detectives, canine units, special operations unit, strategic operations, intelligence, corporate security, the Office of Professional Responsibilities, and the Office of Chief of Polices; and

(B) patrol officers have an adequate presence on trains and route segments, and in stations, facilities, and other infrastructure;

(3) analyze workforce gaps and develop strategies to address any such gaps;

(4) consider risks, including those identified by Amtrak's triannual risk assessments;

(5) consider variables, including ridership levels, miles of right-of-way, crime data, call frequencies, interactions with vulnerable populations, and workload, that comparable passenger rail systems with similar police departments consider in the development of the workforce plans of such systems; and

(6) consider collaboration or coordination with local, State, Tribal, and Federal agencies, and public transportation agencies to support the safety and security of the Amtrak network.

(d) CONSULTATION.—In carrying out this section, Amtrak shall consult with the Amtrak Police Labor Committee, public safety experts, foreign or domestic entities providing passenger rail service comparable to Amtrak, and any other relevant entities, as determined by Amtrak.

(e) REPORTS.—

(1) REPORT ON MISSION OF DEPARTMENT.—Not later than 10 days after Amtrak identifies the mission of the Department under subsection (a), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a description of the mission of the Department and the reasons for the content of such mission.

(2) REPORT ON WORKFORCE PLANNING PROCESS.—Not later than 10 days after Amtrak completes the workforce planning process under subsection (b), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the workforce planning process, the underlying data used to develop such process, and how such process will achieve the Department's mission.

SEC. 9211. AMTRAK FOOD AND BEVERAGE.

(a) AMTRAK FOOD AND BEVERAGE.—Section 24321 of title 49, United States Code, is amended to read as follows:

"§ 24321. Amtrak food and beverage

"(a) ENSURING ACCESS TO FOOD AND BEVERAGE SERVICES.—On all long-distance routes, Amtrak shall ensure that all passengers who travel overnight on such route shall have access to purchasing the food and beverages that are provided to sleeping car passengers on such route.

"(b) FOOD AND BEVERAGE WORKFORCE.—

"(1) WORKFORCE REQUIREMENT.—Amtrak shall ensure that any individual onboard a train who prepares or provides food and beverages is an Amtrak employee.

"(2) SAVINGS CLAUSE.—No Amtrak employee holding a position as of the date of enactment of the TRAIN Act may be involuntarily separated because of any action taken by Amtrak to implement this section, including any employees who are furloughed as a result of the COVID–19 pandemic.

"(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of the development and implementation of the plan required by the amendments made by section 11207 of such Act.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS.—The item relating to section 24321 in the analysis for chapter 243 of title 49, United States Code, is amended to read as follows:

"24321. Amtrak food and beverage.".

(2) AMTRAK AUTHORITY.—Section 24305(c)(4) of title 49, United States Code, is amended by striking "only if revenues from the services each year at least equal the cost of providing the services".

(3) CONTRACTING OUT.—Section 121(c) of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by striking ", other than work related to food and beverage service,".

(c) AMTRAK FOOD AND BEVERAGE WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, Amtrak shall establish a working group (in this subsection referred to as the "Working Group") to provide recommendations on Amtrak onboard food and beverage services.

(2) MEMBERSHIP.—The Working Group shall consist of—

(A) an equal number of individuals representing—

(i) Amtrak;

(ii) the labor organizations representing Amtrak employees who prepare or provide onboard food and beverage services;

(iii) the State-Supported Route Committee established by section 24712; and

(iv) nonprofit organizations representing Amtrak passengers; and

(B) an individual with culinary or hospitality expertise agreed to by the members under clauses (i) through (iv) of subparagraph (A).

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The Working Group shall develop recommendations to increase ridership and improve customer satisfaction by—

(i) promoting collaboration and engagement between Amtrak, Amtrak passengers, and Amtrak employees preparing or providing onboard food and beverage services, prior to Amtrak implementing changes to onboard food and beverage services;

(ii) improving onboard food and beverage services; and

(iii) improving solicitation, reception, and consideration of passenger feedback regarding onboard food and beverage services.

(B) CONSIDERATIONS.—In developing the recommendations under subparagraph (A), the Working Group shall consider—

(i) the healthfulness of onboard food and beverages offered, including the ability of passengers to address dietary restrictions;

(ii) the preparation and delivery of onboard food and beverages;

(iii) the differing needs of passengers traveling on long-distance routes, State-supported routes, and the Northeast Corridor;

(iv) the reinstatement of the dining car service on long-distance routes;

(v) Amtrak passenger survey data about the food and beverages offered on Amtrak trains; and

(vi) any other issue the Working Group determines appropriate.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than 1 year after the date on which the Working Group is established, the Working Group shall submit to the Board of Directors of Amtrak, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing the recommendations developed under paragraph (3).

(B) SUBSEQUENT REPORT.—Not later than 30 days after the date on which the Working Group submits the report required under subparagraph (A), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on whether Amtrak agrees with the recommendations of the Working Group and describing any plans to implement such recommendations.

(5) PROHIBITION ON FOOD AND BEVERAGE SERVICE CHANGES.—During the period beginning on the date of enactment of this Act and ending 30 days after the date on which Amtrak submits the report required under paragraph (4)(B), Amtrak may not make large-scale, structural changes to existing onboard food and beverage services, except that Amtrak shall reverse any changes to onboard food and beverage service made in response to the COVID–19 pandemic as Amtrak service is restored.

(6) TERMINATION.—The Working Group shall terminate on the date on which Amtrak submits the report required under paragraph (4)(B), except that Amtrak may extend such date by up to 1 year if Amtrak determines that the Working Group is beneficial to Amtrak in making decisions related to onboard food

and beverage services. If Amtrak extends such date, Amtrak shall include notification of the extension in the report required under paragraph (4)(B).

(7) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Working Group established under this section.

(8) LONG-DISTANCE ROUTE; NORTHEAST CORRIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the terms "long-distance route", "Northeast Corridor", and "State-supported route" have the meaning given those terms in section 24102 of title 49, United States Code.

SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING OUT.

(a) FURLOUGHED WORK.—Section 121 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by striking subsection (d) and inserting the following:

"(d) FURLOUGHED WORK.—Amtrak may not contract out work within the scope of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period of time such employee has been laid off involuntarily if such employee—

"(1) is eligible and qualified under the agreement to perform such work in accordance with the seniority of such employee; and

"(2) has not been provided an opportunity to be recalled to perform such work.

"(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

"(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

"(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).".

(b) WORKFORCE PLAN.—Section 24320(c)(2) of title 49, United State Code, is amended—

(1) in subparagraph (C)(iii)(III) by striking "and" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) a summary of Amtrak's plan to meet the workforce needs of each asset category, which shall—

"(i) identify any gaps in Amtrak's workforce, including any vacancy, skill gap, or shortage of qualified personnel;

"(ii) summarize any action Amtrak is taking to address any such gaps; and

"(iii) summarize any anticipated change to the size of the Amtrak workforce and any cause for such change; and".

SEC. 9213. AMTRAK STAFFING.

Section 24312 of title 49, United States Code, is amended by adding at the end the following:

"(c) CALL CENTER STAFFING.—

"(1) OUTSOURCING.—Amtrak may not renew or enter into a contract to outsource call center customer service work on behalf of Amtrak, including through a business process outsourcing group.

"(2) TRAINING.—Amtrak shall make available appropriate training programs to any Amtrak call center employee carrying out customer service activities using telephone or internet platforms.

"(d) STATION AGENT STAFFING.—

"(1) IN GENERAL.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building where at least one Amtrak ticket agent was employed on or after October 1, 2017.

"(2) LOCATIONS.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building—

"(A) that Amtrak owns, or operates service through, as part of a passenger service route; and

"(B) for which the number of passengers boarding or deboarding an Amtrak long-distance train in the previous fiscal year exceeds the average of at least 40 passengers per day over all days in which the station was serviced by Amtrak, regardless of the number of Amtrak vehicles servicing the station per day. For fiscal year 2021, ridership from fiscal year 2019 shall be used to determine qualifying stations.

"(3) EXCEPTION.—This subsection does not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.

"(4) AMTRAK TICKET AGENT.—For purposes of this section, the term 'Amtrak ticket agent' means an Amtrak employee with authority to sell Amtrak tickets onsite and assist in the checking of Amtrak passenger baggage.

"(5) EFFECTIVE DATE.—This subsection shall take effect on the earlier of—

"(A) the date of the expiration of the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or

"(B) the day after the period that is the first 6 consecutive months within a calendar year for which Amtrak ridership exceeds the Amtrak ridership for the same 6 consecutive calendar months in 2019.".

SEC. 9214. SPECIAL TRANSPORTATION.

Section 24307(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "for the following:" and inserting "of at least a 10 percent discount on full-price coach class rail fares for, at a minimum—";

(2) in paragraph (1) by striking the period at the end and inserting a semicolon; and

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

"(2) individuals of 12 years of age or younger;

"(3) individuals with a disability, as such term is defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

"(4) members of the Armed Forces on active duty (as those terms are defined in section 101 of title 10) and their spouses and dependents with valid identification;

"(5) veterans (as that term is defined in section 101 of title 38) with valid identification; and

"(6) individuals attending federally accredited postsecondary education institutions with valid student identification cards.".

SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"§ 24324. Disaster and emergency relief program

"(a) IN GENERAL.—The Secretary of Transportation may make grants to Amtrak for—

"(1) capital projects to repair, reconstruct, or replace equipment, infrastructure, stations, and other facilities that the Secretary determines are in danger of suffering serious damage, or have suffered serious damage, as a result of an emergency event;

"(2) offset revenue lost as a result of such an event; and

"(3) support continued operations following emergency events.

"(b) COORDINATION OF EMERGENCY FUNDS.—Funds made available to carry out this section shall be in addition to any other funds available and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law.

"(c) GRANT CONDITIONS.—Grants made under this subsection (a) shall be subject to section 22905(c)(2)(A) and other such terms and conditions as the Secretary determines necessary.

"(d) DEFINITION OF EMERGENCY EVENT.—In this section, the term 'emergency event' has the meaning given such term in section 20103.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24324. Disaster and emergency relief program.".

SEC. 9216. ACCESS TO RECREATIONAL TRAILS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following:

"(i) ACCESS TO RECREATIONAL TRAILS.—At least 30 days before implementing a new policy, structure, or operation that impedes access to recreational trails, Amtrak shall work with potentially affected communities, making a good-faith effort to address local concerns about such access. Not later than February 15 of each year, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any such engagement in the preceding calendar year, and any changes to policies, structures, or operations affecting access to recreational trails that were considered or made as a result. The report shall include Amtrak's plans to mitigate the impact to such access.".

SEC. 9217. AMTRAK CYBERSECURITY ENHANCEMENT AND RESILIENCY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"§ 24325. Amtrak cybersecurity enhancement and resiliency grant program

"(a) IN GENERAL.—The Secretary of Transportation shall make grants to Amtrak for improvements in information technology systems, including cyber resiliency improvements for Amtrak information technology assets.

"(b) APPLICATION OF BEST PRACTICES.—Any cyber resiliency improvements carried out with a grant under this section shall be consistent with cybersecurity industry best practices and publications issued by the National Institute of Standards and Technology.

"(c) COORDINATION OF CYBERSECURITY FUNDS.—Funds made available to carry out this section shall be in addition to any other Federal funds and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law for purposes of enhancing the cybersecurity architecture of Amtrak.

"(d) GRANT CONDITIONS.—In carrying out this section—

"(1) to the extent practicable, the Secretary shall provide grants consistent with the process established under section 24319;

"(2) the Secretary shall ensure that a grant made available under this section shall be administered and disbursed as part of Amtrak's annual grant agreement as authorized by section 24319(d)(1)(B); and

"(3) a grant made under this section shall be subject to such terms and conditions as the Secretary determines necessary.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24325. Amtrak cybersecurity enhancement and resiliency grant program.".

SEC. 9218. AMTRAK AND PRIVATE CARS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that private cars and charter trains can—

(1) improve Amtrak's financial performance, particularly on the long-distance routes;

(2) have promotional value for Amtrak that results in future travel on Amtrak trains by passengers made aware of Amtrak as a result;

(3) support private-sector jobs, including for mechanical work and on-board services; and

(4) provide good-will benefits to Amtrak.

(b) POLICY REVIEW.—Amtrak shall review the policy changes since January 1, 2018, that have caused significant changes to the relationship between Amtrak and private car owners and charter train services and evaluate opportunities to strengthen these services, including by reinstating some access points and restoring flexibility to charter-train policies. For charter trains, private cars, and package express carried on regular Amtrak trains, consistent with sound business practice, Amtrak should recover direct costs plus a reasonable profit margin.

SEC. 9219. AMTRAK OFFICE OF COMMUNITY OUTREACH.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 24326. Amtrak Office of Community Outreach

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall establish an Office of Community Outreach to engage with communities impacted by Amtrak operations.

"(b) RESPONSIBILITIES.—The Office of Community Outreach shall be responsible for—

"(1) outreach and engagement with—

"(A) local officials before capital improvement project plans are finalized; and

"(B) local stakeholders and relevant organizations on projects of community significance;

"(2) clear explanation and publication of how community members can communicate with Amtrak;

"(3) the use of virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(4) making publicly available on the website of Amtrak, planning documents for proposed and implemented capital improvement projects.

"(c) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Office of Community Outreach, and annually thereafter, Amtrak shall submit to the Committee on Transportation and Infrastructure in the House of Representatives

and the Committee on Commerce, Science, and Transportation of the Senate a report that—

"(1) describes the community outreach efforts undertaken by the Amtrak Office of Community Outreach for the previous year; and

"(2) identifies changes Amtrak made to capital improvement project plans after engagement with affected communities.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24326. Amtrak Office of Community Outreach.".

SEC. 9220. LONG-DISTANCE CUSTOMER ENHANCEMENT PROGRAM.

(a) AUTHORIZATION.—Amtrak shall expend not less than 2.5 percent of the amounts appropriated in each fiscal year pursuant to section 9101(a)(2) to enhance the customer experience on Amtrak long-distance routes.

(b) ELIGIBILITY.—Projects and initiatives to serve the following purposes, including planning and development, are eligible to be implemented by Amtrak under this section:

(1) Rolling stock interior refreshes and redesigns.

(2) Food and beverage service improvements consistent with section 24321 of title 49, United States Code.

(3) Wi-Fi service expansion and improvement.

(4) Enhanced customer experience at stations.

(5) Other customer enhancement initiatives developed by Amtrak, including initiatives developed in accordance with subsection (c).

(c) CONSULTATION.—Not later than 90 days after the date of enactment of this Act, and subsequently on a periodic basis, Amtrak shall consult with appropriate States, local governments, labor organizations representing railroad employees, and national associations that represent rail passengers on ways to enhance the customer experience on long-distance routes.

(d) USE OF FUNDS FOR OTHER PURPOSES.—Amtrak may use funds provided under this section for purposes related to long-distance route service other than those listed in subsection (b) if—

(1) Amtrak determines the use of funds is necessary to—

(A) improve the safety of long-distance route operations; or

(B) maintain continued operation or service levels of any such route; and

(2) not later than 10 days of the repurposing of such funds, Amtrak submits to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate, a report that includes—

(A) the amount of funds repurposed for a use described in this subsection, and

(B) the reason for the repurposing of such funds.

(e) LONG-DISTANCE ROUTE DEFINED.—In this section, the term "long-distance route" has the meaning given the term in section 24102 of title 49, United States Code.

SEC. 9221. AMTRAK CARBON-FREE AND RENEWABLE ENERGY INITIATIVES.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 24327. Amtrak carbon-free and renewable energy initiatives

"(a) EMISSIONS REDUCTION AND ENERGY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall—

"(A) develop a greenhouse gas emissions reduction and energy plan that sets forth a goal of, a strategy for achieving, and potential timelines and funding requirements for—

"(i) becoming a net-zero carbon emissions transportation provider; and

"(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor;

"(B) submit the plan to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) publish the plan on Amtrak's website.

"(2) ADDITIONAL REQUIREMENTS.—The plan developed under paragraph (1) shall contain—

"(A) at least 1 option for becoming a net-zero carbon emissions transportation provider not later than January 1, 2035; and

"(B) at least 1 option for achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor not later than January 1, 2030.

"(3) ANNUAL PROGRESS REPORTS.—

"(A) IN GENERAL.—After submission and publication of the plan developed under paragraph (1), Amtrak shall include in each general and legislative annual report required under section 24315(b), an update on Amtrak's progress towards—

"(i) becoming a net-zero carbon emissions transportation provider; and

"(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor.

"(B) LEGISLATIVE RECOMMENDATIONS.—The update required under subparagraph (A) may include recommendations for legislative changes or changes to funding levels likely to increase the rate of Amtrak's progress.

"(b) CARBON-FREE AND RENEWABLE ENERGY USE.—

"(1) ENERGY SOURCE REQUIREMENT.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall ensure that any new or renewed contract between Amtrak and a provider of electricity that is used to meet the needs of train traction power or rail facility power requires that an amount equal to or greater that 25 percent of such electricity is derived from carbon-free or renewable energy sources.

"(2) INCREASED ENERGY SOURCE GOALS.—Amtrak shall establish goals for increasing the energy source requirements described in paragraph (1), including a goal of requiring—

"(A) at least 50 percent of electricity derived from such sources for new or renewed contracts entered into beginning 5 years after the date of enactment of the TRAIN Act; and

"(B) 100 percent of electricity derived from such sources for new or renewed contracts entered into on or after January 1, 2030.

"(3) EXCEPTIONS.—The requirements of paragraph (1) shall not apply in any case in which—

"(A) no provider of electricity is able to provide the necessary levels of carbon-free or renewable energy;

"(B) compliance with such requirements would adversely affect Amtrak's operations or quality of service to an unreasonable degree; or

"(C) compliance with such requirements would cause an increase of at least 50 percent in total cost of electricity, as compared to the total cost of electricity Amtrak would otherwise have acquired.

"(4) REPORT.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies opportunities to further increase Amtrak's use of carbon-free and renewable energy for train traction power needs and facility power needs.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24327. Amtrak carbon-free and renewable energy initiatives.".

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 9301. NORTHEAST CORRIDOR COMMISSION.

Section 24905 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A) by striking "members" and inserting "4 members";

(B) in subparagraph (B) by striking "members" and inserting "5 members"; and

(C) in subparagraph (D) by striking "and commuter railroad carriers using the Northeast Corridor selected by the Secretary" and inserting "railroad carriers and commuter authorities using the Northeast Corridor, as determined by the Commission";

(2) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) At least two of the members described in paragraph (1)(B) shall be career appointees, as such term is defined in section 3132(a) of title 5.";

(3) in subsection (b)(3)(B)—

(A) in clause (i) by inserting ", including ridership trends," before "along the Northeast Corridor";

(B) in clause (ii) by striking "capital investment plan described in section 24904." and inserting "first year of the capital investment plan described in section 24904; and"; and

(C) by adding at the end the following:

"(iii) progress in assessing and eliminating the state-of-good-repair backlog.";

(4) in subsection (c)—

(A) by striking "(1) DEVELOPMENT" and all that follows through "standardized policy" and inserting the following:

"(1) POLICY.—The Commission shall—

"(A) maintain and update, as appropriate, the 'Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy' approved on September 17, 2015,";

(B) in paragraph (1)—

(i) in subparagraph (B) by striking "a proposed timetable for implementing" and inserting "timetables for implementing and maintaining";

(ii) in subparagraph (C) by striking "the policy and the timetable" and inserting "updates to the policy and the timetables"; and

(iii) by striking subparagraph (D) and inserting the following:

"(D) support the efforts of the members of the Commission to implement the policy in accordance with such timetables; and";

(C) in paragraph (2)—

(i) by striking the first sentence and inserting "In accordance with the timetable developed in paragraph (1), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in agreements for usage of facilities or services.";

(ii) by striking "fail to implement such new agreements" and inserting "fail to implement the policy"; and

(iii) by striking "paragraph (1)(A), as applicable" and inserting "paragraph (1)"; and

(D) in paragraph (4) by striking "public authorities providing commuter rail passenger transportation" and inserting "commuter authorities";

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (1)(D) of subsection (d) (as redesignated by paragraph (6)) by striking "commuter rail agencies" and inserting "commuter authorities".

SEC. 9302. NORTHEAST CORRIDOR PLANNING.

(a) IN GENERAL.—Section 24904 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by striking subsection (c);

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) SERVICE DEVELOPMENT PLAN.—

"(1) REQUIREMENT.—Not later than December 31, 2021, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall submit to Congress a service development plan that identifies key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor, to upgrade aging infrastructure and improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the Northeast Corridor.

"(2) CONTENTS.—The service development plan required under paragraph (1) shall—

"(A) provide a coordinated and consensus-based plan covering a period of 15 years;

"(B) identify service objectives and capital investments needs;

"(C) provide a delivery-constrained strategy that identifies capital investment phasing, an evaluation of workforce needs, and strategies for managing resources and mitigating construction impacts on operations;

"(D) describe the anticipated outcomes of each project or program, including an assessment of improved capacity, travel time, and other benefits and costs of proposed investments;

"(E) include a financial strategy that incorporates available funding and identifies funding needs and potential sources of such funding; and

"(F) be updated at least every 5 years.";

(5) in subsection (b) (as redesignated by paragraph (3))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "Not later than" and all that follows through "shall" and inserting "Not later than November 1 of each year, the Commission shall";

(ii) in subparagraph (A) by striking "a capital investment plan" and inserting "an annual capital investment plan"; and

(iii) in subparagraph (B) by inserting "for the Northeast Corridor" after "capital investment plan";

(B) in paragraph (1)—

(i) in subparagraph (A) by striking "a capital investment plan" and inserting "an annual capital investment plan"; and

(ii) in subparagraph (B) by inserting "for the Northeast Corridor" after "capital investment plan";

(C) in paragraph (2)—

(i) in subparagraph (A) by striking "and network optimization";

(ii) in subparagraph (B) by striking "and service";

(iii) in subparagraph (C) by striking "first fiscal year after the date on which" and inserting "fiscal year during which";

(iv) in subparagraph (D)—

(I) by striking "identify, prioritize," and all that follows through "and consider" and inserting "document the projects and programs being undertaken to achieve the service outcomes identified in the Northeast Corridor service development plan, once available, and the asset condition needs identified in the Northeast Corridor asset management system described in subsection (e) and consider"; and

(II) in clause (i) by inserting "overall estimated" before "benefits";

(v) in subparagraph (E)(i) by striking "normalized capital replacement and";

(vi) in subparagraph (F) by adding "and" at the end;

(vii) by striking subparagraph (G); and

(viii) by redesignating subparagraph (H) as subparagraph (G); and

(D) in paragraph (3)—

(i) by striking "paragraph (2)(H)" and inserting "paragraph (2)(G)";

(ii) in subparagraph (A)—

(I) by inserting "anticipated" before "funding sources"; and

(II) by inserting "and, in the absence of an authorization or appropriation of funds for a fiscal year, be based on the amount of funding available in the previous fiscal year, plus inflation" after "methods";

(iii) in subparagraph (B) by striking "expected allocated shares of costs" and inserting "status of cost sharing agreements";

(iv) in subparagraph (C) by striking "and" at the end;

(v) by redesignating subparagraph (D) as subparagraph (E); and

(vi) by inserting after subparagraph (C) the following:

"(D) include any funding needs in excess of amounts authorized or otherwise available in a fiscal year; and";

(6) in subsection (c) (as redesignated by paragraph (3)) by striking "may be spent only on" and all that follows through the end and inserting "may be spent only on capital projects and programs contained in the Commission's capital investment plan from the previous year."; and

(7) by striking subsection (d) and inserting the following:

"(d) REVIEW AND COORDINATION.—The Commission shall gather information from Amtrak, the States in which the Northeast Corridor is located, and commuter rail authorities to support development of the capital investment plan. The Commission may specify a format and other criteria for the information submitted. Submissions to the plan from Amtrak, States in which the Northeast Corridor are located, and commuter rail authorities shall be provided to the Commission in a manner that allows for a reasonable period of review by, and coordination with, affected agencies.

"(e) NORTHEAST CORRIDOR ASSET MANAGEMENT.—With regard to existing infrastructure, Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system, and use and update such system as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b). Such system shall—

"(1) be timed consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

"(2) include, at a minimum—

"(A) an inventory of all capital assets owned by the developer of the plan;

"(B) an assessment of asset condition;

"(C) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair; and

"(D) a description of changes in asset condition since the previous version of the plan.".

(b) CONFORMING AMENDMENTS.—

(1) ACCOUNTS.—Section 24317(d)(1) of title 49, United States Code, is amended—

(A) in subparagraph (B) by striking "24904(a)(2)(E)" and inserting "24904(b)(2)(E)"; and

(B) in subparagraph (F) by striking "24904(b)" and inserting "24904(c)".

(2) FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.—Section 24911(e)(2) of title 49, United States Code, is amended by striking "24904(a)" and inserting "24904(b)".

SEC. 9303. PROTECTIVE ARRANGEMENTS.

Section 22905 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B) by striking "that are equivalent to the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)" and inserting "established by the Secretary under subsection (e)(1)";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following:

"(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Federal Railroad Administration shall establish protective arrangements equivalent to those established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836), and require such protective arrangements to apply to employees described under subsection (c)(2)(B) and as required under subsection (j) of section 22907.

"(2) PUBLICATION.—The Administrator shall make available on a publicly available website the protective arrangements established under paragraph (1).".

SEC. 9304. INTERSTATE RAIL COMPACTS.

(a) IDENTIFICATION.—Section 410 of the Amtrak Reform and Accountability Act of 1997 (Public Law 105–134; 49 U.S.C. 24101 note) is amended—

(1) in subsection (b)(2) by striking "(except funds made available for Amtrak)"; and

(2) by adding at the end the following:

"(c) INTERSTATE RAIL COMPACTS PROGRAM.—The Secretary of Transportation shall—

"(1) make available on a publicly accessible website a list of interstate rail compacts established in accordance with subsection (a);

"(2) provide information to the public regarding interstate rail compacts, including how States may establish interstate rail compacts under subsection (a); and

"(3) annually update the information provided under paragraph (2).".

(b) GRANTS AUTHORIZED.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"§ 22910. Interstate rail compacts support program

"(a) IN GENERAL.—The Secretary shall develop and implement a competitive grant program for providing administrative assistance, including salaries, benefits, travel, and other administrative expenses, to eligible applicants to support interstate and regional efforts—

"(1) to improve the safety, efficiency, or reliability of intercity passenger rail; and

"(2) to promote and develop intercity passenger rail service, including through initiating, restoring, or enhancing intercity passenger rail service.

"(b) APPLICANT SELECTION CRITERIA.—

"(1) IN GENERAL.—In awarding grants under this section, the Secretary shall consider—

"(A) the amount of other funding received by an applicant (including funding from railroads) or other significant participation by State, local, and regional governmental and private entities;

"(B) the applicant's work to facilitate and encourage regional planning for passenger rail improvement, enhancement, and development;

"(C) the applicant's work to foster, through rail transportation systems, economic development, particularly in rural communities, for socially disadvantaged individuals, and for disadvantaged populations;

"(D) the applicant's efforts to provide guidance to local communities on public and private resources relate to community concerns, such as congestion, rail and grade crossing safety, trespasser prevention, quiet zones, idling, and rail line relocations;

"(E) whether the applicant seeks to restore service over routes formerly operated by Amtrak, including routes described in section 11304(a) of the Passenger Rail Reform and Investment Act of 2015 (title XI of division A of Public Law 114–94);

"(F) the applicant's intent to provide intercity passenger rail service to regions and communities that are underserved or not served by other intercity public transportation;

"(G) whether the applicant is enhancing connectivity and geographic coverage of the existing national network of intercity rail passenger service;

"(H) the applicant's efforts to engage with entities to deploy railroad safety technology or programs, including trespassing prevention, rail integrity inspection systems, or grade crossing safety;

"(I) whether the applicant prepares regional rail and corridor service development plans and corresponding environmental analysis; and

"(J) whether the applicant has engaged with the Federal, local, or State government and transportation planning agencies to identify projects necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service, commercial air service, or commuter rail service.

"(2) PREFERENCE.—In selecting grant recipients, the Secretary shall give preference to applicants that are initiating, restoring, or enhancing intercity rail passenger transportation.

"(c) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of submitting applications under this section.

"(d) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives.

"(2) ANNUAL REPORT.— The Secretary shall require grant recipients to submit an annual report of the activities of such recipient and information related to applicable performance measures, which may include—

"(A) a demonstration of progress to achieve or advance the relevant criteria described in subsection (b); and

"(B) the amount of non-Federal matching funds provided from each member State.

"(e) FEDERAL SHARE OF TOTAL PROJECT COST.—The Secretary shall require each recipient of a grant under this subsection to provide a non-Federal match of not less than 50 percent of the administrative assistance to the interstate rail compact.

"(f) APPLICABLE REQUIREMENTS.—The use of any amounts appropriated for grants under this section shall be subject to the applicable requirements under this chapter.

"(g) APPLICABILITY.—Amounts appropriated to carry out this section shall remain available until expended.

"(h) LIMITATIONS.—

"(1) MAXIMUM FUNDING PER APPLICANT.—The Secretary may not award grants under this section in an amount exceeding $500,000 annually for each applicant.

"(2) NUMERIC LIMITATION.—The Secretary may not provide grants under this section to more than 10 interstate rail compacts in any fiscal year.

"(i) DEFINITIONS.—In this section:

"(1) APPLICANT.—The term 'applicant' means an interstate rail compact or an interstate commission composed of 2 or more States that has been established to promote, develop, or operate intercity passenger rail transportation systems.

"(2) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' has the meaning given the term 'intercity rail passenger transportation' in section 24102.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"22910. Interstate rail compacts support program.".

SEC. 9305. HIGH-SPEED RAIL UPDATES.

(a) HIGH-SPEED RAIL CORRIDOR PLANNING.—Section 26101 of title 49, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A) by striking ", or if it is an activity described in subparagraph (M)";

(B) in subparagraph (J) by striking "right-of-way improvements" and inserting "right-of-way acquisition or improvement needs";

(C) in subparagraph (K) by inserting "and" at the end; and

(D) by striking subparagraphs (L) and (M) and inserting the following:

"(L) public costs in the creation of public private partnerships."; and

(2) in subsection (c)—

(A) by striking paragraphs (1) through (3) and inserting the following:

"(1) the extent to which the proposed planning focuses on systems which will provide for high-speed rail;

"(2) the integration of the corridor into metropolitan area and statewide transportation planning, including State rail plans;

"(3) the use of rail stations within urbanized areas that are located in a geographic area with a greater density population than the urbanized area as a whole;";

(B) in paragraph (4) by inserting before the semicolon ", passenger rail, transit, and other multimodal options";

(C) in paragraph (6) by inserting "and reduce greenhouse gas emissions" before the semicolon; and

(D) in paragraph (11) by inserting ", including access to affordable housing" before the semicolon.

(b) DEFINITIONS.—Section 26105(2) of title 49, United States Code, is amended—

(1) by inserting "made available to members of the general public as passengers and reasonably expected to reach speeds of" after "service which is";

(2) in subparagraph (A) by striking "reasonably expected to reach sustained speeds of more than 125 miles per hour; and" and inserting "160 miles per hour or more on shared-use right-of-way; or"; and

(3) in subparagraph (B) by striking "made available to members of the general public as passengers" and inserting "186 miles per hour or more on dedicated right-of-way".

(c) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—Section 26106(e)(2) of title 49, United States Code, is amended—

(1) in subparagraph (A)(i) by striking "section 211 of the Passenger Rail Investment and Improvement Act of 2008" and inserting "section 24904(a)"; and

(2) in subparagraph (C)(i)—

(A) by striking subclause (III);

(B) by redesignating subclause (II) as subclause (III);

(C) by inserting after subclause (I) the following:

"(II) connectivity to rail stations within urbanized areas that are located in a geographic area with a greater density population than the urbanized area as a whole;"; and

(D) by striking subclause (IV) and inserting the following:

"(IV) environmental benefits, including projects that—

"(aa) reduce greenhouse gas emissions; and

"(bb) involve electrification or the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;".

SEC. 9306. STATE RAIL PLANNING FORMULA FUNDS.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"§ 22911. State rail planning formula funds

"(a) IN GENERAL.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of 1.5 percent of the amounts made available for programs under this chapter to provide grants to States—

"(1) for State or multi-State regional intercity passenger rail corridor planning or project-specific, intercity passenger rail planning purposes; or

"(2) for funding rail projects otherwise eligible under section 22907 if no intercity passenger rail planning is feasible.

"(b) LIMITATION OF FUNDS.—Any unobligated balances of a grant under this section remaining after 3 years from the fiscal year in which the grant was made shall be redistributed in an appropriate portion.

"(c) DEFINITIONS.—In this section:

"(1) APPROPRIATE PORTION.—The term 'appropriate portion' means a share, for each State—

"(A) one quarter of which is comprised of the ratio that the total railroad route miles in such State bears to the total railroad route miles in the United States, excluding from each such total the route miles used exclusively for tourist excursions;

"(B) one quarter of which is comprised of the ratio that the population in such State bears to the total population of the United States, as determined by the Bureau of the Census; and

"(C) half of which is comprised of the ratio that the Amtrak ridership for fiscal year 2019 in each State bears to the total Amtrak ridership for fiscal year 2019.

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the end the following:

"22911. State rail planning formula funds.".

TITLE IV—COMMUTER RAIL POLICY

SEC. 9401. SENSE OF CONGRESS REGARDING COMMUTER RAIL LIABILITY INSURANCE.

(a) FINDINGS.—Congress finds the following:

(1) Prior to the COVID–19 pandemic, 32 commuter railroads across the United States safely carried passengers on more than 500,000,000 trips each year.

(2) Commuter rail is a $9,900,000,000 industry that creates and supports more than 200,000 public- and private-sector jobs, and continues to grow.

(3) Most commuter rail agencies are required to maintain liability insurance up to statutory liability limits.

(4) Commuter rail agencies face significant obstacles to finding and obtaining liability insurance.

(5) Only a handful of insurers offer this coverage, and a significant percentage of the railroad liability insurance marketplace is provided by foreign companies.

(6) The number of insurers in the American and foreign markets willing to even offer potential capacity for this coverage has drastically decreased over the past several years, and, regardless of cost, it is becoming extremely difficult for commuter railroads to obtain the needed coverage.

(7) Despite the exceptional safety record of commuter railroads and recent full compliance with positive train control, a 2021 survey of the American Public Transportation Association's commuter rail agencies revealed that there has been a 60 percent increase in premium costs over the last 3 years.

(8) The increase in premiums is largely due to factors outside the control of the commuter rail industry, including major forest fires, hurricanes, and insurers exiting the market.

(9) The cost of liability insurance severely impacts the operating budgets of many commuter rail agencies and potentially affects their ability to offer these critical public transportation services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should address the capacity and cost issues associated with the commuter rail liability insurance market and consider establishing a commuter rail insurance program within the Department of Transportation.

SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION OF TRACKAGE USE REQUESTS.

Section 28502 of title 49, United States Code, is amended to read as follows:

"§ 28502. Surface Transportation Board mediation of trackage use requests

"A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to trackage and provision of related services. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the trackage owner,

both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.".

SEC. 9403. SURFACE TRANSPORTATION BOARD MEDIATION OF RIGHTS-OF-WAY USE REQUESTS.

Section 28503 of title 49, United States Code, is amended to read as follows:

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

"A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to rail right-of-way for the construction and operation of a segregated fixed guideway facility. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the right-of-way owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.".

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

SEC. 9501. STUDY ON SAFETY IMPACT OF LONG TRAINS.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the safety impacts of the operation of long trains.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of any potential risks of the operation of long trains and recommendations on mitigation of any such risks;

(2) among other safety factors with respect to the operation of such trains, an evaluation of any—

(A) potential risk of loss of communications between an end-of-train device, or a distributed power unit, and the locomotive cab, including communications over differing terrains and conditions;

(B) potential risk of loss of radio communications between crewmembers after a crewmember alights from a train, including communications over differing terrains and conditions;

(C) potential risk of derailments, including any risks associated with in-train compressive forces and slack action, or other safety risks in differing terrains and conditions;

(D) changes in risks or benefits to safety associated with the deployment of multiple distributed power units in the consists of such trains; and

(E) impacts of the length of trains on braking and locomotive performance and track wear and tear; and

(3) an evaluation of whether additional engineer and conductor training is required for safely operating such trains.

(c) COLLABORATION.—In conducting the study required under subsection (a), the Secretary shall collaborate with railroad carriers, labor organizations representing railroad employees, and railroad safety technology manufacturers.

(d) RESULTS OF STUDY.—

(1) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains—

(A) the results of the study required by subsection (a);

(B) any recommendations for mitigating safety risks caused by long trains; and

(C) a description of any action the Secretary intends to take to address any safety risk identified in the study.

(2) SHARING STUDY RESULTS.—After submitting the report required by paragraph (1), the Secretary shall share the results of the study with railroad carriers, labor organizations representing railroad employees, and safety technology organizations.

(e) SECRETARY ACTION.—Not later than 180 days after the date on which the report required by subsection (d)(1) is submitted, the Secretary shall implement any proposed actions described in such report.

(f) DEFINITION.—In this section, the term "long train" means a freight train composed of more than 150 rail cars.

(g) FUNDING.—From the amounts made available for fiscal year 2021 to carry out section 20117(a) of title 49, United States Code, the Secretary shall expend not less than $1,000,000 and not more than $2,000,000 to carry out this section.

SEC. 9502. FRA SAFETY REPORTING.

(a) IN GENERAL.—Section 20901 of title 49, United States Code, is amended by inserting "(including the train length, the number of crew members in the controlling locomotive cab, and the duties of such crew members)" after "reported accident or incident".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(c) TREND ANALYSIS.—

(1) IN GENERAL.—Chapter 209 of title 49, United States Code, is amended by adding at the end the following:

"§ 20904. Trend analysis

"(a) ANNUAL REVIEW AND ANALYSIS.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than annually thereafter, the Secretary shall review the reports filed by a railroad carrier subject to section 20901(a) and analyze the data contained in such reports for trends or patterns of potential safety risks.

"(b) SECRETARY ACTION.—If the Secretary identifies any such trends or patterns, the Secretary shall—

"(1) take such actions as are necessary to address the potential safety risk; and

"(2) if appropriate, communicate any such trends or patterns to a representative of any relevant railroad carrier and a representative of the employees of such railroad carrier, including any nonprofit employee labor organization representing a craft or class of employees subject to the potential safety risk.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 209 of title 49, United States Code, is amended by adding at the end the following:

"20904. Trend analysis.".

(d) ACCIDENT AND INCIDENT REPORTING.—Section 209 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20901 note) is amended by inserting ", and other events required to be reported under part 225 of title 49, Code of Federal Regulations," after "collisions and fatalities".

SEC. 9503. WAIVER NOTICE REQUIREMENTS.

Section 20103(d) of title 49, United States Code, is amended to read as follows:

"(d) NONEMERGENCY WAIVERS.—

"(1) IN GENERAL.—The Secretary may waive or suspend compliance with any part of a regulation prescribed or order issued under this chapter if the waiver or suspension is in the public interest and consistent with railroad safety.

"(2) NOTICE REQUIRED.—The Secretary shall—

"(A) provide timely public notice of any request for a waiver or suspension under this subsection;

"(B) make the application for such waiver or suspension and any related underlying data available to interested parties;

"(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver or suspension under this subsection before making a final decision; and

"(D) make public the reasons for granting a waiver or suspension under this subsection.

"(3) INFORMATION PROTECTION.—Nothing in this subsection shall be construed to require the release of information protected by law from public disclosure.".

SEC. 9504. NOTICE OF FRA COMPREHENSIVE SAFETY COMPLIANCE ASSESSMENTS.

(a) INITIAL NOTICE.—If the Federal Railroad Administration initiates a comprehensive safety compliance assessment of an entity providing regularly scheduled intercity or commuter rail passenger transportation, the Administration shall notify in electronic format the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such comprehensive safety compliance assessment not later than 10 business days after the date on which commencement of any field investigation activity that is part of such assessment occurs.

(b) FINDINGS.—Not later than 180 days after completion of a comprehensive safety compliance assessment described in subsection (a), the Federal Railroad Administration shall transmit in electronic format to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a summary report of the findings of such assessment.

(c) DEFINITION OF COMPREHENSIVE SAFETY COMPLIANCE ASSESSMENT.—In this section, the term "comprehensive safety compliance assessment" means a focused review initiated and managed by the Federal Railroad Administration based on findings from an accident investigation and involving at least 2 technical disciplines, with the purpose of examining the compliance of an entity providing regularly scheduled intercity or commuter rail passenger transportation with safety standards.

SEC. 9505. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.

Section 20902 of title 49, United States Code, is amended—

(1) in subsection (b) by striking "subpena" and inserting "subpoena";

(2) in subsection (c) by inserting "The Secretary shall develop a process to make available to a representative of the railroad carrier that is the subject of an accident or incident investigation, and to a representative of the employees of such railroad carrier, including a nonprofit employee labor organization representing railroad workers, a draft investigation report for timely review and comment." after the period at the end; and

(3) by adding at the end the following:

"(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

"(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section to—

"(A) gather information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others determined relevant by the Secretary; and

"(B) consult with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

"(2) CONFIDENTIALITY.—In developing the process under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

"(A) such entity requests confidentiality;

"(B) such entity was not involved in the accident or incident; and

"(C) maintaining such entity's confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

"(3) APPLICATION OF LAW.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.".

SEC. 9506. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"§ 20169. Freight train crew size safety standards

"(a) MINIMUM CREW SIZE.—No freight train may be operated unless such train has a 2-person crew comprised of at least 1 appropriately qualified and certified conductor and 1 appropriately qualified and certified locomotive engineer.

"(b) EXCEPTIONS.—Except as provided in subsection (d), the prohibition in subsection (a) shall not apply in any of the following circumstances:

"(1) Train operations on track that is not a main track.

"(2) A train operated—

"(A) by a railroad carrier that has fewer than 400,000 total employee work hours annually and less than $40,000,000 annual revenue (adjusted for inflation as measured by the Surface Transportation Board Railroad Inflation-Adjusted Index);

"(B) at a speed of not more than 25 miles per hour; and

"(C) on a track with an average track grade of less than 2 percent for any segment of track that is at least 2 continuous miles.

"(3) Locomotives performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including traveling to or from the location where assistance is provided.

"(4) Locomotives that—

"(A) are not attached to any equipment or attached only to a caboose; and

"(B) do not travel farther than 30 miles from the point of origin of such locomotive.

"(5) Train operations staffed with fewer than a two-person crew at least 1 year prior to the date of enactment of this section, if the Secretary determines that the operation achieves an equivalent level of safety.

"(c) TRAINS INELIGIBLE FOR EXCEPTION.—The exceptions under subsection (b) may not be applied to—

"(1) a train transporting 1 or more loaded cars carrying high-level radioactive waste, spent nuclear fuel, or material toxic by inhalation;

"(2) a train carrying 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid throughout the train consist; or

"(3) a train with a total length of 7,500 feet or greater.

"(d) WAIVER.—A railroad carrier may seek a waiver of the requirements of this section pursuant to section 20103(d).".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"20169. Freight train crew size safety standards.".

SEC. 9507. BORDER CROSSINGS.

(a) BORDER CROSSINGS.—The Secretary of Transportation shall require that—

(1) any railroad carrier that is operating a freight train across the southern border into the United States operates the train continually until the last car of the train passes through the scanning facility used for nonintrusive inspection by U.S. Customs and Border Protection located at such border;

(2) when the last car of such train passes through such facility, the railroad carrier shall stop such train to conduct a crew interchange and any federally-mandated safety testing; and

(3) the railroad carrier ensures that the only individuals that operate such trains after carrying out the activities described in paragraph (2) are individuals—

(A) who are United States nationals or aliens lawfully admitted for permanent residence in the United States; and

(B) whose primary reporting point is in the United States.

(b) FUNDING.—

(1) SET-ASIDE.—From the amounts made available to carry out section 22907 of title 49, United States Code, the Secretary shall set aside, for each of fiscal years 2022 through 2026, $60,000,000 for projects to prevent blocked crossing incidents as a result of operations made necessary by subsection (a). Projects eligible for funding under this paragraph are—

(A) highway-rail grade crossing separation projects eligible under such section that are located not further than 1.5 miles from a scanning facility described in subsection (a)(1); and

(B) projects eligible under such section to relocate a rail line to prevent blocked crossing incidents resulting from trains crossing the southern border.

(2) UNOBLIGATED FUNDS.—Any funds provided under paragraph (1) that are unobligated at the end of the second fiscal year following the fiscal year in which such funds are set aside may be used for any eligible project under section 22907.

(c) AGREEMENT.—The Secretary shall ensure that a recipient of funds made available under subsection (b)(1)(A) has a written agreement with any railroad carrier operating over the infrastructure constructed or improved with such funds that includes a requirement that any such railroad carrier may not operate trains over

such infrastructure that, due to the length of the train, are likely to cause blocked crossing incidents.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending any safety regulation of the Federal Railroad Administration or amending or revoking any waivers such Administration has granted under section 20103 of title 49, United States Code.

(e) DEFINITIONS.—In this section:

(1) RAILROAD CARRIER.—The term "railroad carrier" has the meaning given such term in section 20102 of title 49, United States Code.

(2) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

(3) BLOCKED CROSSING INCIDENT.—The term "blocked crossing incident" has the meaning given such term in section 20173 of title 49, United States Code.

SEC. 9508. YARDMASTERS HOURS OF SERVICE.

(a) LIMITATIONS ON DUTY HOURS OF YARDMASTER EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—

(1) in the section heading by inserting "**and yardmaster employees**" after "**train employees**";

(2) by inserting "or yardmaster employee" after "train employee" each place it appears; and

(3) in subsection (e) by inserting "or yardmaster employee's" after "During a train employee's".

(b) DEFINITIONS.—Section 21101 of title 49, United States Code, is amended—

(1) in paragraph (3) by inserting "a yardmaster employee," after "dispatching service employee,"; and

(2) by adding at the end the following:

"(6) 'yardmaster employee' means an individual responsible for supervising and coordinating the control of trains and engines operating within a rail yard.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 211 of title 49, United States Code, is amended by striking the item relating to section 21103 and inserting the following:

"21103. Limitations on duty hours of train employees and yardmaster employees.".

SEC. 9509. LEAKING BRAKES.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall take such actions as are necessary to prohibit the use of any service air brake control valve or emergency air brake control valve in any location north of the 37th parallel during the period beginning on November 1 and ending on March 31 of any year if—

(1) the period between the date on which the air brake control valve is in use and the date of the manufacture or recondition of such valve exceeds 15 years; and

(2) the air brake control valve is operated in—

(A) a unit train on or after August 1, 2023;

(B) a train transporting 1 or more materials poisonous by inhalation, as such term is defined in section 171.8 of title 49, Code of Federal Regulations, on or after August 1, 2023; or

(C) a non-unit train on or after August 1, 2025.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until air brake control valves described in subsection (a) are no longer operating in trains as required under subparagraphs (A) and (B) of subsection (a)(1), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies—

(1) the estimated number of such air brake control valves in use on—

(A) unit trains operating north of the 37th parallel between November 1 and March 31; and

(B) trains transporting 1 or more material poisonous-by-inhalation operating north of the 37th parallel during the period beginning on November 1 and ending on March 31;

(2) any issues affecting the industry's progress toward ensuring that such air brake control valves are phased out in accordance with the requirements of subsection (a); and

(3) efforts the Administrator has taken since the previous report to ensure such air brake control valves are phased out in accordance with the requirements of subsection (a).

(c) RULEMAKING.—If, after collecting data through a science-based methodology, the Administrator determines the prohibition under subsection (a) does not ensure

a sufficient level of safety, the Administrator may propose alternative actions in a rulemaking addressing the air brake control valves subject to this section.

SEC. 9510. REPORT ON PTC SYSTEM FAILURES.

Section 20157 of title 49, United States Code, is amended by adding at the end the following:

"(m) REPORT OF SYSTEM FAILURES.—The Secretary shall require railroad carriers and other entities subject to subsection (a) to regularly report to the Administrator failures of positive train control systems. The Secretary shall prescribe the type of failure, format, interval, and detail required for reports submitted under this subsection.".

SEC. 9511. FATIGUE REDUCTION MANAGEMENT PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations on fatigue management plans based on the notice of proposed rulemaking published on December 22, 2020, titled "Fatigue Risk Management Programs for Certain Passenger and Freight Railroads" (85 Fed. Reg. 83484; Docket No. FRA–2015–0122).

(b) MONITORING.—

(1) FATIGUE AS CAUSE OR CONTRIBUTING FACTOR.—If a Federal Railroad Administration railroad accident or incident investigation conducted under section 20902 of title 49, United States Code, identifies that fatigue was a casual or contributing factor to an accident or incident, the Secretary may reopen a fatigue management plan of a passenger railroad operation or a railroad subject to part 270 or part 271, respectively, of title 49, Code of Federal Regulations.

(2) FATIGUE AS SYSTEMIC ISSUE.—If the Secretary determines that fatigue is a systemic issue for a passenger railroad operation or railroad, the Secretary shall reopen a fatigue management plan of such passenger railroad operation or a railroad subject to part 270 or part 271, respectively, of title 49, Code of Federal Regulations.

(3) REOPENING OF FATIGUE MANAGEMENT PLAN.—If the Secretary reopens a fatigue management plan under paragraph (1) or (2), the Secretary shall—

(A) consider whether any statement filed under sections 270.208(e) and 271.207(e) of title 49, Code of Federal Regulations, addressed such plan; and

(B) consult with employees, including labor organizations representing railroad employees, of the passenger railroad operation or railroad that has a reopened fatigue management plan.

SEC. 9512. ASSAULT PREVENTION AND RESPONSE PLANS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20170. Assault prevention and response plans

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, any entity that provides regularly scheduled intercity or commuter rail passenger transportation shall submit to the Secretary of Transportation for review and approval an assault prevention and response plan (in this section referred to as the 'Plan') to address transportation assaults.

"(b) CONTENTS OF PLAN.—The Plan required under subsection (a) shall include—

"(1) procedures that—

"(A) facilitate the reporting of a transportation assault, including the notification of on-site personnel, rail law enforcement, and local law enforcement;

"(B) personnel should follow up on the reporting of a transportation assault, including actions to protect affected individuals from continued assault;

"(C) may be taken to remove the passenger or personnel who has committed a transportation assault from the train or related area or facility as soon as practicable when appropriate;

"(D) include protections and safe reporting practices for passengers who may have been assaulted by personnel; and

"(E) may limit or prohibit, to the extent practicable, future travel with the entity described in subsection (a) by any passenger or personnel who commits a transportation assault against personnel or passengers;

"(2) a policy that ensures an employee who is a victim or witness of a transportation assault may participate in the prosecution of a criminal offense of such assault without any adverse effect on the victim's or witnesses' employment status; and

"(3) a process and timeline for conducting an annual review and update of the Plan.

"(c) NOTICE TO PASSENGERS.—An entity described under subsection (a) shall display onboard trains and in boarding areas, as appropriate, a notice stating the entity's abilities to restrict future travel under subsection (b)(1)(E).

"(d) PERSONNEL TRAINING.—An entity described under subsection (a) shall provide initial and annual training for all personnel on the contents of the Plan, including training regarding—

"(1) the procedures described in subsection (b);

"(2) methods for responding to hostile situations, including de-escalation training; and

"(3) rights and responsibilities of personnel with respect to a transportation assault on themselves, other personnel, or passengers.

"(e) PERSONNEL PARTICIPATION.—The Plan required under subsection (a) shall be developed and implemented with the direct participation of personnel, and, as applicable, labor organizations representing personnel.

"(f) REPORTING.—

"(1) INCIDENT NOTIFICATION.—

"(A) IN GENERAL.—Not later than 10 days after a transportation assault incident, the applicable entity described in subsection (a) shall notify personnel employed at the location in which the incident occurred. In the case of an incident on a vehicle, such entity shall notify personnel regularly scheduled to carry out employment activities on the service route on which the incident occurred.

"(B) CONTENT OF INCIDENT REPORT.—The notification required under paragraph (1) shall—

"(i) include a summary of the incident; and

"(ii) be written in a manner that protects the confidentiality of individuals involved in the incident.

"(2) ANNUAL REPORT.—For each calendar year, each entity with respect to which a transportation assault incident has been reported during such year shall submit to the Secretary a report that describes—

"(A) the number of assault incidents reported to the entity, including—

"(i) the number of incidents committed against passengers; and

"(ii) the number of incidents committed against personnel; and

"(B) the number of assault incidents reported to rail or local law enforcement by personnel of the entity.

"(3) PUBLICATION.—The Secretary shall make available to the public on the primary website of the Federal Railroad Administration the data collected under paragraph (2).

"(4) DATA PROTECTION.—Data made available under this subsection shall be made available in a manner that protects the confidentiality of individuals involved in transportation assault incidents.

"(g) DEFINITION OF TRANSPORTATION ASSAULT.—In this section, the term 'transportation assault' means the occurrence, or reasonably suspected occurrence, of an act that—

"(1) constitutes assault;

"(2) is committed by a passenger or member of personnel of an entity that provides regularly scheduled intercity or commuter rail passenger transportation against another passenger or member of personnel of such entity; and

"(3) takes place—

"(A) within a vehicle of such entity; or

"(B) in an area in which passengers are entering or exiting a vehicle described in subparagraph (A); or

"(C) at a station or facility where such entity operates, regardless of ownership of the station or facility.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"20170. Assault prevention and response plans.".

SEC. 9513. CRITICAL INCIDENT STRESS PLANS.

The Secretary of Transportation shall issue such regulations as are necessary to amend part 272 of title 49, Code of Federal Regulations, to ensure that—

(1) the coverage of a critical incident stress plan under section 272.7 of such part includes directly involved employees of commuter railroads and intercity passenger railroads, as such terms are defined in section 272.9 of such part; and

(2) assault and the witnessing of an assault against an employee or train passenger is included in the definition of critical incident under section 272.9 of such part.

SEC. 9514. CREWMEMBER CERTIFICATION AND QUALIFICATION.

(a) AUDIT OF PROGRAMS.—

(1) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20171. Audit of qualification and certification programs

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than every 5 years thereafter, the Secretary shall conduct an audit of—

"(1) the qualification and certification program of locomotive engineers of each Class I railroad carrier subject to the requirements of part 240 of title 49, Code of Federal Regulations; and

"(2) the qualification and certification program of conductors of each Class I railroad carrier subject to the requirements of part 242 of title 49, Code of Federal Regulations.

"(b) CONTENTS OF AUDIT.—In carrying out the audit required under subsection (a), the Secretary shall—

"(1) consider whether the training, qualification, and continuing education components of the programs described in subsection (a) comply with regulations in parts 240 and 242 of title 49, Code of Federal Regulations;

"(2) assess the quality of the training that railroad carriers provide locomotive engineers and conductors under such programs;

"(3) determine whether such programs provide locomotive engineers and conductors the knowledge, skill, and ability to safely operate the types of locomotives or trains a railroad carrier may require a locomotive engineer and conductor to operate, including all associated technology used on such locomotives or trains;

"(4) determine whether the training, qualification, and continuing education components of such programs reflect the operating practices of the railroad carrier carrying out such components;

"(5) assess whether a railroad carrier conducting such programs provides locomotive engineers or conductors adequate at-controls training before certification;

"(6) assess how a railroad carrier uses a simulator or other technology to train, familiarize, or provide recurrent training to a locomotive engineer or conductor, including how the use of a simulator or other such technology compares to international experience or practice; and

"(7) address any other safety issues the Secretary determines appropriate for preparing locomotive engineers and conductors.

"(c) DEFICIENCY IN QUALIFICATION AND CERTIFICATION PROGRAM.—If, in conducting the audit required under this section, the Secretary identifies a deficiency in a railroad carrier's qualification and certification program of locomotive engineers or the qualification and certification program of conductors, the Secretary shall require the railroad carrier to update such program to eliminate the deficiency.

"(d) CONSULTATION.—In conducting the audit required under this section, the Secretary shall consult with representatives of each railroad carrier and representatives of the employees of the railroad carrier, including any nonprofit employee labor organization representing engineers or conductors of the railroad carrier.

"(e) COOPERATION.—

"(1) IN GENERAL.—A railroad carrier and employees of the railroad carrier, including any nonprofit employee labor organization representing engineers or conductors of the railroad carrier, shall cooperate fully with the Secretary during an audit required under this section.

"(2) DOCUMENTS; INTERVIEWS.—A railroad carrier shall provide any documents requested by the Secretary or make available any employee for interview with the Secretary without undue delay or obstruction.

"(f) REPORT TO CONGRESS.—Not later than 90 days after the date on which the Secretary completes an audit under subsection (a), the Secretary shall—

"(1) publish on the website of the Federal Railroad Administration a report that summarizes the results of the audit and any updates made in accordance with subsection (c); and

"(2) notify of such report the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(g) CIVIL PENALTY.—The Secretary is authorized to assess a civil penalty or to take other authorized enforcement action, as appropriate, pursuant to chapter 213 for a failure to comply with the requirements of this section.".

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"20171. Audit of qualification and certification programs.".

(b) REVIEW OF REGULATIONS.—

(1) IN GENERAL.—The Secretary of Transportation shall determine whether any update to part 240 or 242, of title 49, Code of Federal Regulations, is necessary to prepare locomotive engineers and conductors to safely operate trains.

(2) REQUIREMENTS.—In making a determination under paragraph (1), the Secretary shall—

(A) evaluate, taking into account the requirements of section 20169 of title 49, United States Code, whether such parts establish Federal standards for railroad carriers to—

(i) provide locomotive engineers and conductors the knowledge, skill and ability to safely operate trains under conditions that reflect industry practices;

(ii) adequately address locomotive engineer and conductor situational awareness;

(iii) require adequate at-controls training before a locomotive engineer or conductor is certified;

(iv) adequately prepare locomotive engineers and conductors to understand all locomotive operating characteristics;

(v) sufficiently require locomotive engineers and conductors to demonstrate knowledge on the physical characteristics of a territory under various conditions and using various resources; and

(vi) address any other safety issue the Secretary determines appropriate for better preparing locomotive engineers and conductors; and

(B) consider the results of the audit required by section 20171 of title 49, United States Code.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date on which the Secretary submits the report required under section 20171(f) of title 49, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the findings of the review required under paragraph (1) and a description of any action the Secretary intends to take to improve, or increase the effectiveness of the requirements of, part 240 or 242 of title 49, Code of Federal Regulations.

(4) RULEMAKING.—If the Secretary determines under paragraph (1) that any update to part 240 or 242 is necessary to prepare locomotive engineers or conductors to safely operate locomotives or trains, the Secretary shall issue a rulemaking to carry out such update.

(5) APPLICATION OF LAW.—Any action the Secretary takes as a result of a determination made under paragraph (1) shall be consistent with section 20169 of title 49, United States Code.

(6) DEFINITION OF RAILROAD CARRIER.—In this subsection, the term "railroad carrier" has the meaning given such term in section 20102 of title 49, United States Code.

SEC. 9515. SAFETY MANAGEMENT TEAM COMMUNICATION.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20172. Safety management team communication

"The Administrator of the Federal Railroad Administration shall implement a process for the communication of information between safety management teams of the Administration and railroad employees, including any nonprofit employee labor organization representing railroad employees. Such process shall include a reasonable timeframe for a safety management team to respond to communication from such railroad employees.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"20172. Safety management team communication.".

SEC. 9516. GAO STUDY ON REORGANIZATION OF OFFICE OF RAILROAD SAFETY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing the Office of Railroad Safety of the Federal Railroad Administration before and after the reorganization of such Office that took effect on June 8, 2020.

(b) CONTENTS.—The study conducted under subsection (a) shall evaluate—

(1) the differences in the structure of the Office before and after such reorganization;

(2) any differences in the communication between the Office and railroad carriers and the employees of railroad carriers before and after such reorganization;

(3) any differences in the communication between Federal Railroad Administration safety inspectors and other specialists before and after such reorganization, and the impacts of such differences;

(4) whether the structure before or after such reorganization better protects against regulatory capture;

(5) whether the structure before or after such reorganization is better at promoting and ensuring safety;

(6) whether the structure before or after such reorganization more closely resembles the structure of other Department of Transportation modal agencies that have enforcement authority similar to the Federal Railroad Administration; and

(7) any other issues the Comptroller General determines are relevant.

(c) INFORMATION COLLECTION.—In conducting the study required under this section, the Comptroller General shall collect information from the following entities:

(1) The Federal Railroad Administration.

(2) Freight rail carriers and passenger rail carriers.

(3) Employees of freight rail carriers and passenger rail carriers.

(4) Other entities the Comptroller General determines are relevant.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the findings of the study conducted under subsection (a) and any recommendations for improving safety and communication within the Office of Railroad Safety or between the Office of Railroad Safety and the entities identified in paragraphs (2) and (3) of subsection (c).

SEC. 9517. OPEN-TOP RAIL CAR PUBLIC INPUT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall initiate a public process to seek input on addressing safety risks, spills, emissions, odors, and other public nuisances associated with top loading rail cars, open-top hoppers, and gondolas, including evaluating the feasibility of a requirement that such rail cars be covered while in transportation, including while being held, delayed, or transferred.

SEC. 9518. NEW PASSENGER SERVICE PRE-REVENUE SAFETY VALIDATION PLAN.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"§ 20122. New passenger service pre-revenue safety validation plan

"(a) SAFETY VALIDATION PLAN.—

"(1) IN GENERAL.—The Secretary of Transportation shall require a covered entity to submit to the Secretary a safety validation plan to ensure the safe operation of—

"(A) a new intercity rail passenger transportation or commuter rail passenger transportation service;

"(B) an intercity rail passenger transportation or commuter rail passenger transportation route that has not been in revenue service for a period of more than 180 days; or

"(C) an extension of an existing intercity rail passenger transportation or commuter rail passenger transportation route.

"(2) SUBMISSION.—A covered entity shall submit a safety validation plan required under paragraph (1) not later than 30 days before the date on which such entity begins revenue service of a service or route described in paragraph (1).

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall establish the requirements of the safety validation plan described under subsection (a), including adequate training of all rel-

evant personnel and a minimum period of simulated service to ensure operational readiness.

"(2) PROHIBITION OF SERVICE.—The Secretary shall prohibit a covered entity from beginning a service described in subsection (a)(1) until the entity is in full compliance with the safety validation plan required by such subsection.

"(c) AMENDMENT TO SAFETY VALIDATION PLAN.—

"(1) IN GENERAL.—The Secretary shall require a covered entity to submit to the Secretary for review and approval any proposed amendment to a safety validation plan required under subsection (a).

"(2) REVIEW AND APPROVAL.—Not later than 5 working days after the date on which the Secretary receives a proposed amendment submitted under paragraph (1), the Secretary shall review and approve or deny such proposed amendment.

"(3) NOTIFICATION.—If the Secretary does not approve a proposed amendment submitted under this subsection, the Secretary shall provide written notice to the covered entity of the specific areas in which the proposed amendment is deficient. An entity may correct such deficiencies and reapply for review and approval under this subsection.

"(d) DEFINITIONS.—In this section:

"(1) COVERED ENTITY.—The term 'covered entity' means an entity providing regularly scheduled railroad transportation that is intercity rail passenger transportation or commuter rail passenger transportation.

"(2) INTERCITY RAIL PASSENGER TRANSPORTATION; COMMUTER RAIL PASSENGER TRANSPORTATION.—The terms 'intercity rail passenger transportation' and 'commuter rail passenger transportation' have the meanings given such terms in section 24102.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20122. New passenger service pre-revenue safety validation plan.".

SEC. 9519. SAFETY OVERSIGHT OF NONTRADITIONAL AND EMERGING RAIL TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a review of the safety regulations of the Federal Railroad Administration to determine the applicability of such regulations to nontraditional and emerging rail technologies and to identify any gaps in such regulations or any challenges to ensuring the safety of such technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the review conducted under subsection (a).

(c) CONTENTS.—The report required under subsection (b) shall include a description of—

(1) the applicability of safety regulations in effect on the date of enactment of this Act to nontraditional and emerging rail technologies;

(2) whether gaps in the regulations or other challenges exist that should be addressed in order to ensure the safety of nontraditional and emerging rail technologies;

(3) any additional regulations that are necessary to ensure the safety of nontraditional and emerging rail technologies; and

(4) any additional research that may be needed to further evaluate and regulate the safety of nontraditional and emerging rail technologies.

(d) PUBLIC NOTICE AND COMMENT.—In conducting the review process under subsection (a), the Secretary shall provide notice and an opportunity for public comment for not less than 60 days.

(e) NONTRADITIONAL AND EMERGING RAIL TECHNOLOGIES DEFINED.—In this section, the term "nontraditional and emerging rail technologies" means nonhighway ground transportation that runs on electromagnetic guideways in a tube, or system of tubes, that operates in a low-pressure environment.

Subtitle B—Grade Crossing Safety

SEC. 9551. HIGHWAY-RAIL GRADE CROSSING SEPARATION GRANTS.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 22912. Highway-rail grade crossing separation grants

"(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make grants under this section to eligible entities to assist in funding the cost of highway-rail grade crossing separation projects.

"(b) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require, including—

"(1) an agreement between the entity that owns or controls the railroad right-of-way and the applicant addressing access to the railroad right-of-way throughout the project; and

"(2) a cost-sharing agreement with the funding amounts that the entity that owns or controls the railroad right-of-way shall contribute to the project, which shall be not less than 10 percent of the total project cost.

"(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive a grant under this section:

"(1) Installation, repair, or improvement, including necessary acquisition of real property interests, of highway-rail grade crossing separations.

"(2) Highway-rail grade crossing elimination incidental to eligible grade crossing separation projects.

"(3) Project planning, development, and environmental work related to a project described in paragraph (1) or (2).

"(d) PROJECT SELECTION CRITERIA.—In awarding grants under this section, the Secretary—

"(1) shall give priority to projects that maximize the safety benefits of Federal funding;

"(2) shall give priority to projects that provide direct benefits to socially disadvantaged individuals (as such term is defined in section 22906(b)); and

"(3) may evaluate applications on the safety profile of the existing crossing, 10-year history of accidents at such crossing, inclusion of the proposed project on a State highway-rail grade crossing action plan, average daily vehicle traffic, total number of trains per day, average daily number of crossing closures, the challenges of grade crossings located near international borders, proximity to established emergency evacuation routes, and proximity of community resources, including schools, hospitals, fire stations, police stations, and emergency medical service facilities.

"(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analysis, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share for a project carried out under this section shall not exceed 85 percent.

"(f) GRANT CONDITIONS.—An eligible entity may not receive a grant for a project under this section unless such project complies with section 22905.

"(g) LETTERS OF INTENT.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

"(A) announces an intention to obligate for a project an amount that is not more than the amount stipulated as the financial participation of the Secretary for the project; and

"(B) states that the contingent commitment—

"(i) is not an obligation of the Federal Government; and

"(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

"(2) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Appropriations of the House of Representatives;

"(iii) the Committee on Appropriations of the Senate; and

"(iv) the Committee on Commerce, Science, and Transportation of the Senate.

"(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

"(i) a copy of the letter of intent;

"(ii) the criteria used under subsection (d) for selecting the project for a grant; and

"(iii) a description of how the project meets such criteria.

"(h) APPROPRIATIONS REQUIRED.—An obligation or contingent commitment may be made under subsection (g) only after amounts are appropriated for such purpose.

"(i) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a public agency or publicly chartered authority;

"(C) a metropolitan planning organization;

"(D) a political subdivision of a State; and

"(E) a Tribal government.

"(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' has the meaning given such term in section 134(b) of title 23.

"(3) STATE.—The term 'State' means a State of the United States or the District of Columbia.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"22912. Highway-rail grade crossing separation grants.".

SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.

Section 22907 of title 49, United States Code (as amended by this Act), is further amended by adding at the end the following new subsection:

"(o) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

"(1) GRANT.—Of the amounts made available to carry out this section, the Secretary shall make grants to nonprofit organizations to carry out public information and education programs to help prevent and reduce rail-related pedestrian, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad right-of-way and at highway-rail grade crossings.

"(2) SELECTION.—Programs eligible for a grant under this subsection—

"(A) shall include, as appropriate—

"(i) development, placement, and dissemination of public service announcements in appropriate media;

"(ii) school presentations, driver and pedestrian safety education, materials, and public awareness campaigns; and

"(iii) disseminating information to the public on how to identify and report to the appropriate authorities—

"(I) unsafe or malfunctioning highway-rail grade crossings and equipment; and

"(II) high-risk and unsafe behavior and trespassing around railroad right-of-way; and

"(B) may include targeted and sustained outreach in communities at greatest risk to develop measures to reduce such risk.

"(3) COORDINATION.—Eligible entities shall coordinate program activities with local communities, law enforcement and emergency responders, and railroad carriers, as appropriate, and ensure consistency with State highway-rail grade crossing action plans required under section 11401(b) of the FAST Act (49 U.S.C. 22501 note) and the report titled 'National Strategy to Prevent Trespassing on Railroad Property' issued by the Federal Railroad Administration in October 2018.

"(4) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications for programs that—

"(A) are nationally recognized;

"(B) are targeted at schools in close proximity to railroad right-of-way;

"(C) partner with nearby railroad carriers; or

"(D) focus on communities with a recorded history of repeated pedestrian and motor vehicle accidents, incidents, injuries, and fatalities at highway-rail grade crossings and along railroad right-of-way.

"(5) APPLICABILITY.—Section 22905 shall not apply to contracts and agreements made under this subsection.".

SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR BLOCKING PUBLIC HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20173. Time limit for blocking public highway-rail grade crossing

"(a) TIME LIMIT.—A railroad carrier may not cause a blocked crossing incident that is longer than 10 minutes in duration, unless the blocked crossing incident is caused by—

"(1) a casualty or serious injury;

"(2) an accident;

"(3) a track obstruction;

"(4) actions necessary to comply with Federal rail safety laws, regulations, or orders issued thereunder unless the action to comply could reasonably occur at a different time or location;

"(5) actions necessary to adhere to section 24308;

"(6) a train fully contained within rail yard limits or fully contained in a rail siding;

"(7) an act of God; or

"(8) a derailment or a safety appliance equipment failure that prevents the train from advancing.

"(b) INVESTIGATION OF FREQUENTLY BLOCKED CROSSINGS.—For any public highway-rail grade crossing that has had 3 or more blocked crossing incidents that exceed the time limit set forth in subsection (a) and are reported to the blocked crossing database, and such incidents have occurred on at least 3 calendar days within a 30-day period, the Secretary shall—

"(1) provide an electronic notice of the number of reported blocked crossing incidents to the railroad carrier that owns the public highway-rail grade crossing;

"(2) investigate the causes of the blocked crossing incidents; and

"(3) investigate possible measures to reduce the frequency and duration of blocked crossing incidents at such grade crossing.

"(c) RECORDKEEPING.—

"(1) IN GENERAL.—A railroad carrier shall, upon receiving a notice under subsection (b), maintain train location data records for the public highway-rail grade crossing that was the subject of the notice.

"(2) CONTENTS OF RECORDS.—The train location data records required under paragraph (1) shall include—

"(A) a list of all blocked crossing incidents at the public highway-rail grade crossing that is the subject of the report exceeding 10 minutes;

"(B) the cause of the blocked crossing incident (to the extent available);

"(C) train length; and

"(D) the estimated duration of each blocked crossing incident.

"(3) CONSULTATION.—Beginning on the date on which a railroad carrier receives a notice under subsection (b), the Secretary may consult with the carrier for a period of 60 days to address concerns with blocked crossing incidents at the public highway-rail grade crossing that is the subject of the notice.

"(4) EXPIRATION OF DATA COLLECTION.—The requirement to maintain records under paragraph (1) shall cease with respect to a public highway-rail grade crossing noticed under subsection (b)(2) if there are no reports submitted to the blocked crossing database for blocked crossing incidents reported to occur at such grade crossing during the previous 365 consecutive calendar days.

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may issue civil penalties in accordance with section 21301 to railroad carriers for violations of subsection (a) occurring 60 days after the date of submission of a notice under subsection (b).

"(2) RELEASE OF RECORDS.—Upon the request of, and under requirements set by, the Secretary, railroad carriers shall provide the records maintained pursuant to subsection (c)(1) to the Administrator of the Federal Railroad Administration.

"(3) ALTERNATE ROUTE EXEMPTION.—Civil penalties may not be issued for violations of subsection (a) that occur at a public highway-rail grade crossing if an alternate route created by a public highway-rail grade separation exists within a half mile by road mileage of such public highway-rail grade crossing.

"(4) GRADE SEPARATION PROJECT.—Civil penalties may not be issued for violations of subsection (a) if the violation occurs at a public highway-rail grade crossing for which there is a proposed grade separation project—

"(A) that has received written agreement from the relevant local authorities; and

"(B) for which railroad carrier and project funding from all parties has been budgeted.

"(5) CONSIDERATIONS.—In determining civil penalties under this section, the Secretary shall consider increased penalties in a case in which a pattern of the

blocked crossing incidents continue to cause delays to State or local emergency services.

"(e) APPLICATION TO AMTRAK AND COMMUTER RAILROADS.—This section shall not apply to Amtrak or commuter authorities, including Amtrak and commuter authorities' operations run or dispatched by a Class I railroad.

"(f) DEFINITIONS.—In this section:

"(1) BLOCKED CROSSING DATABASE.—The term 'blocked crossing database' means the national blocked crossing database established under section 20174.

"(2) BLOCKED CROSSING INCIDENT.—The term 'blocked crossing incident' means a circumstance in which a train, locomotive, rail car, or other rail equipment is stopped in a manner that obstructs travel at a public highway-rail grade crossing.

"(3) PUBLIC HIGHWAY-RAIL GRADE CROSSING.—The term 'public highway-rail grade crossing' means a location within a State in which a public highway, road, or street, including associated sidewalks and pathways, crosses 1 or more railroad tracks at grade.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is further amended by adding at the end the following new item:

"20173. Time limit for blocking public highway-rail grade crossing.".

SEC. 9554. NATIONAL BLOCKED CROSSING DATABASE.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20174. National blocked crossing database

"(a) DATABASE.—Not later than 45 days after the date of enactment of the TRAIN Act, the Secretary of Transportation shall establish a national blocked crossings database for the public to report blocked crossing incidents.

"(b) PUBLIC AWARENESS.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall require each railroad carrier to publish the active link to report blocked crossing incidents on the website of the national blocked crossings database described in subsection (a) on the home page of the publicly-available website of the railroad carrier.

"(c) BLOCKED CROSSING INCIDENT; PUBLIC HIGHWAY-RAIL GRADE CROSSING.—In this section, the terms 'blocked crossing incident' and 'public highway-rail grade crossing' have the meanings given the terms in section 20173.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is further amended by adding at the end the following new item:

"20174. National blocked crossing database.".

SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED CROSSING MATTERS.

Section 20152 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C) by striking "or" at the end;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting the following after subparagraph (C):

"(D) blocked crossing incident, as defined in section 20173; or";

(B) in paragraph (4)—

(i) by striking "paragraph (1)(C) or (D)" and inserting "subparagraph (C), (D), or (E) of paragraph (1)"; and

(ii) by striking "and" at the end;

(C) in paragraph (5) by striking the period at the end and inserting a semicolon ; and

(D) by adding at the end the following:

"(6) upon receiving a report of a blocked crossing pursuant to paragraph (1)(D), the railroad carrier shall, within 14 days of receipt of the report—

"(A) verify that the public highway-rail grade crossing, as defined in section 20173, was blocked for a period of at least 10 minutes; and

"(B) upon positive verification of the report, enter the report into the national blocked crossings database established in section 20174; and

"(7) promptly inform the Secretary of any update to the number maintained under paragraph (1).'; and

(2) by adding at the end the following:

"(c) PUBLICATION OF TELEPHONE NUMBERS.—The Secretary shall make any telephone number established under subsection (a) publicly available on the website of the Department of Transportation.".

SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall expend such sums as are necessary to conduct a comprehensive review of the national highway-rail crossing inventory of the Department of Transportation established under section 20160 of title 49, United States Code.

(b) CONTENTS.—In conducting the review required under subsection (a), the Secretary shall—

(1) verify the accuracy of the geographical location data contained in the inventory described in subsection (a) using mapping technologies and other methods; and

(2) notify the relevant railroad and State agencies of the erroneous data in the inventory and require such entities to correct the erroneous data within 30 days of notification.

(c) STATE REPORTS.—The Secretary shall require State agencies to ensure that any geographic data contained in the inventory described in subsection (a) remains consistent with any geographic data identified in biennial State reports required under section 130 of title 23, United States Code.

(d) REPORT.—Not later than 120 days after the completion of the review required under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the corrections made to the inventory described in subsection (a) and the Secretary's plans to ensure continued accuracy of such inventory.

SEC. 9557. RAILROAD TRESPASSING ENFORCEMENT GRANTS.

Section 22907 of title 49, United States Code, is further amended by adding at the end the following:

"(p) RAILROAD TRESPASSING ENFORCEMENT GRANTS.—

"(1) IN GENERAL.—Of the amounts made available under this section, the Secretary may make grants to public law enforcement agencies engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way to pay wages of law enforcement personnel to patrol railroad right-of-way located in communities at risk for rail trespassing incidents and fatalities.

"(2) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications from entities that have jurisdiction within the boundaries of the 10 States with the highest incidence of rail trespass related casualties as reported in the previous fiscal year, as reported by the National Rail Accident Incident Reporting System.

"(3) LIMITATION.—The Secretary shall not award more than 3 annual grants under this subsection to the same entity.".

SEC. 9558. RAILROAD TRESPASSING SUICIDE PREVENTION GRANTS.

Section 22907 of title 49, United States Code, is further amended by adding at the end the following:

"(q) RAILROAD TRESPASSING SUICIDE GRANTS.—

"(1) IN GENERAL.—Of the amounts made available to carry out this section, the Secretary may make grants to eligible entities to implement a public outreach campaign to reduce the number of railroad suicides.

"(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit mental health organization engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way in partnership with a railroad carrier, as defined in section 20102.".

SEC. 9559. INCLUDING RAILROAD SUICIDES.

(a) IN GENERAL.—Not less than 180 days after the enactment of this Act, the Secretary of Transportation shall revise any regulations, guidance, or other relevant agency documents to include the number of suicides on a railroad crossing or railroad right-of-way in the total number of rail fatalities the Secretary reports each year.

(b) AUTHORITY OF THE SECRETARY.—In carrying out subsection (a), the Secretary may require Federal, State, and local agencies, railroads, or other entities to submit such data as necessary.

(c) APPLICABILITY OF RULEMAKING REQUIREMENTS.—The requirements of section 553 of title 5, United States Code, shall not apply to the modification required by subsection (a).

SEC. 9560. REPORT ON SAFETY MEASURES REQUIRED FOR QUIET ZONES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) submit to Congress a report on any supplementary safety measures and alternative safety measures not contained in part 222 of title 49, Code of Federal Regulations, that can be used to qualify for a Quiet Zone or Partial Quiet Zone; and

(2) include in the report submitted under paragraph (1)—

(A) a summary of the supplementary safety measures and alternative safety measures for which a public authority has requested approval from the Administrator to implement; and

(B) an explanation for why such requests were not granted.

TITLE VI—MISCELLANEOUS

SEC. 9601. RAIL NETWORK CLIMATE CHANGE VULNERABILITY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall seek to enter into an agreement with the National Academies to conduct an assessment of the potential impacts of climate change on the national rail network.

(b) ASSESSMENT.—At a minimum, the assessment conducted pursuant to subsection (a) shall—

(1) cover the entire freight, commuter, and intercity passenger rail network of the United States;

(2) evaluate risk to the network over 5-, 30-, and 50-year outlooks;

(3) examine and describe potential effects of climate change and extreme weather events on passenger and freight rail infrastructure, trackage, and facilities, including facilities owned by rail shippers;

(4) identify and categorize the assets described in paragraph (3) by vulnerability level and geographic area; and

(5) recommend strategies or measures to mitigate any adverse impacts of climate change, including—

(A) emergency preparedness measures;

(B) resiliency best practices for infrastructure planning; and

(C) coordination with State and local authorities.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the assessment conducted pursuant to subsection (a).

(d) FURTHER COORDINATION.—The Secretary shall make the report publicly available on the website of the Department of Transportation and communicate the results of the assessment with stakeholders.

(e) REGULATORY AUTHORITY.—If the Secretary finds in the report required under subsection (c) that regulatory measures are warranted and such measures are otherwise under the existing authority of the Secretary, the Secretary may issue such regulations as are necessary to implement such measures.

(f) FUNDING.—From the amounts made available for fiscal year 2022 under section 20117(b) of title 49, United States Code, the Secretary shall expend not less than $1,500,000 to carry out the study required under subparagraph (a).

SEC. 9602. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 242 of title 49, United States Code, is amended by inserting the following after section 24202:

"SEC. 24203. ADVANCE ACQUISITION.

"(a) RAIL CORRIDOR PRESERVATION.—The Secretary of Transportation may assist a recipient of Federal financial assistance provided by the Secretary for an intercity passenger rail project in acquiring a right-of-way and adjacent real property interests before or during the completion of the environmental reviews for a project that may use such property interests if the acquisition is otherwise permitted under Federal law.

"(b) CERTIFICATION.—Before authorizing advance acquisition under this section, the Secretary shall verify that—

"(1) the recipient has authority to acquire the real property interest; and

"(2) the acquisition of the real property interest—

"(A) is for a transportation purpose;

"(B) will not cause significant adverse environmental impact;

"(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the project;

"(D) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered;

"(E) complies with other applicable Federal laws and regulations; and

"(F) will not result in elimination or reduction of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(c) ENVIRONMENTAL REVIEWS.—

"(1) COMPLETION OF NEPA REVIEW.—Before reimbursing or approving the expenditure of Federal funding for an acquisition of a real property interest, the Secretary shall complete all review processes otherwise required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) with respect to the acquisition.

"(2) TIMING OF DEVELOPMENT ACQUISITION.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.

"(d) INCLUSION IN NON-FEDERAL SHARE OF PROJECT COSTS.—Non-Federal funds used to acquire right-of-way and adjacent real property interests under this section before or during the environmental review, or before the award of a grant by the Secretary, shall be included in determining the non-Federal share of the costs of the underlying intercity passenger rail project.

"(e) SAVINGS CLAUSE.—The advance acquisition process described in this section—

"(1) is in addition to processes in effect on or before the date of enactment of the TRAIN Act; and

"(2) does not affect—

"(A) any right of the recipient described in subsection (a) to acquire property; or

"(B) any other environmental review process, program, agreement, or funding arrangement related to the acquisition of real property, in effect on the date of enactment of the TRAIN Act.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 242 of title 49, United States Code, is amended by inserting after the item relating to section 24202 the following new item:

"Sec. 24203. Advance acquisition.".

SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION INSTITUTE.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"§ 22913. University Rail Climate Innovation Institute

"(a) ESTABLISHMENT.—The Secretary of Transportation may make a grant to an institution of higher education to establish a University Rail Climate Innovation Institute (in this section referred to as the 'Institute') for the research and development of low- and zero-emission rail technologies. Such grant agreement shall not exceed 5 years.

"(b) ELIGIBLE APPLICANTS.—To be eligible for a grant under the subsection (a), an institution of higher education shall—

"(1) have an active research program to study the development of low- and zero-emission rail technologies or be able to demonstrate sufficient expertise in relevant rail research and development;

"(2) enter into a cost-sharing agreement for purposes of the Institute with a railroad or rail supplier; and

"(3) submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

"(c) ELIGIBLE PROJECTS.—A recipient of this grant under this section may carry out the research, design, development, and demonstration of 1 or more of the following:

"(1) Hydrogen-powered locomotives and associated locomotive technologies.

"(2) Battery-powered locomotives and associated locomotive technologies.

"(3) Deployment of a revenue service testing and demonstration program to accelerate commercial adoption of low- or zero-emission locomotives.

"(4) Development or deployment of an operating prototype low- or zero-emission locomotive.

"(5) Rail technologies that significantly reduce greenhouse gas emissions, as determined appropriate by the Secretary.

"(d) BUY AMERICA APPLICABILITY.—For purposes of subsection (c)(4), the recipient shall be in compliance with section 22905(a).

"(e) FUNDING REQUIREMENT.—The Federal share of the total cost of the Institute shall not exceed 50 percent.

"(f) CONSIDERATIONS.—In selecting an applicant to receive funding to establish the Institute, the Secretary shall consider—

"(1) the extent to which the proposed activities maximize greenhouse gas reductions;

"(2) the potential of the proposed activities to increase the use of low- and zero- emission rail technologies among the United States freight and passenger rail industry; and

"(3) the anticipated public benefits of the proposed activities.

"(g) CONSIDERATION OF HBCUS.—In selecting an institution of higher education for a grant award under this section, the Secretary shall consider historically black colleges and universities, as such term is defined in section 371(a)of the Higher Education Act of 1965 (2010 U.S.C. 1067q), and other minority institutions, as such term is defined by section 365 of such Act (20 U.S.C. 1067k).

"(h) NOTIFICATION.—

"(1) NOTICE.—Not less than 3 days before an applicant has been selected, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the intention to award such a grant.

"(2) REPORT.—The Institute shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Secretary an annual report summarizing the activities undertaken by the Institute on low- and zero-emission rail technologies.

"(i) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"22913. University Rail Climate Innovation Institute.".

SEC. 9604. WORKFORCE DIVERSITY AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall carry out at least one workforce development pilot program with a railroad carrier.

(b) TYPES OF PILOT PROGRAMS.—A workforce development pilot program described in subsection (a) may be in the form of—

(1) an outreach program to increase employment opportunities for socially disadvantaged individuals;

(2) the development of a partnership with high schools, vocational schools, community colleges, or secondary education institutions to address future workforce needs; and

(3) an apprenticeship program to train railroad employees in needed skills.

(c) APPRENTICESHIP.—In carrying out a workforce development pilot program described in subsection (b)(3), the Secretary shall partner with a railroad carrier providing intercity rail passenger transportation.

(d) REPORT TO CONGRESS.—For a workforce development pilot program carried out under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

(1) the activities carried out under the pilot program;

(2) the diversity of individuals participating in the pilot program;

(3) an evaluation of the pilot program;

(4) employment outcomes, including job placement, job retention, and wages, using performance metrics established by the Secretary of Transportation, in consultation with the Secretary of Labor, and consistent with performance indicators used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), as applicable; and

(5) any recommendations for increasing diversity in the railroad workforce, addressing future workforce needs, or enhancing workforce skills.

(e) DEFINITION.—In this section:

(1) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term "intercity rail passenger transportation" has the meaning given such term in section 24102 of title 49, United States Code.

(2) RAILROAD CARRIER.—The term "railroad carrier" has the meaning given such term in section 20102 of title 49, United States Code.

(3) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term "socially disadvantaged individuals" has the meaning given the term "socially and economically disadvantaged individuals" in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(f) FUNDING.—From the amounts made available under section 20117(b) of title 49, United States Code, the Secretary may expend up to $1,300,000 for fiscal year 2022 and $1,300,000 for 2023 to carry out this section.

SEC. 9605. REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN UNITED STATES.

(a) IN GENERAL.—Chapter 207 of title 49, United States Code, is amended by adding at the end the following:

"§ 20704. Requirements for railroad freight cars entering service in United States

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMPONENT.—The term 'component' means a part or subassembly of a railroad freight car.

"(2) CONTROL.—The term 'control' means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

"(3) COST OF SENSITIVE TECHNOLOGY.—The term 'cost of sensitive technology' means the aggregate cost of the sensitive technology located on a railroad freight car.

"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

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

"(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

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

"(5) NET COST.—The term 'net cost' has the meaning given the term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(6) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that is not owned or under the control of a state-owned enterprise.

"(7) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

"(8) RAILROAD FREIGHT CAR.—The term 'railroad freight car' means a car designed to carry freight or railroad personnel by rail, including—

"(A) box car;
"(B) refrigerator car;
"(C) ventilator car;
"(D) intermodal well car;
"(E) gondola car;
"(F) hopper car;
"(G) auto rack car;
"(H) flat car;
"(I) special car;
"(J) caboose car;
"(K) tank car; and
"(L) yard car.

"(9) SENSITIVE TECHNOLOGY.—The term 'sensitive technology' means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

"(A) onboard telematics;
"(B) remote monitoring software;
"(C) firmware;
"(D) analytics;

"(E) GPS satellite and cellular location tracking systems;

"(F) event status sensors;

"(G) predictive component condition and performance monitoring sensors; and

"(H) similar sensitive technologies embedded into freight railcar components and subassemblies.

"(10) STATE-OWNED ENTERPRISE.—The term 'state-owned enterprise' means—

"(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

"(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

"(11) SUBSTANTIALLY TRANSFORMED.—The term 'substantially transformed' means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related Annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(12) USMCA.—The term 'USMCA' has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

"(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN THE UNITED STATES.—

"(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of enactment of the TRAIN Act, may only operate on the United States freight railroad interchange system if—

"(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

"(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from state-owned enterprise; and

"(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

"(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

"(A) PERCENTAGE LIMITATION.—Not later than 12 months after the date of enactment of the TRAIN Act, a railroad freight car manufactured may operate on the United States freight railroad interchange system only if—

"(i) not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

"(ii) not later than 24 months after the date of enactment of the TRAIN Act, the percentage described in clause (i) shall be no more than 15 percent

"(B) CONFLICT.—The percentages specified in this paragraph apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

"(c) REGULATIONS AND PENALTIES.—

"(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of the TRAIN Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring, enforcement, and sensitive technology requirements of this section.

"(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States freight railroad interchange system, the manufacturer of such car shall certify to the Secretary annually that any railroad freight cars to be so provided meet the requirements of this section.

"(3) COMPLIANCE.—

"(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States freight railroad interchange system, the manufacturer of such railroad freight car shall have valid certification

describe under paragraph (2) for the year in which such car begins operation.

"(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements of this section in the Association of American Railroad's Umler system.

"(4) CIVIL PENALTIES.—

"(A) IN GENERAL.—A railroad freight car manufacturer that has manufactured a railroad freight car for operation on the United States freight railroad interchange system that the Secretary of Transportation determines, after written notice and an opportunity for a hearing, has violated this section is liable to the United States Government for a civil penalty of at least $100,000 but not more than $250,000 for each violation for each railroad freight car.

"(B) PROHIBITION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States freight railroad interchange system until the Secretary determines—

"(i) such manufacturer is in compliance with this section; and

"(ii) all civil penalties assessed to such manufacturer under subparagraph (A) have been paid in full.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 207 of title 49, United States Code, is amended by adding at the end the following:

"20704. Requirements for railroad freight cars entering service in United States.".

SEC. 9606. RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

Section 20108 of title 49, United States Code, is amended by adding at the end the following:

"(d) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—

"(1) CENTER OF EXCELLENCE.—The Secretary may provide a grant to an entity described in paragraph (2) to establish a Center of Excellence to advance research and development that improves the safety, efficiency, and reliability of passenger and freight rail transportation.

"(2) ELIGIBILITY.—An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or a consortium of nonprofit institutions of higher education shall be eligible to receive a grant under this subsection.

"(3) SELECTION CRITERIA.—In awarding a grant under this subsection, the Secretary may—

"(A) give preference to an applicant with strong past performance related to rail research, education, and workforce development activities;

"(B) consider the extent to which the applicant would involve public passenger and private and public freight railroad operators; and

"(C) consider the regional and national impacts of the applicant's proposal.

"(4) USE OF FUNDS.—Amounts awarded under this subsection may be used to establish and operate the Center of Excellence described in paragraph (1) and for research, evaluation, education, and workforce development and training efforts related to safety, environmental sustainability, and reliability of rail transportation, including—

"(A) rolling stock;

"(B) positive train control;

"(C) human factors, systems design, or fatigue;

"(D) rail infrastructure;

"(E) shared corridors;

"(F) grade crossings;

"(G) rail systems maintenance;

"(H) network resiliency;

"(I) programs to train railroad workers in needed skills; and

"(J) the development of programs or partnerships to raise awareness of railroad employment opportunities, in coordination with the Federal Railroad Administration.

"(5) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with a grant under this subsection shall be 50 percent.".

SEC. 9607. FREIGHT RAILROAD LOCOMOTIVE REQUIREMENTS.

(a) REQUIREMENTS FOR CLASS I LOCOMOTIVES.—A Class I railroad may only operate a locomotive on the freight railroad interchange system on or after January 1, 2030, if—

(1) the locomotive was manufactured on or after January 1, 2008;

(2) the primary NO_x and PM emissions on the Environmental Protection Agency certificate of conformity for the locomotive are equal to or cleaner than the cleanest available locomotive; or

(3) the locomotive has not exceeded a total of 89,100 MWhs of operation since its original engine build date.

(b) CERTIFICATION REQUIRED.—To be eligible to own or operate a locomotive covered by subsection (a) on the United States freight railroad interchange system on or after January 1, 2030, a Class I railroad shall certify to the Secretary of Transportation that such locomotive meets the requirements of this section.

(c) EFFECTUATION.—The Secretary is authorized to issue such regulations as are necessary to carry out this section.

(d) DEFINITIONS.—In this section:

(1) CERTIFICATE OF CONFORMITY.—The term "certificate of conformity" means the document that the Environmental Protection Agency issues to an engine manufacturer to certify that an engine class conforms to Environmental Protection Agency requirements.

(2) CLEANEST AVAILABLE LOCOMOTIVE.—The term "cleanest available locomotive" means the strictest standard set by the Environmental Protection Agency for the applicable locomotive under section 213 of the Clean Air Act (42 U.S.C. 7547).

PURPOSE AND SUMMARY

The purpose of H.R. 3684, as amended, is to reauthorize Federal-aid highway, transit, highway safety, motor carrier, research, multi-modal, hazardous materials, and rail programs through fiscal year 2026.

BACKGROUND AND NEED FOR LEGISLATION

Federal surface transportation programs, currently authorized by the Fixing America's Surface Transportation Act (FAST Act) (P.L 114–94), are set to expire on September 30, 2021. This legislation extends program authorizations for 5 years through Fiscal Year 2026.

The INVEST in America Act authorizes $547 billion over 5 years to make transformative infrastructure investments in surface and rail transportation. The bill provides $429 billion over 5 years out of the Highway Trust Fund (HTF) for highway, transit, safety, and research programs, a 54 percent increase over current investment levels. The bill further provides $333 billion for the Federal-aid highway program under the Federal Highway Administration, $109 billion for transit programs under the Federal Transit Administration, $5.4 billion for highway safety programs under the National Highway Traffic Safety Administration, $4.6 billion for motor carrier safety programs under the Federal Motor Carrier Safety Administration, and $95 billion for rail programs under the Federal Railroad Administration and hazardous materials safety programs under the Pipeline and Hazardous Materials Safety Administration.

The bill also makes significant policy changes to spur investment in transformative projects that will: create millions of jobs; support American manufacturing; spur economic activity and innovation; bring our transportation systems to a state of good repair; reduce carbon pollution; dramatically improve safety; significantly boost investment in transit, passenger rail, and transportation alternatives; provide dedicated investment for rural areas; and build a more just and equitable future through investment in businesses owned by socially and economically disadvantaged individuals and

continuation of the U.S. Department of Transportation's Disadvantaged Business Enterprise Program given ongoing business discrimination based on race and gender, dedicated resources to low-income communities, and consideration of equity and environmental justice in transportation planning and funding allocation.

The Committee also gathered information to support the reauthorization of U.S. DOT's Disadvantaged Business Enterprise (DBE) program, including a large number of disparity studies.

"Disparity studies" and "availability studies" constitute a rigorous source of both statistical and qualitative evidence about discrimination against minority– and women–owned businesses. These studies have been conducted in States and localities in every region of the country and contain a wealth of information about the state of the playing field for minority– and women–owned firms. Generally 300 to 1,000 pages in length, disparity studies contain myriad analyses aimed at answering the question: "Does business discrimination based upon race or gender continue to exist?" Even a cursory review of the studies reveals that the answer is resoundingly "yes." While disparity study authors take diverse approaches, a few common analyses are present in most studies. Almost every disparity study examines disparities between the availability and utilization of minority– and women–owned businesses by specific government agencies in procurement. When considered in historical context, public contracting disparities have decreased in severity in some areas, however the fact that these disparities persist at all despite the fact that programs like the DBE program have been in place for almost four decades is cause for the Congress and the Department of Transportation to redouble their efforts. Perhaps even more troubling, however, is the evidence contained in disparity studies analyzing contracting unremediated by the DBE program and other similar programs. Many disparity studies examine the broader (beyond the public sector) heavy construction and architecture and engineering markets and find that the disparities between minority– and women–owned businesses and their non-minority male counterparts are far greater than the disparities that persist in the public sector where remedial programs are more routine. Likewise, analyses examining the difference in participation of minority– and women–owned businesses on projects with flexible participation goals to provide opportunities for such businesses compared to projects without such goals almost uniformly demonstrate the need for the DBE program. Finally, the great majority of disparity studies also contain qualitative evidence in the form of personal accounts by contractors from around the nation testifying to ongoing discrimination in business lending, bidding procedures, access to insurance and bonding, access to business networks, supplier pricing, treatment by prime contractors, and even in the ability to start a business in the first place.

The Committee has collected recent studies dealing with discrimination in 31 states and the District of Columbia. A sampling of the relevant studies includes: Alaska Department of Transportation & Public Facilities Disadvantaged Business Enterprise Study, Final Report & Final Appendices, Prepared by the Alaska Department of Transportation & Public Facilities Civil Rights Office (2020); Arizona Department of Transportation Disparity Study, Final Report, Prepared by Keen Independent Research (2020);

Caltrans Disparity Study, Prepared by BBC Research and Consulting for Caltrans Department of Transportation (2016); City of Oakland 2017 Race and Gender Disparity Study, Prepared by Mason Tillman Associates, Ltd. (2020); LA Metro 2017 Disparity Study, Prepared by BBC Research & Consulting for the Los Angeles County Metropolitan Transportation Authority (2018); Colorado Disparity Study, Final Report, Prepared by Keen Independent Research (2020); Connecticut Disparity Study: Phases 1–3, Prepared by The Connecticut Academy of Science and Engineering for the Connecticut General Assembly and the Government Administration and Elections Commission (2013, 2014, 2016); District of Columbia Department of Small and Local Business Development Comparative Analysis: Minority and Women–Owned Business Assessment, Prepared by CRP, Inc. (2019); Minority, Women, and Small Business Enterprise Disparity Study for the City of Tallahassee, Leon County, Florida and Blueprint Intergovernmental Agency, Prepared by MGT Consulting Group (2019); Georgia Department of Transportation Disparity Study, Prepared by Griffin & Strong, P.C. for the State of Georgia (2016); Hawaii Department of Transportation 2019 Availability and Disparity Study, Prepared by Keen Independent Research (2020); Idaho Transportation Department Disparity Study, Prepared by BBC Research & Consulting (2017); Chicago Transit Authority Disparity Study, Prepared by Colette Holt & Associates (2019).

Illinois Department of Transportation Disparity Study, Prepared by BBC Research & Consulting (2017); City of Indianapolis and Marion County Disparity Study, BBC Research & Consulting (2019); State of Indiana Disparity Study, Prepared by BBC Research & Consulting for the Indiana Department of Administration (2020); City of Kansas City, Missouri Disparity Study, Prepared by Colette Holt & Associates (2016); Louisville & Jefferson County Metropolitan Sewer District Disparity Study, Prepared by Mason Tillman Associates, Ltd. (2018); City of New Orleans Disparity Study, Prepared by Keen Independent Research (2018); Disadvantaged Business Enterprise Disparity Study: Volumes I–II, Prepared by NERA Economic Consulting for the Maryland Department of Transportation (2018); Business Disparities in the DCAMM Construction and Design Market Area, Prepared by NERA Economic Consulting for the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance (2017); 2017 Minnesota Joint Disparity Study Minnesota Department of Transportation, Prepared by Keen Independent Research (2018); Missouri Department of Transportation DBE Availability Study, Prepared by Keen Independent Research (2019); Availability and Disparity Study, Prepared by Keen Independent Research LLC for the State of Montana Department of Transportation; Nevada Transportation Consortium Disparity Study, Prepared by BBC Research & Consulting for the Regional Transportation Commission of Southern Nevada (2017); NJ Transit Disparity Study, Executive Summary & Appendix, Prepared by The Roy Wilkins Center for Human Relations and Social Justice, Hubert H. Humphrey School of Public Affairs, University of Minnesota (2016); State of New York MWBE Disparity Study, Volumes I & II, Prepared by Mason Tillman Associates, Ltd. (2016); State of North Carolina Department of Administration, Disparity Study Report: Volume 1, State Agencies, Pre-

pared by Griffin & Strong, P.C. (2020); Cuyahoga County Disparity Study Report, Prepared by Griffin & Strong P.C. (2020); 2015–16 Ohio Public Authorities Disparity Study, prepared by BBC Research & Consulting for the Ohio Department of Transportation (2016); Oregon Department of Transportation DBE Disparity Study Update, Prepared by Keen Independent Research LLC (2019); Pennsylvania Department of Transportation Disparity Study, Prepared by BBC Research & Consulting (2018); Metro Nashville, Tennessee Disparity Study, Prepared by Griffin & Strong P.C. (2018); Shelby County Disparity Study, Prepared by Mason Tillman Associates, Ltd. (2016); Texas Department of Transportation Disparity Study, Prepared by Colette Holt & Associates (2019); Commonwealth of Virginia Disparity Study, Prepared by BBC Research & Consulting (2020); City of Tacoma Disparity Study, Prepared by Griffin & Strong P.C. (2018); Washington State Department of Transportation Disparity Study, Prepared by Colette Holt & Associates (2017); Madison Public Works Disparity Study, Prepared by Keen Independent Research for City of Madison, Wisconsin (2015).

In addition to considering the available evidence related to the need for the DBE program, the Committee has carefully considered the extent to which the current DBE statute, and corresponding regulations promulgated at 49 C.F.R. 26, ensure that the DBE program is flexible, time–limited, not over– or under–inclusive and does not place an undue burden on non–program beneficiaries. Given the substantial new funds the bill authorizes for surface transportation, this legislation can and should provide opportunities for all small businesses, including those owned by minority and women entrepreneurs, without unfair disadvantage to any. In addition, the program continues to prioritize race–neutral efforts to remedy discrimination over race–conscious remedies and requires that all numerical goals are flexible, subject to waivers, and based on the best available local evidence. This likely explains why every Federal circuit court that has examined the DBE program has upheld the statute and the regulations against facial constitutional challenge. These courts have included the United States Courts of Appeals for the Seventh, Eighth, Ninth and Tenth Circuits.

HEARINGS

For the purposes of Rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 3684:

On February 24, 2021, the Subcommittee on Highways and Transit held a hearing titled "Examining Equity in Transportation Safety Enforcement." The Subcommittee received testimony from Mr. Larry Sandigo, Former Chairman, Community Advisory Board, Maricopa County, Arizona; Ms. Lorraine Martin, President and Chief Executive Officer, The National Safety Council; Ms. Michelle Ramsey Hawkins, Victim / Survivor, Mothers Against Drunk Driving; Mr. Ken Barone, Project Manager, Institute for Municipal and Regional Policy, Central Connecticut State University; and Dr. Rashawn Ray, Professor of Sociology and Director, Lab for Applied Social Science, University of Maryland. This hearing examined the role of enforcement in supporting traffic safety, and associated equity implications.

On March 10, 2021, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing titled "Full Steam Ahead for Rail: Why Rail is More Relevant Than Ever for Economic and Environmental Progress." The Subcommittee received testimony from Ms. Shannon Valentine, Secretary, Department of Transportation, Commonwealth of Virginia; Ms. Caren L. Kraska, President and Chairman, Arkansas & Missouri Railroad; Mr. Gregory R. Regan, President, Transportation Trades Department, AFL–CIO; and Mr. Thomas Gregory Williams, Group Vice President, Consumer Products, BNSF Railway. The hearing examined the importance of rail to the U.S. economy and as a tool to mitigate climate change.

On March 17, 2021, the Committee held a hearing titled "The Business Case for Climate Solutions." The Committee received testimony from Mr. Jack Allen, Chief Executive Officer, Proterra, Inc.; Ms. Laurie M. Giammona, Senior Vice President, Customer Care, Pacific Gas and Electric Company; Mr. Shameek Konar, Chief Executive Officer, Pilot Flying J, *testifying on behalf of the National Association of Truck Stop Operators*; Mr. Tom Lewis, National Business Line Executive, Climate, Resilience, and Sustainability, WSP USA; Mr. Troy Rudd, Chief Executive Officer, AECOM; Mr. Rafael Ottoni Santana, President and Chief Executive Officer, Wabtec Corporation; Mr. Frederick W. Smith, Chairman and Chief Executive Officer, FedEx Corporation; and Mr. Charles Hernick, Vice President, Policy and Advocacy, Citizens for Responsible Energy Solutions. The hearing explored private sector actions to develop and implement solutions to climate change, with an emphasis on the surface transportation sector.

On March 25, 2021, the Committee held a hearing titled "The Administration's Priorities for Transportation Infrastructure." The Committee received testimony from Hon. Pete Buttigieg, Secretary, Department of Transportation. This hearing provided an opportunity for Members of the Committee to hear the Administration's priorities for infrastructure investment, transportation policy, surface transportation authorization, and other matters.

On April 14, 2021, the Committee held a hearing titled "Committee on Transportation and Infrastructure Members' Day Hearing." The Committee received testimony from Hon. Zoe Lofgren, a Representative in Congress from the 19th District of California; Hon. Robert J. Wittman, a Representative in Congress from the 1st District of Virginia; Hon. Marcy Kaptur, a Representative in Congress from the 9th District of Ohio; Hon. John B. Larson, a Representative in Congress from the 1st District of Connecticut; Hon. Earl Blumenauer, a Representative in Congress from the 3rd District of Oregon; Hon. Derek Kilmer, a Representative in Congress from the 6th District of Washington; Hon. Bill Pascrell Jr., a Representative in Congress from the 9th District of New Jersey; Hon. Larry Bucshon, a Representative in Congress from the 8th District of Indiana; Hon. Scott H. Peters, a Representative in Congress from the 52nd District of California; Hon. Robert C. "Bobby" Scott, a Representative in Congress from the 3rd District of Virginia; Hon. Jim Costa, a Representative in Congress from the 16th District of California; Hon. Rosa L. DeLauro, a Representative in Congress from the 3rd District of Connecticut; Hon. Jodey C. Arrington, a Representative in Congress from the 19th District of

Texas; Hon. Kurt Schrader, a Representative in Congress from the 5th District of Oregon; Hon. Katie Porter, a Representative in Congress from the 45th District of California.

Hon. Dean Phillips, a Representative in Congress from the 3rd District of Minnesota; Hon. Cheri Bustos, a Representative in Congress from the 17th District of Illinois; Hon. Grace Meng, a Representative in Congress from the 6th District of New York; Hon. Jim Hagedorn, a Representative in Congress from the 1st District of Minnesota; Hon. Michael Cloud, a Representative in Congress from the 27th District of Texas; Hon. Josh Gottheimer, a Representative in Congress from the 5th District of New Jersey; Hon. Fred Keller, a Representative in Congress from the 12th District of Pennsylvania; Hon. Lizzie Fletcher, a Representative in Congress from the 7th District of Texas; Hon. Mike Quigley, a Representative in Congress from the 5th District of Illinois; Hon. Virginia Foxx, a Representative in Congress from the 5th District of North Carolina; Hon. Young Kim, a Representative in Congress from the 39th District of California; Hon. Karen Bass, a Representative in Congress from the 27th District of California; Hon. Alma S. Adams, a Representative in Congress from the 12th District of North Carolina; Hon. Brad Sherman, a Representative in Congress from the 30th District of California; Hon. Kim Schrier, a Representative in Congress from the 8th District of Washington.

Hon. Chris Jacobs, a Representative in Congress from the 27th District of New York; Hon. Tracey Mann, a Representative in Congress from the 1st District of Kansas; Hon. Brian Higgins, a Representative in Congress from the 26th District of New York; Hon. Elaine G. Luria, a Representative in Congress from the 2nd District of Virginia; Hon. Ed Case, a Representative in Congress from the 1st District of Hawaii; Hon. Veronica Escobar, a Representative in Congress from the 16th District of Texas; Hon. Adriano Espaillat, a Representative in Congress from the 13th District of New York; Hon. David N. Cicilline, a Representative in Congress from the 1st District of Rhode Island; Hon. Mikie Sherrill, a Representative in Congress from the 11th District of New Jersey; Hon. Nanette Diaz Barragán, a Representative in Congress from the 44th District of California; Hon. Mondaire Jones, a Representative in Congress from the 17th District of New York; Hon. Teresa Leger Fernandez, a Representative in Congress from the 3rd District of New Mexico; Hon. Al Green, a Representative in Congress from the 9th District of Texas; Hon. Jamaal Bowman, a Representative in Congress from the 16th District of New York; Hon. Lauren Underwood, a Representative in Congress from the 14th District of Illinois.

Hon. Mike Levin, a Representative in Congress from the 49th District of California; Hon. Pramila Jayapal, a Representative in Congress from the 7th District of Washington; Hon. Angie Craig, a Representative in Congress from the 2nd District of Minnesota; Hon. Joe Neguse, a Representative in Congress from the 2nd District of Colorado; Hon. Paul Tonko, a Representative in Congress from the 20th District of New York; Hon. Haley M. Stevens, a Representative in Congress from the 11th District of Michigan; Hon. Linda T. Sμnchez, a Representative in Congress from the 38th District of California; Hon. Matthew M. Rosendale Sr., a Representative in Congress from Montana; Hon. Mary Gay Scanlon, a Rep-

resentative in Congress from the 5th District of Pennsylvania; Hon. Tom O'Halleran, a Representative in Congress from the 1st District of Arizona; Hon. Andy Levin, a Representative in Congress from the 9th District of Michigan; Hon. Brenda L. Lawrence, a Representative in Congress from the 14th District of Michigan; Hon. Lori Trahan, a Representative in Congress from the 3rd District of Massachusetts; Hon. Tim Ryan, a Representative in Congress from the 13th District of Ohio; Hon. Stacey E. Plaskett, a Delegate in Congress from the U.S. Virgin Islands.

Hon. Bradley Scott Schneider, a Representative in Congress from the 10th District of Illinois; Hon. Frank J. Mrvan, a Representative in Congress from the 1st District of Indiana; and Hon. Gwen Moore, a Representative in Congress from the 4th District of Wisconsin. This hearing provided Members not on the Committee an opportunity to testify on their policy priorities within the Committee's jurisdiction.

On May 6, 2021, the Subcommittee held a hearing titled "When Unlimited Potential Meets Limited Resources: The Benefits and Challenges of High–Speed Rail and Emerging Rail Technologies." The Subcommittee received testimony from two panels consisting of the following: Panel I—Hon. John Davis Porcari, Managing Partner, 3P Enterprises, *testifying on his own behalf as Former Deputy Secretary/Chief Operating Officer, Department of Transportation*; Ms. Rachel Smith, President and Chief Executive Officer, Seattle Metropolitan Chamber of Commerce; Mr. Phillip A. Washington, Chief Executive Officer, Los Angeles County Metropolitan Transportation Authority, Los Angeles County, California; Ms. Danielle M. Eckert, International Representative, International Brotherhood of Electrical Workers, AFL-CIO; Hon. Carbett "Trey" Duhon, Judge, Waller County, Texas; Mr. Andy Kunz, President and Chief Executive Officer, U.S. High Speed Rail Association. Panel II—Mr. Carlos F. Augilar, President and Chief Executive Officer, Texas Central High Speed Rail; Mr. William J. Flynn, Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); Mr. Josh Giegel, Chief Executive Officer and Co-Founder, Virgin Hyperloop; Mr. Andrés De León, Chief Executive Officer, Hyperloop Transportation Technologies; Mr. Michael Reininger, Chief Executive Officer, Brightline Trains; and Mr. Wayne L. Rogers, Chairman and Chief Executive Officer, The Northeast Maglev, LLC. This hearing examined the opportunities and limitations associated with high-speed rail and emerging technologies, including regulatory oversight; technology readiness; project cost; and available federal resources.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 3684 was introduced in the House on June 4, 2021, by Mr. DeFazio, Ms. Norton, and Mr. Payne and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 3684 was referred to the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

The Chair discharged the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials from further consideration of H.R. 3684 on June 9, 2021.

The Committee considered H.R. 3684 on June 9 and 10, 2021, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a record vote of 38 yeas and 26 nays (Roll Call Vote No. 38).

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. DeFazio (#1); was AGREED TO, as amended, by voice vote.

A manger's amendment to the Amendment in the Nature of a Substitute offered by Mr. DeFazio (#1A); was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Crawford (#1B); was NOT AGREED TO by a record vote of 29 yeas and 38 nays (Roll Call Vote No. 23).

Page 293, line 5, insert "and" after the semicolon.
Page 293, line 13, insert "and" after the semicolon.
Page 295, line 1, strike the semicolon at the end and insert a period.
Page 295, strike line 2 and all that follows through page 297, line 7.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Garamendi (#1C); was AGREED TO by voice vote.

In section 1205(a)(3) of division B of the bill, redesignate subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (F).

In section 1205(a)(3) of division B of the bill, insert after subparagraph (A) the following: (B) in paragraph (1)(B) by inserting ", except that for the purposes of this section hovercraft and terminal facilities for hovercraft engaging in water transit for passengers or vehicles shall also be considered as ferry boats and ferry terminal facilities eligible under section 129(c)" after "section 129(c)".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gibbs (191) (#1D); was NOT AGREED TO by a record vote of 32 yeas and 36 nays (Roll Call Vote No. 24).

Page 703, line 6, insert "and" at the end.
Page 703, strike lines 7 through 11 (and redesignate accordingly).
Page 735, after line 5, add a new section entitled "SEC. __. FEDERAL-AID HIGHWAY FUNDING."

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Titus (#1E); was WITHDRAWN.

In section 9102(a) of the bill, in the matter proposed to be inserted as section 22906(b)(1)(F) of title 49, United States Code, strike "or" at the end.

In section 9102(a) of the bill, in the matter proposed to be inserted as section 22906(b)(1) of title 49, United States Code, strike the period at the end of subparagraph (G) and insert "; or".

In section 9102(a) of the bill, in the matter proposed to be inserted as section 22906(b)(1) of title 49, United States Code, add at the end the following:

"(H) any other intercity passenger rail carrier in partnership with at least 1 of the entities described in subparagraphs (A) through (E).".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1F); was NOT AGREED TO by a record vote of 28 yeas and 40 nays (Roll Call Vote No. 25).

Page 687, line 10, strike "$7,505,830,848" and insert "$7,783,275,845".
Page 687, line, 11 strike "$7,622,921,809" and insert "$7,900,366,806".
Page 687, line 12, strike "$7,744,888,558" and insert "$8,022,333,555".
Page 687, line 13, strike "$7,866,483,309" and insert "$8,143,928,306".
Page 693, line 4, strike "$587,133,905" and insert "$309,688,908".
Page 693, line 6, strike "5340" and insert "5340(c)".
Page 693, line 8, strike ", of which" and all that follows through "5340(d)." and insert a period.

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Brownley (#1G); was WITHDRAWN.

In section 1204(a), after paragraph (4) insert the following (and redesignate accordingly): (5) in subsection (f)(3) by striking "90 percent" and inserting "100 percent";

In section 1204(a), after paragraph (8) (as so redesignated) insert the following (and redesignate accordingly): (9) in subsection (i)(3)(B) by striking "$7,500" and inserting "$100,000".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Davis of Illinois (#1H); was NOT AGREED TO by a record vote of 33 yeas and 35 nays (Roll Call Vote No. 26).

Page 686, after line 6, insert new sections entitled "SEC. 1635. ENVIRONMENTAL REVIEWS FOR MAJOR PROJECTS." and "SEC. 1636. EFFICIENT ENVIRONMENTAL REVIEWS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Lynch (#1I); was NOT AGREED TO by voice vote.

Page 183, line 1, strike "$120,000,000" and insert "$160,000,000".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Babin (#1J); was AGREED TO by a record vote of 37 yeas and 31 nays (Roll Call Vote No. 27).

Page 777, after line 25, insert before the closing quotation mark: a new clause entitled "(t) REQUIREMENT FOR TRANSIT AGENCIES."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Carbajal (#1K); was WITHDRAWN.

At the end of subtitle F of title I of division B of the bill, insert a new section entitled "SEC.__. POLLINATOR-FRIENDLY PRACTICES ON ROADSIDES AND HIGHWAY RIGHTS-OF-WAY."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Katko (#1L); was WITHDRAWN.

Strike title I of division B of the bill, and insert a new title entitled "TITLE I—FEDERAL–AID HIGHWAYS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Brown of Maryland (#1M) was WITHDRAWN.

Page 569, after line 19, insert a new subsection entitled "(A) IN GENERAL."

Page 571, line 25, strike the closing quotation marks and the period.

Page 571, after line 25, insert a new subsection entitled "(G) AUTHORIZATION OF APPROPRIATIONS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1N); was NOT AGREED TO by a record vote of 30 yeas and 38 nays (Roll Call Vote No. 28).

At the appropriate place in the bill, insert a new section entitled "SEC.__. CERTIFICATION."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Lamb (#1O); was AGREED TO by voice vote.

In section 9101(m) of the bill, in the matter proposed to be inserted in section 20117(b) of title 49, United States Code, strike paragraph (3) and insert a new section entitled "(3) University Rail Climate Innovation Institute."

Strike section 9603 of the bill and insert a new section entitled "SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION INSTITUTE."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Bost (#1P); was NOT AGREED TO by a record vote of 30 yeas and 38 nays (Roll Call Vote No. 29).

Strike section 4408 of the bill.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Auchincloss (#1Q); was WITHDRAWN.

At the end of subtitle B of title II of division B of the bill, add a new section entitled "SEC. 2206. NEW MUNICIPAL TRANSIT SERVICES TO BETTER CONNECT COMMUNITIES."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. LaMalfa(#1R); was NOT AGREED TO by a record vote of 30 yeas and 38 nays (Roll Call Vote No. 30).

At the appropriate place in the bill, add a new section entitled "SEC. __. DIVERSION OF FEDERAL FINANCIAL ASSISTANCE FOR HIGH-SPEED RAIL DEVELOPMENT PROJECT."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Carter of Louisiana (#1S); was WITHDRAWN.

Page 686, after line 6, add a new section entitled "SEC. 16__. PROHIBITION AGAINST TRANSPORTING CERTAIN HORSES ACROSS A STATE OR FEDERAL BORDER."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Westerman (#1T); was NOT AGREED TO by a record vote of 31 yeas and 37 nays (Roll Call Vote No. 31).

Page 573, after line 9, add a new subsection entitled " (c) RESTRICTION OF FEDERAL LANDS TRANSPORTATION PROGRAM FUNDS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Fitzpatrick (#1U); was WITHDRAWN.

At the end of title II of division D, add a new section entitled "SEC. __. LIMITATION OF RAIL PASSENGER TRANSPORTATION LIABILITY."

An amendment to the Amendment in the Nature of a Substitute offered by Miss González-Colón (#1V); was NOT AGREED TO by voice vote.

In section 2104(b) of the bill, in the matter proposed to be inserted into section 5340(a) of title 49, United States Code, insert ", Puerto Rico," before "and the District of Columbia".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Balderson (#1W); was WITHDRAWN.

Page 951, after line 2, insert a new section entitled "SEC. 3016. DRUG-IMPAIRED DRIVING EDUCATION GRANT PROGRAM."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1X); was AGREED TO, as amended, by voice vote.

Page 276, line 3, strike "and" at the end.

Page 276, after line 3, insert the following (and redesignate accordingly): (D) by inserting "copper, nickel, cobalt, platinum group elements, rare earth elements, or other minerals extracted from within the United States and insular territories," after "iron,"; and

Page 390, line 5, strike the closing quotation mark and period at the end.

Page 390, after line 5, add a new subsection entitled "(f) CERTIFICATION."

Page 453, line 6, strike the closing quotation mark and period at the end.

Page 453, after line 6, add a new paragraph entitled "(11) CERTIFICATION."

Page 801, line 5, strike "and" at the end.

Page 801, line 10, strike the period and closing quotation mark and insert "; and".

Page 801, after line 10, insert the following: "(D) for which the recipient has certified that at least 51 percent of critical mineral and rare earth content in the buses were either domestically sourced or domestically sourced jointly with countries that have a mutual defense alliance with the United States.".

Page 802, line 4, strike the closing quotation mark and period at the end.

Page 802, after line 4, add a new paragraph entitled "(10) CERTIFICATION."

Page 1129, after line 12, add a new section entitled "SEC. __. TASK FORCE TO PROMOTE AMERICAN VEHICLE COMPETITIVENESS."

Page 1149, after line 11, add a new section entitled "SEC. __. CERTIFICATION ON ENSURING NO HUMAN RIGHTS ABUSES."

An amendment to the amendment (#1X) to the Amendment in the Nature of a Substitute offered by Mr. DeFazio (#1X1); was AGREED TO by a record vote of 38 yeas and 30 nays (Roll Call Vote No. 32).

Strike everything except page 3, line 12 through page 6, line 18.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Burchett (#1Y); was WITHDRAWN.

At the end of subtitle F of title I of division B, insert a new section entitled "SEC.__. RIGHTS AND REMEDIES OF PERSONS INJURED BY CARRIERS OR BROKERS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Johnson of South Dakota (#1Z) was NOT AGREED TO by voice vote.

Strike section 4406 of the bill;

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (#1AA); was WITHDRAWN.

Page 668, after line 14, insert a new subsection entitled "(d) VEHICLE WEIGHT LIMITATIONS-INTERSTATE SYSTEM."

Page 669, line 7, strike "(v)" and insert "(w)".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Nehls (#1BB); was NOT AGREED TO by a record vote of 31 yeas and 37 nays (Roll Call Vote No. 33).

Page 902, line 25, strike "and".

Page 903, line 2, strike the period at the end and insert "; and".

Page 903, after line 2, add the following: (3) may not be used by a State or local government for traffic control or traffic enforcement if such State or local government has defunded the police.

Page 904, after line 8, add a new subsection entitled "(g) DEFINITION."

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Malliotakis (#1CC); and; was WITHDRAWN.

Page 267, strike line 14 and all that follows through page 268, line 13 and insert the following: (i) in subparagraph (A) by striking clause (v) and inserting the following: "(v) if the public authority certifies annually that the tolled facility is being adequately maintained, a toll rebate toward a congestion pricing fee for individuals residing on either side of a tolled bridge required to pay a toll to connect to the central business district in the city in which the vehicle of the individual is registered."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gimenez (#1DD); was NOT AGREED TO by voice vote.

Page 874, strike lines 8 through 14 and insert the following: (A) in paragraph 7 by striking "for which" and all that follows through the period at the end and inserting "for which the total estimated net capital cost is less than $1,000,000,000.".

Page 874, after line 20, insert the following: (3) in subsection (c) by adding at the end the following: "(5) Federal Share for Certain Small Start Projects.-Notwithstanding any other provision of law, the Federal share for a small start project for which the total cost is $400,000,000 or less shall not exceed 80 percent.".

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Van Duyne (#1EE); was NOT AGREED TO by voice vote.

Page 686, after line 6, insert a new section entitled "SEC. 1635. HOV FACILITY REVIEW."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Garamendi (#1FF); was NOT AGREED TO by voice vote.

In section 9209 of division D of the bill, in the matter proposed to be inserted as section 24712, at the end of paragraph (7) of subsection (a), add at the end a new subsection entitled "(D) ANNUAL REVIEW."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Crawford (#1GG); was NOT AGREED TO by voice vote.

Strike section 9204 (Amtrak Preference Enforcement).

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Lynch (#1HH); was WITHDRAWN.

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. ELECTRIC OR ZERO-EMISSION VEHICLES FOR UNITED STATES POSTAL SERVICE FLEET."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gibbs (#1II); was WITHDRAWN.

Page 785, line 22, strike "and".

Page 785, line 25, strike the first period and all that follows through the second period and insert "; and".

Page 785, after line 25, insert the following: "(3) designate Transportation Research Center, Incorporated as the autonomous and advanced driver-assistance systems test development facility for all bus testing with autonomous or advanced driver-assistance systems technology and Transportation Research Center, Incorporated will also serve as the over-flow new model bus testing facility to Altoona.".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1JJ); was NOT AGREED TO by a record vote of 12 yeas and 50 nays (Roll Call Vote No. 34).

In section 101 of the bill, strike paragraphs (3) and (4) (and redesignate accordingly).

Strike section 103 of the bill.

Strike section 107 of the bill.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Rodney Davis of Illinois (#1KK); was WITHDRAWN. Consisting of the following amendments:

An amendment:

Page 443, line 7, insert ", natural gas fueling infrastructure, and propane fueling infrastructure" after "infrastructure".

Page 443, line 9, insert ", natural gas, and propane" after "electric".

Page 444, line 21, insert ", natural gas fueling infrastructure, and propane fueling infrastructure" after "infrastructure".

Page 445, line 5, insert ", natural gas, and propane" after "hydrogen".

Page 445, line 13, insert ", natural gas, and propane" before "fueling".

Page 445, line 18, insert ", natural gas fueling infrastructure, and propane fueling infrastructure" after "infrastructure".

Page 447, line 17, insert ", natural gas, or propane" after "hydrogen".

Page 448, line 21, insert "natural gas or propane" after "grid or".

Page 449, line 11, insert "renewable fuel production for use in natural gas and propane fueling," after "storage,".

Page 449, line 16, insert ", natural gas fueling infrastructure, or propane fueling infrastructure" after "infrastructure".

Page 449, beginning on line 20, insert ", natural gas fueling infrastructure, or propane fueling infrastructure" after "infrastructure".

Page 449, line 24, insert ", natural gas fueling infrastructure, or propane fueling infrastructure" after "infrastructure".

Page 450, line 6, insert ", natural gas fueling infrastructure, or propane fueling infrastructure" after "infrastructure".

Page 450, line 20, insert ", natural gas, or propane" after "hydrogen".

Page 451, line 17, insert ", natural gas fueling infrastructure, and propane fueling infrastructure" after "infrastructure".

Page 451, beginning on line 19, insert ", natural gas fueling infrastructure, and propane fueling infrastructure" after "infrastructure".

Page 452, line 4, insert "or natural gas or propane fueling" after "charging".

An amendment:

Page 414, after line 12, insert a new section entitled "SEC. 1220. FERRY BOATS AND FERRY TERMINAL FACILITIES."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1LL); was AGREED TO by voice vote.

Consisting of the following amendments:

An amendment: Page 474, strike line 1 and insert a new subsection entitled "(c) ELIGIBILITY."

Page 474, line 2, strike "that is" and insert "that serves an eligible area and that is—".

Page 474, strike lines 3 through 5.

Page 474, line 6, redesignate paragraph (1) as subparagraph (A).

Page 474, line 7, redesignate paragraph (2) as subparagrpah (B).

Page 474, line 9, redesignate paragraph (3) as subparagraph (C).

Page 474, line 10, strike "paragraphs (1) and (2)" and inserting "subparagraphs (A) and (B)".

Page 474, line 11, redesignate paragraph (4) as subparagraph (D).

Page 474, line 14, redesignate paragraph (5) as subparagraph (E).

Page 474, beginning on line 15, strike "paragraph (1), (2), or (3)" and insert "subparagraph (A), (B), or (C)".

Page 474, after line 16, insert a new subsection entitled "(2) ELIGIBLE AREA."

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. GAO STUDY ON NATURE-BASED SOLUTIONS FOR COASTAL HIGHWAY RESILIENCE."

An amendment:

Page 660, strike lines 1 through 11 and insert a new subsection entitled "(b) STUDY."

An amendment:

Page 658, line 11, insert "retrofit," after "maintenance,".

Page 658, strike lines 18 through 20 and insert the following (and redesignate subsequent clauses accordingly):

(i) withstand the effects of hydrostatic and hydrodynamic forces on viability, including recommendations regarding appropriate drainage structures or other flood prevention mechanisms to manage stormwater, runoff, and the effect of storm surge;

(ii) withstand the risks that flammability poses to viability;

An amendment:

Page 668, line 17, strike "The Administrator" and insert a new subsection entitled "(a) GUIDANCE."

Page 668, line 22, strike "issue" and insert "revise or issue new guidance".

Page 669, after line 3, insert a new subsection entitled "(b) CONSIDERATIONS.".

An amendment to the Amendment in the Nature of a Substitute offered by M. Bost (#1MM); was WITHDRAWN.

Page 987, strike lines 6 through 14 (and redesignate accordingly).

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Westerman(#1NN); was NOT AGREED TO by voice vote.

Page 416, after line 15, insert a new subsection entitled "(d) SMALL PROJECTS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Balderson (#1OO); was WITHDRAWN.

Page 1000, after line 8, insert a new section entitled "SEC. 4312. APPRENTICESHIP PROGRAM FOR COMMERCIAL DRIVERS UNDER THE AGE OF 21."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1PP); was NOT AGREED TO by voice vote.

In section 2301 of the bill, in the matter proposed to be inserted as section 5320(d)(5), insert "and that minerals within such battery are sourced domestically" before the period at the end.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Burchett (#1QQ); was WITHDRAWN.

Page 686, after line 6, insert a new section entitled "SEC. 1635. ASSESSING SAFETY HARDWARE."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (#1RR); was WITHDRAWN.

At the end of subtitle C of title IV of the bill, add a new section entitled "SEC. __. TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Nehls (#1SS); was WITHDRAWN.

Strike section 8202 of the bill and insert a new section entitled "SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS BY RAIL."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Ms. Van Duyne (#1TT); was NOT AGREED TO by voice vote. Consisting of the following amendments:

An amendment: Page 220, line 15, strike "95 percent" and insert "100 percent".

An amendment: Page 686, after line 6, insert a new section entitled "SEC. 1635. USE OF CENSUS DATA."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Garamendi (#1UU); was NOT AGREED TO by voice vote.

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC.__. REQUIRING CONSTRUCTION INSPECTION SERVICES FOR CERTAIN HIGHWAY CONTRACTS TO BE PERFORMED BY PUBLIC EMPLOYEES."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gibbs (#1VV); was WITHDRAWN.

Page 686, after line 6, insert a new section entitled "SEC. 1635. COMPLIANCE, SAFETY, AND ACCOUNTABILITY REFORM."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Lynch (#1WW); was WITHDRAWN.

Page 367, after the matter following line 22, insert a new subsection entitled "(c) NORTHERN AVENUE BRIDGE."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1XX); was WITHDRAWN.

Page 686, line 16, strike "and inserting ';or';" and insert "and inserting a semicolon".

Page 686, line 20, strike "tourism." and insert "tourism; or".

Page 686, after line 6, insert new sections entitled "SEC. 1635. HIGHWAY SAFETY DISCRETIONARY GRANT PROGRAM FOR AUTOMATED VEHICLE INFRASTRUCTURE." and "SEC. 1637. ELIGIBILITY UNDER ADDITIONAL PROGRAMS."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Westerman (#1YY); was WITHDRAWN. Consisting of the following amendments:

An amendment: Page 183, line 21, strike "$400,000,000" and insert "$300,000,000".

Page 184, line 4, strike "$50,000,000" and insert "$120,000,000".

Page 184, line 8, strike "$16,000,000" and insert "$25,000,000".

Page 184, line 11, strike "$16,000,000" and insert "$25,000,000".

Page 184, line 15, strike "$16,000,000" and inert "$25,000,000".

Page 184, line 21, strike "$7,000,000" and insert "$10,000,000".

An amendment:

Page 573, after line 9, add a new subsection entitled "(c) RESTRICTION OF FEDERAL LANDS TRANSPORTATION PROGRAM FUNDS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1ZZ); was NOT AGREED TO by voice vote.

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. PENALTY FOR CAUSING DEFECT OR DAMAGE IN INFRASTRUCTURE UNDER CONSTRUCTION."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Burchett (#1AAA); was WITHDRAWN. Consisting of the following amendments:

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. RESEARCH AND EVALUATION OF RECYCLED PLASTIC MODIFIED ASPHALT."

An amendment:

Page 290, after line 20, insert a new subsection entitled "(c) PROHIBITION."

An amendment:

Page 918, line 7, strike "and" the first place it appears.

Page 951, after line 2, add a new section entitled "SEC. __. OCCUPANT PROTECTION GRANTS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Johnson of South Dakota (#1BBB);; was WITHDRAWN.

At the end of title I of division B of the bill, add the following new sections entitled "SEC. __. TRIBAL TRANSPORTATION PROGRAM."; " SEC. __. TRANSPORTATION FACILITY ELIGIBILITY."; "SEC. __. TRIBAL HIGHWAY SAFETY PARTNERSHIPS."; SEC. __. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM."; and "SEC. __. TRIBAL TRANSPORTATION ADVISORY COMMITTEE."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (#1CCC); was WITHDRAWN.

Page 336, beginning on line 4, strike "clauses (ii) and (iii)" and insert "clause (ii)".

Page 336, strike lines 6 through 13.

Page 336, after line 5, insert the following: "(ii) in areas of the State other than urban areas with a population less than 200,000; and".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Gimenez (#1DDD); was AGREED TO without objection.

Page 686, after line 6, insert a new section entitled "SEC. 1635. PROHIBITION ON THE USE OF CIVIL PENALTIES FOR CAMPAIGN FINANCE."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Lynch (#1EEE); was WITHDRAWN.

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1FFF); was WITHDRAWN. Consisting of the following amendments:

An amendment:

At the end of subtitle E of title V of division B of the bill, add a new section entitled "SEC. __. TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE."

An amendment:

At the end of subtitle F of title I of division B of the bill, add the following: "SEC. __. EFFECT OF WEATHER EXTREMES ON LIFECYCLE COST ANALYSIS."

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) GRANT PROGRAM."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1GGG); was NOT AGREED TO by voice vote. Consisting of the following amendments:

An amendment:

In section 1303 of division B of the bill, add at the end a new subsection entitled "(c) EFFECTIVE DATE."

An amendment:

In section 1303 of division B of the bill, add at the end a new subsection entitled "(c) EFFECTIVE DATE."; was NOT AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (#1HHH); was WITHDRAWN. Consisting of the following amendments:

An amendment:

Page 337, strike line 23 and all that follows through page 338, line 7 and insert the following "(A) In General.-States shall establish a program to improve the ability of applicants of areas with a population of less than 15,000 to deliver projects under this subsection in an efficient and expeditious manner and reduce the period of time between the selection of the project and the obligation of funds for the project by providing-".

An amendment:

Page 1082, after line 4, insert a new section entitled "SEC. 5204. PAVEMENT PRESERVATION PROGRAM."

An amendment:

Page 1052, after line 8, insert the following (and redesignate accordingly): "(4) the United States Army Research and Development Center;

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Westerman (#1III); was NOT AGREED TO by voice vote.

Page 686, after line 6, insert a new section entitled "SEC. 1635. JUDICIAL REVIEW."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Nehls (#1JJJ); was NOT AGREED TO by voice vote.

At the appropriate place in the bill, add a new section entitled "SEC. __. GRANT TO PROMOTE RE-ENTRY TRAINING PROGRAMS AND REDUCE RECIDIVISM."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1KKK); was AGREED TO by voice vote.

In section 1211, in the matter proposed to be added as section 155 of title 23, United States Code, add at the end a new subsection entitled "(f) WAGE REQUIREMENTS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest(#1LLL); was WITHDRAWN.

Strike section 1303 of the bill.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Stauber (#1MMM); was NOT AGREED TO by voice vote.

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. NO FUNDS FOR STATES THAT HAVE BANNED THE SALE OF VEHICLES WITH INTERNAL COMBUSTION ENGINES."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1NNN); was WITHDRAWN.

Strike section 9506 of the bill.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. García of Illinois (#1OOO); was WITHDRAWN. Consisting of the following amendments:

An amendment:

At the end of subtitle A of title I of division B add a new section entitled "SEC. 112__. UPDATES TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES."

An amendment:

Section 1602 of the bill is amended by inserting after subsection (b) new subsections entitled "(c) 85TH PERCENTILE." and (D) REVISION GUIDANCE."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Babin (#1PPP); was WITHDRAWN. Consisting of the following amendments:

An amendment:

In section 4405, strike subsection (b).

An amendment:

Strike section 9507 and insert a new section entitled "SEC. 9507. SAFE CROSS BORDER OPERATIONS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Crawford (#1QQQ); was WITHDRAWN.

Page 279, after line 9, add a new subsection entitled "(5) LIMITATION."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Balderson (#1RRR); was WITHDRAWN. Consisting of the following amendments:

An amendment:

Page 185, line 16, strike "$3,000,000,000" and insert "$3,325,000,000".

Page 186, line 6, strike "$250,000,000" and insert "$575,000,000".

Page 219, line 1, strike "$1,000,000,000" and insert "$350,000,000".

An amendment:

Page 219, line 1, strike "$1,000,000,000" and insert "$900,000,000".

Page 901, line 11, strike "$384,119,000" and insert "$409,119,000".

Page 901, line 12, strike "$393,205,000" and insert "$418,205,000".

Page 901, line 13, strike "$402,205,000" and insert "$427,205,000".

Page 901, line 14, strike "$411,388,000" and insert "$436,388,000".

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. García of Illinois (#1SSS); was WITHDRAWN. Consisting of the following amendments:

An amendment:

Page 686, after line 11, insert a new subsection entitled "(a) FINDINGS."

Page 686, strike line 14 and all that follows through page 694, line 12 and insert new subsections entitled "(a) IN GENERAL."; "(b) REFERENCES IN LAW."; and "(c) ADDITIONAL SELECTION CRITERIA AND REQUIREMENTS."

An amendment:

Page 400, line 15, strike the first period and all that follows through the second period and insert a period.

Page 400, after line 15, insert a new subsections entitled "(j) ADDITIONAL SELECTION CRITERIA AND REQUIREMENTS."; "(K) TRIBAL SOVEREIGNTY."; "(L) GRANT REQUIREMENTS."; "(M) DISTRIBUTION OF GRANTS."; "(N) GRANT AMOUNT."; "(O) FEDERAL SHARE."; "(P) ADDITIONAL FUNDING."

An amendment:

Page 763, after line 4, insert a new section entitled "SEC. 2206. TRANSPORTATION ELECTRIFICATION PROGRAM."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Crawford (#1TTT); was WITHDRAWN.

Page 364, line 2, insert ", including continuous electronic monitoring of bridge integrity" before the semicolon.

Page 485, line 18, insert "electronically monitor," after "rehabilitate,".

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1UUU); was WITHDRAWN. Consisting of the following amendments:

An amendment:

At the end of subtitle F of title I of division B, add a new section entitled "SEC. __. PROHIBITION ON STAGED COLLISIONS WITH COMMERCIAL MOTOR VEHICLES."

An amendment:

Page 900, beginning on line 19, strike "For carrying out" and insert the following:(A) IN GENERAL.-For carrying out

Page 900, line 22, redesignate subparagraph (A) as clause (i).

Page 900, line 23, redesignate subparagraph (B) as clause (ii).

Page 900, line 24, redesignate subparagraph (C) as clause (iii).

Page 900, line 25, redesignate subparagraph (D) as clause (iv).

Page 900, after line 25, insert a new paragraph entitled "(B) LIMITATION."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. García of Illinois (#1VVV); was AGREED TO by voice vote.

At the end of title VI of division D of the bill, add a new section entitled "SEC. __. FREIGHT RAILROAD LOCOMOTIVE REQUIREMENTS."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Weber of Texas (#1WWW); was WITHDRAWN.

Page 686, after line 6, insert a new section entitled "SEC. 1635. AUTOMOBILE TRANSPORTER PRODUCTIVITY."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1XXX); was NOT AGREED TO by a record vote of 14 yeas and 46 nays (Roll Call Vote No. 35).

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. 16__. LABOR STANDARDS REPEAL."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. LaMalfa (#1YYY); was NOT AGREED TO by voice vote. Consisting of the following amendments:

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS."

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. EXCLUSION FROM NEPA REQUIREMENTS."

An amendment:

Page 1204, line 4, strike the closing quotation mark and the period.

Page 1204, after line 4, insert a new subsection entitled "(j) ADDITIONAL REQUIREMENTS."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1ZZZ); was NOT AGREED TO by voice vote. Consisting of the following amendments:

An amendment:

Page 454, beginning on line 17, strike "The Secretary" and all that follows through "and-" and insert a new subdivision entitled "(1) IN GENERAL."

Page 454, line 21, redesignate paragraph (1) as subparagraph (A).

Page 455, line 1, redesignate paragraph (2) as subparagraph (B).

Page 455, after line 5, subdivision entitled "(2) EXCEPTION."

Page 455, line 22, insert "percentage" before "reductions".

An amendment:

Page 398, after line 15, insert the following: State shall not be eligible to be designated as a High-Performing State if the transportation policies that resulted in the reduction of emissions had a disproportionate negative economic impact on low income and minority communities.

An amendment:

Page 398, after line 15, insert the following: State shall not be eligible to be designated as a high-performing State if there exists 2 or more instances of non-attainment designation with the classification of 'extreme' under the national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.).

An amendment to the Amendment in the Nature of a Substitute offered by Mr. LaMalfa (#1AAAA); was WITHDRAWN.

Page 916, line 2, strike "51.75 percent" and insert "47.5 percent".

Page 916, strike lines 3 through 4 and insert the following: (D) by striking paragraph (4) and inserting the following: "(4) Distracted Driving.-In each fiscal year, 13.5 percent of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce drowsy driving and distracted driving (as described in subsection (e)).".

Page 910, strike lines 9 through 10 and insert the following: (1) in subsection (b) —

(A) by inserting ", training" after "demonstration projects"; and

(B) in paragraph (1)(B)—

(i) in clause (ii) by striking "and" at the end;
(ii) in clause (iii) by adding "and" at the end; and
(iii) by adding at the end the following: "(iv) drowsy driving;".

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1BBBB); was NOT AGREED TO by voice vote.

At the end of subtitle F of title I of division B, add a new section entitled "SEC. __. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969."

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1CCCC); was NOT AGREED TO by voice vote.

Page 180, before line 1, insert the following: (d) ALIGNMENT DETERMINATION.—Notwithstanding any other provision of law, For the member designated project numbered 596 and 597 in the table in subsection (c), the non-Federal sponsor shall determine an alignment for the bridge project not later than 1 year after the date of enactment of this Act.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1DDDD); was NOT AGREED TO by a record vote of 19 yeas and 45 nays (Roll Call Vote No. 36). Consisting of the following amendments:

An amendment:
Strike section 2403 of the bill.
An amendment:
Strike subtitle G of title II of division B of the bill.
An amendment:
Strike section 2913 of the bill.
An amendment:
Strike section 2915 of the bill.
An amendment:
Page 686, after line 6, insert a new section entitled "SEC. 1635. REPEAL OF TRANSFER."
An amendment:
Strike section 2202 of the bill.
An amendment:
Strike section 2106 of the bill.
An amendment:
Strike section 2109 of the bill.
An amendment:
Strike section 2110 of the bill.
An amendment:
Strike section 2112 of the bill.
An amendment:
Strike section 2504 of the bill.
An amendment:
Strike section 2505 of the bill.
An amendment:
Strike section 2601 of the bill.
An amendment:
Page 702, line 12, insert "or" at the end.
Page 702, line 15, strike "; or" and insert a period.
Page 702, strike lines 16 through 25.
An amendment:
Strike section 2405 of the bill.
An amendment:
Strike section 1208 of the bill.
An amendment:
At the end of title II of division D of the bill, add a new section entitled "SEC. __. PROHIBITION ON USE OF FUNDS FOR AMTRAK NETWORK."
An amendment:
Strike section 9221 of the bill.
An amendment:
Strike section 9203 of the bill.
An amendment:

At the end of title VII of division B of the bill, add a new section entitled "SEC. 7__. PROHIBITION ON USE OF TIFIA FUNDS FOR CERTAIN PROJECTS."

An amendment:

Strike section 9220 of the bill.

An amendment:

Strike section 9219 of the bill.

An amendment:

Strike section 9212 of the bill.

An amendment:

Strike section 9211 of the bill.

An amendment:

Strike section 9206 of the bill.

An amendment:

Strike section 9105 of the bill.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Perry (#1EEEE); was NOT AGREED TO by a record vote of 12 yeas and 52 nays (Roll Call Vote No. 37). Consisting of the following amendments:

An amendment:

Page 1178, beginning on line 1, strike "the following" and all that follows through "fiscal year 2026, $2,900,000,000." and insert "for Fiscal Year 2022, $2,500,000,000.".

Page 1178, beginning on line 11, strike "the following amounts:" and all that follows through "fiscal year 2026, $3,900,000,000" and insert "for Fiscal Year 2022, $3,500,000,000.".

An amendment:

Strike section 102(a)(2)(A)(ii)(II) of the bill and redesignate subclause clause (I) of section 102(a)(2)(A)(ii) as clause (ii) of section 102(a)(2)(A).

An amendment:

Strike section 2101 of the bill (and redesignate subsequent sections accordingly).

An amendment:

Strike section 1303 of the bill.

An amendment:

At the end of title III of division D of the bill, add a new section entitled "SEC. __. RESTRICTION ON PROVISION OF LOAN OR LOAN GUARANTEE FOR CERTAIN HIGH-SPEED RAIL PROJECTS."

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. PROHIBITIONS ON CONSTRUCTION CONTRACTS."

An amendment:

At the end of subtitle A of title I of division B of the bill, add new sections entitled "SEC. 1120. PROHIBITION ON CONSTRUCTION CONTRACTS."; "SEC. 1121. CONSTRUCTION CONTRACT PROHIBITIONS."

An amendment:

Strike section 4308 of the bill.

An amendment:

Strike section 4311 of the bill.

An amendment:

Strike section 4404 of the bill.

An amendment:

At the end of title VII of division B of the bill, add a new section entitled "SEC. 7__. PROHIBITION ON USE OF TIFIA FUNDS FOR ELECTRIC VEHICLES AND ELECTRIC VEHICLE INFRASTRUCTURE."

An amendment:

Strike section 9104 of the bill and insert a new section entitled "SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING."

An amendment:

In section 7001(c) of the bill, strike the matter proposed to be inserted as section 603(b) of title 23, United States Code, and insert a new subdivision entitled "(8) NON-FEDERAL SHARE."

An amendment:

Strike subtitle D of title V of division B of the bill.

An amendment:

Strike title VI of division B of the bill.

An amendment:

Strike section 9603 of the bill.

An amendment:

Strike section 9602 of the bill.

An amendment:

Page 702, line 12, insert "or" at the end.

Page 702, line 15, strike "; or" and insert a period.

Page 702, strike lines 16 through 25.

An amendment:

Strike section 9304 of the bill.

An amendment:

Strike section 9306 of the bill.

An amendment:

Strike section 9104 of the bill.

An amendment:

Strike section 9102 of the bill.

An amendment:

Strike section 5302 of the bill.

An amendment:

Strike section 5202 of the bill.

An amendment:

Strike section 5111 of the bill.

An amendment:

Strike section 5102 of the bill.

An amendment:

Strike section 3010 of the bill.

An amendment:

Strike section 1108 of the bill.

An amendment:

Strike section 1109 of the bill.

An amendment:

Strike section 1118 of the bill.

An amendment:

Strike section 1119 of the bill.

An amendment:

Strike section 1211 of the bill.

An amendment:

Strike section 1214 of the bill.

An amendment:

Strike section 1304 of the bill.

An amendment:

Strike section 1216 of the bill.

An amendment:

Strike section 1311 of the bill.

An amendment:

Strike section 1619 of the bill.

An amendment:

Strike section 1312 of the bill.

An amendment:

At the end of subtitle F of title I of division B of the bill, add a new section entitled "SEC. __. LABOR STANDARDS."

An amendment:

Beginning on page 14, strike line 22 and all that follows through page 15, line 3.

Page 693, strike lines 15–19 (and redesignate any subsequent subsections accordingly).

Beginning on page 874, strike line 2 and all that follows through page 886, line 17 (and redesignate any subsequent sections accordingly).

An amendment:

Page 214, line 5, strike "and (10)" and insert "and (9)".

Page 214, line 9, strike "and (10)" and insert "and (9)".

Page 214, line 14, strike "and (10)" and insert "and (9)".

Page 215, line 24, strike "(10)" and insert "(9)".

Page 218, line 13, strike "and (10)" and insert "and (9)".

Page 218, strike lines 14 through 18 (and redesignate accordingly).

Page 395, strike line 1 and all that follows through page 400, line 24 (and redesignate accordingly).

Committee Votes

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Committee on Transportation and Infrastructure Roll Call Vote No. 23

On: Agreeing to Amendment #1B offered by Mr. Crawford

Not Agreed to: 29 yeas and 38 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	.....
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 24

On: Agreeing to Amendment #1D offered by Mr. Gibbs

Not Agreed to: 32 yeas and 36 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea

Majority Members	Vote	Minority Members	Vote
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Yea
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Yea	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 25

On: Agreeing to Amendment #1F offered by Perry

Not Agreed to: 28 yeas and 40 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Nay
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea

Majority Members	Vote	Minority Members	Vote
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Nay
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 26

On: Agreeing to Amendment #1H offered by Mr. Rodney Davis of IL

Not Agreed to: 33 yeas and 35 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Yea	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Yea
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Yea	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 27

On: Agreeing to Amendment #1J offered by Mr. Babin

Agreed to: 37 yeas and 31 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Yea	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Yea	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Yea
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Yea	Mr. Nehls	Yea
Mr. Pappas	Yea	Ms. Mace	Yea
Mr. Lamb	Yea	Ms. Malliotakis	Yea
Mr. Moulton	Yea	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 28

On: Agreeing to Amendment #1N offered by Mr. Graves of LA
Not Agreed to: 30 yeas and 38 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 29

On: Agreeing to Amendment #1P offered by Mr. Bost
Not Agreed to: 30 yeas and 38 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea

Majority Members	Vote	Minority Members	Vote
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 30

On: Agreeing to Amendment #1R offered by Mr. LaMalfa
Not Agreed to: 30 yeas and 38 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 31

On: Agreeing to Amendment #1T offered by Mr. Westerman

Not Agreed to: 31 yeas and 37 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Yea
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 32

On: Agreeing to Amendment #1X1 offered by Mr. DeFazio
Not Agreed to: 38 yeas and 30 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Yea	Mr. Graves of MO, Ranking Member	Nay
Ms. Norton	Yea	Mr. Young	.....
Ms. Johnson of TX	Yea	Mr. Crawford	Nay
Mr. Larsen of WA	Yea	Mr. Gibbs	Nay
Mrs. Napolitano	Yea	Mr. Webster	Nay
Mr. Cohen	Yea	Mr. Massie	Nay
Mr. Sires	Yea	Mr. Perry	Nay
Mr. Garamendi	Yea	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	Yea	Mr. Katko	Nay
Mr. Carson	Yea	Mr. Babin	Nay
Ms. Titus	Yea	Mr. Graves of LA	Nay
Mr. Maloney of NY	Yea	Mr. Rouzer	Nay
Mr. Huffman	Yea	Mr. Bost	Nay
Ms. Brownley	Yea	Mr. Weber of TX	Nay
Ms. Wilson of FL	Yea	Mr. LaMalfa	Nay
Mr. Payne	Yea	Mr. Westerman	Nay
Mr. Lowenthal	Yea	Mr. Mast	Nay
Mr. DeSaulnier	Yea	Mr. Gallagher	Nay
Mr. Lynch	Yea	Mr. Fitzpatrick	Yea
Mr. Carbajal	Yea	Miss González-Colón	Nay
Mr. Brown	Yea	Mr. Balderson	Nay
Mr. Malinowski	Yea	Mr. Stauber	Nay
Mr. Stanton	Yea	Mr. Burchett	Nay
Mr. Allred	Yea	Mr. Johnson of SD	Nay
Ms. Davids of KS	Yea	Mr. Van Drew	Nay
Mr. García of IL	Yea	Mr. Guest	Nay
Mr. Delgado	Yea	Mr. Nehls	Nay
Mr. Pappas	Yea	Ms. Mace	Nay
Mr. Lamb	Yea	Ms. Malliotakis	Nay
Mr. Moulton	Yea	Ms. Van Duyne	Nay
Mr. Auchincloss	Yea	Mr. Gimenez	Nay
Ms. Bourdeaux	Yea	Mrs. Steel	Nay
Mr. Kahele	Yea		
Ms. Strickland	Yea		
Ms. Williams of GA	Yea		
Ms. Newman	Yea		
Mr. Carter	Yea		

Committee on Transportation and Infrastructure Roll Call Vote No. 33

On: Agreeing to Amendment #1BB offered by Mr. Nehls
Not Agreed to: 31 yeas and 37 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea

Majority Members	Vote	Minority Members	Vote
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	Yea
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Yea
Mr. Johnson of GA	Nay	Mr. Katko	Yea
Mr. Carson	Nay	Mr. Babin	Yea
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Yea
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Yea
Mr. Carbajal	Nay	Miss González-Colón	Yea
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Yea
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Yea
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	Yea
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Yea
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 34

On: Agreeing to Amendment #1JJ offered by Mr. Perry
Not Agreed to: 12 yeas and 50 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Nay
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Nay
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	.....
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	Nay	Mr. Katko	Nay
Mr. Carson	Nay	Mr. Babin	Nay
Ms. Titus	Nay	Mr. Graves of LA	Nay
Mr. Maloney of NY	Nay	Mr. Rouzer	Nay
Mr. Huffman	Nay	Mr. Bost	Nay
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	Nay	Mr. LaMalfa	Nay
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea

Majority Members	Vote	Minority Members	Vote
Mr. DeSaulnier	Nay	Mr. Gallagher	Yea
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Nay
Mr. Brown	Nay	Mr. Balderson	Nay
Mr. Malinowski	Nay	Mr. Stauber	Nay
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	.....	Mr. Van Drew	Nay
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	.....
Mr. Pappas	.....	Ms. Mace	.....
Mr. Lamb	Nay	Ms. Malliotakis	.....
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Nay
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 35

On: Agreeing to Amendment #1XXX offered by Mr. Perry

Not Agreed to: 14 yeas and 46 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Nay
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	.....
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	.....	Mr. Katko	Nay
Mr. Carson	Nay	Mr. Babin	.....
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	.....
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	.....	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Nay
Mr. DeSaulnier	Nay	Mr. Gallagher	Nay
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Nay
Mr. Brown	Nay	Mr. Balderson	Nay
Mr. Malinowski	Nay	Mr. Stauber	Nay
Mr. Stanton	Nay	Mr. Burchett	.....
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Nay
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	.....
Mr. Lamb	Nay	Ms. Malliotakis	.....
Mr. Moulton	Nay	Ms. Van Duyne	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Auchincloss	Nay	Mr. Gimenez	Nay
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 36

On: Agreeing to Amendment #1DDDD offered by Mr. Perry

Not Agreed to: 19 yeas and 45 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Yea
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	.....
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	Nay	Mr. Katko	Nay
Mr. Carson	Nay	Mr. Babin	.....
Ms. Titus	Nay	Mr. Graves of LA	Yea
Mr. Maloney of NY	Nay	Mr. Rouzer	Yea
Mr. Huffman	Nay	Mr. Bost	Nay
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	.....	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Yea
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Nay
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Nay
Mr. Brown	Nay	Mr. Balderson	Yea
Mr. Malinowski	Nay	Mr. Stauber	Nay
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Yea
Ms. Davids of KS	Nay	Mr. Van Drew	Nay
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	.....
Mr. Moulton	Nay	Ms. Van Duyne	Yea
Mr. Auchincloss	Nay	Mr. Gimenez	Nay
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 37

On: Agreeing to Amendment #1EEEE offered by Mr. Perry

Not Agreed to: 12 yeas and 52 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Nay	Mr. Graves of MO, Ranking Member	Nay
Ms. Norton	Nay	Mr. Young	.....
Ms. Johnson of TX	Nay	Mr. Crawford	Yea
Mr. Larsen of WA	Nay	Mr. Gibbs	Yea
Mrs. Napolitano	Nay	Mr. Webster	Yea
Mr. Cohen	Nay	Mr. Massie	.....
Mr. Sires	Nay	Mr. Perry	Yea
Mr. Garamendi	Nay	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	Nay	Mr. Katko	Nay
Mr. Carson	Nay	Mr. Babin	.....
Ms. Titus	Nay	Mr. Graves of LA	Nay
Mr. Maloney of NY	Nay	Mr. Rouzer	Nay
Mr. Huffman	Nay	Mr. Bost	Nay
Ms. Brownley	Nay	Mr. Weber of TX	Yea
Ms. Wilson of FL	.....	Mr. LaMalfa	Yea
Mr. Payne	Nay	Mr. Westerman	Nay
Mr. Lowenthal	Nay	Mr. Mast	Yea
Mr. DeSaulnier	Nay	Mr. Gallagher	Nay
Mr. Lynch	Nay	Mr. Fitzpatrick	Nay
Mr. Carbajal	Nay	Miss González-Colón	Nay
Mr. Brown	Nay	Mr. Balderson	Nay
Mr. Malinowski	Nay	Mr. Stauber	Nay
Mr. Stanton	Nay	Mr. Burchett	Yea
Mr. Allred	Nay	Mr. Johnson of SD	Nay
Ms. Davids of KS	Nay	Mr. Van Drew	Nay
Mr. García of IL	Nay	Mr. Guest	Yea
Mr. Delgado	Nay	Mr. Nehls	Yea
Mr. Pappas	Nay	Ms. Mace	Yea
Mr. Lamb	Nay	Ms. Malliotakis	.....
Mr. Moulton	Nay	Ms. Van Duyne	Nay
Mr. Auchincloss	Nay	Mr. Gimenez	Nay
Ms. Bourdeaux	Nay	Mrs. Steel	Yea
Mr. Kahele	Nay		
Ms. Strickland	Nay		
Ms. Williams of GA	Nay		
Ms. Newman	Nay		
Mr. Carter	Nay		

Committee on Transportation and Infrastructure Roll Call Vote No. 38

On: Ordering H.R. 3684 to be reported to the House, favorably, as amended
Agreed to: 38 yeas and 26 nays.

Majority Members	Vote	Minority Members	Vote
Mr. DeFazio, Chair	Yea	Mr. Graves of MO, Ranking Member	Nay
Ms. Norton	Yea	Mr. Young	.....
Ms. Johnson of TX	Yea	Mr. Crawford	Nay
Mr. Larsen of WA	Yea	Mr. Gibbs	Nay
Mrs. Napolitano	Yea	Mr. Webster	Nay
Mr. Cohen	Yea	Mr. Massie	.....
Mr. Sires	Yea	Mr. Perry	Nay
Mr. Garamendi	Yea	Mr. Rodney Davis of IL	Nay
Mr. Johnson of GA	Yea	Mr. Katko	Nay
Mr. Carson	Yea	Mr. Babin	.....
Ms. Titus	Yea	Mr. Graves of LA	Nay
Mr. Maloney of NY	Yea	Mr. Rouzer	Nay
Mr. Huffman	Yea	Mr. Bost	Nay

Majority Members	Vote	Minority Members	Vote
Ms. Brownley	Yea	Mr. Weber of TX	Nay
Ms. Wilson of FL	.....	Mr. LaMalfa	Nay
Mr. Payne	Yea	Mr. Westerman	Nay
Mr. Lowenthal	Yea	Mr. Mast	Nay
Mr. DeSaulnier	Yea	Mr. Gallagher	Nay
Mr. Lynch	Yea	Mr. Fitzpatrick	Yea
Mr. Carbajal	Yea	Miss González-Colón	Yea
Mr. Brown	Yea	Mr. Balderson	Nay
Mr. Malinowski	Yea	Mr. Stauber	Nay
Mr. Stanton	Yea	Mr. Burchett	Nay
Mr. Allred	Yea	Mr. Johnson of SD	Nay
Ms. Davids of KS	Yea	Mr. Van Drew	Nay
Mr. García of IL	Yea	Mr. Guest	Nay
Mr. Delgado	Yea	Mr. Nehls	Nay
Mr. Pappas	Yea	Ms. Mace	Nay
Mr. Lamb	Yea	Ms. Malliotakis	.....
Mr. Moulton	Yea	Ms. Van Duyne	Nay
Mr. Auchincloss	Yea	Mr. Gimenez	Nay
Ms. Bourdeaux	Yea	Mrs. Steel	Nay
Mr. Kahele	Yea		
Ms. Strickland	Yea		
Ms. Williams of GA	Yea		
Ms. Newman	Yea		
Mr. Carter	Yea		

Committee Oversight Findings

With respect to the requirements of clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the Congressional Record upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

The performance goal and objective of this legislation is to reauthorize Federal-aid highway, transit, highway safety, motor carrier, research, multi-modal, hazardous materials, and rail programs through fiscal year 2026, and to make policy modifications to such programs.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3684 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains the following congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

The projects noted in the table below are included in section 107 of Division A of the bill.

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1	Young, Don	Cowles Street Reconstruction	Fairbanks Area Surface Transportation Planning	Fairbanks	AK	7955000
2	Young, Don	Replace Bridge 114.3	Alaska Railroad Corporation	Anchorage	AK	6421200
3	Young, Don	Seldon Road Extension, Phase 2	Matanuska–Susitna Borough (MSB), Alaska	Wasilla	AK	5623800
4	Aderholt, Robert	Alabama State Highway 77 Northbound Bridge Replacement Project	City of Southside	Southside	AL	2396200
5	Rogers, Mike	Lighting and Landscaping on I–85 at Exit 57	City of Auburn	Auburn	AL	1840000
6	Rogers, Mike	Realignment of SR–22 to US–431	Alabama Department of Transportation	Roanoke	AL	8005000
7	Aderholt, Robert	Red Bay Interchange Lighting at SR–24 (Corr V) and SR–19	Alabama Department of Transportation	Red Bay	AL	860000
8	Rogers, Mike	Widening of Hwy 411	Alabama Department of Transportation	Moody	AL	509000
9	Sewell, Terri A.	Bridge Replacement on CR–39	Montgomery MPO	Montgomery	AL	2339717
10	Sewell, Terri A.	Bridge Replacement over Sipsey River	ALDOT	Greene and Pickens Counties	AL	3296963
11	Sewell, Terri A.	Dallas County—Bridge Replacement on SR–14	ALDOT	Dallas County	AL	6239939
12	Sewell, Terri A.	Resurfacing on US–43	ALDOT	Marengo County	AL	1616000
13	Sewell, Terri A.	Resurfacing on US–84	ALDOT	Choctaw County	AL	1616000
14	Sewell, Terri A.	Streetscape—Civil Rights District Freedom Trail	City of Birmingham DoT	Birmingham	AL	2000000
15	Sewell, Terri A.	Streetscape—Richard Arrington Blvd Safety Improvements	Birmingham DOT	Birmingham	AL	1969664
16	Crawford, Rick	Future I–57	Arkansas Department of Transportation	Clay County	AR	20000000
17	Stanton, Greg	56th Street Roadway Mobility and Safety Improvements	City of Phoenix	Phoenix	AZ	5000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
18	.....	5th/6th Street Complete Streets Project	City of Tucson Department of Transportation and Mobility	Tucson	AZ	7000000
	Grijalva, Raúl M.					3500000
	Kirkpatrick, Ann					3500000
19	Stanton, Greg	77th Street Access Improvements	City of Scottsdale	Scottsdale	AZ	1102748
20	Kirkpatrick, Ann	Chino Road Extension Phase II	City of Douglas	Douglas	AZ	2910000
21	Gallego, Ruben	Cool Pavement Program	City of Phoenix	Phoenix	AZ	3200000
22	Kirkpatrick, Ann	Davis Road Mileposts 5 & 13	Cochise County	Tombstone and McNeal	AZ	4000000
23	Gallego, Ruben	Downtown Electric Vehicle Charging Stations	City of Phoenix	Phoenix	AZ	2400000
24	Grijalva, Raúl M.	Drexel Road Extension and Bridge Project	City of Tucson Department of Transportation and Mobility	Tucson	AZ	5000000
25	O'Halleran, Tom	Electric Bus Infrastructure	Northern Arizona Intergovernmental Public Transportation Authority	Flagstaff	AZ	1485000
26	Gallego, Ruben	Flashing Yellow Arrow (FYA) Phase III	City of Glendale	Glendale	AZ	800000
27	Gallego, Ruben	Grand Canalscape Improvements Phase IV: 47th Avenue to Interstate 17	City of Phoenix	Phoenix	AZ	5000000
28	Gallego, Ruben	Highline Canal Recreational Path Lighting Replacement	Town of Guadalupe	Guadalupe	AZ	501824
29	Stanton, Greg	I–10, Loop 202 to SR 387	Arizona Department of Transportation	Phoenix	AZ	5000000
30	Gallego, Ruben	Intersection Safety Improvements at Six High–Crash Locations in Phoenix	City of Phoenix	Phoenix	AZ	5760000
31	Stanton, Greg	Kyrene Branch Canal Shared Use Path	City of Chandler	Chandler	AZ	1758000
32	O'Halleran, Tom	Lone Tree Corridor	City of Flagstaff	Flagstaff	AZ	8000000
33	Grijalva, Raúl M.	Pathway Project, Baffert Dr to Nogales High School	City of Nogales	Nogales	AZ	1220169

34	O'Halleran, Tom	Peters Road Widening	City of Casa Grande	Casa Grande	AZ	5000000
35	Grijalva, Raúl M.	San Xavier Road Pedestrian Pathway Project	San Xavier District of the Tohono O–odham Nation	Tucson	AZ	814000
36	Kirkpatrick, Ann	Sonoran Corridor Tier II EIS	Arizona DOT	Tucson	AZ	5000000
37	Grijalva, Raúl M.	South Campbell Avenue Complete Streets Project	City of Tucson Department of Transportation and Mobility	Tucson	AZ	6209831
38	Stanton, Greg	Tempe/Mesa Streetcar Rio Salado East Extension	Cities of Tempe and Mesa	Tempe and Mesa	AZ	4000000
39		Tucson Regional North–South Bus Rapid Transit (BRT) Corridor	City of Tucson Department of Transportation and Mobility	Tucson	AZ	6512000
	Grijalva, Raúl M.					3256000
	Kirkpatrick, Ann					3256000
40		US89/ Lake Powell Blvd Roundabout	City of Page	Page	AZ	5000000
	O'Halleran, Tom					2500000
	Stanton, Greg					2500000
41	Kim, Young	California State Route 57/60 Confluence Chokepoint Relief Program	Los Angeles County Metropolitan Authority	Diamond Bar	CA	18000000
42	LaMalfa, Doug	Cohasset Road Widening and Fire Safety Project	County of Butte	Cohasset	CA	900000
43	Garcia, Mike	Commerce Center Drive Bridge, Los Angeles County	Los Angeles County, Santa Clarita Valley Economic Development Corporation	Unincorporated Los Angeles County	CA	3666666
44	Correa, J. Luis	Creating the Next–Generation Santa Ana Regional Transportation Center	City of Santa Ana	Santa Ana	CA	1280000
45	Obernolte, Jay	First Avenue Bridges Replacement over Mojave River and Overflows	San Bernardino County Transportation Authority	Barstow	CA	7000000
46	Correa, J. Luis	First Street Pedestrian Improvements	City of Santa Ana	Santa Ana	CA	4000000
47	LaMalfa, Doug	Fix 5 Cascade Gateway	Shasta Regional Transportation Agency	Redding	CA	15000000
48	Correa, J. Luis	Harbor Boulevard Street Improvements	City of Garden Grove	Garden Grove	CA	6248303
49	Correa, J. Luis	Intersection Safety Improvements Projects	City of Anaheim	Anaheim	CA	750000
50	Obernolte, Jay	Interstate 10/Wildwood Canyon Road Interchange Project	City of Yucaipa	Yucaipa	CA	1000000
51	Issa, Darrell	Interstate 15 (I–15)/State Route 78 (SR–78) Managed Lanes Project	San Diego Association of Government	Escondido	CA	20000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
52	Calvert, Ken	Interstate 15 Corridor Operations Project	Riverside County Transportation Commission	Corona	CA	3000000
53	Obernolte, Jay	National Trail Highway Widening	City of Victorville	Victorville	CA	5000000
54	Garcia, Mike	Plant 42 Access and Safety Enhancements	City of Palmdale, CA	Palmdale	CA	8666666
55	Garcia, Mike	Quick Fix Circulation Improvement Project	North Los Aneles County Transportation Coalition	Santa Clarita	CA	3666666
56	LaMalfa, Doug	Roe Road Extension Project—Phase 1	Town of Paradise	Paradise	CA	1800000
57	Calvert, Ken	Scott Road/Bundy Canyon Road Widening Project	City of Menifee	Menifee	CA	12000000
58	Garcia, Mike	Sequoia Avenue Railroad Grade Crossing Upgrade	City of Simi Valley, CA	Simi Valley	CA	4000000
59	LaMalfa, Doug	Southgate Interchange (EIR Only)	City of Chico	Chico	CA	1800000
60	Obernolte, Jay	SR–210 5th Street Interchange	City of Highland	Highland	CA	3000000
61	Valadao, David	State Route 41 Excelsior Corridor Project	Fresno Council of Governments/Fresno County Transportation Authority	Fresno County	CA	20000000
62	Calvert, Ken	Temescal Canyon Road Widening Project (El Cerrito Segment)	Riverside County Transportation and Land Management Agency	Corona	CA	5000000
63	Correa, J. Luis	The Anaheim Way: Night Owl Transit Service	City of Anaheim	Anaheim	CA	650000
64	Correa, J. Luis	Transit Security & Operations Center	Orange County Transportation Authority	Anaheim	CA	5000000
65	Obernolte, Jay	US395 Olancha–Cartago 4 Lane Project	Inyo County Local Transportation Commission	Olancha, Cartago	CA	2000000
66	Aguilar, Pete	I'' Street Operating Maintenance Facility Rehabilitation Project	Omnitrans	San Bernardino	CA	2000000
67	Speier, Jackie	Street Resurfacing Project	City of Daly City	Daly City	CA	1000000

68	.....	5 and 134 Freeway Electric Vehicle DC Fast Charging Network	City of Burbank	Burbank	CA	1000000
	Schiff, Adam B.					500000
	Sherman, Brad					500000
69	Harder, Josh	7th Street Bridge	Stanislaus County	Modesto	CA	6500000
70	Barragán, Nanette Diaz	ADA Curb–Ramp and Sidewalk Improvements	City of Long Beach	Long Beach	CA	1450000
71	.....	Additional Mini Highs at Caltrain Stations	Caltrain	San Francisco, Burlingame, San Mateo, Belmont, Palo Alto, Mountain View, Sunnyvale, San Jose, Morgan Hill, San Martin, and Gilroy	CA	856000
	Eshoo, Anna G.					306000
	Lofgren, Zoe					550000
72	Khanna, Ro	Agnew Siding Track Infrastructure Project	Capitol Corridor Joint Powers Authority	Santa Clara	CA	6610000
73	Aguilar, Pete	Alder Avenue Improvements at SR–210	City of Rialto	Rialto	CA	2380000
74	Chu, Judy	Altadena Community Safe Routes to School Plan	County of Los Angeles Department of Public Works	Altadena	CA	480000
75	Napolitano, Grace F.	Amar Road Complete Streets from Baldwin Park Boulevard to Unruh Avenue, Unincorporated West Puente Valley, CA	Los Angeles County	La Puente	CA	2250000
76	Lowenthal, Alan	Anaheim Street Corridor Improvements	City of Long Beach	Long Beach	CA	12000000
77	McNerney, Jerry	Antioch Bicycle Garden	Contra Costa Transporation Authority	Antioch	CA	2000000
78	DeSaulnier, Mark	Appian Way Pedestrian Crossing Enhancements	Contra Costa County Public Works Dept.	El Sobrante	CA	2000000
79	Bera, Ami	Arcade–Cripple Creek Trail (formerly Electric Greenway Trail)	City of Citrus Heights	Citrus Heights and Orangevale	CA	1100000
80	Napolitano, Grace F.	Arrow Highway Median Island Installation Project from Azusa Avenue to Citrus Avenue	City of Azusa	Azusa	CA	3000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
81	Napolitano, Grace F.	Arrow Highway Rehabilitation Project from East City Limit to West City Limit	San Dimas CA	San Dimas	CA	1600000
82	Barragán, Nanette Diaz	Artesia Great Boulevard	City of Long Beach	Long Beach	CA	8000000
83	Speier, Jackie	At–grade Caltrain Crossing Safety Project—E. Bellevue Avenue and Villa Terrace	City of San Mateo	San Mateo	CA	3000000
84	Roybal–Allard, Lucille	Atlantic Avenue Improvements	CIty of Bell	Los Angeles	CA	5200000
85	Costa, Jim	Atwater–Merced Expressway (AME) Phase 1B Right of Way acquisition	County of Merced	Merced	CA	2000000
86	Napolitano, Grace F.	Azusa Avenue Pedestrian Handicap Accessibility & Signal Synchronization Improvements Project	West Covina, CA	West Covina	CA	3000000
87	Lee, Barbara	Bay Bridge Forward—I–80/Powell Street Transit Access and I–80 Westbound Bus Lane Extension	Metropolitan Transportation Commission	Emeryville and Oakland	CA	3000000
88	Lee, Barbara	Bay Trail at Shoreline Park	City of San Leandro	San Leandro	CA	3000000
89	Huffman, Jared	Bay Trail Connectivity–Vista Point Bay Trail	Metropolitan Transportation Commission	Sausalito	CA	1300000
90	Speier, Jackie	Belmont Alameda de las Pulgas Corridor Project	City of Belmont	Belmont	CA	2400000
91	Schiff, Adam B.	Beverly and Robertson Boulevards Complete Street Improvements	City of West Hollywood	West Hollywood	CA	3000000
92	Eshoo, Anna G.	Boulder Creek Complete Streets Improvements Project	Santa Cruz County Regional Transportation Commission	Boulder Creek	CA	1500000
93	Schiff, Adam B.	Broadway Rehabilitation Project	City of Glendale	Glendale	CA	2008000

94	Carbajal, Salud O.	Build a non–motorized multi–use path along State Route 1, connecting the communities of Morro Bay and Cayucos in San Luis Obispo County	The San Luis Obispo Council of Governments	Cayucos	CA	4000000
95	Vargas, Juan	Bus/Rail Support Facilities and Equipment (Trolley Yard Expansion Project)	San Diego Metropolitan Transit System (MTS)	San Diego	CA	2000000
96	Lowenthal, Alan	Cabrillo Mole Phase II	City of Avalon	Avalon	CA	6700000
97	Lofgren, Zoe	Caltrain Crossing Optimization Project	Peninsula Corridor Joint Powers Board (Caltrain)	San Jose	CA	315000
98	DeSaulnier, Mark	Camino Pablo Pathway Rehabilitation Project	City of Orinda	Orinda	CA	528000
99	Bera, Ami	Capital SouthEast Connector—Segment D3 Class 1 Multi–Use Path and Broadband	Capital SouthEast Connector Joint Powers Authority	Folsom	CA	2000000
100	Lee, Barbara	Central Avenue Safety Improvement Project—Additional Roundabout	City of Alameda	Alameda	CA	1800000
101		Central Mobility Hub Pre–Construction Project	San Diego Association of Governments (SANDAG)	San Diego	CA	25000000
	Jacobs, Sara					12500000
	Peters, Scott					12500000
102	Sherman, Brad	Chandler Blvd Bike Path Gap Closure	City of Los Angeles—Bureau of Street Services	Los Angeles	CA	400000
103	Lowenthal, Alan	Chapman Avenue/Lamplighter Street Traffic Signal	City of Garden Grove	Garden Grove	CA	400000
104	Thompson, Mike	Chip Seal Program	County of Lake	Lakeport	CA	2288000
105	Brownley, Julia	City of Ojai Electric Trolley	City of Ojai	Ojai	CA	440000
106	Cárdenas, Tony	City of San Fernando Fixed Trolley Service—Electric Buses	City of San Fernando	City of San Fernando	CA	1340000
107	Cárdenas, Tony	City of San Fernando Sidewalk Repair Project	City of San Fernando	City of San Fernando	CA	844800
108	Levin, Mike	City of Vista Sidewalk Improvement Project on Nevada Avenue and Lemon Avenue	City of Vista	Vista	CA	820368
109	Schiff, Adam B.	Community Beautification Project	City of Vista	Glendale	CA	2400000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
110	Sherman, Brad	Cool Neighborhood Projects	City of Los Angeles—Bureau of Street Services	Los Angeles	CA	1000000
111	Napolitano, Grace F.	Covina Grade Crossing Safety Projects throughout Metrolink Corridor	City of Covina	Covina	CA	3000000
112	Roybal–Allard, Lucille	Cudahy Citywide Complete Streets Improvement Project	Los Angeles County Metropolitan Transportation Authority (Metro).	Cudahy	CA	1700000
113	McNerney, Jerry	CUFC—Washington Street Widening Project	Port of Stockton	Stockton	CA	1200000
114	Bass, Karen	Culver CityBus Fleet Electrification Facility Infrastructure	City of Culver City Transportation Department	Culver City	CA	3500000
115	Sánchez, Linda	Del Amo Boulevard Bridge Replacement and Signal Enhancements Project	City of Cerritos, California	Cerritos	CA	18000000
116	Bass, Karen	Destination Crenshaw Streetscape Improvement Project	City of Los Angeles Bureau of Engineering	Los Angeles	CA	7600000
117	Peters, Scott	Downtown Mobility Phase 3A	City of San Diego	San Diego	CA	5600000
118	Napolitano, Grace F.	Duarte—Donald & Bernice Watson Multi–Use Pathway Improvement Project	Duarte, CA	Duarte	CA	1225000
119	Speier, Jackie	East Bayshore Road Safety Improvements	City of East Palo Alto	East Palo Alto	CA	1000000
120	Gomez, Jimmy	East Los Angeles Community Mobility	Los Angeles County Public Works	Los Angeles	CA	800000
121	Lee, Barbara	East Oakland Hydrogen Fueling Upgrade	Alameda–Contra Costa Transit District (AC Transit)	Oakland	CA	2000000
122	Cárdenas, Tony	East San Fernando Valley Traffic Signals on the High Injury Network	City of Los Angeles and the Los Angeles Department of Transportation	Van Nuys and North Hollywood	CA	1797312
123	Cárdenas, Tony	East San Fernando Valley Transit Corridor (ESFVTC) Transit–Oriented Community (TOC) Plan	City of Los Angeles	Van Nuys, Arleta, Pacoima	CA	1236000

124	Cárdenas, Tony	East San Fernando Valley Transit Corridor Project	Los Angeles County Metropolitan Transportation Authority	City of San Fernando to Van Nuys	CA	10000000
125	Lofgren, Zoe	East San Jose Corridor Safety Improvement Project	City of San Jose Dept of Transportation	San Jose	CA	4700000
126	Levin, Mike	El Camino Real to Via De LaValle	City of San Diego	San Diego	CA	2500000
127	DeSaulnier, Mark	El Cerrito del Norte Area TOD Complete Streets Improvements Project	City of El Cerrito	El Cerrito	CA	2244000
128	Barragán, Nanette Diaz	Electric Vehicle Car Share Program	Housing Authority of the City of Los Angeles	San Pedro	CA	120650
129	Costa, Jim	Elm Avenue Road Diet Reconstruction and Class IV–Ventura/California to North Avenue	City of Fresno	Fresno	CA	3750000
130	Pelosi, Nancy	Embarcadero Station Platform Elevator Capacity and Redundancy Project	San Francisco Bay Area Rapid Transit (BART)	San Francisco	CA	6250000
131	Chu, Judy	Emerald Necklace Quarry Clasp Peck Park Trail	County of Los Angeles, Department of Public Works	Arcadia	CA	1548800
132	Khanna, Ro	Evelyn Avenue Multi–Use Trail	City of Sunnyvale	Sunnyvale	CA	3800000
133	Schiff, Adam B.	Flint Canyon Trail Repair/Restoration	City of La Cañada Flintridge	La Cañada Flintridge	CA	4800000
134	Roybal–Allard, Lucille	Florence A Line FLM Improvements	Los Angeles County	Los Angeles	CA	4000000
135	Napolitano, Grace F.	Francisquito Avenue Metrolink At–Grade Safety Improvements	Baldwin Park, CA	Baldwin Park	CA	2300000
136	Waters, Maxine	Gardena GTrans Zero–Emission Bus Project	Gardena GTrans	Gardena	CA	4400000
137	Barragán, Nanette Diaz	Garfield Avenue Complete Streets	City of South Gate	San Pedro	CA	1500000
138	Chu, Judy	Glendora People Movement	City of Glendora	Glendora	CA	5000000
139	Bera, Ami	Gold Line Light Rail Low Floor Station Conversion	Sacramento Regional Transit District	Folsom and Rancho Cordova	CA	1913788
140	Pelosi, Nancy	Golden Gate Bridge Physical Suicide Deterrent System (SDS) Project	Golden Gate Bridge, Highway and Transportation District	San Francisco	CA	6550000
141	Lofgren, Zoe	Hale Avenue/Santa Teresa Expressway Extension Phase 2A	City of Morgan Hill	Morgan Hill	CA	800000
142		Harbor Drive 2.0	Port of San Diego	San Diego and National City	CA	800000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
	Peters, Scott					400000
	Vargas, Juan					400000
143	Waters, Maxine	Hawthorne—120th Street Improvement Project	City of Hawthorne	Hawthorne	CA	950000
144	Lieu, Ted	High Voltage Conversion Fed Program Unit 2	City of Los Angeles, Department of Public Works, Bureau of Street Lighting	City of Los Angeles	CA	347200
145	Aguilar, Pete	Highland Avenue and Wabash Avenue Intersection Improvement Project	City of Redlands	Redlands	CA	400000
146	Speier, Jackie	Highway 1 North Bicycle/Pedestrian Improvements Project	City of Half Moon Bay	Half Moon Bay	CA	1000000
147	Thompson, Mike	Highway 116/West Cotati Intersection Safety Improvement Project	City of Cotati	Cotati	CA	2000000
148	DeSaulnier, Mark	Highway 24 LaMorinda Smart Signal System project	Contra Costa Transportation Authority	Orinda and Lafayette	CA	2000000
149	Eshoo, Anna G.	Highway 9 Safety Improvement Project	City of Monte Sereno	Monte Sereno	CA	520000
150	Gomez, Jimmy	Highways to Boulevards	Southern California Association of Governments	Los Angeles	CA	480000
151	Matsui, Doris O.	I Street Bridge Replacement Project	The City of Sacramento	Sacramento and West Sacramento	CA	15000000
152	Sherman, Brad	I–405 Sepulveda Pass (Phase 1) ExpressLanes	LA County Metropolitan Transportation Authority	Los Angeles	CA	5000000
153	Garamendi, John	I–505 Vaca Valley Parkway Corridor Multimodal Improvements Project	Solano Transportation Authority	Vacaville	CA	4000000
154	Waters, Maxine	Inglewood Transit Connector (ITC)	City of Inglewood	Inglewood	CA	9200000

155	Takano, Mark	Interstate 15 Northern Extension (I–15 NEXT)	Riverside County Transportation Commission (RCTC) is partnered with the San Bernardino Transportation Authority (SBCTA)	Jurupa Valley and Eastvale	CA	20000000
156	Garamendi, John	Jepson Parkway Vanden Road Complete Streets Project to Travis Air Force Base	Solano Transportation Authority	Fairfield	CA	7460000
157	Gomez, Jimmy	LA Streetcar Power Utility Relocations	Los Angeles Department of Water and Power	Los Angeles	CA	2000000
158	Waters, Maxine	Lawndale—Redondo Beach Blvd Project	City of Lawndale	Lawndale	CA	1000000
159	Brownley, Julia	Leesdale Passing Siding Extension and Upgrade, Ventura County, CA	Los Angeles—San Diego—San Luis Obispo Rail Corridor Agency and the Ventura County Transportation Commission	Camarillo	CA	6000000
160	Levin, Mike	Leucadia Streetscape Phase 2 (Shown in the TransNet as North Coast Highway 101 Beautification)	City of Encinitas	Encinitas	CA	4000000
161	Lieu, Ted	Liberty Canyon (Crossing)	California Natural Resources Agency	Agoura Hills	CA	5000000
162	Gomez, Jimmy	Link Union Station	Los Angeles County Metropolitan Transportation Authority	Los Angeles	CA	5000000
163	Sánchez, Linda	Los Nietos Sunshine Shuttle Electric Bus Replacement	Los Angeles County Metropolitan Transportation Authority	Unincorporated Los Nietos	CA	480000
164	Levin, Mike	LOSSAN Corridor Improvements	San Diego Association of Governments (SANDAG)	Del Mar	CA	12500000
165	Torres, Norma J.	Malaga Bridge Project	City of Fontana	Fontana	CA	15000000
166	DeSaulnier, Mark	Market Avenue Complete Street	Contra Costa County Public Works Dept.	N. Richmond	CA	2170000
167	Schiff, Adam B.	Melrose Avenue Complete Street Improvements	City of West Hollywood	West Hollywood	CA	4944149
168	Lieu, Ted	Metro Purple Line Beverly/Wilshire North Portal Project	City of Beverly Hills	City Beverly Hills	CA	5000000
169	Eshoo, Anna G.	Middle Avenue Pedestrian/Bicycle Rail Crossing Project	City of Menlo Park	Menlo Park	CA	6500000
170	Khanna, Ro	Mission Bl/ Pine St Safety Improvement Project	City of Fremont	Fremont	CA	2000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
171	DeSaulnier, Mark	Mobility for All Project	Contra Costa County Public Works Dept.	N. Richmond and Bay Point	CA	2000000
172	Lieu, Ted	Mobility Wallet Demonstration and Research Study	Southern California Association of Governments (SCAG)	Los Angeles County	CA	4000000
173	Ruiz, Raul	Monroe Street Interchange Project	City of Indio	Indio	CA	20000000
174	Thompson, Mike	Napa Valley Vine Trail—Yountville to St. Helena	County of Napa	St. Helena	CA	3000000
175	Sherman, Brad	New Traffic Signal at Morrison and Sepulveda	City of Los Angeles	Los Angeles	CA	710000
176	Sherman, Brad	New Traffic Signal at Plummer and White Oak Avenue	City of Los Angeles	Los Angeles	CA	710400
177	Khanna, Ro	New Traffic Signal at Scott Creek Rd/ Zinfandel St	City of Fremont	Fremont	CA	950000
178	Roybal–Allard, Lucille	New Transit Maintenance Facility	City of Commerce	Commerce	CA	2000000
179	Khanna, Ro	North San Jose Bike Plan Implementation	City of San Jose	San Jose	CA	3838348
180	Lee, Barbara	Oakland 7th St Bike/Ped Improvements	City of Oakland	Oakland	CA	2500000
181	Lee, Barbara	Oakland Alameda Access Project	Alameda County Transportation Commission	Oakland and Alameda	CA	2996000
182	Brownley, Julia	Ojai Avenue Pedestrian Crossing Safety Lighting Improvements	City of Ojai	Ojai	CA	440000
183	Matsui, Doris O.	Old I Street Bridge Deck Conversion for Active Transportation Project	The City of West Sacramento	West Sacramento	CA	4150000
184	Bera, Ami	Old Town Streetscape Phase 2	City of Elk Grove	Elk Grove	CA	2000000
185	Schiff, Adam B.	Olive/Magnolia Bridge Safety Barrier Rail Project	City of Burbank	Burbank	CA	2000000
186	Vargas, Juan	Otay Mesa Truck Route Phase 4	City of San Diego	San Diego	CA	1300000

187	Huffman, Jared	Overlook and Viewpoint Improvements to end of Mouth of Smith River Road	Tolowa Dee–ni' Nation	Smith River	CA	500000
188	Lieu, Ted	Pacific Coast Highway at Crenshaw Boulevard Intersection Capacity Enhancements	City of Torrance	City of Torrance	CA	652800
189	Napolitano, Grace F.	Parkway Drive and Merced Street Bicycle and Pedestrian Improvements	City of El Monte	El Monte	CA	2600000
190	Chu, Judy	Pedestrian, ADA, Traffic Signal and Pavement Improvements along Bus Routes	City of Temple City	Temple City	CA	6200000
191	Torres, Norma J.	Pine Avenue Extension	City of Chino	Chino	CA	5000000
192	Brownley, Julia	Port of Hueneme Intermodal Improvement Project to Modernize the Port Wharf and Pier and Cargo Facilities	Port of Hueneme/Oxnard Harbor District	Oxnard	CA	3000000
193	Lee, Barbara	Port of Oakland Solar, Battery Storage and Electric Vehicle Truck Charger Deployment	Port of Oakland	Oakland	CA	1000000
194	Napolitano, Grace F.	Puddingstone Drive Bicycle and Pedestrian Project	City of La Verne	La Verne	CA	998000
195	Carbajal, Salud O.	Purchase of eleven Battery–Electric Buses—SLORTA	San Luis Obispo Regional Transit Authority	San Luis Obispo	CA	5000000
196	Pelosi, Nancy	Quint–Jerrold Connector Road	San Francisco County Transportation Authority	San Francisco	CA	7200000
197	Bass, Karen	Rail to Rail/River Active Transportation Corridor Project	Los Angeles County Metropolitan Transportation Authority	Los Angeles	CA	5000000
198	Aguilar, Pete	Reche Canyon Road Alignment	City of Colton	Colton	CA	4452000
199	Aguilar, Pete	Replacement of 2nd Street Bridge over Warm Creek	City of San Bernardino	San Bernardino	CA	2000000
200	Thompson, Mike	Resilient State Route 37 Corridor Enhancement Program	Sonoma County Transportation Authority	Sonoma	CA	7000000
201	DeSaulnier, Mark	Richmond Parkway Transit Center and Freeway Access Improvements	Contra Costa Transportation Authority	Richmond	CA	1000000
202	Cárdenas, Tony	San Fernando Road Bike Path Phase III	City of Los Angeles	Sun Valley and North Hollywoood	CA	594027

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
203	Lee, Barbara	San Francisco Bay Area Rapid Transit (BART) Station Restroom and Lighting Enhancements	San Francisco Bay Area Rapid Transit District	Oakland, San Leandro, Berkeley	CA	3000000
204	Lofgren, Zoe	San Francisco Bay Area regional advance mitigation program	Metropolitan Transportation Commission	Iameda, Contra Costa, and Santa Clara counties	CA	5000000
205	Thompson, Mike	San Pablo Avenue Rehabilitation, City Limits to Pinole Shores	City of Pinole	Pinole	CA	742000
206	Huffman, Jared	San Rafael Channel Crossing Swing Bridge	City of San Rafael	San Rafael	CA	2000000
207	Panetta, Jimmy	Santa Cruz METRO Bus Replacements	Santa Cruz Metropolitan Transit District	Santa Cruz	CA	1840000
208	Eshoo, Anna G.	Santa Cruz Paratransit Vans Replacement Project	Santa Cruz Metropolitan Transit District	Santa Cruz	CA	505750
209	Eshoo, Anna G.	Saratoga Pedestrian Walkway Project	City of Saratoga	Saratoga	CA	1200000
210	Eshoo, Anna G.	Scotts Creek Coastal Resiliency Project	Santa Cruz County Regional Transportation Commission	Unincorporated Santa Cruz County north of Davenport	CA	3500000
211		Sepulveda Transit Corridor	Los Angeles County Metropolitan Transportation Authority	City of Los Angeles	CA	10000000
	Lieu, Ted					5000000
	Sherman, Brad					5000000
212	Speier, Jackie	Serramonte Boulevard and Serramonte Center Driveway Traffic Signal	Town of Colma	Colma	CA	400000
213	Speier, Jackie	Sharp Park Priority Development Area (PDA) Access Resurfacing Project	City of Pacifica	Pacifica	CA	960000

214	Roybal–Allard, Lucille	Slauson Avenue Congestion	Los Angeles County Metropolitan Transportation Authority (Metro)	Huntington Park	CA	1000000
215	Huffman, Jared	SMART Russian River Rail Bridge Rehabilitation	Sonoma–Marin Area Rail Transit District (SMART)	Healdsburg	CA	13606840
216	McNerney, Jerry	Solar Energy Project (Phase 2)	San Joaquin Regional Transit District	Stockton	CA	5300000
217	Vargas, Juan	SR 86 Improvement Project	City of Imperial	Imperial	CA	3000000
218	Garamendi, John	SR128/I–505 Overcrossing (Br. 22–0110)/Russell Blvd Bicycle and Pedestrian Improvements	City of Winters, CA	Winters	CA	8540000
219	Vargas, Juan	State Route 11/Otay Mesa East Port of Entry	California Transportation Agency, Caltrans, San Diego Association of Governments	San Diego	CA	12500000
220	Harder, Josh	State Route 132 West Project	Stanislaus Council of Governments (StanCOG)	Modesto	CA	12000000
221	Panetta, Jimmy	State Route 25 Expressway Conversion and State Route 25/156 Interchange Project	Council of San Benito County Governments	Hollister	CA	10000000
222	Thompson, Mike	State Route 37 and Fairgrounds Drive Interchange Improvements	Solano Transportation Authority	Vallejo	CA	4000000
223	Costa, Jim	State Route 99 Madera South—Operational Improvement Project	Madera County Transportation Commission	Madera	CA	10000000
224	McNerney, Jerry	Stockton Rail Maintenance Facility Expansion	San Joaquin Regional Rail Commission	Stockton	CA	6715000
225	Aguilar, Pete	Sustainable Mobility Expansion Project	City of Redlands	Redlands	CA	1756630
226	Sherman, Brad	Tarzana Crossing Great Streets Project	City of Los Angeles—Bureau of Street Services	Tarzana—Los Angeles	CA	500000
227	Carbajal, Salud O.	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 County Association of Governments	Santa Barbara	CA	11000000
228	Khanna, Ro	Thornton Avenue Pavement Rehabilitation	City of Newark	Newark	CA	2000000
229	Waters, Maxine	Torrance to Florence Bus Service	Torrance Transit	Torrance	CA	4432924

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
230	Aguilar, Pete	Track Rehabilitation of the San Bernardino Line	Southern California Regional Rail Authority	City of Rancho Cucamonga, California spanning to the City of Montclair, California including the cities of Rancho Cucamonga, Upland, and Montclair	CA	2000000
231	DeSaulnier, Mark	Traffic Signal System Upgrades on I–680 Project	Contra Costa Transportation Authority	Danville, Walnut Creek, Concord, Pleasant Hill	CA	6000000
232		Tri MyRide Fleet Expansion Project	Eastern Contra Costa Transit Authority	Antioch	CA	1760000
	DeSaulnier, Mark					880000
	McNerney, Jerry					880000
233	Gomez, Jimmy	TRI–CONNECT, SoCal Freight Initiative	Southern California Association of Governments	Los Angeles	CA	3357895
234	Brownley, Julia	U.S. 101 and Del Norte Boulevard Interchange	City of Oxnard	Oxnard	CA	3000000
235	Chu, Judy	Union Street Protected Bike Lanes	City of Pasadena	Pasadena	CA	1600000
236	Eshoo, Anna G.	US 101 / Woodside Interchange Improvement	City of Redwood City	Redwood City	CA	2500000
237	Panetta, Jimmy	US 101 Safety Improvements—South of Salinas	Transportation Agency for Monterey County	Salinas and Chualar (Monterey County)	CA	2000000
238	Panetta, Jimmy	US 101/SR 25 Interchange Phase 2—Santa Teresa Boulevard Extension	Santa Clara Valley Transportation Authority	Gilroy	CA	5000000

239	Speier, Jackie	US–101 Managed Lane Project North of I–380	City/County Association of Governments (C/CAG) of San Mateo County	San Mateo	CA	10000000
240	Swalwell, Eric	Valley Link—Implementation of Sustainability Blueprint	Tri–Valley—San Joaquin Valley Regional Rail Authority	Livermore	CA	20000000
241	McNerney, Jerry	Vasco Road Safety Improvements Phase II	Contra Costa County Public Works	Byron	CA	3905000
242		Vermont Transit Corridor Improvements	Los Angeles County Metropolitan Transportation Authority	Los Angeles	CA	10000000
	Bass, Karen					3900000
	Gomez, Jimmy					6100000
243	Barragán, Nanette Diaz	Walnut Park Bus Stop Improvements	County of Los Angeles	Walnut Park	CA	1200000
244	Barragán, Nanette Diaz	Walnut Park Pedestrian Plan Implementation	County of Los Angeles	Walnut Park	CA	1200000
245	Lofgren, Zoe	Warm Springs Grade Crossing Improvements	City of San Jose	San Jose	CA	7703100
246	Lee, Barbara	West Berkeley Bicycle and Pedestrian Improvements	City of Berkeley	Berkeley	CA	704000
247	Eshoo, Anna G.	West San Jose Priority Bikeways Implementation Project	City of San Jose	San Jose	CA	3285680
248	Roybal–Allard, Lucille	West Santa Ana Branch Transit Corridor	Los Angeles County Metropolitan Transportation Authority (Metro)	Los Angeles	CA	5000000
249	Aguilar, Pete	West Valley Connector Bus Rapid Transit—Phase 1, and Zero–Emission Bus Initiative	San Bernardino County Transportation Authority	San Bernardino	CA	5000000
250	Bera, Ami	White Rock Road—0.5 Miles East of Rancho Cordova Parkway to the Easterly City Limits	City of Rancho Cordova, CA	Rancho Cordova	CA	12307000
251	Brownley, Julia	Widen Central Ave to add new Class II Bike Lanes near U.S. 101 to the northwest city limits	City of Camarillo	Camarillo	CA	4000000
252	Barragán, Nanette Diaz	Wilmington Waterfront–Avalon Pedestrian Bridge	Port of Los Angeles	Wilmington	CA	1000000
253	Cárdenas, Tony	Woodman Ave. Pedestrian Improvement Project	City of Los Angeles, Department of Public Works, Bureau of Engineering, Bureau of Street Services	Panorama City	CA	3256591

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
254	DeSaulnier, Mark	Ygnacio Valley Road Project	City of Walnut Creek	Walnut Creek	CA	1000000
255	Costa, Jim	Yosemite Area Regional Transportation System	Yosemite Area Regional Transportation System (YARTS) in partnership with Merced County Association of Governments (MCAG)	Merced	CA	2250000
256	Brownley, Julia	Zero Emission Bus Replacements, Charging Infrastructure and Zero Emissions Job Training	Gold Coast Transit District	Oxnard	CA	1675000
257	Barragán, Nanette Diaz	Zero Emission Buses and Charging Infrastructure	Los Angeles County Metropolitan Transportation Authority	Wilmington	CA	5000000
258	Chu, Judy	Zero Emissions Bus Purchase—Pasadena, CA	City of Pasadena	Pasadena	CA	2100000
259	DeGette, Diana	16th St Mall Reconstruction Program	City and County of Denver	Denver	CO	6530000
260	Crow, Jason	Aurora Bicycle and Pedestrian Master Plan Update	The City of Aurora	Aurora	CO	800000
261	Neguse, Joe	Big Barnes Ditch Trail Improvements	City of Loveland	Loveland	CO	500000
262	Neguse, Joe	Cameron Peak Post–Fire Emergency Funding	Colorado Department of Transportation	Larimer County	CO	2000000
263	DeGette, Diana	Central Corridor Rail Replacement	Regional Transportation District (RTD)	Denver	CO	7930000
264	Neguse, Joe	CO 9 Widening from Iron Springs to Frisco	Colorado Department of Transportation	Summit County	CO	1000000
265	Crow, Jason	Easter/Havana Intersection Improvements	City of Centennial	Centennial	CO	6000000
266	Neguse, Joe	Eisenhower Johnson Memorial Tunnel (EJMT) Repairs and Upgrades	Colorado Department of Transportation	Dillon	CO	4000000
267	Crow, Jason	Expansion of Gun Club Road	City of Aurora	Aurora	CO	1500000
268	Perlmutter, Ed	Federal Parkway Multimodal Transportation Improvements	City of Westminster	Westminster	CO	4107114

269	Neguse, Joe	Frisco Transit Center	Colorado Department of Transportation	Frisco	CO	6650000
270	DeGette, Diana	I–25 Valley Highway: Phases 3 and 4 ROW Acquisition	Colorado Department of Transportation	Denver	CO	5530000
271	Crow, Jason	I–25/Belleview Avenue Interchange Improvements	Arapahoe County	Greenwood Village	CO	10000000
272	Perlmutter, Ed	I–70 and 32nd Ave. Bridge Replacement	Colorado Department of Transportation	Wheat Ridge	CO	2000000
273	Perlmutter, Ed	SH–72 (Indiana St) Widening at UPRR	City of Arvada	Arvada	CO	1095872
274	Neguse, Joe	State Highway 119 and State Highway 52 Multimodal Intersection Improvements	Boulder County	Boulder County	CO	5000000
275	Neguse, Joe	US 36 and Community Drive Roundabout	Colorado Department of Transportation	Estes Park	CO	850000
276	Perlmutter, Ed	Wadsworth Widening: 35th Avenue to I–70	City of Wheat Ridge	Wheat Ridge	CO	10000000
277	Perlmutter, Ed	West Colfax Pedestrian Safety and Infrastructure Project	City of Lakewood	Lakewood	CO	1750000
278	Himes, Jim	Branchville Transit Oriented Development Pedestrian/Bicycle Improvement	Connecticut Department of Transportation	Ridgefield	CT	1853120
279	Himes, Jim	Comstock Brook Bridge (No. 04975) Replacement	Connecticut DOT	Wilton	CT	2400000
280	Courtney, Joe	Coventry Main Street Sidewalk Project Final Extension	Town of Coventry	Coventry	CT	1200000
281	Courtney, Joe	CT–195 (Storrs Road) Pedestrian Safety Improvements	Town of Mansfield	Mansfield	CT	2240000
282	Courtney, Joe	East Haddam/Haddam Swing Bridge Rehabilitation Project	Connecticut Department of Transportation	East Haddam	CT	5000000
283	Courtney, Joe	Essex River Road Bridge and Sidewalk Project	Town of Essex	Essex	CT	2400000
284	Himes, Jim	Five Mile River Bridge (No. 04152) Replacement	Connecticut DOT	Norwalk	CT	2860000
285	Larson, John	Greater Hartford Mobility Study—Planning and Preliminary Engineering	Connecticut Department of Transportation	Hartford and East Hartford	CT	16000000
286	Himes, Jim	Greenwich Creek Bridge (No. 01872) Replacement	Connecticut DOT	Greenwich	CT	2530000
287	Hayes, Jahana	Harbor Brook Bridge (No. 04185) Replacement Project	Connecticut Department of Transportation	Meriden	CT	2800000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
288	Hayes, Jahana	Intersection Improvements on Route 39 at Beckerle Street and East Gate Road	Connecticut Department of Transportation	Danbury	CT	3332000
289	Himes, Jim	Mill River Bridge (No. 04953) Replacement	Connecticut DOT	Fairfield	CT	2700000
290	DeLauro, Rosa	New Haven Downtown Crossing Phase 4—Temple Street Crossing	City of New Haven	New Haven	CT	20000000
291	Courtney, Joe	New London Pedestrian Bridge and Public Access Project	State of Connecticut Department of Economic and Community Development (CT–DECD)	New London	CT	4860000
292	Himes, Jim	Park Avenue Traffic Signals	Connecticut DOT	Bridgeport	CT	2686000
293	Courtney, Joe	Quinebaug River Trail—Plainfield Section	Town of Plainfield	Plainfield	CT	2179953
294	Hayes, Jahana	Route 10 Hop Brook Bridge (No. 00653) Replacement Project	Connecticut Department of Transportation	Simsbury	CT	2400000
295	Hayes, Jahana	Route 109 Bridge (No. 05417) Replacement Project	Connecticut Department of Transportation	Morris	CT	1520000
296	Hayes, Jahana	Route 202 Intersection Improvement Project	Connecticut Department of Transportation	Brookfield	CT	7400000
297	Himes, Jim	Route 25 Bridge (No. 06750) Rehabilitation	Connecticut Department of Transportation	Trumbull	CT	1464000
298	Himes, Jim	Stamford Transportation Center Improvement	Connecticut DOT	Stamford	CT	3500000
299	Norton, Eleanor Holmes	20 x 22 Protected Bike Lanes	District of Columbia Department of Transportation	Washington	DC	3000000
300	Norton, Eleanor Holmes	Arboretum Bridge and Trail	District of Columbia Department of Transportation	Washington	DC	4000000

301	Norton, Eleanor Holmes	Bus Priority Program	District of Columbia Department of Transportation	Washington	DC	4000000
302	Norton, Eleanor Holmes	H Street Bridge	District of Columbia Department of Transportation	Washington	DC	3000000
303	Norton, Eleanor Holmes	Metropolitan Branch Trail—Fort Totten to Takoma	District of Columbia Department of Transportation	Washington	DC	3000000
304	Norton, Eleanor Holmes	Pavement Restoration, National Highway Performance Program	District of Columbia Department of Transportation	Washington	DC	3000000
305	Blunt Rochester, Lisa	US 113/SR 20 Grade Separated Intersection	Delaware Department of Transportation	Millsboro	DE	10000000
306	Blunt Rochester, Lisa	West Camden Bypass	Delaware Department of Transportation	Camden	DE	10000000
307	Rutherford, John	Approach Road at Cecil Air and Space Port	Jacksonville Aviation Authority	Jacksonville	FL	600000
308	Gimenez, Carlos A.	Card Sound Bridge Replacement Planning and Design Project	Monroe County, Florida	Key Largo	FL	4200000
309	Salazar, Maria	City of South Miami Pedestrian Bridge	City of South Miami	South Miami	FL	4330000
310	Salazar, Maria	Commodore Trail Missing Link	Florida Department of Transportation	Miami / Coral Gables	FL	999205
311		Dunedin Causeway Bridge Project	Pinellas County Government	Dunedin	FL	8000000
	Bilirakis, Gus					5000000
	Crist, Charlie					3000000
312	Stuebe, Greg	Harborview Road from Melbourne Street to I–75	Charlotte County, Florida	Port Charlotte	FL	20000000
313	Salazar, Maria	Marlin Road Roadway Improvements Project	The Town of Cutler Bay	Cutler Bay	FL	8800000
314	Salazar, Maria	Miami River Greenway—Curtis Park East	Florida Department of Transportation	Miami	FL	2392000
315	Mast, Brian	Midway Road Multimodal/Freight Improvements and Florida–s Turnpike Connection	St. Lucie County	Port St. Lucie	FL	15000000
316	Salazar, Maria	North Bay Village 79th Street Complete Streets Project	North Bay Village	North Bay Village	FL	1000000
317	Mast, Brian	Port St. Lucie Boulevard South—Segment 2.2 (Alcantarra Boulevard to Paar Drive)	City of Port St. Lucie	Port St. Lucie	FL	5000000
318	Salazar, Maria	PortMiami Shore Power Pilot Program	Miami Dade County—PortMiami	Miami	FL	2000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
319	Franklin, Scott	Reconstruction of State Road 33/Interstate 4 Interchange (Exit 38)	City of Lakeland, Florida	Lakeland	FL	20000000
320	Bilirakis, Gus	Ridge Road Extension Phase 2B	Pasco County Board of Supervisors	Unincorporated Pasco County	FL	15000000
321	Wilson, Frederica	Alleyways Drainage Improvement Project	City of Miami Gardens Public Works Department	Miami Gardens	FL	240000
322	Deutch, Theodore E.	Breakers Avenue Streetscape Project	City of Fort Lauderdale	City of Fort Lauderdale	FL	5200000
323	Castor, Kathy	Cass Street Bridge Rehabilitation	City of Tampa	Tampa	FL	5116000
324	Demings, Val Butler	Central Florida Regional Transportation Electronic Contactless Payment System	Central Florida Regional Transportation Authority (LYNX), Orlando, Florida	Orlando	FL	1032500
325	Frankel, Lois	City of West Palm Beach Grand View Heights Street Pedestrian Safety Improvements Phase 2	City of West Palm Beach	West Palm Beach	FL	1200000
326	Murphy, Stephanie	Corrine Drive Complete Streets Project	City of Orlando	Orlando	FL	6900000
327	Wilson, Frederica	County Line Road Improvement Project	Broward MPO & City of West Park	West Park	FL	944000
328	Deutch, Theodore E.	Crystal Lake Drive Project	City of Deerfield Beach	City of Deerfield Beach	FL	389088
329	Murphy, Stephanie	E.E. Williamson Road Trail Connect	Seminole County Government	Longwood	FL	4346000
330	Soto, Darren	Econlockhatchee Trail Multimodal Corridor Improvements	City of Orlando	Orlando	FL	8193500
331	Frankel, Lois	Flavor Pict Road from Lyons Road to Hagen Ranch Road	Palm Beach County	Delray Beach	FL	4780000
332	Crist, Charlie	Gulf to Bay (SR60) Duke Energy Trail Overpass	Pinellas County Government	Clearwater	FL	6000000

333	Castor, Kathy	HART Bus Shelter Revitalization and Expansion	Hillsborough Area Regional Transit Authority	Tampa	FL	6990100
334	Soto, Darren	Hinson Avenue Widening Project	City of Haines City	Haines City	FL	1375000
335	Demings, Val Butler	International Drive and Sand Lake Road (SR 482) Pedestrian Bridge	Orange County, Florida	Orlando	FL	7000000
336	Castor, Kathy	InVision Tampa Streetcar	City of Tampa, co–funded by the Florida Department of Transportation and Hillsborough Area Regional Transit Authority (HART)	Tampa	FL	7700000
337	Wasserman Schultz, Debbie	Johnson Street Bridge Replacement Project	City of Hollywood	Hollywood	FL	2904000
338	Lawson, Al, Jr.	JTA–s Sustainability and Renewable Energy Transit Facility (Project ID 425454–2)	Jacksonville Transportation Authority	Jacksonville	FL	2315840
339	Murphy, Stephanie	Lake Monroe Loop Trail	MetroPlan Orlando	Sanford	FL	3313181
340	Frankel, Lois	Lowson Boulevard from Dover Road to Federal Highway	City of Delray Beach	Delray Beach	FL	1106296
341	Deutch, Theodore E.	Loxahatchee Rd. from Arthur Marshall Loxahatchee Refuge to SR–7/US–441	Broward Metropolitan Planning Organization (MPO)	City of Parkland	FL	5000000
342	Deutch, Theodore E.	Lyons Road Pedestrian Mobility Lighting and Safety Project	Broward Metropolitan Planning Organization (MPO)	City of Coconut Creek	FL	2700000
343	Lawson, Al, Jr.	Magnolia Drive Trail—Phase 1, 2, & 4 (Project ID: 4098037)	Blueprint Intergovernmental Agency	Tallahassee	FL	5000000
344	Soto, Darren	Marigold Ave from San Lorenzo Rd to Peabody Rd (4 Roundabouts)	MetroPlan Orlando	Poinciana	FL	4731586
345	Soto, Darren	Neptune Road Widening and Improvement Project	Osceola County	Kissimmee	FL	5000000
346	Wilson, Frederica	NW 183rd to 191st Street and NW 27th to 42nd Avenue Road and Sidewalk Project	City of Miami Gardens Public Works Department	Miami Gardens	FL	1200000
347	Wilson, Frederica	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	City of Miami Gardens	Miami Gardens	FL	960000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
348	Wilson, Frederica	NW 191st to 199th Street and NW 2nd to 7th Avenue Roadway and Sidewalk Project	City of Miami Gardens Public Works Department	Miami Gardens	FL	600000
349	Wilson, Frederica	NW 199th to 202nd Street between NW 3rd and 15th Avenue–Road Resurfacing and Sidewalks Improvement Project	City of Miami Gardens	Miami Gardens	FL	960000
350	Wilson, Frederica	NW/NE 87th Street Corridor	Village of El Portal	Village of El Portal	FL	1320551
351	Wilson, Frederica	Opa–locka Railroad Crossing Repair	Florida Department of Transportation	Opa–Locka	FL	2400000
352	Demings, Val Butler	Orange Blossom Trail Sidewalks Phase 2A	MetroPlan Orlando	Orlando	FL	3012472
353		Palm Beach County Bus Shelter Infrastructure	Palm Tran Public Transit Agency	Palm Beach County	FL	8300000
	Deutch, Theodore E.					300000
	Frankel, Lois					8000000
354	Frankel, Lois	Palm Springs, FL, Park Connector Pathway System	Village of Palm Springs, FL	Palm Springs	FL	854550
355	Demings, Val Butler	Pine Hills Trail Phase 2 from Silver Star Road (SR 438) to Clarcona–Ocoee Road	Orange County, Florida	Orlando	FL	557000
356	Demings, Val Butler	President Barack Obama Parkway, Phase 2, Orlando, Florida	City of Orlando, FL	Orlando	FL	8360000

357	.....	Rolling Stock	South Florida Regional Transportation Authority	Hallandale Beach, Hollywood, Dania Beach, Fort Lauderdale, Wilton Manors, Oakland Park, Pompano Beach, Deerfield Beach and Palm Beach County	FL	9000000
	Wasserman Schultz, Debbie					5000000
	Frankel, Lois					4000000
358	Wilson, Frederica	SMART Plan Beach Express (BERT) North Capital Bus Purchase	Miami–Dade Department of Transportation and Public Works	Miami	FL	9100000
359	Crist, Charlie	Solar–Powered Zero–Emission Bus and Facility Charging Infrastructure	Pinellas Suncoast Transit Authority	St. Petersburg	FL	6000000
360	Lawson, Al, Jr.	South City Transit Capital Project StarMetro Modernization	City of Tallahassee StarMetro	Tallahassee	FL	2400000
361	Murphy, Stephanie	Southcot Drive Sidewalk	MetroPlan Orlando	Casselberry	FL	189357
362	Murphy, Stephanie	SR 50 (Colonial) from Thornton Ave to Mills Ave	MetroPlan Orlando	Orlando	FL	917933
363	Lawson, Al, Jr.	SR 63 (US 27) Monroe Street from John Knox Road to Lakeshore Drive (Project ID 4450531)	Capital Region Transportation Planning Agency (CRTPA)	Tallahassee	FL	2400000
364	Wasserman Schultz, Debbie	SR–5/US–1/Federal Hwy from Johnson St. to SR–822/Sheridan St.	Broward MPO	Hollywood	FL	1899308
365	Wasserman Schultz, Debbie	SR–820/Pines Blvd from W of SW 136th Ave to E of NW 118th Ave	Broward MPO	Pembroke Pines	FL	5000000
366	Wasserman Schultz, Debbie	SR–A1A from Hallandale Beach Boulevard to Dania Beach Boulevard Drainage Improvement Project	Broward MPO	Hallandale Beach, Hollywood, and Dania Beach	FL	1075350
367	Lawson, Al, Jr.	StarMetro Bus Replacement	City of Tallahassee—StarMetro	Tallahassee	FL	1800000
368	Wilson, Frederica	SW 36th Street Complete Street Improvements Project	Broward MPO & City of West Park	West Park	FL	1600000
369	Wilson, Frederica	SW 52nd Avenue Complete Street Improvements Project	Broward MPO & City of West Park	West Park	FL	602400

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
370	Crist, Charlie	Treasure Island Causeway Bridge Project	City of Treasure Island	Treasure Island	FL	4480000
371	Murphy, Stephanie	University Boulevard at Dean Road Intersection Improvement	Orange County Government	Orlando	FL	1000000
372	Deutch, Theodore E.	University Drive from NW 40th St. to Sawgrass Expressway	Broward Metropolitan Planning Organization (MPO)	City of Coral Springs	FL	5000000
373	Murphy, Stephanie	West Warren Avenue Complete Street	City of Longwood	Longwood	FL	400000
374	Williams, Nikema	Atlanta Beltline	City of Atlanta / Atlanta Development Authority	Atlanta	GA	5000000
375	Bourdeaux, Carolyn	Big Creek Greenway Phase 2 Renovation–Replacement	Forsyth County	Cumming	GA	3000000
376	Bishop, Sanford D., Jr.	Brennan Road Improvements	Columbus Consolidated Government	Columbus	GA	7360000
377	McBath, Lucy	Buford Highway Pedestrian Improvements	City of Doraville	Doraville	GA	1373859
378	Johnson, Henry C. ''Hank'', Jr.	Bus/Paratransit Vehicle Acquisition for Local Route 70	Gwinnett County Department of Transportation	Snellville/Northern Dekalb	GA	6000000
379	Williams, Nikema	Cascade Multimodal Corridor	City of Atlanta	Atlanta	GA	1000000
380	Loudermilk, Barry	Cherokee Area Transportation System Headquarters	Cherokee County Board of Commissioners	Canton	GA	2400000
381	Williams, Nikema	City of Forest Park Pedestrian Bridge	City of Forest Park	Forest Park	GA	2000000
382	Bourdeaux, Carolyn	City of Sugar Hill–s Highway 20 Pedestrian Bridge	City of Sugar Hill	Sugar Hill	GA	5000000
383	Scott, David	Clayton Justice Center Transit Hub—Phase II	Metropolitan Atlanta Rapid Transit Authority (MARTA)	Jonesboro	GA	4960000
384	Loudermilk, Barry	Cobb Parkway at McCollum Parkway Road Realignment	Cobb County Department of Transportation	Kennesaw	GA	3500000
385	McBath, Lucy	Cumberland Core Loop	Cobb County Government	Atlanta	GA	1700000
386	Scott, David	East West Connector Corridor Improvement, Cobb County GA	Cobb County Department of Transportation	Smyrna	GA	4500000

387	Williams, Nikema	Emory–CDC Intersection Project	Atlanta Regional Commission	Atlanta	GA	550000
388	Bishop, Sanford D., Jr.	GDOT Project No. 0013752	Georgia Department of Transportation	Americus	GA	1216958
389	Bishop, Sanford D., Jr.	GDOT Project No. 0015563	Georgia Department of Transportation	Cuthbert	GA	2405280
390	Bishop, Sanford D., Jr.	GDOT Project No. 0015638	Georgia Department of Transportation	Reynolds	GA	1608000
391	Bishop, Sanford D., Jr.	GDOT Project No. 0015651	Georgia Department of Transportation	Arabi	GA	568000
392	Bishop, Sanford D., Jr.	GDOT Project No. 0015652	Georgia Department of Transportation	Talbotton	GA	984000
393	Scott, David	Global Gateway Connector	City of College Park	College Park	GA	3542355
394	Bourdeaux, Carolyn	Gwinnett Place Transit Center/Mall of Georgia local bus service	Gwinnett County	Gwinnett County	GA	5000000
395	Scott, David	I–20 Diverging Diamond Interchange at Chapel Hill Road	Douglas County	Douglasville	GA	5000000
396	Bourdeaux, Carolyn	Lawrenceville Area Park and Ride Lot	Gwinett County Transit	Lawrenceville	GA	4800000
397	Bishop, Sanford D., Jr.	Macon Transit Authority Electric Transit and Paratransit Vehicle Purchases	Macon–Bibb County Transit Authority	Macon	GA	2600000
398	Johnson, Henry C. ''Hank'', Jr.	MARTA Route 115—Covington Highway	Metropolitan Atlanta Rapid Transit Authority (MARTA)	Decatur	GA	2000000
399	Bourdeaux, Carolyn	McDaniel Farm Park Connector multi–use path	Gwinnett County	Gwinnett County	GA	2000000
400	Williams, Nikema	Metropolitan Parkway Arterial Rapid Transit (ART)	Metropolitan Atlanta Rapid Transit Authority (MARTA)	Atlanta	GA	3000000
401	Johnson, Henry C. ''Hank'', Jr.	New Bus Rapid Transit Service along US 78	Gwinnett County Dept. of Transportation	Snellville/Stone Mountain	GA	5000000
402	Johnson, Henry C. ''Hank'', Jr.	North Avondale Road Complete Streets Project	City of Avondale Estates	Avondale Estates	GA	1975560
403	Williams, Nikema	Peachtree Creek Greenway	City of Brookhaven	Brookhaven	GA	3382000
404	Carter, Earl L.	Project DeRenne	City of Savannah	Savannah	GA	20000000
405	Bishop, Sanford D., Jr.	Safety Improvements—Intersection of N Westover Blvd at Nottingham Way	City of Albany	Albany	GA	368791
406	Loudermilk, Barry	South Barrett Parkway Reliever	Cobb County Department of Transportation	Kennesaw	GA	2000000
407	Scott, David	South Cobb Drive Corridor	City of Smyrna	Smyrna	GA	250000
408	McBath, Lucy	SR 120 (Abbotts Bridge Road) Operational and Safety Improvements	City of Johns Creek	Johns Creek	GA	13800000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
409	Bishop, Sanford D., Jr.	SR234 and Westover Blvd—Add Westbound Right Turn and Southbound Left	City of Albany	Albany	GA	349295
410	Johnson, Henry C. ''Hank'', Jr.	Stonecrest Transit Hub	Metropolitan Atlanta Rapid Transit Authority (MARTA)	Stonecrest	GA	5000000
411	Bishop, Sanford D., Jr.	Widen and Realign Intersection of Sands Drive and Radium Springs	City of Albany	Albany	GA	2509319
412	Scott, David	Windy Hill Boulevard	City of Smyrna and Cobb County	Smyrna	GA	500000
413	San Nicolas, Michael F. Q.	Guam Public Transit Modernization—Bus Shelters	Guam Regional Transit Authority	Hagatna	GU	20000000
414		Bus and Handi Van Acquisition Program (Battery Electric Buses; Electrification of Route 40)	Honolulu Department of Transportation Services	Honolulu	HI	7398400
	Case, Ed					3699200
	Kahele, Kaiali'i					3699200
415	Kahele, Kaiali'i	Hanapepe Road Resurfacing	County of Kauai	Hanapepe	HI	3680000
416	Case, Ed	Hawaii Recreational Trails Program (Hawaii Integrated Trail System)	Hawaii Department of Land and Natural Resources	Multiple Cities	HI	4000000
417	Case, Ed	Interstate Route H–1 Improvements, Eastbound, Ola Lane Overpass to Vineyard Boulevard	Hawaii State Department of Transportation	Honolulu	HI	6150000
418	Case, Ed	Leeward Bikeway, Philippine Sea Road to Waipahu Depot Street	Hawaii Department of Transportation	Honolulu	HI	6150000
419	Kahele, Kaiali'i	Papalaua Street (RTS 3020, MP 0.13–MP0.17) Traffic Signal Upgrade at Wainee Street (Route 3015, MP 0.3–MP0.34)	Maui County	Maui	HI	1154000

420	Kahele, Kaiali'i	Waianuenue Avenue Rehabilitation	County of Hawaii	Hilo	HI	7277499
421	Kahele, Kaiali'i	Waimea to Kekaha Shared Use Path	Kauai County	Hanapepe	HI	2000000
422	Kahele, Kaiali'i	Wakea Avenue (Route 3920, MP 0.70–MP 0.71) and Kamehameha Avenue (Route 3940, MP 0.91–MP0.92) Intersection Improvements	Maui County	Maui	HI	2186000
423	Miller–Meeks, Mariannette	HIRTA Regional Transit Facility	Heart of Iowa Regional Transit Agency	Waukee	IA	2321000
424	Miller–Meeks, Mariannette	In the City of Iowa City, on Dodge Street, from Burlington Street north to Governor Street.	Iowa Department of Transportation	Iowa City	IA	9943600
425	Miller–Meeks, Mariannette	Iowa 136 bridge replacement over Elwood Creek 3.1 miles west of US 61 in Clinton County	Iowa Department of Transportation	Clinton County	IA	1144800
426	Miller–Meeks, Mariannette	Marion County—County Road G28 corridor	Marion County County Engineer and County Roads Department	Marion County	IA	2000000
427	Miller–Meeks, Mariannette	Red Rock Prarie Trail (Iowa 117 to Co Rd S27)	Jasper County Conservation	Prairie City	IA	900000
428	Axne, Cynthia	Bus Replacements Across the District	Iowa DOT	Des Moinse	IA	5000000
429	Axne, Cynthia	Mills Civic Parkway Improvements	City of West Des Moines	West Des Moines	IA	2000000
430	Axne, Cynthia	Red Oak Bridge Replacement	Iowa DOT	Red Oak	IA	700000
431	Axne, Cynthia	Southeast Connector	City of Des Moines	Des Moines	IA	7000000
432	Axne, Cynthia	Traffic Incident Management Center at Camp Dodge—Phase I	Iowa DOT	Johnston	IA	4880000
433	Simpson, Mike	1st Street Reconstruction	City of Ammon	Ammon	ID	5375700
434	Simpson, Mike	Center Street Railroad Bridge Underpass	City of Pocatello, ID	Pocatello	ID	4277000
435	Simpson, Mike	Fort Hall Connect– Upgrade of Ross Fork Road	Shoshone–Bannock Tribes	Fort Hall	ID	3500000
436	Simpson, Mike	I–15B (US–30) McCammon IC TO Old US–91	Idaho Transportation Department	McCammon	ID	1716660
437	Simpson, Mike	State Street Premium Corridor, Part 2, Boise Area, Valley Regional Transit	Valley Regional Transit	Boise and Garden City	ID	2000000
438	Bost, Mike	Alton Avenue Reconstruction	City of Madison	Madison	IL	624000
439	Davis, Rodney	Alton Road Reconstruction Phase I & II	City of Carlinville	Carlinville	IL	616000
440	Davis, Rodney	Brush College Road and Faries Parkway Grade Separation	City of Decatur	Decatur	IL	2000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
441	Kinzinger, Adam	Calhoun Street Bridge Replacement	City of Morris	City of Morris	IL	1200000
442	LaHood, Darin	Candy Lane	City of Macomb	Macomb	IL	3500000
443	Davis, Rodney	Centennial Park Shared Use Path	Village of Heyworth	Heyworth	IL	963540
444	Bost, Mike	Cloverleaf and East Madison Subdivisions Improvements	City of Madison	Madison	IL	296000
445	Davis, Rodney	Curtis Road Grade Separation & Complete Streets Project	Village of Savoy	Savoy	IL	3293700
446	Bost, Mike	Dix Irvington Road Safety Project	Jefferson County Highway Department	Centralia	IL	600000
447	Bost, Mike	Dupo Interchange	Village of Dupo	Dupo	IL	1700000
448	Bost, Mike	Edwardsville Road Resurfacing Project	City of Wood River	Wood River	IL	668000
449	Bost, Mike	Frank Scott Parkway East Extension	St. Clair County Government	Shiloh	IL	12512000
450		Hamilton Road East–West Connection Project	City of Bloomington	Bloomington	IL	7000000
	Davis, Rodney					3500000
	LaHood, Darin					3500000
451	Davis, Rodney	Hilltop Road Multi–Use Trail Extension Project	City of Springfield	Springfield	IL	440000
452	Davis, Rodney	Lincoln Prairie Trail Bridge Replacement Project	City of Pana	Taylorville	IL	487161
453	Bost, Mike	Madison Avenue from 23rd Street to 27th Street Resurfacing	Granite City Government	Granite City	IL	759420
454	Kinzinger, Adam	Main Street Reconstruction Project	Village of Roscoe	Roscoe	IL	3880000
455	Bost, Mike	Marissa—Main St. Resurfacing	Village of Marrisa	Marissa	IL	476000
456	LaHood, Darin	Pioneer Parkway Reconstruction	Peoria, Illinois	Peoria	IL	5000000
457	LaHood, Darin	Prospect Road Revitalization	VIllage of Peoria Heights	Peoria Heights	IL	6000000
458	Davis, Rodney	Reas Bridges Replacement Project over Lake Decatur	Macon County	Decatur	IL	3500000

459	Davis, Rodney	Reconstruction of Main Street from Elm Street to Madison Street	City of Staunton	Staunton	IL	1569456
460	Bost, Mike	Resurfacing of County Highway 16 in Williamson County	Williamson County	Williamson County	IL	352000
461	Bost, Mike	Resurfacing of Main Street, Bainbridge Trail, and Penecost Streets	City of Marion	Marion	IL	572000
462	Kinzinger, Adam	Riverside Boulevard Reconstruction and Widening (Phase II and III)	Winnebago County Highway Department	Loves Park and Rockford	IL	14920000
463	Davis, Rodney	Royal Lakes Road Rehabilitation Project	Village of Royal Lakes	Royal Lakes	IL	23408
464	Bost, Mike	Spotsylvania Street Improvements	Village of New Athens	New Athens	IL	452000
465	Davis, Rodney	Stanford Avenue Reconstruction from 11th Street to Fox Bridge Road	City of Springfield	Springfield	IL	1279035
466	Bost, Mike	Structure Replacement Over Piles Fork Creek	City of Carbondale	Carbondale	IL	504000
467	Davis, Rodney	US 67 Widening from Delhi Bypass Project to Crystal Lake Rd.	Illinois Department of Transportation	Jerseyville	IL	1200000
468	Davis, Rodney	West Main Cross Street Improvements from Webster Street to Shumway Street	City of Taylorville	Taylorville	IL	1127700
469	LaHood, Darin	Western Road—Marshall County	Marshall County	Henry	IL	2000000
470	Davis, Danny K.	118 N Clark Pedway Extension	Cook County Department of Transportation	Chicago	IL	2700000
471	Newman, Marie	143rd St Expansion—West Ave to SW Highway	Village of Orland Park	Orland Park	IL	9247702
472		143rd St from IL 59 to IL 126	Village of Plainfield	Plainfield	IL	6200000
	Foster, Bill					3700000
	Underwood, Lauren					2500000
473	García, Jesús G. ''Chuy''	34th Street Road Modernization and Stormwater Management Improvements Phase I Design	City of Berwyn	Berwyn	IL	5022323
474	Quigley, Mike	606 Extension—Ashland Ave to Elston Ave	Cook County Department of Transportation and Highways	Chicago	IL	1440000
475	Foster, Bill	75th Street from Milbrook Drive to Greene Road	DuPage County	Naperville	IL	648560

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
476	Rush, Bobby L.	80th Ave from 191st to 183rd St Lane Improvements	Will County	Tinley Park	IL	1500000
477	Bustos, Cheri	9th Street Two–Way Conversion (Whitman Interchange)	City of Rockford	Rockford	IL	4050000
478	Underwood, Lauren	Algonquin Road (Various Intersections) and Wilmot Road at Main Street Intersection Improvements	McHenry County Division of Transportation	Spring Grove	IL	2400000
479	Quigley, Mike	All Stations Accessibility Program—Blue Line Irving Park	Chicago Transit Authority	Chicago	IL	4330000
480	García, Jesús G. ''Chuy''	Arterial Resurfacing	Chicago Department of Transportation	Chicago	IL	9357677
481	Davis, Danny K.	Berkeley Industrial Pedestrian Connector	Village of Berkeley	Chicago	IL	424500
482	Casten, Sean	Bike Path along Quentin Road	Lake County	Hawthorn Woods/ Lake Zurich	IL	1000000
483	Underwood, Lauren	Bliss Rd/Fabyan from Fabyan to Bliss Rd	Kane County	Geneva	IL	7000000
484	Kelly, Robin	Butler Drive	Cook County Department of Transportation and Highways	Chicago	IL	4500000
485	Krishnamoorthi, Raja	Central Road: Barringon Rd to Huntington Blvd	Cook County Department of Transportation and Highways	Hoffman Estates	IL	2000000
486	Davis, Danny K.	City of Berwyn, 16th Street Rehabilitation Project	IL, Village of Berwyn	Chicago	IL	1967468
487	Bustos, Cheri	City of Peoria Adams/Jefferson 2–Way Conversion	City of Peoria	Peoria	IL	5000000
488	Kelly, Robin	Columbia Bridge	Chicago Department of Transportation	Chicago	IL	2000000
489	García, Jesús G. ''Chuy''	CTA—ASAP (Belmont Station)	Chicago Transit Authority	Chicago	IL	3370000
490	Schakowsky, Jan	CTA Red Line—Loyola Station Improvements	Chicago Transit Authority	Chicago	IL	3600000
491	Underwood, Lauren	DeKalb Traffic Signal Upgrades	City of DeKalb	DeKalb	IL	570000

492	Davis, Danny K.	Division Street Resurfacing	The Village of Oak Park	Oak Park	IL	2000000
493	Krishnamoorthi, Raja	Dundee Ave Reconstruction	City of Elgin	Elgin	IL	5900000
494	Casten, Sean	East Branch DuPage River Trail	DuPage County	Lombard	IL	1200000
495	Foster, Bill	East New York Street from North Farnsworth Ave to Welsh Drive	City of Aurora	Aurora	IL	1138300
496	Krishnamoorthi, Raja	Fullerton Avenue between N Schmale Rd and Bloomingdale Rd	Village of Glendale Heights	Glendale Heights	IL	696500
497	Foster, Bill	Gougar Road from Laraway Road to Francis Road	Will County	Joliet and New Lenox	IL	2700000
498	Bustos, Cheri	Greater Downtown Master Plan Phase 4A	City of East Moline	East Moline	IL	4946000
499	Foster, Bill	Hobson Rd 63rd St from Woodridge Dr to Janes Ave	DuPage County	Woodridge	IL	490000
500	Davis, Danny K.	Homan Corridor Improvements	City of Chicago	Chicago	IL	500000
501	Newman, Marie	I–294 103rd Street Interchange	Cook County Department of Transportation and Highways	Chicago Ridge	IL	5000000
502	Rush, Bobby L.	I–294 Crestwood/Robbins Interchange	Cook County Department of Transportation and Highways	Crestwood and Robbins	IL	4800000
503	Kelly, Robin	I–57 Interchange near Mile Marker 332 (Between Harlem Avenue and Pauling Road)	Illinois Department of Transportation	Unincorporated Will County	IL	4500000
504	Newman, Marie	IL 171 (State Street) Pedestrian Safety Improvements	City of Lockport	Lockport	IL	1400000
505	Casten, Sean	IL 38/Roosevelt Road at Naperville Road	DuPage County	Wheaton	IL	4800000
506	Kelly, Robin	IL 50 from S of Brookmont Blvd to N of US 45/52 & Indiana Ave to Fair St in Kankakee	Illinois Department of Transportation	Kankakee	IL	5000000
507	Schneider, Bradley Scott	IL–21 Milwaukee Ave Improvements (Glenview)	Village of Glenview in coordination with the Illinois Department of Transportation	Glenview	IL	2000000
508	Krishnamoorthi, Raja	IL–62 Algonquin Rd at New Wilke Rd Intersection Improvements	City of Rolling Meadows, Village of Arlington Heights	Rolling Meadows	IL	226935
509	Davis, Danny K.	Jackson Blvd Resurfacing (Desplaines to Harlem Ave)	Village of Forest Park	Chicago	IL	800000
510	Davis, Danny K.	Kedzie and Lake improvements	City of Chicago	Chicago	IL	500000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
511	Krishnamoorthi, Raja	Lake Cook Road (IL–53 to Raupp Blvd)	Cook County Department of Transportation and Highways	Mount Prospect and Desplains	IL	3000000
512	Krishnamoorthi, Raja	Lombard Rd Resurfacing and Improvements	Village of Addison	Addison	IL	900000
513	Davis, Danny K.	Madison Street Resurfacing	Village of Bellwood	Bellwood	IL	1107200
514	Underwood, Lauren	Main Street Reconstruction from Randall Road to Van Nortwick Avenue	City of Batavia	Batavia	IL	600000
515	Bustos, Cheri	McConnell Road Intersection and Roadway Improvements	Stephenson County	Freeport	IL	2528200
516		Metra Zero Emission Vehicle Pilot	Metra (subsidiary of the Regional Transportation Authority)	Chicago Region	IL	12000000
	Krishnamoorthi, Raja					1000000
	Foster, Bill					5000000
	Schneider, Bradley Scott					6000000
517	Newman, Marie	Midway Bus Terminal Electrification Concept Design	Chicago Transit Authority	Chicago	IL	550000
518	Schakowsky, Jan	N Lake Shore Drive Improvements	City of Chicago	Chicago	IL	2000000
519	Schneider, Bradley Scott	North Chicago Pace Route Access	City of North Chicago	North Chicago	IL	508080
520	Newman, Marie	Oak Park Avenue—111th St to 107th St	Village of Worth, IL	Worth	IL	520000
521	Quigley, Mike	Pace Cermak Road Transit Signal Priority	Pace Suburban Bus	Westchester, Oak Brook and Oakbrook Terrace	IL	390000
522	Schakowsky, Jan	Pace Pulse Line—Harlem Avenue Traffic Signal Improvements	Pace Suburban Bus	Morton Grove	IL	400000
523	Rush, Bobby L.	Pace Pulse South Halsted Line	Pace, the Suburban Bus Division of the Regional Transportation Authority	Chicago, Riverdale, and Harvey	IL	900000
524	García, Jesús G. ''Chuy''	PACE Transit Signal Priority	PACE	Chicago	IL	900000

525	Krishnamoorthi, Raja	Park Blvd Resurfacing	Village of Streamwood	Streamwood	IL	220783
526	Schneider, Bradley Scott	Patriot Path	Lake County Division of Transportation	Lake County	IL	9794640
527	Bustos, Cheri	Proposed Midwest Medical Center Entrance and Highway Improvements	City of Galena	Galena	IL	2000000
528	Davis, Danny K.	Pulaski Corridor Improvements	City of Chicago	Chicago	IL	500000
529	Rush, Bobby L.	Pulaski Road: 127th St to 159th St	Cook County Department of Transportation and Highways	Alsip, Crestwood, Midlothian, Markham, and Robbins	IL	2500000
530	Schakowsky, Jan	Rand US–12 / Kensington / IL–83 Intersection Improvements	Village of Mount Prospect	Mount Prospect	IL	4500000
531	Krishnamoorthi, Raja	Rand/Central/Mt Prospect Road Intersection Improvements	Village of Mount Prospect	Mount Prospect and Desplains	IL	371000
532	Casten, Sean	Randall and Hopps Road Intersection	Kane County	Elgin	IL	5000000
533	Casten, Sean	Randall Road from Alexandra Blvd to Polaris Dr/Acorn Ln	McHenry County	Lake in the Hills	IL	2000000
534	Quigley, Mike	Rehabilitative Resurfacing of Belmont Avenue—25th Ave to W of Elm St, Fran	Illinois Department of Transportation	Franklin Park	IL	588000
535	Quigley, Mike	Rehabilitative Resurfacing of Ill 64 North Ave—I–294 to Harlem Ave & N Frontage Rd—7th Ave to 5th Ave	Illinois Department of Transportation	Elmwood Park, Melrose Park, Northlake, River Forest, River Grove	IL	7920000
536	Krishnamoorthi, Raja	Rodenburg Road Corridor Improvement Project	Village of Schaumburg, Village of Roselle	Roselle	IL	928000
537	Krishnamoorthi, Raja	Schick Road Resurfacing	Village of Hanover Park	Hanover Park	IL	257045
538	Schakowsky, Jan	Skokie Valley Trail Path Improvements	Cook County Department of Transportation	Skokie	IL	3526800
539	Casten, Sean	Spring Street Resurfacing	Village of South Elgin	South Elgin	IL	171264
540	Rush, Bobby L.	Study of S. Chicago/79th St/Stony Island Intersection	City of Chicago	Chicago	IL	800000
541	Krishnamoorthi, Raja	Tonne Road Reconstruction—Northern Section	Elk Grove Village	Elk Grove Village	IL	4300000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
542	García, Jesús G. ''Chuy''	Traffic Signal Modernization—City of Chicago	Chicago Department of Transportation	Chicago	IL	1350000
543	Underwood, Lauren	US Route 20 and Reinking Road Roundabout	City of Elgin	Elgin	IL	1200000
544	Kelly, Robin	US Route 30 at Illinois Route 50	Illinois Department of Transportation	Matteson	IL	4000000
545	Davis, Danny K.	Washington Boulevard Improvements—21st Avenue to 9th Avenue	Village of Maywood	Maywood	IL	1424000
546		Weber Road from 135th Street to Airport Road	Will County	Romeoville	IL	2100000
	Foster, Bill					1000000
	Newman, Marie					1100000
547	Casten, Sean	West Branch DuPage River Trail Connection from West DuPage Woods Forest Preserve to Blackwell Forest Preserve	Forest Preserve District of DuPage County	West Chicago	IL	500000
548	Rush, Bobby L.	Western Avenue Grade Separations	Cook County Department of Transportation and Highways	Blue Island, Posen, and Dixmoor	IL	4500000
549		Wolfs Crossing Road from US 34 Chicago Road to Eola Road—Douglas Road Intersection	Village of Oswego	Oswego	IL	4822000
	Foster, Bill					3616500
	Underwood, Lauren					1205500
550	Underwood, Lauren	Woodstock Railyard Relocation & Expansion	County of McHenry	Woodstock	IL	4000000

551	.....	Zero Emission Locomotive Commuter Rail Pilot	Metra (subsidiary of the Regional Transportation Authority)	Blue Island, Chicago, Joliet, Midlothian, Mokena, New Lenox, Oak Forest, Robbins, Tinley Park	IL	7000000
	Davis, Danny K.					2000000
	Rush, Bobby L.					5000000
552	Schneider, Bradley Scott	Zion 27th Street Resurfacing	City of Zion	Zion	IL	920320
553	Mrvan, Frank	Added Travel Lanes at 45th Avenue	Lake County Board of Commissioners	Unincorporated Lake County	IN	1500000
554	Mrvan, Frank	Central Avenue Road Reconstruction	City of Portage, Indiana	Portage	IN	2000000
555	Carson, André	IndyGo EV Charging Stations	IndyGo	Indianapolis	IN	774000
556	Mrvan, Frank	Kennedy Avenue Bridge Replacement	Little Calumet River Basin Development Commission	Highland and Hammond	IN	8100000
557	Carson, André	Monument Circle/Market Street Reconstruction	City of Indianapolis, DPW	Indianapolis	IN	12864000
558	Mrvan, Frank	Willowcreek Road Extension	Porter County Board of Comissioners	Unincorporated Porter County	IN	7411200
559	Estes, Ron	Bridge Replacement on 151st Street West over the Ninnescah River (B485)	Sedgwick County	Sedgwick County	KS	3600000
560	LaTurner, Jake	Centennial Bridge Replacement	Kansas Department of Transportation	Leavenworth	KS	1000000
561	LaTurner, Jake	K–7 Bourbon County	Kansas Department of Transportation	Fort Scott	KS	2000000
562	LaTurner, Jake	K–7 Crawford County	Kansas Department of Transportation	Girard	KS	2000000
563	Estes, Ron	Reconstruction of 151st St West between 53rd St North and Highway K–96 (R356)	Sedgwick County	Sedgwick County	KS	3200000
564	Estes, Ron	Reconstruction of the South Half Mile of 135th Street West between 53rd and 61st Streets North (R348)	Sedgwick County	Sedgwick County	KS	880000
565	LaTurner, Jake	Route 458 Improvements	Douglas County	Lawrence	KS	750000
566	LaTurner, Jake	SW Topeka Boulevard (21st to 29th) Street Resurfacing	City of Topeka	Topeka	KS	1480000
567	LaTurner, Jake	Topeka Metropolitan Bus Replacement	Topeka Metropolitan Transit Authority	Topeka	KS	3000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
568	LaTurner, Jake	US–169 Neosho County	Kansas Department of Transportation	Thayer	KS	3000000
569	LaTurner, Jake	US–400 Cherokee County	Kansas Department of Transportation	Cherokee	KS	2000000
570	Estes, Ron	US–400 Greenwood County (KDOT Project Number 400–037 KA–5790–01)	Kansas Department of Transportation	Greenwood County	KS	5000000
571	LaTurner, Jake	US–56 Douglas County	Kansas Department of Transportation	Baldwin City	KS	3000000
572	LaTurner, Jake	Wakarusa Drive Reconstruction	City of Lawrence	Lawrence	KS	1000000
573	LaTurner, Jake	Washington Creek Bridge Replacement	Douglas County	Lawrence	KS	400000
574	Estes, Ron	West Kellogg/US–54/400 Expansion	City of Witchita	Wichita	KS	1800000
575	Davids, Sharice	U.S. 69/167th St. Interchange Improvement Project	Kansas Department of Transportation	Overland Park	KS	15000000
576	Massie, Thomas	Congestion reduction and traffic improvement project on KY–17/Scott Boulevard/Greenup Street	City of Covington	Covington	KY	2000000
577	Guthrie, Brett	Extend KY 3155 from the southern Intersection at KY 259 westerly to KY 54	Kentucky Transportation Cabinet (SYP Item Number 4–8954)	Leitchfield, Grayson County	KY	3200000
578	Yarmuth, John	I–65 SB Ramp to Brook St	Louisville Metro Government	Louisville	KY	9600000
579	Guthrie, Brett	Improve KY 54 from west of the US 60 Bypass to CR 1021	Kentucky Transportation Cabinet	Owensboro, Daviess County	KY	4600000
580	Rodgers, Harold	Improve KY 461 from US 150 to US 25	Kentucky Transportation Cabinet	Mount Vernon, Rockcastle County	KY	18200000
581	Rodgers, Harold	Improve US 421 near the Virginia State Line	Kentucky Transportation Cabinet	Cranks, Harlan County	KY	960000
582	Guthrie, Brett	Improve westbound lanes of US 60 from KY 1957 to KY 6106	Kentucky Transportation Cabinet (SYP Item Number 2–226)	Lewisport, Hancock County	KY	3200000
583	Guthrie, Brett	KY 335 improvements from US 31W south of KY 218 to I–65	Kentucky Transportation Cabinet (SYP Item Number 4–441)	Horse Cave, Hart County	KY	3200000

584	Massie, Thomas	KYCT project 6–80101, KY –18 / Super-street construction	KYCT	Boone County	KY	5200000
585	Massie, Thomas	KYTC Project 6–162.40, KY–536 from Williamswood Rd. to Calvery Dr. to KY–17	Kenton County Fiscal Court	Kenton County	KY	12064000
586	Barr, Andy	Newtown Pike Extension Project—Phase III Scott Street Connector	Kentucky Transportation Cabinet	Lexington	KY	20000000
587	Guthrie, Brett	Reconstruction of KY 44 from US 31E to KY 1319	Kentucky Transportation Cabinet (SYP Item Number 5–347.50)	Mount Washington, Bullit County	KY	4800000
588	Yarmuth, John	Reimagine 9th Street	Louisville Metro Government	Louisvile	KY	5000000
589	Yarmuth, John	Smart Signal Network	Louisville Metro Government	Louisville	KY	2900000
590	Yarmuth, John	Traffic Calming Measures for Shelby Park and Smoketown Neighborhoods	Kentucky Transportation Cabinet	Louisville	KY	2400000
591	Graves, Garret	Audubon Ave OVLY:LA 1 to Terrebonne P/L	City of Thibodaux	Thibodaux	LA	468510
592	Higgins, Clay	I–10 (Calcasieu River Bridge / Approach)	Louisiana Department of Transportation	Lake Charles	LA	10000000
593	Higgins, Clay	I–49 Lafayette Connector	Louisiana Department of Transportation and Development	Lafayette	LA	10000000
594	Carter, Troy A.	LA 3127	Louisiana Department of Transportation and Development	St. James Parish	LA	10000000
595	Carter, Troy A.	LA 428, General Meyer Blvd	Louisiana Department of Transportation and Development	New Orleans	LA	8560000
596	Graves, Garret	MRB South GBR: LA 1 to LA 30 Connector– Environmental Evaluation	Louisiana Department of Transportation and Development	Baton Rouge	LA	1600000
597	Graves, Garret	MRB South GBR: LA 1 to LA 30 Connector (Pre–Engineering Design)	Louisiana Department of Transportation and Development	Baton Rouge	LA	8000000
598	McGovern, James P.	Amherst Town Common Transportation and Mobility Improvements	Town of Amherst	Amherst	MA	1344000
599	Neal, Richard E.	Barker Road Bridge Project	City of Pittsfield, MA	Pittsfield	MA	1000000
600	Auchincloss, Jake	Beacon Street Bridle Path	Town of Brookline, Massachusetts	Brookline	MA	2000000
601	Clark, Katherine M.	Belmont Community Path	Town of Belmont	Belmont	MA	3500000
602	McGovern, James P.	Blackstone Valley Multi–Use Path Phase 1, Segment—2	Massachusetts Department of Conservation and Recreation (DCR)	Blackstone	MA	8130842
603	Clark, Katherine M.	Blue Line Signal Program	MBTA	Revere, Boston	MA	6000000
604	Keating, William R.	Bourne Rail Trail	Town of Bourne	Bourne	MA	14728680

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
605	Lynch, Stephen F.	Brockton Area Transit—Buy Replacement 35' Bus (6)	Brockton Area Transit	Brockton	MA	2920000
606	Lynch, Stephen F.	Brockton Area Transit—Buy Replacement 35' Electric Bus (5)	Brockton Area Transit	Brockton	MA	3160000
607	Lynch, Stephen F.	Brockton Area Transit—Purchase Misc. Electric Power Equipment	Brockton Area Transit	Brockton	MA	480000
608	Auchincloss, Jake	Christina Street Rail Bridge	City of Newton and Town of Needham	Newton	MA	1600000
609	Lynch, Stephen	Columbian Square Intersection Improvements	Town of Weymouth	Weymouth	MA	3000000
610	Keating, William R.	Court and Cherry Street Intersection Improvement	Town of Plymouth	Plymouth	MA	2000000
611	Pressley, Ayanna	Davis Square Transit Signal Priority Project	Massachusetts Department of Transportation	Somerville	MA	100000
612	Neal, Richard E.	Division Street Bridge Project	Town of Great Barrington	Great Barrington	MA	2000000
613		Double–Tracking on Haverhill Line in Massachusetts	Massachusetts Bay Transportation Authority	Andover and Wilmington	MA	5800000
	Moulton, Seth					2900000
	Trahan, Lori					2900000
614	Keating, William R.	Drift Road at Kirby Brooke Replacement Project	Town of Westport	Westport	MA	600000
615	Moulton, Seth	Fiske Street and Andover Street Sidewalk and Street Improvements	Tewksbury Department of Public Works	Tewksbury	MA	456000
616	Neal, Richard E.	Glendale Street Bridge Project	City of Easthampton, MA	Easthampton	MA	1000000
617	Neal, Richard E.	Intersection Improvements at Central Street, Foster St, Hook St, Hamilton St	Massachusetts Department of Transportation	Southbridge	MA	1000000
618	Trahan, Lori	Intersection improvements at Greenville Road (Rte 31) and Turnpike Road	Massachusetts Department of Transportation	Ashby	MA	1000000

619	Trahan, Lori	Intersection Improvements at Massachusetts Avenue (Route 111) and Main Street (Route 27) (Kelley's Corner)	Massachusetts Department of Transportation	Acton	MA	1100000
620	Trahan, Lori	Intersection improvements at Riverside Drive and Burnham Road	Massachusetts Department of Transportation	Methuen	MA	1000000
621	McGovern, James P.	Intersection Improvements at Route 140/ Route 62	Town of Sterling	Sterling	MA	320000
622	Trahan, Lori	Intersection Improvements on Route 2A at Willow Road and Bruce Street	Massachusetts Department of Transportation	Ayer and Littleton	MA	1000000
623	Trahan, Lori	Intersection reconstruction on Rte 108 (Newton Road) at Rte 110 (Kenoza Ave. and Amesbury Road)	Massachusetts Department of Transportation	Haverhill	MA	1000000
624	Neal, Richard E.	James Street Project	City of Chicopee, MA	Chicopee	MA	2000000
625	Clark, Katherine M.	Lake Cochituate Path	Town of Natick	Natick	MA	3078722
626	McGovern, James P.	Leyden Road Sidewalk Construction	City of Greenfield	Greenfield	MA	1840000
627	Moulton, Seth	Lynn Commuter Rail Station Rehabilitation	Massachusetts Bay Transportation Authority	Lynn	MA	10000000
628	Pressley, Ayanna	McGrath Highway Road Diet / Protected Bike Lane Project	Massachusetts Department of Transportation	Somerville	MA	500000
629	Lynch, Stephen F.	Merrymount Bridge Reconstruction Project	City of Quincy	Quincy	MA	6000000
630	Clark, Katherine M.	MetroWest Regional Transit Authority Blandin Back Entrance (MWRTA BEB Project)	MetroWest Regional Transit Authority (MWRTA)	Framingham	MA	1600000
631	Trahan, Lori	New vans for elderly and those with disabilities	Merrimack Valley Regional Transit Authority	Haverhill	MA	375000
632	Neal, Richard E.	North Adams Adventure Trail	City of North Adams, MA	North Adams	MA	2000000
633	Moulton, Seth	Peabody Canal Riverwalk Construction	Peabody Department of Community Development and Planning	Peabody	MA	6642980
634	Lynch, Stephen F.	Planning and Design for protecting critical transportation infrastructure and improving pedestrian access to the Northern Avenue Bridge and along the Fort Point Channel	City of Boston	Boston	MA	2500000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
635	Clark, Katherine M.	Reconstruction and Related Work Along Revere Street Corridor	Town of Winthrop	Winthrop	MA	5058493
636	Trahan, Lori	Reconstruction and related work on VFW Highway	Massachusetts Department of Transportation	Lowell	MA	3000000
637	Trahan, Lori	Reconstruction of Foster Street	Massachusetts Department of Transportation	Littleton	MA	2000000
638	Auchincloss, Jake	Regional Bike and Walking Trail (North Attleborough Branch)	Town of North Attleborough	North Attleborough	MA	1500000
639	Trahan, Lori	Rehab Fitchburg Intermodal Center	Montachusett Regional Transit Authority	Fitchburg	MA	400000
640	McGovern, James P.	Rehabilitation & Box Widening on Route 20, from Route 9 to South Street	Town of Shrewsbury	Shrewsbury	MA	8000000
641	Trahan, Lori	Rehabilitation of Boston Road	Massachusetts Department of Transportation	Westford	MA	2000000
642	Trahan, Lori	Replace diesel bus with hybrid bus	Lowell Regional Transit Authority	Lowell	MA	624800
643	Trahan, Lori	Replace fueling station at 100 Hale Street	Lowell Regional Transit Authority	Lowell	MA	775200
644	Trahan, Lori	Riverbank stabilization construction at MVRTA bus garage and administration building	Merrimack Valley Regional Transit Authority	Haverhill	MA	725000
645	Trahan, Lori	Roadway rehabilitation on route 101 south (Ashburnham)	Massachusetts Department of Transportation	Ashburnham	MA	1000000
646	Neal, Richard E.	Route 131 Bridge Project	Massachusetts Department of Transportation	Dudley	MA	1000000
647	Pressley, Ayanna	Route 28 / Route 38 Intersection Safety Improvements Project	City of Somerville	Somerville	MA	3000000
648	Pressley, Ayanna	Ruggles Station State of Good Repair Improvements	Massachusetts Bay Transportation Authority	Roxbury	MA	3000000

649	Lynch, Stephen F.	Stoughton Intersection Improvements at Canton St. (Route 27), School St., and Summer St.	Town of Stoughton	Stoughton	MA	1840000
650	Neal, Richard E.	Sturbridge Roundabout Construction	Massachusetts Department of Transportation	Sturbridge	MA	1000000
651	Trahan, Lori	Sudbury–Concord Bike Path Construction (Bruce Freeman Trail)	Massachusetts Department of Transportation	Concord	MA	1000000
652	Auchincloss, Jake	Taunton River Trail	City of Taunton	Taunton	MA	4800000
653	Neal, Richard E.	Union Station Regreening & Lighting Project	City of Springfield, MA	Springfield	MA	6000000
654	Auchincloss, Jake	Walnut Street Signalization Project	Town of Foxborough	Foxborough	MA	2000000
655	Pressley, Ayanna	Warren Street / Blue Hill Avenue Multi–modal Corridor Phase I	Massachusetts Department of Transportation	Boston	MA	12000000
656	Keating, William R.	West Rodney French Improvement Project	City of New Bedford	New Bedford	MA	2373680
657	Auchincloss, Jake	West Street/Route 27 Intersection Reconstruction	Town of Medfield	Medfield	MA	1440000
658		Baltimore Greenway Trails Network: Critical Corridor Advancements	Baltimore City Department of Transportation	Baltimore City	MD	13200000
	Mfume Kweisi					4400000
	Ruppersberger, C. A. Dutch					4400000
	Sarbanes, John					4400000
659	Raskin, Jamie	Bicycle–Pedestrian Priority Area Improvements—Purple Line (TIP 3642 Pedestrian Safety Program)	Montgomery County Department of Transportation	Montgomery County	MD	6500000
660	Sarbanes, John	Dobbin Road Pathway	Howard County, Office of Transportation	Columbia	MD	3200000
661		Dual Locomotives for Commuter Rail Service in the Future B&P Tunnel	Maryland Department of Transportation Maryland Transit Administration	Baltimore City	MD	2000000
	Brown, Anthony					1000000
	Mfume Kweisi					1000000
662		East–West Priority Corridor	Maryland Transit Administration and Baltimore City Department of Transportation	Baltimore	MD	15000000
	Mfume Kweisi					5000000
	Ruppersberger, C. A. Dutch					5000000
	Sarbanes, John					5000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
663	.....	Electric Bus Grants	Montgomery County Department of Transportation	Rockville, Silver Spring	MD	4992000
	Raskin, Jamie					1937000
	Trone, David					1780000
	Sarbanes, John					1275000
664	Trone, David	Fayette Street Bridge Replacement	Mayor/City Council of Cumberland MD	Cumberland	MD	4800000
665	Raskin, Jamie	Frederick and Pennsylvania Railroad Trail	Frederick County Government	City of Frederick and Walkersville	MD	2560000
666	Mfume Kweisi	Howard County Flash Extension	Howard County, Maryland	Columbia	MD	3200000
667	Trone, David	I–81 Phase 2 Reconstruction	Maryland DOT	Hagerstown	MD	4620000
668	Hoyer, Steny H.	Interstate 95/Greenbelt METRO/MARC Station Access and Redevelopment Project	Maryland Department of Transportation/ Prince George's County Department of Transportation	Greenbelt	MD	20000000
669	Mfume Kweisi	MicroTransit & Demand Response Electric Transit Vehicles and Infrastructure	Baltimore County Department of Public Works and Maryland Department of Transportation Maryland Transit Administration	Owings Mills	MD	2019012
670	Brown, Anthony	New Carrollton Metro/MARC/Amtrak/Purple Line Multimodal Transit District Right–of–Way Improvements	Prince George's County	Landover	MD	18480000
671	Ruppersberger, C. A. Dutch	Northwest Expressway (I–795) at Dolfield Boulevard Interchange Redesign	Baltimore County DPW and MDOT–SHA	Owings Mills	MD	800000
672	Sarbanes, John	Parole Transportation Center	Anne Arundel County	Annapolis	MD	2000000
673	Ruppersberger, C. A. Dutch	US 1 Safety Projects	Howard County, Maryland	North Laurel, Savage, Jessup, Elkridge	MD	3200000
674	Trone, David	US 15 Frederick Freeway Reconstruction	Maryland DOT	Frederick	MD	8800000

675	Sarbanes, John	US 29 Rapid Transit Improvements—Phase 2 Design	Montgomery County Department of Transportation	Silver Spring	MD	4000000
676	Raskin, Jamie	Veirs Mill /Randolph Bicycle & Pedestrian Priority Improvements	MCDOT	Rockville	MD	6000000
677	Ruppersberger, C. A. Dutch	Woodley Road Extension to MD 715	Harford County, Maryland	Aberdeen	MD	5000000
678	Pingree, Chellie	Berwick Route 9—Intersection Improvements	Kittery Area Comprehensive Transportation System (PACTS)	Berwick	ME	800000
679	Pingree, Chellie	Casco Bay Lines Replacement Ferry	Casco Bay Lines Transit District	Portland	ME	7500000
680	Pingree, Chellie	Maine State Ferry Vessel Replacement	Maine Department of Transportation	Rockland	ME	7500000
681	Golden, Jared	Milo, Sebec River Bridge Replacements and Village Improvements	MaineDOT	Milo	ME	8000000
682	Golden, Jared	New Transit Hub	City of Bangor—Community Connector	Bangor	ME	327600
683	Pingree, Chellie	Sanford SRTS Multi–Use Trail	Maine Department of Transportation	Sanford	ME	400000
684	Pingree, Chellie	Sanford US Route 202/State Route 4A	Maine Department of Transportation	Sanford	ME	3600000
685	Golden, Jared	U.S. Route 1 Improvements	MaineDOT	Van Buren	ME	10700000
686	Levin, Andy	10 Mile Signal Modernization	City of Center Line	Center Line	MI	550068
687	Levin, Andy	14 Mile Rd Rehabilitation, Lahser to Evergreen	Village of Beverly Hills	Beverly Hills	MI	1208080
688	Levin, Andy	14 Mile Road	City of Roseville	Roseville	MI	3100000
689	McClain, Lisa	21 Mile Road Bridge Replacement over the Gloede Drain	Macomb Township	Macomb Township	MI	1616800
690	Walberg, Tim	Airport Road Rehabilitation Project	Jackson County DOT	Blackman Township, Jackson County	MI	4930000
691	Stevens, Haley	Beck Road Business Corridor Railroad Grade Crossing Safety Project	City of Wixom	Wixom	MI	18612000
692	Lawrence, Brenda	Bridge and Pedestrian Facility Upgrades on the Detroit Riverwalk	Michigan Department of Transportation	Detroit	MI	1838812
693	Kildee, Dan	Bristol Road and Van Slyke Road Concrete Pavement Reconstruction Project	Genesee County Road Commission	Flint Township	MI	700000
694	Kildee, Dan	Bristol Road: Mill and Resurface	City of Burton	Burton	MI	1248000
695	Slotkin, Elissa	Burcham Dr.	City of East Lansing	East Lansing	MI	1017838
696	Kildee, Dan	Center Road Reconstruction Project	Genesee County Road Commission	Genesee Township	MI	600000
697	Slotkin, Elissa	Coolidge Rd (Road Rehabilitation and Bike Lanes)	City of East Lansing	East Lansing	MI	883359
698	Meijer, Peter	Division Avenue Project	City of Grand Rapids	Grand Rapids	MI	4200000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
699	Slotkin, Elissa	E Michigan Avenue	City of Lansing	Lansing	MI	2589121
700	Kildee, Dan	Feher Drive Reconstruction & Pedestrian Improvement Project	City of Montrose	Montrose	MI	680000
701	Kildee, Dan	Fenton Road Bridge over the Thread Creek	City of Flint and Michigan Department of Transportation (MDOT)	Flint	MI	400000
702	Kildee, Dan	Flint Mass Transportation Authority (MTA) Rides to Wellness Facility Expansion/ Renovation	Flint Mass Transportation Authority (MTA)	Flint	MI	1062387
703	McClain, Lisa	Genesee Street Bridge over Farmers Creek	City of Lapeer	Lapeer	MI	1896750
704	Meijer, Peter	Grandville Avenue Project	City of Grand Rapids	Grand Rapids	MI	4000000
705	McClain, Lisa	Haist Road over Pigeon River Preventive Maintenance	Huron County Road Commission	Winsor Township	MI	194000
706	Levin, Andy	Hubbard Street Rehabilitation	City of Mount Clemens	Mount Clemens	MI	942400
707	Tlaib, Rashida	Inkster Road Bridge Over the Lower Rouge River—Capital Preventative Maintenance	Wayne County	Inkster	MI	329600
708	Lawrence, Brenda	Intelligent Transportation Systems Capital Investments in Traffic Signals on M–59	Michigan Department of Transportation	Pontiac	MI	2240000
709	Kildee, Dan	Iron Belle Trail	City of Burton	Burton	MI	1200000
710	Lawrence, Brenda	Joe Louis Greenway Hamtramck Drive Shared Use Path	City of Detroit	City of Hamtramck	MI	3920000
711	Upton, Fred	Kalamazoo US–131/US–131BR	Michigan Department of Transportation	Kalamazoo	MI	14745600
712	Levin, Andy	Kelly Road	City of Fraser	Fraser	MI	3500000
713	McClain, Lisa	King Road Bridge Replacement over the Belle River	St. Clair County	China Township	MI	2299800

714	McClain, Lisa	Kuhl Road over Shebeon Drain Bridge Replacement	Huron County Road Commission	Fairhaven Township	MI	1282400
715	Bergman, Jack	Lake Shore Drive, Houghton County, Michigan	Houghton County Road Commission	Calumet and Hancock Township	MI	1040000
716	Slotkin, Elissa	M–143W	City of Lansing	Lansing	MI	597767
717	McClain, Lisa	M–46 and M–19 Reconstruction	Michigan Department of Transportation	Elmer Township	MI	10073042
718	McClain, Lisa	Marlette Road Bridge over South Branch of the Cass River	Sanilac Road Commission	Marlette	MI	1406000
719	Dingell, Debbie	Miller Road and Rotunda Drive Bridges	Wayne County	Dearborn	MI	20000000
720		Mound Road Industrial Corridor Technology and Innovation Project	Macomb County	Macomb County, Warren	MI	11000000
	McClain, Lisa					1000000
	Levin, Andy					10000000
721	Lawrence, Brenda	Mt. Vernon Street Reconstruction	City of Southfield	Southfield	MI	4400000
722	Slotkin, Elissa	N Cedar St	Ingham County Road Department	Mason	MI	2543083
723	Slotkin, Elissa	N Putnam St	City of Williamston	Williamston	MI	375000
724	Kildee, Dan	N. Leroy Streetscape and Resurfacing Project	City of Fenton	Fenton	MI	1600000
725	Tlaib, Rashida	North Beech Daily Road Rehabilitation Project	Wayne County	Dearborn Heights	MI	1417226
726	Tlaib, Rashida	Oakland Avenue Road Rehabilitation Project	Highland Park	Highland Park	MI	1212169
727	Walberg, Tim	Oakville Waltz Road	Monroe County Roadd Commission	London Township	MI	3728000
728	Lawrence, Brenda	Orchard Lake Road from 13 Mile to 14 Mile	Road Commission for Oakland County	Farmington Hills	MI	1076085
729	Lawrence, Brenda	Orchard Lake Road from Middlebelt to Pontiac City Limits	Road Commission for Oakland County	City of Sylvan Lake, West Bloomfield and Bloomfield Township in Oakland County	MI	2000000
730	Meijer, Peter	Ottawa Avenue Project	City of Grand Rapids	Grand Rapids	MI	845000
731	Tlaib, Rashida	Pedestrian Improvements on US–12	Michigan Department of Transportation	Wayne	MI	828000
732	Tlaib, Rashida	Pennsylvania Road Grade Separation	Wayne County	On border of City of Romulus and Huron Township	MI	15000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
733	Kildee, Dan	Pierson Road Reconstruction Project	Genesee County Road Commission	Mt. Morris Township	MI	2400000
734	Walberg, Tim	Plank Road over US–23	Michigan DOT	Milan	MI	4335618
735	Kildee, Dan	Reid Road Downtown Streetscape and Rehabilitation Spur Community Project	City of Grand Blanc	Grand Blanc	MI	700000
736	Lawrence, Brenda	Resurfacing of 12 Mile Road in Southfield from Northwester Hwy to Telegraph Road	Road Commission for Oakland County	Southfield	MI	750000
737	Slotkin, Elissa	S Pennsylvania Ave	City of Lansing	Lansing	MI	1472000
738	Kildee, Dan	Saginaw Street Road Reconstruction Project	City of Flint and Michigan Department of Transportation (MDOT)	Flint	MI	1600000
739	Kildee, Dan	Saginaw Transit Authority Regional Services (STARS) Bus Replacement	Saginaw Transit Authority Regional Services (STARS)	Saginaw	MI	2388456
740	Kildee, Dan	Saginaw Transit Authority Regional Services (STARS) Potter Street Station Study	Saginaw Transit Authority Regional Services (STARS)	Saginaw	MI	200000
741	Kildee, Dan	Silver Lake Road Connector Trail	City of Fenton	Fenton and Linden	MI	868682
742	Bergman, Jack	Skanee Road Improvements (from Jentoft Road to Town Road)	Baraga County Road Commission	L–Anse and Arvon Townships	MI	7530000
743	Bergman, Jack	Skanee Road Improvements (from Town Road to Portice Road)	Baraga County Road Commission	Arvon Township	MI	4000000
744	Slotkin, Elissa	Snyder Rd.	City of East Lansing	East Lansing	MI	263500
745	Bergman, Jack	St. Ignace Road Reconstruction	Mackinac County Road Commission	Marquette Township	MI	800000
746	Kildee, Dan	State Park Drive Reconstruction	Bay County Road Commission (BCRC)	Charter Township of Bangor and Bay City	MI	2000000
747	Walberg, Tim	US–12 over the Coldwater River Reconstruction	Michigan DOT	Coldwater	MI	645360

748	Walberg, Tim	US–127 and US–223 Resurfacing	Michigan DOT	Addison	MI	4800000
749	Slotkin, Elissa	W Grand River Rd	Livingston Essential Transportation Service (LETS)	Howell	MI	296826
750	Slotkin, Elissa	W Silver Bell Rd	Road Commission for Oakland County (RCOC)	Auburn Hills and Orion Township	MI	4200000
751	Slotkin, Elissa	Waverly Rd	City of Lansing	Lansing	MI	744762
752	Meijer, Peter	Wealthy Street– Fuller Ave to East City Limits	City of Grand Rapids	Grand Rapids	MI	7250000
753	Kildee, Dan	Wenona Avenue Reconstruction	City of Bay City	Bay City	MI	2325000
754	Craig, Angie	Apple Valley Transit Station Modernization	Minnesota Valley Transit Authority	Apple Valley	MN	800000
755		Bottineau LRT Project	Metropolitan Council	Minneapolis to Brooklyn Park	MN	20000000
	Omar, Ilhan					10000000
	Phillips, Dean					10000000
756	Craig, Angie	Burnsville Bus Garage Modernization	Minnesota Valley Transit Authority	Burnsville	MN	2400000
757	Craig, Angie	City of Wabasha Highway 60 Realignment	City of Wabasha	Wabasha	MN	3975000
758		E–Line Bus Rapid Transit (BRT)	Metro Transit	Minneapolis to Edina	MN	5000000
	Omar, Ilhan					2500000
	Phillips, Dean					2500000
759	Omar, Ilhan	F–Line Bus Rapid Transit (BRT)	Metro Transit	Columbia Heights	MN	4500000
760	Craig, Angie	Goodhue County CSAH 2 Bridge Replacement	Goodhue County	Red Wing	MN	640000
761	Craig, Angie	I–35/CSAH 50 Interchange Preliminary Engineering	Dakota County	Lakeville	MN	700000
762	Emmer, Tom	I–94 Expansion	Minnesota Department of Transportation	St. Paul	MN	20000000
763	McCollum, Betty	Kellogg–Third Street Bridge	City of Saint Paul	St. Paul	MN	7500000
764	Omar, Ilhan	Pedestrian Bridge Over I–94	MN DOT	Minneapolis	MN	3000000
765	McCollum, Betty	Reconnect Rondo Land Bridge	Minnesota Department of Transportation	Saint Paul	MN	5200000
766	McCollum, Betty	Rice Street Revitalization Project	Ramsey County	Saint Paul	MN	6864000
767	Phillips, Dean	University of Minnesota Arboretum Access and Egress Improvements	University of Minnesota	Chaska	MN	5840000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
768	Craig, Angie	US 169/TH 282/ CH 9 Interchange Project	Scott County	Jordan	MN	2300000
769	Stauber, Pete	US Highway 8 Reconstruction	Chicago County	Chisago City, Wyoming, Forest Lake	MN	20000000
770	Craig, Angie	Veterans Memorial Greenway	Dakota County	Eagan	MN	5000000
771	Bush, Cori	Adding signing and striping for wrong way counter–measures at various ramp locations throughout the St. Louis District	Missouri Department of Transportation	St. Louis	MO	708800
772	Luetkemeyer, Blaine	Bridge improvement and widening over Elkhorn Creek 1.6 miles south of Rte. CC near Buell	Missouri Department of Transportation	Montgomery County	MO	720000
773	Luetkemeyer, Blaine	Bridge Rehab at Pitman Ave, I–70, and I–64 in Wentzville	Missouri Department of Transportation	Wentzville	MO	3088000
774	Bush, Cori	Bridge Rehabilitation and Pavement Repairs	Missouri Department of Transportation	St. Louis	MO	2576000
775	Long, Billy	Chadwick Flyer Central Greenway Trail	Ozarks Transportation Organization	Springfield	MO	4000000
776	Cleaver, Emanuel	Cliffs Drive State Scenic Byway Improvements	Department of Parks and Recreation, City of Kansas City, Missouri	Kansas City	MO	2160000
777	Cleaver, Emanuel	Downtown Odessa Infrastructure Improvements	City of Odessa	Odessa	MO	900000
778	Long, Billy	Expand I–44 to 6 lanes in the Springfield area	Ozarks Transportation Organization	Springfield	MO	1800000
779	Long, Billy	Grand Street Pedestrian Underpass and Streetscape Improvements	Ozarks Transportation Organization	Springfield	MO	3000000
780	Luetkemeyer, Blaine	Hydraulic Study for causeway north of Washington	Missouri Department of Transportation	Washington	MO	240000

781	Hartzler, Vicky	I–44: Bridge rehabilitation over Gasconade overflow. Project involves bridge L0753	Missouri Department of Transportation	Laclede County	MO	331200
782	Hartzler, Vicky	I–70: Bridge improvements over Chouteau Creek. Project involves bridge A5118 and A5119	Missouri Department of Transportation	Cooper County	MO	246400
783	Hartzler, Vicky	Improve bridge conditions at Rt. C in Audrain County	Missouri Department of Transportation	Audrain County	MO	548800
784	Hartzler, Vicky	Improve pavement condition Rt. BB Randolph County	Missouri Department of Transportation	Randolph County	MO	600800
785	Hartzler, Vicky	Improve pavement condition Rt. K Randolph County	Missouri Department of Transportation	Randolph County	MO	763200
786	Graves, Sam	Interstate 35 and 19th Street Interchange	Missouri Department of Transportation	Kearney	MO	5500000
787	Cleaver, Emanuel	Jazz District Pedestrian Plaza at 18th & Vine	City of Kansas City	Kansas City	MO	6000000
788		Kansas City Regional Zero Emission Electric Bus Program	Kansas City Area Transportation Authority	Kansas City	MO	10500000
	Cleaver, Emanuel					6000000
	Davids, Sharice					4500000
789	Graves, Sam	Little Blue Trace—Rock Island Trail Connector	City of Kansas City	Kansas City	MO	500000
790	Long, Billy	MM Highway Expansion from I–44 to US 60	City of Republic	Republic	MO	3200000
791	Luetkemeyer, Blaine	MO 100: Bridge improvements over Cedar Creek Project involves A1848	Missouri Department of Transportation	Osage County	MO	917600
792	Bush, Cori	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	Missouri Department of Transportation	St. Louis	MO	2500000
793	Hartzler, Vicky	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	Missouri Department of Transportation	Pettis County	MO	786400

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
794	Hartzler, Vicky	MO 13: Add turn lanes at the intersection of Rte. E	Missouri Department of Transportation	Johnson County	MO	425600
795	Hartzler, Vicky	MO 13: Pavement improvements on the southbound lanes from SE 1100 Road to NE 201 Road	Missouri Department of Transportation	St. Clair County	MO	748800
796	Luetkemeyer, Blaine	MO 19: I–70 to Hermann add shoulders	Missouri Department of Transportation	Montgomery County	MO	880000
797	Hartzler, Vicky	MO 23: Add turn lanes at the intersection of Rte. D	Missouri Department of Transportation	Johnson County	MO	395200
798	Hartzler, Vicky	MO 254: Pavement improvements from Route 64 to Route 54 in Hermitage.	Missouri Department of Transportation	Hermitage	MO	440000
799	Hartzler, Vicky	MO 38: Pavement resurfacing from Rte. J to west of Rte. CC.	Missouri Department of Transportation	Webster County	MO	676800
800	Luetkemeyer, Blaine	MO 47: Engineering for pavement improvements from H to A.	Missouri Department of Transportation	Troy and Hawk Point	MO	925600
801	Hartzler, Vicky	MO 7: Bridge Rehabilitation over Truman Lake. Project involves bridge A3465	Missouri Department of Transportation	Benton County	MO	96000
802	Luetkemeyer, Blaine	MO 89: Pavement improvements from Rte. 50 to Rte. E	Missouri Department of Transportation	Rte. 50 to Rte. E in Osage County	MO	2833600
803	Luetkemeyer, Blaine	MO94 Bridge over Treloar Creek Bridge	Missouri Department of Transportation	Warren County	MO	640800
804	Graves, Sam	North Baltimore (Business 63) Improvements	Missouri Department of Transportation	Kirksville	MO	955294
805	Hartzler, Vicky	OR 70: Bridge replacement over Little Cedar Creek. Project involves bridge N0974	Missouri Department of Transportation	Boone County	MO	852800

806	Hartzler, Vicky	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.	Missouri Department of Transportation	Pulaski County	MO	2656000
807	Hartzler, Vicky	Payment to St. Robert to add sidewalks and upgrade signalized intersection at St. Robert Boulevard in St. Robert	Missouri Department of Transportation	St. Robert	MO	547200
808	Cleaver, Emanuel	Raum Road Bridge Replacement	City of Lawson	Lawson	MO	3128000
809	Graves, Sam	Riverway Boulevard Reconstruction	City of Riverside	Riverside	MO	3200000
810	Hartzler, Vicky	RT 18: Pavement improvements from Rte. Y to I–49 in Adrian and on Loop 49 from Passaic to Rte. 52 in Butler.	Missouri Department of Transportation	Adrian	MO	1586400
811	Hartzler, Vicky	RT A: Bridge replacement over Enon Creek. Project involves bridge K0851	Missouri Department of Transportation	Moniteau County	MO	1091200
812	Luetkemeyer, Blaine	RT A: Bridge replacement over Moreau Creek. Project involves R0235	Missouri Department of Transportation	Cole County	MO	545600
813	Hartzler, Vicky	RT J: Bridge rehabilitation over Young Branch, 0.1 mile south of 217th Street and 0.4 mile northeast of Branic Drive in Peculiar. Project involves bridge A2331	Missouri Department of Transportation	Peculiar	MO	555200
814	Hartzler, Vicky	RT J: Bridge removal over the Niangua River. Project involves bridge S0391	Missouri Department of Transportation	Camden County	MO	204800
815	Hartzler, Vicky	RT K: Pavement improvements from I–49 to County Road 1800 near Nevada.	Missouri Department of Transportation	Nevada	MO	448000
816	Hartzler, Vicky	RT PP: Pavement improvements from Route C in Roseland to Route 7 in Tightwad	Missouri Department of Transportation	Roseland	MO	453600
817	Hartzler, Vicky	RT T: Pavement improvements and add rumblestripes from Rte. 52 to Rte. 135 and from Rte. 135 to the end of state maintenance	Missouri Department of Transportation	Morgan County	MO	3020000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
818	Luetkemeyer, Blaine	RT. K bridge replacement over Dry Fork Creek Bridge	Missouri Department of Transportation	Montgomery County	MO	965600
819	Luetkemeyer, Blaine	Study to determine base stability and flood resiliency near McKitrick	Missouri Department of Transportation	McKittrick	MO	80000
820	Luetkemeyer, Blaine	Updated study for RR overpass near High Hill	Missouri Department of Transportation	High Hill	MO	1600000
821	Hartzler, Vicky	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	Missouri Department of Transportation	Windsor	MO	140800
822	Hartzler, Vicky	US 160: Pavement improvements from I–49 in Lamar Heights to County Road 30th Lane east of Lamar.	Missouri Department of Transportation	Lamar	MO	609600
823	Luetkemeyer, Blaine	US 50: Reconstruct concrete pavement from Rte. EE to Independence Rd.	Missouri Department of Transportation	Rte. EE to Independence Road in Franklin County	MO	2800000
824	Luetkemeyer, Blaine	US 50: Reconstruct pavement from Rte. Y to Rte. C	Missouri Department of Transportation	Rte. Y to Rte. C in Franklin County	MO	2640000
825		US 54: Study for updated scope & estimate for shared 4–lane from Mexico to Louisiana	Missouri Department of Transportation	Louisiana	MO	800000
	Graves, Sam					400000
	Hartzler, Vicky					400000
826	Long, Billy	US60 and Route 125 Interchange	Missouri Department of Transportation	Rogersville	MO	5250000

827	Hartzler, Vicky	US65: Pavement improvements from the Osage River in Warsaw to 0.4 mile south of Rte. MM.	Missouri Department of Transportation	Warsaw	MO	1049600
828	Bush, Cori	West Florissant Avenue Great Streets	St. Louis County	Ferguson, Dellwood, and Jennings	MO	10000000
829	Sablan, Gregorio Kilili Camacho.	A/E Design for the Fixed Route Bus Stops	Commonwealth Office of Transit Authority	Saipan	MP	300000
830	Sablan, Gregorio Kilili Camacho.	Construction of Bus Transfer Stations at the Northern Marianas College, Paseo De Marianas and Kagman	Commonwealth Office of Transit Authority	Saipan	MP	900000
831	Sablan, Gregorio Kilili Camacho.	Construction of the Commonwealth Office of Transit Authority Covered Bus Parking Facility	Commonwealth Office of Transit Authority	Saipan	MP	3000000
832	Sablan, Gregorio Kilili Camacho.	Design and Construction of the Rota Transit Maintenance Facility	Commonwealth Office of Transit Authority	Rota	MP	520000
833	Sablan, Gregorio Kilili Camacho.	Design and Construction of Tinian Transit Maintenance Facility	Commonwealth Office of Transit Authority	Tinian	MP	520000
834	Sablan, Gregorio Kilili Camacho.	Procurement of Four (4) Rolling Stocks for Rota and Tinian Demand Responsive Services	Commonwealth Office of Transit Authority	Rota and Tinian	MP	480000
835	Sablan, Gregorio Kilili Camacho.	Route 10 Drainage Improvements and Road Overlay	CNMI Department of Public Works	Rota	MP	2000000
836	Sablan, Gregorio Kilili Camacho.	Route 205 Road and Drainage Improvements	CNMI Department of Public Works	Tinian	MP	2000000
837	Sablan, Gregorio Kilili Camacho.	Route 30 (Chalan Pale Arnold) Safety Improvements	CNMI Department of Public Works	Saipan	MP	2000000
838	Sablan, Gregorio Kilili Camacho.	Route 302 (Naftan Road) Improvements	CNMI Department of Public Works	Saipan	MP	2000000
839	Sablan, Gregorio Kilili Camacho.	Supply and Installation of 187 Bus Stop Shelters	Commonwealth Office of Transit Authority	Saipan	MP	4500000
840	Sablan, Gregorio Kilili Camacho.	Supply of Maintenance Equipment & Tools for the COTA Maintenance Facility	Commonwealth Office of Transit Authority	Saipan	MP	400000
841	Guest, Michael	Bulldog Way Extended Improvements	Mississippi State University	Starkville	MS	3360000
842	Guest, Michael	Jackson Point Road Bridge	Wilkinson County, Mississippi	Wilkinson County	MS	4000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
843	Guest, Michael	Mississippi Band of Choctaw Indians Multi–Road Overlay Project	Mississippi Band of Choctaw Indians	Choctaw	MS	2653195
844	Guest, Michael	Morgantown Road Safety Improvements	Adams County, Mississippi	Natchez	MS	2400000
845	Guest, Michael	Bozeman Segment One—Reunion Access Network	Madison County Board of Supervisors	Madison	MS	4000000
846	Ross, Deborah K.	Airport Boulevard Sidewalk	NCDOT	Morrisville	NC	208000
847	Manning, Kathy	Atlantic & Yadkin Greenway, Phase 2	City of Greensboro	Greensboro	NC	6400000
848	Ross, Deborah K.	Avent Ferry Road Realignment	Town of Holly Springs	Holly Springs	NC	1000000
849	Cawthorn, Madison	B–5871 Replace Bridge no. 628 Over Lake Lure 5250. Dam and Broad River	North Carolina Department of Transportation	Lake Lure	NC	8000000
850	Ross, Deborah K.	Black Creek Greenway	NCDOT	Cary	NC	4984800
851	Price, David E.	Bryant Bridge North/Goose Creek West Trail	City of Durham/NCDOT	Durham	NC	2320000
852	Price, David E.	Bus Replacement Funding for Triangle Transit Systems	Town of Chapel Hill/Chapel Hill Transit	Chapel Hill	NC	8000000
853	Adams, Alma S.	CATS Battery Electric Bus Fleet Transition	Charlotte Area Transit System (CATS)	Charlotte	NC	8000000
854	Butterfield, G. K.	Downtown Pedestrian Bridge	City of Rocky Mount	Rocky Mount	NC	4000000
855	Price, David E.	Duke Beltline Trail	City of Durham/NCDOT	Durham	NC	7726000
856	Cawthorn, Madison	EB–5753 Baldwin Avenue Sidewalk Project	North Carolina Department of Transportation	Marion	NC	349600
857	Manning, Kathy	Electric buses and charging infrastructure, City of Greensboro	City of Greensboro	Greensboro	NC	2759000
858	Adams, Alma S.	Festival Street	Town of Cornelius, NC	Cornelius	NC	2200000
859	Ross, Deborah K.	Fuquay–Varina Townwide ITS/Signal System	NCDOT	Fuquay–Varina	NC	2560000

860	Ross, Deborah K.	GoRaleigh/GoWake Coordinated ADA Paratransit Facility	GoRaleigh Transit System	Raleigh	NC	9000000
861	Butterfield, G. K.	Greenville Bridge Repair and Replacement	Greenville Urban Area Metropolitan Planning Organization (GUAMPO)	Greenville	NC	2851200
862	Cawthorn, Madison	Hanging Dog Bridge	North Carolina Department of Transportation	Murphy	NC	1676000
863	Manning, Kathy	High Point Heritage Greenway—Phase 1	City of High Point	High Point	NC	4000000
864	Cawthorn, Madison	Jonathan Creek Safety Project	North Carolina Department of Transportation	Maggie Valley	NC	160000
865	Rouzer, David	Military Cutoff Road (US 17)/Eastwood Road (US 74) Interchange (Drysdale Drive Extension)	Wilmington Urban Area Metropolitan Planning Organization	Wilmington	NC	3840000
866	Cawthorn, Madison	N. Fork Coweeta Creek Bridge Replacement	North Carolina Department of Transportation	Otta	NC	452000
867	Butterfield, G. K.	Pender Street Pedestrian Improvement, Infrastructure Repair, and Resurfacing	City of Wilson—Public Works	Wilson	NC	8400000
868	Butterfield, G. K.	RIDE– Rural Microtransit	City of Wilson—Wilson Transit	Wilson	NC	2000000
869	Manning, Kathy	Silas Creek Parkway Sidewalk	Winston–Salem, NC	Winston–Salem	NC	4533600
870	Butterfield, G. K.	South Tar River Greenway	Greenville Urban Area Metropolitan Planning Organization (GUAMPO)	Greenville	NC	1775000
871	Adams, Alma S.	Streetlighting on High Injury Network	City of Charlotte	Charlotte	NC	8000000
872	Price, David E.	Transit Bus Stop Improvements	Town of Chapel Hill/Chapel Hill Transit	Chapel Hill	NC	900000
873	Cawthorn, Madison	US 19/129 Road Improvements	North Carolina Department of Transportation	Murphy	NC	3851000
874	Cawthorn, Madison	US 74/NC 108 Interchange	North Carolina Department of Transportation	Columbus	NC	1000000
875	Smith, Adrian	Heartland Expressway Phase III	Nebraska Department of Transportation	Minatare	NE	10000000
876	Bacon, Don	Signal System Master Plan Accelerated Implementation	City of Omaha	Omaha	NE	20000000
877	Fortenberry, Jeff	US–275 Norfolk to Wisner	Nebraska Department of Transportation	Norfolk to Wisner	NE	20000000
878	Kuster, Ann	Ashuelot–Trail Cheshire Trail (42511)	Town of Swanzey	Swanzey	NH	1200000
879	Pappas, Chris	Bedford 40664—U.S. 3 Widening from Hawthorne Drive North to Manchester Airport Access Road	Town of Bedford, NH (local government) and Southern NH Planning Commission (MPO)	Bedford	NH	4980000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
880	Kuster, Ann	Claremont Intersection Improvements (13428)	City of Claremont	Claremont	NH	1000000
881	Pappas, Chris	Conway Phase II Pathway	Town of Conway	Conway	NH	1656000
882	Pappas, Chris	Derry Rail Trail (Folsom Rd to Londonderry town line)	Town of Derry	Derry	NH	792000
883	Kuster, Ann	George Street Bridge (40653)	City of Keene	Keene	NH	729191
884	Kuster, Ann	Gorham Sidewalk (Route 2 (Lancaster Rd))	Town of Gorham	Gorham	NH	898196
885	Kuster, Ann	Heritage Rail Trail East	City of Nashua	Nashua	NH	1200000
886	Kuster, Ann	Littleton Sidewalk Project (41362)	Town of Littleton	Littleton	NH	710159
887	Kuster, Ann	Loudon Intersection Improvements (40632)	NHDOT	Loudon	NH	2347256
888	Kuster, Ann	Malboro Street Cheshire Rail Trail (42515)	City of Keene	Keene	NH	681123
889	Pappas, Chris	Maplewood Avenue Complete Streets	City of Portsmouth	Portsmouth	NH	2804300
890	Kuster, Ann	Merrimack River Greenway	City of Concord	Concord	NH	1584800
891	Kuster, Ann	Multi–use Path Connecting Warner Village to Exit 9 Business Area	Town of Warner	Warner	NH	920000
892	Kuster, Ann	NH 128 and Sherburne Road and Mammoth and 111A	Town of Pelham	Pelham	NH	1240000
893	Pappas, Chris	Pedestrian Bridge Crossing Granite Street	City of Manchester	Manchester	NH	3360000
894	Kuster, Ann	Plymouth Sidewalk Project	Town of Plymouth	Plymouth	NH	414000
895	Kuster, Ann	Reconstruct Mechanic St / High St / Mascoma St Intersection (4094)	City of Lebanon	Lebanon	NH	2400000
896	Pappas, Chris	Rt 11 Safety and Capacity Improvements	City of Rochester and Strafford Regional Planning Commission	Rochester	NH	5664000

897	Kuster, Ann	Spruce Street Connector	City of Nashua	Nashua	NH	1000000
898	Kuster, Ann	Trestle Bridge—Mill City Park Trail	City of Franklin	Franklin	NH	1200000
899	Kuster, Ann	Waterville Valley Pedestrian Improvements	Town of Waterville Valley	Waterville Valley	NH	948110
900	Kuster, Ann	Whitefield Sidewalk Project	Town of Whitefield	Whitefield	NH	396704
901	Malinowski, Tom	Berkshire Valley Road Truck Circulation Project	County of Morris	Kenvil (Roxbury Township)	NJ	2000000
902		Bloomfield Avenue Roadway Improvements & Traffic Signal Modernization	Essex County, NJ	West Caldwell, Caldwell, North Caldwell, Verona, Montclair, Glen Ridge, Bloomfield, and Newark	NJ	10000000
	Payne, Donald M., Jr.					5000000
	Sherrill, Mikie					5000000
903	Payne, Donald M., Jr.	Bloomfield Station Rehabilitation Project	NJ Transit and NJDOT	Bloomfield	NJ	2000000
904	Pallone, Frank, Jr.	Carteret Ferry Terminal Project	Borough of Carteret	Carteret	NJ	5625000
905	Pascrell, Bill, Jr.	City of Passaic Pedestrian Greenway Project	City of Passaic	Passaic	NJ	883432
906	Malinowski, Tom	Construction of Pedestrian Bridge on Columbia Trail (Relocation of Openaki Bridge Truss)	County of Morris	Long Valley (Washington Township)	NJ	1000000
907	Malinowski, Tom	Cranford Station Rehabilitation Project	New Jersey Transit	Cranford	NJ	1120000
908	Van Drew, Jeff	Dennisville Petersburg Road (CR 610) Resurfacing Improvements	Cape May County	Dennis Township	NJ	1640000
909	Watson Coleman, Bonnie	Dunellen Bikeway and Pedestrian Safety Improvements	Borough of Dunellen	Dunellen	NJ	475723
910	Payne, Donald M., Jr.	East Orange Train Station	City of East Orange	East Orange	NJ	800000
911	Norcross, Donald	Enhanced Laydown Area for Offshore Wind Industry, Paulsboro Marine Terminal	Gloucester County Improvement Authority	Paulsboro	NJ	4750000
912	Smith, Christopher	Freehold–s Parking Improvement project	Freehold Borough	Freehold Borough	NJ	557716
913	Pascrell, Bill, Jr.	Great Falls Gateway Phase II	County of Passaic	Paterson	NJ	972000
914	Gottheimer, Josh	Hackettstown Mobility Improvement	New Jersey DOT	Hackettstown	NJ	4712000
915	Watson Coleman, Bonnie	Hamilton Street Plaza Project	Borough of Bound Brook	Bound Brook	NJ	1760000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
916	Van Drew, Jeff	Hand Avenue (CR–658) Bridge Over Skeeter Island Creek	Cape May County	Middle Township	NJ	1310000
917	Sherrill, Mikie	Highlands Rail Trail Phase II	County of Passaic	Wanaque	NJ	800000
918	Pascrell, Bill, Jr.	Hudson County–s County Avenue Reconstruction	Hudson County	Secaucus	NJ	1400000
919	Payne, Donald M., Jr.	Irvington Avenue Sidewalks and Streetscape Improvements	Township of South Orange Village	South Orange	NJ	2750000
920	Pascrell, Bill, Jr.	Jackson Avenue/Riverside Avenue Improvements Project	County of Bergen	Rutherford	NJ	250000
921	Pascrell, Bill, Jr.	Kingsland Avenue Bridge Replacement Project	Bergen County	Lyndhurst and Nutley	NJ	5000000
922	Smith, Christopher	Koleda Park Improvement Project	Middletown Township	Middletown	NJ	800000
923	Gottheimer, Josh	Lackawanna Cut–off Culvert Relocation	New Jersey Transit	Byram	NJ	1600000
924	Sires, Albio	Lincoln Avenue Drainage Improvements Project	City of Elizabeth	Elizabeth	NJ	2080000
925	Pallone, Frank, Jr.	Long Branch Intermodal Station Project	New Jersey Department of Transportation	Long Branch	NJ	13000000
926	Sherrill, Mikie	McBride Avenue Roundabout Project	County of Passaic	Woodland Park	NJ	960000
927	Smith, Christopher	Mercer County Bus Purchase	DVRPC	West Trenton	NJ	732000
928	Watson Coleman, Bonnie	Mercer County Electric Vehicles and Electric Vehicle Charging Stations	Mercer County, New Jersey	Trenton	NJ	454500
929	Smith, Christopher	Mercer County Roadway Safety Improvements	Mercer County DOT	Mercer County	NJ	640000
930	Payne, Donald M., Jr.	Newark Broad Street Signal Optimization	City of Newark	Newark	NJ	1650000
931	Payne, Donald M., Jr.	North Broad Street Redevelopment Project	City of Newark	Newark	NJ	1200000
932	Van Drew, Jeff	Ocean Drive (CR621) Upgrades and Bridge Improvements	Cape May County	Lower Township	NJ	7000000

933	Norcross, Donald	Parkside Neighborhood School and Pedestrian Traffic Safety	Camden County	Camden	NJ	6000000
934	Pascrell, Bill, Jr.	Passaic Bus Terminal Canopy	NJ Transit Corporation	Passaic	NJ	1600000
935	Gottheimer, Josh	Patriots Way Bridge Superstructure Replacement	Borough of Oakland, New Jersey	Oakland	NJ	4184830
936	Pascrell, Bill, Jr.	Pedestrian Bridge at the Great Falls National Historical Park	City of Paterson	Paterson	NJ	1000000
937	Pallone, Frank, Jr.	Pedestrian Improvement for Metro Park	Township of Woodbridge	Township of Woodbridge	NJ	1250000
938	Sires, Albio	Permanent Ferry Terminal Peninsula Project	City of Bayonne/Hudson County	Bayonne	NJ	4321600
939	Sires, Albio	Pleasant Avenue & Park Avenue / Pedestrian & Vehicular Safety Improvements & Restoration Project	Towns of Weehawken and Union City	Weehawken	NJ	7520000
940	Smith, Christopher	Point Pleasant Beach Channel Drive ADA Compliance Upgrade and Surface Revitalization project	Point Pleasant Beach Borough	Point Pleasant Beach Borough	NJ	1399785
941	Sherrill, Mikie	Pompton River Rail Bridge (Pequannock Valley Pedestrian Trail) Substructure Repair	County of Morris	Township of Pequannock, Morris County, and Township of Wayne, Passaic County	NJ	1500000
942	Malinowski, Tom	Reconstruction of Pedestrian Bridges over Cole Drive (Bridgewater Train Station)	Somerset County	Bridgewater	NJ	1280000
943	Sherrill, Mikie	Replacement of Morris County Bridge 1400–433 on Bloomfield Avenue over a Tributary to Passaic River in the Township of Montville, Morris County	County of Morris	Montville/Pine Brooke	NJ	2000000
944	Sherrill, Mikie	Replacement of Morris County Bridge 1400–935 on Lenape Island Road over Indian Lake in the Township of Denville, Morris County	County of Morris	Denville	NJ	1000000
945	Sires, Albio	River Road Overpass	Town of West New York	West New York	NJ	5200000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
946	Pascrell, Bill, Jr.	River Road Subsurface Soil Stabilization	County of Bergen, NJ–Department of Planning and Engineering	Edgewater	NJ	1760000
947	Norcross, Donald	Roadway Rehabilitation East Atlantic Avenue CR727	Camden County, NJ	Somerdale, Hi–Nella, Stratford	NJ	1500000
948	Norcross, Donald	Roadway Rehabilitation Evesham Road, CR 544	Camden County	Lawnside, Magnolia, Somerdale, Cherry Hill, Voorhees	NJ	2500000
949	Norcross, Donald	Roadway Rehabilitation Haddon Ave. CR561	Camden County, NJ	Haddon Township, Collingswood	NJ	3000000
950	Norcross, Donald	Roadway Rehabilitation Red Bank Avenue CR644	Gloucester County	Woodbury	NJ	1765000
951	Malinowski, Tom	Route 202, First Avenue Intersection Improvements—Right of Way Acquisitions	Somerset County	Raritan	NJ	3340685
952	Watson Coleman, Bonnie	Route 29 Tunnel Ventilation System	New Jersey DOT	Trenton	NJ	2400000
953	Smith, Christopher	Route 33 Bridge Over Millstone River	NJDOT	Millstone Township	NJ	3640000
954	Smith, Christopher	Route 35 Bridge Over the North Branch of Wreck Pond	NJDOT	Wall	NJ	3736000
955	Van Drew, Jeff	Route 55/Route 47 Interchange	Cumberland County Board of Commissioners	Millville	NJ	9250000
956	Kim, Andy	Seaside Heights Boardwalk Replacement	Borough of Seaside Heights	Seaside Heights	NJ	400000
957	Pascrell, Bill, Jr.	Shaler Boulevard Streetscape Project	Borough of Ridgefield	Ridgefield	NJ	250000
958	Gottheimer, Josh	Skyline Drive Bicycle and Pedestrian Bridge	County of Passaic, New Jersey	Ringwood	NJ	800000
959	Payne, Donald M., Jr.	South Orange Avenue Streetscape Improvement Project	County of Essex	Newark	NJ	4000000

960	Sherrill, Mikie	Study & Engineering Design for the Rehabilitation or Replacement of Sussex County Bridge K–03 in the Borough of Hopatcong	Sussex County	Hopatcong	NJ	2360000
961	Gottheimer, Josh	Sussex County Guide Rail Upgrade Program	Sussex County, New Jersey	Frankford and Wantage	NJ	1000000
962	Sherrill, Mikie	Sussex County Skylands Ride Capital Project	Sussex County	Hamburg	NJ	400000
963	Gottheimer, Josh	Teaneck Pedestrian Overpass Replacement	Town of Teaneck, New Jersey	Teaneck	NJ	4000000
964	Pascrell, Bill, Jr.	Tenafly Roadway Resurface & Improvements	Tenafly Borough	Borough of Tenafly	NJ	1545000
965		The County Road 539 Overpass Project	Ocean County	Plumstead	NJ	8000000
	Smith, Christopher					7000000
	Kim, Andy					1000000
966	Payne, Donald M., Jr.	Traffic Signal Optimization/Adaptive Signals Along McCarter Highway (Route 21)	City of Newark	Newark	NJ	1600000
967	Kim, Andy	U.S. Route 130/Delaware Avenue/Florence Columbus Road Intersection Improvements	Burlington County	Florence Township	NJ	17320000
968	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Allen Ave. Bridge, Township of Union	Union County	Union Township	NJ	400000
969	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Faitoute Ave. Bridge, Kenilworth	Union County	Kenilworth	NJ	600000
970	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—High Street Bridge	Union County	Summit	NJ	600000
971	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Oakland Place Bridge	Union County	Summit	NJ	760000
972	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Pine Grove Avenue Bridge	Union County	Summit	NJ	800000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
973	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Shunpike Road Bridge	Union County	Summit	NJ	600000
974	Malinowski, Tom	Union County Structurally Deficient Bridge Initiative—Spring Garden Bridge, Cranford	Union County	Cranford	NJ	800000
975	Malinowski, Tom	West County Drive (CR 646) Extension	Somerset County	Township of Branchburg	NJ	6493600
976	Gottheimer, Josh	West Milford Bikeway Connector Project	Township of West Milford, New Jersey	West Milford	NJ	536000
977	Kim, Andy	Willingboro EV Charging Stations	Willingboro Township	Willingboro	NJ	800000
978	Van Drew, Jeff	Woodbine Bikeway and Trailhead Improvements	Borough of Woodbine	Borough of Woodbine	NJ	800000
979	Leger Fernández, Teresa	Arroyo De Los Chamisos Crossing	City of Santa Fe	Santa Fe	NM	4900000
980	Leger Fernández, Teresa	Coal Avenue Commons "Event Street"	City of Gallup	Gallup	NM	3500000
981	Leger Fernández, Teresa	County Road 43—Superman Canyon Bridges	McKinley County	McKinley County—Churchrock Chapter	NM	4500000
982	Leger Fernández, Teresa	Foothills Drive Enhancement Phase III	City of Farmington	Farmington	NM	1324800
983	Leger Fernández, Teresa	Kilgore Street Improvements	City of Portales	Portales	NM	2079000
984	Leger Fernández, Teresa	Rio Lucero Road Improvement Project	Taos Pueblo	Taos Pueblo	NM	3048910
985	Leger Fernández, Teresa	Wild Rose Road (Route #670) and Pedestrian Improvement Project	Santa Clara Pueblo	Santa Clara Pueblo	NM	618000
986	Amodei, Mark	Arlington Avenue Bridges Project	RTC Washoe	Reno	NV	6000000
987	Titus, Dina	Charleston Boulevard Underpass	City of Las Vegas	Las Vegas	NV	7000000
988	Horsford, Steven	Charleston Park Avenue Reconstruction Project	County of Nye	Pahrump	NV	1552079
989	Amodei, Mark	Coleman Road Expansion	Churchill County	Fallon	NV	5000000

990	Amodei, Mark	Hydrogen Fuel Cell Bus and Fuel Site Project	RTC Washoe	Reno	NV	5240000
991	Titus, Dina	I–15 South Package 2—Sloan to Blue Diamond	Nevada Department of Transportation	Las Vegas	NV	5000000
992	Titus, Dina	Maryland Parkway Bus Rapid Transit Zero Emission Fleet	Regional Transportaton Commission of Southern Nevada	Las Vegas	NV	5000000
993	Horsford, Steven	North Las Vegas Street Light Conversion	City of North Las Vegas	North Las Vegas	NV	12000000
994	Titus, Dina	Rancho Drive Complete Streets Improvements	City of Las Vegas	Las Vegas	NV	3000000
995	Amodei, Mark	SR28 Central Corridor Sand Harbor to Spooner—Secret Harbor to Skunk Harbor Trail, Parking and Safety Improvements	Tahoe Regional Planning Agency	Carson City	NV	1760000
996	Amodei, Mark	William Street Complete Streets Project	Carson City Public Works Department	Carson City	NV	2000000
997	Jeffries, Hakeem	ADA: Classon Ave / Crosstown Line (G Train)	MTA—NYCT	Brooklyn	NY	5000000
998	Meng, Grace	ADA: Forest Hills Platform Extensions & Elevators	MTA Long Island Rail Road	Queens	NY	16910000
999	Torres, Ritchie	ADA: Parkchester–E.177 St / Pelham Line (6 Train)	Metropolitan Transportation Authority and New York City Transit	Bronx	NY	15000000
1000	Suozzi, Thomas R.	Asharoken Avenue	Village of Asharoken	Northport	NY	800000
1001	Rice, Kathleen M.	Bannister Creek Bridge Rehabilitation	Nassau County Department of Public Works	Lawrence	NY	4940000
1002	Jones, Mondaire	Basher Pedestrian Bridge Rehabilitation	Village of Tarrytown	Tarrytown	NY	494400
1003	Suozzi, Thomas R.	Bayville Bridge	Nassau County Department of Public Works	Bayville	NY	14489446
1004	Jones, Mondaire	Bridge Repair/Safety Assurance, Westchester County	New York State Department of Transportation	Tarrytown	NY	1096395
1005	Zeldin, Lee	Bridge Replacement of CR46 (William Floyd Parkway) over Narrow Bay	Suffolk County	Brookhaven	NY	7200000
1006	Jeffries, Hakeem	Broadway Junction Improvements Phase 1, Brooklyn, NY, 8th Congressional District	New York City Economic Development Corporation on behalf of NYC	Brooklyn	NY	8000000
1007	Maloney, Sean Patrick	City of Poughkeepsie Market Street Connectivity Project	City of Poughkeepsie	Poughkeepsie	NY	2400000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1008	Zeldin, Lee	Concrete Pavement Rehabilitation I–495	NYSDOT	Brookhaven	NY	7998048
1009	Delgado, Antonio	County Route 7&8—RTE 299 Roadway Repaving	Ulster County Department of Public Works	Towns of New Paltz and Gardiner	NY	3600000
1010	Tonko, Paul	Craig Street Corridor Project	City of Schenectady	Schenectady	NY	2700000
1011	Torres, Ritchie	Del Valle Square/Crames Square Traffic, Safety, and Plaza Improvements	New York City DOT	Bronx	NY	4870000
1012	Higgins, Brian	DL&W Station	Niagara Frontier Transportation Authority	Buffalo	NY	5000000
1013	Morelle, Joseph	Electric Bus Charging Facility	Rochester Genesee Regional Transportation Authority.	Rochester	NY	800000
1014	Morelle, Joseph	Elmwood Avenue Multiuse Corridor Improvement	Monroe County, New York in cooperation with the Town of Brighton	Rochester	NY	8596000
1015	Jacobs, Chris	Griswold Road over Murder Creek Bridge Replacement	Genesee County Highway Department	Darien	NY	1203200
1016	Jones, Mondaire	Half Moon Bay Bridge Reconstruction Project	Village of Croton–on–Hudson	Croton–on–Hudson	NY	1500000
1017	Maloney, Sean Patrick	Heritage Trail Extension: Hartley Road to Downtown Middletown (Segment 2)	Orange County	Town of Goshen	NY	500000
1018	Nadler, Jerrold	High Line Connections—Hudson River Park / Javits Center Connection	New York State Empire State Development	New York	NY	5000000
1019	Maloney, Sean Patrick	Highland Avenue over Wallace Street	Orange County	Otisville	NY	1250000
1020	Maloney, Sean Patrick	Highway and Pedestrian Safety Infrastructure Improvements	Village of Kiryas Joel	Kiryas Joel	NY	1380000
1021	Garbarino, Andrew	Highway Improvements to the Interval Avenue Area, Farmingdale	Town of Oyster Bay, NY	Oyster Bay	NY	1000000
1022	Maloney, Sean Patrick	Hudson Highlands Fjord Trail	Dutchess County	Beacon	NY	4350000
1023	Jones, Mondaire	Hudson Line Tunnels	MTA—Metro–North	Peekskill	NY	4550000

1024	Maloney, Sean Patrick	I–84/Route 9D Connectivity (Beacon–Fishkill)	Dutchess County	Beacon and Town of Fishkill	NY	400000
1025	Garbarino, Andrew	Improvements to East Lincoln Avenue, Riverdale Avnenue and Pirates Cove, Massapequa	NYSDOT	Oyster Bay	NY	1000000
1026	Morelle, Joseph	Inner Loop North Transformation Project	City of Rochester, NY	Rochester	NY	4000000
1027	Maloney, Sean Patrick	Lake St. Bridge Project	City of Newburgh	Newburgh	NY	1750000
1028	Reed, Tom	Lake to Lake Road Bridge Replacement	Ontario County	Town of Gorham	NY	1464000
1029	Meng, Grace	Level 2 EV Charging Network in NYCDOT Municipal Parking Facilities	NYCDOT	Queens	NY	734400
1030	Suozzi, Thomas R.	Little Bay Park Promenade	New York City Department of Parks & Recreation	Bayside	NY	1000000
1031	Rice, Kathleen M.	Long Beach Road Improvements, South Hempstead, NY	Nassau County Department of Public Works	Rockville Centre	NY	4780000
1032	Tonko, Paul	Multi–Modal Phase I/Pedestrian Connector Project	City of Amsterdam	Amsterdam	NY	4500000
1033	Maloney, Sean Patrick	Newburgh Ferry Landing Pier	Orange County	Newburgh	NY	4000000
1034	Suozzi, Thomas R.	Northport Flooding on Main St.	Inc. Village of Northport	Northport	NY	1392000
1035	Bowman, Jamaal	Northwest Bronx School Safety Improvement Project	New York City Department of Transportation	Bronx	NY	2331000
1036	Tonko, Paul	NY 146 and NY146A Bicycle & Pedestrian Access Improvements	Town of Clifton Park	Clifton Park	NY	1055000
1037	Jones, Mondaire	NYS Route 133 Bike Lane	Town of Ossining	Ossining	NY	1500000
1038	Katko, John	Onondaga Lake Canalways Trail—Salina Extension Project	Onondaga County Department of Transportation	Syracuse	NY	8000000
1039	Maloney, Sean Patrick	Orange–Dutchess Transportation Access and Mobility Study	Orange County	Goshen	NY	400000
1040	Higgins, Brian	Outer Harbor Multi–Use Trails	Erie Canal Harbor Development Corporation	Buffalo	NY	2000000
1041	Jeffries, Hakeem	Park Ave—Ingersoll Houses Safety Improvements	NYC DOT	Brooklyn	NY	1942000
1042	Jacobs, Chris	Perry Road (CR 64) Highway Rehabilitation	Livingston County Highway Department	Mt. Morris	NY	1440000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1043	Katko, John	Phase 1 of the New York State Route 38—State Street Pavement Preservation Project	City of Auburn	Auburn	NY	2778400
1044	Stefanik, Elise	Preventative Maintenance Pavement from Route 67/Route 10 Ephratah to Johnstown City Line	New York State DOT	Town of Johnstown & Ephratah	NY	3394752
1045	Tonko, Paul	Purchase of Eight Electric Buses for Use in Emerging Markets—Montgomery County	Capital District Transportation Authority (CDTA)	Albany	NY	6000000
1046	Maloney, Sean Patrick	Putnam County's Donald B. Smith Transit Hub	County of Putnam	Carmel	NY	1500000
1047	Jacobs, Chris	Rapids Road Highway Improvements	Niagara County Department of Public Works	Lockport	NY	4000000
1048	Katko, John	Reconstruction of Osborne Street	City of Auburn	Auburn	NY	4407200
1049	Delgado, Antonio	Reconstruction of the Intersection of Rt 7, Rt 23 and Maple St in Oneonta into Roundabout Configuration	New York State Department of Transportation	Oneonta	NY	3200000
1050	Delgado, Antonio	Replacement of the Bridge Street Bridge over Schoharie Creek	Schoharie County	Schoharie	NY	6254400
1051	Jones, Mondaire	Restoration of Van Cortlandt Manor Entrance Road Project	Village of Croton–on–Hudson, NY	Croton–on–Hudson	NY	600000
1052	Nadler, Jerrold	Riverside Drive Pedestrian Mall	New York City Parks & Recreation	New York	NY	2400000
1053	Jacobs, Chris	Rose Road over Bowen Creek Bridge Replacement	Genesee County Highway Department	Batavia	NY	1033600
1054	Katko, John	Route 104 Intersection Improvement Project	NYSDOT	Ontario	NY	1254400
1055	Tonko, Paul	Route 2 Multi–Modal Connectivity Project	City of Troy	Troy	NY	5700000

1056	Stefanik, Elise	Route 28/South Inlet Lake	New York State DOT	Town of Arietta	NY	6621248
1057	Katko, John	Route 31 Improvement Project	NYSDOT	Wayne County	NY	2970400
1058	Stefanik, Elise	RT 12E/Chaumont River	New York State DOT	Village of Chaumont	NY	9984000
1059	Delgado, Antonio	Safe and Accessible Midtown Kingston	City of Kingston	Kingston	NY	6053818
1060	Reed, Tom	Safe Passage for CRCS Students	Town of Cuba	Cuba	NY	1472000
1061	Espaillat, Adriano	Safe Routes to School—Bronx (HWCSCH4D)	New York City Department of Transportation	Bronx	NY	1682000
1062	Espaillat, Adriano	Safe Routes to School—Manhattan (HWCSCHMN)	New York City Department of Transportation	New York	NY	3643000
1063	Malliotakis, Nicole	Safe Routes to Transit 86th Street	New York DOT	Brooklyn	NY	2516000
1064	Suozzi, Thomas R.	Sands Point Preserve Bridge	Nassau County Department of Public Works	Village of Sands Point	NY	1784000
1065	Jacobs, Chris	Sharp Road (CR 181) over Spring Brook Bridge Replacement	Erie County Department of Public Works	Concord	NY	1400000
1066	Higgins, Brian	Shoreline Trail	Erie County, N.Y.	Lackawanna and Hamburg	NY	2000000
1067	Meeks, Gregory W.	Southeast Queens Flooding Relief	New York City DOT	Queens	NY	3859000
1068	Jeffries, Hakeem	Street Restoration in Brooklyn—Hancock St, Bushwick Ave, Hill St, E 80th St	NYC DOT	Brooklyn	NY	4884000
1069	Morelle, Joseph	The Maiden Lane Rehabilitation Project	Town of Greece	Greece	NY	6604000
1070	Bowman, Jamaal	The New Rochelle LINC Project	City of New Rochelle, New York	New Rochelle	NY	13000000
1071	Higgins, Brian	The Riverline	Niagara Frontier Transportation Authority	Buffalo	NY	10500000
1072	Higgins, Brian	Twin Cities Highway Complete Streets	The City of North Tonawanda, N.Y.	Tonawanda and North Tonawanda	NY	500000
1073	Delgado, Antonio	Ulster County Electric Bus Charging Infrastructure	Ulster County	Kingston	NY	800000
1074	Meng, Grace	Union Turnpike Center Median Replacement	NYCDOT	Queens	NY	2355200
1075	Meeks, Gregory W.	Van Wyck Expressway Access Improvement to John F. Kennedy Airport	New York State DOT	Queens	NY	16141000
1076	Jacobs, Chris	Victor Traffic Mitigation Project	Ontario County	Victor	NY	9920000
1077	Jones, Mondaire	Village of Ossining Route 9 Road Diet Project	Village of Ossining	Ossining	NY	1000000
1078	Reed, Tom	Water Street Rejuvenation Project	City of Elmira	Elmira	NY	1289400

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1079	Rice, Kathleen M.	West Broadway Rehabilitation	Nassau County Department of Public Works	Woodmere to Cedarhurst	NY	9670000
1080	Jacobs, Chris	West Lake Road (CR 3) Preventative Maintenance	Wyoming County Highway Department	Perry	NY	931478
1081	Espaillat, Adriano	Williams Bridge Station Renewal	MTA—Metro–North	Bronx	NY	14675000
1082	Bowman, Jamaal	Yonkers Greenway	City of Yonkers	Yonkers	NY	1791600
1083	Gibbs, Bob	11th Street Reconstruction Project	City of Canton	Canton	OH	1500000
1084	Gonzalez, Anthony	Arlington Road Corridor	City of Green	Green	OH	5578551
1085	Gibbs, Bob	Bagley Road Reconstruction	City of North Ridgeville	North Ridgeville	OH	1500000
1086	Wenstrup, Brad	BRO–32–4.16	Ohio Department of Transportation	Mt. Orab	OH	10000000
1087	Gibbs, Bob	Cherry Rd Bridges Rehabilitation	Stark County Engineers	Massillon	OH	1480000
1088	Wenstrup, Brad	CLE CR 3—Aicholtz Road Roundabouts	Clermont County Transportation Improvement District	Cincinnati	OH	2000000
1089	Wenstrup, Brad	CLE SR32–2.33—CLE CR55 Overpass	Ohio Department of Transportation	Batavia	OH	1500000
1090	Balderson, Troy	Cleveland Avenue Multimodal Facility Project	Central Ohio Transit Authority	Westerville	OH	800000
1091	Gonzalez, Anthony	Columbia Road—I–90 Interchange	City of Westlake	Westlake	OH	1900000
1092	Gibbs, Bob	E. Main Street (SR153) & Nickel Plate Intersection Improvement	City of Louisville	Louisville	OH	1200000
1093	Turner, Michael	East Dayton Rails–to–Trails (Flight Line)	City of Dayton	Dayton	OH	2000000
1094	Gibbs, Bob	Easton Street/GlenOak HS Intersection Improvements	Stark County Engineer	Canton	OH	575000
1095	Turner, Michael	Electric Trolley Power Distribution System	Greater Dayton Regional Transit Authority (RTA)	Dayton	OH	3600000
1096	Gibbs, Bob	French Creek Greenway Phase 1	City of Avon	Avon	OH	595637
1097	Balderson, Troy	Gaysport Bridge Replacement Project	Muskingam County Engineer's Office	Philo	OH	3000000
1098		HAM–75–1.95	ODOT	Cincinnati	OH	8640000

	Chabot, Steve					4320000
	Wenstrup, Brad					4320000
1099	Gibbs, Bob	Hydrogen Infrastructure Tank Increase	Stark Area Regional Transit Authority (SARTA)	Canton	OH	1000000
1100	Balderson, Troy	Interchange Construction Project on I–71 at Sunbury Parkway	Deleware County Transportation Improvement District and Ohio Department of Transportation	Sunbury	OH	3000000
1101	Gonzalez, Anthony	Kungle Road Culvert Replacement	City of Norton	Norton	OH	308000
1102	Latta, Robert ''Bob''	LUC IR 475 @ US 20A Interchange	Lucas County Transportation Improvement District	Lucas County	OH	10000000
1103	Balderson, Troy	Main Street Corridor Improvement Plan	City of Mansfield	Mansfield	OH	2000000
1104	Joyce, David	Miller Road—I77 Interchange	Ohio Department of Transportation/City of Brecksville	Brecksville	OH	12000000
1105	Gonzalez, Anthony	Olmsted Falls Columbia Rd.	City of Olmsted Falls	Olmsted Falls	OH	1900000
1106	Gonzalez, Anthony	Pearl Road Brunswick	City of Brunswick	Brunswick	OH	2718700
1107	Gibbs, Bob	Pearl Road Improvements	City of Brunswick	Brunswick	OH	1500000
1108	Gibbs, Bob	River Styx Road/SR 162 Intersection Roundabout	Northeast Ohio Areawide Coordinating Agency	Montville Township	OH	3200000
1109	Gonzalez, Anthony	Sprague Road Widening Parma	City of Parma	Parma	OH	800000
1110	Joyce, David	SR283 Capacity Improvements	City of Mentor	Mentor	OH	3148000
1111	Gonzalez, Anthony	Stark County CR–224	Stark County Engineers	North Canton	OH	350000
1112	Gibbs, Bob	State Route 13 Relocation	City of Mount Vernon	Mount Vernon	OH	1900405
1113	Gibbs, Bob	State Route 254 & State Route 83 Intersection Improvement	City of Avon	Avon	OH	1500000
1114	Joyce, David	Study and Design of ATB 531	Ohio Department of Transportation	Ashtabula	OH	2400000
1115	Balderson, Troy	The Point Intersection–US 36/SR 37	City of Delaware	Delaware	OH	4000000
1116	Balderson, Troy	Thornwood Crossing Project	City of Newark	Newark	OH	5000000
1117	Gibbs, Bob	U.S. Route 30—East Canton Expansion	Ohio Department of Transportation	East Canton	OH	1500000
1118	Joyce, David	US–422 Harper Road Interchange	Ohio Department of Transportation/ City of Solon	Solon	OH	2414288
1119	Gibbs, Bob	W. Tuscarawas Street Safety Corridor Project	City of Canton	Canton	OH	1000000
1120	Gonzalez, Anthony	Wadsworth Streetscape	City of Wadsworth	Wadsworth	OH	2500000
1121	Gonzalez, Anthony	Wayne CR–30 Resurfacing project	Wayne County	Wooster	OH	1219962
1122	Gonzalez, Anthony	West Creek Greenway	City of Parma	Parma	OH	2720000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1123	Chabot, Steve	Western Hills Viaduct Replacement Project	City of Cincinatti	Cincinnati	OH	15000000
1124	Beatty, Joyce	Bobcat Way: Transformation of Fairview Avenue	City of Grandview Heights	Grandview Heights	OH	1000000
1125	Beatty, Joyce	Broad Street and James Road Intersection	City of Columbus	Columbus	OH	1000000
1126	Beatty, Joyce	Cherry Bottom Road Emergency Stabilization	City of Gahanna	Gahanna	OH	860000
1127	Ryan, Tim	City of Akron—North Main Street Complete Streets Project	City of Akron	Akron	OH	4000000
1128	Kaptur, Marcy	Cleveland Hopkins Airport Master Plan Interstate Access Improvement Project	Northeast Ohio Areawide Coordinating Agency (NOACA), the metropolitan planning organization (MPO) for Greater Cleveland	Cleveland	OH	2000000
1129	Ryan, Tim	Cuyahoga Falls — Gorge Terrace Street Transformation Project	City of Cuyahoga Falls	City of Cuyahoga Falls	OH	7200000
1130	Ryan, Tim	Eastgate—State Route 46 and Warren–Sharon Road Intersection Safety Improvements	Eastgate Regional Council of Governments	Howland Township	OH	4000000
1131	Beatty, Joyce	Ferris Road Corridor	Franklin County Engineer	Columbus	OH	2000000
1132	Beatty, Joyce	Hiawatha Park Drive Urban Greenway	City of Columbus	Columbus	OH	1000000
1133	Beatty, Joyce	Hudson Street and Greenway Trail	City of Columbus	Columbus	OH	1000000
1134	Kaptur, Marcy	Jackson Street/ Civic Center Mall Corridor–Lucas County	City of Toledo	Toledo	OH	4000000
1135	Kaptur, Marcy	Life and Safety Facility Upgrades, TARTA M&O Facility	TARTA, the Toledo Area Regional Transit Authority	Toledo	OH	4000000

1136	Kaptur, Marcy	Lorain County Lakefront Connectivity Project	Northeast Ohio Areawide Coordinating Agency (NOACA)	Lorain Ohio	OH	4000000
1137	Ryan, Tim	Mahoning Avenue Industrial Corridor Upgrade	The Mahoning County Engineer	Jackson Township	OH	4000000
1138	Kaptur, Marcy	Multimodal Lakefront Access, Cuyahoga County, Ohio	Cuyahoga County, Ohio	City of Cleveland Boundary, including Bay Village, Rocky River, and Lakewood	OH	2000000
1139	Beatty, Joyce	Operation Safewalks—Refugee Road	City of Columbus	Columbus	OH	2000000
1140	Beatty, Joyce	Reynoldsburg East Main Phase II	City of Reynoldsburg	Reynoldsburg	OH	1585000
1141	Beatty, Joyce	Reynoldsburg Park & Ride	Central Ohio Transit Authority (COTA)	Reynoldsburg	OH	500000
1142	Beatty, Joyce	Rickenbacker Area Access—Northbound Bridge Project	Franklin County Engineer	Columbus	OH	5000000
1143	Beatty, Joyce	Rickenbacker Area Mobility Center (RAMC)	Central Ohio Transit Authority (COTA)	Columbus	OH	3000000
1144	Kaptur, Marcy	Sandusky Bay Pathway	City of Sandusky	Sandusky	OH	4000000
1145	Bice, Stephanie	Bridges on Interstate 35 at Interchanges between Memorial and 2nd Street	City of Edmond	Edmond	OK	10000000
1146	Cole, Tom	I–35 Widening in Love County	ODOT	Love County	OK	17120000
1147	Bice, Stephanie	I35/I240 Interchange	Oklahoma Department of Transportation	Oklahoma City	OK	10000000
1148	Lucas, Frank	I–40 and Exit 65 in Clinton	Oklahoma Department of Transportation	Clinton	OK	3250000
1149	Cole, Tom	S.E. 29th Street Bridge Replacement & Repair Project	ODOT	Midwest City	OK	2880000
1150	Lucas, Frank	SH30 from SH33 N. 2 miles in Roger Mills Co	Oklahoma Department of Transportation	Durham	OK	2000000
1151	Lucas, Frank	SH–33 from Blaine County line east to SH–74	Oklahoma Department of Transportation	Kingfisher	OK	3250000
1152	Lucas, Frank	US–270 between Watonga and Seiling	Oklahoma Department of Transportation	Watonga	OK	3250000
1153	Lucas, Frank	US–287 from Boise City north to Colorado (Ports–to–Plains Corridor)	Oklahoma Department of Transportation	Boise City	OK	3250000
1154	Blumenauer, Earl	181st Safety Improvements	City of Gresham	Gresham	OR	4000000
1155	Blumenauer, Earl	82nd Avenue Safety Projects	City of Portland	Portland	OR	5000000
1156	DeFazio, Peter A.	Albany Transit Operations Facility	City of Albany	Albany	OR	1563978

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1157	Bonamici, Suzanne	Beaverton Downtown Loop: Phase 1 Improvements	City of Beaverton	Beaverton	OR	4000000
1158	DeFazio, Peter A.	Benton Area Transit Vehicle Replacement	Benton County	Corvallis	OR	528000
1159	DeFazio, Peter A.	Corvallis Area Pedestrian Crossing Improvements	City of Corvallis	Corvallis	OR	880000
1160	DeFazio, Peter A.	Georgia Pacific Mill Site Rail–Served Marine Terminal	Port of Coos Bay	Coos Bay	OR	4500000
1161	Schrader, Kurt	I–5: Aurora–Donald Interchange Improvement Project	Oregon DOT	Aurora	OR	20000000
1162	DeFazio, Peter A.	Libby Lane Repaving	Coos County	Coos Bay	OR	486400
1163	DeFazio, Peter A.	LTD Electric Bus Replacement	Lane Transit District	Eugene	OR	1844322
1164	Bonamici, Suzanne	Main Avenue/OR 104 Pedestrian Route	City of Warrenton	Warrenton	OR	1360000
1165	DeFazio, Peter A.	NW Circle Boulevard Reconstruction/Rehabilitation	City of Corvallis	Corvallis	OR	2800000
1166	Bonamici, Suzanne	OR18: Newberg–Dundee Bypass Phase 2 (OR219 Section)	Oregon Department of Transportation	Newberg	OR	8000000
1167	DeFazio, Peter A.	River Road—Santa Clara Bicycle and Pedestrian Bridge	City of Eugene	Eugene	OR	1500000
1168	Blumenauer, Earl	Rose Lane / High Crash Corridor—Smart Tech and Safety Improvements—122nd	City of Portland	Portland	OR	5000000
1169		Safety and Smart Technology Investments: Central City, Broadway	City of Portland	Portland	OR	4000000
	Blumenauer, Earl					2000000
	Bonamici, Suzanne					2000000
1170	DeFazio, Peter A.	Siuslaw River Bridge Pedestrian and Bicycle Improvement Project	ODOT	Florence	OR	897300

1171	DeFazio, Peter A.	Territorial Highway Reconstruction Phase 3	Lane County	Lane County	OR	5000000
1172	Blumenauer, Earl	TriMet Zero Emission Bus Infrastructure	TriMet	Portland	OR	4000000
1173	Bonamici, Suzanne	Tualatin Valley Highway Safety Improvements	Oregon Department of Transportation	Cornelius, Hillsboro, unincorporated Washington County	OR	4000000
1174	Joyce, John	Amtran Bus Replacement	AMTRAN	Altoona	PA	900000
1175	Keller, Fred	Asset Management Phase 1	Northern Tier RPO	Washington/North Branch/Forkston Townships	PA	2800000
1176	Thompson, Glenn "GT"	Bradford Bypass	North Central Pennsylvania Regional Planning and Development Commission	Bradford	PA	5680000
1177	Fitzpatrick, Brian	Bristol Station Improvements	Southeastern Pennsylvania Transportation Authority (SEPTA)	Bristol	PA	5000000
1178	Joyce, John	Cambria County Transit Authority (CamTran) Bus Replacements	CamTran	Johnstown	PA	6160000
1179	Reschenthaler, Guy	Crawford Avenue Bridge Rehabilitation	PennDOT Engineering District 12–0	Connellsville	PA	5682180
1180	Kelly, Mike	East Washington Road (PennDOT ID 91768)	PennDOT Engineering District 11–0	New Castle	PA	3116000
1181	Kelly, Mike	East Washington Street Bridge (PennDOT ID 100743)	PennDOT Engineering District 11–0	New Castle	PA	1400000
1182	Joyce, John	Johnstown Mainstreet Greenway & Urban Connectivity Improvements	Vision Together 2025	Johnstown	PA	1500000
1183	Joyce, John	Laurel Valley Transportation Improvement Project SR 130 to Arnold Palmer Airport	PennDOT Engineering District 12–0	Mt Pleasant and Unity Townships	PA	5000000
1184	Fitzpatrick, Brian	Lower State Road Grade Crossing Safety Improvements	Southeastern Pennsylvania Transportation Authority (SEPTA)	Philadelphia	PA	1200000
1185	Keller, Fred	Marsh Creek Greenway	Tioga County Board of Commissioners	Wellsboro	PA	5000000
1186	Thompson, Glenn "GT"	PA Route 26 Jacksonville Road Betterment	Centre County Metropolitan Planning Organization	Bellefonte	PA	5000000
1187	Fitzpatrick, Brian	PA Turnpike / I–95 Interchange Project, Section C	Pennsylvania Turnpike Commission	Bensalem	PA	5000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1188	Fitzpatrick, Brian	PA Turnpike / I–95 Interchange Project, Section D30	Pennsylvania Turnpike Commission	Bensalem	PA	5000000
1189	Thompson, Glenn "GT"	Purchase of 8 Microtransit Vans	Centre Area Transit Authority	State College	PA	416000
1190	Meuser, Dan	Route 61 Revitalization	Northeastern Pennsylvania Alliance	Schuykill County	PA	15200000
1191	Kelly, Mike	Sassafras Street Extension Pedestrian Bridge	PennDOT Engineering	Erie	PA	4400000
1192	Keller, Fred	SR 1001 Farrandsville Road Improvements	SEDA–COG Metropolitan Planning Organization	Woodward Township and Lock Haven	PA	1200000
1193	Keller, Fred	SR 104 over Mahantango Creek	SEDA–COG Metropolitan Planning Organization	Chapman Township	PA	1000000
1194	Reschenthaler, Guy	SR2027 Speers Bridge Replacement over I–70	PennDOT Engineering District 12–0	Speers Borough	PA	5672564
1195	Keller, Fred	SR87 ov Kettle Creek	Northern Tier RPO	Hillsgrove Township	PA	1040000
1196	Kelly, Mike	State Route 68 Corridor Improvements	PennDOT Engineering District 10–0	Butler	PA	6630000
1197	Kelly, Mike	US 422 Bypass Phase 2	PennDOT Engineering District 10–0	Butler, Connoquenessing, and Franklin Townships	PA	2454000
1198	Kelly, Mike	US 6: Reynolds St—Baldwin St Ext (Route 6 Highway Reconstruction)	PennDOT Engineering District 10–0	Meadville	PA	2000000
1199	Keller, Fred	US Business Route 322 (State Route 3014) Atherton Street Section 153 Drainage/Repaving Project	Centre County Metropolitan Planning Organization (CCMPO)	State College	PA	5550000
1200	Keller, Fred	Warrensville Road Slide Rehabilitation	Lycoming County, PA	Williamsport	PA	3360000
1201	Reschenthaler, Guy	Waynesburg Betterment	PennDOT Engineering District 12–0	Waynesburg Borough & Franking Township	PA	8000000

1202	Scanlon, Mary Gay	69th Street Transportation Center Master Plan	Southeastern Pennsylvania Transportation Authority	Upper Darby	PA	1600000
1203	Cartwright, Matt	Blakely Borough Main Street Corridor Improvement Project	Lackawanna County	Blakely Borough, Lackwanna County	PA	1497417
1204	Wild, Susan	Bridge Replacement 209 & 33 NB over Appenzell Creek	Northeastern Pennsylvania Metropolitan Planning Organization (NEPA MPO)	Hamilton Township	PA	2000000
1205	Wild, Susan	Bushkill Creek Bridge Replacements (2) Carrying State Route 33	Lehigh Valley Transportation Study	Easton	PA	4000000
1206	Lamb, Conor	Carnegie Station Improvement and Park and Ride Expansion	Port Authority of Allegheny County	Carnegie	PA	9699200
1207	Boyle, Brendan F.	Castor Ave Complete Street	City of Philadelphia	Philadelphia	PA	3000000
1208	Wild, Susan	Cementon Bridge Replacement carrying State Route 329 over the Lehigh River	Lehigh Valley Transportation Study	Whitehall, Northampton	PA	10000000
1209	Evans, Dwight	Chestnut Street Pedestrian Safety Islands	City of Philadelphia	Philadelphia	PA	3000000
1210		Cobbs Creek Parkway Multimodal Safety Improvements: Larchwood Avenue to 67th St.	City of Philadelphia	Philadelphia	PA	2000000
	Scanlon, Mary Gay					1200000
	Evans, Dwight					800000
1211	Cartwright, Matt	County of Lackawanna Transit System Transit Facility Renovation	County of Lackawanna Transit System (COLTS)	Scranton	PA	5000000
1212	Cartwright, Matt	Crestwood Drive Resurfacing Project	Luzerne County	Wright Township, Luzerne County	PA	1200000
1213	Doyle, Michael F.	Critical Pedestrian Connections—Public Steps Reconstruction	City of Pittsburgh, Department of Mobility and Infrastructure	Pittsburgh	PA	5000000
1214	Dean, Madeleine	Cross County Trail—Germantown Pike Crossing and Extension	Montgomery County, PA	Plymouth Township	PA	4840000
1215		Erie Station (Broad Street Line) Accessibility Improvements	Southeastern Pennsylvania Transportation Authority (SEPTA)	Philadelphia	PA	7200000
	Boyle, Brendan F.					3600000
	Evans, Dwight					3600000
1216	Houlahan, Chrissy	Exton Station Intermodal Connectivity	Southeastern Pennsylvania Transportation Authority (SEPTA)	Exton	PA	4800000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1217	Boyle, Brendan F.	Frankford Creek Greenway: Adams Avenue to Bristol Street	City of Philadelphia	Philadelphia	PA	2000000
1218	Evans, Dwight	Franklin Square Pedestrian and Bicycle Improvement—7th and Race Specific	Delaware River Port Authority (''DRPA'')	Philadelphia	PA	240000
1219	Cartwright, Matt	Hazleton Buses and Bus Infrastructure	Lackwanna/Luzerne Transportation Study MPO	Hazleton	PA	1500000
1220	Doyle, Michael F.	Hill District Corridor Enhancements	City of Pittsburgh, Department of Mobility and Infrastructure	Pittsburgh	PA	6000000
1221	Doyle, Michael F.	Improvements to Boulevard of the Allies	PennDOT Engineering District 11–0	Pittsburgh	PA	5000000
1222	Lamb, Conor	Kittanning Pike Flood Control	Pennsylvania Department of Transportation (PennDOT)	O'Hara Township	PA	2200000
1223	Cartwright, Matt	Lower Demunds Road Resurfacing Project	Luzerne County, PA	Dallas Township, Luzerne County	PA	1200000
1224	Scanlon, Mary Gay	Main Street Grade Crossing in Darby Borough	PA Department of Transportation	Darby Borough	PA	1000000
1225	Evans, Dwight	Mantua Neighborhood Traffic Safety Project (34th St.)	City of Philadelphia	Philadelphia	PA	4000000
1226	Scanlon, Mary Gay	Marcus Hook Regional Rail Station Accessibility Improvements	Southeastern Pennsylvania Transportation Authority	Marcus Hook	PA	11250000
1227	Lamb, Conor	Market Place District Improvements Project	Moon Transportation Authority	Moon Township	PA	3100800
1228	Lamb, Conor	McKees Rocks Bridge	PennDOT	McKees Rocks	PA	5000000
1229	Doyle, Michael F.	McKeesport—Duquesne Bridge Preservation	PennDOT Engineering District 11–0	McKeesport	PA	4000000
1230	Houlahan, Chrissy	PA 12 West Resurface– 422	Pennsylvania Department of Transportation	Wyomissing Borough	PA	4000000
1231	Evans, Dwight	Parkside Avenue—Safe Access to Parks	City of Philadelphia	Philadelphia	PA	4000000

1232	Evans, Dwight	Penn Center Transit Gateway	SEPTA	Philadelphia	PA	3975000
1233	Scanlon, Mary Gay	PHL Airport Bike Lanes	The City of Philadelphia	Philadelphia	PA	3000000
1234	Cartwright, Matt	Replacement of SR 590 Bridge over Branch of Ariel Creek	Wayne County, PA	Salem Township, Wayne County	PA	560000
1235	Cartwright, Matt	Replacement of SR 590 Bridge over Inlet to Finn Swamp	Wayne County, PA	Paupack Township, Wayne County	PA	432000
1236	Boyle, Brendan F.	Roosevelt Boulevard Intersection Improvements	City of Philadelphia	Philadelphia	PA	1960000
1237	Houlahan, Chrissy	Schuylkill Avenue Bridge	Pennsylvania Department of Transportation (PennDOT)	Reading	PA	4904036
1238	Boyle, Brendan F.	Second Street Signal Optimization (Lehigh Ave to Callowhill St)	City of Philadelphia	Philadelphia	PA	2400000
1239	Scanlon, Mary Gay	SEPTA Platform Rehabilitation Project at PHL	City of Philadelphia	Philadelphia	PA	1205000
1240	Cartwright, Matt	Sleepy Hollow Road Bridge Replacement	Lackawanna County, PA	Butler Township, Luzerne County	PA	1200000
1241	Dean, Madeleine	South Henderson Road Widening	Upper Merion Transportation Authority	Upper Merion	PA	5000000
1242	Dean, Madeleine	SR 29 & SR 113 Intersection Improvements	Perkiomen Township	Perkiomen Township	PA	3676512
1243	Dean, Madeleine	SR 4004—Park Ave, Eagleville Road, Crawford Road Intersection Realignment Project	Lower Providence Township	Audubon	PA	4745604
1244	Cartwright, Matt	State Route 115 Corridor Improvements Effort	Northeast Pennsylvania MPO (NEPA Alliance)	Chestnuthill Township, Monroe County	PA	4000000
1245	Cartwright, Matt	State Route 590 Paving Project	Northeast Pennsylvania MPO (NEPA Alliance)	Lackawaxen Township, Pike County	PA	2400000
1246	Cartwright, Matt	State Route 652 Resurfacing Project	Wayne County	Berlin Township, Wayne County	PA	1008000
1247	Wild, Susan	Tilghman Street and State Route 309 Interchange Reconstruction	Lehigh Valley Transportation Study	South Whitehall Township	PA	4000000
1248	Scanlon, Mary Gay	Upper Darby Walnut Street Multimodal Connectivity Project	Upper Darby Township	Upper Darby	PA	745000
1249	Houlahan, Chrissy	US 222 Hard Shoulder	Pennsylvania Department of Transportation (PennDOT)	Wyomissing Borough	PA	5000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1250	González–Colón, Jenniffer	PRHTA–01 Lajas to San German	Puerto Rico Highways and Transportation Authority	Lajas	PR	5000000
1251	González–Colón, Jenniffer	PRHTA–02 Gurabo	Puerto Rico Highways and Transportation Authority	Gurabo	PR	4800000
1252	González–Colón, Jenniffer	PRHTA–03 Bayamon	Puerto Rico Highways and Transportation Authority	Bayamon	PR	7884000
1253	Cicilline, David N.	East Main Road—Union Avenue to Sandy Point Avenue Safe Shared–Use Path	Rhode Island Department of Transportation	Portsmouth	RI	240000
1254	Cicilline, David N.	Hope and Main Street Sidewalks	Rhode Island Department of Transportation	Bristol and Warren	RI	8000000
1255	Cicilline, David N.	Pawtucket Avenue Veteran–s Memorial Parkway to Waterman Avenue	Rhode Island Department of Transportation	East Providence	RI	5600000
1256	Langevin, James R.	Post Road and Old Post Road Improvements	Rhode Island Department of Transportation (RIDOT)	Westerly, Charlestown	RI	10400000
1257	Langevin, James R.	Route 2, Bald Hill Road, and New London Avenue Improvements	Rhode Island Department of Transportation (RIDOT)	Warwick/Cranston	RI	4000000
1258	Cicilline, David N.	RT–114, Wampanoag Trail (East Shore Expressway to Federal Road)	Rhode Island Department of Transportation	Barrington and East Providence	RI	5920000
1259	Langevin, James R.	Trestle Trail—West Section	Town of Coventry	Coventry	RI	4400000
1260	Mace, Nancy	I 26/ 526 Interchange	SCDOT	North Charleston	SC	20000000
1261	Wilson, Joe	SC–126 Belvedere Clearwater Road Widening	Augusta–Aiken Metropolitan Planning Organization	Clearwater	SC	13069695
1262	Clyburn, James E.	Corridor Improvement at Old State Road (US 21/176) from Savany Hunt Creek Road (S–86) to Old Sandy Run Road (S–31)	Lower Savannah Council of Governments	Calhoun County	SC	1100000

1263	Clyburn, James E.	Intersection Improvement at Old State Road (US 21/176) and Savany Hunt Creek Road (S–86)	Lower Savannah Council of Governments	Gaston	SC	1100000
1264	Clyburn, James E.	Santee Wateree Regional Transportation #2022	Santee Wateree Regional Transportation Authority	Sumter	SC	2000000
1265	Clyburn, James E.	Sumter Manning Avenue Bridge Multimodal Enhancements	City of Sumter, South Carolina	Sumter	SC	4000000
1266	Clyburn, James E.	US 21/178 Bypass (Joe S. Jeffords Highway) Corridor Improvement	County of Orangeburg	Orangeburg	SC	7800000
1267	Clyburn, James E.	Walk Bike Columbia	City of Columbia	Columbia	SC	4000000
1268	Burchett, Tim	Blount County Greenway	Blount County Highway Department	Blount County	TN	3420800
1269	Cohen, Steve	Elvis Presley Boulevard	Tennessee Department of Transportation (TDOT)	Memphis	TN	7000000
1270	Harshbarger, Diana	Knob Creek Road	Tennessee Department of Transportation	Johnson City	TN	2630000
1271	Burchett, Tim	Magnolia Avenue Corridor	City of Knoxville	Knoxville	TN	10000000
1272	Cohen, Steve	MATA Electric Bus Program	Memphis Area Transit Authority (MATA)	Memphis	TN	7000000
1273	Cohen, Steve	Memphis 3.0 (Kimball at Pendleton)	City of Memphis	Memphis	TN	3000000
1274	Cohen, Steve	Mississippi Boulevard Signalized Pedestrian Crossing	City of Memphis	Memphis	TN	1141440
1275	Cohen, Steve	Overton Park Cooper Street Entrance	City of Memphis	Memphis	TN	1739432
1276	Harshbarger, Diana	SR–126	Tennessee Department of Transportation	Kingsport	TN	5662000
1277	Harshbarger, Diana	SR–34	Tennessee Department of Transportation	Morristown	TN	2394000
1278	Harshbarger, Diana	SR–35	Tennessee Department of Transportation	Greenville	TN	2018000
1279	Harshbarger, Diana	SR–36	Tennessee Department of Transportation	Spurgeon	TN	5445000
1280	Harshbarger, Diana	SR–499 EXT	Tennessee Department of Transportation	Sevierville	TN	832000
1281	Harshbarger, Diana	SR–93 Horse Creek	Tennessee Department of Transportation	Kingsport	TN	777000
1282	Harshbarger, Diana	SR–93 Miscellaneous Safety Improvements	Tennessee Department of Transportation	Fall Branch	TN	242000
1283	Fleischmann, Charles ''Chuck''	Third/Fourth Street Corridor Project, Chattanooga, TN	City of Chattanooga	Chattanooga	TN	2500000
1284	Rose, John	US–127 (SR–28)	Tennessee Department of Transportation	Fentress County / Cumberland County	TN	20000000
1285	Jackson Lee, Sheila	54 Scott Street BOOST Corridor project	Metropolitan Transit Authority of Harris County, Houston, Texas (METRO)	Houston	TX	20000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1286	Doggett, Lloyd	Austin Bergstrom Spur Urban Trail	City of Austin, Texas	Austin	TX	10000000
1287	Doggett, Lloyd	Austin Ross Road Substandard Street	City of Austin, Texas	Austin	TX	10000000
1288	Johnson, Eddie Bernice	Bear Creek Road Improvement Project	City of Glenn Heights	Glenn Heights	TX	3329417
1289	Garcia, Sylvia	City of South Houston—Concrete Sidewalks	City of South Houston	South Houston	TX	1264530
1290	Crenshaw, Dan	Clay Road Bridge Reconstruction Project	City of Houston– Houston Public Works	Houston	TX	9929577
1291	Johnson, Eddie Bernice	Dallas East Grand Avenue (SH–78) Corridor Study & Infrastructure Improvements	City of Dallas	Dallas	TX	1300000
1292	Johnson, Eddie Bernice	Dallas Vision Zero Implementation	City of Dallas	Dallas	TX	10000000
1293	Veasey, Marc	DART LED Light Replacement Project	Dallas Area Rapid Transit (DART)	Dallas	TX	2080000
1294	Allred, Colin	DART Mobile Data Terminals System Upgrade Project	Dallas Area Rapid Transit (DART)	Dallas	TX	1760000
1295	Johnson, Eddie Bernice	East Dallas Bus and Maintenance Facility Renovation Project	Dallas Area Rapid Transit (DART)	Dallas	TX	891992
1296	Carter, John	FM 3349/US 79 Railroad Grade Separation Project	Williamson County	Hutto & Taylor	TX	10000000
1297	Sessions, Pete	FM 60 from 2 miles east of SH 36 to .8 miles west of FM 2039	Texas Department of Transportation	Caldwell	TX	4000000
1298	Garcia, Sylvia	Foley Street & Navigation Realignment & Infrastructure Re–Use Construction Phase	East End District	Houston	TX	10000000
1299	Green, Al	Fondren Road Reconstruction with Transit and Pedestrian Enhancements	Houston Public Works	Houston	TX	11000000
1300	Johnson, Eddie Bernice	Greater Downtown Dallas Master Plan	City of Dallas	Dallas	TX	1600000
1301	Veasey, Marc	Grove Street Intermodal Campus Rehabilitation	Fort Worth Transportation Authority (– Trinity Metro–)	Fort Wort	TX	3250000

1302	Gonzalez, Vicente	High Line Project	City of Pharr	Pharr	TX	940160
1303	Vela, Filemon	IBTC	Texas DOT	Donna and Alamo	TX	3500000
1304	Sessions, Pete	IH 45 from 1.5 miles south of S 84 to US 84	Texas Department of Transportation	Fairfield	TX	1000000
1305	Vela, Filemon	IH 69E	Texas DOT	Lyford and Sebastian	TX	3500000
1306	Pfluger, August	Intersection at SH 191 and Yukon Rd.	Permian Basin MPO	Midland	TX	6520000
1307	Escobar, Veronica	John Hayes Extension	County of El Paso	El Paso	TX	12000000
1308	Green, Al	Meadowglen West Complete Street Project	Westchase District	Houston	TX	4000000
1309	Fletcher, Lizzie	Memorial Park Connector South	Uptown Houston District	Houston	TX	4000000
1310	Green, Al	Missouri City/BW 8 Transit Facility	Metropolitan Transit Authority of Harris County, Houston, Texas (METRO)	Missouri City	TX	5000000
1311	Pfluger, August	New Construction Overpass at Loop 338 and South US 385	Permian Basin MPO	Odessa	TX	2000000
1312	Gonzalez, Vicente	Pharr International Bridge Dock Expansion 1	City of Pharr	Pharr	TX	2863918
1313	Gonzalez, Vicente	Pharr International Bridge–Commercial Vehicle Staging Area	City of Pharr	Pharr	TX	3880000
1314	Arrington, Jodey	Phase 3A—SL 88 from Memphis to CR 2240 (Ave. U) (TxDOT Project Id: 1502–01–029)	Texas Department of Transportation	Lubbock	TX	11820000
1315	Arrington, Jodey	Phase 3B—SL 88 from SL 88 from Chicago Avenue to Memphis Avenue (TxDOT Project Id: 1502–01–030)	Texas Department of Transportation	Lubbock	TX	8180000
1316	Pfluger, August	Reconstruction of US385 in Odessa	Permian Basin MPO	Odessa	TX	1000000
1317	Allred, Colin	Re–establish Northwest Drive Direct Access to IH 635	City of Mesquite	Mesquite	TX	10000000
1318	Carter, John	RM 2243 Resiliency Project	Williamson County	Leander	TX	10000000
1319	Garcia, Sylvia	Safe Access to Transit Improvements	Greater Northside Management District	Houston	TX	1200000
1320	Vela, Filemon	SH 550	Cameron County Regional Mobility Authority (CCRMA)	Brownsville	TX	3791529
1321	Sessions, Pete	SH 6 from BS 6–R to SH 40	Texas Department of Transportation	College Station	TX	4000000
1322	Vela, Filemon	South Parallel Corridor Phase III	Cameron County	San Benito	TX	6500000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1323	Gonzalez, Vicente	South Park and Ride Project/Electric Bus Project Expansion	City of McAllen—Metro McAllen	McAllen	TX	4700000
1324	Sessions, Pete	Speegleville Road: Bridge at Middle Bosque River	City of Waco	Waco	TX	8379000
1325	Escobar, Veronica	Stanton Street Bridge ''Good Neighbor International Bridge'' Intelligent Transportation System	City of El Paso	El Paso	TX	7200000
1326	Allred, Colin	The I–35 Innovative Corridor Project	Texas A&M Transportation Institute	Dallas	TX	7500000
1327	Pfluger, August	Traffic Signal Improvements Loop 338 at W Yukon Rd	Permian Basin MPO	Odessa	TX	2480000
1328	Veasey, Marc	Trinity Lakes Station—Fort Worth Transportation Authority	Fort Worth Transportation Authority (''Trinity Metro'')	Fort Worth	TX	11962800
1329	Nehls, Troy	TX SH 36 Expansion	Texas Department of Transportation	Fort Bend County	TX	20000000
1330	Cuellar, Henry	Vallecillo Road Project	Webb County—City of Laredo Regional Mobility Authority	Laredo	TX	14000000
1331	Fletcher, Lizzie	Westheimer BOOST	Metropolitan Transit Authority of Harris County, Houston, Texas (METRO)	Houston	TX	16000000
1332	Cloud, Michael	Widen US–77	TxDOT	Victoria	TX	20000000
1333	Cuellar, Henry	Widening of US–83 South of Zapata Townsite Project	Zapata County	Zapata	TX	5780148
1334	Castro, Joaquin	Zarzamora/Frio City Road RR Overpass	City of San Antonio	San Antonio	TX	15600000
1335	Owens, Burgess	1300 East/Richmond Street Reconstruction	Salt Lake City Corporation	Salt Lake City	UT	2000000
1336	Moore, Blake	1500 West and 1300 North Roundabout	Clinton City	Clinton City	UT	1200000
1337	Owens, Burgess	4700 South Project WVC	West Valley City	West Valley City	UT	3000000
1338	Owens, Burgess	700 West Project	City of South Salt Lake	South Salt Lake City	UT	3000000

1339	Moore, Blake	BRT from Kimball Junction to Park City (S.R. 224)	High Valley Transit District	Park City	UT	6500000
1340	Curtis, John	Colorado River Pathway Phase IV	Grand County	Moab/Grand County	UT	1000000
1341	Curtis, John	Fort Street Reconstruct	Draper City	Draper	UT	915294
1342	Owens, Burgess	Frontage Road Bypass	Herriman City	Herriman	UT	4800000
1343	Curtis, John	FrontRunner Forward	Utah Transit Authority	Provo to Ogden	UT	3300000
1344	Stewart, Chris	Legacy Highway Frontage Road Project	City of Centerville, Utah	Centerville	UT	1500000
1345	Owens, Burgess	Midvalley Connector	Utah Transit Authority	Murray, West Valley, Salt Lake City	UT	5500000
1346		Neffs Canyon Trailhead Redesign	City of Millcreek, Public Works Department with USDA Forest Service, Salt Lake County Parks & Rec, Unified Fire Authority, and Utah Division of Forestry, Fire, and State Lands	Salt Lake City	UT	800000
	Curtis, John					400000
	Owens, Burgess					400000
1347	Stewart, Chris	North Sugar Factory Road	Sanpete County	Gunnison	UT	1727200
1348	Moore, Blake	Ogden 25th Street Rebuild Project	Utah Transit Authority	Ogden	UT	5500000
1349	Moore, Blake	Ogden Canyon Shared Use Pathway Project	Ogden City	Ogden	UT	4000000
1350	Moore, Blake	Park City Arts and Culture District Roadway and Connectivity Project	Park City Municipal Corporation	Park City	UT	1200000
1351	Curtis, John	Provo Intermodal Center Pedestrian Bridge Project	Provo City	Provo	UT	1000000
1352	Curtis, John	Safe Route to School Sidewalk Project	Greater Salt Lake Municipal Services District	Salt Lake County	UT	73345
1353	Curtis, John	Sharp/Tintic Railroad Connection	Utah Transit Authority	Springville and Spanish Fork	UT	1700000
1354	Stewart, Chris	SR–7 Exit 5 Interchange, Southern Hills Bridge and Roadway	City of St. George	St. George	UT	5000000
1355	Moore, Blake	Young Street Bridge and Connector Road Project	Morgan City	Morgan City	UT	1547401
1356	Beyer, Donald S., Jr.	Arlington Ridge Road Bridge	Arlington County and City of Alexandria	Arlington/Alexandria	VA	9000000
1357	Scott, Robert C. ''Bobby''	Berkley Avenue Bridge	City of Norfolk	Norfolk	VA	5000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1358	McEachin, A. Donald	Chesapeake All–Electric Mobile Command Vehicle Demonstration Project	City of Chesapeake, VA	Chesapeake	VA	1600000
1359	McEachin, A. Donald	Coalfields Expressway—RTE 121 West Virginia State Line to Grundy, VA	Virginia Coalfields Expressway Authority	Grundy	VA	4097500
1360	McEachin, A. Donald	Commerce Road Improvements Project	City of Richmond	Richmond	VA	1600000
1361	Luria, Elaine G.	Craney Island Access Road	Virginia Department of Transportation	Portsmouth	VA	3111500
1362	Scott, Robert C. "Bobby"	Electric Emergency Response Vehicles	City of Chesapeake	Chesapeake	VA	1600000
1363	McEachin, A. Donald	Fall Line Trail—Downtown Core Enhancements	City of Richmond	Richmond	VA	1500000
1364	Luria, Elaine G.	HRT Bus Replacement	Transportation District Commission of Hampton Roads dba Hampton Roads Transit	Virginia Beach	VA	2377000
1365	Spanberger, Abigail Davis	I–64 at Oilville Road (Rte. 617) Interchange	Goochland County	Goochland County	VA	3436000
1366	Connolly, Gerald E.	I–66 Transportation Alternatives	Fairfax County Government	Fairfax	VA	4000000
1367	McEachin, A. Donald	I–81 Northbound Truck Climbing Lane—Mile Marker 39.5	Virginia Department of Transportation (VDOT)	Marion	VA	11160000
1368	Spanberger, Abigail Davis	Intersection Safety Improvements at the Intersection of Route 15 and Route 250	County of Louisa	Troy	VA	5082700
1369	Spanberger, Abigail Davis	Intersection Safety Improvements at the Intersection of Route 22 and Route 780	County of Louisa	Louisa	VA	2050000
1370	McEachin, A. Donald	Interstate 95 and Willis Road Interchange Improvements Project	Chesterfield County	Chesterfield	VA	3200000
1371	McEachin, A. Donald	Jahnke Road: Blakemore Road to Forest Hill Avenue	City of Richmond	Richmond	VA	1600000

1372	Beyer, Donald S., Jr.	Long Bridge	Virginia Department of Rail and Public Transportation	Arlington	VA	4000000
1373	Wexton, Jennifer	Mathis Corridor Revitalization Project	City of Manassas	Manassas	VA	7000000
1374	Beyer, Donald S., Jr.	Multimodal Transportation Infrastructure Improvements	City of Falls Church	Falls Church	VA	2000000
1375	Luria, Elaine G.	Nimmo Parkway Phase VII–B	City of Virginia Beach	Virginia Beach	VA	5000000
1376	Connolly, Gerald E.	Old Bridge Road at Gordon Boulevard Interchange/Intersection Improvements	Prince William County Government	Woodbridge	VA	4000000
1377	Luria, Elaine G.	Parallel Chesapeake Tunnel Project	Chesapeake Bay Bridge and Tunnel District	Northampton County	VA	3111500
1378	Scott, Robert C. ''Bobby''	Peninsula Transit Signal Priority Improvements	Transportation District Commission of Hampton Roads (Hampton Roads Transit)	Newport News and Hampton	VA	9702071
1379	Spanberger, Abigail Davis	Red Lane Road/Rt. 60 Continuous Green T	Powhatan County	Powhatan	VA	3145663
1380	Beyer, Donald S., Jr.	Richmond Highway Bus Rapid Transit	Fairfax County Government	Fairfax County	VA	5000000
1381	McEachin, A. Donald	Roundabout at the intersection of Middle Road (Rt. 646) and Jefferson Park Road (Rt. 630)	Prince George County	Prince George County	VA	3540806
1382	McEachin, A. Donald	Route 31 Bicycle Accommodations Project	Virginia Department of Transportation, and Surry County	Surry	VA	6379000
1383	Wexton, Jennifer	Route 7/Route 690 Interchange	Loudoun County, Virginia	Purcellville	VA	10000000
1384	Spanberger, Abigail Davis	Rt. 208 (Courthouse Road) and Hood Drive Intersection Improvement (UPC 110987)	Virginia Department of Transportation	Fredericksburg	VA	1151000
1385	Connolly, Gerald E.	Silver Line Support Transportation Alternatives	Fairfax County Government	Fairfax	VA	10500000
1386	Scott, Robert C. ''Bobby''	The Birthplace of America Trail	City of Newport News	Newport News	VA	3160000
1387	Luria, Elaine G.	Tidewater Drive Reconstruction	City of Norfolk	Norfolk	VA	6400000
1388	Spanberger, Abigail Davis	Transit Enhancement and Expansion	Chesterfield County	Chesterfield	VA	4688800
1389	Plaskett, Stacey E.	St. Croix/St. Thomas Ferry	Virgin Islands Department of Public Works	Christiansted	VI	15000000
1390	Welch, Peter	Barre City–Barre Town VT Route 14 / Quarry Street and Quarry Hill Road Intersection Reconstruction	Vermont Agency of Transportation	Barre	VT	4750000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1391	Welch, Peter	Essex Junction Crescent Connector	Vermont Agency of Transportation	Essex	VT	5400000
1392	Welch, Peter	Railyard Enterprise Project (Design & Permitting Phase)	Vermont Agency of Transportation, City of Burlington—Department of Public Works	Burlington	VT	2250000
1393	Welch, Peter	Town of Hartford (Quechee) U.S 4 Bridge Rehabilitation	Vermont Agency of Transportation	Hartford	VT	7600000
1394	McMorris Rodgers, Cathy	Bigelow Gulch and Sullivan Road Corridor	City of Spokane Valley and Spokane County	Spokane Valley	WA	2650000
1395	McMorris Rodgers, Cathy	City of Waitsburg Highway 12 Preston Bridge Replacement	City of Waitsburg	Waitsburg	WA	350000
1396	Herrera Beutler, Jaime	Columbia Heights Road Reconstruction	City of Longview	Longview	WA	5500000
1397	McMorris Rodgers, Cathy	Ferry County Kettle River Road Rehabilitation	Ferry County	Curlew	WA	1797000
1398	Herrera Beutler, Jaime	I–5/SR 503 Interchange Area Improvements	Washington State Department of Transportation	Woodland	WA	11760000
1399	Herrera Beutler, Jaime	Industrial Rail Corridor Expansion (IRCE)	Port of Longview	Longview	WA	2740000
1400	McMorris Rodgers, Cathy	Palouse River Bridge Replacement	Washington State Department of Transportation	Colfax	WA	6000000
1401	McMorris Rodgers, Cathy	Spokane Airport Spotted Road Project	Spokane Airport Board	Spokane	WA	6749000
1402	Newhouse, Dan	SR 410/Rock Creek Vic—Chronic Environmental Deficiency	Washington State Department of Transportation	Naches	WA	3562000
1403	McMorris Rodgers, Cathy	SW Mojonnier Road Reconstruction	City of College Place	College Place	WA	2453574
1404	Newhouse, Dan	US 12 Naches Vic to Yakima Vic—Intersection Safety Improvements	Washington State Department of Transportation	Naches	WA	1452000
1405	Newhouse, Dan	US 97/Jones Rd—Intersection Improvements	Washington State Department of Transportation	Wapato	WA	4464000

1406	Newhouse, Dan	US Highway 12 Phase 8 Final Design and Right of Way Acquisition	Port of Walla Walla	Touchet	WA	5965931
1407	Newhouse, Dan	Yakima County, East–West Corridor Phase II Project.	Yakima County, WA	Yakima	WA	4000000
1408	Larsen, Rick	169th Street Connecting Segment	City of Arlington	Arlington	WA	3900000
1409	DelBene, Suzan	20th Street NE / Main Street Improvements	City of Lake Stevens	Lake Stevens	WA	2000000
1410	Smith, Adam	42nd Ave S Bridge Replacement Project	City of Tukwila	Tukwila	WA	1270000
1411	Kilmer, Derek	Aberdeen US 12 Highway–Rail Separation Project	City of Aberdeen	Aberdeen	WA	2080000
1412	DelBene, Suzan	Access and Circulation Roads for the Darrington Wood Innovation Center	Town of Darrington	Town of Darrington	WA	1291869
1413	Smith, Adam	Bellevue Transit Center Safety and Connectivity Project	City of Bellevue	Bellevue	WA	1000000
1414	DelBene, Suzan	City of Carnation Larson / 40th Street Bypass Project	City of Carnation	Carnation	WA	2400000
1415	DelBene, Suzan	City of Kenmore Fish Passable Culvert Replacements	City of Kenmore	Kenmore	WA	1224000
1416	Strickland, Marilyn	College Street Corridor Improvements Phase III	City of Lacey	Lacey	WA	6000000
1417	Schrier, Kim	Columbia River Pedestrian Bridge Extension, Apple Capital Loop Trail	City of Wenatchee	Wenatchee	WA	8600000
1418	Strickland, Marilyn	E. 64th Street Phase II	City of Tacoma	Tacoma	WA	5600000
1419	Jayapal, Pramila	East Marginal Way Corridor Improvements—Phase 1	Seattle Department of Transportation (SDOT)	Seattle	WA	2340000
1420	Smith, Adam	Eastrail Wilburton Critical Crossing	King County	Bellevue	WA	1680000
1421	Smith, Adam	Georgetown to South Park Connection	Seattle Dept of Transportation (SDOT)	Seattle	WA	1800000
1422	Kilmer, Derek	Gorst Area Resiliency and Redundancy Alternatives Study	Washington State Department of Transportation	Bremerton	WA	8000000
1423	Larsen, Rick	Guemes Island Ferry Replacement Project	Skagit County	Anacortes	WA	8000000
1424	Jayapal, Pramila	I–5/Lake Washington Ship Canal Bridge	Washington State Department of Transportation	Seattle	WA	5000000
1425	Schrier, Kim	Lea Hill Corridor 112th Ave SE & 105th Pl SE Intersection Improvements	City of Auburn	Aubrun	WA	4446200
1426	Kilmer, Derek	Links to Opportunity Streetscape Project	City of Tacoma	Tacoma	WA	2000000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1427	Jayapal, Pramila	Lyon Creek Culvert Replacement Project	City of Lake Forest Park	Lake Forest Park	WA	3100000
1428	Smith, Adam	Meeker Complete Street/Safe Routes to School Project	Kent, WA	Kent	WA	2500000
1429	Smith, Adam	MLK Jr. Way S Safety and Accessibility Improvements Project	City of Seattle Department of Transportation	Seattle	WA	750000
1430	DelBene, Suzan	NE 124th St / 124th Ave NE Pedestrian Bridge (Totem Lake Non–Motorized Bridge)	City of Kirkland	Kirkland	WA	2000000
1431	Schrier, Kim	Orting HWY 162 Pedestrian Bridge	City of Orting	Oting	WA	6000000
1432	Smith, Adam	Puyallup Avenue Transit/Complete Street Improvements	City of Tacoma	Tacoma	WA	2000000
1433	Smith, Adam	Rainier Avenue South Corridor Improvements—Phase 4A	City of Renton	Renton	WA	2000000
1434	DelBene, Suzan	Redmond Central Connector Phase III	City of Redmond	Redmond	WA	3000000
1435	DelBene, Suzan	Roundabout on US–2 and Main Street	City of Sultan	Sultan	WA	900000
1436	Kilmer, Derek	Safe Routes to School Improvements: Whitman Elementary and Edison Elementary Schools	City of Tacoma	Tacoma	WA	1000000
1437	Strickland, Marilyn	Sheffield Trail Improvement Project	City of Fife	Fife	WA	2750000
1438	Smith, Adam	South Campus Interim Base Electrification	King County Metro	Tukwila	WA	3000000
1439	Strickland, Marilyn	South Tacoma Way, 88th Street S to 80th Street Court SW.	City of Lakewood	Lakewood	WA	2400000
1440	Larsen, Rick	South Whidbey—Clinton Area Transportation Infrastructure Improvements	Port of South Whidbey	Clinton	WA	1500000
1441	Smith, Adam	SR 99/NB Duwamish River Bridge—Grid Deck Replacement	Washington State Dept of Transportation	Seattle	WA	2000000

1442	DelBene, Suzan	SR522 Corridor Improvement	WSDOT	Maltby	WA	4000000
1443	Larsen, Rick	Town to Zylstra Lake Multi–Modal Trail	San Juan County Public Works Department	Friday Harbor	WA	5280000
1444	Smith, Adam	Tukwila International Boulevard Bus Rapid Transit Station	Sound Transit	Tukwila	WA	2000000
1445	Kilmer, Derek	US 12/Heron St Bridge Tier 1—Bridge Rehabilitation	Washington State Department of Transportation	Aberdeen	WA	2038166
1446		US–2 WB Trestle	WSDOT	Lake Stevens, Everett	WA	1680000
	DelBene, Suzan					840000
	Larsen, Rick					840000
1447	Jayapal, Pramila	Washington State Ferries Seattle Ferry Terminal Shoreside Electrification	Washington State Department of Transportation	Seattle	WA	4200000
1448	Jayapal, Pramila	West Seattle and Ballard Link Extensions (WSBLE)	Sound Transit	Seattle	WA	5360000
1449	Strickland, Marilyn	X Street Roundabout	City of Tumwater	Tumwater	WA	3250000
1450	Pocan, Mark	Atwood Ave. (Fair Oaks Ave. to Cottage Grove Rd.)	City of Madison	Madison	WI	6275000
1451	Moore, Gwen	BeerLine Bike and Pedestrian Trail	City of Milwaukee Department of Public Works	Milwaukee	WI	1200000
1452	Pocan, Mark	CTH CC from Ash Street to CTH D	Dane County	Oregon	WI	2000000
1453	Pocan, Mark	CTH CV from Government Road to USH 51	Dane County	Madison	WI	2000000
1454	Pocan, Mark	CTH M/Century Avenue Bridge (B–13–0046) over Pheasant Branch Replacement Including Approaches and Branch Street Intersection	Dane County	Middleton	WI	2000000
1455	Pocan, Mark	CTH P from CTH PD to CTH S	Dane County	Klevenville	WI	2000000
1456	Moore, Gwen	I–94 Screening Wall at Woods National Cemetery	Wisconsin Department of Transportation	Milwaukee	WI	2000000
1457	Moore, Gwen	Milwaukee Country Transit Bus Purchase	Milwaukee County Department of Transportation	Wauwatosa	WI	4000000
1458	Moore, Gwen	Milwaukee County Transit Security Initiative	Milwaukee County Department of Transportation	Wauwatosa	WI	2000000
1459	Moore, Gwen	Reconstruction of Silver Spring Drive	City of Glendale	Glendale	WI	4500000

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits—Continued

No.	Member	Project		Location		Amount
		Name	Sponsor	City	State/ Territory	
1460	Pocan, Mark	Reedsburg—Baraboo, Preston Avenue to STH 23 Const./Mill & Overlay, State 3R	Wisconsin Department of Transportation	Reedsburg	WI	125000
1461	Pocan, Mark	Reedsburg—Wisconsin Dells STH 136 Intersection Const./Intersection Improvement/RAB Safety	Wisconsin Department of Transportation	Reedsburg	WI	1600000
1462	Moore, Gwen	South Kinnickinnic Avenue Resurfacing Project	City of St. Francis Department of Public Works	St. Francis	WI	700000
1463	Pocan, Mark	US 14 (Wisconsin River to Oak Street) between Spring Green & Madison	Wisconsin Department of Transportation	Arena	WI	2000000
1464	Moore, Gwen	Vliet Street Resurfacing Project	City of Milwaukee Department of Public Works	Milwaukee	WI	4200000
1465	Miller, Carol	Hal Greer Boulevard Corridor Upgrade	City of Huntington, WV	Huntington	WV	6400000
1466	McKinley, David	Michael Angiulli Memorial Bridge	West Virginia DOT	North View	WV	2080000
1467	McKinley, David	New Cumberland—WV 2	West Virginia DOT	New Cumberland	WV	3200000
1468	Miller, Carol	Princeton Overhead Bridge	West Virginia Department of Transportation	Princeton	WV	3600000
1469	Miller, Carol	Rock Creek Interchange—New Access Road	West Virginia Department of Transportation	Rock Creek	WV	10000000
1470	McKinley, David	Route 93 Scherr Overpass	West Virginia DOT	Scherr	WV	3120000
1471	McKinley, David	Van Voorhis Road	West Virginia DOT	Morgantown	WV	6800000
1472	McKinley, David	WVU PRT Passenger Stations Rehabilitation Project	West Virginia University Personal Rapid Transit System	Morgantown	WV	4800000
1473	Graves, Sam	Excelsior Springs Safe Streets and Sidewalks	City of Excelsior Springs	Excelsior Springs	MO	9444706

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 3684 preempts the following state, local, or tribal laws.

Specifically, Section 9553 establishes a 10-minute time limit for freight trains blocking public grade crossings enforced by the Federal Railroad Administration. This new federal provision provides all parties certainty by preempting state, local, and tribal provisions addressing blocked crossings in accordance with the railroad safety preemption provisions in 49 U.S.C. § 20106.

ADVISORY COMMITTEE STATEMENT

Section 5(b) of the Federal Advisory Committee Act requires the report of any committee establishing, or authorizing the establishment of any advisory committee, to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The committee finds:

Section 1636 of the bill establishes the Roadway Worker Protection Working Group. Consisting of at least one representative of each of the following categories: state departments of transportation; local governments or metropolitan planning organizations; temporary traffic control organizations; roadway user organizations; vehicle and commercial vehicle manufacturers; labor organizations; traffic safety organizations; motor carrier and independent owner-operator organizations; law enforcement and first responder organizations; autonomous vehicle technology companies; and any other stakeholders that the Secretary determines appropriate. Not later than 2 years after the date on which it is established, the Working Group shall submit to the Secretary a report that includes the findings of the review required under this section and recommendations on safety countermeasures, technologies, programs and policies for the Department of Transportation to improve roadway work zone safety and practices. The Working Group terminates 6 months after completion of a report to Congress.

Section 4405 of the bill establishes the Advisory Committee on Underride Protection. Consisting of no more than 20 people selected from the truck and trailer manufacturers, motor carriers, including independent owner-operators, law enforcement, motor vehicle engineers, motor vehicle crash investigators, truck safety organizations, the insurance industry, emergency medical service providers, families of underride crash victims, and labor organizations.

The Advisory Committee shall report to Congress biennially on underride protection regulations. The Advisory Committee shall be established under the Department of Transportation and include such funds as may be necessary.

Section 5106 of the bill establishes the National Cooperative Multimodal Freight Transportation Research Program Advisory Committee. Consisting of at least 14 people selected from the Department of Transportation, other relevant Federal agencies, a state department of transportation, a local government (other than a metropolitan planning organization), a metropolitan planning organization, the trucking industry, the railroad industry, the port industry, the logistics industry, the shipping industry, a safety advocacy group with expertise in freight transportation, academia with expertise on freight transportation, academia with expertise on the greenhouse gas contributions of freight movement, and a labor organization. The Advisory Committee shall report to the Secretary on an ongoing basis on multimodal freight transportation research. The Advisory Committee shall be established under the Department of Transportation and include such funds as may be necessary.

Section 5304 of the bill establishes the Automated Vehicles and Road User Interactions Study Working Group. Consisting of at least 15 people selected from the National Highway Traffic Safety Administration, state departments of transportation, local governments (other than metropolitan planning organizations), transit agencies, metropolitan planning organizations, bicycle and pedestrian safety groups, highway and automobile safety groups, truck safety groups, law enforcement officers and first responders, motor carriers and independent owner-operators, the road construction industry, labor organizations, academia with expertise on automated vehicle technologies, manufacturers and developers of both passenger and commercial automated vehicles, and a motorcyclist rights group. The Working Group shall report to the Secretary not later than 2 years after the date of enactment of this Act on the feasibility of safe interactions between automated vehicles and general road users. The Working Group shall be established under the Department of Transportation and include such funds as may be necessary.

Section 5501 of the bill establishes the Ergonomic Seating Working Group. Consisting of at least six people selected from seat manufacturers, commercial vehicle manufacturers, transit vehicle manufacturers, labor representatives for the trucking industry, organizations engaged in collective bargaining on behalf of transit workers in not fewer than three states, and musculoskeletal health experts. The Working Group shall report to the Secretary not later than 2 years after the date of enactment of this Act on recommendations for improving ergonomic seating standards. The Working Group shall be established under the Department of Transportation and include such funds as may be necessary.

Section 6008 of the bill establishes the Transportation Equity Advisory Committee. The Secretary shall appoint an odd number of members of not less than nine but not more than 15 members with balanced representation from academia, community groups, industry and business, non-governmental organizations, state and

local governments, federally recognized Tribal Governments, advocacy organizations, and indigenous groups. Each member of the committee shall serve a 2-year term with not more than two consecutive term reappointments, but may continue service until a replacement is appointed. The committee shall meet not less than two times each year with not more than 9 months between meetings.

Pursuant to section 5 of the Federal Advisory Committee Act, the committee determines that the functions of the advisory committees and the working groups established by the INVEST in America Act are not being carried out by existing agencies or advisory commissions. The committee also determines that the advisory committees and the working groups have a clearly defined purpose, fairly balanced membership, and meet all of the other requirements of section 5(b) of the Federal Advisory Committee Act.

The legislation further establishes the following task forces, working groups, advisory boards, and advisory councils which are not subject to the Federal Advisory Committee Act: Access Measure Working Group (section 1403); Dig Once Funding Task Force (section 1603); 21st Century Workforce Task Force (section 1609); Transportation Construction Materials Working Group (section 1613); Motorcyclist Advisory Council (section 3013); Truck Leasing Task Force (section 4305); Women of Trucking Advisory Board (section 4309); Task Force to Promote American Vehicle Competitiveness (5310); National Surface Transportation System Funding Pilot Advisory Board (section 5402); Freight Fee Task Force (section 6006); and Amtrak Food and Beverage Working Group (section 9211).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title.

This section provides that this measure may be cited as the "Investing in a New Vision for the Environment and Surface Transportation in America Act" or the "INVEST in America Act".

Sec. 2. Table of contents.

This section provides for the table of contents of the bill.

Sec. 3. References.

This section provides that any references to "this Act" applies only to the provisions of this bill within that division.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2022

Sec. 101. Definitions.

Provides definitions for Division A.

Sec. 102. Extension of Federal Surface Transportation programs.

Extends Fiscal Year (FY) 2021 enacted levels for Federal-aid highway, transit, and safety programs through FY22. Provides additional administrative expenses out of the Highway Trust Fund (HTF) for the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) and out of the general fund for the Federal Transit Administration (FTA). Increases the authorization for the Capital Investment Grant (CIG) program. Adjusts the INFRA multimodal cap to cover FY22. Ensures that Disadvantaged Business Enterprise requirements apply to amounts made available for highway and transit programs for FY22.

Sec. 103. Additional amounts for the Federal-aid highway program and member designated projects.

Authorizes an additional $14.7 billion in contract authority from the highway account above FY21 levels, provides an equal amount of obligation authority to be distributed with these funds, and distributes these amounts according to existing formulas. Funds are distributed to states, Tribes, Puerto Rico, territories, and Federal Land Management Agencies for expenditure according to the broadest eligibilities under each of those programs.

Of amounts distributed to states, territories, and Puerto Rico, section 107 designates amounts for obligation on member designated projects in accordance with the table in section 107(c). Allows for transit projects to be transferred to FTA for administration consistent with FTA requirements. Amounts designated for member designated projects are available until expended, unless repurposed.

If funds cannot be obligated within a timely manner for a member designated project, subsection (i)(2) provides a mechanism to repurpose the contract authority and associated obligation limitation for projects eligible under title 23 or chapter 53 of title 49. Redistributed funds must be expended within the same geographic area of the member designated project, or on a project predominantly serving such area. Repurposed funds are available for obligation for three fiscal years after the Fiscal Year in which they are repurposed.

Sec. 104. Federal Transit Administration.

Authorizes $1 billion from the mass transit account to bring additional transit stations into compliance with the Americans with Disabilities Act. Authorizes $1 billion from the mass transit account to increase transit options, including through startup operating expense assistance, in unserved and underserved areas. Au-

thorizes such sums as may be necessary from the general fund to increase the Federal share for key projects that demonstrate the need for additional Federal investment.

Sec. 105. National highway traffic safety administration.

Provides an additional $244.5 million in contract authority in FY21 for NHTSA highway safety programs. Provides obligation authority to be distributed with the funds authorized under this section and additional administrative expenses provided in section 101.

Sec. 106. Federal motor carrier safety administration.

Provides an additional $209.9 million in contract authority in FY21 for FMCSA motor carrier safety programs.

Sec. 107. Member designated project authorizations.

Authorizes projects designated by Members of Congress for allocation from amounts made available under section 103. Ensures that the Secretary has sufficient flexibility to carry out the projects consistent with the intent of Congress.

DIVISION B—SURFACE TRANSPORTATION

Sec. 1001. Applicability of division.

Delays the applicability and effective date of Division B until October 1, 2022, except for sections 1105, 1107, 1305, 2104(c)(1), 2104(d), 2106, 2112, 2204(1)(A), 2204(1)(A), 2305, 2307, and 2902(2).

TITLE I—FEDERAL AID HIGHWAYS

SUBTITLE A—AUTHORIZATIONS AND PROGRAM CONDITIONS

Sec. 1101. Authorization of appropriations.

Authorizes $271.7 billion in contract authority for FY23 through FY26 for the Federal-aid Highway Program.

Reauthorizes U.S. DOT's Disadvantaged Business Enterprise (DBE) program. Updates the findings based on committee review of a number of disparity studies on file with the committee, as well as a committee hearing titled "Driving Equity: The U.S. Department of Transportation's Disadvantaged Business Enterprise Program" held on September 23, 2020. This combined information demonstrated the continued serious and significant obstacles to success for minority-and women-owned businesses caused by race and gender discrimination in the federally assisted surface transportation market and related markets across the United States. Revises the DBE size standard by removing the surface-transportation specific business size standards. Includes a Sense of Congress that contractors utilizing disadvantaged business enterprises should ensure that the percentage of the contract promised to the DBE is fulfilled.

Sec. 1102. Obligation limitation.

Provides obligation authority to match the contract authority authorized for FY23 through FY26. Makes the Federal Land Transportation Program under 23 USC 203 exempt from obligation limitation to ensure Federal land management agencies can enter into contracts at the beginning of the fiscal year. Ensures that Tribes, territories, and Puerto Rico receive a dollar of obligation authority for every dollar of contract authority authorized.

Sec. 1103. Definitions and declaration of policy. [23 USC 101]

Adds new definitions to 23 USC 101. Incorporates new departmental policy goals for safety, climate change, resilience, and environmental protection.

Sec. 1104. Apportionment. [23 USC 104]

Authorizes administrative expenses for the FHWA for FY23 through FY26. Establishes the distribution formulas for the nine Federal-aid highway programs apportioned to states-the National Highway Performance Program (NHPP), the Surface Transportation Program (STP), the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the National Highway Freight Program (NHFP), metropolitan planning, the railway crossing program, the Predisaster Mitigation Program (PDM), the Carbon Pollution Reduction Program, and the Clean Corridors Program.

Sec. 1105. Additional deposits into Highway Trust Fund.

Extends a provision to allow any additional sums deposited into the HTF to be distributed through existing statutory formulas without a need for further authorization and ensures that set-asides are included in this calculation.

Sec. 1106. Transparency. [23 USC 104(g); 106]

Revises the reporting requirements in 23 USC 104(g) to ensure FHWA publishes programmatic and project-level information about the Federal-aid highway program online in a user-friendly format. Project-level information includes detailed data on the cost, funding source, status, and location of all projects funded under title 23 with a total cost of over $5 million. In addition, the website must provide an interactive map searchable by project number, state, and congressional district.

Revises 23 USC 106 to ensure transparency and accountability in the Federal-aid highway program. Provides additional technical assistance to states and subrecipients to ensure that Federal requirements are met. Establishes guardrails to ensure that Federal-state funds exchange programs do not circumvent labor requirements. Ensures that major projects carried out through a public private partnership conduct an analysis demonstrating that the procurement process provides the best value for money. Establishes additional oversight of "megaprojects" with a cost of over $2 billion, including the establishment of an independent peer review group to monitor the progress of the project and provide project reports to the Secretary. Requires that all Special Experimental Projects provide public notice and congressional reporting for any activities

conducted under this authority. Directs the Government Accountability Office (GAO) to assess the consistency of determinations made by FHWA division offices and make recommendations based on the findings of this assessment. Directs FHWA to strengthen the risk-based stewardship and oversight program, based on the findings of a Department of Transportation Office of the Inspector General report.[1]

In 2019, the Government Accountability Office issued a report finding that the Infrastructure for Rebuilding America discretionary grant program administered by the Secretary of Transportation lacked consistency and transparency.[2] The report found that The Department only followed up with certain applicants with missing information, and did not clearly communicate and document its process regarding applicant followup. In addition, some projects received awards even though they did not address all of the merit criteria. The Department's documentation of grant awards does not provide insight into why projects were selected for awards, an issue GAO had previously identified.

To address these significant transparency, accountability, and fairness concerns, the bill significantly strengthens congressional oversight and required documentation for the discretionary grant programs administered by the Department. Requires that project selection be based on data driven determinations, quantified, and documented. Provides all unsuccessful grant applicants with an opportunity to be debriefed by the Department. Ensures that Congress receives and is given the opportunity to review the proposed list of grant awards and the basis of selections prior to award of grant funds.

Sec. 1107. Complete and context sensitive street design. [23 USC 109]

Revises roadway design standards under 23 USC 109 to require consideration of all users of the transportation facility, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. Instructs project sponsors to design in a manner that is tailored to the context of that facility, rather than a "one size fits all" approach.

Ensures that the plans and specifications for all Federal-aid highways take into consideration context sensitive design principles. Requires the Secretary to publish guidance outlining context sensitive design, including providing model policies and procedures that states and other project sponsors can use when adopting their plans to implement context sensitive design principles.

Replaces the requirement that interstate design accommodate strict 20-year traffic forecasts on the interstate, and instead allows states to focus on the existing and future operational performance of the facility. Requires the Secretary, in consultation with the American Association of State Highway and Transportation Offi-

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[1] *Gaps in FHWA's Guidance and the Florida Division's Process for Risk-Based Project Involvement May Limit Their Effectiveness*. U.S. DOT Office of Inspector General Report No. ST2020035: Published May 12, 2020.

[2] *Actions Needed to Improve Consistency and Transparency in DOT's Application Evaluations*. GAO–19–541: Published: Jun 26, 2019. Publicly Released: Jul 18, 2019.

cials, to approve design standards for the National Highway System (NHS) that take into consideration context sensitive design principles and authorizes design flexibility for local governments for Federal-aid highway projects off the NHS.

Sec. 1108. Innovative project delivery Federal share. [23 USC 120]

Increases the Federal share for projects that use innovative materials, recycled content, processes that reduce greenhouse gas emissions and other pollution, innovative bridge construction technologies, advanced digital construction systems, and work zone safety contingency funds.

Allowing states to increase the Federal share can accelerate the adoption of effective and innovative project delivery methods. These changes will encourage states to adopt new practices that have shown promise to increase safety in work zones, improve environmental outcomes, and accelerate project delivery. For example, the use of advanced digital construction management systems throughout the construction lifecycle has been identified as one way to reduce project costs and improve asset management practices once construction is complete.

Sec. 1109. Transferability of Federal-aid highway funds. [23 USC 126]

Limits the transferability of Transportation Alternatives Program (TAP) funds unless the state runs a competition and is unable to distribute the suballocated funds. Limits the transferability of the Railway Crossing Program funds unless the state demonstrates that it has met all its needs for the installation of protective devices at railway highway grade crossings, which is consistent with the treatment of funds under the existing railway-highway grade crossing set aside established under 23 USC 130. Restricts the transferability of funds apportioned for the Clean Corridors Program.

Limits transfer out of programs related to carbon pollution reduction and air quality but maintains flexibility by allowing up to 50 percent of apportioned contract authority per year to be transferred between the Carbon Pollution Reduction Program and CMAQ.

Sec. 1110. Tolling. [23 USC 129]

Ensures, by reinstating a requirement for tolling agreements with FHWA, that project sponsors seeking to institute tolls on any Federal-aid highway project or for conversion of any part of the NHS (including the interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and transportation equity impacts; impacts on freight movement; and economic impacts on travelers. Ensures that public transportation vehicles and intercity buses can use new toll facilities without paying a toll. Requires that any new toll facilities provide for electronic interoperability with other providers in the region and seeks to facilitate interoperable electronic tolling.

Provides mainstream authority for congestion pricing, subject to the considerations above, as well as impacts on congestion on the facility, adjacent routes, and the corridor to ensure that any planned investments in operational improvements or in alternate travel options reduce congestion in the corridor.

Strengthens the limitations on surplus revenues to ensure that any additional funds must be used within the corridor to improve operations or capacity of public transportation, operational improvements, or other alternatives to the tolled facility. Allows toll revenues to be used to fund toll rebate programs for commuters with no reasonable alternative to the toll facility. Toll revenues may only be invested outside the corridor if all the needs of both the facility and the corridor have been met.

Repeals the Interstate System Reconstruction and Rehabilitation Pilot program, and sunsets the Value Pricing Pilot Program from accepting new projects. It is the sense of the committee that the Department of Transportation (DOT) carry out any existing projects under the Value Pricing Pilot Program consistent with the statutory requirements of that program and the department's longstanding interpretation of title 23. Section 1012(b)(3) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, as amended, clearly states that any project revenues in excess of pilot project operating costs may be used for any projects eligible under title 23. Under 23 USC 133(b)(4), "transit safety infrastructure improvements and programs" are eligible under the existing Surface Transportation Block Grant Program, and it has been FHWA's longstanding interpretation that CMAQ funds may be used for new transit service, system or service expansion, new vehicles, and fare subsidies, if such projects or programs improve air quality.

Sec. 1111. HOV facilities. [23 USC 166]

Ensures that only low emission and hybrid single occupancy vehicles can utilize HOV lanes. Allows emergency vehicles and blood transport vehicles to use HOV lanes when responding to an emergency. Lowers the HOV degradation standard from 45 miles per hour to 35 miles per hour to align with the degradation standards for congestion pricing established under section 1110.

Sec. 1112. Buy America. [23 USC 313]

Adds "construction materials" to the materials covered by Buy America and requires FHWA to issue a rule implementing this requirement that allows FHWA to increase domestic content for construction materials over time based on availability. Directs FHWA to carry out research on domestic availability and identify suppliers of Buy America compliant materials to facilitate compliance with these requirements and support domestic jobs.

Ensures a transparent public process before waiving Buy America requirements. Strengthens existing domestic content requirements by requiring the Secretary to reevaluate any standing nationwide waivers every 5 years, including the manufactured products waiver, to determine whether those waivers remain necessary. This reevaluation must take into consideration the research on domestic availability and supply chains described above. Codifies longstanding congressional reporting requirements. Clarifies that

the reevaluation does not apply to FHWA policy or regulations regarding iron and steel.

Clarifies that the application of Buy America requirements within the scope of a NEPA determination under 23 USC 313(g) also applies to an applicable environmental process, review, or finding authorized under the NEPA substitution authority pursuant to 23 USC 330.

Sec. 1113. Federal-aid highway project requirements.

Ensures that prevailing wage requirements in 23 USC 113 apply to any funds made available for highway construction under title I of this Act or title 23, USC. Non-highway or multimodal projects that are awarded funding under sections 1301, 1302, 1304, or 1306 are required to follow the relevant labor requirements of the applicable mode, as described in those sections. Makes conforming edits to clarify the treatment of projects under the STP, NHFP, and Jason's Law.

Sec. 1114. State assumption of responsibility for categorical exclusions. [23 USC 326]

Increases the allowable agreement term under 23 USC 326 from three to 5 years for a state that has assumed the responsibility under that section for at least 10 years.

Sec. 1115. Surface transportation project delivery program written agreements. [23 USC 327]

Increases the allowable agreement under 23 USC 327 from five to 10 years for a state that has assumed the responsibility under that section for at least 10 years. For any agreement with a term of greater than 5 years, requires an audit of the first 5 years of the agreement term. Clarifies that a state that has assumed the responsibility under that section is treated as a Federal agency for the purposes of the Equal Access to Justice Act, and clarifies that funds under title 23 can be used to pay for state costs incurred carrying out this section.

Sec. 1116. Corrosion prevention for bridges.

Requires states to implement corrosion management requirements to improve the lifespan of bridges and ensure state of good repair. Ensures that federally funded bridge corrosion prevention projects are carried out by certified contractors that provide appropriate training for employees and utilize certified coating applicators on covered bridge projects.

Sec. 1117. Sense of Congress.

States the sense of Congress that states should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its anticipated life.

Sec. 1118. Accommodation of certain facilities in right-of-way.

Streamlines the requirements for accommodation of certain beneficial facilities, such as renewable energy generation and electrical transmission facilities in the right-of-way of a Federal-aid highway.

Sec. 1119. Federal grants for pedestrian and bike safety improvements.

Grants an allowance for a public authority in a National Scenic Area to receive Federal funding for pedestrian and bike safety improvements on that facility.

SUBTITLE B—PROGRAMMATIC INFRASTRUCTURE INVESTMENT

Sec. 1201. National highway performance program. [23 USC 119]

Revises the NHPP to emphasize state of good repair needs identified in the transportation asset management plan before constructing new highway capacity. States must also consider whether an operational improvement or transit project would be more cost-effective than a capacity expansion for single occupancy vehicles. Any new capacity project must support the achievement of the state's performance targets. The cost effectiveness analysis shall take into consideration the maintenance cost of a new capacity project and ensure that any travel demand modeling has a documented record of accuracy. The term "new capacity" applies to through travel lanes and does not include essential safety or other operational improvements, such as adding turn or merge lanes, straightening curves, improving shoulders, or widening the facility to better accommodate people walking and biking.

Adds eligibilities for protective features, as defined in 23 USC 101. This term provides eligibility for resilience investments that are eligible under the PDM program for facilities eligible under NHPP, such as improving culverts and other flood management strategies, integrating of natural infrastructure into roadway design undergrounding, and undergrounding public utilities while undertaking a transportation project. In addition, provides explicit eligibility for evacuation routes, projects to reduce carbon pollution eligible under the CPR program, and wildlife crossings. Adds eligibility for the removal, retrofit, or repurposing of a highway on the NHS that creates a barrier to community connectivity to improve access to multiple modes of transportation. It is the sense of the committee that providing such cross-program eligibility increases the flexibility of the Federal-aid Highway Program and facilitates project delivery, and FHWA should continue to harmonize eligibilities across programs, consistent with Federal law.

Requires states to consider climate change when preparing their transportation asset management plans. Many states are already doing this work and realize cost savings over the life cycle of their transportation assets, but FHWA can provide technical assistance and facilitate the adoption of best practices to ensure the resilience and cost effective maintenance of the transportation system.

Sec. 1202. Increasing the resilience of transportation assets. [new 23 USC 124]

Revises sections 134 and 135 of title 23 to require the Metropolitan Planning Organization (MPO) and state-prepared long-range transportation plans to include strategies to mitigate and reduce climate impacts and a vulnerability assessment of critical transportation assets, evacuation routes, and facilities repeatedly damaged

by disasters. The MPO and state must identify projects to address identified vulnerabilities, and these projects are eligible for funding under the newly established pre-disaster mitigation program.

Establishes a pre-disaster mitigation program under 23 USC 124, which receives $6.25 billion in apportioned funds over the life of the bill for resilience projects identified in the state and MPO vulnerability assessments. Construction of resilience improvements, including construction of natural infrastructure or protective features, are eligible on any existing highway or transit asset eligible under titles 23 or 49. Funds can also be used to relocate or construct alternatives to transportation infrastructure that is repeatedly damaged by extreme weather events, to address current and future vulnerabilities to evacuation routes designated in an MPO or state's vulnerability assessment, or for disaster recovery, training, and, telework programs. Projects eligible for funding under this section must be designed to ensure resilience over the life of the facility.

Requires projects that encroach within the limits of a flood-prone area to be designed and constructed to be resilient to current and projected changes in flooding, taking into consideration anticipated changes due to climate change and planned land use changes.

Sec. 1203. Emergency relief. [23 USC 125]

Clarifies that cost-justified resilience improvements are eligible for Emergency Relief (ER) funding. For ER projects to permanently repair or reconstruct a "repeatedly damaged facility" identified in the state's transportation asset management plan, a recipient of ER funding must consider and incorporate any cost justified resilience improvements to reduce the likelihood of future damage to that facility. Ensures that wildfires are covered under the definition of natural disaster. Gives eligible entities additional time after a disaster to carry out an ER project.

Authorizes for appropriation a "Pre-Disaster Hazard Mitigation Pilot Program" that, on an annual basis, distributes any appropriated funding in an amount up to 5 percent of the total amount of funds made available to each eligible entity under the ER program. Funds distributed under this program must be used to increase the resilience of transportation facilities under the jurisdiction of the recipient.

Directs FHWA to update the ER manual to incorporate the resilience requirements established under this section, develop best practices for incorporating resilience in transportation projects, and provide this information to states and division offices.

Sec. 1204. Railway crossings. [23 USC 130]

Establishes a standalone railway crossing program, based on the railway-highway grade crossing set aside, raising the overall level of investment in safety projects under the bill. Requires railroads to contribute the share for projects that provide a benefit to the railroad and removes the statutory cap on these contributions. Expands eligibilities to projects to mitigate lost access from a crossing closure and strategies to prevent or reduce trespasser fatalities and injuries along railroad rights-of-way. Clarifies that replacement of functionally obsolete protective devices is eligible under the pro-

gram. Allows railway crossing funds to be used toward the cost of projects selected for the Federal Railroad Administration's Consolidated Rail Infrastructure and Safety Improvements discretionary grant program.

Directs the GAO to assess the effectiveness of the railway crossing program. Emphasizes congressional intent that U.S. DOT should coordinate departmental efforts to reduce trespasser deaths at railroad rights-of-way.

Sec. 1205. Surface transportation program. [23 USC 133]

Adds eligibilities for resilience improvements, natural infrastructure, reducing carbon pollution, bus frequency and ridership enhancement projects, wildlife crossings, and hovercraft and hovercraft terminal facilities. Allows for up to 15 percent of STP funds suballocated to rural areas and small cities to be expended on local roads and rural minor collectors (such as farm to market roads).

Increases the percentage of STP funds that are suballocated based on population from 55 percent under current law to 60 percent over the life of the bill. Revises the suballocation to four population bands: 200,000 and above; 50,000–200,000; 50,000–5,000; and under 5,000. Provides for additional transparency and coordination requirements for suballocated funds to ensure that local governments receive their equitable share of funds based on population. Requires that the state DOTs provide metropolitan planning areas representing transportation management areas an estimate of the amount of obligation authority that is expected to be made available to that area each fiscal year.

Authorizes a joint technical assistance program for areas with a population of 200,000 and above to ensure efficient project delivery and facilitate compliance with applicable state and Federal project requirements. Such technical assistance can include employing a state, regional, or local government liaison to facilitate enhanced collaboration between state and local governments in the administration of highway projects. Requires states to provide metropolitan planning organizations with an estimate of the amount of obligation limitation that will be provided in each area at the beginning of each fiscal year, to make it easier to local governments to plan projects.

Increases the off-system bridge set-aside to 20 percent of STP funds made available in any area of the state for FY20, which will provide an approximately $1 billion investment annually in off-system bridges. Consistent with existing law, a state can receive an exemption from this requirement if it can demonstrate insufficient off-system bridge rehabilitation needs to justify the expenditure. Amounts expended under the off-system bridge set-aside can be used to meet a state's minimum bridge investment requirement established under section 1207 of this Act.

Sec. 1206. Transportation alternatives program. [23 USC 133(h)]

Provides funding for the Transportation Alternatives Program (TAP) as a 10 percent set-aside out of STP. Increases the share of the program's funds that must be suballocated to areas of the state based on population from 50 percent to 66 percent. A state may suballocate up to 100 percent of its TAP funding if certain condi-

tions are met and upon approval of the Secretary. Boosts the recreational trails set-aside in proportion to the increase for TAP. Requires states to provide sufficient obligation authority over the life of the bill to ensure this suballocated contract authority can be obligated in a timely manner, consistent with the requirement under STP.

Lists the longstanding eligibilities under the program in 23 USC 133(h), and adds vulnerable road user safety planning as an explicit eligibility. Adds metropolitan planning organizations that serve urbanized areas with a population of 200,000 or fewer as eligible recipients. Allows state DOTs to carry out TAP projects at the request of any other eligible applicant. Ensures that the competitive process carried out under this section includes consideration for low impact, transit dependent, and high need areas.

Allows a state to set aside up to 5 percent of the program's funds to assist project sponsors with improving their applications and expediting project delivery. Allows the Secretary to take such action as may be necessary to facilitate efficient and timely delivery of small and low impact projects carried out within the existing built environment. Strengthens the reporting and tracking of projects carried out under this section.

Allows a state to use HSIP funds to cover the non-Federal share of the cost of a TAP project, and places restrictions on the ability of the state to transfer TAP funds out of the program. Provides flexibility for a state to meet the non-Federal match for a TAP project on a multiple-project or programmatic basis.

Sec. 1207. Bridge investment. [23 USC 144]

Streamlines bridge project delivery by removing the prohibition against using multiple sources of Federal funding for one bundle of bridge projects and allows the bundling of bridge resiliency projects. Creates a new minimum bridge investment requirement that ensures states spend no less than 20 percent of their two largest apportioned programs on bridge repair and rehabilitation projects. Provides states with flexibility to meet that goal over the 4-year period from FY23 through FY26.

Establishes program goals that include improving state of good repair for bridges; improving the safety, efficiency, and reliability of bridges; and reducing the number of bridges in poor condition, or at risk of falling into poor condition, that do not meet current geometric design standards, or that are insufficient to meeting load or traffic requirements. Includes projects such as seismic retrofits, corrosion control, systematic preventative maintenance, bridge inspections, bridge resiliency and natural infrastructure, and removal of structurally deficient bridges to improve community connectivity as eligible projects toward the minimum bridge investment requirement.

Requires the Secretary to annually issue a bridge investment report detailing state-by-state expenditure of Federal funding on bridge projects.

Sec. 1208. Construction of ferry boats and ferry terminal facilities. [23 USC 147]

Amends the authorization for ferry boats and related infrastructure, which receives a 50 percent increase under section 1101.

Sec. 1209. Highway safety improvement program. [23 USC 148]

Revises HSIP to require each state, in consultation with regional and local partners, to establish a vulnerable road user safety assessment as part of its strategic highway safety plan. This assessment will identify corridors and hot spots that pose a high risk to bicyclists and pedestrians. It will further require states to develop a program of projects or strategies to reduce identified safety risks. States with high levels of bicyclist and pedestrian serious injuries and fatalities per capita will be required to undertake projects, from their STP funds, to address these identified safety issues. Directs MPOs to also establish a vulnerable road user safety assessment and provides funding to MPOs that represent high-risk areas to address safety hazards if the MPO has established a vulnerable road user safety assessment. These assessments will also identify projects that are eligible for funding under the safe streets for all set aside established under section 1218 (23 USC 148(m)).

Amends strategic highway safety plan requirements to take into consideration a multimodal approach to safety. The plan must take into consideration a "safe system approach" to roadway design that incorporates the likelihood of human error in order to prevent fatalities. Requires the state strategic highway safety plan to take Tribal safety planning processes into consideration. Provides additional flexibility to use a data-driven, multidisciplinary approach to reducing fatalities and serious injuries and empowers each state to develop a program of projects to address its unique safety needs. Restores the ability, rescinded in MAP–21, to use up to 10 percent of a state's HSIP funds for public awareness, education, and other non-infrastructure efforts. Makes vision zero planning under section 1601 an eligible HSIP expense.

Ensures that penalties and set-asides do not divert from safety needs identified in the state strategic highway safety plan. Replaces the railway-highway grade crossing set-aside, which was a 10 percent takedown of HSIP, with a standalone railway crossing program under 23 USC 130. Provides additional flexibility for states to meet any special rule obligation requirements within a 2-year window, rather than within the fiscal year, to ensure that states have adequate time to plan and program the best projects.

Strengthens the emphasis on high risk rural roads by increasing total investment in rural roads while reducing variances among the states that trigger the special rule to provide states with more certainty when planning these projects. Requires FHWA update guidance on rural road safety.

Sec. 1210. Congestion mitigation and air quality improvement program. [23 USC 149]

Adds eligibility for shared micromobility projects, including bikeshare, shared scooters, and docking stations. Adds eligibility for projects to mitigate seasonal or temporary traffic congestion from travel or tourism. Amends the program's clean vehicle provi-

sions to include hydrogen fueling stations as an eligible activity. Modifies the eligibility of program funds to be used for operating assistance, including providing additional assistance for projects that continue to demonstrate net air quality benefits.

Sec. 1211. Electric vehicle charging stations. [23 USC 155; 111]

Requires electric vehicle charging stations that receive title 23 funds to be usable by the majority of EV drivers, accessible to all members of the public, and network-capable. Directs U.S. DOT to establish guidance to provide for the interoperability of EV charging stations, in consultation with the Secretary of Energy. Such standards include training of technicians, network connectivity, and physical and payment interoperability. Allows EV charging in the interstate right of way, including rest areas and park and rides.

Sec. 1212. National highway freight program. [23 USC 167]

Revises the program's goals to include further consideration of environmental and equity impacts. Allows states to designate additional critical rural freight corridor and critical urban freight corridor mileage. Eliminates program eligibility restrictions for states with higher percentages of the primary freight network mileage. Removes the cap on funding multimodal freight projects, provided that the projects contribute to the efficient movement of goods on the National Freight Network.

Sec. 1213. Carbon pollution reduction. [new 23 USC 171]

Creates a new carbon pollution reduction apportionment program. Provides broad flexibility to the states to fund projects eligible under title 23 or chapter 53 of title 49, provided that the projects reduce greenhouse gas emissions. Includes eligibility for intercity bus vehicles and facilities and passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Allows states to use up to 10 percent of funds for operating costs of public transportation and intercity passenger rail. Requires the Secretary to annually evaluate carbon dioxide emissions per capita on public roads in each state and issue an accompanying progress report. States that achieve the most significant reductions in carbon dioxide emissions will receive additional flexibility in project Federal share and program transferability. States making the least progress in emissions reduction are required to dedicate additional Federal funds to projects that will reduce emissions. The Secretary, in consultation with the Environmental Protection Agency (EPA), will periodically issue a report detailing which types of projects eligible under this section prove most effective in reducing carbon pollution.

Sec. 1214. Recreational trails. [23 USC 206]

Allows project sponsors to apply recreational trails program requirements to trails projects funded with any apportioned program dollars, to facilitate more efficient project delivery. Clarifies that "motorized recreation" does not include electric bicycles and aligns the definition of e-bikes with 23 USC 217 to reduce potential conflicts on trails between motorized and non-motorized users. En-

sures that volunteers and non-profits can continue to carry out recreational trails projects, consistent with existing law.

Sec. 1215. Safe routes to school program. [23 USC 211]

Codifies elements of the Safe Routes to School (SRTS) program enacted in section 1404 of SAFETEA-LU. Projects under this section are eligible for funding under TAP and HSIP. Expands eligibility under SRTS to include high schools. Removes the 30 percent non-infrastructure project cap to provide additional flexibility to project sponsors. Adds provisions to ensure rural school district outreach under the program.

Sec. 1216. Bicycle transportation and pedestrian walkways. [23 USC 217]

Ensures that the state pedestrian and bicycle coordinator is a full-time position. Aligns the definition of electric bicycle with other existing standards, subject to state and local safety regulations. Defines "micromobility device" and allows these devices to use bike infrastructure, consistent with state and local safety regulations.

Sec. 1217. Noise barriers.

Permits the use of Federal-aid highway funds to construct certain Type II noise barriers along Federal-aid highways and makes the planning, design, or construction of such noise barriers eligible for surface transportation program funding.

Sec. 1218. Safe streets for all. [23 USC 148(m)]

Section 1104 provides an additional $500 million per year for HSIP, which is set aside under this section for activities to construct complete streets and other safety initiatives for vulnerable road users. Suballocates these funds to urbanized areas, mid-size cities, and rural areas to ensure that all communities see the safety benefits. Eligible projects include complete streets projects, safe routes to schools infrastructure and non-infrastructure projects, development of context-sensitive design standards under 23 USC 109, vision zero planning and plan implementation, any activity in furtherance of a vulnerable road user safety assessment, and any other activities eligible under HSIP that the Secretary determines provides for the safe and adequate accommodation of vulnerable road users.

Sec. 1219. Youth service and conservation corps. [23 USC 212]

Codifies section 1524 of MAP–21, encouraging the use of certified youth service and conservation corps on certain low-cost projects.

SUBTITLE C—PROJECT-LEVEL INVESTMENTS

Sec. 1301. Projects of national and regional significance. [23 USC 117]

Establishes a Projects of National and Regional Significance (PNRS) program, which provides more than $12 billion over the life of the bill for large highway, transit, and passenger and freight rail projects that reduce congestion on roadways and that cannot be funded through annual apportionments or other discretionary

sources. Includes the authority for the Secretary to award large grants over multiple years. Directs the Secretary to make grant selections based on merit criteria specified in statute, including the extent to which a project contributes to a state of good repair; cost savings generated by the project over the life of the asset; safety, mobility, economic, resilience, and environmental benefits generated by the project; benefits to all users of the project; and the average number of people or volume of freight supported by the project. The Secretary is also directed to consider whether the project serves an area of persistent poverty; the degree to which the project utilizes innovative technologies or construction techniques; whether the project improves connectivity between modes of transportation; whether the project spans two states; whether the project serves as a connection between two metropolitan areas over 500,000; and whether the project improves transportation in a multistate corridor. The committee understands that multistate corridor organizations or coalitions may be engaged in transportation improvement projects that span multiple states.

Sets aside $4 billion for bridge investments, providing a dedicated, multi-year source of funding for some of the largest and most complex bridge projects in the country.

Sec. 1302. Community transportation investment grant program. [new 23 USC 173]

Establishes a $600 million per year grant program to support local investments in projects to improve safety, state of good repair, accessibility, and environmental quality through infrastructure investments. Sets aside a minimum of 25 percent of program funds for projects in rural communities (defined as communities with a population of less than 75,000) and a minimum of 25 percent of program funds for projects in communities between 75,000 and 200,000 in population.

Requires the Secretary to evaluate projects on their benefits to transportation safety, including reductions in traffic fatalities and serious injuries; to state of good repair, including improved condition of bridges and pavements; to transportation system access, including improved access to jobs and services; and to reducing greenhouse gas emissions, and to rate each project based on these criteria. Allows the Secretary to use different weighting of these criteria based on project type, population served by the project, and other context-sensitive considerations. Instructs the Secretary to compare each project's benefits with its costs, rank projects based on that comparison, and to select grant recipients from among those projects ranked most highly.

Requires the Secretary to make public information on the evaluation and rating process prior to issuing a notice of funding opportunity. Requires the Secretary to submit to Congress the ratings and rankings of all projects, and a list of all projects being considered by the Secretary to receive an award, prior to making such award.

Sec. 1303. Clean corridors program. [23 USC 151]

Establishes a $1 billion per year clean corridors program to provide formula funding to states for electric vehicle charging and hy-

drogen fueling infrastructure. Funds are eligible for use on alternative fuel corridors designated under 151(a) or by a state or group of states. Notwithstanding 23 USC 118, funds are available until expended but subject to repurposing if they are not obligated expeditiously. Each year, the Secretary shall set aside $100m to make discretionary grants to fill any identified gaps in designated electric vehicle charging or hydrogen fueling corridors, including in rural areas.

Requires the states to establish a plan for the expenditure of funds. If a state fails to make an adequate plan, or the Secretary determines that the state has not taken necessary action to carry out its plan, the Secretary may withdraw the funds from the state and award them, on a competitive basis, to local governments within that state for eligible projects. If the Secretary determines that withdrawn funds cannot be awarded within the state, the Secretary may redistribute those funds to all other states.

Directs the Secretary, in coordination with the Secretary of Energy, to develop guidance to facilitate the strategic deployment of charging and fueling infrastructure along designated alternative fuel corridors. In developing this guidance, the Secretary shall consider various factors, including: the distance between stations, connections to the grid or fuel distribution infrastructure, plans regarding load management and the use of renewable energy to power the charging stations or produce the hydrogen gas, the long term operation and maintenance of charging and fueling infrastructure funded under this section, and the specific needs of rural areas. In addition, the guidance should seek to foster an enhanced, coordinated, public-private or private investment in charging and fueling infrastructure.

In developing the guidance, the Secretary shall consider the proximity of proposed infrastructure to existing off highway businesses, including travel centers, fuel retails, and other small businesses. The Secretary should also consider the availability of onsite amenities at a proposed site to improve the user experience, such as restrooms or food facilities. Further, the Secretary should consider consumer protection and pricing transparency in developing the guidance. It is the intent of the committee to facilitate competitive market pricing in publicly accessible charging. The committee believes that robust private sector involvement is necessary to maximize investment in and widespread availability of electric vehicle charging and hydrogen fueling infrastructure.

Requires the Secretary to publish additional guidance to provide for the interoperability EV charging infrastructure, similar to the guidance established under section 1211.

Directs the Secretary of Transportation to definite national electric vehicle charging and hydrogen fueling freight corridors that identify the near-and long-term need for and availability of charging and fueling infrastructure to support goods movement along the National Highway System, the National Highway Freight Network, and other goods movement corridors.

Sec. 1304. Community climate innovation grants. [new 23 USC 172]

Establishes a new $250 million per year competitive grant program to support local investments in innovative strategies to reduce greenhouse gas emissions. Provides broad flexibility to grantees to fund projects eligible under title 23 or chapter 53 of title 49, provided the project reduces greenhouse gas emissions. Includes eligibility for intercity bus vehicles and facilities and intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Prioritizes projects that show the most promise in reducing greenhouse gas emissions, and provides further consideration for a project's cost-effectiveness, provision of diverse transportation choices, accessibility, equity and environmental justice impacts, benefits to low-income communities, and use of innovative materials. Requires the Secretary to set aside not less than 10 percent of the amounts made available to carry this section for projects located in rural areas (defined as areas with a population of less than 75,000).

Sec. 1305. Metro performance program.

Provides $1 billion over the life of the bill for direct allocations to MPOs to advance locally selected projects. Authorizes the Secretary to designate a high-performance tier of MPOs based on technical capacity to manage Federal-aid highway funds. Provides between $10 and $50 million per year for the MPOs designated. Projects are subject to all Federal-aid highway requirements, including environmental laws, labor projections, and Buy America. Participating MPOs will report annually on the status of the program and the projects advanced with program funds to FHWA, and FHWA will report to Congress on the lessons learned from the program and provide recommendations on ways to improve suballocation of Federal-aid highway funds under STP.

Sec. 1306. Gridlock reduction grant program.

Establishes a $500 million grant program to reduce traffic gridlock in large metropolitan areas. Supports projects to reduce and mitigate the adverse impacts of traffic congestion; make better use of existing capacity; and employ innovative, integrated, and multimodal solutions to reducing gridlock. Includes eligibility for intelligent transportation systems, real-time traveler information, transportation demand management, and multimodal solutions. Dedicates half of program funds for freight-specific projects including first-mile and last-mile delivery solutions, use of centralized delivery points, curb space management, and real-time freight parking and routing. Prioritizes projects in areas that are experiencing a high degree of recurrent congestion. Requires the Secretary to report on recommendations and best practices following the implementation of projects.

Sec. 1307. Rebuild rural bridges program.

Provides $1 billion over the life of the bill for discretionary grants to improve the safety and state of good repair of bridges in rural communities. Funds may be used to inspect, replace, rehabilitate, or preserve an off-system bridge, a bridge on Tribal land, or

a bridge in poor condition located in a rural area. The Secretary may provide grants for a single bridge or a bundle of bridges.

Provides a $10 million set-aside for bridge investments in colonias, which are border communities that lack a potable water supply; adequate sewage systems; and decent, safe, and sanitary housing.

Sec. 1308. Parking for commercial motor vehicles.

Provides $1 billion over the life of the bill for a grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.

Sec. 1309. Active connected transportation grant program.

Provides $1 billion over the life of the bill for a grant program to support infrastructure investment in connected active transportation networks. Requires 30 percent of the funds to develop active transportation networks to connect points within a community, and 30 percent of the funds to be used for active transportation spines to connect communities to one another, including nationally and regionally significant greenway trails. Supports the development of complete streets and the use of safe systems approaches to enhance safety for vulnerable road users. Includes considerations for the environmental justice and equity impacts of a project and the extent to which the project improves connectivity to public transportation.

Sec. 1310. Wildlife crossings program.

Authorizes $100 million per year for projects designed to reduce wildlife-vehicle collisions and reduce habitat connectivity for terrestrial and aquatic species. Providing funding to improve habitat connectivity for aquatic species helps several states in meeting their treaty obligations to Indian tribes and Tribal organizations.

According to a FHWA report entitled "Wildlife-Vehicle Collision Reduction Study," there are more than 1,000,000 wildlife-vehicle collisions every year; wildlife-vehicle collisions present a danger to human safety and wildlife survival and represent a persistent concern that results in tens of thousands of serious injuries and hundreds of fatalities on highways; and the total annual cost associated with wildlife-vehicle collisions has been estimated to be $8,388,000,000; and wildlife-vehicle collisions are a major threat to the survival of species.

Sec. 1311. Reconnecting neighborhoods program.

Provides $3 billion over the life of the bill on a reconnecting neighborhoods discretionary grant program. The program is focused on remediating economically disadvantaged and underserved communities and emphasizes projects that provide for inclusive economic development.

The program allows the Secretary to award planning grants and provide technical assistance to eligible entities to analyze neighborhood barriers and identify candidates for remediation, repurposing, or removal, if appropriate. Eligible public entities may partner with non-profits or universities (including historically black colleges and universities) to carry out activities under this section. To ensure that any subsequent redevelopment of the area is equitable and in-

clusive, planning grants under this section may be used to establish a community advisory board or a land trust. Planning grants may also be used for the following activities related to a connectivity project: assessing impacts on the transportation network, considering safety benefits or impacts, facilitating public engagement activities, establishing anti-displacement and equitable neighborhood revitalization strategies, and assessing any necessary land use or zoning changes to maximize the benefits of the project. Planning grants may not exceed $2 million per award.

The program also provides funding for capital construction grants, with a minimum project cost of $5 million, to remove or repurpose eligible facilities that are underutilized or create a barrier to community connectivity. In assessing an application for a capital construction grant, the Secretary shall consider various factors, including: the degree to which the project will improve mobility and access; the appropriateness of removing, retrofitting, or remediating a facility based on current traffic patterns and the ability of the proposed facility and the regional transportation network to absorb transportation demand; any impacts on freight movement; how the costs of the project compare to the benefits; any opportunities for inclusive economic development and reuse of underutilized land; and consistency of the project with existing transportation plans and performance measures. In order to ensure that the project benefits all members of the community in which a project is located, the eligible entity must demonstrate that jurisdiction in which the eligible facility is located must have an anti-displacement policy or a community land trust in place. Prioritizes applications that have a community benefits agreement in place, have demonstrated a plan for employing local residents, and projects that have a demonstrated plan to improve transportation system access, including access for multiple modes of transportation.

Sec. 1312. Apprenticeship utilization.

Requires grants under section 1301, 1302, and 1311 to meet apprenticeship utilization requirements.

SUBTITLE D—PLANNING, PERFORMANCE MANAGEMENT, AND ASSET MANAGEMENT

Sec. 1401. Metropolitan transportation planning. [23 USC 134]

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection.

Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 1402. Statewide and nonmetropolitan transportation planning. [23 USC 135]

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires states to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies.

Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every 4 years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that states can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 1403. National goals and performance management measures. [23 USC 150]

Requires U.S. DOT to establish new performance measures for greenhouse gas emissions and transportation system access. Section 150(d)(3) prohibits states from setting regressive targets related to safety and carbon pollution reduction.

The transportation system access measure leverages modern data tools to improve the way states and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and work force training, and financial institutions). Considers the level of access for various modes of travel. Once the access measure has been established, requires TIPs and STIPs to demonstrate an improvement in transportation system access as described in the measure. Delays implementation of these planning requirements until the rule establishing the measure has been finalized.

Establishes a working group of state, local, and non-governmental experts to advise U.S. DOT on the establishment of the measure. Requires the Secretary to acquire, using research funds, transportation system access data sets and analytical tools to facilitate the implementation of requirements under this section.

Sec. 1404. Transportation demand data and modeling study.

Requires the Secretary to compare observed data to transportation demand forecasts from a sampling of states and MPOs. These comparisons will examine traffic count, mode share, public transit ridership, and vehicle occupancy data in order to inform future planning and forecasting and evaluate the impacts of transportation investments on transportation demand. Requires the Secretary to publish best practices and guidance on forecasting and transportation demand management strategies that most effectively reduce congestion travel times and carbon pollution. Encourages the Secretary to work with UTCs and the private sector to carry out this section. Make the activities described under this section explicitly eligible for funding under 23 USC 503(b).

Sec. 1405. Fiscal constraint on long-range transportation plans.

Directs the Secretary to revise the metropolitan planning regulations in 23 CFR part 450 to define the "outer years" to cover the first 4 years, rather than the first 10 years of the plan. The 4-year window is consistent with other metropolitan and performance planning requirements.

SUBTITLE E—FEDERAL LANDS, TRIBES, AND TERRITORIES

Sec. 1501. Territorial and Puerto Rico highway program. [23 USC 165]

Provides $340 million per year for Puerto Rico from the HTF, bringing it up to a level of investment more consistent with that of a state. Provides flexibility for Puerto Rico to flex up to 50 percent of the amount under each of its allocations for any other purpose, mirroring the transferability provision for states under 23 USC 126.

Significantly increases the amount of funds for the Territorial and Puerto Rico highway program, to an amount that approximates 1/5 of 1 percent of the total Federal-aid highway apportionment in each fiscal year. This is consistent with the percentage of Federal-aid primary system funds provided to the territories under ISTEA. Since the territorial allocation was untethered from the state apportionments in MAP–21, the share of funding to the territories has decreased significantly, while the needs of territorial highway infrastructure have grown, including needs due to extreme weather and sea level rise brought on by climate change.

Allows territories to use funds made available under title 23 to be expended for certain access and development roads.

Section 1606 directs the Secretary to conduct a highway formula modernization report. This report will consider the needs-based share of funding that is necessary for the territories. It will also determine how to incorporate Puerto Rico into the state apportionments.

Sec. 1502. Tribal transportation program. [23 USC 202]

Under section 1101, the bill significantly increases funding levels for the Tribal Transportation Program (TTP), providing $800 million per year for the program out of the HTF. Expands eligibility under the Tribal Transportation Bridge Program to allow construction of new bridges. Expands eligibility for safety projects under the TTP to include projects that educate the public and increase awareness concerning highway safety matters, and to better enforce highway safety laws in Tribal nations.

Sec. 1503. Tribal High Priority Projects program.

Provides $50 million annually out of the HTF for a reestablished grant program that was authorized in MAP–21, but never funded, to award grants to the highest priority project for tribes whose annual transportation funding is insufficient. Provides emergency relief to tribes who cannot access other emergency relief funds and sets a maximum grant award of $5 million.

Sec. 1504. Federal lands transportation program. [23 USC 203]

Under section 1101, the bill significantly increases funding levels for the Federal Lands Transportation Program, providing $555 million per year out of the HTF for the program. Provides specified allocations for the Bureau of Land Management, the Bureau of Reclamation, the United States Army Corps of Engineers, and independent Federal agencies.

The bill also provides an additional $345 million per year out of the HTF for the Federal Lands Access Program. Allows the head of a Federal agency that owns a transportation facility to request assistance from a state in paying the project costs when a high-commuter corridor (defined as a Federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles) within that state is in need of repair.

Directs GAO to study the National Park Service maintenance prioritization of Federal lands transportation facilities and specifically their prioritization of maintenance on high commuter corridors.

Sec. 1505. Federal lands and Tribal major projects program. [23 USC 208]

Transforms the Nationally Significant Federal Lands and Tribal Projects Program into the Federal Lands and Tribal Major Projects program, codifies it, and provides an annual authorization of $400 million from the HTF under Section 1101. Expands project eligibility and eligible uses of funds to allow for preconstruction activities. Lowers the minimum project cost threshold to $12.5 million for Federal lands projects and $5 million for Tribal projects. Increases Federal cost share to 100 percent for Tribal projects and requires program funds to be split 50–50 between Tribal and Federal lands projects.

Sec. 1506. Office of Tribal Government Affairs.

Establishes an Office of Tribal Government Affairs within U.S. DOT and creates a new Assistant Secretary for Tribal Government Affairs position. The Office and the Assistant Secretary will oversee administration of the Tribal Transportation Self Governance Program, policies and programs serving Indian Tribes and Tribal Organizations, and will provide technical assistance to tribes.

Sec. 1507. Alternative contracting methods. [23 USC 201]

Allows tribes and Federal land management agencies to use the same alternative contracting methods available to states.

Sec. 1508. Divestiture of federally owned bridges.

Authorizes the transfer of federally owned bridges from the Bureau of Reclamation to a state, provided the state concurs; an agreement from the state to operate and maintain the bridge; compliance with all applicable Federal laws; and a joint notification by the Bureau and the state to the Secretary of Transportation prior to the transfer of ownership. Specifies that the Bureau is not required to transfer ownership of the land on which the bridge is located or any adjacent lands but requires the Bureau to provide ac-

cess for the state for the purposes of construction, maintenance, and bridge inspections.

Sec. 1509. Study on Federal funding available to Indian Tribes.

Requires the Secretary to report to Congress annually the number of Indian Tribes who were direct recipients of Federal transportation grants and the total amount of funds awarded; and the number of Indian Tribes who were indirect recipients of Federal transportation formula funding and the total amount of such funds.

Sec. 1510. GAO study.

Directs GAO to study the deferred maintenance backlog on U.S. Forest Service roads.

Sec. 1511. Federal lands access program.

Authorizes certain beautification and economic development activities in gateway communities as eligible activities under the Federal Lands Access Program.

SUBTITLE F—ADDITIONAL PROVISIONS

Sec. 1601. Vision zero.

Provides for the establishment of vision zero plans to significantly reduce or eliminate transportation related fatalities and serious injuries within a specified timeframe, but not to exceed 20 years. The vision zero plan includes a complete streets prioritization plan to ensure safe, accessible, and connected active transportation networks. Allows local governments, MPOs, or regional transportation planning organizations to use HSIP or STP funds for these purposes, and authorizes these funds for projects in furtherance of a vision zero plan. A vision zero plan may include a complete streets prioritization plan that identifies a list of projects to provide safe and convenient active transportation access to jobs, housing, and other essential services.

Sec. 1602. Speed limits.

Requires the Secretary to revise the Manual on Uniform Traffic Control Devices (MUTCD) to require states and local governments to use a "safe systems approach" to setting speed limits, consistent with NTSB recommendations. Requires the Secretary to update and report on the implementation progress of the Department's Speed Management Program Plan.

Sec. 1603. Dig Once for broadband infrastructure deployment.

Creates a new "dig once" provision to ensure better coordination of transportation and broadband infrastructure projects, while ensuring state flexibility and preventing unfunded mandates. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide "dig once" requirement, and to propose and evaluate options for funding such a requirement. Ensures Task Force consultation with stakeholders that represent rural communities and communities with limited access to broadband infrastructure.

Sec. 1604. Stormwater best management practices.

Authorizes U.S. DOT and EPA to commission a Transportation Research Board study of stormwater runoff best practices and to report to Congress on the results not later than 18 months after enactment. Requires EPA to update best management practices on stormwater runoff.

Sec. 1605. Pedestrian facilities in the public right-of-way.

Requires the U.S. Access Board to finalize guidelines setting minimum accessibility standards for pedestrians in the public right-of-way. Requires such guidelines to be substantially similar to the notice of proposed rulemaking published on July 26, 2011, titled "Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way" and the supplemental notice of proposed rulemaking published on February 13, 2013, titled "Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths." Requires U.S. DOT to issue corresponding regulations following the issuance of the guidelines.

Sec. 1606. Highway formula modernization report.

Requires FHWA, in consultation with state DOTs, to provide recommendations on how to revise the apportionment methodology under 23 USC 104 to best achieve the goals of the Federal-aid highway program. The report will consider whether the apportionment factors established in SAFETEA-LU, the performance goals and measures under 23 USC 150, or any other factors would yield a more data-driven or equitable apportionment of funding. In addition, FHWA will consult with the EPA to determine whether the CMAQ apportionment formula best achieves the air quality goals under 23 USC 149.

Directs the Secretary to consider the needs-based share of funding that is necessary for the territories and determine how to incorporate Puerto Rico into the state apportionments.

Sec. 1607. Consolidation of programs.

Increases funding for operation lifesaver, work zone safety grants, the national work zone information safety clearinghouse, and the public road safety clearinghouse. Clarifies that these amounts are available at 100 percent Federal cost share.

Sec. 1608. Student outreach report to Congress.

Requires the Secretary to report on U.S. DOT's efforts to encourage students to pursue careers in the surface transportation sector.

Sec. 1609. Task force on developing a 21st century surface transportation workforce.

Establishes a task force comprised of representatives from surface transportation industry sectors, labor, and other experts to develop recommendations and strategies to address surface transportation work force needs and ways to increase representation of women and minorities in surface transportation careers.

Sec. 1610. On-the-job training and supportive services. [23 USC 140(b)]

Establishes transparency and reporting requirements for the On-the-Job Training and Supportive Services program. Requires states to develop annual statewide work force development plans to identify and address work force gaps and underrepresentation of women and minorities and to establish annual work force development compacts with state work force development boards and other appropriate agencies.

Sec. 1611. Appalachian development highway system funding flexibility.

Allows Appalachian states flexibility to use funding provided under the Appalachian Development Highway System (ADHS) program for other transportation purposes.

Sec. 1612. Transportation education development program. [23 USC 504(f)]

Adds transparency and reporting requirements to track the program objectives of grant recipients and progress made toward developing new curricula and education programs to train individuals at all levels of the transportation work force.

Sec. 1613. Working group on construction resources.

Establishes a working group consisting of state, local, and Tribal officials and relevant industry stakeholders to assess the availability of certain transportation-related construction materials. The working group will report to the Secretary with any findings and recommendations to reduce the cost and environmental impacts of the transportation construction supply chain.

Sec. 1614. Numbering system of highway interchanges.

Prevents the imposition of a penalty for states that fail to comply with certain requirements for numbering of highway interchanges in effect on the date of enactment of this Act.

Sec. 1615. Toll credits.

Directs the U.S. DOT to analyze the impact of the toll credits on transportation expenditures and the viability of establishing a toll credit exchange.

Sec. 1616. Transportation construction materials procurement.

Directs the Secretary to conduct a review of the procurement processes used by state DOTs to select construction materials for projects utilizing Federal-aid highway funds.

Sec. 1617. Nationwide road safety assessment.

Directs the Secretary of Transportation to conduct, every 2 years, a nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each state.

Sec. 1618. Climate resilient transportation infrastructure study.

Directs the Department of Transportation to enter into an agreement with the Transportation Research Board to conduct a climate resilient transportation infrastructure study.

Sec. 1619. Natural gas, electric battery, and zero emission vehicles.

Expands the existing 2,000 pound additional weight allowance for natural gas vehicles to electric battery and zero emission vehicles.

Sec. 1620. Guidance on evacuation routes.

Requires FHWA, in consultation with the Federal Emergency Management Agency (FEMA), to revise existing guidance or issue new guidance, as appropriate, regarding the design, construction, maintenance, and repair of evacuation routes. Directs FHWA, in coordination with FEMA, to study the vulnerability of evacuation routes to the impacts of extreme weather, including flooding and storm surge. The Secretary of Transportation shall prepare a report to Congress on the results of the study.

Sec. 1621. High priority corridors on National Highway System.

Designates certain high priority corridors and future interstates.

Sec. 1622. Guidance on inundated and submerged roads.

Requires FHWA, in coordination with FEMA, to review guidance issued pursuant to section 1228 of the *Disaster Recovery Reform Act of 2018* (P.L. 115–254) and issue guidance regarding the repair, restoration, and replacement of inundated or submerged roads.

Sec. 1623. Dry bulk weight tolerance.

Authorizes a 10 percent axle weight tolerance for commercial vehicles transporting dry bulk goods.

Sec. 1624. Highway use tax evasion projects.

Reauthorizes the highway use tax evasion program.

Sec. 1625. Labor standards.

Reiterates the policy of the United States, consistent with the International Labor Organization Convention and legislation dating to back to the *Tariff Act of 1930*, that the Federal Government shall not purchase items produced through the use of child labor.

Sec. 1626. Climate resiliency report by GAO.

Directs GAO to evaluate the economic benefits, including avoided impacts on property and life, of the use of building codes and standards to support resilience to climate impacts.

Sec. 1627. Designation of John R. Lewis Voting Rights Highway.

Designates U.S. Route 80 in Alabama as the "John R. Lewis Voting Rights Highway."

Sec. 1628. GAO study on capital needs of public ferries.

Direct the GAO to study the capital investment needs of public ferries and how federally funded programs are meeting such needs.

Requires GAO to examine the feasibility of including public ferries in the annual Department of Transportation Conditions & Performance report.

Sec. 1629. Use of modeling and simulation technology.

States the sense of Congress that the DOT should utilize, to the fullest extent practicable, modeling and simulation technology to analyze highway and public transportation projects.

Sec. 1630. GAO study on per-mile user fee equity.

Directs the GAO to study the equity impacts of per-mile user fee systems, including their impact on underserved communities, access to jobs and services, effects on both urban and rural areas, and impacts on passenger and commercial vehicles.

Sec. 1631. GAO review of equity considerations at State DOTs.

Directs the GAO to review the extent to which state DOTs consider the needs of underserved populations in the transportation planning, project selection, and project delivery processes.

Sec. 1632. Study on effectiveness of suicide prevention nets and barriers for structures other than bridges.

Directs GAO to study the effectiveness of suicide nets and barriers.

Sec. 1633. Transportation planning activities.

Authorizes the Secretary to take all reasonable efforts to provide assistance for an Olympic event, a Paralympic event, or a Special Olympics event, including planning activities, technical assistance, and project reviews and approvals.

Sec. 1634. Better Utilizing Infrastructure for Lasting Development of Veterans Businesses Act.

Establishes a veteran-owned enterprise program to support veteran owned and controlled small business concerns ability to secure work on highway and transit projects funded under this Act.

Sec. 1635. Vehicle weight limitations.

Expands state authority to issue 120-day commercial vehicle weight limit waivers to include emergencies under the Stafford Act.

Sec. 1636. Roadway worker protection working group.

Directs the Secretary to establish a working group to review the methods, practices, and technologies necessary to protect workers in roadway work zones.

Sec. 1637. GAO study on nature-based solutions for coastal highway resilience.

Directs GAO to conduct a study on the utilization of nature-based solutions for improving the resilience of coastal highways and bridges.

Sec. 1638. Prohibition on the use of civil penalties for campaign finance.

Provides that any amounts assessed on civil penalty funds collected pursuant to Section 5309 of the INVEST in America Act or section 20704, 20171, 5 20174, or 80502 of title 49, United States Code may not be used in support of a congressional campaign.

Sec. 1639. Repeal of pilot program.

Repeals an obsolete pilot program.

Sec. 1640. Technical corrections.

Makes technical corrections to title 23, USC.

SUBTITLE A—FEDERAL TRANSIT ADMINISTRATION

Sec. 2101. Authorizations. [49 USC 5338]

Authorizes $73.5 billion in contract authority for FY23 through FY26 for the Federal transit program. Creates a new set aside for administrative costs for Buy America. Ensures that funds provided may not be used to provide a contract, grant, or loan to a state-owned or—related enterprise.

Sec. 2102. Chapter 53 definitions. [49 USC 5302]

Adds definitions for "resilience" and "assault on a transit worker." Includes bike share and micromobility under the definition for associated transit improvements. Amends the definition of a transit capital project to include the employment of cybersecurity experts. Amends the FTA Joint Development Program to remove the fair share revenue requirement for transit-oriented development projects that include at least 50 percent affordable housing. This is a higher threshold than other programs because FTA provides direct funding for Joint Development.

Sec. 2103. General provisions. [49 USC 5323]

Provides transit agencies more flexibility to meet community needs with limited exemptions to the charter service rule. Requires transit agencies to respond to intercity and charter bus requests for reasonable access to public transit facilities within 75 days. Prohibits the consideration of demographics as a reason for the denial of reasonable access. Requires a report to Congress on instances in which access is denied. Restores the ability to incorporate art into transit facilities. Creates a uniform and customer-friendly ADA complaint process.

Sec. 2104. Miscellaneous provisions.

Increases Federal cost share to 90 percent for ADA accessibility in state of good repair projects. Treats the District of Columbia as a state in the high-density states formula. Authorizes FTA to provide technical assistance on the impacts of a new census count and on cybersecurity and mitigating the threat of ransomware. Requires that transit agencies collect data on the assault of transit workers, pedestrian/bus fatalities, and bus frequency. Relaxes the phaseout of the Special Bus Rule to provide more flexibility in the provision of operating assistance. Allows the use of transportation

development credits as local match for certain programs. Clarifies the definition of "incidental use" under the 5310 program.

Sec. 2105. Policies and purposes. [49 USC 5301]

Adds reductions in carbon emissions and improvements to resiliency to the purpose of the Federal transit program.

Sec. 2106. Fiscal years 2022 and 2023 formulas.

Ensures that transit data from Fiscal Year 2020 and 2021 and impacted by COVID–19 will not be used in the calculation of transit formula apportionments.

Sec. 2107. Metropolitan transportation planning. [49 USC 5303]

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection.

Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 2108. Statewide and nonmetropolitan transportation planning. [49 USC 5304]

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires states to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies.

Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every 4 years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that states can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 2109. Obligation limitation.

Provides obligation authority to match the contract authority authorized for FY23 through FY26.

Sec. 2110. Public transportation emergency relief funds. [49 USC 5328]

Increases the deadline for construction under the emergency relief program to 6 years.

Sec. 2111. Certification requirements.

Establishes a new certification that bus or rail rolling stock being procured do not contain or use any covered telecommunications equipment as defined by section 889 of the *John S. McCain National Defense Authorization Act for Fiscal Year 2019* (P.L. 115–232).

Sec. 2112. Hold harmless.

Permits Capital Investment Grant project sponsors to use ridership and service data and projections collected prior to the onset of the COVID–19 pandemic.

Sec. 2113. Study on accessibility of public transportation.

Requires the Secretary to submit to Congress a report on public transportation access challenges.

SUBTITLE B—MPROVING FREQUENCY AND RIDERSHIP

Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants. [49 USC 5308]

Creates a new competitive program, funded at $100 million annually, to increase bus frequency, ridership, and total person throughput by redesigning urban streets and corridors to efficiently move transit vehicles in congested major urban areas. The program is structured to require a partnership between transit agencies and state or local government agencies responsible for roadways.

Sec. 2202. Incentivizing frequency in the urban formula. [49 USC 5336]

Replaces the current incentive formula based on low operating costs with a formula based on vehicles per hour during peak service in the highest 25 percent of routes by ridership. This will incentivize ridership rather than low-cost operations. This formula change is phased in, providing time to collect the data and improve frequency on the highest ridership routes.

Sec. 2203. Mobility innovation. [49 USC 5316]

Creates a new set of Federal rules for mobility on demand services and mobility as a service. Transit agencies are allowed to shift urban, rural, and seniors and individuals with disabilities funding to this program to take advantage of waivers under certain conditions. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips, carbon and particulate emissions, and third-party contractors. Requires a negotiated rulemaking to bring the diverse stakeholders together to negotiate an open data standard necessary to bring the benefits of mobility on demand to more people. This section is effective once the rulemaking is complete.

Sec. 2204. Formula grants for rural areas. [49 USC 5311]

Revises the rural transit formula to increase the funding attributed to actual transit service. Provides flexibility to states for areas transitioning from rural to urban after a new census designation. Increases Tribal rural funds by 59 percent in the first year of the bill, with $10 million for competitive grants and $45 million for Tribal formula funds. Provides flexibility to fund continuous intercity bus service across state lines, requires public documentation of state certifications to waive the 15 percent of funds for intercity service, and ensures that service provides meaningful connections to the national intercity bus network. Clarifies that volunteer hours satisfy local cost share requirements for social service trips.

Sec. 2205. One-stop paratransit program. [49 USC 5310]

Creates a grant program to examine the costs and benefits of allowing flexibility in paratransit trips that allow one stop for certain needs like dropping children off at daycare or school or stopping briefly at the pharmacy, grocery store, or bank. The grant will cover reporting costs and costs associated with the extra stops.

SUBTITLE C—BUY AMERICA AND OTHER PROCUREMENT REFORMS

Sec. 2301. Buy America. [49 USC 5320]

Recodifies Buy America into section 5320, closes loopholes, removes bureaucratic burdens, clarifies waiver reporting requirements, and provides new incentives to boost domestic job production. Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content. Incentivizes higher domestic content by including final assembly costs into the domestic content calculation, providing an automatic 2.5 percent increase in domestic content if a zero-emission vehicle uses domestic battery cells, providing a bonus of 10 percent of domestic content for any component that exceeds 70 percent, and providing a bonus of 15 percent of domestic content for any component that exceeds 75 percent.

Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies, allows certifications to be used for multiple procurements, sets a standard for recertifications, and provides fair competition by ensuring certifications are consistently applied. The DOT Inspector General will provide annual audits of the program. Creates a refined waiver process for passenger vehicles, allowing automatic waivers for passenger vehicles that are domestically assembled and have a 60 percent domestic content as measured by the American Automobile Labeling Act. Requires domestic components use domestic steel and iron. Prohibits imported components from becoming domestic components. Requires FTA to review its bus and rail component and final assembly regulations to maximize domestic job creation and align with modern manufacturing techniques. Phases in the modifications of Buy America over a 5-year timeframe.

Sec. 2302. Bus procurement streamlining. [49 USC 5323(x)]

Requires bus procurements to use performance-based specifications in a procurement instead of specifying individual components. Requires a negotiated rulemaking to establish a list of components and subcomponents that are waived from the performance-based specification requirement.

Sec. 2303. Bus testing facility. [49 USC 5318]

Provides a deadline to the Secretary to grant a manufacturer's request for testing, requires a public estimate of the backlog at the testing facility to begin a new bus test, and provides additional funds to expedite testing.

Sec. 2304. Repayment requirement.

Requires repayment of certain COVID–19 relief transit funds if those funds were used to purchase rolling stock from a state-owned enterprise.

Sec. 2305. Definition of urbanized areas following a major disaster. [49 USC 5323(y)]

Allows an urbanized area impacted by a major disaster to retain its urban area designation after a reduction in population below 50,000.

Sec. 2306. Special rule for certain rolling stock procurements. [49 USC 5323(u)]

Creates new conditions on Federal financial assistance pertaining to the purchase of restricted rolling stock. Amends section 5323(u) of chapter 53 of title 49 by removing an exemption for transit agencies who have previously purchased restricted rail rolling stock.

Sec. 2307. Spare ratio waiver. [49 USC 5323(z)]

Waives the FTA spare ratio for rolling stock for a period of 2 years to provide transit agencies with flexibility to recover from the COVID–19 pandemic.

SUBTITLE D—BUS GRANT REFORMS

Sec. 2401. Formula grants for buses. [49 USC 5339(a)]

Provides $5 billion for FY23 through FY26. Increases the national distribution baseline for states and territories.

Sec. 2402. Bus facilities and fleet expansion competitive grants. [49 USC 5339(b)]

Provides $1.6 billion for FY23 through FY26. Modifies the competitive bus program to focus on large one-time needs for bus garages, bus stations, and fleet expansions. Grant considerations are limited to age and condition of facilities, resilience, and multimodal connections at stations.

Sec. 2403. Zero emission bus grants. [49 USC 5339(c)]

Provides $4.085 billion for FY23 through FY26, an average annual increase of 1,500 percent over FAST Act funding. Sets pro-

curement minimums to ensure transit agencies are investing appropriately in zero-emission bus fleets and the necessary charging infrastructure. Provides dedicated funds for states and transit agencies with accelerated fleet conversion plans; rural areas; low-income communities; and areas in Clean Air Act nonattainment or maintenance areas. Requires an agency plan for long term zero-emission bus needs and a fleet transition study.

Sec. 2404. Restoration to state of good repair formula subgrant. [49 USC 5339(d)]

Creates a subgrant, administered through the bus formula grant, that provides an increase in funding for transit agencies with the oldest buses. As these buses are replaced, the formula will automatically allocate funds to the agencies with the next oldest buses, creating a rolling funding increase that targets the agencies with the oldest buses.

Sec. 2405. Workforce development training grants. [49 USC 5339(e)]

Authorizes 12.5 percent of the funds made available to carry out section 5339(c) for work force training related to the maintenance and operation of zero-emission vehicles.

SUBTITLE E—SUPPORTING ALL RIDERS

Sec. 2501. Low-income urban formula funds. [49 USC 5336(j)]

Doubles the urban formula low-income set aside from three to 6 percent. Expands the formula to include an emphasis on the low-income population in urban census tracts with a poverty rate above 20 percent. Requires transit agencies to ensure they are serving low-income individuals.

Sec. 2502. Rural persistent poverty formula. [49 USC 5311(a)]

Sets aside $50 million a year, administered through the rural formula grant, but based on rural areas with persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990. Requires states to distribute these Federal funds to persistent poverty counties.

Sec. 2503. Demonstration grants to support reduced fare transit.

Creates a demonstration grant to provide for a reduced fare for low-income riders to help close transit equity gaps. Requires collaboration with a University Transportation Research Center to study the impacts of these demonstration grants.

Sec. 2504. Equity in transit service planning.

Requires the Secretary to issue best practices to aid transit agencies in defining a "major service change" for purposes of compliance with Title VI of the Civil Rights Act. Following the publication of these best practices, initiates a Transit Cooperative Research Program survey of the methods that transit agencies use for defining a major service change and the extent of adoption of the best practices.

Sec. 2505. GAO study on fare-free transit.

Requires a GAO report on the provision of fare-free transit service in the U.S., including an assessment of the prevalence of fare-free transit and its potential impacts.

SUBTITLE F—SUPPORTING FRONTLINE WORKERS AND PASSENGER SAFETY

Sec. 2601. National transit frontline workforce training center. [49 USC 5314(b)]

Creates a training center modeled on the successful National Transit Institute, but with a frontline employee mandate. Establishes labor-management partnerships to provide standards-based training in maintenance and operations occupations. The focus will include developing training standards, local training partnerships, training for new technologies including zero-emission buses, and training on safety and emergency preparedness.

Sec. 2602. Public transportation safety program. [49 USC 5329]

Expands the national safety plan to include driver assist technologies and driver protection infrastructure.

Expands the transit agency safety plan to include a focus on passenger and personnel injuries, assaults, and fatalities; a risk management process to address transit worker assaults; a joint labor-management safety committee empowered to approve the safety plan; and a comprehensive frontline work force training program on safety and de-escalation.

Sec. 2603. Innovation workforce standards.

Prevents a transit agency from deploying an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service or a mobility on demand service. Transit agencies considering transit automated vehicles and mobility on demand service are required to develop a work force development plan describing how the automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle or mobility on demand service.

Sec. 2604. Safety performance measures and set asides. [49 USC 5329]

The safety committee must establish performance measures for the risk reduction program using a 3-year rolling average of the data in the National Transit Data base. Transit agencies must set aside at least 0.75 percent of their 5307 funds, which are eligible for any purpose under 5307. If an agency fails to meet the performance measures, then their safety set aside must be used for projects that are reasonably likely to meet the performance measures, including modifications to rolling stock and de-escalation training.

Sec. 2605. U.S. Employment Plan. [49 USC 5341]

For rolling stock purchases over $10 million, agencies shall include in their request for proposals an incentive for manufacturers

to include fair wages, apprenticeships, local hire, and traditionally underrepresented labor.

Sec. 2606. Technical assistance and workforce development. [49 USC 5314]

Provides technical assistance to rural and Tribal public transit focused on innovation and capacity-building.

Sec. 2607. Resilient public transportation study.

Requires the Secretary to conduct a study on resilience planning for public transportation and shared mobility.

SUBTITLE G—TRANSIT-SUPPORTIVE COMMUNITIES

Sec. 2701. Transit-supportive communities. [49 USC 5328]

Establishes an Office of Transit-Supportive Communities to make grants, provide technical assistance, coordinate transit-housing policies across the Federal Government, and incorporate strategies to promote equity for underrepresented and underserved communities.

The office will make grants available under the Transit Oriented Development Planning grant program, for projects in proximity to a new fixed guideway transit line, an existing fixed guideway transit line, a station that is part of a fixed guideway transit system, or the immediate corridor surrounding a high-frequency transit line.

Sec. 2702. Property disposition for affordable housing. [49 USC 5334(h)]

Allows a grantee to transfer property no longer needed to a local government authority, non-profit, or other third party for the purpose of transit-oriented development and releases the Federal interest in that asset. Requires that at least 40 percent of the housing units in such a project be offered as affordable housing.

Sec. 2703. Affordable housing incentives in capital investment grants. [49 USC 5309]

Provides multiple incentives in the CIG ratings process if the project preserves or encourages higher density affordable housing near the project. Allows Economic Development Administration Public Works grants and Department of Housing and Urban Development Community Development Block Grants to be counted as part of the local share, provided that the funds are used in conjunction with an affordable housing development.

SUBTITLE H—INNOVATION

Sec. 2801. Mobility innovation sandbox program. [49 USC 5312(d)]

Authorizes Mobility on Demand research and ties it to the types of projects eligible under Section 5316—Mobility Innovation.

Sec. 2802. Transit bus operator compartment redesign program. [49 USC 5312(d)]

Authorizes FTA research on redesigning bus driver compartments to improve driver visibility, expand driver functionality, and reduce driver assault.

Sec. 2803. Federal Transit Administration Every Day Counts initiative. [49 USC 5312]

Establishes a new FTA Every Day Counts initiative, which currently exists within FHWA as a successful state DOT deployment program for innovative technologies and practices.

Sec. 2804. Technical corrections. [49 USC 5312]

Replaces research and deployment of low-and no-emission buses with zero-emission buses. Fixes several clerical errors.

Sec. 2805. National advanced technology transit bus development program.

Authorizes a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system.

Sec. 2806. Public transportation innovation. [49 USC 5312]

Supports competitive selection in the transit innovation program.

Sec. 2807. Transit vehicle battery recycling and reuse.

Requires the Secretary to issue regulations allowing for the recycling, reuse, repurposing, sale, or lease of transit vehicle batteries or battery components that are past their useful life for the purpose of transit vehicle propulsion but still retain utility for other purposes. Requires such regulations to enhance the reuse and recycling of batteries and component critical minerals, reduce costs for recipients, and encourage innovative second life uses including energy storage and wayside charging.

SUBTITLE I—OTHER PROGRAM REAUTHORIZATIONS

Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority. [PL 110–432, Division B, Title IV, Sec. 601]

Reauthorizes capital and preventive maintenance projects for WMATA and provides greater independence and a dedicated budget for the WMATA Inspector General.

Sec. 2902. Other apportionments. [49 USC 5336]

Provides $245 million for FY23 through FY26 for passenger ferries. Increases the Small Transit Intensive Cities (STIC) program set-aside to 3 percent and provides a 3-year phaseout for prior STIC recipients who no longer qualify under a new census designation.

SUBTITLE J—STREAMLINING

Sec. 2911. Fixed guideway capital investment grants. [49 USC 5309]

Reduces the bureaucratic burden within the Capital Investment Grant (CIG) approval process. The Federal approval process for a new transit project is burdensome compared to the Federal approval process for a new highway project. Modifications to the CIG program include:

- Small Starts: The Federal cost cap for small starts projects increases to $320 million and the total cost cap increases to $400 million, providing more small projects a streamlined approval process.
- Core Capacity: Adds station expansion eligibility to core capacity projects. Allows these projects to start planning additional capacity 10 years before the corridor reaches capacity.
- Engineering phase: Increases to 3 years the time projects have to move into the engineering phase.
- Project Development phase: Cost and risk assessments may not be required in the project development phase, but applicants may choose to do their own assessments and FTA can provide technical assistance.
- Federal Cost Share: Reestablishes an 80 percent CIG cost cap for all CIG projects. Replaces the requirement on FTA to minimize Federal cost share with an option for a transit agency to choose a CIG cost share under 60 percent. Transit agencies that remain under 60 percent cost share are subject to less strenuous requirements for project approval by allowing the applicant to: determine the amount of the contingency funds; certify that local resources are available to continue running their current service; and secure only 75 percent of the local financial commitment to sign the Full Funding Grant Agreement (FFGA), with the remaining 25 percent budgeted, but not committed.
- Contingency Funds: For projects that seek the higher cost share, FTA will now provide 50 percent of the contingency amount required.
- Project Rating Incentives: Expands the use of incentives (warrants) for projects with a total cost under $1 billion or projects that selected the lower cost share. This allows more projects to get automatic ratings when they meet certain criteria.
- Transparency: Provides an opportunity for applicants to seek clarification, at several key stages of the approval process, of what information FTA still requires from the applicant to secure project approval. Requires FTA to create a publicly accessible CIG dashboard to post monthly updates on the status of each CIG project in the approval process or under construction including the status of pending approvals.
- Congressional Notification: Reduces the number of days before a project can be signed after congressional notification to accelerate project approval.
- Interrelated Projects: Allows a rating improvement in mobility for projects that have another related project in the planning

process that has secured initial NEPA guidance and will boost ridership on the current project seeking a rating.

Sec. 2912. Rural and small urban apportionment deadline. [49 USC 5336]

Requires FTA to apportion formula funds made available by appropriation continuing resolutions to states by December 15th of the fiscal year. States may choose to apply for these funds or wait for the full-year apportionment. This will provide better access to Federal formula funds to small urban areas, rural areas, and service providers for seniors or individuals with disabilities.

Sec. 2913. Disposition of assets beyond useful life. [49 USC 5334]

Establishes a new policy for proceeds from the sale of old equipment. The original Federal share of the proceeds shall be retained by each transit agency and available for new capital projects following Federal rules.

Sec. 2914. Innovative coordinated access and mobility. [49 USC 5310]

Expands an existing program designed to streamline the coordination of public transportation services and non-emergency medical transportation. Creates startup grants designed to launch a coordinated approach of delivering better service by reducing duplication of services from different local, state, and Federal healthcare agencies. Creates incentive grants to capture the savings from the coordination and reduced health care costs and redirects those savings back into better service.

Sec. 2915. Passenger ferry grants.

Authorizes the Secretary to make grants for zero-or reduced-emission passenger ferries.

Sec. 2916. Evaluation of benefits and Federal investment.

Amends the Capital Investment Grant program criteria to include projects that improve transportation options to economically distressed areas.

Sec. 2917. Best practices for the application of National Environmental Policy Act of 1969 to federally funded bus shelters.

Provides for the issuance of best practices related to the application of NEPA to federally funded bus shelter projects.

Sec. 2918. Capital investment grant streamlining.

Repeals the Expedited Project Delivery pilot program. Grandfathers in projects currently participating in the program.

Sec. 2919. Disposition of rolling stock to improve air quality goals.

Modifies the process for disposition of rolling stock in certain non-attainment areas.

TITLE III—HIGHWAY TRAFFIC SAFETY

Sec. 3001. Authorization of appropriations.

Authorizes $4.4 billion in contract authority for FY23 through FY26 for National Highway Traffic Safety Administration (NHTSA) programs.

Sec. 3002. Highway safety programs. [23 USC 402]

Creates new state highway safety program eligibilities to: educate the public on the dangers of pediatric vehicular hyperthermia; purchase and distribute child restraints to low-income families; and to reduce deaths and injuries resulting from violations of state "move over laws" which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway. Requires states which have legalized marijuana to consider additional programs to increase public awareness of the dangers of marijuana-impaired driving and to reduce injuries and fatalities resulting from marijuana-impaired driving. Allows an exemption from the prohibition on Sec. 402 funds being used for automated traffic enforcement systems if the system is being used in either a school zone or work zone. Directs the Secretary to enhance the ability for public review of state highway safety plans and reports by publishing each state's plan and report on a public-facing website which can be easily navigated and searched. The website must have a means for the public to search a plans' content, including by performance measures, program areas and expenditures, and additional funding sources.

Sec. 3003. Fair and equitable traffic safety enforcement.

Directs the Secretary to make grants to an eligible non-profit institution of higher education to establish and operate a national center of excellence for fair and equitable traffic safety enforcement (Center). The purpose of the Center will be to promote fair and equitable traffic safety enforcement with the goal of reducing traffic fatalities and injuries. The Center's duties will include researching and identifying best practices for states to promote fair and equitable traffic safety enforcement programs and to provide technical assistance to states participating in the Sec. 1906 Program to Prohibit Racial Profiling. In carrying out its duties, the Center will be required to consult with relevant stakeholders including civil rights organizations, traffic safety advocacy groups, law enforcement representatives, state highway safety offices, and others. The Secretary will be required to report to Congress on the Center's progress toward meeting its goals. Authorizes $35 million per year in contract authority for the Center for FY23 through FY26.

Sec. 3004. Highway safety research and development. [23 USC 403]

Makes technical changes to clarify the Secretary's authority to use certain funds for a cooperative program to research and evaluate priority highway safety countermeasures and increases funding for the program from $2.5 million to $3.5 million per year. Removes

the set-aside for the in-vehicle alcohol detection device research program.

Sec. 3005. Grant program to prohibit racial profiling. [23 USC 403(j)]

Reauthorizes and codifies a grant program, commonly referred to as the Sec. 1906 Program, encouraging states to prohibit the use of racial profiling by law enforcement during traffic safety stops and to collect statewide data on motor vehicle stops for analysis. Adds eligible uses of funds and increases funding to $15 million each year. Removes the prohibition on receiving grant funds for more than 2 years for states who partially participate in the program but creates incentivize for states to increase their participation and rewards states who are fully participating.

Sec. 3006. National safety campaigns. [23 USC 404]

Requires the Secretary to carry out one high-visibility enforcement campaign each year dedicated to: reducing drunk driving; reducing drunk and drug-impaired driving; and increasing seatbelt use. Improves visibility and education efforts of high-visibility enforcement campaigns through coordinated use of dynamic highway messaging signs. Adds requirement for NHTSA to carry out national traffic safety public awareness campaigns to increase the proper use of seatbelts and child safety restraints; reduce instances of distracted driving; and reduce instances of drivers speeding.

Sec. 3007. National priority safety programs. [23 USC 405]

Makes targeted improvements to certain priority safety grant programs which have been previously underutilized, including programs for: the use of ignition interlocks; enactment and enforcement of state distracted driving laws; and state graduated driver's licensing laws. Reforms will increase state participation while maintaining strong safety standards. Also expands eligibility under the state traffic safety information system improvements grant to improve data sharing and interoperability between states' driver record systems. Creates new grant program which encourages states to develop and implement driver and law enforcement training programs to educate both groups on proper traffic stop procedure in order to reduce the potential for conflict during traffic stops. Enables the Secretary to transfer any funds remaining under this section at the end of the Fiscal Year to carry out activities under either Sec. 402 or Sec. 405.

Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence. [23 USC 164]

Adds flexibility to the uses of penalty funds for states which haven't enacted or aren't enforcing a repeat intoxicated driver law to include 'poly substance impaired driving' in addition to 'alcohol-impaired driving' countermeasures.

Sec. 3009. National priority safety program grant eligibility.

Requires the Secretary to list all deficiencies that made a state ineligible for a grant under the Sec. 405 program to help states identify and address remaining issues.

Sec. 3010. Implicit bias research and training grants.

Establishes a discretionary grant program available to institutions of higher education for research, development, technology transfer, and training activities in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops. Authorizes $20 million annually to be appropriated for the program out of the general fund.

Sec. 3011. Stop motorcycle checkpoint funding.

Amends Sec. 4007 of the FAST Act, which prohibits the use of funds under title 23 from being used to establish checkpoints targeting motorcyclists, to include a prohibition on stopping motorcyclists based on their clothing or mode of transportation.

Sec. 3012. Electronic driver's license.

Allows state-provided electronic driver licenses to qualify as acceptable identification under the REAL ID Act.

Sec. 3013. Motorcyclist Advisory Council.

Establishes a motorcyclist advisory council to advise the Secretary on issues of concern to motorcyclist regarding barrier designs, roadway designs and maintenance, and implementation of intelligent transportation system technologies. Requires the Secretary to accept or reject recommendations from the council and to report to Congress on the Secretary's determinations.

Sec. 3014. Report on marijuana research.

Requires the Secretary, in consultation with the Departments of Justice and Health and Human Services, to develop recommendations on ways to improve access to marijuana samples and strains for scientific researchers studying impairment while driving under the influence of marijuana. Requires the Secretary to report the recommendations to Congress within 2 years of enactment of this Act.

Sec. 3015. Comptroller General study on national DUI reporting.

Directs GAO to study states' reporting of alcohol-impaired driving arrest and citation results into Federal data bases and to make recommendations for improving data reporting to the Secretary.

Sec. 3016. Report on impaired driving.

Requires the Secretary, in consultation with other relevant Federal agencies and traffic safety stakeholders, to research and report to Congress on barriers states encounter in submitting drug and alcohol toxicology results to the FARS data base. Also requires the Secretary to provide recommendations on how to address such barriers and steps the Secretary will take to address them.

Sec. 3017. Impaired driving countermeasure. [23 USC 405(d)]

Expresses the sense of Congress that more should be done to address multi-substance impaired driving. Expands eligible uses of funds under NHTSA's national priority safety program to better combat impaired driving.

TITLE IV—MOTOR CARRIER SAFETY

SUBTITLE A—MOTOR CARRIER SAFETY GRANTS, OPERATIONS, AND PROGRAMS

Sec. 4101. Motor carrier safety grants. [49 USC 31104]

Authorizes $2.2 billion in contract authority for FY23 through FY26 for motor carrier safety grants under the Federal Motor Carrier Safety Administration (FMCSA) to assist states in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts. Includes $1.6 billion for Motor Carrier Safety Assistance Program (MCSAP) grants; $300 million for High Priority Activities grants; $232 million for Commercial Driver's License (CDL) Program Implementation grants; and $4.3 million for Commercial Motor Vehicle Operators grants. Authorizes the Administrator to carry out training for state enforcement personnel through grants with one or more not-for-profit organizations. Extends the grant period of performance by 1 year to ensure program funds do not lapse and allows the Secretary to redistribute unobligated funds.

Amends CDL Program Implementation grants to limit to $250,000 the amount a state can receive under the program for certain grant eligibilities in any Fiscal Year that a state has a delay of more than 7 days for scheduling a CDL skills test and if the state does not allow private commercial driving schools from administering the skills test.

Sec. 4102. Motor carrier safety operations and programs. [49 USC 31101]

Authorizes $1.5 billion for FY23 through FY26 for FMCSA's motor carrier safety operations and programs. Directs the Administrator to utilize additional program amounts to accelerate investments to modernize the agency's information technology and information management systems, complete any outstanding statutory mandates, and undertake a new Large Truck Causation study.

Sec. 4103. Immobilization grant program. [49 USC 31102(l)]

Establishes a new incentive grant to encourage states to fully participate in the Performance and Registration Information Systems Management (PRISM) program. Full participation requires the impoundment or immobilization of passenger-carrying commercial motor vehicles with gross vehicle weights between 10,001 and 26,000 lbs. found to have significant safety violations. States can use the grant funds to impound or otherwise immobilize a passenger-carrying commercial motor vehicle found to have such violations.

Sec. 4104. Operation of small commercial vehicles study.

Directs the Secretary to initiate a review of the prevalence of, characteristics of, and safe operation of package delivery commercial vehicles weighing under 10,000 pounds. The study shall examine facets such as fleet structures, fleet management, driver treatment, driver training, and safety performance metrics.

SUBTITLE B—MOTOR CARRIER SAFETY OVERSIGHT

Sec. 4201. Motor Carrier Safety Advisory Committee.

Extends the authorization for the Motor Carrier Safety Advisory Committee through FY26 and adds small carriers among those required to be represented on the committee.

Sec. 4202. Compliance, safety, accountability.

Requires the Secretary, within 1 year of enactment, to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program. Requires the Secretary to make safety data publicly available upon revision of the methodology. Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter on the status of the development of the revised methodology and related data modifications. Requires the Secretary to publish regulations to revise the process for issuing safety fitness determinations for motor carriers no later than 1 year after implementing the new CSA methodology.

Sec. 4203. Terms and conditions for exemptions. [49 USC 31315]

Requires the Secretary to establish terms and conditions for carriers and drivers operating under an exemption from safety rules, including requiring the regular submission of safety data, carrying documentation of the exemption, and for exemptions related to hours of service rules, participation in a recognized fatigue management plan.

Sec. 4204. Safety fitness of motor carriers of passengers. [49 USC 31144]

Requires the Secretary to review the safety of entities that offer and sell tickets for scheduled motorcoach transportation, regardless of ownership or control of the vehicles or drivers used to provide the transportation.

Sec. 4205. Providers of recreational activities.

Exempts providers of recreational activities operating small passenger vehicles from Federal registration requirements if they operate within 150 air mile radius.

Sec. 4206. Amendments to regulations relating to transportation of household goods in interstate commerce.

Directs DOT to update regulations related to the interstate transportation of household goods, and to consider changes recommended by the FAST Act's Household Goods Consumer Protection Working Group.

Sec. 4207. Broker guidance.

Directs DOT to issue guidance to clarify the definitions and roles of brokers and bona fide agents. Requires the Secretary to consider the impact of technology and the role of dispatch services in the freight transportation industry.

SUBTITLE C—COMMERCIAL MOTOR VEHICLE DRIVER SAFETY

Sec. 4301. Commercial driver's license for passenger carriers. [49 USC 31301]

Requires drivers of limousines to hold a CDL.

Sec. 4302. Alcohol and controlled substances testing. [49 USC 31306]

Makes a technical change to 49 USC 31306 to ensure that FMCSA has the authority to implement oral fluids testing if the DOT amends its drug and alcohol testing regulations to permit oral fluids testing.

Sec. 4303. Entry-level driver training.

Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter until full implementation of FMCSA's Entry Level Driver Training rule, including: a schedule and benchmarks to finalize implementation of the requirements; reporting of any anticipated delays in meeting the benchmarks; progress made in updating FMCSA's information technology infrastructure to support the training rule; and progress made by states in implementing the rule.

Sec. 4304. Driver detention time.

Requires the Secretary to begin collecting data on delays experienced by drivers in the loading and unloading of goods, or detention time, within 30 days of enactment. Requires such data to be made publicly available in an anonymized manner. Requires a rulemaking, no later than 1 year after enactment, to establish limits on the amount of time that a driver may be reasonably detained, unless compensated for the time.

Sec. 4305. Truck Leasing Task Force.

Requires the Secretary of Transportation, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force to examine common truck leasing agreements, and the terms of such agreements, available to truck drivers, including port drayage drivers specifically. The Task Force shall also examine the impact of truck leasing agreements on the net compensation of drivers, and resources available to assist drivers in assessing the impacts of leasing agreements.

Sec. 4306. Hours of service.

Requires FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions and expansions of on-duty time for commercial truck drivers finalized by the agency in a 2020 rulemaking. The Secretary must document

existing exemptions from hours of service rules and conduct a safety analysis and a driver impact analysis as part of the comprehensive review. Directs FMCSA to revise the agency's guidance with respect to the use of a commercial motor vehicle for personal conveyance, to establish specific mileage or time limits on the use of this exception.

Sec. 4307. Driver recruitment.

Requires the DOT Inspector General to examine and report to Congress on the prevalence of the operation of commercial motor vehicles by drivers admitted to the United States under temporary business visas, and the safety impacts of such operations.

Sec. 4308. Screening for obstructive sleep apnea.

Directs FMCSA to, within 1 year, assess the risks posed by untreated obstruction sleep apnea, and initiate a rulemaking to establish screening criteria for obstructive sleep apnea among commercial vehicle drivers.

Sec. 4309. Women of Trucking Advisory Board.

Directs the FMCSA Administrator to establish and facilitate a "Women of Trucking Advisory Board" to encourage organizations and programs that provide education, training, mentorship, or outreach to women in the trucking industry; and recruit women into the trucking industry.

Sec. 4310. Application of commercial motor vehicle safety.

Makes Puerto Rico eligible to receive Commercial Drivers' License Program Implementation grants under chapter 313 of title 49, and provides a grace period to come into compliance with the requirements of the program.

Sec. 4311. Use of data.

Allows data from Electronic Logging Devices to be used by FMCSA for transportation research.

SUBTITLE D—COMMERCIAL MOTOR VEHICLE AND SCHOOLBUS SAFETY

Sec. 4401. Schoolbus safety standards.

Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses. Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems. Directs the Secretary to conduct research and testing on fire prevention and mitigation standards-including firewalls, fire suppression systems, and interior flammability and smoke emissions characteristics-for large school buses and consider issuing updated standards.

Sec. 4402. Illegal passing of schoolbuses.

Requires the Secretary to research drivers' understanding of and attitudes toward illegal school bus passing and to create and disseminate a public messaging campaign to highlight the dangers of

illegal passing and educate students and the public on safe loading and unloading of school buses. Directs the Secretary to conduct an evaluation of advanced school bus safety technologies surrounding loading zone safety, such as motion activated detection systems and upgraded warning lights.

Directs GAO to review state laws and efforts to educate drivers on illegal school bus passing and make recommendation to states on how to improve driver education efforts.

Sec. 4403. State inspection of passenger-carrying commercial motor vehicles.

Requires the Secretary to review current state practices regarding annual inspection of passenger-carrying commercial motor vehicles to determine which inspection models are most used and evaluate their impact on commercial vehicle safety. The Secretary must report the findings to Congress.

Sec. 4404. Automatic emergency braking.

Requires the Secretary, no later than 1 year after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for newly manufactured heavy-duty commercial motor vehicles to be equipped with an automatic emergency braking system, and to require that systems installed in such vehicles be in use during operation. The Secretary is directed to consult with representatives of commercial motor vehicle drivers regarding their experiences with automatic emergency braking systems already in use, including malfunctions or unwarranted activations of such systems. Directs the Secretary to complete research on applying automatic emergency braking systems in medium-duty commercial vehicles and, if warranted, develop performance standards for such automatic braking systems. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards.

Sec. 4405. Underride protection.

Directs the Secretary to strengthen rear underride guard standards within 1 year of enactment, and to conduct additional research on the design and development of rear impact guards to prevent underride crashes at higher speeds. Requires the Secretary to amend regulations on minimum periodic inspections to include rear impact guards and rear end protection. Requires the Secretary to complete additional research on side underride guards and consider the feasibility, benefits, and costs associated with installing side underride guards, and if warranted, develop performance standards. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards. Creates an Advisory Committee on Underride Protection.

Sec. 4406. Transportation of horses. [49 USC 80502]

Prohibits the interstate transportation of horses in a motor vehicle containing two or more levels stacked on top of one another and

authorizes civil penalties of at least $100 but not more than $500 for each violation of this prohibition.

Sec. 4407. Additional State authority.

Provides limited authority for a state to modify the total length of a longer combination vehicle permitted to operate in such state, if the modification is solely to allow a larger tractor, and provided that none of the additional length can be to increase the length of a trailer, semi-trailer, or other cargo-carrying unit of the LCV.

Sec. 4408. Updating the required amount of insurance for commercial motor vehicles.

Increases the minimum amount of insurance required for commercial motor vehicles from $750,000 to $2 million, and directs this amount to be adjusted for inflation by FMCSA every 5 years.

Sec. 4409. Universal electronic identifier.

Requires the Secretary to prescribe a motor vehicle safety standard to require newly manufactured commercial motor vehicles to be equipped with a universal electronic identifier that identifies the vehicle to roadside inspectors for enforcement purposes.

TITLE V—INNOVATION

Sec. 5001. Authorization of appropriations.

Authorizes $2.2 billion in contract authority for FY23 through FY26 for research programs.

SUBTITLE A-RESEARCH AND DEVELOPMENT

Sec. 5101. Highway research and development program. [23 USC 503(b)]

Increases funding to $144 million for FY23 through FY26 for the Highway Research and Development Program and removes set-asides that previously took funding away from critical research activities. Adds greenhouse gas emissions reduction to the objectives of the Highway Research and Development Program. Directs DOT to develop modeling tools and data bases to track highway assets, traffic flows, and long-distance network connectivity to better inform planning for both passenger and freight travel. Authorizes FHWA to obtain and develop datasets and tools that enable states, MPOs, and others to better evaluate performance management and accessibility to jobs and services.

Sec. 5102. Materials to reduce greenhouse gas emissions program. [23 USC 503(d)]

Establishes a new comprehensive research, development, and deployment pipeline to advance the use of greener construction materials. The program will award grants to universities and state DOTs to research greener material designs and practices during the production and construction process, including the ability for materials to sequester carbon from the atmosphere and the extent to which state procurement standards may be improved to support greener materials.

Sec. 5103. Transportation research and development 5-year strategic plan. [49 USC 6503]

Requires the Secretary to issue the Department's research and development plan every 5 years. Amends the 5-year plan to include greenhouse gas emissions reduction and work force issues.

Sec. 5104. University transportation centers program. [49 USC 5505]

Increases funding to $96 million for FY23 through FY26 for the University Transportation Centers Program. Adds FTA to the administration of the program. Increases Federal share and increases maximum grant amounts. Directs the Secretary to consider cybersecurity in making grants under the program. Adds focused research on transit, connected and automated vehicles, bicyclist and pedestrian safety, surface transportation work force issues, and climate change. Provides flexibility to transfer surplus funds to support further research in the Unsolicited Research Initiative in section 5105.

Sec. 5105. Unsolicited research initiative. [23 USC 5506]

Establishes a new program through which local governments, universities, and nonprofits may, at any time, propose research projects to the Secretary. This will expand opportunities for fundamental, non-applied research in the Department.

Sec. 5106. National cooperative multimodal freight transportation research program. [49 USC 70205]

Reestablishes the freight transportation cooperative research program in conjunction with the National Academies. Guides research efforts through an advisory committee consisting of regulators, industry representatives, labor representatives, environmental experts, and safety groups. Research will include the effects of growing freight demands on the environment, safety, and congestion; technological solutions and challenges for freight movement; improving the National Multimodal Freight Network; truck parking; and planning for the changing nature of freight movements, including first and last-mile challenges.

Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.

Authorizes a study on wildlife-vehicle collisions and habitat connectivity, to update previous FHWA research. Directs the Secretary to create work force development and training courses based on the study. Requires the Secretary to issue voluntary guidance to develop a joint plan for wildlife crossings among participating states. Directs the Secretary to standardize wildlife-vehicle collisions and habitat connectivity data. Authorizes additional voluntary guidance to establish a threshold for determining whether a highway could benefit from wildlife crossing infrastructure.

Sec. 5108. Research activities. [49 USC 330]

Reauthorizes the set-aside for coordination, evaluation, and oversight of research programs.

Sec. 5109. Transportation equity research program.

Reestablishes the DOT Transportation Equity Research Program. Authorizes research on the impacts of surface transportation planning, investment, and operations.

Sec. 5110. Surface transportation research, development, and technology. [23 USC 502]

Authorizes the Secretary to enter into agreements with entities that represent the needs of metropolitan planning organizations in order to carry out research activities.

Sec. 5111. Metropolitan planning research pilot program.

Establishes a new pilot program to make financial awards to metropolitan planning organizations to carry out research activities. Goals of the program will include enhancing surface transportation metropolitan planning practices to improve the ability of MPOs to meet performance measures and targets, address climate change, improve access to jobs and services, and support underserved communities.

Sec. 5112. Integrated project delivery.

Authorizes the Secretary to enter into an agreement with the National Academy of Sciences to carry out a study on the effectiveness of integrated project delivery in delivering large infrastructure projects.

Sec. 5113. Accelerated implementation and deployment of advanced digital construction management systems.

Directs the Secretary to promote, support, and document the application of advanced digital construction management systems within the Technology and Innovation Deployment Program.

SUBTITLE B-TECHNOLOGY DEPLOYMENT

Sec. 5201. Technology and innovation deployment program. [23 USC 503(c)]

More than doubles funding to $152 million for FY23 through FY26 for the Technology and Innovation Deployment Program. Adds greenhouse gas emissions reduction to the objectives of the FHWA Technology and Innovation Deployment Program (TIDP).

Sec. 5202. Accelerated implementation and deployment of pavement technologies. [23 USC 503(c)(3)]

Adds to this program an emphasis on innovative pavement designs, materials, and practices that will reduce greenhouse gas emissions. Expands program reporting requirements to include extensive GHG-reducing and resilience factors, such as stormwater management, pavement durability, and energy efficiency. This program will complement the deployment efforts of the Materials to Reduce Greenhouse Gas Emissions program in section 5102.

Sec. 5203. Federal Highway Administration Every Day Counts initiative. [23 USC 520]

Codifies the FHWA Every Day Counts initiative, a successful deployment effort among the Department and state DOTs.

SUBTITLE C-EMERGING TECHNOLOGIES

Sec. 5301. Mobility through advanced technologies. [23 USC 503(c)(4)]

Renames the Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) program to the Mobility through Advanced Technology (MTAT) program. Focuses the program's objectives on mobility, safety, and greenhouse gas emissions reduction. Requires the Secretary to prioritize programs that will improve mobility, decrease congestion, increase safety, and reduce emissions. Expands eligible uses of funds to include vehicle-to-pedestrian safety systems, vulnerable road user safety systems, cybersecurity protections, DSRC-to-CV2X retrofitting, and mobility-on-demand activities. Enhances reporting requirements. Increases funding to $70 million per year and expands the Federal share of the program to 80 percent.

Sec. 5302. Intelligent transportation systems program. [23 USC 513–516]

Adds consideration of greenhouse gas emissions reduction throughout the Intelligent Transportation Systems (ITS) program. Reauthorizes the ITS Program Advisory Committee. Removes set-asides that previously took funding away from intelligent transportation activities.

Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse. [49 USC 5507]

Establishes a national clearinghouse at a university to research the impacts of highly automated vehicles and mobility innovation (Mobility on Demand and Mobility as a Service) on land use, urban design, transportation, real estate, accessibility, municipal budgets, social equity, and the environment.

Sec. 5304. Study on safe interactions between automated vehicles and road users.

Directs U.S. DOT to study how automated vehicles will safely interact with general road users, including vulnerable road users such as bicyclists and pedestrians. Includes numerous safety considerations to ensure that the study accounts for the complexities of the surface transportation system and its many users. Establishes a working group of road users to guide the study.

Sec. 5305. Nontraditional and Emerging Transportation Technology Council. [49 USC 118]

Authorizes the Non-Traditional and Emerging Transportation Technology (NETT) Council to develop cohesive regulatory practices for novel transportation technologies presented to the DOT.

Sec. 5306. Surface transportation workforce retraining grant program.

Establishes a work force retraining grant program for surface transportation workers whose jobs have been or will be affected by automation. The program will award grants to eligible entities to test new roles for existing jobs, to develop degree or certification-granting programs, and for direct worker training or train-the-trainer programs.

Sec. 5307. Third-party data integration pilot program.

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to implement integrated traffic management systems that will improve traffic flow.

Sec. 5308. Third-party data planning integration pilot program.

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to improve transportation planning.

Sec. 5309. Automated commercial vehicle reporting.

Directs the Secretary to require entities operating automated commercial motor vehicles in interstate commerce to report safety data to the Secretary. Requires the Secretary to establish a repository of such data and make certain data publicly available in a safe manner that protects the privacy of submitting entities.

Sec. 5310. Task Force to Promote American Vehicle Competitiveness.

Directs the Secretary of Transportation to establish a Task Force to Promote American Vehicle Competitiveness to identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with domestic sourcing and production of electric vehicle batteries; coordinate agency oversight of nontraditional and emerging electric vehicle battery sourcing and production technologies, projects, and engagement with stakeholders; develop best practices for identifying, managing, and resolving issues regarding domestic sourcing and production of electric vehicle batteries; and carry out any other activities necessary to promote domestic electric vehicle manufacturing.

SUBTITLE D-SURFACE TRANSPORTATION FUNDING PILOT PROGRAMS

Sec. 5401. State surface transportation system funding pilot.

Nearly doubles funding for state-level Vehicle Miles Traveled (VMT) pilot programs and directs program dollars toward implementation of successful state programs. Adds cybersecurity to the scope of the pilot programs.

Sec. 5402. National surface transportation system funding pilot.

Establishes a new 5 year national VMT pilot program. Directs the Secretary to solicit participants from all 50 states and the District of Columbia. Incorporates passenger and commercial vehicles, including vehicle fleets. Provides flexibility for the type of revenue-collection mechanism used in the pilot, including successful VMT

pilots implemented at the state level. Directs collected revenue to the Highway Trust Fund. Establishes an advisory board to help carry out the pilot.

SUBTITLE E-MISCELLANEOUS

Sec. 5501. Ergonomic seating working group.

Establishes a working group to improve the musculoskeletal health of transit and commercial vehicle drivers by developing stronger ergonomic seating standards in transit and commercial vehicles. Requires the working group to compare design standards for women to those for men.

Sec. 5502. Repeal of section 6314 of title 49, United States Code. [49 USC 6314]

Repeals the Port Performance Freight Statistics Program.

Sec. 5503. Transportation workforce outreach program. [49 USC 5508]

Directs the Secretary to establish a public service announcement campaign to increase awareness of transportation sector career opportunities and to increase diversity in the transportation sector.

Sec. 5504. Advisory council on transportation statistics. [49 USC 6305]

Reauthorizes the Advisory Council on Transportation Statistics.

Sec. 5505. GAO review of discretionary grant programs.

Directs the Government Accountability Office to review the extent to which the Secretary is considering the needs of underserved populations in certain discretionary grant programs.

TITLE VI—MULTIMODAL TRANSPORTATION

Sec. 6001. National multimodal freight policy. [49 USC 70101]

Revises the National Multimodal Freight Policy to include further consideration of environmental and equity impacts.

Sec. 6002. National freight strategic plan. [49 USC 70102]

Revises the National Freight Strategic Plan to include further consideration of environmental and equity impacts.

Sec. 6003. National multimodal freight network. [49 USC 70103]

Amends the National Multimodal Freight Network to include ports that have a total annual cargo value of at least $1 billion. Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline. Allows for the establishment of critical urban multimodal freight corridors in the same manner as the establishment of critical rural multimodal freight corridors.

Sec. 6004. State freight advisory committees. [49 USC 70201]

Provides for the participation of additional stakeholders in state freight advisory committees, including metropolitan planning organizations, state environmental departments, and state air quality departments.

Sec. 6005. State freight plans. [49 USC 70202]

Revises the requirements for State Freight Plans to include further consideration of environmental and equity impacts.

Sec. 6006. Study of freight transportation fee.

Establishes a joint task force between the DOT and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services. Includes an assessment of the revenue such a fee would generate, the entities that would be impacted by such a fee, and assessments of related operational and administrative issues. Requires the Secretary to report to Congress on the outcome of the study.

Sec. 6007. National Surface Transportation and Innovative Finance Bureau. [49 USC 116]

Modifies the purpose of the Bureau to include proactive outreach to communities located outside of metropolitan or micropolitan statistical areas and coordinating with the Department of Agriculture's Office of Rural Development, the Environmental Protection Agency's Office of Community Revitalization, and any other agencies that provide technical assistance for rural communities.

Sec. 6008. Transportation equity advisory committee.

Requires the establishment of a Transportation Equity Advisory Committee to provide independent advice and recommendations to the Secretary on transportation equity, including making recommendations on national transportation metrics.

Sec. 6009. Sense of Congress.

States a sense of Congress that walking, bicycling, and public transportation are complementary modes of transportation, and that pedestrian and bicycle pathways and related improvements within public transportation rights-of-way are appropriate investments for the public benefit.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

Sec. 7001. Transportation Infrastructure Finance and Innovation Act.

Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-federal funds. Allows territories to use funds made available under this section for the non-federal match under the TIFIA program. Clarifies the criteria under which projects are eligible for the

streamlined application process. Provides additional funding to allow the Department to waive fees for small projects. Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area. Requires the Department to issue public monthly status reports on TIFIA applications and projects. Clarifies the application of Buy America standards for commuter rail procurements under TIFIA.

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

Sec. 8001. Short title. [23 USC Chapter 6]

Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-Federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-Federal funds. Allows territories to use funds made available under this section for the non-Federal match under the TIFIA program. Clarifies the criteria under which projects are eligible for the streamlined application process. Provides additional funding to allow the Department to waive fees for small projects. Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area. Requires the Department to issue public monthly status reports on TIFIA applications and projects. Clarifies the application of Buy America standards for commuter rail procurements under TIFIA.

TITLE I—AUTHORIZATIONS

Sec. 8101. Authorization of appropriations.

Authorizes appropriations for the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials safety program at $360 million over 5 years.

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.

Repeals Section 828 of the *FAA Modernization and Reform Act of 2012*. That section prohibits DOT from issuing any regulation ensuring the safety of transporting lithium batteries in air cargo compartments of passenger and cargo planes if the regulations are more stringent than the lowest common denominator of international standards. Repealing this provision helps protect the safety of all passengers flying in the U.S. from safety risks associated with lithium batteries. Directs PHMSA to review outstanding National Transportation Safety Administration recommendations regarding the transportation of lithium batteries by air.

Sec. 8202. Transportation of liquefied natural gas by rail tank car.

Requires DOT to rescind any special permit or approval for the transport of liquified natural gas (LNG) by rail tank car issued before the date of enactment. Also prohibits DOT regulations on the transport of LNG by rail tank car from taking effect until DOT conducts a further safety evaluation. Directs PHMSA and FRA to initiate an evaluation of the safety, security, and environmental risks of transporting LNG by rail, which must include performance evaluation of tank cars, including physical testing of rail tank cars. The evaluation also must examine the impact of a discharge of LNG from a rail tank car and consider several related issues, including the benefits of route, speed, and consist restrictions, the needs of first responders to prepare and safely respond to incidents involving LNG, and the types of safety enhancements required to make tank cars and certain rail containers capable of moving LNG by rail safely. GAO must verify that DOT has complied with this mandate.

Sec. 8203. Hazardous materials training requirements and grants.

Authorizes the Assistance for Local Emergency Response Training (ALERT) grant, which promotes hazmat response training for volunteer or remote emergency responders, at $9 million over 5 years.

Sec. 8204. Lithium battery approval.

Establishes a PHMSA approval program for certain high-risk lithium battery types, which will allow safety inspection personnel and carriers to verify that these batteries comply with international and domestic safety requirements.

DIVISION D—RAIL

Sec. 9001. Short title.

Cites the division as the "Transforming Rail by Accelerating Investment nationwide Act" or the "TRAIN Act".

TITLE I—AUTHORIZATIONS

Sec. 9101. Authorization of appropriations.

Provides $32 billion over 5 years in grants to support Amtrak's intercity passenger rail service on the Northeast Corridor (NEC) and the National Network. Provides $25 billion over 5 years to both the Passenger Rail Improvement Modernization and Expansion grant program and the Bridges, Stations, and Tunnels grant program and $7 billion to the Consolidated Rail Investment and Safety Improvements grant program. Authorizes over the next 5 years appropriations for the State-Amtrak Intercity Passenger Rail Committee at $20 million, the Northeast Corridor Commission at $30 million, and the Grade Crossing Separation Grant program at $2.5 billion.

Authorizes appropriations for the Federal Railroad Administration (FRA) Safety and Operations account at $1.567 billion over 5

years and requires FRA to increase the number of safety inspectors by 20 percent over 5 years; sets aside $20 million a year for FRA regional planning processes; authorizes appropriations for the Amtrak Office of Inspector General at $137.5 million over 5 years and FRA's Railroad Research and Development account at $335 million over 5 years.

Finally, blocks Federal financial assistance to any entity that is owned or controlled by a state-owned enterprise and includes a Sense of the Committee that a rail trust fund should be created and authorizes FRA grant programs to be funded by a rail trust fund if one is created.

Sec. 9102. Passenger rail improvement, modernization, and expansion grants.

This new high-speed and intercity passenger rail competitive grant program authorizes grant funding of $25 billion over 5 years to improve mobility, operational performance, or growth of high-speed or intercity passenger rail corridors. Priority is given for projects that incorporate regional planning, or have the support of multiple states, provide environmental benefits, such as greenhouse gas reduction and other air quality benefits and/or improve service in and to socially disadvantaged communities. The grant program reserves 4 percent of funds for high-speed rail corridor development planning and has a Federal cost-share of up to 90 percent.

Sec. 9103. Consolidated rail infrastructure and safety improvement grants.

Reauthorizes the FRA's CRISI competitive grant program to fund freight and passenger rail projects at $7 billion over 5 years. Safety program eligibilities expressly allow for projects to help prevent rail trespassing and suicide. New preferences are added for projects that positively impact socially disadvantaged communities and for zero-emission locomotives. Commuter rail and Tribal government rail projects are newly eligible. The section retains the 25 percent set aside for rural projects and establishes a 25 percent set aside for projects over $100 million and removes a preference for projects with a lower percentage of Federal funding. The Federal cost share remains up to 80 percent for most projects.

Sec. 9104. Railroad rehabilitation and improvement financing.

Through the RRIF program, the DOT provides direct loans and loan guarantees to finance development of railroad infrastructure. New provisions direct the Secretary to repay the credit risk premium (CRP) with interest for each loan defined in cohort 3 (made between 2009 and 2015) not later than 60 days after all obligations attached to each such loan has been satisfied. The section also authorizes $900 million over 5 years for the Secretary to pay the CRP in whole or in part for loan and loan guarantees for state and local governments, congressionally consented interstate compacts, and government-sponsored authorities. For entities that pay a credit risk premium, this section provides certainty that upon loan payoff, the credit risk premium will be refunded. The section makes permanent the authority for transit-oriented development project

loans, and it clarifies that RRIF loans may be used as the non-Federal share of project costs for DOT Federal grant programs if such loans are repaid from non-Federal funds.

Sec. 9105. Bridges, stations, and tunnels (BeST) grant program.

Authorizes $25 billion in a new directed grant program to fund major intercity passenger rail bridges, stations, tunnels, and any co-located projects that can be completed concurrently. Projects must be consistent with multi-state planning, have Tier I environmental impact statement work complete, and be in locations with cost-sharing methodology in place.

Sec. 9106. Buy America.

Requires DOT to provide notice and opportunity for public comment on requests for waivers from FRA's Buy America standards at least 30 days before making a finding on such request. Also requires DOT to annually report to Congress on the waivers granted during the preceding fiscal year.

TITLE II—AMTRAK REFORMS

Sec. 9201. Amtrak findings, mission, and goals.

Amtrak's findings, mission, and goals have been revised to reflect congressional priorities for Amtrak. Amtrak must provide reliable national intercity passenger rail service, reflect the needs of all passengers, and support the U.S. work force.

Sec. 9202. Amtrak status.

Clarifies that Amtrak serves the public interest in providing reliable passenger rail service.

Sec. 9203. Board of Directors.

Realigns the makeup of Amtrak's board of directors to better reflect the interests of passengers and Amtrak-served states. The board must represent the interests of areas served by Amtrak, Amtrak's passengers and employees, the Amtrak CEO, and DOT. Also clarifies that the board members must balance consideration for the traveling public's interests in a sustainable national passenger rail service, with fiduciary responsibilities and Amtrak's mission and goals.

Sec. 9204. Amtrak preference enforcement.

Amtrak's preferential access to freight-owned corridors dates to Amtrak's early years and is key to the future success of intercity passenger rail transportation. This provision provides a means for Amtrak to enforce its statutory right of preference directly in Federal court without intermediaries.

Sec. 9205. Use of facilities and providing services to Amtrak.

Revises the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair

freight transportation and initiate a proceeding to evaluate what additional investments are required.

Sec. 9206. Prohibition on mandatory arbitration.

Prohibits Amtrak from imposing mandatory arbitration. This reverses Amtrak's recent change to its ticket policy to include a mandatory arbitration clause that forces passengers who purchase tickets to waive their right to file a lawsuit or participate in a class action.

Sec. 9207. Amtrak ADA assessment.

Amtrak's trains, stations, facilities, policies, and decisionmaking processes must serve passengers with disabilities. This provision requires Amtrak to perform a comprehensive review every 2 years of all policies, protocols, and guidelines for compliance with the Americans with Disabilities Act (ADA). The review encompasses existing facilities, including trains, stations, and parking for which Amtrak has responsibility under the ADA.

Sec. 9208. Prohibition on smoking on Amtrak trains.

Prohibits smoking on Amtrak trains, including electronic cigarettes.

Sec. 9209. State-supported routes operated by Amtrak.

Increases transparency of the costs for state-supported Amtrak routes and calls for procedures to improve financial planning. The section directs the State-Amtrak Intercity Passenger Rail Committee to update the cost methodology that promotes accountability and transparency. Further, the section requires Amtrak to engage stakeholders early when developing new state-supported routes, and ensures Amtrak receives affirmative state permission before initiating such service. The section also allows states and Amtrak to pursue an alternative cost methodology to facilitate the development, construction, and operation of new state-supported routes and the expansion of existing ones.

Sec. 9210. Amtrak Police Department.

Requires Amtrak to identify the mission of the Amtrak Police Department (APD) in mitigating risks to, and ensuring the safety and security of, Amtrak passengers, workers, trains, stations, and facilities. Amtrak must also develop a work force planning process that ensures adequate APD employment levels and set performance goals and metrics that align with the mission of the Department. Amtrak is directed to consult with experts and workers in complying with the section, and to report to Congress on its work.

Sec. 9211. Amtrak food and beverage.

Requires that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee. The section also establishes a working group charged with developing recommendations, and issuing a report within 1 year, on how to improve onboard food and beverage services. Amtrak is prohibited from making changes to its food and beverage service until 30 days after issuing a response to the working group recommendations.

The provision also requires Amtrak to ensure that all long-distance passengers traveling overnight have access to hot meals, not just sleeping car passengers, and it removes statutory language limiting Amtrak's ability to provide food and beverage service due to costs.

Sec. 9212. Clarification on Amtrak contracting out.

Amends current Amtrak contracting limitations to clarify that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. It also clarifies that Amtrak is not authorized to contract out work if prohibited to do so in an agreement entered into with its workers.

Sec. 9213. Amtrak staffing.

Prevents Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station where there was more than an average of 40 Amtrak passengers boarding or deboarding per day in Fiscal Year 2019.

Sec. 9214. Special transportation.

Requires Amtrak to offer reduced fares for certain passenger groups, including veterans, young children, and members of the military and their families.

Sec. 9215. Disaster and emergency relief program.

Enables DOT to make grants to Amtrak for capital projects and continued operations during disruptions due to natural disasters and emergency events.

Sec. 9216. Access to recreational trails.

Requires Amtrak to report to Congress before implementing a new policy or operation that may affect access to recreational trails.

Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.

Authorizes the Secretary to make grants to Amtrak for improvements to its information technology systems, including cyber resiliency improvements.

Sec. 9218. Amtrak and private cars.

Requires Amtrak to review policies regarding private car and charter train services and evaluate opportunities to strengthen these services.

Sec. 9219. Amtrak Office of Community Outreach.

Requires Amtrak to establish an Office of Community Outreach to engage and build relationships with communities impacted by Amtrak operations, including outreach and engagement around projects of community significance.

Sec. 9220. Long-distance customer enhancement program.

Requires Amtrak to set aside at least 2.5 percent of all annual appropriations to enhance the passenger experience on long-dis-

tance routes. Eligible initiatives include train car interior redesign and upgrades, food and beverage service improvements, wi-fi expansion, and rail stations.

Sec. 9221. Amtrak carbon-free and renewable energy initiatives.

Requires Amtrak to develop and publish a greenhouse gas emission reduction plan that sets forth a strategy to achieve net-zero carbon emissions within the Northeast Corridor by 2035.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 9301. Northeast Corridor Commission.

Incorporates minor updates to the Northeast Corridor Commission provisions, including terminology changes and slight modifications to the Commission's membership provisions.

Sec. 9302. Northeast Corridor planning.

Requires the Northeast Corridor Commission to submit a service development plan that identifies key state-of-good repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor.

Sec. 9303. Protective arrangements.

Directs the FRA Administrator to adhere to current law that requires that applicants seeking FRA grants for some types of projects agree to comply with protective arrangements that are equivalent to those established under the Railroad Revitalization and Regulatory Reform Act of 1976. Those protective arrangements are intended to ensure that workers are not harmed as a result of a project funded by an FRA grant.

Sec. 9304. Interstate rail compacts.

Encourages states to create interstate compacts to facilitate multi-state rail planning and encourage multi-state grant applications. Directs the Secretary to provide up to $500,000 in administrative assistance for up to 10 interstate rail compacts to improve, promote, and develop intercity passenger rail service through initiating, restoring, or enhancing such service. Recipients must provide a non-Federal match of not less than 50 percent of the administrative costs. The section sets applicant selection criteria and requires recipients to report annually on its activities and information related to performances measures the Secretary establishes to measure a recipient's progress toward achieving goals and objectives.

Sec. 9305. High-speed rail updates.

Updates requirements for high-speed rail projects to consider whether projects connect to rail stations in urban centers, environmental impacts including greenhouse gas reductions, and electrification. Establishes a consistent definition for high-speed rail projects to reach speeds of 150 m.p.h. or more for projects on shared-use right of way and 186 m.p.h. or more on dedicated right-of-way.

Sec. 9306. State rail planning formula funds.

Directs 1.5 percent of all Chapter 229 competitive grant funding (PRIME, CRISI, BeST, Restoration and Enhancement) into formula funding for all 50 states and the District of Columbia, for intercity passenger rail planning. States may use funds to advance rail capital projects when intercity passenger rail planning is not feasible. The formula is determined by a state's share of national rail route miles, population, and Amtrak's Fiscal Year 2019 ridership.

TITLE IV—COMMUTER RAIL POLICY

Sec. 9401. Sense of Congress regarding commuter rail liability insurance.

This section expresses the Sense of Congress that Congress should address the capacity and cost issues associated with the commuter rail liability insurance market and consider establishing a commuter rail insurance program within the DOT.

Sec. 9402. Surface Transportation Board mediation of trackage use requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to trackage and provision of related services.

Sec. 9403. Surface Transportation Board mediation of rights-of-way use requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to rail right-of-way.

TITLE V—RAIL SAFETY

SUBTITLE A—PASSENGER AND FREIGHT SAFETY

Sec. 9501. Study on safety impact of long trains.

Long trains place different operational demands on the rail network and work force. This provision directs the Secretary to study the safety impacts of trains composed of more than 150 railcars in a variety of terrains and conditions. The study will consider safety factors, such as loss of communication between crew members and in-train forces that can cause derailment risks. The Secretary must collaborate with stakeholders, including railroads, workers, and safety technology manufacturers, take action to address any risk identified by the study, and share the study results with stakeholders and Congress.

Sec. 9502. FRA safety reporting.

Expands the type of data FRA collects from railroads on accident and incident report forms to include train length and crew size. It also directs FRA to regularly review and analyze such report data for trends or patterns of potential safety risks and to take appropriate actions on risks identified.

Sec. 9503. Waiver notice requirements.

This section requires FRA to engage in a public process before granting waivers from, or suspensions of, railroad safety standards and regulations. FRA must give the public notice of a waiver or suspension request, make available a waiver or suspension application and any supporting data, and provide the public with notice and an opportunity to comment on waivers or suspensions before they are finalized.

Sec. 9504. Notice of FRA comprehensive safety compliance assessments.

Requires that the FRA notify the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee if it initiates a comprehensive safety compliance assessment of an entity providing regularly scheduled intercity or commuter rail transportation. Such notification must be made not later than 10 business days after the FRA commences any field investigation activity that is part of such assessment. Additionally, not later than 180 days after the assessment is complete, the FRA must transmit a summary report of the assessment findings to such committees.

Sec. 9505. FRA accident and incident investigations.

Requires DOT to create a standard process during FRA accident and incident investigations for gathering information about the accident or incident, and consulting for technical expertise with railroad carriers, contractors or employees or employee representatives, and other relevant entities. In developing the process, the Secretary shall factor in ways to maintain confidentiality of such entities when requested and appropriate. The Secretary must also develop a process for making accident and incident investigation reports available to railroads and employees for their review and comment prior to the FRA publishing the report.

Sec. 9506. Freight train crew size safety standards.

Includes a two-person crew requirement that generally requires that freight trains have a certified engineer and a certified conductor. Limited exemptions are included for short line and small railroads, but no exemptions are available for trains carrying dangerous hazmat and long trains, which must be staffed with two crewmembers.

Sec. 9507. Border crossings.

Requires freight trains crossing the southern border into the United States to follow the decades-long practice whereby the crews operating the trains across the border interchange with United States-based crews who then operate the train into the interior of the country. The section also addresses concerns of the Customs and Border Patrol (CBP) by requiring that such trains operate continually over the border crossing and stop once the train clears a CBP nonintrusive inspection facility. It also addresses congestion caused by freight trains that block highway-railroad grade crossings near the southern border by creating a $300 million set-

aside for projects that separate grade crossings and relocate rail lines.

Sec. 9508. Yardmasters hours of service.

Makes yardmaster employees subject to FRA's hours of service protections, defined as individuals responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

Sec. 9509. Leaking brakes.

Directs the FRA to take such actions as are necessary to ensure that certain older air brake control valves are phased out on rail cars operating in cold regions of the United States.

Sec. 9510. Report on PTC system failures.

Directs the Secretary to require railroad carriers to regularly report on failures of positive train control (PTC) systems in the manner established by the Secretary.

Sec. 9511. Fatigue reduction management plans.

Directs the Secretary to issue a final rule on fatigue management plans within 1 year of enactment. The Secretary may reopen a fatigue management plan if the FRA finds that fatigue was a casual or contributing factor in an accident or incident investigation, and the FRA must reopen such plans if the agency determines that fatigue is a systemic issue for the passenger or freight railroad involved in the accident or incident.

Sec. 9512. Assault prevention and response plans.

Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

Sec. 9513. Critical incident stress plans.

Amends FRA regulations to include assault in the definition of a critical incident, after which railroad carriers must offer support services to employees who witness or experience such events.

Sec. 9514. Crewmember certification and qualification.

Directs the Secretary to conduct an audit within 1 year of enactment, and every 5 years thereafter, of Class I railroads' qualification and certification program of locomotive engineers and conductors. The Secretary must consult with the railroad carrier and workers while conducting the audit and must submit to Congress a report summarizing the audit results. After the initial audit is complete, the Secretary must review the regulations governing these programs to consider whether updates are necessary to prepare engineers and conductors to safely operate trains. If any regulatory update is needed, the Secretary must act.

Sec. 9515. Safety management team communication.

Directs the FRA Administrator to implement a process that ensures communication between the FRA's safety management teams and workers is timely and responsive.

Sec. 9516. GAO study on reorganization of Office of Railroad Safety.

Directs the GAO to study the reorganization of the FRA's Office of Railroad Safety that took effect in June 2020 and consider how the previous and new structure compare.

Sec. 9517. Open-top rail car public input.

Directs the FRA Administrator to, within 1 year of enactment, initiate a public process to seek input on addressing safety risks, spills, emissions, odors, and other public nuisances associated with certain rail cars, including evaluating the feasibility of requiring such rail cars be covered while in transportation.

Sec. 9518. New passenger service pre-revenue safety validation plan.

Directs the Secretary to require an entity providing regularly scheduled intercity or commuter rail passenger transportation to submit to the Secretary a safety validation plan not later than 30 days prior to beginning new service, restarting service, or extending service. The plan must ensure the safety of such service and contain the elements specified by the Secretary. No such service may begin until the entity complies with the content of the plan. Entities must submit to the Secretary for review and approval any amendments to the plan.

Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.

Requires the Secretary to conduct a review of FRA safety regulations to determine the applicability of current regulations toward nontraditional and emerging rail technologies. The Secretary shall further identify gaps or challenges affecting the regulation of new rail technologies and report to Congress.

SUBTITLE B—GRADE CROSSING SAFETY

Sec. 9551. Highway-rail grade crossing separation grants.

To reflect the significant demand for funds to support grade separation projects, this section creates a new grant program authorized at $2.5 billion over 5 years to build or improve grade crossing separations. Preference is given to projects that benefit disadvantaged communities. Right-of-way owners must contribute at least 10 percent of the total project costs, and the Federal cost-share is up to 85 percent.

Sec. 9552. Rail safety public awareness grant.

This section authorizes a set-aside within the CRISI grant program at $25 million over 5 years with a focus on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. Eligible programs include public

service announcements and media campaigns, school and driver education safety presentations, and dissemination of safety information to communities.

Sec. 9553. Establishment of 10-minute time limit for blocking public highwayrail grade crossings.

This section mirrors many state laws by prohibiting a stopped freight train from blocking a public highway-rail grade crossing for more than 10 minutes and allows the Secretary to issue civil penalties to railroad carriers for repeated violations of blocked crossings. Railroad carriers are granted 60 days to rectify the cause of the blocked crossing before penalties can be assessed. Exemptions are made for instances such as accidents or compliance with Federal safety regulations, while higher penalties are permitted for repeatedly delaying emergency services.

Sec. 9554. National blocked crossing database.

Directs the Secretary to develop a national blocked crossings data base for the public to report instances of blocked crossings.

Sec. 9555. Railroad point of contact for blocked crossing matters.

Adds blocked crossings to the grade crossing problems that the public may report to a railroad under existing law. Further requires railroads that receive complaints of blocked public grade crossings to enter the reported instance into FRA's national blocked crossings data base.

Sec. 9556. National highway-rail crossing inventory review.

Requires the Secretary to conduct a review of the national highway-rail crossing inventory of the DOT and correct any out-of-date or erroneous data.

Sec. 9557. Railroad trespassing enforcement grants.

Authorizes the Secretary to set-aside $250,000 annually within the CRISI grant program to make grants to fund law enforcement efforts to prevent trespassers along railroad right-of-way.

Sec. 9558. Railroad trespassing suicide prevention grants.

Authorizes the Secretary to set-aside $1 million annually within the CRISI grant program to make grants to partnerships of nonprofit mental health organizations and railroad carriers to implement public outreach campaigns centered on reducing the number of railroad suicides.

Sec. 9559. Including railroad suicides.

Requires the Secretary to include the number of suicides that occur on a railroad crossing or right-of-way in the total number of rail fatalities reported by DOT each year.

Sec. 9560. Report on safety measures required for Quiet Zones.

Requires the FRA Administrator to submit a report to Congress detailing the safety measures that can be used by communities to qualify for quiet zone implementation, as well as a summary of any

proposed safety measures that did not meet the safety levels required of quiet zones.

TITLE VI—MISCELLANEOUS

Sec. 9601. Rail network climate change vulnerability assessment.

In light of the risks posed to the passenger and freight rail network from climate change and related ecological disturbances, this section directs the Secretary of Transportation to sponsor a National Academies assessment and submit a subsequent report on the potential impacts of climate change on the national rail network. The report will also address mitigation strategies to lessen adverse impacts, including emergency preparedness measures and resiliency best practices for infrastructure planning.

Sec. 9602. Advance acquisition.

Similar to highway and transit projects, allows rail project sponsors to acquire real property interest for a transportation purpose that does not cause significant adverse environmental impact, prevent the lead agency from making an impartial decision to accept an alternative, or result in elimination or reduction of benefits to a displaced person. A real property interest may not be developed until all required environmental reviews for the project have been completed.

Sec. 9603. University Rail Climate Innovation Institute.

Directs the Secretary to conduct a competitive process to establish a University Rail Climate Innovation Institute to research and develop low-and zero-emission rail technologies. The Institute is funded at $20 million annually, with a 50 percent Federal cost share, and the selected university must partner with a railroad carrier or rail supplier.

Sec. 9604. Workforce diversity and development.

Directs the Secretary to carry out at least one work force development pilot program within 2 years that may be in the form of an outreach program to increase employment opportunities for socially disadvantaged individuals; the development of a partnership with local schools and colleges to address work force needs; or an apprenticeship program to train railroad employees in needed skills. The Secretary must report to Congress on the pilot, including information about participants and outcomes of the pilot, and make recommendations for increasing diversity and enhancing skills in the railroad work force.

Sec. 9605. Requirements for railroad freight cars entering service in United States.

Prohibits a freight rail car manufacturer from placing a freight car on the U.S. freight railroad interchange system if that car is made by a state-owned enterprise (SOE), has sensitive equipment made by a SOE or a county of concern, or contains content that originates from a SOE or entity within a country of concern that violated U.S. intellectual property rights. The section further limits

freight cars to no more than 20 percent SOE or country of concern content within 1 year after the date of enactment, and no more than 15 percent after 2 years. The Secretary may fine a manufacturer up to $250,000 per violation, (which exceeds the cost of most rail cars) and prohibit repeat offenders from placing any railcar on the U.S. freight railroad interchange system.

Sec. 9606. Rail research and development Center of Excellence.

Authorizes the Secretary to award a grant to a university or consortium of universities to establish a Center of Excellence to research and develop improved safety, efficiency, and reliability of passenger and freight rail transportation. The grant has a 50 percent Federal cost share and preference is given to universities with experience in rail research, education, and work force development.

Sec. 9607. Freight railroad locomotive requirements.

Requires all Class I freight railroads to operate locomotives that meet the highest EPA emissions standard by 2035.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

Chap. Sec.

1. [Federal Aid Highways] *Federal-aid Highways* **101**

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CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.

101 Definitions and declaration of policy.

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[117. Nationally significant freight and highway projects.]

117. Projects of national and regional significance.

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124. Predisaster mitigation program.

125. Emergency relief.

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[130. Railway-highway crossings.]

130. Railway crossings.

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[133. Surface transportation block grant program.]

133. Surface transportation program.

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[144. National bridge and tunnel inventory and inspection standards.]

144. Bridges and tunnels.

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155. Electric vehicle charging stations.

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171. Carbon pollution reduction.
172. Community climate innovation grants.
173. Community transportation investment grant program.

§ 101. Definitions and declaration of policy

(a) DEFINITIONS.—In this title, the following definitions apply:

(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)**]** *(2)* APPORTIONMENT.—The term "apportionment" includes unexpended apportionments made under prior authorization laws.

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

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

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

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

[(2)**]** *(4)* ASSET MANAGEMENT.—The term "asset management" means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.

[(3)**]** *(5)* CARPOOL PROJECT.—The term "carpool project" means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided.

(6) CLIMATE CHANGE.—The term "climate change" means any significant change in the measures of climate lasting for an extended period of time, and may include major changes in tem-

perature, precipitation, wind patterns, or sea level, among others, that occur over several decades or longer.

[(4)] *(7)* CONSTRUCTION.—The term "construction" means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway or any project eligible for assistance under this title, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

(A) preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection, surveying, *assessing resilience,* mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services;

(B) reconstruction, resurfacing, restoration, rehabilitation, and preservation;

(C) acquisition of rights-of-way;

(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

(E) elimination of hazards of railway-highway grade crossings;

(F) elimination of roadside hazards;

(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

(8) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The term "context sensitive design principles" means principles for the design of a public road that—

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

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

[(5)] *(9)* COUNTY.—The term "county" includes corresponding units of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdic-

tion over highways, any local government unit vested with jurisdiction over local highways.

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

(A) is used to transport—

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

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

(B) is identified, consistent with sections 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (A).

[(6)**]** *(11)* FEDERAL-AID HIGHWAY.—The term "Federal-aid highway" means a public highway eligible for assistance under this chapter other than a highway functionally classified as a local road or rural minor collector.

[(7)**]** *(12)* FEDERAL LANDS ACCESS TRANSPORTATION FACILITY.—The term "Federal Lands access transportation facility" means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government.

[(8)**]** *(13)* FEDERAL LANDS TRANSPORTATION FACILITY.—The term "Federal lands transportation facility" means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government, and that appears on the national Federal lands transportation facility inventory described in section 203(c).

[(9)**]** *(14)* FOREST DEVELOPMENT ROADS AND TRAILS.—The term "forest development roads and trails" means forest roads and trails under the jurisdiction of the Forest Service.

[(10)**]** *(15)* FOREST ROAD OR TRAIL.—The term "forest road or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

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

[(11)**]** *(17)* HIGHWAY.—The term "highway" includes—

(A) a road, street, and parkway;

(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure including public roads on dams, sign, guardrail, and protective structure, in connection with a highway; and

(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

[(12)] *(18)* INTERSTATE SYSTEM.—The term "Interstate System" means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

[(13)] *(19)* MAINTENANCE.—The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

[(14)] *(20)* MAINTENANCE AREA.—The term "maintenance area" means an area that was designated as an air quality nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an air quality attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

[(15)] *(21)* NATIONAL HIGHWAY FREIGHT NETWORK.—The term "National Highway Freight Network" means the National Highway Freight Network established under section 167.

(23) NATURAL INFRASTRUCTURE.—

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

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

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

(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.

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

[(16)] *(22)* NATIONAL HIGHWAY SYSTEM.—The term "National Highway System" means the Federal-aid highway system described in section 103(b).

[(17)] *(24)* OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term "operating costs for traffic monitoring, management, and control" includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

[(18)] *(25)* OPERATIONAL IMPROVEMENT.—The term "operational improvement"—

(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

[(19)] *(26)* PROJECT.—The term "project" means any undertaking eligible for assistance under this title.

[(20)] *(27)* PROJECT AGREEMENT.—The term "project agreement" means the formal instrument to be executed by the Secretary and the recipient as required by section 106.

(28) PROTECTIVE FEATURE.—

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

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

(i) raising roadway grades;

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

(iii) stabilizing slide areas;

(iv) stabilizing slopes;

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

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

(vii) replacing culverts with bridges or upsizing culverts;

(viii) installing seismic retrofits on bridges;

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

(x) the use of natural infrastructure;

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

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

(xiii) permeable pavements for stormwater management.

[(21)] *(29)* PUBLIC AUTHORITY.—The term "public authority" means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

[(22)] *(30)* PUBLIC ROAD.—The term "public road" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

(31) REPEATEDLY DAMAGED FACILITY.—The term "repeatedly damaged facility" means a road, highway, or bridge that has required repair and reconstruction activities on 2 or more occasions due to natural disasters or catastrophic failures resulting

in emergencies declared by the Governor of the State in which the road, highway, or bridge is located or emergencies or major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(32) RESILIENCE.—

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

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

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

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

(i) resist hazards or withstand impacts from disruptions;

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

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

[(23)] *(33)* RURAL AREAS.—The term "rural areas" means all areas of a State not included in urban areas.

[(24)] *(34)* SAFETY IMPROVEMENT PROJECT.—The term "safety improvement project" means a strategy, activity, or project on a public road that is consistent with the State strategic highway safety plan and corrects or improves a roadway feature that constitutes a hazard to road users or addresses a highway safety problem.

[(25)] *(35)* SECRETARY.—The term "Secretary" means Secretary of Transportation.

[(26)] *(36)* STATE.—The term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

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

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

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

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

(B) costs for low-income travelers; and

(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that ef-

fect the affordability, elasticity, and diversity of the housing supply.

[(27)] *(37)* STATE FUNDS.—The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

[(28)] *(38)* STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term "State strategic highway safety plan" has the same meaning given such term in section 148(a).

[(29)] *(39)* STATE TRANSPORTATION DEPARTMENT.—The term "State transportation department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

[(30)] *(43)* TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—The term "transportation systems management and operations" means integrated strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

(B) INCLUSIONS.—The term "transportation systems management and operations" includes—

(i) actions such as traffic detection and surveillance, corridor management, freeway management, arterial management, active transportation and demand management, work zone management, emergency management, traveler information services, congestion pricing, parking management, automated enforcement, traffic control, commercial vehicle operations, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations; and

(ii) coordination of the implementation of regional transportation system management and operations investments (such as traffic incident management, traveler information services, emergency management, roadway weather management, intelligent transportation systems, communication networks, and information sharing systems) requiring agreements, integration, and interoperability to achieve targeted system performance, reliability, safety, and customer service levels.

[(31)] *(44)* TRIBAL TRANSPORTATION FACILITY.—The term "tribal transportation facility" means a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).

[(32)] *(45)* TRUCK STOP ELECTRIFICATION SYSTEM.—The term "truck stop electrification system" means a system that delivers heat, air conditioning, electricity, or communications to a heavy-duty vehicle.

[(33)] *(46)* URBAN AREA.—The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

[(34)] *(47)* URBANIZED AREA.—The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.

(b) DECLARATION OF POLICY.—

(1) ACCELERATION OF CONSTRUCTION OF FEDERAL-AID HIGHWAY SYSTEMS.—Congress declares that it is in the national interest to accelerate the construction of Federal-aid highway systems, including the Dwight D. Eisenhower National System of Interstate and [Defense,] *Defense Highways,* because many of the highways (or portions of the highways) are inadequate to meet the needs of local and interstate commerce for the national and civil defense.

(2) COMPLETION OF INTERSTATE SYSTEM.—Congress declares that the prompt and early completion of the Dwight D. Eisenhower National System of Interstate and Defense Highways (referred to in this section as the "Interstate System"), so named because of its primary importance to the national defense, is essential to the national interest. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the forty years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending September 30, 1996, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire system in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

(3) TRANSPORTATION NEEDS OF 21ST CENTURY.—Congress declares that—

(A) it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st [Century] *century*;

(B) the current urban and long distance personal travel and freight movement demands have surpassed the origi-

nal forecasts and travel demand patterns are expected to continue to change;

(C) continued planning for and investment in surface transportation is critical to ensure the surface transportation system adequately meets the changing travel demands of the future;

(D) among the foremost needs that the surface transportation system must meet to provide for a strong and vigorous national economy are safe, efficient, and reliable—

(i) national and interregional personal mobility (including personal mobility in rural and urban areas) and reduced congestion;

(ii) flow of interstate and international commerce and freight transportation; and

(iii) travel movements essential for national security;

(E) special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals;

(F) the connection between land use and infrastructure is significant;

(G) transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life[; and]*;*

(H) the Secretary should take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st [Century.] *century;*

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

(J) climate change presents a significant risk to safety, the economy, and national security, and reducing the contributions of the transportation system to the Nation's total carbon pollution is critical; and

(K) the Secretary and States should take appropriate measures and ensure investments to increase the resilience of the Nation's transportation system.

(4) EXPEDITED PROJECT DELIVERY.—

(A) IN GENERAL.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process *while ensuring that environmental protections are maintained*.

(B) POLICY OF THE UNITED STATES.—Accordingly, it is the policy of the United States that—

(i) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;

(ii) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;

(iii) project sponsors shall not be prohibited from carrying out preconstruction project development activities concurrently with the environmental review process;

(iv) programmatic approaches shall be used to reduce the need for project-by-project reviews and decisions by Federal agencies; and

(v) the Secretary shall identify opportunities for project sponsors to assume responsibilities of the Secretary where such responsibilities can be assumed in a manner that protects public health, the environment, and public participation.

(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid highway which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation.

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the substantial minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

* * * * * * *

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

[(A) $453,000,000 for fiscal year 2016;

[(B) $459,795,000 for fiscal year 2017;

[(C) $466,691,925 for fiscal year 2018;

[(D) $473,692,304 for fiscal year 2019; and
[(E) $480,797,689 for fiscal year 2020.]
(A) $530,000,000 for fiscal year 2023;
(B) $543,000,000 for fiscal year 2024;
(C) $557,000,000 for fiscal year 2025; and
(D) $572,000,000 for fiscal year 2026.

(2) PURPOSES.—The amounts authorized to be appropriated by this subsection shall be used—

(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2;

(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

(3) AVAILABILITY.—The amounts made available under paragraph (1) shall remain available until expended.

[(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134 as follows:

[(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 63.7 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

[(2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—For the surface transportation block grant program, 29.3 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

[(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 7 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

[(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, an amount determined by multiplying the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5) by the proportion that—

[(A) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2009; bears to

[(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program re-

ferred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP–21.

[(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

[(A) IN GENERAL.—For the national highway freight program under section 167, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

[(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

[(i) $1,150,000,000 for fiscal year 2016;

[(ii) $1,100,000,000 for fiscal year 2017;

[(iii) $1,200,000,000 for fiscal year 2018;

[(iv) $1,350,000,000 for fiscal year 2019; and

[(v) $1,500,000,000 for fiscal year 2020.

[(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—

[(i) the total base apportionment determined for the State under subsection (c); bears to

[(ii) the total base apportionments for all States under subsection (c).

[(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that—

[(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

[(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).

[(6) METROPOLITAN PLANNING.—To carry out section 134, an amount determined by multiplying the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5) by the proportion that—

[(A) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

[(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP–21.

[(c) CALCULATION OF AMOUNTS.—

[(1) STATE SHARE.—For each of fiscal years 2016 through 2020, the amount for each State shall be determined as follows:

[(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

[(i) each of—

[(I) the base apportionment;

[(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and

[(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by

[(ii) the share for each State, which shall be equal to the proportion that—

[(I) the amount of apportionments that the State received for fiscal year 2015; bears to

[(II) the amount of those apportionments received by all States for that fiscal year.

[(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

[(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2016 through 2020, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134 in accordance with paragraph (1).]

(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the covered programs as follows:

(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 55.09 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, 28.43 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 6.19 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

(i) $2,913,925,833 for fiscal year 2023;

(ii) $2,964,919,535 for fiscal year 2024;

(iii) $3,024,217,926 for fiscal year 2025; and

(iv) $3,078,653,849 for fiscal year 2026.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

(i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to

(ii) the total amount of funds apportioned to all States for such program for fiscal year 2020.

(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—For the national highway freight program, 3.38 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(6) METROPOLITAN PLANNING.—

(A) IN GENERAL.—For metropolitan planning, an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States shall be—

(i) $507,500,000 for fiscal year 2023;

(ii) $516,381,250 for fiscal year 2024;

(iii) $526,708,875 for fiscal year 2025; and

(iv) $536,189,635 for fiscal year 2026.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for metropolitan planning under subparagraph (B) so that each State receives an amount equal to the proportion that—

(i) the amount apportioned to the State for metropolitan planning for fiscal year 2020; bears to

(ii) the total amount of funds apportioned to all States for metropolitan planning for fiscal year 2020.

(7) RAILWAY CROSSINGS.—

(A) IN GENERAL.—For the railway crossings program, an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount for the railway crossings program for all States shall be $245,000,000 for each of fiscal years 2023 through 2026.

(C) STATE SHARE.—

(i) IN GENERAL.—For each fiscal year, the Secretary shall distribute among the States the amount for the railway crossings program under subparagraph (B) as follows:

(I) 50 percent of the amount for a fiscal year shall be apportioned to States by the formula set forth in section 104(b)(3)(A) (as in effect on the day before the date of enactment of MAP–21).

(II) 50 percent of the amount for a fiscal year shall be apportioned to States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

(ii) MINIMUM APPORTIONMENT.—Notwithstanding clause (i), for each fiscal year, each State shall receive a minimum of one-half of 1 percent of the total amount for the railway crossings program for such fiscal year under subparagraph (B).

(8) PREDISASTER MITIGATION PROGRAM.—For the predisaster mitigation program, 2.96 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(9) CARBON POLLUTION REDUCTION PROGRAM.—For the carbon pollution reduction program, 3.95 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

(10) CLEAN CORRIDORS.—

(A) IN GENERAL.—For the clean corridors program, an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount for the clean corridors program for all States shall be $1,000,000,000 for each of fiscal years 2023 through 2026.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount for the clean corridors program under subparagraph (B) so that each State receives the amount equal to the proportion that—

(i) the total base apportionment determined for the State under subsection (c); bears to

(ii) the total base apportionments for all States under subsection (c).

(c) CALCULATION OF AMOUNTS.—

(1) STATE SHARE.—For each of fiscal years 2023 through 2026, the amount for each State shall be determined as follows:

(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

(i) each of—

(I) the base apportionment; and

(II) supplemental funds reserved under subsection (h)(1) for the highway safety improvement program; by

(ii) the share for each State, which shall be equal to the proportion that—

(I) the amount of apportionments that the State received for fiscal year 2020; bears to

(II) the amount of those apportionments received by all States for fiscal year 2020.

(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State

paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2023 through 2026, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the covered programs in accordance with paragraph (1).

(d) METROPOLITAN PLANNING.—

(1) USE OF AMOUNTS.—

(A) USE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amounts apportioned to a State under ⟦paragraphs (5)(D) and (6) of subsection (b)⟧ *subsection (b)(6)* shall be made available by the State to the metropolitan planning organizations responsible for carrying out section 134 in the State.

(ii) STATES RECEIVING MINIMUM APPORTIONMENT.—A State that received the minimum apportionment for use in carrying out section 134 for fiscal year 2009 may, subject to the approval of the Secretary, use the funds apportioned under ⟦paragraphs (5)(D) and (6) of subsection (b)⟧ *subsection (b)(6)* to fund transportation planning outside of urbanized areas.

(B) UNUSED FUNDS.—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135.

(2) DISTRIBUTION OF AMOUNTS WITHIN STATES.—

(A) IN GENERAL.—The distribution within any State of the planning funds made available to organizations under paragraph (1) shall be in accordance with a formula that—

(i) is developed by each State and approved by the Secretary; and

(ii) takes into consideration, at a minimum, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out section 134 and other applicable requirements of Federal law.

(B) REIMBURSEMENT.—Not later than 15 business days after the date of receipt by a State of a request for reimbursement of expenditures made by a metropolitan planning organization for carrying out section 134, the State shall reimburse, from amounts distributed under this paragraph to the metropolitan planning organization by the State, the metropolitan planning organization for those expenditures.

(3) DETERMINATION OF POPULATION FIGURES.—For the purpose of determining population figures under this subsection, the Secretary shall use the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.

(e) CERTIFICATION OF APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall—

(A) on October 1 of each fiscal year, certify to each of the State transportation departments the amount that has been apportioned to the State under this section for the fiscal year; and

(B) to permit the States to develop adequate plans for the use of amounts apportioned under this section, advise each State of the amount that will be apportioned to the State under this section for a fiscal year not later than 90 days before the beginning of the fiscal year for which the sums to be apportioned are authorized.

(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under this section for a fiscal year beginning after September 30, 1998, by not later than the date that is the twenty-first day of that fiscal year, the Secretary shall submit, by not later than that date, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a written statement of the reason for not making the apportionment in a timely manner.

(3) APPORTIONMENT CALCULATIONS.—

(A) IN GENERAL.—The calculation of official apportionments of funds to the States under this title is a primary responsibility of the Department and shall be carried out only by employees (and not contractors) of the Department.

(B) PROHIBITION ON USE OF FUNDS TO HIRE CONTRACTORS.—None of the funds made available under this title shall be used to hire contractors to calculate the apportionments of funds to States.

(f) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for transit projects or transportation planning under this title may be transferred to and administered by the Secretary in accordance with chapter 53 of title 49.

(B) NON-FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the amounts transferred under subparagraph (A).

(2) TRANSFER OF TRANSIT FUNDS FOR HIGHWAY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.

(B) NON-FEDERAL SHARE.—The provisions of chapter 53 of title 49 relating to the non-Federal share shall apply to amounts transferred under subparagraph (A).

(3) TRANSFER OF FUNDS AMONG STATES OR TO [FEDERAL HIGHWAY ADMINISTRATION] *AN OPERATING ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION*.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may, at the request of a State, transfer amounts apportioned or allocated under this title to the State to an-

other State, or to [the Federal Highway Administration] *an operating administration of the Department of Transportation*, for the purpose of funding 1 or more projects that are eligible for assistance with amounts so apportioned or allocated.

(B) APPORTIONMENT.—The transfer shall have no effect on any apportionment of amounts to a State under this section.

(C) FUNDS SUBALLOCATED TO URBANIZED AREAS.—Amounts that are apportioned or allocated to a State under subsection (b)(3) (as in effect on the day before the date of enactment of the MAP–21) or subsection (b)(2) and attributed to an urbanized area of a State with a population of more than 200,000 individuals under section 133(d) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be transferred in the same manner and amount as the amounts for the projects that are transferred under this section.

[(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

[(1) COMPILATION OF DATA.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

[(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public Internet website of the Department of Transportation and can be searched and downloaded by users of the website.

[(3) CONTENTS OF REPORTS.—

[(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—

[(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;

[(ii) the amount of funds remaining available for obligation by each State;

[(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;

[(iv) the amount and program category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;

[(v) the rates of obligation on and off the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—

[(I) program;

[(II) funding category or subcategory;
[(III) type of improvement;
[(IV) State; and
[(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and
[(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.

[(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that provides, for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction greater than $25,000,000, and to the maximum extent practicable, other projects funded under this title, project data describing—
[(i) the specific location of the project;
[(ii) the total cost of the project;
[(iii) the amount of Federal funding obligated for the project;
[(iv) the program or programs from which Federal funds have been obligated for the project;
[(v) the type of improvement being made, such as categorizing the project as—
[(I) a road reconstruction project;
[(II) a new road construction project;
[(III) a new bridge construction project;
[(IV) a bridge rehabilitation project; or
[(V) a bridge replacement project;
[(vi) the ownership of the highway or bridge;
[(vii) whether the project is located in an area of the State with a population of—
[(I) less than 5,000 individuals;
[(II) 5,000 or more individuals but less than 50,000 individuals;
[(III) 50,000 or more individuals but less than 200,000 individuals; or
[(IV) 200,000 or more individuals; and
[(viii) available information on the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns.

[(h) SUPPLEMENTAL FUNDS.—

[(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

[(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—
[(i) $53,596,122 for fiscal year 2019; and
[(ii) $66,717,816 for fiscal year 2020.

[(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.

[(2) SUPPLEMENTAL FUNDS FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

[(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to—

[(i) $835,000,000 for each of fiscal years 2016 and 2017 pursuant to section 133(h), plus—

[(I) $55,426,310 for fiscal year 2016; and

[(II) $89,289,904 for fiscal year 2017; and

[(ii) $850,000,000 for each of fiscal years 2018 through 2020 pursuant to section 133(h), plus—

[(I) $118,013,536 for fiscal year 2018;

[(II) $130,688,367 for fiscal year 2019; and

[(III) $170,053,448 for fiscal year 2020.

[(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

[(i) BASE APPORTIONMENT DEFINED.—In this section, the term "base apportionment" means—

[(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134; minus

[(2) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.]

(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

(B) USER FRIENDLY DATA.—The data compiled under subparagraph (A) shall be in a user friendly format that can be searched, downloaded, disaggregated, and filtered by data category.

(2) PROJECT DATA.—

(A) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Secretary shall make available on the website of the Department of Transportation a report that describes—

(i) the location of each active project within each State during such fiscal year, including in which congressional district or districts such project is located;

(ii) the total cost of such project;

(iii) the amount of Federal funding obligated for such project;

(iv) the program or programs from which Federal funds have been obligated for such project;

(v) whether such project is located in an area of the State with a population of—

(I) less than 5,000 individuals;

(II) 5,000 or more individuals but less than 50,000 individuals;

(III) 50,000 or more individuals but less than 200,001 individuals; or

(IV) greater than 200,000 individuals;

(vi) whether such project is located in an area of persistent poverty;

(vii) the type of improvement being made by such project, including categorizing such project as—

(I) a road reconstruction project;

(II) a new road construction project;

(III) a new bridge construction project;

(IV) a bridge rehabilitation project; or

(V) a bridge replacement project; and

(viii) the functional classification of the roadway on which such project is located.

(B) INTERACTIVE MAP.—In addition to the data made available under subparagraph (A), the Secretary shall make available on the website of the Department of Transportation an interactive map that displays, for each active project, the information described in clauses (i) through (v) of subparagraph (A).

(3) STATE DATA.—

(A) APPORTIONED AND ALLOCATED PROGRAMS.—The website described in paragraph (2)(A) shall be updated annually to display the Federal-aid highway funds apportioned and allocated to each State under this title, including—

(i) the amount of funding available for obligation by the State, including prior unobligated balances, at the start of the fiscal year;

(ii) the amount of funding obligated by the State during such fiscal year;

(iii) the amount of funding remaining available for obligation by the State at the end of such fiscal year; and

(iv) changes in the obligated, unexpended balance for the State.

(B) PROGRAMMATIC DATA.—The data described in subparagraph (A) shall include—

(i) the amount of funding by each apportioned and allocated program for which the State received funding under this title;

(ii) the amount of funding transferred between programs by the State during the fiscal year using the authority provided under section 126; and

(iii) the amount and program category of Federal funds exchanged as described in section 106(g)(6).

(4) DEFINITIONS.—In this subsection:

(A) ACTIVE PROJECT.—

(i) IN GENERAL.—The term "active project" means a Federal-aid highway project using funds made available under this title on which those funds were obligated or expended during the fiscal year for which the estimated total cost as of the start of construction is greater than $5,000,000.

(ii) EXCLUSION.—The term "active project" does not include any project for which funds are transferred to agencies other than the Federal Highway Administration.

(B) INTERACTIVE MAP.—The term "interactive map" means a map displayed on the public website of the Department of Transportation that allows a user to select and view information for each active project, State, and congressional district.

(C) STATE.—The term "State" means any of the 50 States or the District of Columbia.

(h) SUPPLEMENTAL FUNDS.—

(1) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the highway safety improvement program under section 148 $500,000,000 for each of fiscal years 2023 through 2026 for the purpose of the safe streets set-aside under section 148(m).

(2) TREATMENT OF FUNDS.—Funds reserved under paragraph (1) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(3), and shall be in addition to amounts apportioned under such subsection.

(i) DEFINITIONS.—In this section:

(1) BASE APPORTIONMENT.—The term "base apportionment" means—

(A) the combined amount authorized for the covered programs; minus

(B) the supplemental funds reserved under subsection (h) for the highway safety improvement program.

(2) COVERED PROGRAMS.—The term "covered programs" means—

(A) the national highway performance program under section 119;

(B) the surface transportation program under section 133;

(C) the highway safety improvement program under section 148;

(D) the congestion mitigation and air quality improvement program under section 149;

(E) the national highway freight program under section 167;

(F) metropolitan planning under section 134;

(G) the railway crossings program under section 130;

(H) the predisaster mitigation program under section 124;

(I) the carbon pollution reduction program under section 171; and

(J) the clean corridors program under section 151.

§ 105. Additional deposits into Highway Trust Fund

(a) IN GENERAL.—If monies are deposited into the Highway Account or Mass Transit Account pursuant to a law enacted subsequent to the date of enactment of the ⟦FAST Act⟧ *INVEST in America Act*, the Secretary shall make available additional amounts of contract authority under subsections (b) and (c).

(b) AMOUNT OF ADJUSTMENT.—If monies are deposited into the Highway Account or the Mass Transit Account as described in subsection (a), on October 1 of the fiscal year following the deposit of such monies, the Secretary shall—

(1) make available for programs authorized from such account for such fiscal year a total amount equal to—

(A) the amount otherwise authorized to be appropriated for such programs for such fiscal year; plus

(B) an amount equal to such monies deposited into such account during the previous fiscal year as described in subsection (a); and

(2) distribute the additional amount under paragraph (1)(B) to each of such programs in accordance with subsection (c).

(c) DISTRIBUTION OF ADJUSTMENT AMONG PROGRAMS.—

(1) IN GENERAL.—In making an adjustment for programs authorized to be appropriated from the Highway Account or the Mass Transit Account for a fiscal year under subsection (b), the Secretary shall—

(A) determine the ratio that—

(i) the amount authorized ⟦to be appropriated⟧ for a program from the account for the fiscal year; bears to

(ii) the total amount authorized ⟦to be appropriated⟧ for such fiscal year for all programs under such account;

(B) multiply the ratio determined under subparagraph (A) by the amount of the adjustment determined under subsection (b)(1)(B); and

(C) adjust the amount that the Secretary would otherwise have allocated for the program for such fiscal year by the amount calculated under subparagraph (B).

(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

(4) SPECIAL RULE.—

(A) ADJUSTMENT.—In making an adjustment under paragraph (1) for an allocation, reservation, or set-aside from an amount authorized from the Highway Account or Mass Transit Account described in subparagraph (B), the Secretary shall—

(i) determine the ratio that—

(I) the amount authorized to be appropriated for the allocation, reservation, or set-aside from the account for the fiscal year; bears to

(II) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

(ii) multiply the ratio determined under clause (i) by the amount of the adjustment determined under subsection (b)(1)(B); and

(iii) adjust the amount that the Secretary would have allocated for the allocation, reservation, or set-aside for such fiscal year but for this section by the amount calculated under clause (ii).

(B) ALLOCATIONS, RESERVATIONS, AND SET-ASIDES.—The allocations, reservations, and set-asides described in this subparagraph are—

(i) from the amount made available for a fiscal year for the Federal lands transportation program under section 203, the amounts allocated for a fiscal year for the National Park Service, the United States Fish and Wildlife Service, the United States Forest Service, the Corps of Engineers, the Bureau of Land Management, the Bureau of Reclamation, and independent Federal agencies with natural resource and land management responsibilities;

(ii) the amount made available for the Puerto Rico highway program under section 165(a)(1);

(iii) the amount made available for the territorial highway program under section 165(a)(2);

(iv) from the amounts made available for a fiscal year for the urbanized areas formula grants under section 5307 of title 49, the amounts allocated for a fiscal year for the passenger ferry grant program under section 5307(h) of such title;

(v) from the amounts made available for a fiscal year for the formula grants for rural areas under section 5311 of such title, the amounts allocated for a fiscal year for public transportation on Indian reservations;

(vi) from the amounts made available for a fiscal year for the public transportation innovation program under section 5312 of such title—

(I) the amounts allocated for the zero emission vehicle component assessment under section 5312(h) of such title; and

(II) the amounts allocated for the transit cooperative research program under section 5312(i) of such title;

(vii) from the amounts made available for a fiscal year for the technical assistance and workforce development program of section 5314 of such title, the amounts allocated for the national transit institute under section 5314(c) of such title;

(viii) from the amounts made available for a fiscal year for the bus and bus facilities program under section 5339 of such title, the amounts allocated for a fiscal year for the zero emission grants under section 5339(c) of such title;

(ix) the amounts made available for growing States under section 5340(c) of such title; and

(x) the amounts made available for high density states under section 5340(d) of such title.

(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 *and section 5324 of title 49* and covered administrative expenses from an adjustment of funding under subsection (c)(1).

(e) AUTHORIZATION OF APPROPRIATIONS.—**[**There is authorized**]** *For fiscal year 2023 and each fiscal year thereafter, there is authorized* to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment for a fiscal year under subsection (b) **[**for any of fiscal years 2017 through 2020**]**.

(f) REVISION TO OBLIGATION LIMITATIONS.—

(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by **[**section 1102 or 3018 of the FAST Act**]** *any other provision of law*—

(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED ADMINISTRATIVE EXPENSES.—The term "covered administrative expenses" means the administrative expenses of—

(A) the Federal Highway Administration, as authorized under section 104(a);

(B) the National Highway Traffic Safety Administration, as authorized under section 4001(a)(6) of the FAST Act; and

(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

(2) HIGHWAY ACCOUNT.—The term "Highway Account" means the portion of the Highway Trust Fund that is not the Mass Transit Account.

(3) MASS TRANSIT ACCOUNT.—The term "Mass Transit Account" means the Mass Transit Account of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

§ 106. Project approval and oversight

(a) IN GENERAL.—

(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

(2) PROJECT AGREEMENT.—The Secretary shall act on the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State transportation department recipient formalizing the conditions of the project approval.

(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of the Federal share of the cost of the project.

(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by section 109.

(b) PROJECT AGREEMENT.—

(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required to pay the State's non-Federal share of the cost of construction of the project (including payments made pursuant to a long-term concession agreement, such as availability payments) and to pay for maintenance of the project after completion of construction.

(2) REPRESENTATIONS OF STATE.—If a part of the project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State, the Secretary may rely on representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials for ensuring that the non-Federal contribution will be provided under paragraph (1).

(c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—

(1) NHS PROJECTS.—For projects under this title that are on the National Highway System, including projects on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate.

(2) NON-NHS PROJECTS.—For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and

inspection of projects, unless the State determines that such assumption is not appropriate.

(3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.

(4) LIMITATION ON INTERSTATE PROJECTS.—

(A) IN GENERAL.—The Secretary shall not assign any responsibilities to a State for projects the Secretary determines to be in a high risk category, as defined under subparagraph (B).

(B) HIGH RISK CATEGORIES.—The Secretary may define the high risk categories under this subparagraph on a national basis, a State-by-State basis, or a national and State-by-State basis, as determined to be appropriate by the Secretary.

(d) RESPONSIBILITIES OF THE SECRETARY.—Nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under—

(1) section 113 or 114; or

(2) any Federal law other than this title (including section 5333 of title 49).

(e) VALUE ENGINEERING ANALYSIS.—

(1) DEFINITION OF VALUE ENGINEERING ANALYSIS.—

(A) IN GENERAL.—In this subsection, the term "value engineering analysis" means a systematic process of review and analysis of a project, during the planning and design phases, by a multidisciplinary team of persons not involved in the project, that is conducted to provide recommendations such as those described in subparagraph (B) for—

(i) providing the needed functions safely, reliably, and at the lowest overall lifecycle cost;

(ii) improving the value and quality of the project; and

(iii) reducing the time to complete the project.

(B) INCLUSIONS.—The recommendations referred to in subparagraph (A) include, with respect to a project—

(i) combining or eliminating otherwise inefficient use of costly parts of the original proposed design for the project; and

(ii) completely redesigning the project using different technologies, materials, or methods so as to accomplish the original purpose of the project.

(2) ANALYSIS.—The State shall provide a value engineering analysis for—

(A) each project on the National Highway System receiving Federal assistance with an estimated total cost of $50,000,000 or more;

(B) a bridge project on the National Highway System receiving Federal assistance with an estimated total cost of $40,000,000 or more; and

(C) any other project the Secretary determines to be appropriate.

(3) MAJOR PROJECTS.—The Secretary may require more than 1 analysis described in paragraph (2) for a major project described in subsection (h).

(4) REQUIREMENTS.—

(A) VALUE ENGINEERING PROGRAM.—The State shall develop and carry out a value engineering program that—

(i) establishes and documents value engineering program policies and procedures;

(ii) ensures that the required value engineering analysis is conducted before completing the final design of a project;

(iii) ensures that the value engineering analysis that is conducted, and the recommendations developed and implemented for each project, are documented in a final value engineering report; and

(iv) monitors, evaluates, and annually submits to the Secretary a report that describes the results of the value analyses that are conducted and the recommendations implemented for each of the projects described in paragraph (2) that are completed in the State.

(B) BRIDGE PROJECTS.—The value engineering analysis for a bridge project under paragraph (2) shall—

(i) include bridge superstructure and substructure requirements based on construction material; and

(ii) be evaluated by the State—

(I) on engineering and economic bases, taking into consideration acceptable designs for bridges; and

(II) using an analysis of lifecycle costs and duration of project construction.

(5) DESIGN-BUILD PROJECTS.—A requirement to provide a value engineering analysis under this subsection shall not apply to a project delivered using the design-build method of construction.

(f) LIFE-CYCLE COST ANALYSIS.—

(1) USE OF LIFE-CYCLE COST ANALYSIS.—The Secretary shall develop recommendations for the States to conduct life-cycle cost analyses. The recommendations shall be based on the principles contained in section 2 of Executive Order No. 12893 and shall be developed in consultation with the American Association of State Highway and Transportation Officials. The Secretary shall not require a State to conduct a life-cycle cost analysis for any project as a result of the recommendations required under this subsection.

(2) LIFE-CYCLE COST ANALYSIS DEFINED.—In this subsection, the term "life-cycle cost analysis" means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user costs, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

(g) OVERSIGHT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title.

(B) MINIMUM REQUIREMENT.—At a minimum, the program shall be responsive to all areas relating to financial integrity and project delivery.

(2) FINANCIAL INTEGRITY.—

(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).

(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the practices of States for estimating project costs, awarding contracts, and reducing project costs.

(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of the project delivery system of a State, which elements include one or more activities that are involved in the life cycle of a project from conception to completion of the project.

(4) RESPONSIBILITY OF THE STATES.—

(A) IN GENERAL.—The States shall be responsible for determining that subrecipients of Federal funds under this title have—

(i) adequate project delivery systems for projects approved under this section; and

(ii) sufficient accounting controls to properly manage such Federal funds.

[(B) PERIODIC REVIEW.—The Secretary shall periodically review the monitoring of subrecipients by the States.]

(B) ASSISTANCE TO STATES.—The Secretary shall—

(i) develop criteria for States to use to make the determination required under subparagraph (A); and

(ii) provide training, guidance, and other assistance to States and subrecipients as needed to ensure that projects administered by subrecipients comply with the requirements of this title.

(C) PERIODIC REVIEW.—The Secretary shall review, not less frequently than every 2 years, the monitoring of subrecipients by the States.

(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—

(A) EFFECT OF SECTION.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law.

(B) APPALACHIAN DEVELOPMENT HIGHWAYS.—The Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

(6) FEDERAL FUNDING EXCHANGE PROGRAMS.—

(A) IN GENERAL.—If a State allows a subrecipient to exchange Federal funds provided under this title that are al-

located to such subrecipient for State or local funds, the State must certify to the Secretary that the State—

(i) has prevailing wage requirements that are comparable to the requirements under section 113 that apply to the use of such State or local funds; and

(ii) shall ensure that the prevailing wage requirements described in clause (i) apply to the use of such State or local funds.

(B) APPLICABILITY.—The requirements of this paragraph shall apply only if the requirements of section 113 would be applicable to a covered project if such project was carried out using Federal funds.

(C) COVERED PROJECT DEFINED.—In this paragraph, the term "covered project" means a project carried out with exchanged State or local funds as described in subparagraph (A).

(h) MAJOR PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $500,000,000 or more, and recipients for such other projects as may be identified by the Secretary, shall submit to the Secretary for each project—

(A) a project management plan; and

(B) an annual financial plan, including a phasing plan when applicable.

(2) PROJECT MANAGEMENT PLAN.—A project management plan shall document—

(A) the procedures and processes that are in effect to provide timely information to the project decisionmakers to effectively manage the scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and

(B) the role of the agency leadership and management team in the delivery of the project.

(3) FINANCIAL PLAN.—A financial plan—

(A) shall be based on detailed estimates of the cost to complete the project;

(B) shall provide for the annual submission of updates to the Secretary that are based on reasonable assumptions**[**, as determined by the Secretary,**]** of future increases in the cost to complete the project;

(C) may include a phasing plan that identifies fundable incremental improvements or phases that will address the purpose and the need of the project in the short term in the event there are insufficient financial resources to complete the entire project. If a phasing plan is adopted for a project pursuant to this section, the project shall be deemed to satisfy the fiscal constraint requirements in the statewide and metropolitan planning requirements in sections 134 and 135; and

(D) **[**shall assess**]** *in the case of a project proposed to be advanced as a public-private partnership, shall include a detailed value for money analysis or comparable analysis to*

determine the appropriateness of a public-private partnership to deliver the project.

(i) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the request of the Secretary.

(j) USE OF ADVANCED MODELING TECHNOLOGIES.—

(1) DEFINITION OF ADVANCED MODELING TECHNOLOGY.—In this subsection, the term "advanced modeling technology" means an available or developing technology, including 3-dimensional digital modeling, that can—

(A) accelerate and improve the environmental review process;

(B) increase effective public participation;

(C) enhance the detail and accuracy of project designs;

(D) increase safety;

(E) accelerate construction, and reduce construction costs; or

(F) otherwise expedite project delivery with respect to transportation projects that receive Federal funding.

(2) PROGRAM.—With respect to transportation projects that receive Federal funding, the Secretary shall encourage the use of advanced modeling technologies during environmental, planning, financial management, design, simulation, and construction processes of the projects.

(3) ACTIVITIES.—In carrying out paragraph (2), the Secretary shall—

(A) compile information relating to advanced modeling technologies, including industry best practices with respect to the use of the technologies;

(B) disseminate to States information relating to advanced modeling technologies, including industry best practices with respect to the use of the technologies; and

(C) promote the use of advanced modeling technologies.

(4) COMPREHENSIVE PLAN.—The Secretary shall develop and publish on the public website of the Department of Transportation a detailed and comprehensive plan for the implementation of paragraph (2).

(k) MEGAPROJECTS.—

(1) COMPREHENSIVE RISK MANAGEMENT PLAN.—To be authorized for the construction of a megaproject, the recipient of Federal financial assistance under this title for such megaproject shall submit to the Secretary a comprehensive risk management plan that contains—

(A) a description of the process by which the recipient will identify, quantify, and monitor the risks, including natural hazards, that might result in cost overruns, project delays, reduced construction quality, or reductions in benefits with respect to the megaproject;

(B) examples of mechanisms the recipient will use to track risks identified pursuant to subparagraph (A);

(C) a plan to control such risks; and

(D) such assurances as the Secretary determines appropriate that the recipient shall, with respect to the megaproject—

(i) regularly submit to the Secretary updated cost estimates; and

(ii) maintain and regularly reassess financial reserves for addressing known and unknown risks.

(2) PEER REVIEW GROUP.—

(A) IN GENERAL.—Not later than 90 days after the date on which a megaproject is authorized for construction, the recipient of Federal financial assistance under this title for such megaproject shall establish a peer review group for such megaproject that consists of at least 5 individuals (including at least 1 individual with project management experience) to give expert advice on the scientific, technical, and project management aspects of the megaproject.

(B) MEMBERSHIP.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish guidelines describing how a recipient described in subparagraph (A) shall—

(I) recruit and select members for a peer review group established under such subparagraph; and

(II) make publicly available the criteria for such selection and identify the members so selected.

(ii) CONFLICT OF INTEREST.—No member of a peer review group for a megaproject may have a direct or indirect financial interest in such megaproject.

(C) TASKS.—A peer review group established under subparagraph (A) by a recipient of Federal financial assistance for a megaproject shall—

(i) meet annually until completion of the megaproject;

(ii) not later than 90 days after the date of the establishment of the peer review group and not later than 90 days after the date of any significant change, as determined by the Secretary, to the scope, schedule, or budget of the megaproject, review the scope, schedule, and budget of the megaproject, including planning, engineering, financing, and any other elements determined appropriate by the Secretary; and

(iii) submit to the Secretary, Congress, and such recipient a report on the findings of each review under clause (ii).

(3) TRANSPARENCY.—Not later than 90 days after the submission of a report under paragraph (2)(C)(iii), the Secretary shall publish on the website of the Department of Transportation such report.

(4) MEGAPROJECT DEFINED.—In this subsection, the term "megaproject" means a project under this title that has an estimated total cost of $2,000,000,000 or more, and such other projects as may be identified by the Secretary.

(l) SPECIAL EXPERIMENTAL PROJECTS.—

(1) PUBLIC AVAILABILITY.—The Secretary shall publish on the website of the Department of Transportation a copy of all letters of interest, proposals, workplans, and reports related to the special experimental project authority pursuant to section 502(b). The Secretary shall redact confidential business information, as necessary, from any such information published.

(2) NOTIFICATION.—Not later than 3 days before making a determination to proceed with an experiment under a letter of interest described in paragraph (1), the Secretary shall provide notification and a description of the proposed experiment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—

(A) a summary of each experiment described in this subsection carried out over the previous 5 years; and

(B) legislative recommendations, if any, based on the findings of such experiments.

(m) COMPETITIVE GRANT PROGRAM OVERSIGHT AND ACCOUNTABILITY.—

(1) IN GENERAL.—To ensure the accountability and oversight of the discretionary grant selection process administered by the Secretary, a covered program shall be subject to the requirements of this section, in addition to the requirements applicable to each covered program.

(2) APPLICATION PROCESS.—The Secretary shall—

(A) develop a template for applicants to use to summarize—

(i) project needs and benefits; and

(ii) any factors, requirements, or considerations established for the applicable covered program;

(B) create a data driven process to evaluate, as set forth in the covered program, each eligible project for which an application is received; and

(C) make a determination, based on the evaluation made pursuant to subparagraph (B), on any ratings, rankings, scores, or similar metrics for applications made to the covered program.

(3) NOTIFICATION OF CONGRESS.—Not less than 15 days before making a grant for a covered program, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate of—

(A) the amount for each project proposed to be selected;

(B) a description of the review process;

(C) for each application, the determination made under paragraph (2)(C); and

(D) a detailed explanation of the basis for each award proposed to be selected.

(4) NOTIFICATION OF APPLICANTS.—Not later than 30 days after making a grant for a project under a covered program, the Secretary shall send to all applicants under such covered program, and publish on the website of the Department of Transportation—

(A) a summary of each application made to the covered program for the given round of funding; and

(B) the evaluation and justification for the project selection, including all ratings, rankings, scores, or similar metrics for applications made to the covered program for the given round of funding during each phase of the grant selection process.

(5) BRIEFING.—The Secretary shall provide, at the request of a grant applicant of a covered program, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

(6) TEMPLATE.—The Secretary shall, to the extent practicable, develop a template as described in paragraph (2)(A) for any discretionary program administered by the Secretary that is not a covered program.

(7) COVERED PROGRAM DEFINED.—The term "covered program" means each of the following discretionary grant programs:

(A) Community climate innovation grants under section 172.

(B) Federal lands and tribal major projects grants under section 208.

(C) Mobility through advanced technologies grants under section 503(c)(4).

(D) Rebuild rural bridges program under section 1307 of the INVEST in America Act.

(E) Parking for commercial motor vehicle grants under section 1308 of the INVEST in America Act.

(F) Active connected transportation grants under section 1309 of the INVEST in America Act.

(G) Wildlife crossings grants under section 1310 of the INVEST in America Act.

(H) Reconnecting neighborhoods capital construction grants under section 1311(d) of the INVEST in America Act.

§ 107. Acquisition of rights-of-way—Interstate System

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including sections 3114 to 3116 and 3118 of title 40), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with [subsection (c) of] section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108(b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State transportation department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State transportation department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

§ 108. Advance acquisition of real property

(a) IN GENERAL.—

(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property interests for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property interests, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property interests shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.

(b) Federal participation in the cost of real property interests acquired under subsection (a) of this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

(c) STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—

(1) IN GENERAL.—A State may carry out, at the expense of the State, acquisitions of interests in real property for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project by the State or any Federal agency.

(2) ELIGIBILITY FOR REIMBURSEMENT.—Subject to paragraph (3), funds apportioned to a State under this title may be used to participate in the payment of—

(A) costs incurred by the State for acquisition of real property interests, acquired in advance of any Federal approval or authorization, if the real property interests are subsequently incorporated into a project eligible for surface transportation [block grant] program funds; and

(B) costs incurred by the State for the acquisition of land necessary to preserve environmental and scenic values.

(3) TERMS AND CONDITIONS.—The Federal share payable of the costs described in paragraph (2) shall be eligible for reimbursement out of funds apportioned to a State under this title when the real property interests acquired are incorporated into a project eligible for surface transportation [block grant] program funds, if the State demonstrates to the Secretary and the Secretary finds that—

(A) any land acquired, and relocation assistance provided, complied with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(B) the requirements of title VI of the Civil Rights Act of 1964 have been complied with;

(C) the State has a mandatory comprehensive and coordinated land use, environment, and transportation planning process under State law and the acquisition is cer-

tified by the Governor as consistent with the State plans before the acquisition;

(D) the acquisition is determined in advance by the Governor to be consistent with the State transportation planning process pursuant to section 135 of this title;

(E) the alternative for which the real property interest is acquired is selected by the State pursuant to regulations to be issued by the Secretary which provide for the consideration of the environmental impacts of various alternatives;

(F) before the time that the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act *of 1969 (42 U.S.C. 4321 et seq.)* has been completed for the project for which the real property interest was acquired by the State, and the acquisition has been approved by the Secretary under ⟦this Act⟧ *this title*, and in compliance with section 303 of title 49, section 7 of the Endangered Species Act, and all other applicable environmental laws shall be identified by the Secretary in regulations; and

(G) before the time that the cost incurred by a State is approved for Federal participation, the Secretary has determined that the property acquired in advance of Federal approval or authorization did not influence the environmental assessment of the project, the decision relative to the need to construct the project, or the selection of the project design or location.

(d) FEDERALLY FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—

(1) DEFINITION OF ACQUISITION OF A REAL PROPERTY INTEREST.—In this subsection, the term "acquisition of a real property interest" includes the acquisition of—

(A) any interest in land;

(B) a contractual right to acquire any interest in land; or

(C) any other similar action to acquire or preserve rights-of-way for a transportation facility.

(2) AUTHORIZATION.—The Secretary may authorize the use of funds apportioned to a State under this title for the acquisition of a real property interest by a State.

(3) STATE CERTIFICATION.—A State requesting Federal funding for an acquisition of a real property interest shall certify in writing, with concurrence by the Secretary, that—

(A) the State has authority to acquire the real property interest under State law; and

(B) the acquisition of the real property interest—

(i) is for a transportation purpose;

(ii) will not cause any significant adverse environmental impact;

(iii) will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project;

(iv) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process;

(v) is consistent with the State transportation planning process under section 135;

(vi) complies with other applicable Federal laws (including regulations);

(vii) will be acquired through negotiation, without the threat of condemnation; and

(viii) will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(4) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition of the real property interest.

(B) INDEPENDENT UTILITY.—The acquisition of a real property interest—

(i) shall be treated as having independent utility for purposes of the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) shall not limit consideration of alternatives for future transportation improvements with respect to the real property interest.

(5) PROGRAMMING.—

(A) IN GENERAL.—The acquisition of a real property interest for which Federal funding is requested shall be included as a project in an applicable transportation improvement program under sections 134 and 135 and sections 5303 and 5304 of title 49.

(B) ACQUISITION PROJECT.—The acquisition project may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.

(6) DEVELOPMENT.—Real property interests acquired under this subsection may not be developed in anticipation of a project until all required environmental reviews for the project have been completed.

(7) REIMBURSEMENT.—If Federal-aid reimbursement is made for real property interests acquired early under this section and the real property interests are not subsequently incorporated into a project eligible for surface transportation funds within the time allowed by subsection (a)(2), the Secretary shall offset the amount reimbursed against funds apportioned to the State.

(8) OTHER REQUIREMENTS AND CONDITIONS.—

(A) APPLICABLE LAW.—The acquisition of a real property interest shall be carried out in compliance with all requirements applicable to the acquisition of real property interests for federally funded transportation projects.

(B) ADDITIONAL CONDITIONS.—The Secretary may establish such other conditions or restrictions on acquisitions under this subsection as the Secretary determines to be appropriate.

§ 109. Standards

(a) IN GENERAL.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

(1) adequately serve the existing and [planned future traffic of the highway in a manner that is conducive to] *future operational performance of the facility in a manner that enhances* safety, durability, and economy of maintenance; and

(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality*, taking into consideration context sensitive design principles*.

(b) [The geometric] *DESIGN CRITERIA FOR THE INTERSTATE SYSTEM.—The geometric* and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State transportation departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate [the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project] *the existing and future operational performance of the facility*. Such standards shall in all cases provide for at least four lanes of traffic. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. The Secretary shall apply such standards uniformly throughout all the States.

(c) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYSTEM.—

(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) shall consider, in addition to the criteria described in subsection (a)—

(A) the constructed and natural environment of the area;

(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity;

(C) cost savings by utilizing flexibility that exists in current design guidance and regulations[; and]*;*

(D) access for other modes of transportation[.]*; and*

(E) context sensitive design principles.

(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State transportation departments, may develop criteria to implement paragraph (1). In developing criteria under this paragraph, the Secretary shall consider—

(A) the results of the committee process of the American Association of State Highway and Transportation Officials as used in adopting and publishing "A Policy on Geometric Design of Highways and Streets", including comments submitted by interested parties as part of such process;

(B) the publication entitled "Flexibility in Highway Design" of the Federal Highway Administration;

(C) "Eight Characteristics of Process to Yield Excellence and the Seven Qualities of Excellence in Transportation Design" developed by the conference held during 1998 entitled "Thinking Beyond the Pavement National Workshop on Integrating Highway Development with Communities and the Environment while Maintaining Safety and Performance";

(D) the publication entitled "Highway Safety Manual" of the American Association of State Highway and Transportation Officials;

(E) the publication entitled "Urban Street Design Guide" of the National Association of City Transportation Officials; and

(F) any other material that the Secretary determines to be appropriate.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State transportation department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) INSTALLATION OF SAFETY DEVICES.—

(1) HIGHWAY AND RAILROAD GRADE CROSSINGS AND DRAWBRIDGES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures are to be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, me-

dian strips, bikeways, pedestrian walkways, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

(g) Not later than January 30, 1971, the Secretary shall issue guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

(1) air, noise, and water pollution;

(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) adverse employment effects, and tax and property value losses;

(4) injurious displacement of people, businesses and farms; and

(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards. The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.

(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for—

(1) the implementation of a national ambient air quality standard for each pollutant for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).

(k) The Secretary shall not approve any project involving approaches to a bridge under this title, if such project and bridge will significantly affect the traffic volume and the highway system of a contiguous State without first taking into full consideration the views of that State.

(l)(1) In determining whether any right-of-way on any Federal-aid highway should be used for accommodating any utility facility, the Secretary shall—

(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety;

(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

(2) For the purpose of this subsection—

(A) the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; and

(B) the term "right-of-way" means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

(m) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless

such project or regulatory action provides for a reasonable alternate route or such a route exists.

(n) It is the intent of Congress that any project for resurfacing, restoring, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety.

[(o) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—Projects (other than highway projects on the National Highway System) shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.**]**

(o) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—

(1) IN GENERAL.—Projects (other than highway projects on the National Highway System) shall—

(A) be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards; and

(B) take into consideration context sensitive design principles.

(2) DESIGN FLEXIBILITY.—

(A) IN GENERAL.—

(i) IN GENERAL.—A local jurisdiction may select the most appropriate design publication for the roadway context in which the local jurisdiction is located for the design of a project on a roadway (other than a highway on the National Highway System) if—

(I) the local jurisdiction provides notification and justification of the use of such design publication to any State in which the project is located; and

(II) the design complies with all other applicable Federal and State laws.

(ii) REVIEW.—If a State rejects a local jurisdiction's selection of a design publication under this subparagraph, the local jurisdiction may submit notification and justification of such use to the Secretary. The Secretary shall make a determination to approve or deny such submission not later than 90 days after receiving such submission.

(B) STATE-OWNED ROADS.—In the case of a roadway under the ownership of the State, the local jurisdiction may select the most appropriate design publication only with the concurrence of the State.

(C) PROGRAMMATIC BASIS.—The Secretary may consider the use of a design publication under this paragraph on a programmatic basis.

(p) SCENIC AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

(1) allow for the preservation of environmental, scenic, or historic values;

(2) ensure safe use of the facility; and

(3) comply with subsection (a).

(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction consistent with the operative safety management system established in accordance with a statewide transportation improvement program approved by the Secretary.

(r) PAVEMENT MARKINGS.—The Secretary shall not approve any pavement markings project that includes the use of glass beads containing more than 200 parts per million of arsenic or lead, as determined in accordance with Environmental Protection Agency testing methods 3052, 6010B, or 6010C.

(s) CONTEXT SENSITIVE DESIGN.—

(1) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The Secretary shall consult with State and local officials prior to approving any roadway design publications under this section to ensure that the design publications provide adequate flexibility for a project sponsor to select the appropriate design of a roadway, consistent with context sensitive design principles.

(2) POLICIES OR PROCEDURES.—

(A) IN GENERAL.—Not later than 1 year after the Secretary publishes the final guidance described in paragraph (3), each State shall adopt policies or procedures to evaluate the context of a proposed roadway and select the appropriate design, consistent with context sensitive design principles.

(B) LOCAL GOVERNMENTS.—The Secretary and States shall encourage local governments to adopt policies or procedures described under subparagraph (A).

(C) CONSIDERATIONS.—The policies or procedures developed under this paragraph shall take into consideration the guidance developed by the Secretary under paragraph (3).

(3) GUIDANCE.—

(A) IN GENERAL.—

(i) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish guidance on the official website of the Department of Transportation on context sensitive design.

(ii) PUBLIC REVIEW AND COMMENT.—The guidance described in this paragraph shall be finalized following an opportunity for public review and comment.

(iii) UPDATE.—The Secretary shall periodically update the guidance described in this paragraph, including the model policies or procedures described under subparagraph (B)(v).

(B) CONTENTS.—The guidance described in this paragraph shall—

(i) provide best practices for States, metropolitan planning organizations, regional transportation planning organizations, local governments, or other project sponsors to implement context sensitive design principles;

(ii) identify opportunities to modify planning, scoping, design, and development procedures to more effectively combine modes of transportation into inte-

grated facilities that meet the needs of each of such modes of transportation in an appropriate balance;

(iii) identify metrics to assess the context of the facility, including surrounding land use or roadside characteristics;

(iv) assess the expected operational and safety performance of facility design; and

(v) establish model policies or procedures, consistent with the findings of such guidance, for a State or other project sponsor to evaluate the context of a proposed facility and select the appropriate facility design for the context.

(C) TOPICS OF EMPHASIS.—In addition to the contents in subparagraph (B), the guidance shall emphasize—

(i) procedures for identifying the needs of users of all ages and abilities of a particular roadway;

(ii) procedures for identifying the types and designs of facilities needed to serve various modes of transportation;

(iii) safety and other benefits provided by carrying out context sensitive design principles;

(iv) common barriers to carrying out context sensitive design principles;

(v) procedures for overcoming the most common barriers to carrying out context sensitive design principles;

(vi) procedures for identifying the costs associated with carrying out context sensitive design principles;

(vii) procedures for maximizing local cooperation in the introduction of context sensitive design principles and carrying out those principles; and

(viii) procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with context sensitive design principles.

(4) FUNDING.—Amounts made available under sections 104(b)(6) and 505 of this title may be used for States, local governments, metropolitan planning organizations, or regional transportation planning organizations to adopt policies or procedures to evaluate the context of a proposed roadway and select the appropriate design, consistent with context sensitive design principles.

(t) PROJECTS IN FLOOD-PRONE AREAS.—For projects and actions that, in whole or in part, encroach within the limits of a flood-prone area, the Secretary shall ensure that such projects and actions are—

(1) designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk by using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the asset and future forecasted land use changes; and

(2) designed using analysis that considers the capital costs, risks, and other economic, engineering, social and environmental concerns of constructing a project in a flood-prone area.

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§ 111. Agreements relating to use of and access to rights-of-way—Interstate System

(a) IN GENERAL.—All agreements between the Secretary and the State transportation department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System and will not change the boundary of any right-of-way on the Interstate System to accommodate construction of, or afford access to, an automotive service station or other commercial establishment. Such agreements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) REST AREAS.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Secretary shall permit a State to acquire, construct, operate, and maintain a rest area along a highway on the Interstate System in such State.

(2) LIMITED ACTIVITIES.—The Secretary shall permit limited commercial activities within a rest area under paragraph (1), if the activities are available only to customers using the rest area and are limited to—

(A) commercial advertising and media displays if such advertising and displays are—

(i) exhibited solely within any facility constructed in the rest area; and

(ii) not legible from the main traveled way;

(B) items designed to promote tourism in the State, limited to books, DVDs, and other media;

(C) tickets for events or attractions in the State of a historical or tourism-related nature;

(D) travel-related information, including maps, travel booklets, and hotel coupon booklets; and

(E) lottery machines, provided that the priority afforded to blind vendors under subsection (c) applies to this subparagraph.

(3) PRIVATE OPERATORS.—A State may permit a private party to operate such commercial activities.

(4) LIMITATION ON USE OF REVENUES.—A State shall use any revenues received from the commercial activities in a rest area under this section to cover the costs of acquiring, constructing, operating, and maintaining rest areas in the State.

(c) VENDING MACHINES.—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State transportation department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the "Randolph-Sheppard Act" (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

(d) MOTORIST CALL BOXES.—

(1) IN GENERAL.—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.

(2) SPONSORSHIP LOGOS.—

(A) APPROVAL BY STATE AND LOCAL AGENCIES.—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.

(B) SIZE ON BOX.—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.

(C) SIZE ON IDENTIFICATION SIGN.—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.

(D) SPACING OF SIGNS.—Sponsorship logos affixed to an identification sign on a call box post may be located on the rights-of-way at intervals not more frequently than 1 per every 5 miles.

(E) DISTRIBUTION THROUGHOUT STATE.—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

(3) NONSAFETY HAZARDS.—The call boxes and their location, posts, foundations, and mountings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.

(e) JUSTIFICATION REPORTS.—If the Secretary requests or requires a justification report for a project that would add a point of access to, or exit from, the Interstate System (including new or modified freeway-to-crossroad interchanges inside a transportation management area), the Secretary may permit a State transportation department to approve the report.

(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.

§ 112. Letting of contracts

(a) In all cases where the construction is to be performed by the State transportation department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) BIDDING REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

(A) GENERAL RULE.—Subject to paragraph (3), each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40.

(B) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid high-

way funds, shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulations of part 31 of title 48, Code of Federal Regulations.

(C) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal Acquisition Regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

(D) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind.

(E) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in subparagraph (D) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(F) ⟦(F)⟧ Subparagraphs (B), (C), (D) and (E) herein shall not apply to the States of West Virginia or Minnesota.

(3) DESIGN-BUILD CONTRACTING.—

(A) IN GENERAL.—A State transportation department or local transportation agency may award a design-build contract for a qualified project described in subparagraph (C) using any procurement process permitted by applicable State and local law.

(B) LIMITATION ON FINAL DESIGN.—Final design under a design-build contract referred to in subparagraph (A) shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter (including intermodal projects) for which the Secretary has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.

(D) REGULATORY PROCESS.—Not later than 90 days after the date of enactment of the SAFETEA–LU, the Secretary shall issue revised regulations under section 1307(c) of the Transportation Equity Act for 21st Century (23 U.S.C. 112 note; 112 Stat. 230) that—

(i) do not preclude a State transportation department or local transportation agency, prior to compli-

ance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), from—

(I) issuing requests for proposals;

(II) proceeding with awards of design-build contracts; or

(III) issuing notices to proceed with preliminary design work under design-build contracts;

(ii) require that the State transportation department or local transportation agency receive concurrence from the Secretary before carrying out an activity under clause (i); and

(iii) preclude the design-build contractor from proceeding with final design or construction of any permanent improvement prior to completion of the process under such section 102.

(E) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term "design-build contract" means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.

(4) METHOD OF CONTRACTING.—

(A) IN GENERAL.—

(i) 2-PHASE CONTRACT.—A contracting agency may award a 2-phase contract to a construction manager or general contractor for preconstruction and construction services.

(ii) PRECONSTRUCTION SERVICES PHASE.—In the preconstruction services phase of a contract under this paragraph, the contractor shall provide the contracting agency with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

(iii) AGREEMENT.—Prior to the start of the construction services phase, the contracting agency and the contractor may agree to a price and other factors specified in regulation for the construction of the project or a portion of the project.

(iv) CONSTRUCTION PHASE.—If an agreement is reached under clause (iii), the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and in compliance with the other factors specified in the agreement.

(B) SELECTION.—A contract shall be awarded to a contractor under this paragraph using a competitive selection process based on qualifications, experience, best value, or any other combination of factors considered appropriate by the contracting agency.

(C) TIMING.—

(i) RELATIONSHIP TO NEPA PROCESS.—Prior to the completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may—

(I) issue requests for proposals;

(II) proceed with the award of a contract for preconstruction services under subparagraph (A)(ii); and

(III) issue notices to proceed with a preliminary design and any work related to preliminary design, to the extent that those actions do not limit any reasonable range of alternatives.

(ii) CONSTRUCTION SERVICES PHASE.—A contracting agency shall not proceed with the award of the construction services phase of a contract under subparagraph (A)(iv) and shall not proceed, or permit any consultant or contractor to proceed, with final design or construction until completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(iii) APPROVAL REQUIREMENT.—Prior to authorizing construction activities, the Secretary shall approve—

(I) the price estimate of the contracting agency for the entire project; and

(II) any price agreement with the general contractor for the project or a portion of the project.

(iv) DESIGN ACTIVITIES.—

(I) IN GENERAL.—A contracting agency may proceed, at the expense of the contracting agency, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project.

(II) REIMBURSEMENT.—Design activities carried out under subclause (I) shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).

(v) TERMINATION PROVISION.—The Secretary shall require a contract to include an appropriate termination provision in the event that a no-build alternative is selected.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State transportation department

or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—

(1) GENERAL RULE.—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title a contract clause, developed in accordance with guidelines established by the Secretary, which equitably addresses each of the following:

(A) Site conditions.

(B) Suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather).

(C) Material changes in the scope of work specified in the contract.

The guidelines established by the Secretary shall not require arbitration.

(2) LIMITATION ON APPLICABILITY.—

(A) STATE LAW.—Paragraph (1) shall apply in a State except to the extent that such State adopts or has adopted by statute a formal procedure for the development of a contract clause described in paragraph (1) or adopts or has adopted a statute which does not permit inclusion of such a contract clause.

(B) DESIGN-BUILD CONTRACTS.—Paragraph (1) shall not apply to any design-build contract approved under subsection (b)(3).

(f) SELECTION PROCESS.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required for a project, including environmental impact statements, as well as subsequent engineering and design work on the project if the State conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental impact statement prior to its submission to the Secretary.

(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

(B) incorporate such pay items into contract provisions to be included in each contract entered into by the State with respect to a highway project to ensure compliance with section 109(e)(2).

(3) LIMITATION.—Nothing in the regulations shall prohibit a State from implementing standards that are more stringent than those required under the regulations.

(4) POSITIVE PROTECTIVE MEASURES DEFINED.—In this subsection, the term "positive protective measures" means temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.

§ 113. Prevailing rate of wage

[(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid highways authorized under the highway laws providing for the expenditure of Federal funds upon Federal-aid highways, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40.

[(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any Federal-aid highway is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.**]**

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors on construction work performed on projects financed or otherwise assisted in whole or in part by a loan, loan guarantee, grant, credit enhancement, or any other form of Federal assistance administered by the Secretary or the Department, including programs to capitalize revolving loan funds and subsequent financing cycles under such funds, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) and section 3145 of title 40.

[(c)**]** *(b) APPRENTICESHIP AND SKILL TRAINING PROGRAMS.*—The provisions of the section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting

equal employment opportunity in connection with Federal-aid highway construction programs.

* * * * * * *

§ 115. Advance construction

(a) IN GENERAL.—The Secretary may authorize a State to proceed with a project authorized under this title—

(1) without the use of Federal funds; and

(2) in accordance with all procedures and requirements applicable to the project other than those procedures and requirements that limit the State to implementation of a project—

(A) with the aid of Federal funds previously apportioned or allocated to the State; or

(B) with obligation authority previously allocated to the State.

(b) OBLIGATION OF FEDERAL SHARE.—The Secretary, on the request of a State and execution of a project agreement, may obligate all or a portion of the Federal share of a project authorized to proceed under this section from any category of funds for which the project is eligible.

(c) INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may approve an application for a project under this section only if the project is included in the transportation improvement program of the State developed under section [135(f)] *135(g)*.

* * * * * * *

[§ 117. Nationally significant freight and highway projects

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is established a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance.

[(2) GOALS.—The goals of the program shall be to—

[(A) improve the safety, efficiency, and reliability of the movement of freight and people;

[(B) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;

[(C) reduce highway congestion and bottlenecks;

[(D) improve connectivity between modes of freight transportation;

[(E) enhance the resiliency of critical highway infrastructure and help protect the environment;

[(F) improve roadways vital to national energy security; and

[(G) address the impact of population growth on the movement of people and freight.

[(b) GRANT AUTHORITY.—

[(1) IN GENERAL.—In carrying out the program established in subsection (a), the Secretary may make grants, on a competitive basis, in accordance with this section.

[(2) GRANT AMOUNT.—Except as otherwise provided, each grant made under this section shall be in an amount that is at least $25,000,000.

[(c) ELIGIBLE APPLICANTS.—

[(1) IN GENERAL.—The Secretary may make a grant under this section to the following:

[(A) A State or a group of States.

[(B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.

[(C) A unit of local government or a group of local governments.

[(D) A political subdivision of a State or local government.

[(E) A special purpose district or public authority with a transportation function, including a port authority.

[(F) A Federal land management agency that applies jointly with a State or group of States.

[(G) A tribal government or a consortium of tribal governments.

[(H) A multistate or multijurisdictional group of entities described in this paragraph.

[(2) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

[(d) ELIGIBLE PROJECTS.—

[(1) IN GENERAL.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

[(A) is—

[(i) a highway freight project carried out on the National Highway Freight Network established under section 167;

[(ii) a highway or bridge project carried out on the National Highway System, including—

[(I) a project to add capacity to the Interstate System to improve mobility; or

[(II) a project in a national scenic area;

[(iii) a freight project that is—

[(I) a freight intermodal or freight rail project; or

[(II) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility; or

[(iv) a railway-highway grade crossing or grade separation project; and

[(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

[(i) $100,000,000; or

[(ii) in the case of a project—

[(I) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

[(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

[(2) LIMITATION.—

[(A) IN GENERAL.—Not more than $600,000,000 of the amounts made available for grants under this section for fiscal years 2016 through 2021, in the aggregate, may be used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

[(i) the project will make a significant improvement to freight movements on the National Highway Freight Network; and

[(ii) the Federal share of the project funds only elements of the project that provide public benefits.

[(B) EXCLUSIONS.—The limitation under subparagraph (A)—

[(i) shall not apply to a railway-highway grade crossing or grade separation project; and

[(ii) with respect to a multimodal project, shall apply only to the non-highway portion or portions of the project.

[(e) SMALL PROJECTS.—

[(1) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B).

[(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least $5,000,000.

[(3) PROJECT SELECTION CONSIDERATIONS.—In addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

[(A) the cost effectiveness of the proposed project; and

[(B) the effect of the proposed project on mobility in the State and region in which the project is carried out.

[(f) ELIGIBLE PROJECT COSTS.—Grant amounts received for a project under this section may be used for—

[(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

[(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

[(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section (other than subsection (e)) for funding under this section only if the Secretary determines that—

[(1) the project will generate national or regional economic, mobility, or safety benefits;

[(2) the project will be cost effective;

[(3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;

[(4) the project is based on the results of preliminary engineering;

[(5) with respect to related non-Federal financial commitments—

[(A) 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project; and

[(B) contingency amounts are available to cover unanticipated cost increases;

[(6) the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor; and

[(7) the project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

[(h) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

[(1) utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies;

[(2) utilization of non-Federal contributions; and

[(3) contributions to geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities.

[(i) RURAL AREAS.—

[(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the amounts made available for grants under this section, including the amounts made available under subsection (e), each fiscal year to make grants for projects located in rural areas.

[(2) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.

[(3) RURAL AREA DEFINED.—In this subsection, the term "rural area" means an area that is outside an urbanized area with a population of over 200,000.

[(j) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share of the cost of a project assisted with a grant under this section may not exceed 60 percent.

[(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance pro-

vided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

[(3) FEDERAL LAND MANAGEMENT AGENCIES.—Notwithstanding any other provision of law, any Federal funds other than those made available under this title or title 49 may be used to pay the non-Federal share of the cost of a project carried out under this section by a Federal land management agency, as described under subsection (c)(1)(F).

[(k) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

[(l) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

[(m) CONGRESSIONAL NOTIFICATION.—

[(1) NOTIFICATION.—

[(A) IN GENERAL.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed grant. The notification shall include an evaluation and justification for the project and the amount of the proposed grant award.

[(B) MULTIMODAL PROJECTS.—In addition to the notice required under subparagraph (A), the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate before making a grant for a project described in subsection (d)(1)(A)(iii).

[(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

[(n) REPORTS.—

[(1) ANNUAL REPORT.—The Secretary shall make available on the Web site of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

[(2) COMPTROLLER GENERAL.—

[(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

[(B) REPORT.—Not later than 1 year after the initial awarding of grants under this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the

Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

[(i) the adequacy and fairness of the process by which each project was selected, if applicable; and

[(ii) the justification and criteria used for the selection of each project, if applicable.]

§ 117. Projects of national and regional significance

(a) ESTABLISHMENT.—The Secretary shall establish a projects of national and regional significance program under which the Secretary may make grants to, and establish multiyear grant agreements with, eligible entities in accordance with this section.

(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require.

(c) GRANT AMOUNTS AND PROJECT COSTS.—

(1) IN GENERAL.—Each grant made under this section—

(A) shall be in an amount that is at least $25,000,000; and

(B) shall be for a project that has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) $100,000,000; or

(ii) in the case of a project—

(I) located in 1 State or territory, 30 percent of the amount apportioned under this chapter to the State or territory in the most recently completed fiscal year; or

(II) located in more than 1 State or territory, 50 percent of the amount apportioned under this chapter to the participating State or territory with the largest apportionment under this chapter in the most recently completed fiscal year.

(2) LARGE PROJECTS.—For a project that has eligible project costs that are reasonably anticipated to equal or exceed $500,000,000, a grant made under this section—

(A) shall be in an amount sufficient to fully fund the project, or in the case of a public transportation project, a minimum operable segment, in combination with other funding sources, including non-Federal financial commitment, identified in the application; and

(B) may be awarded pursuant to the process under subsection (d), as necessary based on the amount of the grant.

(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

(1) IN GENERAL.—A large project that receives a grant under this section may be carried out through a multiyear grant agreement in accordance with this subsection.

(2) REQUIREMENTS.—A multiyear grant agreement for a large project shall—

(A) establish the terms of participation by the Federal Government in the project;

(B) establish the amount of Federal financial assistance for the project;

(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided; and

(D) determine the period of time for completing the project, even if such period extends beyond the period of an authorization.

(3) SPECIAL RULES.—

(A) IN GENERAL.—A multiyear grant agreement under this subsection—

(i) shall obligate an amount of available budget authority specified in law; and

(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(B) CONTINGENT COMMITMENT.—A contingent commitment under this subsection is not an obligation of the Federal Government under section 1501 of title 31.

(C) INTEREST AND OTHER FINANCING COSTS.—

(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(4) ADVANCE PAYMENT.—An eligible entity carrying out a large project under a multiyear grant agreement—

(A) may use funds made available to the eligible entity under this title or title 49 for eligible project costs of the large project; and

(B) shall be reimbursed, at the option of the eligible entity, for such expenditures from the amount made available under the multiyear grant agreement for the project in that fiscal year or a subsequent fiscal year.

(e) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The Secretary may make a grant under this section only for a project that is a project eligible for assistance under this title or chapter 53 of title 49 and is—

(A) a bridge project carried out on the National Highway System, or that is eligible to be carried out under section 165;

(B) a project to improve person throughput that is—

(i) a highway project carried out on the National Highway System, or that is eligible to be carried out under section 165;

(ii) a public transportation project; or

(iii) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation; or

(C) a project to improve freight throughput that is—

(i) a highway freight project carried out on the National Highway Freight Network established under section 167 or on the National Highway System;

(ii) a freight intermodal, freight rail, or railway-highway grade crossing or grade separation project; or

(iii) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.

(2) LIMITATION.—

(A) CERTAIN FREIGHT PROJECTS.—Projects described in clauses (ii) and (iii) of paragraph (1)(C) may receive a grant under this section only if—

(i) the project will make a significant improvement to the movement of freight on the National Highway System; and

(ii) the Federal share of the project funds only elements of the project that provide public benefits.

(B) CERTAIN PROJECTS FOR PERSON THROUGHPUT.—Projects described in clauses (ii) and (iii) of paragraph (1)(B) may receive a grant under this section only if the project will make a significant improvement in mobility on public roads.

(f) ELIGIBLE PROJECT COSTS.—An eligible entity receiving a grant under this section may use such grant for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section for funding under this section only if the Secretary determines that the project—

(1) generates significant regional or national economic, mobility, safety, resilience, or environmental benefits;

(2) is cost effective;

(3) is based on the results of preliminary engineering;

(4) has secured or will secure acceptable levels of non-Federal financial commitments, including—

(A) one or more stable and dependable sources of funding and financing to construct, maintain, and operate the project; and

(B) contingency amounts to cover unanticipated cost increases;

(5) cannot be easily and efficiently completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

(6) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

(h) MERIT CRITERIA AND CONSIDERATIONS.—

(1) MERIT CRITERIA.—In awarding a grant under this section, the Secretary shall evaluate the following merit criteria:

(A) The extent to which the project supports achieving a state of good repair.

(B) The level of benefits the project is expected to generate, including—

(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

(ii) reductions in maintenance costs over the life of the asset;

(iii) safety benefits, including the reduction of accidents and related costs;

(iv) improved person or freight throughput, including congestion reduction and reliability improvements;

(v) national and regional economic benefits;

(vi) resilience benefits, including the ability to withstand disruptions from a seismic event;

(vii) environmental benefits, including reduction in greenhouse gas emissions and air quality benefits; and

(viii) benefits to all users of the project, including pedestrian, bicycle, nonvehicular, railroad, and public transportation users.

(C) How the benefits compare to the costs of the project.

(D) The average number of people or volume of freight, as applicable, supported by the project, including visitors based on travel and tourism.

(2) ADDITIONAL CONSIDERATIONS.—In awarding a grant under this section, the Secretary shall consider the following:

(A) Whether the project spans at least 1 border between 2 States.

(B) Whether the project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents.

(C) Whether the project uses innovative technologies, innovative design and construction techniques, or pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes and, if so, the degree to which such technologies, techniques, or materials are used.

(D) Whether the project improves connectivity between modes of transportation moving people or goods in the Nation or region.

(E) Whether the project provides new or improved connections between at least two metropolitan areas with a population of at least 500,000.

(F) Whether the project would replace, reconstruct, or rehabilitate a commuter corridor (including a high-commuter

corridor (as such term is defined in section 203(a)(6))) that is in poor condition.

(G) Whether the project would improve the shared transportation corridor of a multistate corridor.

(i) PROJECT SELECTION.—

(1) EVALUATION.—To evaluate applications for funding under this section, the Secretary shall—

(A) determine whether a project is eligible for a grant under this section;

(B) evaluate, through a methodology that is discernible and transparent to the public, how each application addresses the merit criteria pursuant to subsection (h);

(C) assign a quality rating for each merit criteria for each application based on the evaluation in subparagraph (B);

(D) ensure that applications receive final consideration by the Secretary to receive an award under this section only on the basis of such quality ratings and that the Secretary gives final consideration only to applications that meet the minimally acceptable level for each of the merit criteria; and

(E) award grants only to projects rated highly under the evaluation and rating process.

(2) CONSIDERATIONS FOR LARGE PROJECTS.—In awarding a grant for a large project, the Secretary shall—

(A) consider the amount of funds available in future fiscal years for the program under this section; and

(B) assume the availability of funds in future fiscal years for the program that extend beyond the period of authorization based on the amount made available for the program in the last fiscal year of the period of authorization.

(3) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure geographic diversity and a balance between rural and urban communities among grant recipients over fiscal years 2023 through 2026.

(4) PUBLICATION OF METHODOLOGY.—

(A) IN GENERAL.—Prior to the issuance of any notice of funding opportunity for grants under this section, the Secretary shall publish and make publicly available on the Department's website—

(i) a detailed explanation of the merit criteria developed under subsection (h);

(ii) a description of the evaluation process under this subsection; and

(iii) how the Secretary shall determine whether a project satisfies each of the requirements under subsection (g).

(B) UPDATES.—The Secretary shall update and make publicly available on the website of the Department of Transportation such information at any time a revision to the information described in subparagraph (A) is made.

(C) INFORMATION REQUIRED.—The Secretary shall include in the published notice of funding opportunity for a grant under this section detailed information on the rating

methodology and merit criteria to be used to evaluate applications, or a reference to the information on the website of the Department of Transportation, as required by subparagraph (A).

(j) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this section may not exceed 60 percent.

(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

(k) BRIDGE INVESTMENTS.—Of the amounts made available to carry out this section, the Secretary shall reserve not less than $1,000,000,000 in each fiscal year to make grants for projects described in subsection (e)(1)(A).

(l) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of this title to a highway project;

(B) the requirements of chapter 53 of title 49 to a public transportation project; and

(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(m) TIFIA PROGRAM.—At the request of an eligible entity under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

(n) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may use up to $5,000,000 in each fiscal year for the costs of administering the program under this section.

(o) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 to provide technical assistance to eligible entities.

(p) CONGRESSIONAL REVIEW.—

(1) NOTIFICATION.—Not less than 60 days before making an award under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate—

(A) a list of all applications determined to be eligible for a grant by the Secretary;

(B) the quality ratings assigned to each application pursuant to subsection (i);

(C) a list of applications that received final consideration by the Secretary to receive an award under this section;

(D) each application proposed to be selected for a grant award;

(E) proposed grant amounts, including for each new multiyear grant agreement, the proposed payout schedule for the project; and

(F) an analysis of the impacts of any large projects proposed to be selected on existing commitments and anticipated funding levels for the next 4 fiscal years, based on information available to the Secretary at the time of the report.

(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the Secretary's list of proposed projects.

(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

(q) TRANSPARENCY.—

(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

(A) a summary of each application made to the program for the grant application period; and

(B) the evaluation and justification for the project selection, including ratings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive

a briefing to explain any reasons the grant applicant was not awarded a grant.

(r) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) a State or a group of States;

(2) a unit of local government, including a metropolitan planning organization, or a group of local governments;

(3) a political subdivision of a State or local government;

(4) a special purpose district or public authority with a transportation function, including a port authority;

(5) an Indian Tribe or Tribal organization;

(6) a Federal agency eligible to receive funds under section 201, 203, or 204, including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management, that applies jointly with a State or group of States;

(7) a territory; and

(8) a multistate or multijurisdictional group of entities described in this paragraph.

§ 118. Availability of funds

(a) DATE AVAILABLE FOR OBLIGATION.—Except as otherwise specifically provided, authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out this title shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(b) PERIOD OF AVAILABILITY.—Except as otherwise specifically provided, funds apportioned or allocated pursuant to this title in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that remain unobligated at the end of that period shall lapse.

(c) OBLIGATION AND RELEASE OF FUNDS.—

(1) IN GENERAL.—Funds apportioned or allocated to a State for a purpose for any fiscal year shall be considered to be obligated if a sum equal to the total of the funds apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated.

(2) RELEASED FUNDS.—Any funds released by the final payment for a project, or by modifying the project agreement for a project, shall be—

(A) credited to the same class of funds previously apportioned or allocated to the State for the project; and

(B) immediately available for obligation.

(3) NET OBLIGATIONS.—Notwithstanding any other provision of law (including a regulation), obligations recorded against funds made available under this subsection shall be recorded and reported as net obligations.

(d) Funds made available to the State of Alaska [and the Commonwealth of Puerto Rico]*, the Commonwealth of Puerto Rico, and any other territory of the United States* under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

§ 119. National highway performance program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a national highway performance program under this section.

[(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;

[(2) to provide support for the construction of new facilities on the National Highway System; and

[(3) to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in an asset management plan of a State for the National Highway System.]

(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).

(c) ELIGIBLE FACILITIES.—Except as provided in subsection (d), to be eligible for funding apportioned under section 104(b)(1) to carry out this section, a facility shall be located on the National Highway System, as defined in section 103.

(d) ELIGIBLE PROJECTS.—Funds apportioned to a State to carry out the national highway performance program may be obligated only for a project on an eligible facility that is—

(1)(A) a project or part of a program of projects supporting progress toward the achievement of national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, [or freight movement on the National Highway System] *freight movement, environmental sustainability, transportation system access, or combating climate change*; and

(B) consistent with sections 134 and 135; [and]

(2) for 1 or more of the following purposes:

(A) Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvement of segments of the National Highway System.

(B) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on the National Highway System.

(C) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including impact protection measures, security coun-

termeasures, and protection against extreme events) of tunnels on the National Highway System.

(D) Inspection and evaluation, as described in section 144, of bridges and tunnels on the National Highway System, and inspection and evaluation of other highway infrastructure assets on the National Highway System, including signs and sign structures, earth retaining walls, and drainage structures.

(E) Training of bridge and tunnel inspectors, as described in section 144.

(F) Construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches, that connect road segments of the National Highway System.

(G) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

(i) the highway project or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System; *and*

(ii) the construction or improvements will reduce delays or produce travel time savings on the fully access-controlled highway described in clause (i) and improve regional traffic flow**[**; and**]**.

[(iii) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway described in clause (i).**]**

(H) Bicycle transportation and pedestrian walkways in accordance with section 217.

(I) Highway safety improvements for segments of the National Highway System*, including the installation of safety barriers and nets on bridges on the National Highway System*.

(J) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

(K) Development and implementation of a State asset management plan for the National Highway System in accordance with this section, including data collection, maintenance, and integration and the cost associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management.

(L) Infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment.

(M) Environmental restoration and pollution abatement in accordance with section 328.

(N) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

(O) Environmental mitigation efforts related to projects funded under this section, as described in subsection (g).

(P) Construction of publicly owned intracity or intercity bus terminals servicing the National Highway System.

(Q) Projects on or off the National Highway System to reduce greenhouse gas emissions that are eligible under section 171, including the installation of electric vehicle charging infrastructure.

(R) Projects on or off the National Highway System to enhance resilience of a transportation facility eligible under section 124, including protective features and natural infrastructure.

(S) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility eligible for assistance under this section.

(T) Projects on or off the National Highway System to improve an evacuation route eligible under section 124(b)(1)(C).

(U) The removal, retrofit, repurposing, remediation, or replacement of a highway on the National Highway System that creates a barrier to community connectivity to improve access for multiple modes of transportation.

(3) a project that is otherwise eligible under this subsection to construct new capacity for single occupancy passenger vehicles only if the State—

(A) has demonstrated progress in achieving a state of good repair, as defined in the State's asset management plan, on the National Highway System;

(B) demonstrates that the project—

(i) supports the achievement of performance targets of the State established under section 150; and

(ii) is more cost effective, as determined by benefit-cost analysis, than—

(I) an operational improvement to the facility or corridor;

(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; or

(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

(C) has a public plan for maintaining and operating the new asset while continuing its progress in achieving a state of good repair under subparagraph (A).

(e) STATE *ASSET AND* PERFORMANCE MANAGEMENT.—

(1) IN GENERAL.—A State shall develop a risk-based asset management plan for the National Highway System to improve or preserve the condition of the assets and the performance of the system.

(2) PERFORMANCE DRIVEN PLAN.—A State asset management plan shall include strategies leading to a program of projects that would make progress toward achievement of the State targets for asset condition and performance of the National Highway System in accordance with section 150(d) and supporting the progress toward the achievement of the national goals identified in section 150(b).

(3) SCOPE.—In developing a risk-based asset management plan, the Secretary shall encourage States to include all infrastructure assets within the right-of-way corridor in such plan.

(4) PLAN CONTENTS.—A State asset management plan shall, at a minimum, be in a form that the Secretary determines to be appropriate and include—

(A) a summary listing of the pavement and bridge assets on the National Highway System in the State, including a description of the condition of those assets;

(B) asset management objectives and measures;

(C) performance gap identification;

(D) lifecycle cost and risk management [analysis] *analyses, both of which shall take into consideration climate change adaptation and resilience;*;

(E) a financial plan; and

(F) investment strategies.

(5) REQUIREMENT FOR PLAN.—

(A) IN GENERAL.—Notwithstanding section 120, each fiscal year, if the Secretary determines that a State has not developed and implemented a State asset management plan consistent with this section, the Federal share payable on account of any project or activity for which funds are obligated by the State in that fiscal year under this section shall be 65 percent.

(B) DETERMINATION.—The Secretary shall make the determination under subparagraph (A) for a fiscal year not later than the day before the beginning of such fiscal year.

(6) CERTIFICATION OF PLAN DEVELOPMENT PROCESS.—

(A) IN GENERAL.—Not later than 90 days after the date on which a State submits a request for approval of the process used by the State to develop the State asset management plan for the National Highway System, the Secretary shall—

(i) review the process; and

(ii)(I) certify that the process meets the requirements established by the Secretary; or

(II) deny certification and specify actions necessary for the State to take to correct deficiencies in the State process.

(B) RECERTIFICATION.—Not less frequently than once every 4 years, the Secretary shall review and recertify that the process used by a State to develop and maintain the State asset management plan for the National Highway System meets the requirements for the process, as established by the Secretary.

(C) OPPORTUNITY TO CURE.—If the Secretary denies certification under subparagraph (A), the Secretary shall provide the State with—

(i) not less than 90 days to cure the deficiencies of the plan, during which time period all penalties and other legal impacts of a denial of certification shall be stayed; and

(ii) a written statement of the specific actions the Secretary determines to be necessary for the State to cure the plan.

(7) PERFORMANCE ACHIEVEMENT.—A State that does not achieve or make significant progress toward achieving the targets of the State for performance measures described in section 150(d) for the National Highway System shall include as part of the performance target report under section 150(e) a description of the actions the State will undertake to achieve the targets.

(8) PROCESS.—[Not later than 18 months after the date of enactment of the MAP–21, the Secretary] *The Secretary* shall, by regulation and in consultation with State departments of transportation, establish the process to develop the State asset management plan described in paragraph (1).

(f) INTERSTATE SYSTEM AND NHS BRIDGE CONDITIONS.—

(1) CONDITION OF INTERSTATE SYSTEM.—

(A) PENALTY.—If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen below the minimum condition level established by the Secretary under section 150(c)(3), the State shall be required, during the following fiscal year—

(i) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount that is not less than the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP–21), except that for each year after fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year; and

(ii) to transfer, from the amounts apportioned to the State under section 104(b)(2) (other than amounts suballocated to metropolitan areas and other areas of the State under section 133(d)) to the apportionment of the State under section 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP–21).

(B) RESTORATION.—The obligation requirement for the Interstate System in a State required by subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as the condition of the Inter-

state System in the State exceeds the minimum condition level established by the Secretary.

(2) CONDITION OF NHS BRIDGES.—

(A) PENALTY.—If the Secretary determines that, for the 3-year-period preceding the date of the determination, more than 10 percent of the total deck area of bridges in the State on the National Highway System is located on bridges that have been classified as structurally deficient, an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out section 144 (as in effect the day before enactment of MAP–21) shall be set aside from amounts apportioned to a State for a fiscal year under section 104(b)(1) only for eligible projects on bridges on the National Highway System.

(B) RESTORATION.—The set-aside requirement for bridges on the National Highway System in a State under subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as less than 10 percent of the total deck area of bridges in the State on the National Highway System is located on bridges that have been classified as structurally deficient, as determined by the Secretary.

(g) ENVIRONMENTAL MITIGATION.—

(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal law (including regulations), environmental mitigation efforts referred to in subsection (d)(2)(O) include participation in natural habitat and wetlands mitigation efforts relating to projects funded under this title, which may include—

(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

(i) the purchase of credits from commercial mitigation banks;

(ii) the establishment and management of agency-sponsored mitigation banks; and

(iii) the purchase of credits or establishment of in-lieu fee mitigation programs;

(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and

(C) the development of statewide and regional environmental protection plans, including natural habitat and wetland conservation and restoration plans.

(2) INCLUSION OF OTHER ACTIVITIES.—The banks, efforts, and plans described in paragraph (1) include any such banks, efforts, and plans developed in accordance with applicable law (including regulations).

(3) TERMS AND CONDITIONS.—The following terms and conditions apply to natural habitat and wetlands mitigation efforts under this subsection:

(A) Contributions to the mitigation effort may—

(i) take place concurrent with, or in advance of, commitment of funding under this title to a project or projects; and

(ii) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

(B) Credits from any agency-sponsored mitigation bank that are attributable to funding under this section may be used only for projects funded under this title, unless the agency pays to the Secretary an amount equal to the Federal funds attributable to the mitigation bank credits the agency uses for purposes other than mitigation of a project funded under this title.

(4) PREFERENCE.—At the discretion of the project sponsor, preference shall be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project, is approved by the applicable Federal agency.

(h) TIFIA PROGRAM.—Upon Secretarial approval of credit assistance under chapter 6, the Secretary, at the request of a State, may allow the State to use funds apportioned under section 104(b)(1) to pay subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

(i) ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN BRIDGES.—

(1) IN GENERAL.—Funds apportioned to a State to carry out the national highway performance program may be obligated for a project for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System, if the bridge is on a Federal-aid highway.

(2) LIMITATION.—A State required to make obligations under subsection (f) shall ensure such requirements are satisfied in order to use the flexibility under paragraph (1).

(j) CRITICAL INFRASTRUCTURE.—

(1) CRITICAL INFRASTRUCTURE DEFINED.—In this subsection, the term "critical infrastructure" means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

(2) CONSIDERATION.—The asset management plan of a State may include consideration of critical infrastructure from among those facilities in the State that are eligible under subsection (c).

(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of critical infrastructure in the State.

(k) BENEFIT-COST ANALYSIS.—In carrying out subsection (d)(3)(B)(ii), the Secretary shall establish a process for analyzing the cost and benefits of projects under such subsection, ensuring that—

(1) the benefit-cost analysis includes a calculation of all the benefits addressed in the performance measures established under section 150;

(2) the benefit-cost analysis includes a consideration of the total maintenance cost of an asset over the lifecycle of the asset; and

(3) the State demonstrates that any transportation demand modeling used to calculate the benefit-cost analysis has a documented record of accuracy.

§ 120. Federal share payable

(a) INTERSTATE SYSTEM PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph.

(b) OTHER PROJECTS.—Except as otherwise provided in this title, the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) shall be—

(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area;

except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (2) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for purposes eligible for assistance under this title (other than paying its share of projects approved under this title) during the period covered by such agree-

ment the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement. In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.

(c) INCREASED FEDERAL SHARE.—

(1) CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, maintaining minimum levels of retroreflectivity of highway signs or pavement markings, traffic circles (also known as "roundabouts"), safety rest areas, pavement marking, shoulder and centerline rumble strips and stripes, commuter carpooling and vanpooling, rail-highway crossing closure, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid programs for any fiscal year in accordance with section 104 of this title shall be used under this subsection. In this subsection, the term "safety rest area" means an area where motor vehicle operators can park their vehicles and rest, where food, fuel, and lodging services are not available, and that is located on a segment of highway with respect to which the Secretary determines there is a shortage of public and private areas at which motor vehicle operators can park their vehicles and rest.

(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.

(3) INNOVATIVE PROJECT DELIVERY.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share payable on account of a project, program, or activity carried out with funds apportioned under paragraph (1), (2), [(5)(D),] or (6) of section 104(b) may, at the discretion of the State, be up to 100 percent for any such project, program, or activity that the Secretary determines—

(i) contains innovative project delivery methods that improve work zone safety for motorists or workers and the quality of the facility;

(ii) contains innovative technologies, engineering or design approaches, manufacturing processes, financing, or contracting or project delivery methods that improve the quality of, extend the service life of, or decrease the long-term costs of maintaining highways and bridges;

(iii) accelerates project delivery while complying with other applicable Federal laws (including regulations) and not causing any significant adverse environmental impact; or

(iv) reduces congestion related to highway construction.

(B) EXAMPLES.—Projects, programs, and activities described in subparagraph (A) may include the use of—

[(i) prefabricated bridge elements and systems and other technologies to reduce bridge construction time;

[(ii) innovative construction equipment, materials, or techniques, including the use of in-place recycling technology and digital 3-dimensional modeling technologies;]

(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;

(iii) innovative contracting methods, including the design-build and the construction manager-general contractor contracting methods and alternative bidding;

(iv) intelligent compaction equipment;

(v) innovative pavement materials that have a demonstrated life cycle of 75 or more years, are manufactured with reduced greenhouse gas emissions, and reduce construction-related congestion by rapidly curing; [or]

(vi) innovative pavement materials that demonstrate reductions in—

(I) greenhouse gas emissions through sequestration or innovative manufacturing processes; or

(II) local air pollution, stormwater runoff, or noise pollution;

(vii) innovative culvert materials that are made with recycled content and demonstrate reductions in greenhouse gas emissions;

(viii) contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction and maintenance activities; or

[(vi)] *(ix)* contractual provisions that offer a contractor an incentive payment for early completion of the project, program, or activity, subject to the condition that the incentives are accounted for in the financial plan of the project, when applicable.

(C) LIMITATIONS.—

(i) IN GENERAL.—In each fiscal year, a State may use the authority under subparagraph (A) for up to 10 percent of the combined apportionments of the State under paragraphs (1), (2), [(5)(D),] and (6) of section 104(b).

(ii) FEDERAL SHARE INCREASE.—The Federal share payable on account of a project, program, or activity described in subparagraph (A) may be increased by up to 5 percent of the total project cost.

(d) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(e) EMERGENCY RELIEF.—The Federal share payable for any repair or reconstruction provided for by funds made available under section 125 for any project on a Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on the system as provided in subsections (a) and (b), except that—

(1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the cost of the repairs;

(2) the Federal share payable for any repair or reconstruction of Federal land transportation facilities, other Federally owned roads that are open to public travel, and tribal transportation facilities may amount to 100 percent of the cost of the repair or reconstruction;

(3) the Secretary shall extend the time period in paragraph (1) taking into consideration any delay in the ability of the State to access damaged facilities to evaluate damage and the cost of repair; and

(4) the Federal share payable for eligible permanent repairs to restore damaged facilities to predisaster condition may amount to 90 percent of the cost of the repairs if the eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the annual apportionment of the State under section 104 for the fiscal year in which the disasters or failures occurred.

(f) The Secretary is authorized to cooperate with the State transportation departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(g) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.

(h) INCREASED NON-FEDERAL SHARE.—Notwithstanding any other provision of this title and subject to such criteria as the Secretary may establish, a State may contribute an amount in excess of the non-Federal share of a project under this title so as to decrease the Federal share payable on such project.

(i) CREDIT FOR NON-FEDERAL SHARE.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce.

(B) SPECIAL RULE FOR USE OF FEDERAL FUNDS.—If the public, quasi-public, or private agency has built, improved, or maintained the facility using Federal funds, the credit under this paragraph shall be reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds.

(C) FEDERAL FUNDS DEFINED.—In this paragraph, the term "Federal funds" does not include loans of Federal funds or other financial assistance that must be repaid to the Government.

(2) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

(B) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term "non-Federal transportation capital expenditures" includes any payments made by the State for issuance of transportation-related bonds.

(3) TREATMENT.—

(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

(ii) shall not subject the agency to any additional Federal design standards or laws (including regulations) as a result of providing the non-Federal share

other than those to which the agency is already subject.

(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied to a non-Federal share under this subsection, such credit shall be applied equally to all charter States.

(j) USE OF FEDERAL AGENCY FUNDS.—Notwithstanding any other provision of law, any Federal funds other than those made available under this title and title 49 may be used to pay the non-Federal share of the cost of any transportation project that is within, adjacent to, or provides access to Federal land, the Federal share of which is funded under this title or chapter 53 of title 49.

(k) USE OF FEDERAL LAND AND TRIBAL TRANSPORTATION FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the tribal transportation program under section 202 and the Federal lands transportation program under section 203 may be used to pay the non-Federal share of the cost of any project that is funded under this title or chapter 53 of title 49 and that provides access to or within Federal or tribal land.

* * * * * * *

§ 124. Predisaster mitigation program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a predisaster mitigation program to enhance the resilience of the transportation system of the United States, mitigate the impacts of covered events, and ensure the efficient use of Federal resources.

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to the State under section 104(b)(8) may be obligated for—

(A) construction activities, including construction of natural infrastructure or protective features—

(i) to increase the resilience of a surface transportation infrastructure asset to withstand a covered event;

(ii) to relocate or provide a reasonable alternative to a repeatedly damaged facility; and

(iii) for an evacuation route identified in the vulnerability assessment required under section 134(i)(2)(I)(iii) or section 135(f)(10)(C) to—

(I) improve the capacity or operation of such evacuation route through communications and intelligent transportation system equipment and infrastructure, counterflow measures, and shoulders; and

(II) relocate such evacuation route or provide a reasonable alternative to such evacuation route to address the risk of a covered event;

(B) resilience planning activities, including activities described in sections 134(i)(2)(I) and 135(f)(10) of this title and sections 5303(i)(2)(I) and 5304(f)(10) of title 49; and

(C) the development of projects and programs that help States, territories, and regions recover from covered events

that significantly disrupt the transportation system, including—

(i) predisaster training programs that help agencies and regional stakeholders plan for and prepare multimodal recovery efforts; and

(ii) the establishment of region-wide telework training and programs.

(2) INFRASTRUCTURE RESILIENCE AND ADAPTATION.—No funds shall be obligated to a project under this section unless the project meets each of the following criteria:

(A) The project is designed to ensure resilience over the anticipated service life of the surface transportation infrastructure asset.

(B) The project is identified in the metropolitan or statewide transportation improvement program as a project to address resilience vulnerabilities, consistent with section 134(j)(3)(E) or 135(g)(5)(B)(iii).

(3) PRIORITIZATION OF PROJECTS.—A State shall develop a process to prioritize projects under this section based on the degree to which the proposed project would—

(A) be cost effective in the long-term;

(B) reduce the risk of disruption to a surface transportation infrastructure asset considered critical to support population centers, freight movement, economic activity, evacuation, recovery, national security functions, or critical infrastructure; and

(C) ease disruptions to vulnerable, at-risk, or transit-dependant populations.

(c) GUIDANCE.—The Secretary shall provide guidance to States to assist with the implementation of paragraphs (2) and (3) of subsection (b).

(d) DEFINITIONS.—In this section:

(1) COVERED EVENT.—The term "covered event" means a climate change effect (including sea level rise), flooding, and an extreme event or other natural disaster (including wildfires, seismic activity, and landslides).

(2) SURFACE TRANSPORTATION INFRASTRUCTURE ASSET.—The term "surface transportation infrastructure asset" means a facility eligible for assistance under this title or chapter 53 of title 49.

§ 125. Emergency relief

(a) IN GENERAL.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any area of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

(1) a natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, *wildfire,* or landslide; or

(2) catastrophic failure from any external cause.

[(b) RESTRICTION ON ELIGIBILITY.—

[(1) DEFINITION OF CONSTRUCTION PHASE.—In this subsection, the term "construction phase" means the phase of

physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

[(2) RESTRICTION.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

[(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

[(B) if a construction phase of a replacement structure is included in the approved Statewide transportation improvement program at the time of an event described in subsection (a).]

[(c)] *(b)* FUNDING.—

(1) IN GENERAL.—Subject to the limitations described in paragraph (2), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to establish the fund authorized by this section and to replenish that fund on an annual basis.

(2) LIMITATIONS.—The limitations referred to in paragraph (1) are that—

(A) not more than $100,000,000 is authorized to be obligated [in any 1 fiscal year commencing after September 30, 1980,] *in any fiscal year* to carry out this section, except that, if for any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated for the fiscal year, the unobligated balance of that amount shall—

(i) remain available until expended; and

(ii) be in addition to amounts otherwise available to carry out this section for each year; and

(B)(i) pending such appropriation or replenishment, the Secretary may obligate from any funds appropriated at any time for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as are necessary for the immediate prosecution of the work herein authorized; and

(ii) funds obligated under this subparagraph shall be reimbursed from the appropriation or replenishment.

[(d)] *(c)* ELIGIBILITY.—

[(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter, except that—

[(A) no funds shall be so expended unless an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

[(B) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

[(2) COST LIMITATION.—

[(A) DEFINITION OF COMPARABLE FACILITY.—In this paragraph, the term "comparable facility" means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

[(B) LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility.]

(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter.

(2) RESTRICTIONS.—

(A) IN GENERAL.—No funds shall be expended from the emergency fund authorized by this section unless—

(i) an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

(ii) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

(B) COST LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility unless the Secretary determines that the project incorporates economically justified betterments, including protective features to increase the resilience of the facility.

(C) REPEATEDLY DAMAGED FACILITIES.—An application submitted under this section for the permanent repair or reconstruction of a repeatedly damaged facility shall include consideration and, if feasible, incorporation of economically justifiable betterments, including protective features, to increase the resilience of such facility.

(3) SPECIAL RULE FOR BRIDGE PROJECTS.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

(B) if a construction phase of a replacement structure is included in the approved statewide transportation improve-

ment program at the time of an event described in subsection (a).

[(3)] *(4)* DEBRIS REMOVAL.—The costs of debris removal shall be an eligible expense under this section only for—

(A) an event not declared a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) an event declared a major disaster or emergency by the President under that Act if the debris removal is not eligible for assistance under section 403, 407, or 502 of that Act (42 U.S.C. 5170b, 5173, 5192); or

(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel [(as defined in subsection (e)(1))].

(5) SUBSTITUTE TRAFFIC.—Notwithstanding any other provision of this section, actual and necessary costs of maintenance and operation of ferryboats or additional transit service providing temporary substitute highway traffic service, less the amount of fares charged for comparable service, may be expended from the emergency fund authorized by this section for Federal-aid highways.

[(e)] *(d)* TRIBAL TRANSPORTATION FACILITIES, FEDERAL LANDS TRANSPORTATION FACILITIES, AND PUBLIC ROADS ON FEDERAL LANDS.—

[(1) DEFINITIONS.—In this subsection, the following definitions apply:

[(A) OPEN TO PUBLIC TRAVEL.—The term "open to public travel" means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

[(i) is maintained;

[(ii) is open to the general public; and

[(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

[(B) STANDARD PASSENGER VEHICLE.—The term "standard passenger vehicle" means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.]

[(2)] *(1)* EXPENDITURE OF FUNDS.—Notwithstanding [subsection (d)(1)] *subsection (c)(1)*, the Secretary may expend funds from the emergency fund authorized by this section, independently or in cooperation with any other branch of the Federal Government, a State agency, a tribal government, an organization, or a person, for the repair or reconstruction of tribal transportation facilities, Federal lands transportation facilities, and other federally owned roads that are open to public travel, whether or not those facilities are Federal-aid highways.

[(3)] *(2)* REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may reimburse Federal and State agencies (including political subdivisions) for expenditures made for projects determined eligible under this section, including expenditures for emergency repairs made before a determination of eligibility.

(B) TRANSFERS.—With respect to reimbursements described in subparagraph (A)—

(i) those reimbursements to Federal agencies and Indian tribal governments shall be transferred to the account from which the expenditure was made, or to a similar account that remains available for obligation; and

(ii) the budget authority associated with the expenditure shall be restored to the agency from which the authority was derived and shall be available for obligation until the end of the fiscal year following the year in which the transfer occurs.

[(f)**]** *(e)* TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.

[(g)**]** *(f)* PROTECTING PUBLIC SAFETY AND MAINTAINING ROADWAYS.—The Secretary may use not more than 5 percent of amounts from the emergency fund authorized by this section to carry out projects that the Secretary determines are necessary to protect the public safety or to maintain or protect roadways that are included within the scope of an emergency declaration by the Governor of the State or by the President, in accordance with this section, and the Governor deems to be an ongoing concern in order to maintain vehicular traffic on the roadway.

(g) IMPOSITION OF DEADLINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

(A) the date on which the Governor declared the emergency, as described in subsection (c)(2)(A)(i); or

(B) the date on which the President declared the emergency to be a major disaster, as described in such subsection.

(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.

(h) HAZARD MITIGATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a hazard mitigation pilot program for the purpose of mitigating future

hazards posed to Federal-aid highways, Federal lands transportation facilities, and Tribal transportation facilities.

(2) ALLOCATION OF FUNDS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the pilot program established under this subsection.

(B) CALCULATION.—Annually, the Secretary shall calculate the total amount of outstanding eligible repair costs under the emergency relief program under this section, including the emergency relief backlog, for each State, territory, and Indian Tribe.

(C) ALLOCATION.—Any amounts made available under this subsection shall be distributed to each State, territory, or Indian Tribe based on—

(i) the ratio that the total amount of outstanding eligible repair costs for such State, territory, or Indian Tribe, as described under subparagraph (B); bears to

(ii) the total amount of outstanding eligible repair costs for all States, territories, and Indian Tribes, as described under subparagraph (B).

(D) LIMITATION.—The allocation to a State, territory, or Indian Tribe described under subparagraph (C) shall not exceed 5 percent of the total amount of outstanding eligible repair costs under the emergency relief program for such State, territory, or Indian Tribe, as described in subparagraph (B).

(3) ELIGIBLE ACTIVITIES.—Amounts made available under this subsection shall be used for protective features or other hazard mitigation activities that—

(A) the Secretary determines are cost effective and that reduce the risk of, or increase the resilience to, future damage to existing assets as a result of natural disasters; and

(B) are eligible under section 124.

(4) REPORT.—For each fiscal year in which funding is made available for the program under this subsection, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(A) a description of the activities carried out under the pilot program;

(B) an evaluation of the effectiveness of the pilot program in meeting purposes described in paragraph (1); and

(C) policy recommendations to improve the effectiveness of the pilot program.

(5) SUNSET.—The authority provided under this subsection shall terminate on October 1, 2025.

(i) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall—

(1) revise the emergency relief manual of the Federal Highway Administration—

(A) to include and reflect the definition of the term "resilience" (as defined in section 101(a));

(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

(C) to consider economically justified betterments in emergency relief projects, such as—

(i) protective features that increase the resilience of the facility; and

(ii) incorporation of context sensitive design principles and other planned betterments that improve the safety of the facility;

(2) consider transportation system access for moderate and low-income families impacted by a major disaster or emergency declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(3) develop best practices for improving the use of resilience in—

(A) the emergency relief program under this section; and

(B) emergency relief efforts;

(4) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and

(5) develop and implement a process to track—

(A) the consideration of resilience as part of the emergency relief program under this section; and

(B) the costs of emergency relief projects.

(j) DEFINITIONS.—In this section:

(1) COMPARABLE FACILITY.—The term "comparable facility" means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

(2) CONSTRUCTION PHASE.—The term "construction phase" means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

(3) OPEN TO PUBLIC TRAVEL.—The term "open to public travel" means with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

(A) is maintained;

(B) is open to the general public; and

(C) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

(4) STANDARD PASSENGER VEHICLE.—The term "standard passenger vehicle" means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.

§ 126. Transferability of Federal-aid highway funds

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), a State may transfer from an apportionment under section 104(b) not to exceed 50 percent of the amount

apportioned for the fiscal year to any other apportionment of the State under that section.

(b) APPLICATION TO CERTAIN SET-ASIDES *AND PROGRAMS*.—

(1) IN GENERAL.—Funds that are subject to sections 104(d) [and 133(d)(1)(A)]*, 130, 133(d)(1)(A), 133(h), 148(m), 149, 151(f), and 171* shall not be transferred under this section.

[(2) FUNDS TRANSFERRED BY STATES.—Funds transferred by a State under this section of the funding reserved for the State under section 133(h) for a fiscal year may only come from the portion of those funds that are available for obligation in any area of the State under section 133(h).]

(2) ENVIRONMENTAL PROGRAMS.—With respect to an apportionment under either paragraph (4) or paragraph (9) of section 104(b), and notwithstanding paragraph (1), a State may only transfer not more than 50 percent from the amount of the apportionment of either such paragraph to the apportionment under the other such paragraph in a fiscal year.

§ 127. Vehicle weight limitations—Interstate System

(a) IN GENERAL.—

(1) The Secretary shall withhold 50 percent of the apportionment of a State under section 104(b)(1) in any fiscal year in which the State does not permit the use of The Dwight D. Eisenhower System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more.

(2) However, the maximum gross weight to be allowed by any State for vehicles using The Dwight D. Eisenhower System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles (1) is thirty-six feet or more, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1989, is 30 feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the bor-

der between Iowa and Nebraska, and except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1989), on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater.

(3) Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section 118(b).

(4) This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof, other than vehicles or combinations subject to subsection (d) of this section, which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.

(5) With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956.

(6) With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.

(7) With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

(8) With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.

(9) The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.

(10) With respect to Interstate Routes 89, 93, and 95 in the State of New Hampshire—

(A) State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection; and

(B) effective June 30, 2016, a combination of truck-tractor and dump trailer equipped with 6 axles or more with a gross weight of up to 99,000 pounds shall be permitted if the distances between the extreme axles, excluding the steering axle, is 28 feet or more.

(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of

that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

(12) HEAVY DUTY VEHICLES.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system.

(B) MAXIMUM WEIGHT INCREASE.—The weight increase under subparagraph (A) shall be not greater than 550 pounds.

(C) PROOF.—On request by a regulatory agency or law enforcement agency, the vehicle operator shall provide proof (through demonstration or certification) that—

(i) the idle reduction technology is fully functional at all times; and

(ii) the 550-pound gross weight increase is not used for any purpose other than the use of idle reduction technology described in subparagraph (A).

(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.

(b) REASONABLE ACCESS.—No State may enact or enforce any law denying reasonable access to motor vehicles subject to this title to and from the Interstate Highway System to terminals and facilities for food, fuel, repairs, and rest.

(c) OCEAN TRANSPORT CONTAINER DEFINED.—For purposes of this section, the term "ocean transport container" has the meaning given the term "freight container" by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668–1979(E)) as in effect on the date of the enactment of this subsection.

(d) LONGER COMBINATION VEHICLES.—

(1) PROHIBITION.—

(A) GENERAL CONTINUATION RULE.—A longer combination vehicle may continue to operate only if the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation conforming to this section and in actual lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, or pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186).

(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and

conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, in force on June 1, 1991; except that subject to such regulations as may be issued by the Secretary pursuant to paragraph (5) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(C) WYOMING.—In addition to those vehicles allowed under subparagraph (A), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in subsection (a) and do not exceed 117,000 pounds gross vehicle weight.

(D) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under subparagraph (A), such State may allow longer combination vehicles with 3 cargo carrying units of 281/2 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

(E) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under subparagraph (A), such State may allow the operation of longer combination vehicles which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 5, 1991.

(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.

(2) ADDITIONAL STATE RESTRICTIONS.—

(A) IN GENERAL.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection; except that such restrictions or prohibitions shall be consistent with the requirements of sections 31111–31114 of title 49.

(B) MINOR ADJUSTMENTS.—Any State further restricting or prohibiting the operations of longer combination vehicles or making minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (5) of this subsection, shall, within 30 days, advise the Secretary of such action, and the Secretary shall publish a notice of such action in the Federal Register.

(3) PUBLICATION OF LIST.—

(A) SUBMISSION TO SECRETARY.—Within 60 days of the date of the enactment of this subsection, each State (i) shall submit to the Secretary for publication in the Federal Register a complete list of (I) all operations of longer combination vehicles being conducted as of June 1, 1991, pursuant to State statutes and regulations; (II) all limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection; and (III) such statutes, regulations, limitations, and conditions; and (ii) shall submit to the Secretary copies of such statutes, regulations, limitations, and conditions.

(B) INTERIM LIST.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and shall solicit and consider public comment on the accuracy of all such information.

(C) LIMITATION.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

(D) FINAL LIST.—Except as modified pursuant to paragraph (1)(C) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, longer combination vehicles may not operate on the Interstate System except as provided in the list.

(E) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list the Secretary shall correct the publication under subparagraph (D) to reflect the determination of the Secretary.

(4) LONGER COMBINATION VEHICLE DEFINED.—For purposes of this section, the term "longer combination vehicle" means any combination of a truck tractor and 2 or more trailers or

semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

(5) REGULATIONS REGARDING MINOR ADJUSTMENTS.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (1)(B).

(e) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.

(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 103(c)(4)(A), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of the enactment of this subsection.

(g) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN PENNSYLVANIA HIGHWAYS.—If the segment of United States Route 220 between Bedford and Bald Eagle, Pennsylvania, is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to that segment with respect to the operation of any vehicle which could have legally operated on that segment before the date of the enactment of this subsection.

(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.

(i) SPECIAL PERMITS DURING PERIODS OF NATIONAL EMERGENCY.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a State may issue special permits during an emer-

gency to overweight vehicles and loads that can easily be dismantled or divided if—

(A) the President has declared the emergency to be *an emergency or* a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) the permits are issued in accordance with State law; and

(C) the permits are issued exclusively to vehicles and loads that are delivering relief supplies.

(2) EXPIRATION.—A permit issued under paragraph (1) shall expire not later than 120 days after the date of the declaration of emergency under subparagraph (A) of that paragraph.

(j) OPERATION OF VEHICLES ON CERTAIN OTHER WISCONSIN HIGHWAYS.—If any segment of the United States Route 41 corridor, as described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991, is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a).

(k) OPERATION OF VEHICLES ON CERTAIN MISSISSIPPI HIGHWAYS.—If any segment of United States Route 78 in Mississippi from mile marker 0 to mile marker 113 is designated as part of the Interstate System, no limit established under this section may apply to that segment with respect to the operation of any vehicle that could have legally operated on that segment before such designation.

(l) OPERATION OF VEHICLES ON CERTAIN KENTUCKY HIGHWAYS.—

(1) IN GENERAL.—If any segment of highway described in paragraph (2) is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a).

(2) DESCRIPTION OF HIGHWAY SEGMENTS.—The highway segments referred to in paragraph (1) are as follows:

(A) Interstate Route 69 in Kentucky (formerly the Wendell H. Ford (Western Kentucky) Parkway) from the Interstate Route 24 Interchange, near Eddyville, to the Edward T. Breathitt (Pennyrile) Parkway Interchange.

(B) The Edward T. Breathitt (Pennyrile) Parkway (to be designated as Interstate Route 69) in Kentucky from the Wendell H. Ford (Western Kentucky) Parkway Interchange to near milepost 77, and on new alignment to an interchange on the Audubon Parkway, if the segment is designated as part of the Interstate System.

(3) ADDITIONAL HIGHWAY SEGMENTS.—

(A) IN GENERAL.—If any segment of highway described in clauses (i) through (iv) of this subparagraph is designated as a route of the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a),

except that such vehicle shall not exceed a gross vehicle weight of 120,000 pounds. The highway segments referred to in this paragraph are as follows:

(i) The William H. Natcher Parkway (to be designated as a spur of Interstate Route 65) from Interstate Route 65 in Bowling Green, Kentucky, to United States Route 60 in Owensboro, Kentucky.

(ii) The Julian M. Carroll (Purchase) Parkway (to be designated as Interstate Route 69) in Kentucky from the Tennessee state line to the interchange with Interstate Route 24, near Calvert City.

(iii) The Wendell H. Ford (Western Kentucky) Parkway (to be designated as a spur of Interstate Route 69) from the interchange with the William H. Natcher Parkway in Ohio County, Kentucky, west to the interchange of the Western Kentucky Parkway with the Edward T. Breathitt (Pennyrile) Parkway.

(iv) The Edward T. Breathitt (Pennyrile) Parkway (to be designated as a spur of Interstate Route 69) from Interstate 24, north to Interstate 69.

(B) NONDIVISIBLE LOAD OR VEHICLE.—Nothing in this paragraph shall prohibit the State from issuing a permit for a nondivisible load or vehicle with a gross vehicle weight that exceeds 120,000 pounds.

(m) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLES.—

(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle.

(2) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLE DEFINED.—In this subsection, the term "covered heavy-duty tow and recovery vehicle" means a vehicle that—

(A) is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

(B) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

(n) OPERATION OF VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF TEXAS.—If any segment in the State of Texas of United States Route 59, United States Route 77, United States Route 281, United States Route 84, Texas State Highway 44, or another roadway is designated as Interstate Route 69, a vehicle that could operate legally on that segment before the date of the designation may continue to operate on that segment, without regard to any requirement under this section.

(o) CERTAIN LOGGING VEHICLES IN THE STATE OF WISCONSIN.—

(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term "covered logging vehicle" means a vehicle that—

(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

(B) has a gross vehicle weight of not more than 98,000 pounds;

(C) has not less than 6 axles; and

(D) is operating on a segment of Interstate Route 39 in the State of Wisconsin from mile marker 175.8 to mile marker 189.

(p) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits under subsection (a) and the width limitation under section 31113(a) of title 49 shall not apply to that segment with respect to the operation of any vehicle that could operate legally on that segment before the date of the designation.

(q) CERTAIN LOGGING VEHICLES IN THE STATE OF MINNESOTA.—

(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term "covered logging vehicle" means a vehicle that—

(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

(B) has a gross vehicle weight of not more than 99,000 pounds;

(C) has not less than 6 axles; and

(D) is operating on a segment of Interstate Route 35 in the State of Minnesota from mile marker 235.4 to mile marker 259.552.

(r) EMERGENCY VEHICLES.—

(1) IN GENERAL.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

(A) 24,000 pounds on a single steering axle;

(B) 33,500 pounds on a single drive axle;

(C) 62,000 pounds on a tandem axle; or

(D) 52,000 pounds on a tandem rear drive steer axle.

(2) EMERGENCY VEHICLE DEFINED.—In this subsection, the term "emergency vehicle" means a vehicle designed to be used under emergency conditions—

(A) to transport personnel and equipment; and

(B) to support the suppression of fires and mitigation of other hazardous situations.

[(s) NATURAL GAS AND ELECTRIC BATTERY VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas or powered primarily by means of electric battery power, may exceed the weight limit on the power unit by up to 2,000 pounds (up to a maximum gross vehicle weight of 82,000 pounds) under this section.**]**

(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, powered primarily by means of electric battery power, or fueled primarily by means of other zero emission fuel technologies, may exceed the weight limit on the power unit by up to 2,000

pounds (up to a maximum gross vehicle weight of 82,000 pounds) under this section.

(t) VEHICLES IN IDAHO.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of Idaho may operate on such a segment if such vehicle–

(1) has a gross vehicle weight of 129,000 pounds or less;

(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

(3) is authorized to operate on such segment under Idaho State law.

(u) VEHICLES IN NORTH DAKOTA.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of North Dakota may operate on such a segment if such vehicle—

(1) has a gross vehicle weight of 129,000 pounds or less;

(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

(3) is authorized to operate on such segment under North Dakota State law.

(v) DRY BULK WEIGHT TOLERANCE.—

(1) DEFINITION OF DRY BULK GOODS.—In this subsection, the term "dry bulk goods" means any homogeneous unmarked nonliquid cargo being transported in a trailer specifically designed for that purpose.

(2) WEIGHT TOLERANCE.—Notwithstanding any other provision of this section, except for the maximum gross vehicle weight limitation, a commercial motor vehicle transporting dry bulk goods may not exceed 110 percent of the maximum weight on any axle or axle group described in subsection (a), including any enforcement tolerance.

* * * * * * *

§ 129. Toll roads, bridges, tunnels, and ferries

(a) BASIC PROGRAM.—

[(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the same manner as construction of toll-free highways is permitted under this chapter in the—

[(A) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

[(B) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;

[(C) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;

[(D) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

[(E) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

[(F) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;

[(G) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;

[(H) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility; and

[(I) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.]

(1) IN GENERAL.—

(A) AUTHORIZATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the same manner as construction of toll-free highways is permitted under this chapter in the—

(i) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

(ii) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;

(iii) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;

(iv) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

(v) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

(vi) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;

(vii) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;

(viii) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility, subject to the requirements of section 166; and

(ix) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.

(B) AGREEMENT TO TOLL.—

(i) IN GENERAL.—Before the Secretary may authorize tolling under this subsection, the public authority with jurisdiction over a highway, bridge, or tunnel shall enter into an agreement with the Secretary to ensure compliance with the requirements of this subsection.

(ii) APPLICABILITY.—

(I) IN GENERAL.—The requirements of this subparagraph shall apply to—

(aa) Federal participation under subparagraph (A);

(bb) any prior Federal participation in the facility proposed to be tolled; and

(cc) conversion, with or without Federal participation, of a non-tolled lane on the National Highway System to a toll facility under subparagraph (E).

(II) HOV FACILITY.—Except as otherwise provided in this subsection or section 166, the provisions of this paragraph shall not apply to a high occupancy vehicle facility.

(iii) MAJOR FEDERAL ACTION.—Approval by the Secretary of an agreement to toll under this paragraph shall be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) AGREEMENT CONDITIONS.—Prior to entering into an agreement to toll under subparagraph (B), the public authority shall certify to the Secretary that—

(i) the public authority has established procedures to ensure the toll meets the purposes and requirements of this subsection;

(ii) the facility shall provide for access at no cost to public transportation vehicles and over-the-road buses serving the public; and

(iii) the facility shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

(D) CONSIDERATION OF IMPACTS.—

(i) IN GENERAL.—Prior to entering into an agreement to toll under subparagraph (B), the Secretary shall ensure the public authority has adequately considered, including by providing an opportunity for public comment, the following factors within the corridor:

(I) Congestion impacts on both the toll facility and in the corridor or cordon (including adjacent toll-free facilities).

(II) In the case of a non-attainment or maintenance area, air quality impacts.

(III) Planned investments to improve public transportation or other non-tolled alternatives in the corridor.

(IV) Environmental justice and equity impacts.

(V) Impacts on freight movement.

(VI) Economic impacts on businesses.

(ii) CONSIDERATION IN ENVIRONMENTAL REVIEW.—Nothing in this subparagraph shall limit a public authority from meeting the requirements of this subparagraph through the environmental review process, as applicable.

(E) CONGESTION PRICING.—

(i) IN GENERAL.—The Secretary may authorize conversion of a non-tolled lane on the National Highway System to a toll facility to utilize pricing to manage the demand to use the facility by varying the toll amount that is charged.

(ii) REQUIREMENT.—Prior to entering into an agreement to convert a non-tolled lane on the National Highway System to a toll facility, the Secretary shall ensure (in addition to the requirements under subparagraphs (B), (C), and (D)) that such toll facility and the planned investments to improve public transportation or other non-tolled alternatives in the corridor are reasonably expected to improve the operation of the cordon or corridor, as described in clauses (iii) and (iv).

(iii) PERFORMANCE MONITORING.—A public authority that enters into an agreement to convert a non-tolled lane to a toll facility under this subparagraph shall—

(I) establish, monitor, and support a performance monitoring, evaluation, and reporting program—

(aa) for the toll facility that provides for continuous monitoring, assessment, and reporting on the impacts that the pricing structure may have on the operation of the facility; and

(bb) for the corridor or cordon that provides for continuous monitoring, assessment, and reporting on the impacts of congestion pricing on the operation of the corridor or cordon;

(II) submit to the Secretary annual reports of the impacts described in subclause (I); and

(III) if the facility or the corridor or cordon becomes degraded, as described in clause (iv), submit to the Secretary an annual update that describes the actions proposed to bring the toll facility into compliance and the progress made on such actions.

(iv) DETERMINATION.—

(I) DEGRADED OPERATION.—For purposes of clause (iii)(III), the operation of a toll facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during peak hour periods.

(II) DEGRADED CORRIDOR OR CORDON.—For the purposes of clause (iii)(III), a corridor or cordon shall be considered to be degraded if congestion pricing or investments to improve public transportation or other non-tolled alternatives have not resulted in—

(aa) an increase in person or freight throughput in the corridor or cordon; or

(bb) a reduction in person hours of delay in the corridor or cordon, as determined by the Secretary.

(III) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.—In this subparagraph, the term "minimum average operating speed" means—

(aa) 35 miles per hour, in the case of a toll facility with a speed limit of 45 miles per hour or greater; and

(bb) not more than 10 miles per hour below the speed limit, in the case of a toll facility with a speed limit of less than 50 miles per hour.

(v) MAINTENANCE OF OPERATING PERFORMANCE.—

(I) IN GENERAL.—Not later than 180 days after the date on which a facility or a corridor or cordon becomes degraded under clause (iv), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility or corridor or cordon into compliance with this subparagraph.

(II) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under subclause (I), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the facility or

corridor or cordon into compliance with this subparagraph.

(III) UPDATE.—Until the date on which the Secretary determines that the public authority has brought the facility or corridor or cordon into compliance with this subparagraph, the public authority shall submit annual updates that describe—

(aa) the actions taken to bring the facility into compliance;

(bb) the actions taken to bring the corridor or cordon into compliance; and

(cc) the progress made by those actions.

(IV) COMPLIANCE.—If a public authority fails to bring a facility into compliance under this subparagraph, the Secretary may subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

(vi) CONSULTATION OF MPO.—If a toll facility authorized under this subparagraph is located on the National Highway System and in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area.

(vii) INCLUSION.—For the purposes of this paragraph, the corridor or cordon shall include toll-free facilities that are adjacent to the toll facility.

(2) OWNERSHIP.—Each highway, bridge, tunnel, or approach to the highway, bridge, or tunnel constructed under this subsection shall—

(A) be publicly owned; or

(B) be privately owned if the public authority with jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with 1 or more private persons to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

(3) LIMITATIONS ON USE OF REVENUES.—

(A) IN GENERAL.—A public authority with jurisdiction over a toll facility shall ensure that all toll revenues received from operation of the toll facility are used only for—

(i) debt service with respect to the projects on or for which the tolls are authorized, including funding of reasonable reserves and debt service on refinancing;

(ii) a reasonable return on investment of any private person financing the project, as determined by the State or interstate compact of States concerned;

(iii) any costs necessary for the improvement and proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation;

(iv) if the toll facility is subject to a public-private partnership agreement, payments that the party holding the right to toll revenues owes to the other party under the public-private partnership agreement; [and]

[(v) if the public authority certifies annually that the tolled facility is being adequately maintained, any other purpose for which Federal funds may be obligated by a State under this title.]

(v) any project eligible under this title or chapter 53 of title 49 that improves the operation of the corridor or cordon by increasing person or freight throughput and reducing person hours of delay;

(vi) toll discounts or rebates for users of the toll facility that have no reasonable alternative transportation method to the toll facility; and

(vii) if the public authority certifies annually that the tolled facility is being adequately maintained and the cordon or corridor is not degraded under paragraph (1)(E), any revenues remaining after funding the activities described in clauses (i) through (vi) shall be considered surplus revenue and may be used for any other purpose for which Federal funds may be obligated by a State under this title or chapter 53 of title 49.

[(B) ANNUAL AUDIT.—

[(i) IN GENERAL.—A public authority with jurisdiction over a toll facility shall conduct or have an independent auditor conduct an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A), and report the results of the audits to the Secretary.

[(ii) RECORDS.—On reasonable notice, the public authority shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.]

(B) TRANSPARENCY.—

(i) ANNUAL AUDIT.—

(I) IN GENERAL.—A public authority with jurisdiction over a toll facility shall conduct or have an independent auditor conduct an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A), and report the results of the audits to the Secretary.

(II) RECORDS.—On reasonable notice, the public authority shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

(ii) USE OF REVENUES.—A State or public authority that obligates amounts under clauses (v), (vi), or (vii) of subparagraph (A) shall annually report to the Secretary a list of activities funded with such amounts and the amount of funding provided for each such activity.

(C) NONCOMPLIANCE.—If the Secretary concludes that a public authority has not complied with the limitations on the use of revenues described in subparagraph (A), the Secretary may require the public authority to discontinue collecting tolls until an agreement with the Secretary is reached to achieve compliance with the limitation on the use of revenues described in subparagraph (A).

(4) SPECIAL RULE FOR FUNDING.—

(A) IN GENERAL.—In the case of a toll facility under the jurisdiction of a public authority of a State (other than the State transportation department), on request of the State transportation department and subject to such terms and conditions as the department and public authority may agree, the Secretary, working through the State department of transportation, shall reimburse the public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as the department would be reimbursed if the project was being carried out by the department.

(B) SOURCE.—The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid highways in the State on which the project is being carried out.

(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for a project described in paragraph (1) shall be a percentage determined by the State, but not to exceed 80 percent.

(6) MODIFICATIONS.—If a public authority (including a State transportation department) with jurisdiction over a toll facility subject to an agreement under this section or section 119(e), as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1915), requests modification of the agreement, the Secretary shall modify the agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

(7) LOANS.—

(A) IN GENERAL.—

(i) LOANS.—Using amounts made available under this title, a State may loan to a public or private entity constructing or proposing to construct under this section a toll facility or non-toll facility with a dedicated revenue source an amount equal to all or part of the Federal share of the cost of the project if the project has a revenue source specifically dedicated to the project.

(ii) DEDICATED REVENUE SOURCES.—Dedicated revenue sources for non-toll facilities include excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, and such other dedicated revenue sources as the Secretary determines appropriate.

(B) COMPLIANCE WITH FEDERAL LAWS.—As a condition of receiving a loan under this paragraph, the public or private entity that receives the loan shall ensure that the project will be carried out in accordance with this title and any other applicable Federal law, including any applicable provision of a Federal environmental law.

(C) SUBORDINATION OF DEBT.—The amount of any loan received for a project under this paragraph may be subordinated to any other debt financing for the project.

(D) OBLIGATION OF FUNDS LOANED.—Funds loaned under this paragraph may only be obligated for projects under this paragraph.

(E) REPAYMENT.—The repayment of a loan made under this paragraph shall commence not later than 5 years after date on which the facility that is the subject of the loan is open to traffic.

(F) TERM OF LOAN.—The term of a loan made under this paragraph shall not exceed 30 years from the date on which the loan funds are obligated.

(G) INTEREST.—A loan made under this paragraph shall bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible.

(H) REUSE OF FUNDS.—Amounts repaid to a State from a loan made under this paragraph may be obligated—

(i) for any purpose for which the loan funds were available under this title; and

(ii) for the purchase of insurance or for use as a capital reserve for other forms of credit enhancement for project debt in order to improve credit market access or to lower interest rates for projects eligible for assistance under this title.

(I) GUIDELINES.—The Secretary shall establish procedures and guidelines for making loans under this paragraph.

(8) STATE LAW PERMITTING TOLLING.—If a State does not have a highway, bridge, or tunnel toll facility [as of the date of enactment of the MAP–21, before commencing any activity authorized], *before commencing any activity authorized* under this section, the State shall have in effect a law that permits tolling on a highway, bridge, or tunnel.

(9) EQUAL ACCESS FOR OVER-THE-ROAD BUSES.—An over-the-road [bus] *vehicle* that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation [buses] *vehicles*.

[(10) DEFINITIONS.—In this subsection, the following definitions apply:

[(A) HIGH OCCUPANCY VEHICLE; HOV.—The term "high occupancy vehicle" or "HOV" means a vehicle with not fewer than 2 occupants.

[(B) INITIAL CONSTRUCTION.—

[(i) IN GENERAL.—The term "initial construction" means the construction of a highway, bridge, tunnel, or other facility at any time before it is open to traffic.

[(ii) EXCLUSIONS.—The term "initial construction" does not include any improvement to a highway, bridge, tunnel, or other facility after it is open to traffic.

[(C) OVER-THE-ROAD BUS.—The term "over-the-road bus" has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

[(D) PUBLIC AUTHORITY.—The term "public authority" means a State, interstate compact of States, or public entity designated by a State.

[(E) TOLL FACILITY.—The term "toll facility" means a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel constructed under this subsection.]

(10) INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION.—

(A) IN GENERAL.—All toll facilities on Federal-aid highways shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

(B) PROHIBITION ON RESTRICTION.—No State, or any political subdivision thereof, shall restrict the information that is shared across public and private toll facility operators or their agents or contractors for purposes of facilitating, operating, or maintaining electronic toll collection programs.

(11) NONCOMPLIANCE.—If the Secretary concludes that a public authority has not complied with the requirements of this subsection, the Secretary may require the public authority to discontinue collecting tolls until the public authority and the Secretary enter into an agreement for the public authority to achieve compliance with such requirements.

(12) DEFINITIONS.—In this subsection, the following definitions apply:

(A) FEDERAL PARTICIPATION.—The term "Federal participation" means the use of funds made available under this title.

(B) HIGH OCCUPANCY VEHICLE; HOV.—The term "high occupancy vehicle" or "HOV" means a vehicle with not fewer than 2 occupants.

(C) INITIAL CONSTRUCTION.—

(i) IN GENERAL.—The term "initial construction" means the construction of a highway, bridge, tunnel, or other facility at any time before it is open to traffic.

(ii) EXCLUSIONS.—The term "initial construction" does not include any improvement to a highway, bridge, tunnel, or other facility after it is open to traffic.

(D) OVER-THE-ROAD BUS.—The term "over-the-road bus" has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

(E) PUBLIC AUTHORITY.—The term "public authority" means a State, interstate compact of States, or public entity designated by a State.

(F) PUBLIC TRANSPORTATION VEHICLE.—The term "public transportation vehicle" has the meaning given that term in section 166.

(G) TOLL FACILITY.—The term "toll facility" means a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel constructed or authorized to be tolled under this subsection.

(b) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, the route of which is a public road and has not been designated as a route on the Interstate System. Such ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

(c) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats and ferry terminal facilities, whether toll or free, subject to the following conditions:

(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System or on a public transit ferry eligible under chapter 53 of title 49. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.

(3)(A) The ferry boat or ferry terminal facility shall be publicly owned or operated or majority publicly owned if the Secretary determines with respect to a majority publicly owned ferry or ferry terminal facility that such ferry boat or ferry terminal facility provides substantial public benefits.

(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.

(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State or other public entity, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, repair, debt service, negotiated management fees, and, in the case of a privately operated toll ferry, for a reasonable rate of return.

(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise any territory of the United States) or between adjoining States or between a point in a State and a point in the Dominion of Canada. Except with respect to operations between the islands which comprise the State of Hawaii,

operations between the islands which comprise any territory of the United States, operations between a point in a State and a point in the Dominion of Canada, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operation shall be in any foreign or international waters.

(6) The ferry service shall be maintained in accordance with section 116.

(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 200 of title 2, Code of Federal Regulations.

(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.

§ 130. [Railway-highway crossings] *Railway crossings*

(a) [Subject to section 120 and subsection (b) of this section, the entire] *IN GENERAL.—The* cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate grade crossings, and projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, [then the entire] *the* cost of such relocation project[, subject to section 120 and subsection (b) of this section,] may be paid from sums apportioned in accordance with section 104 of this title.

[(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.]

(b) CLASSIFICATION.—

(1) IN GENERAL.—The construction of projects for the elimination of hazards at railway crossings represents a benefit to the railroad. The Secretary shall classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and shall set for each such classification a percentage of the total project cost that represent the benefit to the railroad or railroads for the purpose of determining the railroad's share of the total project cost. The Secretary shall determine the appropriate classification of each project.

(2) NONCASH CONTRIBUTIONS.—

(A) IN GENERAL.—Not more than 5 percent of the cost share described in paragraph (1) may be attributable to noncash contributions of materials and labor furnished by the railroad in connection with the construction of such project.

(B) REQUIREMENT.—The requirements under section 200.306 and 200.403(g) of title 2, Code of Federal Regulations (or successor regulations), shall apply to any noncash contributions under this subsection.

(3) TOTAL PROJECT COST.—For the purposes of this subsection, the determination of the railroad's share of the total project cost shall include environment, design, right-of-way, utility accommodation, and construction phases of the project.

(c) [Any railroad involved] *BENEFIT.—Any railroad involved* in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for [the net benefit] *the cost associated with the benefit* to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. [Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.] If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railway-highway crossings.

[(e) FUNDS FOR PROTECTIVE DEVICES.—

[(1) IN GENERAL.—

[(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, for the elimination of hazards and the installation of protective devices at railway-highway crossings at least—

[(i) $225,000,000 for fiscal year 2016;

[(ii) $230,000,000 for fiscal year 2017;
[(iii) $235,000,000 for fiscal year 2018;
[(iv) $240,000,000 for fiscal year 2019; and
[(v) $245,000,000 for fiscal year 2020.

[(B) INSTALLATION OF PROTECTIVE DEVICES.—At least 1/2 of the funds set aside each fiscal year under subparagraph (A) shall be available for the installation of protective devices at railway-highway crossings.

[(C) OBLIGATION AVAILABILITY.—Sums set aside each fiscal year under subparagraph (A) shall be available for obligation in the same manner as funds apportioned under section 104(b)(1).

[(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other highway safety improvement program purposes.

[(f) APPORTIONMENT.—

[(1) FORMULA.—Fifty percent of the funds set aside to carry out this section pursuant to subsection (e)(1) shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A) as in effect on the day before the date of enactment of the MAP–21, and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

[(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of one-half of 1 percent of the funds apportioned under paragraph (1).

[(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds set aside to carry out this section shall be 90 percent of the cost thereof.

[(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, not later than April 1, 2006, and every 2 years thereafter,, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.]

(e) RAILWAY CROSSINGS.—

(1) ELIGIBLE ACTIVITIES.—Funds apportioned to a State under section 104(b)(7) may be obligated for the following:

(A) The elimination of hazards at railway-highway crossings, including technology or protective upgrades.

(B) Construction or installation of protective devices (including replacement of functionally obsolete protective devices) at railway-highway crossings.

(C) Infrastructure and noninfrastructure projects and strategies to prevent or reduce suicide or trespasser fatalities and injuries along railroad rights-of-way and at or near railway-highway crossings.

(D) Projects to mitigate any degradation in the level of access from a highway-grade crossing closure.

(E) Bicycle and pedestrian railway grade crossing improvements, including underpasses and overpasses.

(F) Projects eligible under section 22907(c)(5) of title 49, provided that amounts obligated under this subparagraph—

(i) shall be administered by the Secretary in accordance with such section as if such amounts were made available to carry out such section; and

(ii) may be used to pay up to 90 percent of the non-Federal share of the cost of a project carried out under such section.

(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other highway safety improvement program purposes.

(f) FEDERAL SHARE.—Notwithstanding section 120, the Federal share payable on account of any project financed with funds made available to carry out subsection (e) shall be up to 90 percent of the cost thereof.

(g) REPORT.—

(1) STATE REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of the INVEST in America Act, and at least biennially thereafter, each State shall submit to the Secretary a report on the progress being made to implement the railway crossings program authorized by this section and the effectiveness of projects to improve railway crossing safety.

(B) CONTENTS.—Each State report under subparagraph (A) shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

(2) DEPARTMENTAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the deadline for the submission of a report under paragraph (1)(A), the Secretary shall publish on the website of the Department of Transportation a report on the progress being made by the State in implementing projects to improve railway crossings.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the number of projects undertaken;

(ii) distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(iii) an analysis and evaluation of each State program;

(iv) the identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(v) recommendations for future implementation of the railway crossings program.

(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), a State may, from sums available to the State under this section, make incentive payments to local governments in the State upon the permanent closure by such governments of public at-grade railway-highway crossings under the jurisdiction of such governments.

(2) INCENTIVE PAYMENTS BY RAILROADS.—A State may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) AMOUNT OF STATE PAYMENT.—The amount of the incentive payment payable to a local government by a State under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) $7,500.

(4) USE OF STATE PAYMENTS.—A local government receiving an incentive payment from a State under paragraph (1) shall use the amount of the incentive payment for transportation safety improvements.

(j) BICYCLE *AND PEDESTRIAN* SAFETY.—In carrying out projects under this section, a State shall take into account bicycle *and pedestrian* safety.

(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).

(l) NATIONAL CROSSING INVENTORY.—

(1) INITIAL REPORTING OF CROSSING INFORMATION.—[Not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008 or within 6 months of a new crossing

becoming operational, whichever occurs later, each State] *Not later than 6 months after a new railway crossing becomes operational, each State* shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported public crossing located within its borders.

(2) PERIODIC UPDATING OF CROSSING INFORMATION.—[On a periodic basis beginning not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008 and on or before September 30 of every year thereafter] *On or before September 30 of each year*, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each public crossing located within its borders.

* * * * * * *

§ 133. Surface transportation [block grant] program

(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation [block grant] program in accordance with this section to provide flexible funding to address State and local transportation needs.

(b) ELIGIBLE PROJECTS.—Funds apportioned to a State under section 104(b)(2) for the surface transportation [block grant] program may be obligated for the following:

(1) Construction of—

(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

(B) ferry boats and terminal facilities eligible for funding under section 129(c)*, except that for the purposes of this section hovercraft and terminal facilities for hovercraft engaging in water transit for passengers or vehicles shall be considered ferry boats and ferry terminal facilities eligible under section 129(c)*;

(C) transit capital projects eligible for assistance under chapter 53 of title 49;

(D) infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;

(E) truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note); and

(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA–LU (23 U.S.C. 101 note).

(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

(3) Environmental measures eligible under sections 119(g), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

(4) Highway and transit safety infrastructure improvements and programs, including [railway-highway grade crossings] *projects eligible under section 130 and installation of safety barriers and nets on bridges*.

(5) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

(6) [Recreational] *Transportation alternatives projects eligible under subsection (h), recreational* trails projects eligible for funding under section 206, pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section [1404 of SAFETEA–LU (23 U.S.C. 402 note)] *211*.

(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(8) Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.

(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

(11) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and [travel] *transportation* demand management strategies and programs.

(13) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

(15) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

(16) Protective features (including natural infrastructure and vegetation control and clearance) to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

(17) Projects to reduce greenhouse gas emissions eligible under section 171, including the installation of electric vehicle charging infrastructure.

(18) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this section.

(19) A surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

(20) roads in rural areas that primarily serve to transport agricultural products from a farm or ranch to a marketplace.

(21) The removal, retrofit, repurposing, remediation, or replacement of a highway or other transportation facility that creates a barrier to community connectivity to improve access for multiple modes of transportation.

(22) Planning, design, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations).

(c) LOCATION OF PROJECTS.—A surface transportation ⟦block grant⟧ *program* project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

(2) for a project described in paragraphs (4) through (11) *and paragraph (22)* of subsection (b);

⟦(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act; and⟧

(3) for a project described in—

(A) subsection (h); or

(B) section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;

(4) for a project described in section 5308 of title 49; and

⟦(4)⟧ *(5)* as approved by the Secretary.

(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

(1) CALCULATION.—Of the funds apportioned to a State *each fiscal year* under section 104(b)(2) (after ⟦the reservation of⟧ *setting aside* funds under subsection (h))—

(A) ⟦the percentage specified in paragraph (6) for a fiscal year⟧ *57 percent for fiscal year 2023, 58 percent for fiscal year 2024, 59 percent for fiscal year 2025, and 60 percent for fiscal year 2026* shall be obligated under this section, in proportion to their relative shares of the population of the State—

(i) in urbanized areas of the State with an urbanized area population [of over] *greater than* 200,000;

[(ii) in areas of the State other than urban areas with a population greater than 5,000; and

[(iii) in other areas of the State; and]

(ii) in urbanized areas of the State with an urbanized area population greater than 49,999 and less than 200,001;

(iii) in urban areas of the State with a population greater than 4,999 and less than 50,000; and

(iv) in other areas of the State with a population less than 5,000; and

(B) the remainder may be obligated in any area of the State.

(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

[(3) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.]

(3) LOCAL COORDINATION AND CONSULTATION.—

(A) COORDINATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(ii), a State shall—

(i) establish a process to coordinate with all metropolitan planning organizations in the State that represent an urbanized area described in such paragraph; and

(ii) describe how funds described under paragraph (1)(A)(ii) will be allocated equitably among such urbanized areas during the period of fiscal years 2023 through 2026.

(B) JOINT RESPONSIBILITY.—Each State and the Secretary shall jointly ensure compliance with subparagraph (A).

(C) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

(4) DISTRIBUTION AMONG URBANIZED AREAS OF [OVER 200,000] *GREATER THAN 200,000* POPULATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if the

State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

(5) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

[(6) PERCENTAGE.—The percentage referred to in paragraph (1)(A) is—

[(A) for fiscal year 2016, 51 percent;

[(B) for fiscal year 2017, 52 percent;

[(C) for fiscal year 2018, 53 percent;

[(D) for fiscal year 2019, 54 percent; and

[(E) for fiscal year 2020, 55 percent.]

(6) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The State and all metropolitan planning organizations in the State that represent an urbanized area with a population of greater than 200,000 may jointly establish a program to improve the ability of applicants to deliver projects under this subsection in an efficient and expeditious manner and reduce the period of time between the selection of the project and the obligation of funds for the project by providing—

(i) technical assistance and training to applicants for projects under this subsection; and

(ii) funding for one or more full-time State, regional, or local government employee positions to administer this subsection.

(B) ELIGIBLE FUNDS.—To carry out this paragraph, a State or metropolitan planning organization may use funds made available under paragraphs (2) or (6) of section 104(b)

(C) USE OF FUNDS.—Amounts used under this paragraph may be expended—

(i) directly by the State or metropolitan planning organization; or

(ii) through contracts with State agencies, private entities, or nonprofit organizations.

(e) OBLIGATION AUTHORITY.—

(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of [over 200,000] *greater than 200,000* individuals under subsection (d) funds apportioned to the State under section 104(b)(2) shall make available during the period of fiscal years [2016 through 2020] *2023 through 2026* an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

(B) the ratio that—

(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and

highway safety construction programs during the period; bears to

(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).

(3) ANNUAL AMOUNTS.—To the extent practicable, each State shall annually notify each affected metropolitan planning organization as to the amount of obligation authority that will be made available under paragraph (1) to each affected metropolitan planning organization for the fiscal year.

[(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

[(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In this subsection, the term "off-system bridge" means a highway bridge located on a public road, other than a bridge on a Federal-aid highway.

[(2) SPECIAL RULE.—

[(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2013 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (b)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009, except that amounts allocated under subsection (d) shall not be obligated to carry out this subsection.

[(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

[(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

[(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

[(B) that crediting shall be conducted in accordance with procedures established by the Secretary.]

(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In this subsection, the term "off-system bridge" means a bridge located on a public road, other than a bridge on a Federal-aid highway.

(2) SPECIAL RULE.—

(A) SET ASIDE.—Of the amounts apportioned to a State for each fiscal year under this section other than the amounts described in subparagraph (C), the State shall obligate for activities described in subsection (b)(2) (as in effect on the day before the date of enactment of the FAST Act) for off-system bridges an amount that is not less than 20 percent of the amounts available to such State under this section in fiscal year 2020, not including the amounts described in subparagraph (C).

(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

(C) LIMITATIONS.—The following amounts shall not be used for the purposes of meeting the requirements of subparagraph (A):

(i) Amounts described in section 133(d)(1)(A).

(ii) Amounts set aside under section 133(h).

(iii) Amounts described in section 505(a).

(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

(B) that crediting shall be conducted in accordance with procedures established by the Secretary.

(g) SPECIAL RULE FOR AREAS OF LESS THAN [5,000] *50,000* POPULATION.—

(1) SPECIAL RULE.—Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under [subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020 may be obligated on roads functionally classified as minor collectors.] *clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on roads functionally classified as rural minor collectors or local roads or on critical rural freight corridors designated under section 167(e).*

(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) with respect to a State if the Secretary determines that the authority provided under paragraph (1) is being used excessively by the State.

[(h) STP SET-ASIDE.—

[(1) RESERVATION OF FUNDS.—Of the funds apportioned to a State under section 104(b)(2) for each fiscal year, the Secretary shall reserve an amount such that—

[(A) the Secretary reserves a total under this subsection of—

[(i) $835,000,000 for each of fiscal years 2016 and 2017; and

[(ii) $850,000,000 for each of fiscal years 2018 through 2020; and

[(B) the State's share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

[(i) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

[(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

[(2) ALLOCATION WITHIN A STATE.—Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

[(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

[(B) the following provisions shall not apply:

[(i) Paragraph (3) of subsection (d).

[(ii) Subsection (e).

[(3) ELIGIBLE PROJECTS.—Funds reserved under this subsection may be obligated for projects or activities described in section 101(a)(29) or 213, as such provisions were in effect on the day before the date of enactment of the FAST Act.

[(4) ACCESS TO FUNDS.—

[(A) IN GENERAL.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

[(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term "eligible entity" means—

[(i) a local government;

[(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 nonprofit entity responsible for the administration of local transportation safety programs; and

[(viii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

[(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

[(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

[(B) return 1 percent of those funds to the Secretary for the administration of that program; and

[(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of that section.

[(6) STATE FLEXIBILITY.—

[(A) RECREATIONAL TRAILS.—A State may opt out of the recreational trails program under paragraph (5) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

[(B) LARGE URBANIZED AREAS.—A metropolitan planning area may use not to exceed 50 percent of the funds reserved under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

[(7) ANNUAL REPORTS.—

[(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

[(i) the number of project applications received for each fiscal year, including—

[(I) the aggregate cost of the projects for which applications are received; and

[(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

[(ii) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

[(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the

Web site of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

[(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.]

(h) TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE.—

(1) SET ASIDE.—For each fiscal year, of the total funds apportioned to all States under section 104(b)(2) for a fiscal year, the Secretary shall set aside an amount such that—

(A) the Secretary sets aside a total amount under this subsection for a fiscal year equal to 10 percent of such total funds; and

(B) the State's share of the amount set aside under subparagraph (A) is determined by multiplying the amount set aside under subparagraph (A) by the ratio that—

(i) the amount apportioned to the State for the transportation enhancement program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

(2) ALLOCATION WITHIN A STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsections (d) and (e), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

(i) for each fiscal year, the percentage referred to in paragraph (1)(A) of subsection (d) shall be deemed to be 66 percent; and

(ii) paragraph (3) of subsection (d) shall not apply.

(B) LOCAL CONTROL.—

(i) IN GENERAL.—A State may make available up to 100 percent of the funds set aside under paragraph (1) to the entities described in subclause (I) if the State submits to the Secretary, and the Secretary approves, a plan that describes—

(I) how such funds shall be made available to metropolitan planning organizations, regional transportation planning organizations, counties, or other regional transportation authorities;

(II) how the entities described in subclause (I) shall select projects for funding and how such entities shall report selected projects to the State;

(III) the legal, financial, and technical capacity of such entities; and

(IV) the procedures in place to ensure such entities comply with the requirements of this title.

(ii) REQUIREMENT.—A State that makes funding available under a plan approved under this subparagraph shall make available an equivalent amount of

obligation authority to an entity described in clause (i)(I) to whom funds are made available under this subparagraph.

(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for any of the following projects or activities:

(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities to access daily needs.

(C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

(D) Construction of turnouts, overlooks, and viewing areas.

(E) Community improvement activities, including—

(i) inventory, control, or removal of outdoor advertising;

(ii) historic preservation and rehabilitation of historic transportation facilities;

(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 328(a) and 329.

(G) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this subsection.

(H) The recreational trails program under section 206.

(I) The safe routes to school program under section 211.

(J) Activities in furtherance of a vulnerable road user assessment described in section 148.

(K) Any other projects or activities described in section 101(a)(29) or section 213, as such sections were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94).

(4) ACCESS TO FUNDS.—

(A) IN GENERAL.—A State, metropolitan planning organization required to obligate funds in accordance with paragraph (2)(A), or an entity required to obligate funds in accordance with paragraph (2)(B) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

(B) PRIORITY.—The processes described in subparagraph (A) shall prioritize project location 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 multicounty special district;

(ii) a regional transportation authority;

(iii) a transit agency;

(iv) a natural resource or public land agency;

(v) a school district, local education agency, or school;

(vi) a tribal government;

(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;

(viii) a nonprofit organization carrying out activities related to transportation;

(ix) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization that serves an urbanized area with a population of over 200,000 or a State agency) that the State determines to be eligible, consistent with the goals of this subsection; and

(x) a State, at the request of any entity listed in clauses (i) through (ix).

(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—

(A) IN GENERAL.—For each fiscal year, a State shall—

(i) obligate an amount of funds set aside under this subsection equal to 175 percent of the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

(ii) return 1 percent of the funds described in clause (i) to the Secretary for the administration of such program; and

(iii) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of such section.

(B) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under this paragraph if the Governor of the State notifies the Secretary not later than 30 days prior to the date on which an apportionment is made under section 104 for any fiscal year.

(6) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

(A) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

(i) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

(ii) funding for one or more full-time State employee positions to administer this subsection.

(B) USE OF FUNDS.—Amounts used under subparagraph (A) may be expended—

(i) directly by the State; or

(ii) through contracts with State agencies, private entities, or nonprofit entities.

(C) IMPROVING PROJECT DELIVERY.—

(i) IN GENERAL.—The Secretary shall take such action as may be necessary, consistent with Federal requirements, to facilitate efficient and timely delivery of projects under this subsection that are small, low impact, and constructed within an existing built environment.

(ii) CONSIDERATIONS.—The Secretary shall consider the use of programmatic agreements, expedited or alternative procurement processes (including project bundling), and other effective practices to facilitate the goals of this paragraph.

(7) FEDERAL SHARE.—

(A) FLEXIBLE MATCH.—

(i) IN GENERAL.—Notwithstanding section 120—

(I) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

(II) the Federal share of the cost of an individual project in this subsection may be up to 100 percent.

(ii) AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120.

(iii) REQUIREMENT.—This subparagraph shall only apply to a State if such State has adequate financial controls, as certified by the Secretary, to account for the

average annual non-Federal share under this subparagraph.

(B) SAFETY PROJECTS.—Notwithstanding section 120, funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

(i) is a project described in section 148(e)(1); and

(ii) is consistent with the State strategic highway safety plan (as defined in section 148(a)).

(8) FLEXIBILITY.—

(A) STATE AUTHORITY.—

(i) IN GENERAL.—A State may use not more than 50 percent of the funds set aside under this subsection that are available for obligation in any area of the State (suballocated consistent with the requirements of subsection (d)(1)(B)) for any purpose eligible under subsection (b).

(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the State demonstrates to the Secretary—

(I) that the State held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate;

(II) that the State offered technical assistance to all eligible entities and provided such assistance upon request by an eligible entity; and

(III) that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

(B) MPO AUTHORITY.—

(i) IN GENERAL.—A metropolitan planning organization that represents an urbanized area with a population of greater than 200,000 may use not more than 50 percent of the funds set aside under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the Secretary certifies that the metropolitan planning organization—

(I) held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate; and

(II) demonstrates that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

(9) ANNUAL REPORTS.—

(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

(i) the number of project applications received for each fiscal year, including—

(I) the aggregate cost of the projects for which applications are received; and

(II) the types of projects by eligibility category to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

(ii) the list of each project selected for funding for each fiscal year, including specifying the fiscal year for which the project was selected, the fiscal year in which the project is anticipated to be funded, the recipient, the funding sources (including non-Federal match), the project status, the specific location, the congressional district, the type by eligibility category, and a brief description.

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

§ 134. Metropolitan transportation planning

(a) POLICY.—It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration ⟦resiliency needs while minimizing transportation-related fuel consumption and air pollution⟧ *resilience and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions* through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

(b) DEFINITIONS.—In this section and section 135, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d).

(3) NONMETROPOLITAN AREA.—The term "nonmetropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term "nonmetropolitan local official" means elected and appointed offi-

cials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term "regional transportation planning organization" means a policy board of an organization established as the result of a designation under section 135(m).

(6) STIP.—The term "STIP" means a statewide transportation improvement program developed by a State under section 135(g).

[(6)] *(7)* TIP.—The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

[(7)] *(8)* URBANIZED AREA.—The term "urbanized area" means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

(c) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans [and transportation improvement programs] *and TIPs* through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.

(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) STRUCTURE.—[Not later than 2 years after the date of enactment of MAP-21, each] *Each* metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C) appropriate State officials.

(3) REPRESENTATION.—

(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).

(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(5) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (6).

(6) REDESIGNATION PROCEDURES.—

(A) IN GENERAL.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet the requirements of [paragraph (2)] *paragraphs (2) or (3)(D)* without undertaking a redesignation.

(7) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within [an existing metropolitan planning area] *an urbanized area* only if the Governor and the existing metropolitan planning organization determine that the size and complexity of [the existing metropolitan planning area] *the area* make designation of more than 1 metropolitan planning organization for the area appropriate.

(e) METROPOLITAN PLANNING AREA BOUNDARIES.—

(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

(2) INCLUDED AREA.—Each metropolitan planning area—

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA–LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

(B) EXCEPTION.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(6).

(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA–LU, as a nonattainment

area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

(A) shall be established in the manner described in subsection (d)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

(f) COORDINATION IN MULTISTATE AREAS.—

(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within [a metropolitan area] *an urbanized area* or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE [MPOS] *METROPOLITAN PLANNING AREAS*.—If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, tourism, natural disaster risk reduction, *emergency response and evacuation, climate change adaptation and resilience,* environ-

mental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

(B) REQUIREMENTS.—Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

(i) recipients of assistance under chapter 53 of title 49;

(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(iii) recipients of assistance under section 204.

(4) COORDINATION BETWEEN MPOS.—

(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.

(h) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and for freight;

[(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;**]**

(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation;

(H) emphasize the preservation of the existing transportation system;

(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater*, sea level rise, extreme weather, and climate change* impacts of surface transportation; ⟦and⟧

(J) support emergency management, response, and evacuation and hazard mitigation;

(K) improve the level of transportation system access;

(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and

⟦(J)⟧ *(M)* enhance travel and tourism.

(2) PERFORMANCE-BASED APPROACH.—

⟦(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of this title and the general purposes described in section 5301 of title 49.⟧

(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), the improvement of transportation system access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.

(B) PERFORMANCE TARGETS.—

(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

(II) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Selection of performance targets by a metropolitan planning organization shall be coordinated, to

the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.

(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

(B) FREQUENCY.—

(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

(ii) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

(i) IN GENERAL.—An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

(D) MITIGATION ACTIVITIES.—

(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to *reduce greenhouse gas emissions and* restore and maintain the environmental functions affected by the plan.

(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(E) FINANCIAL PLAN.—

(i) IN GENERAL.—A financial plan that—

(I) demonstrates how the adopted transportation plan can be implemented;

(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(III) recommends any additional financing strategies for needed projects and programs.

(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters *and climate change*.

(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities including consideration of the role that intercity buses may play in reducing congestion, pollution, *greenhouse gas emissions,* and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

(I) CLIMATE CHANGE AND RESILIENCE.—

(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

(III) at the discretion of the metropolitan planning organization, identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.

(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

(4) OPTIONAL SCENARIO DEVELOPMENT.—

(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

(i) potential regional investment strategies for the planning horizon;

(ii) assumed distribution of population and employment;

(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

(vi) estimated costs and potential revenues available to support each scenario.

(C) METRICS.—In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

(5) CONSULTATION.—

(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, *air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,* and historic preservation concerning the development of a long-range transportation plan.

[(B) ISSUES.—The consultation shall involve, as appropriate—

[(i) comparison of transportation plans with State conservation plans or maps, if available; or

[(ii) comparison of transportation plans to inventories of natural or historic resources, if available.**]**

(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

(i) State conservation plans or maps; and

(ii) inventories of natural or historic resources.

(6) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

(i) shall be developed in consultation with all interested parties; and

(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

[(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

[(i) hold any public meetings at convenient and accessible locations and times;

[(ii) employ visualization techniques to describe plans; and

[(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).]

(C) METHODS.—

(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

(I) hold any public meetings at convenient and accessible locations and times;

(II) employ visualization techniques to describe plans; and

(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.

(7) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project

from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

(j) METROPOLITAN TIP.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

(i) contains projects consistent with the current metropolitan transportation plan;

(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with [subsection (i)(5)] *subsection (i)(6)*.

(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) UPDATING AND APPROVAL.—The TIP shall be—

(i) updated at least once every 4 years; and

(ii) approved by the metropolitan planning organization and the Governor.

(2) CONTENTS.—

(A) PRIORITY LIST.—The TIP shall include a priority list of proposed [Federally] *federally* supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

(i) demonstrates how the TIP can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) [PERFORMANCE TARGET ACHIEVEMENT] *PERFORMANCE MANAGEMENT*.—

(i) IN GENERAL.—The ⟦transportation improvement program⟧ *TIP* shall include, to the maximum extent practicable, a description of the anticipated effect of the ⟦transportation improvement program⟧ *TIP* toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

(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).

(3) INCLUDED PROJECTS.—

(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) PROJECTS UNDER CHAPTER 2.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the ⟦transportation improvement program⟧ *TIP*.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the ⟦transportation improvement program⟧ *TIP*.

(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(E) RESILIENCE PROJECTS.—The TIP shall—

(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with [subsection (i)(5)] *subsection (i)(6)*.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of [Federally] *federally* funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(I) in the case of projects under this title, the State; and

(II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—

(i) IN GENERAL.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) REQUIREMENT.—The listing shall be consistent with the categories identified in the TIP.

(k) TRANSPORTATION MANAGEMENT AREAS.—

(1) IDENTIFICATION AND DESIGNATION.—

(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) TRANSPORTATION PLANS.—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(3) CONGESTION MANAGEMENT PROCESS.—

(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section [shall address congestion management] *shall address—*

(i) congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies[.]*; and*

(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f), that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.

(B) SCHEDULE.—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

(4) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All **[**Federally**]** *federally* funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

(5) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law**[**; and**]***;*

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor**[**.**]***; and*

(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f).

(C) EFFECT OF FAILURE TO CERTIFY.—

(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

(l) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

(1) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

(2) REPORT.—Not later than [5 years after the date of enactment of the MAP–21] *2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter*, the Secretary shall submit to Congress a report evaluating—

(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section [and whether metropolitan planning organizations are developing meaningful performance targets; and]*;*

[(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area with a population of 200,000 or less and their ability to carry out the requirements of this section.]

(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B)); and

(E) the progress of implementing the measure established under section 150(f).

(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation manage-

ment area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title 49, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

(p) FUNDING.—Funds apportioned under [paragraphs (5)(D) and (6) of section 104(b)] *section 104(b)(6)* of this title or section 5305(g) of title 49 shall be available to carry out this section.

(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.

(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term "Bi-State MPO Region" has the meaning given the term "region" in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

(2) TREATMENT.—For the purpose of this title, the Bi-State MPO Region shall be treated as—

(A) a metropolitan planning organization;

(B) a transportation management area under subsection (k); and

(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

(3) SUBALLOCATED FUNDING.—

(A) PLANNING.—In determining the amounts under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

(i) calculate the population under each of those clauses;

(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

(B) STBGP SET ASIDE.—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).

§ 135. Statewide and nonmetropolitan transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134, to accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a [statewide transportation improvement program] *STIP* for all areas of the State.

(2) CONTENTS.—[The statewide transportation plan and the]

(A) IN GENERAL.—The statewide transportation plan and the [transportation improvement program] *STIP* developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter van pool providers) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases.

(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the [transportation improvement program] *STIP* shall provide for consideration of all modes of transportation and the policies stated in section 134(a) and shall be continuing, cooperative, and comprehensive to the de-

gree appropriate, based on the complexity of the transportation problems to be addressed.

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 134 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) INTERSTATE AGREEMENTS.—

(1) IN GENERAL.—Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and freight;

(E) protect and enhance the environment, promote energy conservation, *reduce greenhouse gas emissions,* improve the quality of life *and public health*, and promote consistency between transportation improvements and State and local planned growth and economic development patterns*, including housing and land use patterns*;

(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

(G) promote efficient system management and operation;

(H) emphasize the preservation of the existing transportation system;

(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater*, sea level rise, extreme weather, and climate change* impacts of surface transportation; [and]

(J) facilitate emergency management, response, and evacuation and hazard mitigation;

(K) improve the level of transportation system access;

(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and

[(J)**]** *(M)* enhance travel and tourism.

(2) PERFORMANCE-BASED APPROACH.—

[(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b) of this title and the general purposes described in section 5301 of title 49.**]**

(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

(i) the national goals described in section 150(b);

(ii) the consideration of transportation system access (consistent with section 150(f));

(iii) the achievement of statewide targets established under section 150(d); and

(iv) the general purposes described in section 5301 of title 49.

(B) PERFORMANCE TARGETS.—

(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

(I) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the State.

(II) COORDINATION.—Selection of performance targets by a State shall be coordinated with the relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.

(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—In areas not represented by a metropolitan planning organization, selection of performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

(C) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this paragraph, in other State transportation plans and transportation processes, as well as any plans

developed pursuant to chapter 53 of title 49 by providers of public transportation in areas not represented by a metropolitan planning organization required as part of a performance-based program.

(D) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and [statewide transportation improvement program] *STIP*.

(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this title, chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a [statewide transportation improvement program] *STIP*, a project or strategy, or the certification of a planning process.

(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum—

(1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m);

(2) consider the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) consider coordination of transportation plans, the [transportation improvement program] *STIP*, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) NONMETROPOLITAN AREAS.—

(i) IN GENERAL.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the consultation process in each State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, *air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,* and historic preservation.

[(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve comparison of transportation plans to State and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.**]**

(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

(I) State and tribal conservation plans or maps; and

(II) inventories of natural or historic resources.

(3) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—In developing the statewide transportation plan, the State shall provide to—

(i) nonmetropolitan local elected officials or, if applicable, through regional transportation planning organizations described in subsection (m), an opportunity to participate in accordance with subparagraph (B)(i); and

(ii) citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties a reasonable opportunity to comment on the proposed plan.

(B) METHODS.—**[**In carrying out**]**

(i) IN GENERAL.—in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

[(i)**]** *(I)* develop and document a consultative process to carry out subparagraph (A)(i) that is

separate and discrete from the public involvement process developed under clause (ii);

[(ii)] *(II)* hold any public meetings at convenient and accessible locations and times;

[(iii)] *(III)* employ visualization techniques to describe plans; and

[(iv)] *(IV)* make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the 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.

(4) MITIGATION ACTIVITIES.—

(A) IN GENERAL.—A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to *reduce greenhouse gas emissions and* restore and maintain the environmental functions affected by the plan.

(B) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(5) FINANCIAL PLAN.—The statewide transportation plan may include—

(A) a financial plan that—

(i) demonstrates how the adopted statewide transportation plan can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(iii) recommends any additional financing strategies for needed projects and programs; and

(B) for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (5).

(7) PERFORMANCE-BASED APPROACH.—The statewide transportation plan shall include—

(A) a description of the performance measures and performance targets used in assessing the performance of the

transportation system in accordance with subsection (d)(2); and

(B) a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2), including progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports**[**;**]**.

(8) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system, including consideration of the role that intercity buses may play in reducing congestion, pollution, *greenhouse gas emissions,* and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

(9) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(10) CLIMATE CHANGE AND RESILIENCE.—

(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged

facilities conducted under part 667 of title 23, Code of Federal Regulations;

(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

(iv) describes the States's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.

(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—Each State shall develop a [statewide transportation improvement program]*STIP* for all areas of the State.

(B) DURATION AND UPDATING OF PROGRAM.—Each program developed under subparagraph (A) shall cover a period of 4 years and shall be updated every 4 years or more frequently if the Governor of the State elects to update more frequently.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) NONMETROPOLITAN AREAS.—

(i) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the specific consultation process in the State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus [operators),,] *operators),* pro-

viders of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

(4) [PERFORMANCE TARGET ACHIEVEMENT] *PERFORMANCE MANAGEMENT.*—A [statewide transportation improvement program shall include, to the maximum extent practicable, a discussion] *STIP shall include—*

(A)a discussion a discussion of the anticipated effect of the [statewide transportation improvement program] *STIP* toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets[.]*; and*

(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f).

(5) INCLUDED PROJECTS.—

(A) IN GENERAL.—A [transportation improvement program] *STIP* developed under this subsection for a State shall include Federally supported surface transportation expenditures within the boundaries of the State.

(B) LISTING OF PROJECTS.—

(i) IN GENERAL.—An annual listing of projects for which funds have been obligated for the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review.

(ii) FUNDING CATEGORIES.—The listing described in clause (i) shall be consistent with the funding categories identified in each [metropolitan transportation improvement program] *TIP*.

(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.

(C) PROJECTS UNDER CHAPTER 2.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the [transportation improvement program] *STIP*.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the [transportation improvement program] *STIP*.

(D) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

(i) consistent with the statewide transportation plan developed under this section for the State;

(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as a nonattainment area for ozone, particulate matter, or carbon monoxide under part D of title I of that Act (42 U.S.C. 7501 et seq.).

(E) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The [transportation improvement program] *STIP* shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(F) FINANCIAL PLAN.—

(i) IN GENERAL.—The [transportation improvement program] *STIP* may include a financial plan that demonstrates how the approved [transportation improvement program] *STIP* can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the [transportation improvement program] *STIP*, and recommends any additional financing strategies for needed projects and programs.

(ii) ADDITIONAL PROJECTS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(G) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).

(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved [transportation improvement program] *STIP*.

(H) PRIORITIES.—The [transportation improvement program] *STIP* shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title and chapter 53 of title 49.

(6) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved [transportation improvement program] *STIP* (excluding projects carried out on the National High-

way System [and projects carried out under the bridge program or the Interstate maintenance program] under this title or under sections 5310 and 5311 of title 49), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

(B) OTHER PROJECTS.—Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System [or under the bridge program or the Interstate maintenance program] under this title or under sections [5310, 5311, 5316, and 5317] *5310 and 5311* of title 49 shall be selected, from the approved [statewide transportation improvement program] *STIP*, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

(7) [TRANSPORTATION IMPROVEMENT PROGRAM] *STIP* APPROVAL.—Every 4 years, a [transportation improvement program] *STIP* developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

(8) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which [statewide transportation plans and programs] *statewide transportation plans and STIPs* are developed is consistent with this section and section 134.

(9) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved [transportation improvement program] *STIP* in place of another project in the program.

(h) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:

(A) The extent to which the State is making progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed appropriate performance targets.

(B) The extent to which the State has made transportation investments that are efficient and cost-effective.

(C) The extent to which the State—

(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(ii) provides reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.

(2) REPORT.—

(A) IN GENERAL.—[Not later than 5 years after the date of enactment of the MAP–21,] *Not less frequently than once every 4 years,* the Secretary shall submit to Congress a report evaluating—

(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and

(ii) the effectiveness of the performance-based planning process of each State.

(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(i) FUNDING.—Funds apportioned under [paragraphs (5)(D) and (6) of section 104(b)] *section 104(b)(6)* of this title and set aside under section 5305(g) of title 49 shall be available to carry out this section.

(j) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 134, and sections 5303 and 5304 of title 49, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this section and section 134, and sections 5303 and 5304 of title 49, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 134 and sections 5303 and 5304 of title 49, as appropriate.

(k) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the [transportation improvement program] *STIP* described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the [transportation improvement program] *STIP* are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the [transportation improvement program] *STIP* described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the [transportation improvement program] *STIP* described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(l) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.

(m) DESIGNATION OF REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a State may establish and designate regional transportation planning organizations to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and [transpor-

tation improvement programs] *STIPs*, with an emphasis on addressing the needs of nonmetropolitan areas of the State.

(2) STRUCTURE.—A regional transportation planning organization shall be established as a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

(3) REQUIREMENTS.—A regional transportation planning organization shall establish, at a minimum—

(A) a policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

(B) a fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

(4) DUTIES.—The duties of a regional transportation planning organization shall include—

(A) developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

(B) developing a regional transportation improvement program for consideration by the State;

(C) fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

(D) providing technical assistance to local officials;

(E) participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

(F) providing a forum for public participation in the statewide and regional transportation planning processes;

(G) considering and sharing plans and programs with neighboring regional transportation planning organizations, metropolitan planning organizations, and, where appropriate, tribal organizations; and

(H) conducting other duties, as necessary, to support and enhance the statewide planning process under subsection (d).

(5) STATES WITHOUT REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—If a State chooses not to establish or designate a regional transportation planning organization, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

* * * * * * *

§ 139. Efficient environmental reviews for project decision-making

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AGENCY.—The term "agency" means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term "environmental review process" means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term "environmental review process" includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) LEAD AGENCY.—The term "lead agency" means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(5) MULTIMODAL PROJECT.—The term "multimodal project" means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.

(6) PROJECT.—

(A) IN GENERAL.—The term "project" means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

(B) CONSIDERATIONS.—In determining whether a project is a project under subparagraph (A), the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.

(7) PROJECT SPONSOR.—The term "project sponsor" means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

(8) STATE TRANSPORTATION DEPARTMENT.—The term "State transportation department" means any statewide agency of a State with responsibility for one or more modes of transportation.

(b) APPLICABILITY.—

(1) IN GENERAL.—The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)* and may be applied, to the extent determined appropriate by the Sec-

retary, to other projects for which an environmental document is prepared pursuant to such Act.

(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for a project, class of projects, or program of projects.

(3) PROGRAMMATIC COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall allow for the use of programmatic approaches to conduct environmental reviews that—

(i) eliminate repetitive discussions of the same issues;

(ii) focus on the actual issues ripe for analyses at each level of review; and

(iii) are consistent with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) other applicable laws.

(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews—

(i) promote transparency, including the transparency of—

(I) the analyses and data used in the environmental reviews;

(II) the treatment of any deferred issues raised by agencies or the public; and

(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II);

(ii) use accurate and timely information, including through establishment of—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) a timeline for updating an out-of-date review;

(iii) describe—

(I) the relationship between any programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis;

(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and

(v) provide notice and public comment opportunities consistent with applicable requirements.

(c) LEAD AGENCIES.—

(1) FEDERAL LEAD AGENCY.—

(A) IN GENERAL.—The Department of Transportation, or an operating administration thereof designated by the Secretary, shall be the Federal lead agency in the environmental review process for a project.

(B) MODAL ADMINISTRATION.—If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the

Department in the environmental review process for the project.

(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)*.

(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)* and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

(4) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project;

(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)* is completed in accordance with this section and applicable Federal law; and

(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies.

(d) PARTICIPATING AGENCIES.—

(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) INVITATION.—Not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assess-

ment, the lead agency shall identify any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

(4) EFFECT OF DESIGNATION.—

(A) REQUIREMENT.—A participating agency shall comply with the requirements of this section.

(B) IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(i) supports a proposed project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a "cooperating agency" under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(7) CONCURRENT REVIEWS.—Each participating agency and cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(8) SINGLE NEPA DOCUMENT.—

(A) IN GENERAL.—Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

(B) USE OF DOCUMENT.—

(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

(9) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the environmental review process under this section shall—

(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and

(B) use the process to address any environmental issues of concern to the agency.

(e) PROJECT INITIATION.—

(1) IN GENERAL.—The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project (including any additional information that the project sponsor considers to be important to initiate the process for the proposed project), together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary that the environmental review process should be initiated.

(2) SUBMISSION OF DOCUMENTS.—The project sponsor may satisfy the requirement under paragraph (1) by submitting to the Secretary any relevant documents containing the information described in that paragraph, including a draft notice for publication in the Federal Register announcing the preparation of an environmental review for the project.

(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable—

(A) describes the determination of the Secretary—

(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

(ii) to decline the application, including an explanation of the reasons for that decision; or

(B) requests additional information, and provides to the project sponsor an accounting regarding what documenta-

tion is necessary to initiate the environmental review process.

(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

(A) IN GENERAL.—Any project sponsor may submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the expertise on the proposed project to serve as the Federal lead agency for the project.

(B) SECRETARIAL ACTION.—

(i) IN GENERAL.—If the Secretary receives a request under subparagraph (A), the Secretary shall respond to the request not later than 45 days after the date of receipt.

(ii) REQUIREMENTS.—The response under clause (i) shall—

(I) approve the request;

(II) deny the request, with an explanation of the reasons for the denial; or

(III) require the submission of additional information.

(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to the submission not later than 45 days after the date of receipt.

(5) ENVIRONMENTAL CHECKLIST.—

(A) DEVELOPMENT.—The lead agency for a project, in consultation with participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of the project.

(B) PURPOSE.—The purposes of the checklist are—

(i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;

(ii) to develop the information needed to determine the range of alternatives; and

(iii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.

(f) PURPOSE AND NEED; ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

(4) ALTERNATIVES ANALYSIS.—

(A) PARTICIPATION.—

(i) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

(ii) COMMENTS OF PARTICIPATING AGENCIES.—To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.

(iii) EFFECT OF NONPARTICIPATION.—A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).

(B) RANGE OF ALTERNATIVES.—

(i) DETERMINATION.—Following participation under subparagraph (A), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

(ii) USE.—To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—

(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.

(C) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of de-

tail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

(E) REDUCTION OF DUPLICATION.—

(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 or an environmental review process carried out under State law (referred to in this subparagraph as a "State environmental review process").

(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

(VI) the Federal lead agency determined—

(aa) in consultation with Federal participating or cooperating agencies, that the alter-

native to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

(B) SCHEDULE.—

(i) IN GENERAL.—The lead agency shall establish as part of such coordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

(I) the responsibilities of participating agencies under applicable laws;

(II) resources available to the cooperating agencies;

(III) overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

(D) MODIFICATION.—The lead agency may—

(i) lengthen a schedule established under subparagraph (B) for good cause; and

(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

(i) provided to all participating agencies and to the State transportation department of the State in which

the project is located (and, if the State is not the project sponsor, to the project sponsor); and

(ii) made available to the public.

(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and publish on the Internet—

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion

of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

(4) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(5) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, lead agency, resource agencies, and any relevant State agencies to ensure that all parties are on schedule to meet deadlines for decisions to be made regarding the project.

(B) DEADLINES.—The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.

(C) FAILURE TO ASSURE.—If the relevant agencies cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (6) before the completion of the record of decision.

(6) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

(A) AGENCY ISSUE RESOLUTION MEETING.—

(i) IN GENERAL.—A Federal agency of jurisdiction, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.

(ii) ACTION BY LEAD AGENCY.—The lead agency shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could—

(I) delay completion of the environmental review process; or

(II) result in denial of any approvals required for the project under applicable laws.

(iii) DATE.—A meeting requested under this subparagraph shall be held by not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.

(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved, and the date for the meeting.

(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

(vi) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.

(B) ELEVATION OF ISSUE RESOLUTION.—

(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.

(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.

(C) REFERRAL OF ISSUE RESOLUTION.—

(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—

(I) IN GENERAL.—If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

(II) MEETING.—Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant par-

ticipating agencies, and the project sponsor (including the Governor only if an initial request for an issue resolution meeting came from the Governor).

(ii) REFERRAL TO THE PRESIDENT.—If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

(7) FINANCIAL PENALTY PROVISIONS.—

(A) IN GENERAL.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

(B) FAILURE TO DECIDE.—

(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be rescinded from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

(I) $20,000 for any project for which an annual financial plan is required under subsection (h) or (i) of section 106; or

(II) $10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is—

(I) the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

(II) if no schedule exists, the later of—

(aa) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(III) a modified date in accordance with subsection (g)(1)(D).

(C) LIMITATIONS.—

(i) IN GENERAL.—No rescission of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 2.5 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.—The total amount rescinded in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 7 percent of the funds made available for the applicable agency office for that fiscal year.

(D) NO FAULT OF AGENCY.—A rescission of funds under this paragraph shall not be made if the lead agency for the project certifies that—

(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or

(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

(E) LIMITATION.—The Federal agency with jurisdiction for the decision from which funds are rescinded pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(F) AUDITS.—In any fiscal year in which any funds are rescinded from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—

(i) conduct an audit to assess compliance with the requirements of this paragraph; and

(ii) not later than 120 days after the end of the fiscal year during which the rescission occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(8) EXPEDIENT DECISIONS AND REVIEWS.—To ensure that Federal environmental decisions and reviews are expeditiously made—

(A) adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and

(B) the President shall submit to the Committee on Transportation and Infrastructure of the House of Rep-

resentatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP–21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

(i) Projects and activities required to prepare an annual financial plan under section 106(i).

(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State.

(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

(j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) AUTHORITY TO PROVIDE FUNDS.—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

(B) USE OF FUNDS.—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.

(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

(3) USE OF FEDERAL LANDS HIGHWAY FUNDS.—The Secretary may also use funds made available under section 204 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

(4) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

(5) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

(6) AGREEMENT.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under

paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.

(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Except as set forth under subsection (*l*), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)* or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(A) any practice of seeking, considering, or responding to public comment; or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

(l) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 150 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 150 days after the date of publication of a notice in the Federal Register announcing such action.

(m) ENHANCED TECHNICAL ASSISTANCE AND ACCELERATED PROJECT COMPLETION.—

(1) DEFINITION OF COVERED PROJECT.—In this subsection, the term "covered project" means a project—

(A) that has an ongoing environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) for which at least 2 years, beginning on the date on which a notice of intent is issued, have elapsed without the issuance of a record of decision.

(2) TECHNICAL ASSISTANCE.—At the request of a project sponsor or the Governor of a State in which a project is located, the Secretary shall provide additional technical assistance to resolve for a covered project any outstanding issues and project delay, including by—

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

(3) SCOPE OF WORK.—

(A) IN GENERAL.—In providing technical assistance for a covered project under this subsection, the Secretary shall establish a scope of work that describes the actions that the Secretary will take to resolve the outstanding issues and project delays, including establishing a schedule under subparagraph (B).

(B) SCHEDULE.—

(i) IN GENERAL.—The Secretary shall establish and meet a schedule for the completion of any permit, approval, review, or study, required for the covered project by the date that is not later than 4 years after the date on which a notice of intent for the covered project is issued.

(ii) INCLUSIONS.—The schedule under clause (i) shall—

(I) comply with all applicable laws;

(II) require the concurrence of the Council on Environmental Quality and each participating agency for the project with the State in which the project is located or the project sponsor, as applicable; and

(III) reflect any new information that becomes available and any changes in circumstances that may result in new significant impacts that could affect the timeline for completion of any permit, approval, review, or study required for the covered project.

(4) CONSULTATION.—In providing technical assistance for a covered project under this subsection, the Secretary shall consult, if appropriate, with resource and participating agencies on all methods available to resolve the outstanding issues and project delays for a covered project as expeditiously as possible.

(5) ENFORCEMENT.—

(A) IN GENERAL.—All provisions of this section shall apply to this subsection, including the financial penalty provisions under subsection (h)(6).

(B) RESTRICTION.—If the Secretary enforces this subsection under subsection (h)(6), the Secretary may use a date included in a schedule under paragraph (3)(B) that is created pursuant to and is in compliance with this subsection in lieu of the dates under subsection (h)(6)(B)(ii).

(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

(A) cite the sources, authorities, and reasons that support the position of the agency; and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(2) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

(o) IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall—

(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act—

(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for those projects; and

(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

(B) issue reporting standards to meet the requirements of subparagraph (A).

(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) STATE AND LOCAL AGENCIES.—The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to pro-

vide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

(3) STATES WITH DELEGATED AUTHORITY.—A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.

§ 140. Nondiscrimination

(a) Prior to approving any programs for projects as provided for in section 135, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. The Secretary shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary, if necessary to ensure equal employment opportunity, shall require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program. The Secretary shall periodically obtain from the Secretary of Labor and the respective State transportation departments information which will enable the Secretary to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as the Secretary of Transportation shall deem necessary to carry out the equal employment opportunity program required hereunder.

[(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes. From administrative funds made available under section 104(a), the Secretary shall deduct such sums as necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so

deducted shall remain available until expended. The provisions of section 6101(b) to (d) of title 41 shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State for the surface transportation block grant program under section 104(b) may be available to carry out this subsection upon request of the State transportation department to the Secretary.]

(b) WORKFORCE TRAINING AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor and any other department or agency of the Government, State agency, authority, association, institution, Indian Tribe or Tribal organization, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes.

(2) STATE RESPONSIBILITIES.—A State department of transportation participating in the program under this subsection shall—

(A) develop an annual workforce plan that identifies immediate and anticipated workforce gaps and underrepresentation of women and minorities and a detailed plan to fill such gaps and address such underrepresentation;

(B) establish an annual workforce development compact with the State workforce development board and appropriate agencies to provide a coordinated approach to workforce training, job placement, and identification of training and skill development program needs, which shall be coordinated to the extent practical with an institution or agency, such as a State workforce development board under section 101 of the Workforce Innovation and Opportunities Act (29 U.S.C. 3111), that has established skills training, recruitment, and placement resources; and

(C) demonstrate program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number and percentage of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome, including job placement and job retention rates and earnings, using performance metrics established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or registered apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter.

(3) FUNDING.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as

necessary, not to exceed $10,000,000 in each fiscal year, for the administration of this subsection. Such sums shall remain available until expended.

(4) NONAPPLICABILITY OF TITLE 41.—Subsections (b) through (d) of section 6101 of title 41 shall not apply to contracts and agreements made under the authority granted to the Secretary under this subsection.

(5) USE OF SURFACE TRANSPORTATION PROGRAM AND NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State under paragraph (1) or (2) of section 104(b) may be available to carry out this subsection upon request of the State transportation department to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. From administrative funds made available under section 104(a), the Secretary shall deduct such sums as necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 6101(b) to (d) of title 41 shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 3106 of title 41.

(d) INDIAN EMPLOYMENT.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

* * * * * * *

§ 142. Public transportation

(a)(1) To encourage the development, improvement, and use of public mass transportation systems operating buses on Federal-aid highways for the transportation of passengers, so as to increase the traffic capacity of the Federal-aid highways for the movement of persons, the Secretary may approve as a project on any Federal-aid highway the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities, which may include electric vehicle charging stations or natural gas vehicle refueling stations, to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility

constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility (including compensation to any person for operating the facility and for providing such shuttle service).

(2) In addition to the projects under paragraph (1), the Secretary may approve payment from sums apportioned under section 104(b)(2) for carrying out any capital transit project eligible for assistance under chapter 53 of title 49, capital improvement to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation.

(b) Sums apportioned in accordance with section 104(b)(1) shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid highway for payment from sums apportioned under section 104(b) modifications to existing highways eligible under the program that is the source of the funds on such highway necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety.

(d) METROPOLITAN PLANNING.—Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.

(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

(2) Projects authorized by subsection (a)(2) shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the surface transportation [block grant] program, except to the extent determined inconsistent by the Secretary.

(3) The Federal share payable on account of projects authorized by subsection (a) of this section shall be that provided in section 120 of this title.

(f) AVAILABILITY OF RIGHTS-OF-WAY.—In any case where sufficient land or air space exists within the publicly acquired rights-of-way of any highway, constructed in whole or in part with Federal-aid highway funds, to accommodate needed passenger, commuter, or high speed rail, magnetic levitation systems, and highway and nonhighway public mass transit facilities, the Secretary shall authorize a State to make such lands, air space, and rights-of-way available with or without charge to a publicly or privately owned authority or company or any other person for such purposes if such accommodation will not adversely affect automotive safety.

(g) The provision of assistance under subsection (a)(2) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any non-supervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(h) Funds available for expenditure to carry out the purposes of subsection (a)(2) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to chapter 53 of title 49.

[(i) The provisions of section 5323(a)(1)(D) of title 49 shall apply in carrying out subsection (a)(2) of this section.]

§ 143. Highway use tax evasion projects

(a) STATE DEFINED.—In this section, the term "State" means the 50 States and the District of Columbia.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out highway use tax evasion projects in accordance with this subsection.

(2) FUNDING.—

(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary may deduct such sums as are necessary, not to exceed $4,000,000 for each of fiscal years [2016 through 2020] *2023 through 2026*, to carry out this section.

(B) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary, except that of funds so made available for each fiscal year, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training.

(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—Except as otherwise provided in this section, the Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

(4) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only—

(A) to expand efforts to enhance motor fuel tax enforcement;

(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

(C) to supplement motor fuel tax examinations and criminal investigations;

(D) to develop automated data processing tools to monitor motor fuel production and sales;

(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

(F) to reimburse State expenses that supplement existing fuel tax compliance efforts;

(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes;

(H) to support efforts between States and Indian tribes to address issues relating to State motor fuel taxes; and

(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.

(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of

funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

(7) PERIOD OF AVAILABILITY.—Funds authorized to carry out this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

(8) USE OF SURFACE TRANSPORTATION [BLOCK GRANT]PROGRAM FUNDING.—In addition to funds made available to carry out this section, a State may expend up to 1/4 of 1 percent of the funds apportioned to the State for a fiscal year under section 104(b)(2) on initiatives to halt the evasion of payment of motor fuel taxes.

(9) REPORTS.—The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section. Such report shall specify the estimated annual yield from such projects, examinations, and criminal investigations.

(c) EXCISE TAX FUEL REPORTING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of the SAFETEA–LU, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of—

(A) the additional development of capabilities needed to support new reporting requirements and databases established under such Act and the American Jobs Creation Act of 2004 (Public Law 108–357), and such other reporting requirements and database development as may be determined by the Secretary, in consultation with the Commissioner of the Internal Revenue Service, to be useful in the enforcement of fuel excise taxes, including provisions recommended by the Fuel Tax Enforcement Advisory Committee,

(B) the completion of requirements needed for the electronic reporting of fuel transactions from carriers and terminal operators,

(C) the operation and maintenance of an excise summary terminal activity reporting system and other systems used to provide strategic analyses of domestic and foreign motor fuel distribution trends and patterns,

(D) the collection, analysis, and sharing of information on fuel distribution and compliance or noncompliance with fuel taxes, and

(E) the development, completion, operation, and maintenance of an electronic claims filing system and database and an electronic database of heavy vehicle highway use payments.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

(A) the Internal Revenue Service shall develop and maintain any system under paragraph (1) through contracts,

(B) any system under paragraph (1) shall be under the control of the Internal Revenue Service, and

(C) any system under paragraph (1) shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

(3) FUNDING.—Of the amounts made available to carry out this section for each fiscal year, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the systems under paragraph (1) in accordance with this subsection.

(4) REPORTS.—Not later than September 30 of each year, the Commissioner of the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this subsection.

§ 144. [National bridge and tunnel inventory and inspection standards] *Bridges and tunnels*

(a) FINDINGS AND DECLARATIONS.—

(1) FINDINGS.—Congress finds that—

(A) the condition of the bridges of the United States has improved since the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 107), yet continued improvement to bridge conditions is essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the economy of the United States relies; and

(B) the systematic preventative maintenance of bridges, and replacement and rehabilitation of [deficient] bridges, should be undertaken through an overall asset management approach to transportation investment.

(2) DECLARATIONS.—Congress declares that it is in the vital interest of the United States—

(A) to inventory, inspect, and improve the condition of the highway bridges and tunnels of the United States;

(B) to use a data-driven, risk-based approach and cost-effective strategy for systematic preventative maintenance, replacement, and rehabilitation of highway bridges and tunnels to ensure safety*, resilience,* and extended service life;

(C) to use performance-based bridge management systems to assist States in making timely investments;

(D) to ensure accountability and link performance outcomes to investment decisions; [and]

(E) to ensure connectivity and access for residents of rural areas of the United States through strategic investments in National Highway System bridges and bridges on all public roads[.]*; and*

(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.

(b) NATIONAL BRIDGE AND TUNNEL INVENTORIES.—The Secretary, in consultation with the States and Federal agencies with jurisdiction over highway bridges and tunnels, shall—

(1) inventory all highway bridges on public roads, on and off Federal-aid highways, including tribally owned and Federally owned bridges, that are bridges over waterways, other topographical barriers, other highways, and railroads;

(2) inventory all tunnels on public roads, on and off Federal-aid highways, including tribally owned and Federally owned tunnels;

(3) classify the bridges according to serviceability, safety, and essentiality for public use, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished;

(4) based on that classification, assign each a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation; and

(5) determine the cost of replacing each ⟦structurally deficient bridge⟧ *bridge classified as in poor condition* identified under this subsection with a comparable facility or the cost of rehabilitating the bridge.

(c) GENERAL BRIDGE AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to bridges authorized to be replaced, in whole or in part, by this title.

(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if the bridge is over waters that—

(A) are not used and are not susceptible to use in the natural condition of the water or by reasonable improvement as a means to transport interstate or foreign commerce; and

(B) are—

(i) not tidal; or

(ii) if tidal, used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

(d) INVENTORY UPDATES AND REPORTS.—

(1) IN GENERAL.—The Secretary shall—

(A) annually revise the inventories authorized by subsection (b); and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the inventories.

(2) INSPECTION REPORT.—⟦Not later than 2 years after the date of enactment of the MAP–21, each⟧ *Each* State and appropriate Federal agency shall report element level data to the

Secretary, as each bridge is inspected pursuant to this section, for all highway bridges on the National Highway System.

(3) GUIDANCE.—The Secretary shall provide guidance to States and Federal agencies for implementation of this subsection, while respecting the existing inspection schedule of each State.

[(4) BRIDGES NOT ON NATIONAL HIGHWAY SYSTEM.—The Secretary shall—

[(A) conduct a study on the benefits, cost-effectiveness, and feasibility of requiring element-level data collection for bridges not on the National Highway System; and

[(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.]

(e) BRIDGES WITHOUT TAXING POWERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this title, but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system.

(2) INSUFFICIENT ASSETS.—Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the bridge project or activity eligible for assistance under this title.

(3) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.

(f) REPLACEMENT OF DESTROYED BRIDGES AND FERRY BOAT SERVICE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use the funds apportioned under section 104(b)(2) to construct any bridge that replaces—

(A) any low water crossing (regardless of the length of the low water crossing);

(B) any bridge that was destroyed prior to January 1, 1965;

(C) any ferry that was in existence on January 1, 1984; or

(D) any road bridge that is rendered obsolete as a result of a Corps of Engineers flood control or channelization project and is not rebuilt with funds from the Corps of Engineers.

(2) FEDERAL SHARE.—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of the construction.

(g) HISTORIC BRIDGES.—

(1) DEFINITION OF HISTORIC BRIDGE.—In this subsection, the term "historic bridge" means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

(2) COORDINATION.—The Secretary shall, in cooperation with the States, encourage the retention, rehabilitation, adaptive reuse, and future study of historic bridges.

(3) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off Federal-aid highways to determine the historic significance of the bridges.

(4) ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of a historic bridge shall be eligible as reimbursable project costs under section 133 if the load capacity and safety features of the historic bridge are adequate to serve the intended use for the life of the historic bridge.

(B) BRIDGES NOT USED FOR VEHICLE TRAFFIC.—In the case of a historic bridge that is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this chapter shall not exceed the estimated cost of demolition of the historic bridge.

(5) PRESERVATION.—Any State that proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the historic bridge available for donation to a State, locality, or responsible private entity if the State, locality, or responsible entity enters into an agreement—

(A) to maintain the bridge and the features that give the historic bridge its historic significance; and

(B) to assume all future legal and financial responsibility for the historic bridge, which may include an agreement to hold the State transportation department harmless in any liability action.

(6) COSTS INCURRED.—

(A) IN GENERAL.—Costs incurred by the State to preserve a historic bridge (including funds made available to the State, locality, or private entity to enable it to accept the bridge) shall be eligible as reimbursable project costs under this chapter in an amount not to exceed the cost of demolition.

(B) ADDITIONAL FUNDING.—Any bridge preserved pursuant to this paragraph shall not be eligible for any other funds authorized pursuant to this title.

(h) NATIONAL BRIDGE AND TUNNEL INSPECTION STANDARDS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall establish and maintain inspection standards for the proper inspection and evaluation of all highway bridges and tunnels for safety and serviceability.

(B) UNIFORMITY.—The standards under this subsection shall be designed to ensure uniformity of the inspections and evaluations.

(2) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under paragraph (1) shall, at a minimum—

(A) specify, in detail, the method by which the inspections shall be carried out by the States, Federal agencies, and tribal governments;

(B) establish the maximum time period between inspections;

(C) establish the qualifications for those charged with carrying out the inspections;

(D) require each State, Federal agency, and tribal government to maintain and make available to the Secretary on request—

(i) written reports on the results of highway bridge and tunnel inspections and notations of any action taken pursuant to the findings of the inspections; and

(ii) current inventory data for all highway bridges and tunnels reflecting the findings of the most recent highway bridge and tunnel inspections conducted; and

(E) establish a procedure for national certification of highway bridge inspectors and tunnel inspectors.

(3) STATE COMPLIANCE WITH INSPECTION STANDARDS.—The Secretary shall, at a minimum—

(A) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures to conduct reviews of State compliance with—

(i) the standards established under this subsection; and

(ii) the calculation or reevaluation of bridge load ratings; and

(B) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures for States to follow in reporting to the Secretary—

(i) critical findings relating to structural or safety-related deficiencies of highway bridges and tunnels; and

(ii) monitoring activities and corrective actions taken in response to a critical finding described in clause (i).

(4) REVIEWS OF STATE COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall annually review State compliance with the standards established under this section.

(B) NONCOMPLIANCE.—If an annual review in accordance with subparagraph (A) identifies noncompliance by a State, the Secretary shall—

(i) issue a report detailing the issues of the noncompliance by December 31 of the calendar year in which the review was made; and

(ii) provide the State an opportunity to address the noncompliance by—

(I) developing a corrective action plan to remedy the noncompliance; or

(II) resolving the issues of noncompliance not later than 45 days after the date of notification.

(5) PENALTY FOR NONCOMPLIANCE.—

(A) IN GENERAL.—If a State fails to satisfy the requirements of paragraph (4)(B) by August 1 of the calendar year following the year of a finding of noncompliance, the Secretary shall, on October 1 of that year, and each year thereafter as may be necessary, require the State to dedicate funds apportioned to the State under sections 119 and 133 after the date of enactment of the MAP–21 to correct the noncompliance with the minimum inspection standards established under this subsection.

(B) AMOUNT.—The amount of the funds to be directed to correcting noncompliance in accordance with subparagraph (A) shall—

(i) be determined by the State based on an analysis of the actions needed to address the noncompliance; and

(ii) require approval by the Secretary.

(6) UPDATE OF STANDARDS.—Not later than 3 years after the date of enactment of the MAP–21, the Secretary shall update inspection standards to cover—

(A) the methodology, training, and qualifications for inspectors; and

(B) the frequency of inspection.

(7) RISK-BASED APPROACH.—In carrying out the revisions required by paragraph (6), the Secretary shall consider a risk-based approach to determining the frequency of bridge inspections.

(i) TRAINING PROGRAM FOR BRIDGE AND TUNNEL INSPECTORS.—

(1) IN GENERAL.—The Secretary, in cooperation with the State transportation departments, shall maintain a program designed to train appropriate personnel to carry out highway bridge and tunnel inspections.

(2) REVISIONS.—The training program shall be revised from time to time to take into account new and improved techniques.

(j) BUNDLING OF BRIDGE PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to save costs and time by encouraging States to bundle multiple bridge projects as 1 project.

(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term "eligible entity" means an entity eligible to carry out a bridge project under section 119*, 124,* or 133.

(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

(A) eligible projects under section 119*, 124,* or 133;

(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of bridge projects under this subsection may be listed as—

(A) 1 project for purposes of sections 134 and 135; and

(B) a single project.

(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same [financial characteristics, including—

[(A) the same funding category or subcategory; and

[(B) the same Federal share.] *Federal share.*

(6) ENGINEERING COST REIMBURSEMENT.—The provisions of section 102(b) do not apply to projects carried out under this subsection.

(k) AVAILABILITY OF FUNDS.—In carrying out this section—

(1) the Secretary may use funds made available to the Secretary under sections 104(a) and 503;

(2) a State may use amounts apportioned to the State under section 104(b)(1) and 104(b)(2);

(3) an Indian tribe may use funds made available to the Indian tribe under section 202; and

(4) a Federal agency may use funds made available to the agency under section 503.

(l) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.—

(1) GOALS.—The goals of this subsection shall be to—

(A) support the achievement of a state of good repair for the Nation's bridges;

(B) improve the safety, efficiency, and reliability of the movement of people and freight over bridges; and

(C) improve the condition of bridges in the United States by reducing—

(i) the number of bridges—

(I) in poor condition; or

(II) in fair condition and at risk of falling into poor condition;

(ii) the total person miles traveled over bridges—

(I) in poor condition; or

(II) in fair condition and at risk of falling into poor condition;

(iii) the number of bridges that—

(I) do not meet current geometric design standards; or

(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

(iv) the total person miles traveled over bridges that—

(I) do not meet current geometric design standards; or

(II) cannot meet the load and traffic requirements typical of the regional transportation network.

(2) BRIDGES ON PUBLIC ROADS.—

(A) MINIMUM BRIDGE INVESTMENT.—Excluding the amounts described in subparagraph (C), of the total funds

apportioned to a State under paragraphs (1) and (2) of section 104(b) for fiscal years 2023 to 2026, a State shall obligate not less than 20 percent for projects described in subparagraph (E).

(B) PROGRAM FLEXIBILITY.—A State required to obligate funds under subparagraph (A) may use any combination of funds apportioned to a State under paragraphs (1) and (2) of section 104(b).

(C) LIMITATION.—Amounts described below may not be used for the purposes of calculating or meeting the minimum bridge investment requirement under subparagraph (A)—

(i) amounts described in section 133(d)(1)(A);

(ii) amounts set aside under section 133(h); and

(iii) amounts described in section 505(a).

(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the expenditure of funds described in subparagraph (C) for bridge projects eligible under such section.

(E) ELIGIBLE PROJECTS.—Funds required to be obligated in accordance with paragraph (2)(A) may be obligated for projects or activities that—

(i) are otherwise eligible under either section 119 or section 133, as applicable;

(ii) support the achievement of performance targets of the State established under section 150, are consistent with the transportation asset management plan of the State, or provide support for the condition and performance of bridges on public roads within the State; and

(iii) remove, replace, reconstruct, rehabilitate, preserve, or protect a bridge included on the national bridge inventory authorized by subsection (b), including through—

(I) seismic retrofits;

(II) systematic preventive maintenance;

(III) installation of scour countermeasures;

(IV) the use of innovative materials that extend the service life of the bridge and reduce preservation costs, as compared to conventionally designed and constructed bridges;

(V) the use of nontraditional production techniques, including factory prefabrication;

(VI) painting for purposes of bridge protection;

(VII) application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions;

(VIII) corrosion control;

(IX) construction of protective features (including natural infrastructure) alone or in combination with other activities eligible under this paragraph to enhance resilience of a bridge;

(X) bridge security countermeasures;

(XI) impact protection measures for bridges;

(XII) inspection and evaluation of bridges;

(XIII) training for bridge inspectors consistent with subsection (i); and

(XIV) removal of a bridge classified as in poor condition in order to improve community connectivity.

(F) BUNDLES OF PROJECTS.—A State may use a bundle of projects as described in subsection (j) to satisfy the requirements of subparagraph (A), if each project in the bundle is otherwise eligible under subparagraph (E).

(G) FLEXIBILITY.—The Secretary may, at the request of a State, reduce the required obligation under subparagraph (A) if—

(i) the reduction is consistent with a State's asset management plan for the National Highway System;

(ii) the reduction will not limit a State's ability to meet its performance targets under section 150 or to improve the condition and performance of bridges on public roads within the State; and

(iii) the State demonstrates that it has inadequate needs to justify the expenditure.

(H) BRIDGE INVESTMENT REPORT.—The Secretary shall annually publish on the website of the Department of Transportation a bridge investment report that includes—

(i) the total Federal funding obligated for bridge projects in the most recent fiscal year, on a State-by-State basis and broken out by Federal program;

(ii) the total Federal funding obligated, on a State-by-State basis and broken out by Federal program, for bridge projects carried out pursuant to the minimum bridge investment requirements under subparagraph (A);

(iii) the progress made by each State toward meeting the minimum bridge investment requirement under subparagraph (A) for such State, both cumulatively and for the most recent fiscal year;

(iv) a summary of—

(I) each request made under subparagraph (G) by a State for a reduction in the minimum bridge investment requirement under subparagraph (A); and

(II) for each request described in subclause (I) that is granted by the Secretary—

(aa) the percentage and dollar amount of the reduction; and

(bb) an explanation of how the State met each of the criteria described in subparagraph (G); and

(v) a summary of—

(I) each request made by a State for a reduction in the obligation requirements under section 133(f); and

(II) for each request that is granted by the Secretary—

(aa) the percentage and dollar amount of the reduction; and

(bb) an explanation of how the Secretary made the determination under section 133(f)(2)(B).

(I) OFF-SYSTEM BRIDGES.—A State may apply amounts obligated under this subsection or section 133(f)(2)(A) to the obligation requirements of both this subsection and section 133(f).

(J) NHS PENALTY.—A State may apply amounts obligated under this subsection or section 119(f)(2) to the obligation requirements of both this subsection and section 119(f)(2).

(K) COMPLIANCE.—If a State fails to satisfy the requirements of subparagraph (A) by the end of fiscal year 2025, the Secretary may subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations).

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§ 147. Construction of ferry boats and ferry terminal facilities

(a) PROGRAM.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

(b) FEDERAL SHARE.—The Federal share of the cost of construction of ferry boats, ferry terminals, and ferry maintenance facilities under this section shall be 80 percent.

(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section for a fiscal year, 100 percent shall be allocated in accordance with the formula set forth in subsection (d).

(d) FORMULA.—Of the amounts allocated under subsection (c)—

(1) 35 percent shall be allocated among eligible entities in the proportion that—

(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

(2) 35 percent shall be allocated among eligible entities in the proportion that—

(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

(3) 30 percent shall be allocated among eligible entities in the proportion that—

(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

(2) in the subsequent fiscal year, redistribute the amounts referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than $100,000 under this section for a fiscal year.

(g) IMPLEMENTATION.—

(1) DATA COLLECTION.—

(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note).

(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note) for at least 1 ferry service within the State.

(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $80,000,000 for each of fiscal years 2016 through 2020.**]**

[(i)**]** *(h)* PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

[(j)**]** *(i)* APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

§ 148. Highway safety improvement program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGH RISK RURAL ROAD.—The term "high risk rural road" means any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by a State in accordance with an updated State strategic highway safety plan.

(2) HIGHWAY BASEMAP.—The term "highway basemap" means a representation of all public roads that can be used to geolocate attribute data on a roadway.

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term "highway safety improvement program" means projects, activities, plans, and reports carried out under this section.

(4) HIGHWAY SAFETY IMPROVEMENT PROJECT.—

(A) IN GENERAL.—The term "highway safety improvement project" means strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and—

(i) correct or improve a hazardous road location or feature; or

(ii) address a highway safety problem.

(B) INCLUSIONS.—The term "highway safety improvement project" [only includes a project] *includes a project* for 1 or more of the following:

(i) An intersection safety improvement.

(ii) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).

(iii) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.

(iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.

(v) An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.

(vi) Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.

(vii) The conduct of a model traffic enforcement activity at a railway-highway crossing.

(viii) Construction of a traffic calming feature.

(ix) Elimination of a roadside hazard.

(x) Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.

(xi) Installation of a priority control system for emergency vehicles at signalized intersections.

(xii) Installation of a traffic control or other warning device at a location with high crash potential.

(xiii) Transportation safety planning*, including the development of a vulnerable road user safety assessment or a vision zero plan under section 1601 of the INVEST in America Act*.

(xiv) Collection, analysis, and improvement of safety data.

(xv) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.

(xvi) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.

(xvii) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.

[(xviii) Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.**]**

(xviii) Safe routes to school infrastructure-related projects eligible under section 211.

(xix) Construction and operational improvements on high risk rural roads.

(xx) Geometric improvements to a road for safety purposes that improve safety.

(xxi) A road safety audit.

(xxii) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled "Highway Design Handbook for Older Drivers and Pedestrians" (FHWA–RD–01–103), dated May 2001 or as subsequently revised and updated.

(xxiii) Truck parking facilities eligible for funding under section 1401 of the MAP–21.

(xxiv) Systemic safety improvements.

(xxv) Installation of vehicle-to-infrastructure communication equipment.

(xxvi) Pedestrian hybrid beacons *or leading pedestrian intervals*.

(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

[(xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).**]**

(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

(xxix) Installation of infrastructure improvements, including sidewalks, crosswalks, signage, and bus stop shelters or protected waiting areas.

(5) MODEL INVENTORY OF ROADWAY ELEMENTS.—The term "model inventory of roadway elements" means the listing and standardized coding by the Federal Highway Administration of

roadway and traffic data elements critical to safety management, analysis, and decisionmaking.

(6) PROJECT TO MAINTAIN MINIMUM LEVELS OF RETROREFLECTIVITY.—The term "project to maintain minimum levels of retroreflectivity" means a project that is designed to maintain a highway sign or pavement marking retroreflectivity at or above the minimum levels prescribed in Federal or State regulations.

(7) ROAD SAFETY AUDIT.—The term "road safety audit" means a formal safety performance examination of an existing or future road or intersection by an independent multidisciplinary audit team.

(8) [ROAD USERS] *ROAD USER*.—The term "road user" means a motorist, passenger, public transportation operator or user, truck driver, bicyclist, motorcyclist, or pedestrian, including a person with disabilities.

(9) SAFETY DATA.—

(A) IN GENERAL.—The term "safety data" means crash, roadway, and traffic data on a public road.

(B) INCLUSION.—The term "safety data" includes, in the case of a railway-highway grade crossing, the characteristics of highway and train traffic, licensing, and vehicle data.

(10) SAFE SYSTEM APPROACH.—The term "safe system approach" means a roadway design that emphasizes minimizing the risk of injury or fatality to road users and that—

(A) takes into consideration the possibility and likelihood of human error;

(B) accommodates human injury tolerance by taking into consideration likely crash types, resulting impact forces, and the human body's ability to withstand such forces; and

(C) takes into consideration vulnerable road users.

(11) SPECIFIED SAFETY PROJECT.—

(A) IN GENERAL.—The term "specified safety project" means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.

(B) INCLUSION.—The term "specified safety project" includes a project that—

(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);

(ii) facilitates enforcement of traffic safety laws;

(iii) provides infrastructure and infrastructure-related equipment to support emergency services;

(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or

(v) supports safe routes to school noninfrastructure-related activities described under section 211(e)(2).

[(10)] *(12)* STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term "State highway safety improvement program" means a program of highway safety improvement projects, activities, plans and reports carried out as part of the

Statewide transportation improvement program under section 135(g).

[(11)] *(13)* STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term "State strategic highway safety plan" means a comprehensive plan, based on safety data, developed by a State transportation department that—

(A) is developed after consultation with—

(i) a highway safety representative of the Governor of the State;

(ii) regional transportation planning organizations and metropolitan planning organizations, if any;

(iii) representatives of major modes of transportation;

(iv) State and local traffic enforcement officials;

(v) a highway-rail grade crossing safety representative of the Governor of the State;

(vi) representatives conducting a motor carrier safety program under section 31102, 31106, or 31309 of title 49;

(vii) motor vehicle administration agencies;

(viii) county transportation officials;

(ix) State representatives of nonmotorized users; [and]

(x) State or local representatives of educational agencies to address safe routes to school and schoolbus safety; and

[(x)] *(xi)* other major Federal, State, tribal, and local safety stakeholders;

(B) analyzes and makes effective use of State, regional, local, or tribal safety data;

(C) addresses engineering, management, operation, education, enforcement, and emergency services elements (including integrated, interoperable emergency communications) of highway safety as key factors in evaluating highway projects;

(D) considers safety needs of, and high-fatality segments of, all public roads, including non-State-owned public roads and roads on tribal land;

(E) considers the results of State, *Tribal,* regional, or local transportation and highway safety planning processes;

(F) describes a program of strategies to reduce or eliminate safety hazards;

(G) includes a vulnerable road user safety assessment described under paragraph (16);

[(G)] *(H)* is approved by the Governor of the State or a responsible State agency;

[(H)] *(I)* is consistent with section 135(g); and

[(I)] *(J)* is updated and submitted to the Secretary for approval as required under subsection (d)(2).

[(12)] *(14)* SYSTEMIC SAFETY IMPROVEMENT.—The term "systemic safety improvement" means an improvement that is widely implemented based on high-risk roadway features that

are correlated with particular crash types, rather than crash frequency.

(15) TRANSPORTATION MANAGEMENT AREA.—The term "transportation management area" means an area designated under section 134(k).

(16) VULNERABLE ROAD USER.—The term "vulnerable road user" means a nonmotorist—

(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term "number of non-motorized fatalities" in section 490.205 of title 23, Code of Federal Regulations (or successor regulation); or

(B) described in the term "number of non-motorized serious injuries" in such section.

(17) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term "vulnerable road user safety assessment" means an assessment of the safety performance of the State or a metropolitan planning organization within the State with respect to vulnerable road users and the plan of the State or metropolitan planning organization to improve the safety of vulnerable road users described in subsection (l).

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.

(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To obligate funds apportioned under section 104(b)(3) to carry out this section, a State shall have in effect a State highway safety improvement program under which the State—

(A) develops, implements, and updates a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in subsections ❙(a)(11)❙ *(a)(13)* and (d);

(B) produces a program of projects or strategies to reduce identified safety problems; and

(C) evaluates the strategic highway safety plan on a regularly recurring basis in accordance with subsection (d)(1) to ensure the accuracy of the data and priority of proposed strategies.

(2) IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND OPPORTUNITIES.—As part of the State highway safety improvement program, a State shall—

(A) have in place a safety data system with the ability to perform safety problem identification and countermeasure analysis—

(i) to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data on all public roads, including non-State-owned public roads and roads on tribal land in the State;

(ii) to evaluate the effectiveness of data improvement efforts;

(iii) to link State data systems, including traffic records, with other data systems within the State;

(iv) to improve the compatibility and interoperability of safety data with other State transportation-related data systems and the compatibility and interoperability of State safety data systems with data systems of other States and national data systems;

(v) to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances; and

(vi) to improve the collection of data on nonmotorized crashes*, consistent with the vulnerable road user safety assessment*;

(B) based on the analysis required by subparagraph (A)—

(i) identify*, consistent with a safe system approach,* hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, *excessive design speeds and speed limits,* and unmarked or poorly marked roads) that constitute a danger to ❚motorists (including motorcyclists), bicyclists, pedestrians, and other highway users❚ *road users*;

(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of crashes (including crash rates), fatalities, serious injuries, traffic volume levels, and other relevant data;

(iii) identify the number of fatalities and serious injuries on all public roads by location in the State;

(iv) identify highway safety improvement projects on the basis of crash experience, crash potential, crash rate, or other data-supported means; and

(v) consider which projects maximize opportunities to advance safety;

(C) adopt strategic and performance-based goals that—

(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads;

(ii) focus resources on areas of greatest need; and

(iii) are coordinated with other State highway safety programs;

(D) advance the capabilities of the State for safety data collection, analysis, and integration in a manner that—

(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;

(ii) includes all public roads, including public non-State-owned roads and roads on tribal land;

(iii) identifies hazardous locations, sections, and elements on all public roads that constitute a danger to ❚motorists (including motorcyclists), bicyclists, pedes-

trians, persons with disabilities, and other highway users] *road users*;

(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of crashes (including crash rate), serious injuries, fatalities, and traffic volume levels; and

(v) improves the ability of the State to identify the number of fatalities and serious injuries on all public roads in the State with a breakdown by functional classification and ownership in the State;

(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through safety data analysis;

(ii) identify opportunities for preventing the development of such hazardous conditions; and

(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and

(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and

(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.

(d) UPDATES TO STRATEGIC HIGHWAY SAFETY PLANS.—

(1) ESTABLISHMENT OF REQUIREMENTS.—

(A) IN GENERAL.—[Not later than 1 year after the date of enactment of the MAP–21, the] *The* Secretary shall establish requirements for regularly recurring State updates of strategic highway safety plans.

(B) CONTENTS OF UPDATED STRATEGIC HIGHWAY SAFETY PLANS.—In establishing requirements under this subsection, the Secretary shall ensure that States take into consideration, with respect to updated strategic highway safety plans—

(i) the findings of road safety audits;

(ii) the locations of fatalities and serious injuries;

(iii) the locations that do not have an empirical history of fatalities and serious injuries, but possess risk factors for potential crashes;

(iv) rural roads, including all public roads, commensurate with fatality *and serious injury* data;

(v) motor vehicle crashes that include fatalities or serious injuries to pedestrians and bicyclists;

(vi) the cost-effectiveness of improvements;

(vii) improvements to rail-highway grade crossings[; and]*;*

(viii) the findings of a vulnerable road user safety assessment of the State; and

[(viii)] *(ix)* safety on all public roads, including non-State-owned public roads and roads on tribal land.

(2) APPROVAL OF UPDATED STRATEGIC HIGHWAY SAFETY PLANS.—

(A) IN GENERAL.—Each State shall—

(i) update the strategic highway safety plans of the State in accordance with the requirements established by the Secretary under this subsection; and

(ii) submit the updated plans to the Secretary, along with a detailed description of the process used to update the plan.

(B) REQUIREMENTS FOR APPROVAL.—The Secretary shall not approve the process for an updated strategic highway safety plan unless—

(i) the updated strategic highway safety plan is consistent with the requirements of this subsection and [subsection (a)(11)] *subsection (a)(13)*; and

(ii) the process used is consistent with the requirements of this subsection.

(3) PENALTY FOR FAILURE TO HAVE AN APPROVED UPDATED STRATEGIC HIGHWAY SAFETY PLAN.—If a State does not have an updated strategic highway safety plan with a process approved by the Secretary by August 1 of the fiscal year beginning after the date of establishment of the requirements under paragraph (1), the State shall not be eligible to receive any additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for each succeeding fiscal year until the fiscal year during which the plan is approved.

(e) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Funds apportioned to the State under section 104(b)(3) may be obligated to carry out—

(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail;

(B) as provided in subsection (g); or

(C) any project to maintain minimum levels of retroreflectivity with respect to a public road[, without regard to whether the project is included in an applicable State strategic highway safety plan].

(2) USE OF OTHER FUNDING FOR SAFETY.—

(A) EFFECT OF SECTION.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

(B) USE OF OTHER FUNDS.—States are encouraged to address the full scope of the safety needs and opportunities of the States by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

(B) RULE OF STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to require a State to re-

vise any State process, plan, or program in effect on the date of enactment of this paragraph.

(C) EFFECT OF PARAGRAPH.—

(i) REQUIREMENTS.—A project funded under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

(ii) OTHER APPORTIONED PROGRAMS.—Subparagraph (A) shall not apply to amounts that may be obligated for noninfrastructure projects apportioned under any other paragraph of section 104(b).

(f) DATA IMPROVEMENT.—

(1) DEFINITION OF DATA IMPROVEMENT ACTIVITIES.—In this subsection, the following definitions apply:

(A) IN GENERAL.—The term "data improvement activities" means a project or activity to further the capacity of a State to make more informed and effective safety infrastructure investment decisions.

(B) INCLUSIONS.—The term "data improvement activities" includes a project or activity—

(i) to create, update, or enhance a highway basemap of all public roads in a State;

(ii) to collect safety data, including data identified as part of the model inventory for roadway elements, for creation of or use on a highway basemap of all public roads in a State;

(iii) to store and maintain safety data in an electronic manner;

(iv) to develop analytical processes for safety data elements;

(v) to acquire and implement roadway safety analysis tools; and

(vi) to support the collection, maintenance, and sharing of safety data on all public roads and related systems associated with the analytical usage of that data.

(2) MODEL INVENTORY OF ROADWAY ELEMENTS.—The Secretary shall—

(A) establish a subset of the model inventory of roadway elements that are useful for the inventory of roadway safety; and

(B) ensure that States adopt and use the subset to improve data collection.

(g) SPECIAL RULES.—

[(1) HIGH-RISK RURAL ROAD SAFETY.—If the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available, that State shall be required to obligate in the next fiscal year for projects on high risk rural roads an amount equal to at least 200 percent of the amount of funds the State received for fiscal year 2009 for high risk rural roads under subsection (f) of this section, as in effect on the day before the date of enactment of the MAP–21.**]**

(1) HIGH-RISK RURAL ROAD SAFETY.—

(A) IN GENERAL.—If the Secretary determines that the fatality rate on rural roads in a State for the most recent 2-

year period for which data are available exceeds the median fatality rate for rural roads among all States, such State shall be required to—

(i) obligate over the 2 fiscal years following the fiscal year in which such determination is made for projects on high-risk rural roads an amount not less than 7.5 percent of the amounts apportioned to the State under section 104(b)(3) for fiscal year 2020; and

(ii) include, in the subsequent update to the State strategic highway safety plan, strategies to reduce the fatality rate.

(B) SOURCE OF FUNDS.—Any amounts obligated under subparagraph (A) shall be from amounts described under section 133(d)(1)(B).

(C) ANNUAL DETERMINATION.—The determination described under subparagraph (A) shall be made on an annual basis.

(D) CONSULTATION.—In carrying out a project with an amount obligated under subparagraph (A), a State shall consult with, as applicable, local governments, metropolitan planning organizations, and regional transportation planning organizations.

(2) OLDER ⟦DRIVERS⟧ *ROAD USERS*.—If traffic fatalities and serious injuries per capita for ⟦drivers and pedestrians⟧ *road users* over the age of 65 in a State increases during the most recent 2-year period for which data are available, that State shall be required to include, in the subsequent Strategic Highway Safety Plan of the State, strategies to ⟦address the increases in⟧ *reduce* those rates, taking into account the recommendations included in the publication of the Federal Highway Administration entitled "Highway Design Handbook for Older Drivers and Pedestrians" (FHWA–RD–01–103), and dated May 2001, or as subsequently revised and updated.

(3) VULNERABLE ROAD USER SAFETY.—

(A) HIGH RISK STATES.—

(i) ANNUAL DETERMINATION.—Beginning on the date of enactment of the INVEST in America Act, the Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries per capita over such 2-year period among all States, that State shall be required to obligate over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not less than 50 percent of the amount set aside in such State under section 133(h)(1) for fiscal year 2020

(less any amounts obligated for projects in that State as required by subparagraph (B)(ii)) for—

(I) in the first two fiscal years after the enactment of the INVEST in America Act—

(aa) performing the vulnerable road user safety assessment as required by subsection (l);

(bb) providing matching funds for transportation alternatives safety projects as identified in section 133(h)(7)(B); or

(cc) projects eligible under subparagraphs (A), (B), (C), or (I) of section 133(h); and

(II) in each 2-year period thereafter, projects identified in the program of projects described in subsection (l)(2)(C).

(B) HIGH RISK AREAS.—

(i) ANNUAL DETERMINATION.—The Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities per capita in a transportation management area over the most recent 2-year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities per capita in the transportation management area over the most recent 2-year period for which data are available exceeds the median number of such fatalities over such 2-year period among all such areas, then there shall be required to be obligated over the 2 fiscal years following the fiscal year in which such determination is made, for projects identified in the program of projects described in subsection (l)(7)(C), an amount that is not less than 50 percent of the amount set aside for that urbanized area under section 133(h)(2) for fiscal year 2020.

(iii) APPLICABILITY.—The obligation requirement described in clause (ii) shall not take effect until the subject metropolitan planning organization has developed the vulnerable road user safety assessment described in subsection (l)(7).

(C) SOURCE OF FUNDS.—

(i) IN GENERAL.—Any amounts required to be obligated under this paragraph shall be from amounts apportioned under section 104(b) except for—

(I) amounts described in section 133(d)(1)(A); and

(II) amounts set aside under section 133(h).

(ii) AREAS IN A HIGH RISK STATE.—If an area subject to the obligation requirement described in subparagraph (B)(ii) is located in a State required to obligate funds to vulnerable road user safety under subparagraph (A)(ii), any obligations in such State for projects identified in the program of projects described in sub-

section (l)(7)(C) shall count toward such State's obligation requirement under subparagraph (A)(ii).

(h) REPORTS.—

(1) IN GENERAL.—A State shall submit to the Secretary a report that—

(A) describes progress being made to implement highway safety improvement projects *and projects identified under a vulnerable road user safety assessment* under this section*, including any efforts to reduce vehicle speed*;

(B) assesses the effectiveness of those improvements; and

(C) describes the extent to which the improvements funded under this section have contributed to reducing—

(i) the number and rate of fatalities on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State;

(ii) the number and rate of serious injuries on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State; and

(iii) the occurrences of fatalities and serious injuries at railway-highway crossings.

(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for the submission of the report under paragraph (1).

(3) TRANSPARENCY.—The Secretary shall make strategic highway safety plans submitted under subsection (d) and reports submitted under this subsection available to the public through—

(A) the website of the Department; and

(B) such other means as the Secretary determines to be appropriate.

(4) DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data.

(i) STATE PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the safety performance targets of the State established under section 150(d), the State shall—

(1) use obligation authority equal to the apportionment of the State for the prior year under section 104(b)(3) only for highway safety improvement projects under this section until the Secretary determines that the State has met or made significant progress toward meeting the safety performance targets of the State; and

(2) submit annually to the Secretary, until the Secretary determines that the State has met or made significant progress

toward meeting the safety performance targets of the State, an implementation plan that—

(A) identifies roadway features that constitute a hazard to road users;

(B) identifies highway safety improvement projects on the basis of crash experience, crash potential, or other data-supported means;

(C) describes how highway safety improvement program funds will be allocated, including projects, activities, and strategies to be implemented;

(D) describes how the proposed projects, activities, and strategies funded under the State highway safety improvement program will allow the State to make progress toward achieving the [safety safety] *safety* performance targets of the State; and

(E) describes the actions the State will undertake to meet the safety performance targets of the State.

(j) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds apportioned to a State under section 104(b)(3) shall be 90 percent.

(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

(A) the State does not use funds provided to carry out this section for a project on any such roads until the State completes a collection of the required model inventory of roadway elements for the applicable road segment; and

(B) the State demonstrates that the State consulted with affected Indian tribes before ceasing to collect data with respect to such roads that are included in the National Tribal Transportation Facility Inventory under section 202(b)(1) of this title.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow a State to cease data collection related to serious injuries or fatalities.

(l) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after date of enactment of the INVEST in America Act, each State shall create a vulnerable road user safety assessment.

(2) CONTENTS.—A vulnerable road user safety assessment required under paragraph (1) shall include—

(A) a description of the location within the State of each vulnerable road user fatality and serious injury, including, if available, the design speed of the roadway at any such location;

(B) a description of any corridors identified by a State, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that pose a high risk of a vulnerable road

user fatality or serious injury, including, if available, the design speeds of such corridors; and

(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B), in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under subparagraph (B).

(3) ANALYSIS.—In creating a vulnerable road user safety assessment under this subsection, a State shall assess the last 5 years of available data.

(4) REQUIREMENTS.—In creating a vulnerable road user safety assessment under this subsection, a State shall—

(A) take into consideration a safe system approach; and

(B) coordinate with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B).

(5) UPDATE.—A State shall update a vulnerable road user safety assessment on the same schedule as the State updates the State strategic highway safety plan.

(6) TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(C) may not degrade transportation system access for vulnerable road users.

(7) URBANIZED AREA ASSESSMENTS.—

(A) IN GENERAL.—A metropolitan planning organization representing a transportation management area shall, in consultation with local governments in such area, complete a vulnerable road user safety assessment based on the most recent 5 years of available data at least once every 4 years.

(B) CONTENTS.—The assessment completed under subparagraph (A) shall include—

(i) a description of the location within the area of each vulnerable road user fatality and, if available, serious injury;

(ii) a description of any corridors that represent a high-risk area identified under paragraph (2)(B) or have otherwise been identified by the metropolitan planning organization or local government that pose a high risk of a vulnerable road user fatality or serious injury; and

(iii) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B).

(m) SAFE STREETS FOR ALL.—

(1) SAFE STREETS SET-ASIDE.—

(A) ESTABLISHMENT.—The Secretary shall establish a safe streets program to eliminate the occurrence of transportation-related fatalities and serious injuries on public roads, with a focus on vulnerable road users.

(B) AMOUNT.—Of the funds apportioned to a State under section 104(b)(3) for each fiscal year, the Secretary shall reserve an amount such that—

(i) the Secretary reserves a total under this subsection of $500,000,000 for each of fiscal years 2023 through 2026; and

(ii) the State's share of that total is distributed in the same manner as the amount apportioned to the State under section 104(b)(3) for each fiscal year bears to the total amount of funds apportioned to all States under such section.

(2) SUBALLOCATION.—For each fiscal year for which funds are set aside under this subsection, such funds shall be obligated within a State in the manner described in subsections (d) and (e) of section 133, except that, for the purposes of this subsection, the percentage referred to in section 133(d)(1)(A) shall be treated as 100 percent.

(3) USE OF FUNDS.—

(A) IN GENERAL.—Funds set aside under this subsection shall be available for obligation—

(i) for a complete streets project that supports the safe, comfortable, convenient, and independent movement of all users of the transportation system, of all ages and abilities, consistent with context sensitive design principles;

(ii) for activities eligible under the safe routes to school program under section 211;

(iii) to develop and implement the policies and procedures described in section 109(s);

(iv) for any element of vision zero planning described under section 1601 of the INVEST in America Act and to implement an existing vision zero plan;

(v) for other activities in furtherance of the vulnerable road user safety assessment of the State or the metropolitan planning organization described under subsection (l); and

(vi) for any other project, program, or plan eligible under this section that provides for the safe and adequate accommodation of all users of the surface transportation network, as determined by the Secretary.

(B) SPECIAL RULE.—If a State or metropolitan planning organization demonstrates to the satisfaction of the Secretary that such State or metropolitan planning organization has met all its needs for vulnerable road user safety under this section, the State or metropolitan planning organization may use funds made available under this subsection for other highway safety improvement program purposes, subject to the suballocation under paragraph (2). The Secretary may not make a determination under this subparagraph if the State or metropolitan planning organization has been subject to the special rule described in subsection (g)(3) within the last 5 years.

§ 149. Congestion mitigation and air quality improvement program

(a) ESTABLISHMENT.—The Secretary shall establish and implement a congestion mitigation and air quality improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—Except as provided in subsection (d), a State may obligate funds apportioned to it under section 104(b)(4) for the congestion mitigation and air quality improvement program only for a transportation project or program if the project or program is for an area in the State that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997, or is required to prepare, and file with the Administrator of the Environmental Protection Agency, maintenance plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and—

(1)(A)(i) if the Secretary, after consultation with the Administrator determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than clause (xvi)) that the project or program is likely to contribute to—

(I) the attainment of a national ambient air quality standard in the designated nonattainment area; or

(II) the maintenance of a national ambient air quality standard in a maintenance area; and

(ii) a high level of effectiveness in reducing air pollution, in cases of projects or programs where sufficient information is available in the database established pursuant to [subsection (h)] *subsection (i)* to determine the relative effectiveness of such projects or programs[; or,]*; or*

(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in such section 108(f)(1)(A);

(2) if the project or program is included in a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits;

(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project or program is likely to contribute to the attainment or maintenance of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors;

(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems, if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment or maintenance in the area of a national ambient air quality standard;

(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, add turning lanes, improve transportation systems management and operations that mitigate congestion and improve air quality, and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph, including programs or projects to improve incident and emergency response or improve mobility, such as through real-time traffic, transit, and multimodal traveler information;

(6) if the project or program involves the purchase of integrated, interoperable emergency communications equipment;

(7) if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing *shared micromobility (including bikesharing and shared scooter systems), publicly accessible charging stations, docks, and storage for electric bicycles and micromobility devices,*, alternative work hours, and pricing;

(8) if the project or program is for—

(A) the purchase of diesel retrofits that are—

(i) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); or

(ii) verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)) for non-road vehicles and non-road engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) that are used in construction projects or port-related freight operations that are—

(I) located in nonattainment or maintenance areas for ozone, PM_{10}, or $PM_{2.5}$ (as defined under the Clean Air Act (42 U.S.C. 7401 et seq.)); and

(II) funded, in whole or in part, under this title or chapter 53 of title 49; or

(B) the conduct of outreach activities that are designed to provide information and technical assistance to the owners and operators of diesel equipment and vehicles regarding the purchase and installation of diesel retrofits**[**; or**]***;*

(9) if the project or program is for the installation of vehicle-to-infrastructure communication equipment**[**.**]***; or*

(10) if the project or program mitigates seasonal or temporary traffic congestion from long-haul travel or tourism.

(c) SPECIAL RULES.—

(1) PROJECTS FOR PM–10 NONATTAINMENT AREAS.—A State may obligate funds apportioned to the State under section 104(b)(4) for a project or program for an area that is nonattainment for ozone or carbon monoxide, or both, and for PM–10 resulting from transportation activities, without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.

(2) ELECTRIC VEHICLE, *HYDROGEN VEHICLE,* AND NATURAL GAS VEHICLE INFRASTRUCTURE.—A State may obligate funds apportioned under section 104(b)(4) for a project or program to establish electric vehicle charging stations or *hydrogen or* natural gas vehicle refueling stations for the use of battery powered*, hydrogen-powered,* or natural gas fueled trucks or other motor vehicles at any location in the State (giving priority to corridors designated under section 151) except that such stations may not be established or supported where commercial establishments serving motor vehicle users are prohibited by section 111 of title 23, United States Code.

(3) HOV FACILITIES.—No funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times*, and is consistent with section 166*.

(d) STATES FLEXIBILITY.—

(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(4) for any project in the State that—

(A) would otherwise be eligible under subsection (b) as if the project were carried out in a nonattainment or maintenance area; or

(B) is eligible under the surface transportation [block grant] program under section 133.

(2) STATES WITH A NONATTAINMENT AREA.—

(A) IN GENERAL.—If a State has a nonattainment area or maintenance area and received funds in fiscal year 2009 under section 104(b)(2)(D), as in effect on the day before the date of enactment of the MAP–21, above the amount of funds that the State would have received based on the nonattainment and maintenance area population of the State under subparagraphs (B) and (C) of section 104(b)(2), as in effect on the day before the date of enactment of the MAP–21, the State may use for any project that would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or is eligible under the surface transportation [block grant] program under section 133 an amount of funds apportioned to such State under section 104(b)(4) that is equal to the product obtained by multiplying—

(i) the amount apportioned to such State under section 104(b)(4) (excluding the amount of funds reserved under subsection (k)(1)); by

(ii) the ratio calculated under subparagraph (B).

(B) RATIO.—For purposes of this paragraph, the ratio shall be calculated as the proportion that—

(i) the amount for fiscal year 2009 such State was permitted by section 149(c)(2), as in effect on the day before the date of enactment of the MAP–21, to obligate in any area of the State for projects eligible under

section 133, as in effect on the day before the date of enactment of the MAP–21; bears to

(ii) the total apportionment to such State for fiscal year 2009 under section 104(b)(2), as in effect on the day before the date of enactment of the MAP–21.

(3) CHANGES IN DESIGNATION.—If a new nonattainment area is designated or a previously designated nonattainment area is redesignated as an attainment area in a State under the Clean Air Act (42 U.S.C. 7401 et seq.), the Secretary shall modify, in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21, the amount such State is permitted to obligate in any area of the State for projects eligible under section 133.

(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.

(f) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

(B) cost sharing of any project expense;

(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

(D) any other form of participation approved by the Secretary.

(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section 104(b)(4) to an entity described in paragraph (1).

(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of emerging technologies that reduce emissions of air pollutants from motor vehicles, and other capital investments associated with the project;

(B) shall include only the incremental cost of an alternative fueled vehicle, as compared to a conventionally fueled vehicle, that would otherwise be borne by a private party; and

(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.

(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.

(g) COST-EFFECTIVE EMISSION REDUCTION GUIDANCE.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(B) DIESEL RETROFIT.—The term "diesel retrofit" means a replacement, repowering, rebuilding, after treatment, or other technology, as determined by the Administrator.

(2) EMISSION REDUCTION GUIDANCE.—The Administrator, in consultation with the Secretary, shall publish a list of diesel retrofit technologies and supporting technical information for—

(A) diesel emission reduction technologies certified or verified by the Administrator, the California Air Resources Board, or any other entity recognized by the Administrator for the same purpose;

(B) diesel emission reduction technologies identified by the Administrator as having an application and approvable test plan for verification by the Administrator or the California Air Resources Board that is submitted not later than 18 months of the date of enactment of this subsection**[**;**]***; and*

(C) available information regarding the emission reduction effectiveness and cost effectiveness of technologies identified in this paragraph, taking into consideration air quality and health effects.

(3) PRIORITY CONSIDERATION.—States and metropolitan planning organizations shall give priority in areas designated as nonattainment or maintenance for PM2.5 under the Clean Air Act (42 U.S.C. 7401 et seq.) in distributing funds received for congestion mitigation and air quality projects and programs from apportionments under section 104(b)(4) to projects that are proven to reduce PM2.5, including diesel retrofits.

(4) NO EFFECT ON AUTHORITY OR RESTRICTIONS.—Nothing in this subsection modifies or otherwise affects any authority or restriction established under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other law (other than provisions of this title relating to congestion mitigation and air quality).

(h) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.

(i) EVALUATION AND ASSESSMENT OF PROJECTS.—

(1) DATABASE.—

(A) IN GENERAL.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the Sec-

retary shall maintain and disseminate a cumulative database describing the impacts of the projects, including specific information about each project, such as the project name, location, sponsor, cost, and, to the extent already measured by the project sponsor, cost-effectiveness, based on reductions in congestion and emissions.

(B) AVAILABILITY.—The database shall be published or otherwise made readily available by the Secretary in electronically accessible format and means, such as the Internet, for public review.

(2) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate projects on a periodic basis and develop a table or other similar medium that illustrates the cost-effectiveness of a range of project types eligible for funding under this section as to how the projects mitigate congestion and improve air quality.

(B) CONTENTS.—The table described in subparagraph (A) shall show measures of cost-effectiveness, such as dollars per ton of emissions reduced, and assess those measures over a variety of timeframes to capture impacts on the planning timeframes outlined in section 134.

(C) USE OF TABLE.—States and metropolitan planning organizations shall consider the information in the table when selecting projects or developing performance plans under subsection (*l*).

(j) OPTIONAL PROGRAMMATIC ELIGIBILITY.—

(1) IN GENERAL.—At the discretion of a metropolitan planning organization, a technical assessment of a selected program of projects may be conducted through modeling or other means to demonstrate the emissions reduction projection required under this section.

(2) APPLICABILITY.—If an assessment described in paragraph (1) successfully demonstrates an emissions reduction, all projects included in such assessment shall be eligible for obligation under this section without further demonstration of emissions reduction of individual projects included in such assessment.

(k) PRIORITY FOR USE OF FUNDS IN PM2.5 AREAS.—

(1) IN GENERAL.—For any State that has a nonattainment or maintenance area for fine particulate matter, an amount equal to 25 percent of the funds apportioned to each State under section 104(b)(4) for a nonattainment or maintenance area that are based all or in part on the weighted population of such area in fine particulate matter nonattainment shall be obligated to projects that reduce such fine particulate matter emissions in such area, including diesel retrofits.

(2) CONSTRUCTION EQUIPMENT AND VEHICLES.—In order to meet the requirements of paragraph (1), a State or metropolitan planning organization may elect to obligate funds to install diesel emission control technology on nonroad diesel equipment or on-road diesel equipment that is operated on a highway con-

struction project within a PM2.5 nonattainment or maintenance area.

(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.

(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.

(l) PERFORMANCE PLAN.—

(1) IN GENERAL.—Each metropolitan planning organization serving a transportation management area (as defined in section 134) with a population over 1,000,000 people representing a nonattainment or maintenance area shall develop a performance plan that—

(A) includes an area baseline level for traffic congestion and on-road mobile source emissions for which the area is in nonattainment or maintenance;

(B) describes progress made in achieving the air quality and traffic congestion performance targets described in section 150(d); and

(C) includes a description of projects identified for funding under this section and how such projects will contribute to achieving emission and traffic congestion reduction targets.

(2) UPDATED PLANS.—Performance plans shall be updated biennially and include a separate report that assesses the progress of the program of projects under the previous plan in achieving the air quality and traffic congestion targets of the previous plan.

[(m) OPERATING ASSISTANCE.—A State may obligate funds apportioned under section 104(b)(4) in an area of such State that is otherwise eligible for obligations of such funds for operating costs

under chapter 53 of title 49 or on a system for which CMAQ funding was made available, obligated or expended in fiscal year 2012, or on a State-Supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 and no current nonattainment areas under subsection (d), and shall have no imposed time limitation.]

(m) OPERATING ASSISTANCE.—

(1) PROJECTS.—A State may obligate funds apportioned under section 104(b)(4) in an area of such State that is otherwise eligible for obligations of such funds for operating costs under chapter 53 of title 49 or on a system for which CMAQ funding was made available, obligated, or expended in fiscal year 2012, or, notwithstanding subsection (b), on a State-supported Amtrak route with a cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 or alternative cost allocation under section 24712(g)(3) of title 49.

(2) TIME LIMITATION.—In determining the amount of time for which a State may obligate funds under paragraph (1) for operating assistance for an area of a State or on a system, the Secretary shall allow such obligations to occur, in such area or on such system—

(A) with a time limitation of not less than 3 years; and

(B) in the case of projects that demonstrate continued net air quality benefits beyond 3 years, as determined annually by the Secretary in consultation with the Administrator of the Environmental Protection Agency, with no imposed time limitation.

§ 150. National goals and performance management measures

(a) DECLARATION OF POLICY.—Performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decisionmaking through performance-based planning and programming.

(b) NATIONAL GOALS.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

(1) SAFETY.—To achieve a significant reduction *or elimination* in traffic fatalities and serious injuries on all public roads.

(2) INFRASTRUCTURE CONDITION.—To maintain the highway infrastructure asset system in a state of good repair.

(3) CONGESTION REDUCTION.—To achieve a significant reduction in congestion on the National Highway System.

(4) SYSTEM RELIABILITY.—To improve the efficiency of the surface transportation system.

(5) FREIGHT MOVEMENT AND ECONOMIC VITALITY.—To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and inter-

national trade markets, and support regional economic development.

(6) ENVIRONMENTAL SUSTAINABILITY.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and reduce the climate impacts of the transportation system.

[(7)] *(8)* REDUCED PROJECT DELIVERY DELAYS.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

(c) ESTABLISHMENT OF PERFORMANCE MEASURES.—

(1) IN GENERAL.—[Not later than 18 months after the date of enactment of the MAP–21, the Secretary] *The Secretary*, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.

(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall—

(A) provide States, metropolitan planning organizations, and other stakeholders not less than 90 days to comment on any regulation proposed by the Secretary under that paragraph;

(B) take into consideration any comments relating to a proposed regulation received during that comment period; and

(C) limit performance measures only to those described in this subsection.

(3) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of carrying out section 119, the Secretary shall establish—

(i) minimum standards for States to use in developing and operating bridge and pavement management systems;

(ii) measures for States to use to assess—

(I) the condition of pavements on the Interstate system;

(II) the condition of pavements on the National Highway System (excluding the Interstate);

(III) the condition of bridges on the National Highway System;

(IV) the performance of the Interstate System; and

(V) the performance of the National Highway System (excluding the Interstate System);

(iii) minimum levels for the condition of pavement on the Interstate System, only for the purposes of carrying out section 119(f)(1); and

(iv) the data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach.

(B) REGIONS.—In establishing minimum condition levels under subparagraph (A)(iii), if the Secretary determines that various geographic regions of the United States experience disparate factors contributing to the condition of pavement on the Interstate System in those regions, the Secretary may establish different minimum levels for each region.

(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the purpose of carrying out section 148, the Secretary shall establish measures for States to use to assess—

(A) serious injuries and fatalities per vehicle mile traveled; and

(B) the number of serious injuries and fatalities.

(5) CONGESTION MITIGATION AND AIR QUALITY PROGRAM.—For the purpose of carrying out section 149, the Secretary shall establish measures for States to use to assess—

(A) traffic congestion; and

(B) on-road mobile source emissions.

(6) NATIONAL FREIGHT MOVEMENT.—The Secretary shall establish measures for States to use to assess freight movement on the Interstate System.

(7) GREENHOUSE GAS EMISSIONS.—The Secretary shall establish, in consultation with the Administrator of the Environmental Protection Agency, measures for States to use to assess—

(A) carbon dioxide emissions per capita on public roads;

(B) carbon dioxide emissions using different parameters than described in subparagraph (A) that the Secretary determines to be appropriate; and

(C) any other greenhouse gas emissions on public roads that the Secretary determines to be appropriate.

(d) ESTABLISHMENT OF PERFORMANCE TARGETS.—

(1) IN GENERAL.—[Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each] *Each* State shall set performance targets that reflect the measures identified in paragraphs (3), (4), (5), [and (6)] *(6), and (7)* of subsection (c).

(2) DIFFERENT APPROACHES FOR URBAN AND RURAL AREAS.—In the development and implementation of any performance target, a State may, as appropriate, provide for different performance targets for urbanized and rural areas.

(3) REGRESSIVE TARGETS.—

(A) IN GENERAL.—A State may not establish a regressive target for the measures described under paragraph (4) or paragraph (7) of subsection (c).

(B) REGRESSIVE TARGET DEFINED.—In this paragraph, the term "regressive target" means a target that fails to demonstrate constant or improved performance for a particular measure.

(e) REPORTING ON PERFORMANCE TARGETS.—[Not later than 4 years after the date of enactment of the MAP–21 and biennially

thereafter, a] *A* State shall submit to the Secretary a *biennial* report that describes—

(1) the condition and performance of the National Highway System in the State;

(2) the effectiveness of the investment strategy document in the State asset management plan for the National Highway System;

(3) progress in achieving performance targets identified under subsection (d); and

(4) the ways in which the State is addressing congestion at freight bottlenecks, including those identified in the national freight strategic plan, within the State.

(f) TRANSPORTATION SYSTEM ACCESS.—

(1) IN GENERAL.—The Secretary shall establish measures for States and metropolitan planning organizations to use to assess the level of safe, reliable, and convenient transportation system access to—

(A) employment; and

(B) services.

(2) CONSIDERATIONS.—The measures established pursuant to paragraph (1) shall include the ability for States and metropolitan planning organizations to assess—

(A) the change in the level of transportation system access for various modes of travel, including connection to other modes of transportation, that would result from new transportation investments;

(B) the level of transportation system access for economically disadvantaged communities, including to affordable housing; and

(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that effect the affordability, elasticity, and diversity of the housing supply.

(3) DEFINITION OF SERVICES.—In this subsection, the term "services" includes healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.

§ 151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors

(a) IN GENERAL.—[Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall] *The Secretary shall periodically* designate national electric vehicle charging and hydrogen, propane, and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the United States.

(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

(1) solicit nominations from State and local officials for facilities to be included in the corridors;

(2) incorporate existing electric vehicle charging, hydrogen fueling, propane fueling, and natural gas fueling corridors *previously designated by the Federal Highway Administration or* designated by a State or group of States; and

(3) consider the demand for, and location of, existing electric vehicle charging stations, hydrogen fueling stations, propane fueling stations, and natural gas fueling infrastructure.

(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

(1) the heads of other Federal agencies;

(2) State and local officials;

(3) representatives of—

(A) energy utilities;

(B) the electric, fuel cell electric, propane, and natural gas vehicle industries;

(C) the freight and shipping industry;

(D) clean technology firms;

(E) the hospitality industry;

(F) the restaurant industry;

(G) highway rest stop vendors; and

(H) industrial gas and hydrogen manufacturers; and

(4) such other stakeholders as the Secretary determines to be necessary.

(d) REDESIGNATION.—**[**Not later than**]**

(1) IN GENERAL.—Not later than **[**5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter**]** *180 days after the date of enactment of the INVEST in America Act*, the Secretary shall *establish a recurring process to regularly* update and redesignate the corridors.

(2) FREIGHT CORRIDORS.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall designate national electric vehicle charging and hydrogen fueling freight corridors that identify the near- and long-term need for, and the location of, electric vehicle charging and hydrogen fueling infrastructure to support freight and goods movement at strategic locations along major national highways, the National Highway Freight Network, and goods movement locations including ports, intermodal centers, and warehousing locations.

(e) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

(1) identifies electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure and standardization needs for electricity providers, industrial gas providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers**[**; and**]***;*

(2) **[**establishes an aspirational goal of achieving**]** *describes efforts to achieve* strategic deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure

in those corridors [by the end of fiscal year 2020.], *including progress on the implementation of subsection (f); and*

(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure to allow for the predictable deployment of such infrastructure.

(f) CLEAN CORRIDORS PROGRAM.—

(1) ESTABLISHMENT.—There is established a clean corridors program (referred to in this subsection as the "Program") to provide funding to States to strategically deploy electric vehicle charging and hydrogen fueling infrastructure along alternative fuel corridors and to establish an interconnected network to facilitate data collection, access, and reliability.

(2) PURPOSE.—The purpose of the Program is to provide funding for—

(A) the acquisition and installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability;

(B) proper operation and maintenance of electric vehicle charging infrastructure; and

(C) data sharing about charging and fueling infrastructure to ensure the long-term success of investments made through the Program.

(3) ALTERNATIVE DISTRIBUTION OF FUNDS.—

(A) PLAN.—The Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires, describing how such State intends to use its allocation under this section.

(B) EFFICIENT OBLIGATION OF FUNDS.—If a State fails to submit the plan required by subparagraph (A) to the Secretary in a timely manner, or if the Secretary determines a State has not taken sufficient action to carry out its plan, the Secretary may—

(i) withdraw from the State the funds that were apportioned to the State for a fiscal year under section 104(b)(10);

(ii) award such funds on a competitive basis to local units of government within the State for use on projects that meet the eligibility requirements described in paragraph (4); and

(iii) ensure timely obligation of such funds.

(C) REDISTRIBUTION AMONG STATES.—If the Secretary determines that any funds withdrawn from a State under subparagraph (B)(i) cannot be fully awarded to local units of government within the State under subparagraph (B)(ii) in a manner consistent with the purpose of this subsection, any such funds remaining under subparagraph (B)(i) shall be—

(i) apportioned among other States (except States for which funds for that fiscal year have been withdrawn under subparagraph (B)(i)) in the same ratio as funds

apportioned for that fiscal year under section 104(b)(10)(C) for the Program; and

(ii) only available to carry out this section.

(4) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—Funding made available under this subsection shall be for projects—

(i) directly related to the electric charging or hydrogen fueling of a vehicle; and

(ii) only for infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than 1 company.

(B) LOCATION OF INFRASTRUCTURE.—

(i) IN GENERAL.—Any charging or fueling infrastructure acquired or installed with funding under this subsection shall be located along an alternative fuel corridor.

(ii) GUIDANCE.—Not later than 90 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy charging and fueling infrastructure along alternative fuel corridors, consistent with this section.

(iii) ADDITIONAL CONSIDERATIONS.—In developing the guidance required under clause (ii), the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider—

(I) the distance between publicly available charging and fueling infrastructure eligible under this section;

(II) connections to the electric grid or fuel distribution system, including electric distribution upgrades, vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the electric grid, and alignment with electric distribution interconnection processes;

(III) plans to protect the electric grid from added load of charging distribution systems from adverse impacts of changing load patterns, including through on site storage;

(IV) plans for the use of renewable energy sources to power charging, energy storage, and hydrogen fuel production;

(V) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this subsection;

(VI) the need for publicly available electric vehicle charging infrastructure in rural corridors;

(VII) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect

the investment of public funds in that infrastructure;

(VIII) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives;

(IX) fostering enhanced, coordinated, public-private or private investment in charging and fueling infrastructure;

(X) ensuring consumer protection and pricing transparency;

(XI) the availability of onsite amenities for vehicle operators, including restrooms or food facilities; and

(XII) any other factors, as determined by the Secretary.

(5) ELIGIBLE PROJECT COSTS.—Subject to paragraph (6), funds made available under this subsection may be used for—

(A) the acquisition or installation of electric vehicle charging or hydrogen fueling infrastructure;

(B) operating assistance for costs allocable to operating and maintaining infrastructure acquired or installed under this subsection, for a period not to exceed five years;

(C) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to infrastructure acquired, installed, or operated under this subsection; or

(D) on-premises signs to provide information about infrastructure acquired, installed, or operated under this subsection.

(6) GUIDANCE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, publish guidance for public comment related to—

(A) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this subsection;

(B) the physical and payment interoperability of electric vehicle charging infrastructure under this subsection;

(C) any traffic control device or on-premises sign acquired, installed, or operated under this subsection;

(D) any data requested by the Secretary related to a project funded under this subsection, including the format and schedule for the submission of such data; and

(E) network connectivity of electric vehicle charging that includes measures to protect personal privacy and ensure cybersecurity.

(7) FEDERAL SHARE.—The Federal share payable for the cost of a project funded under this subsection shall be 80 percent.

(8) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available for the Program shall be available until expended.

(9) ADDITIONAL ASSISTANCE GRANTS.—For each of fiscal years 2023 through 2026, before making an apportionment under sec-

tion 104(b)(10), the Secretary shall set aside, from amounts made available to carry out the clean corridors program under this subsection, $100,000,000 for grants to States or localities that require additional assistance to strategically deploy infrastructure eligible under this subsection along alternative fuel corridors to fill gaps in the national charging network, including in rural areas.

(10) DEFINITION OF ALTERNATIVE FUEL CORRIDORS.—In this subsection, the term "alternative fuel corridors" means a fuel corridor—

(A) designated under subsection (a); or

(B) equivalent to a fuel corridor described under such subsection that is designated, after consultation with any affected Indian Tribes or Tribal organizations, by a State or group of States.

* * * * * * *

§ 155. Electric vehicle charging stations

(a) IN GENERAL.—Any electric vehicle charging infrastructure funded under this title shall be subject to the requirements of this section.

(b) INTEROPERABILITY.—An electric vehicle charging station funded under this title shall—

(1) provide a charging connector type or means to transmit electricity to vehicles that meets applicable industry accepted practices and safety standards; and

(2) have the ability to serve vehicles produced by more than one vehicle manufacturer.

(c) OPEN ACCESS TO PAYMENT.—Electric vehicle charging stations shall provide payment methods available to all members of the public to ensure secure, convenient, and equal access and shall not be limited by membership to a particular payment provider.

(d) NETWORK CAPABILITY.—An electric vehicle charging station funded under this title shall be capable of being remotely monitored.

(e) GUIDANCE.—Not less than 180 days after enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, publish guidance for public comment applicable to any electric vehicle charging station funded in whole or in part under this title related to—

(1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure;

(2) the physical and payment interoperability of electric vehicle charging infrastructure;

(3) any traffic control device or on-premises sign acquired, installed, or operated related to an electric vehicle charging station funded under this title; and

(4) network connectivity of electric vehicle charging, including measures to protect personal privacy and ensure cybersecurity.

(f) WAGE REQUIREMENTS.—Section 113 shall apply to any project for electric vehicle charging infrastructure funded under this title.

* * * * * * *

§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) 24-7 SOBRIETY PROGRAM.—The term "24-7 sobriety program" has the meaning given the term in section 405(d)(7)(A).

(2) ALCOHOL CONCENTRATION.—The term "alcohol concentration" means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms "driving while intoxicated" and "driving under the influence" mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

(4) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

(5) REPEAT INTOXICATED DRIVER LAW.—The term "repeat intoxicated driver law" means a State law or combination of laws or programs that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

(A) receive, for a period of not less than 1 year—

(i) a suspension of all driving privileges;

(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or

(iv) any combination of clauses (i) through (iii);

(B) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

(C) receive—

(i) in the case of the second offense—

(I) an assignment of not less than 30 days of community service; or

(II) not less than 5 days of imprisonment (unless the State certifies that the general practice is that such an individual will be incarcerated); and

(ii) in the case of the third or subsequent offense—

(I) an assignment of not less than 60 days of community service; or

(II) not less than 10 days of imprisonment (unless the State certifies that the general practice is that such an individual will receive 10 days of incarceration).

(6) SPECIAL EXCEPTION.—The term "special exception" means an exception under a State alcohol-ignition interlock law for the following circumstances:

(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

(b) TRANSFER OF FUNDS.—

(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 11/2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

(A) to be used for [alcohol-impaired] *alcohol or polysubstance-impaired* driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated [or], driving under the influence*, or driving while polysubstance-impaired* and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific [alcohol-impaired] *alcohol or polysubstance-impaired* driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) FISCAL YEAR 2012 AND THEREAFTER.—

(A) RESERVATION OF FUNDS.—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the States will use those reserved funds among the uses authorized under subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

(B) TRANSFER OF FUNDS.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—

(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

(ii) release the reserved funds identified by the State as described in paragraph (3).

(3) USE FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—A State may elect to use all or a portion of the funds reserved under paragraph (2) for activities eligible under section 148.

(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transpor-

tation of the State, which shall be responsible for the administration of the funds.

(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred or released under paragraph (2) may be derived from the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(2).

(6) TRANSFER OF OBLIGATION AUTHORITY.—

(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that—

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

§ 165. Territorial and Puerto Rico highway program

[(a) DIVISION OF FUNDS.—Of funds made available in a fiscal year for the territorial and Puerto Rico highway program—

[(1) $158,000,000 shall be for the Puerto Rico highway program under subsection (b); and

[(2) $42,000,000 shall be for the territorial highway program under subsection (c).**]**

(a) ANNUAL ALLOCATION.—For the Puerto Rico and territorial highway program, there shall be made available—

(1) $340,000,000 for the Puerto Rico highway program under subsection (b) for each of fiscal years 2023 through 2026; and

(2) for the territorial highway program under subsection (c)—

(A) $113,044,097 for fiscal year 2023;

(B) $114,961,294 for fiscal year 2024;

(C) $117,190,719 for fiscal year 2025; and

(D) $119,237,332 for fiscal year 2026.

(b) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

(2) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

(A) APPORTIONMENT.—

(i) IN GENERAL.—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144 (as in effect for fiscal year 1997) for each program funded under those sections in an amount determined by multiplying—

(I) the aggregate of the amounts for the fiscal year; by

(II) the proportion that—

(aa) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

(bb) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

(ii) EXCEPTION.—Funds identified under clause (i) as having been apportioned for the national highway system, the surface transportation [block grant] program, and the Interstate maintenance program shall be deemed to have been apportioned 50 percent for the national highway performance program and 50 percent for the surface transportation program for purposes of imposing such penalties.

(B) PENALTY.—The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.

(C) ELIGIBLE USES OF FUNDS.—Of amounts allocated to Puerto Rico for the Puerto Rico Highway Program for a fiscal year—

(i) at least 50 percent shall be available only for purposes eligible under section 119;

(ii) at least 25 percent shall be available only for purposes eligible under section 148; and

(iii) any remaining funds may be obligated for activities eligible under chapter 1.

(D) TRANSFERABILITY.—Of the amounts described in clauses (i) and (ii) of subparagraph (C) for the Puerto Rico highway program, Puerto Rico may transfer not to exceed

50 percent in a fiscal year of such amounts for activities described in clause (iii) of such subparagraph.

(3) EFFECT ON APPORTIONMENTS.—Except as otherwise specifically provided, Puerto Rico shall not be eligible to receive funds apportioned to States under this title.

(c) TERRITORIAL HIGHWAY PROGRAM.—

(1) TERRITORY DEFINED.—In this subsection, the term "territory" means any of the following territories of the United States:

(A) American Samoa.

(B) The Commonwealth of the Northern Mariana Islands.

(C) Guam.

(D) The United States Virgin Islands.

(2) PROGRAM.—

(A) IN GENERAL.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each government of a territory in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—

(i) designated by the Governor or chief executive officer of each territory; and

(ii) approved by the Secretary.

(B) FEDERAL SHARE.—The Federal share of Federal financial assistance provided to territories under this subsection shall be in accordance with section 120(g).

(3) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—To continue a long-range highway development program, the Secretary may provide technical assistance to the governments of the territories to enable the territories, on a continuing basis—

(i) to engage in highway planning;

(ii) to conduct environmental evaluations;

(iii) to administer right-of-way acquisition and relocation assistance programs; and

(iv) to design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

(B) FORM AND TERMS OF ASSISTANCE.—Technical assistance provided under subparagraph (A), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by paragraph (5).

(4) NONAPPLICABILITY OF CERTAIN PROVISIONS.—

(A) IN GENERAL.—Except to the extent that provisions of this chapter are determined by the Secretary to be inconsistent with the needs of the territories and the intent of this subsection, this chapter (other than provisions of this chapter relating to the apportionment and allocation of funds) shall apply to funds made available under this subsection.

(B) APPLICABLE PROVISIONS.—The agreement required by paragraph (5) for each territory shall identify the sections of this chapter that are applicable to that territory and the extent of the applicability of those sections.

(5) AGREEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (D), none of the funds made available under this subsection shall be available for obligation or expenditure with respect to any territory until the chief executive officer of the territory has entered into an agreement (including an agreement entered into under section 215 as in effect on the day before the enactment of this section) with the Secretary providing that the government of the territory shall—

(i) implement the program in accordance with applicable provisions of this chapter and paragraph (4);

(ii) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—

(I) appropriate for each territory; and

(II) approved by the Secretary;

(iii) provide for the maintenance of facilities constructed or operated under this subsection in a condition to adequately serve the needs of present and future traffic; and

(iv) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.

(B) TECHNICAL ASSISTANCE.—The agreement required by subparagraph (A) shall—

(i) specify the kind of technical assistance to be provided under the program;

(ii) include appropriate provisions regarding information sharing among the territories; and

(iii) delineate the oversight role and responsibilities of the territories and the Secretary.

(C) REVIEW AND REVISION OF AGREEMENT.—The agreement entered into under subparagraph (A) shall be reevaluated and, as necessary, revised, at least every 2 years.

(D) EXISTING AGREEMENTS.—With respect to an agreement under this subsection or an agreement entered into under section 215 of this title as in effect on the day before the date of enactment of this subsection—

(i) the agreement shall continue in force until replaced by an agreement entered into in accordance with subparagraph (A); and

(ii) amounts made available under this subsection under the existing agreement shall be available for obligation or expenditure so long as the agreement, or the existing agreement entered into under subparagraph (A), is in effect.

(6) ELIGIBLE USES OF FUNDS.—

(A) IN GENERAL.—Funds made available under this subsection may be used only for the following projects and activities carried out in a territory:

(i) Eligible surface transportation [block grant] program projects described in section 133(b).

(ii) Cost-effective, preventive maintenance consistent with section 116(e).

(iii) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

(iv) Ferry boats and terminal facilities that are privately or majority privately owned, in accordance with paragraphs (1), (2), (4), (5), (6), and (7) of section 129(c), that provide a substantial public benefit.

[(iv)] *(v)* Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

[(v)] *(vi)* Studies of the economy, safety, and convenience of highway use.

[(vi)] *(vii)* The regulation and equitable taxation of highway use.

[(vii)] *(viii)* Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

(B) PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.—None of the funds made available under this subsection shall be obligated or expended for routine maintenance.

(7) LOCATION OF PROJECTS.—Territorial highway program projects (other than those described in paragraphs (1) through (4) of section 133(c) and section 133(b)(12)) may not be undertaken on roads functionally classified as local.

(d) PARTICIPATION OF TERRITORIES IN DISCRETIONARY PROGRAMS.—For any program in which the Secretary may allocate funds out of the Highway Trust Fund (other than the Mass Transit Account) to a State at the discretion of the Secretary, the Secretary may allocate funds to one or more territory for any project or activity that otherwise would be eligible under such program if such project or activity was being carried out in a State.

§ 166. HOV facilities

(a) IN GENERAL.—

(1) AUTHORITY OF PUBLIC AUTHORITIES.—A public authority that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, no fewer than two occupants per vehicle may be required for use of a HOV facility.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding the occupancy requirement of subsection (a)(2), the exceptions in paragraphs (2) through (5) shall apply with respect to a public authority operating a HOV facility.

(2) MOTORCYCLES AND BICYCLES.—

(A) IN GENERAL.—Subject to subparagraph (B), the public authority shall allow motorcycles and bicycles to use the HOV facility.

(B) SAFETY EXCEPTION.—

(i) IN GENERAL.—A public authority may restrict use of the HOV facility by motorcycles or bicycles (or both) if the authority certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification.

(ii) ACCEPTANCE OF CERTIFICATION.—The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

(3) PUBLIC TRANSPORTATION VEHICLES.—The public authority may allow public transportation vehicles to use the HOV facility if the authority—

(A) establishes requirements for clearly identifying the vehicles;

(B) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles; and

(C) provides equal access under the same rates, terms, and conditions for all public transportation vehicles and over-the-road buses serving the public.

(4) HIGH OCCUPANCY TOLL VEHICLES.—The public authority may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority—

(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

(B) develops, manages, and maintains a system that will automatically collect the toll; and

(C) establishes policies and procedures to—

(i) manage the demand to use the facility by varying the toll amount that is charged;

(ii) enforce violations of use of the facility; and

(iii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public [transportation buses] *transportation vehicles*.

(5) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

(A) SPECIAL RULE.—Before September 30, 2025, if a public authority establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the public authority may allow the use of the HOV facility by—

(i) alternative fuel vehicles; and

(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.

(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, [2019] *2025*, the public authority may allow vehicles certified as low emission and

energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), to use the HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority—

(i) establishes a program that addresses the selection of vehicles under this paragraph; and

(ii) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles.

(C) AMOUNT OF TOLLS.—Under this paragraph, a public authority may charge no toll or may charge a toll that is less than or equal to tolls charged under paragraph (4).

(6) EMERGENCY VEHICLES.—The public authority may allow the following vehicles to use the HOV facility if the authority establishes requirements for clearly identifying the vehicles:

(A) An emergency vehicle that is responding to an existing emergency.

(B) A blood transport vehicle that is transporting blood between collection points and hospitals or storage centers.

(c) REQUIREMENTS APPLICABLE TO TOLLS.—

(1) IN GENERAL.—Notwithstanding section 301, tolls may be charged under paragraphs (4) and (5) of subsection (b), subject to the requirements of section 129.

(2) TOLL REVENUE.—Toll revenue collected under this section is subject to the requirements of section 129(a)(3).

(d) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

(1) IN GENERAL.—A public authority that allows vehicles to use a HOV facility under paragraph (4) or (5) of subsection (b) shall submit to the Secretary a report demonstrating that the facility is not already degraded, and that the presence of the vehicles will not cause the facility to become degraded, and certify to the Secretary that the authority will carry out the following responsibilities with respect to the facility:

(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the impacts that the vehicles may have on the operation of the facility and adjacent highways and submitting to the Secretary annual reports of those impacts.

(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section.

(C) Limiting or discontinuing the use of the facility by the vehicles whenever the operation of the facility is degraded.

(D) MAINTENANCE OF OPERATING PERFORMANCE.—

(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility into compliance with the min-

imum average operating speed performance standard through changes to the operation of the facility, including—

(I) increasing the occupancy requirement for HOV lanes;

(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

(IV) increasing the available capacity of the HOV facility.

(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.

(iii) ANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the public authority has brought the HOV facility into compliance with this subsection, the public authority shall submit annual updates that describe—

(I) the actions taken to bring the HOV facility into compliance; and

(II) the progress made by those actions.

(E) COMPLIANCE.—If the public authority fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

(F) WAIVER.—

(i) IN GENERAL.—Upon the request of a public authority, the Secretary may waive the compliance requirements of subparagraph (E), if the Secretary determines that—

(I) the waiver is in the best interest of the traveling public;

(II) the public authority is meeting the conditions under subparagraph (D); and

(III) the public authority has made a good faith effort to improve the performance of the facility.

(ii) CONDITION.—The Secretary may require, as a condition of providing a waiver under this subparagraph, that a public authority take additional actions, as determined by the Secretary, to maximize the operating speed performance of the facility, even if such performance is below the level set under paragraph (2).

(2) DEGRADED FACILITY.—

(A) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.—In this paragraph, the term "minimum average operating speed" means—

(i) [45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater] *35 miles per hour, in the case of a HOV facility with a speed limit of 45 miles per hour or greater*; and

(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour.

(B) STANDARD FOR DETERMINING DEGRADED FACILITY.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during [morning or evening weekday peak hour periods (or both)] *peak hour periods*.

(C) MANAGEMENT OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—In managing the use of HOV lanes by low emission and energy-efficient vehicles that do not meet applicable occupancy requirements, a public authority may increase the percentages described in subsection (f)(3)(B)(i).

(e) CERTIFICATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—[Not later than 180 days after the date of enactment of this section, the Administrator] *The Administrator* of the Environmental Protection Agency shall—

(1) issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of the vehicles; [and]

(2) establish guidelines and procedures for making the vehicle comparisons and performance calculations described in subsection (f)(3)(B), in accordance with section 32908(b) of title 49[.]*; and*

(3) not later than 180 days after the date of enactment of the INVEST in America Act, update the requirements established under paragraph (1).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ALTERNATIVE FUEL VEHICLE.—The term "alternative fuel vehicle" means a vehicle that is solely operating on—

(A) methanol, denatured ethanol, or other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

[(C) natural gas;

[(D) liquefied petroleum gas;]

[(E)] *(C)* hydrogen;

[(F) coal derived liquid fuels;]

[(G)] *(D)* fuels (except alcohol) derived from biological materials;

[(H)] *(E)* electricity (including electricity from solar energy); or

[(I)] *(F)* any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits, including fuels regulated under section 490 of title 10, Code of Federal Regulations (or successor regulations).

(2) HOV FACILITY.—The term "HOV facility" means a high occupancy vehicle facility.

(3) LOW EMISSION AND ENERGY-EFFICIENT VEHICLE.—The term "low emission and energy-efficient vehicle" means a vehicle that—

(A) has been certified by the Administrator as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(B)(i) is certified by the Administrator of the Environmental Protection Agency, in consultation with the manufacturer, to have achieved not less than a 50-percent increase in city fuel economy or not less than a 25-percent increase in combined city-highway fuel economy (or such greater percentage of city or city-highway fuel economy as may be determined by a State under subsection (d)(2)(C)) relative to a comparable vehicle that is an internal combustion gasoline fueled vehicle (other than a vehicle that has propulsion energy from onboard hybrid sources); or

(ii) is an alternative fuel vehicle.

(4) OVER-THE-ROAD BUS.—The term "over-the-road bus" has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

(5) PUBLIC AUTHORITY.—The term "public authority" as used with respect to a HOV facility, means a State, interstate compact of States, public entity designated by a State, or local government having jurisdiction over the operation of the facility.

(6) PUBLIC TRANSPORTATION VEHICLE.—The term "public transportation vehicle" means a vehicle that—

(A) provides designated public transportation (as defined in section 221 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12141) or provides public school transportation (to and from public or private primary, secondary, or tertiary schools); and

(B)(i) is owned or operated by a [public entity] *public transportation service that is a recipient or subrecipient of funds under chapter 53 of title 49*;

(ii) is operated under a contract with a public entity; or

(iii) is operated pursuant to a license by the Secretary or a public authority to provide motorbus or school vehicle transportation services to the public.

(g) CONSULTATION OF MPO.—If a HOV facility charging tolls under paragraph (4) or (5) of subsection (b) is on the Interstate System and located in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility.

§ 167. National highway freight program

(a) IN GENERAL.—

(1) POLICY.—It is the policy of the United States to improve the condition and performance of the National Highway Freight Network established under this section to ensure that the Network provides the foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Administrator of the Federal Highway Administration shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the National Highway Freight Network.

(b) GOALS.—The goals of the national highway freight program are—

(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

(A) strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States;

(B) reduce congestion and bottlenecks on the National Highway Freight Network;

(C) reduce the cost of freight transportation;

(D) improve the year-round reliability of freight transportation; and

(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

(3) to improve the state of good repair of the National Highway Freight Network;

(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Highway Freight Network;

(5) to improve the efficiency and productivity of the National Highway Freight Network;

(6) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address highway freight connectivity**[**; and**]***;*

[(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network.**]**

(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network, including—

(A) greenhouse gas emissions;

(B) local air pollution, including local pollution derived from vehicles idling at railway crossings;

(C) minimizing, capturing, or treating stormwater runoff and addressing other adverse impacts to water quality; and

(D) wildlife habitat loss; and

(8) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors.

(c) ESTABLISHMENT OF NATIONAL HIGHWAY FREIGHT NETWORK.—

(1) IN GENERAL.—The Administrator shall establish a National Highway Freight Network in accordance with this section to strategically direct Federal resources and policies toward improved performance of the Network.

(2) NETWORK COMPONENTS.—The National Highway Freight Network shall consist of—

(A) the primary highway freight system, as designated under subsection (d);

(B) critical rural freight corridors established under subsection (e);

(C) critical urban freight corridors established under subsection (f); and

(D) the portions of the Interstate System not designated as part of the primary highway freight system.

(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be the 41,518-mile network identified during the designation process for the primary freight network under section 167(d) of this title, as in effect on the day before the date of enactment of the FAST Act.

(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

(A) IN GENERAL.—Beginning 5 years after the date of enactment of the FAST Act, and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system.

(B) REDESIGNATION MILEAGE.—Each redesignation may increase the mileage on the primary highway freight system by not more than 3 percent of the total mileage of the system.

(C) USE OF MEASURABLE DATA.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains.

(D) INPUT.—In redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees, as applicable, to submit additional miles for consideration.

(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

(i) changes in the origins and destinations of freight movement in, to, and from the United States;

(ii) changes in the percentage of annual daily truck traffic in the annual average daily traffic on principal arterials;

(iii) changes in the location of key facilities;

(iv) land and water ports of entry;

(v) access to energy exploration, development, installation, or production areas;

(vi) access to other freight intermodal facilities, including rail, air, water, and pipelines facilities;

(vii) the total freight tonnage and value moved via highways;

(viii) significant freight bottlenecks, as identified by the Administrator;

(ix) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains;

(x) critical emerging freight corridors and critical commerce corridors; and

(xi) network connectivity.

(e) CRITICAL RURAL FREIGHT CORRIDORS.—

(1) IN GENERAL.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road is not in an urbanized area and—

(A) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

(B) provides access to energy exploration, development, installation, or production areas;

(C) connects the primary highway freight system, a roadway described in subparagraph (A) or (B), or the Interstate System to facilities that handle more than—

(i) 50,000 20-foot equivalent units per year; or

(ii) 500,000 tons per year of bulk commodities;

(D) provides access to—

(i) a grain elevator;

(ii) an agricultural facility;

(iii) a mining facility;

(iv) a forestry facility; or

(v) an intermodal facility;

(E) connects to an international port of entry;

(F) provides access to significant air, rail, water, or other freight facilities in the State; or

(G) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

(2) LIMITATION.—A State may designate as critical rural freight corridors a maximum of [150 miles] *300 miles* of highway or 20 percent of the primary highway freight system mileage in the State, whichever is greater.

(f) CRITICAL URBAN FREIGHT CORRIDORS.—

(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more in-

dividuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraph (1) or (2) if the public road—

(A) is in an urbanized area, regardless of population; and

(B)(i) connects an intermodal facility to—

(I) the primary highway freight system;

(II) the Interstate System; or

(III) an intermodal freight facility;

(ii) is located within a corridor of a route on the primary highway freight system and provides an alternative highway option important to goods movement;

(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

(4) LIMITATION.—For each State, a maximum of [75 miles] *150 miles* of highway or 10 percent of the primary highway freight system mileage in the State, whichever is greater, may be designated as a critical urban freight corridor under paragraphs (1) and (2).

(g) DESIGNATION AND CERTIFICATION.—

(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—[Not later than 2 years after the date of enactment of the FAST Act, and biennially thereafter, the Administrator shall prepare] *As part of the report required under section 503(b)(8), the Administrator shall biennially prepare* and submit to Congress a report that describes the conditions and performance of the National Highway Freight Network in the United States.

(i) USE OF APPORTIONED FUNDS.—

(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the National Highway Freight Network.

[(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

[(A) the total mileage in the State designated as part of the primary highway freight system; bears to

[(B) the total mileage of the primary highway freight system in all States.

[(3) USE OF FUNDS.—

[(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

[(i) the primary highway freight system;

[(ii) critical rural freight corridors; and

[(iii) critical urban freight corridors.

[(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the National Highway Freight Network.

[(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the FAST Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed a freight plan in accordance with section 70202 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.]

(2) FREIGHT PLANNING.—Notwithstanding any other provision of law, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed, updated, or amended, as applicable, a freight plan in accordance with section 70202 of title 49.

[(5)] *(3)* ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

(i) contribute to the efficient movement of freight on the National Highway Freight Network; and

(ii) be identified in a freight investment plan included in a freight plan of the State that is in effect.

[(B) OTHER PROJECTS.—For each fiscal year, a State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for freight intermodal or freight rail projects, including projects—

[(i) within the boundaries of public or private freight rail or water facilities (including ports); and

[(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility.]

(B) LIMITATION.—The Federal share of a project described in subparagraph (C)(xxiii) shall fund only elements of such project that provide public benefits.

(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems *and freight management and operations systems*.

(iv) Efforts to reduce the environmental impacts of freight movement.

(v) Environmental and community mitigation for freight movement.

(vi) Railway-highway grade separation.

(vii) Geometric improvements to interchanges and ramps.

(viii) Truck-only lanes.

(ix) Climbing and runaway truck lanes.

(x) Adding or widening of shoulders.

(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note).

(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

(xiv) Traffic signal optimization, including synchronized and adaptive signals.

(xv) Work zone management and information systems.

(xvi) Highway ramp metering.

(xvii) Electronic cargo and border security technologies that improve truck freight movement.

(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

(xix) Additional road capacity to address highway freight bottlenecks.

(xx) Physical separation of passenger vehicles from commercial motor freight.

(xxi) Enhancement of the resiliency of critical highway infrastructure, including highway infrastructure that supports national energy security, to improve the flow of freight.

(xxii) A highway or bridge project, other than a project described in clauses (i) through (xxi), to improve the flow of freight on the National Highway Freight Network.

[(xxiii) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).]

(xxiii) Freight intermodal or freight rail projects, including—

(I) projects within the boundaries of public or private freight rail or water facilities (including ports);

(II) projects that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility; and

(III) any other surface transportation project to improve the flow of freight into or out of a facility described in subclause (I) or (II).

[(6)] *(4)* OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in [paragraph (5)] *paragraph (3)*, a State may use funds apportioned under section 104(b)(5) for—

(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

(B) the necessary costs of—

(i) conducting analyses and data collection related to the national highway freight program;

(ii) developing and updating performance targets to carry out this section; and

(iii) reporting to the Administrator to comply with the freight performance target under section 150.

[(7)] *(5)* APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, the State shall include in the next report submitted under section 150(e) a description of the actions the State will undertake to achieve the targets, including—

(1) an identification of significant freight system trends, needs, and issues within the State;

(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating national highway freight program funds to improve those bottlenecks; and

(4) a description of the actions the State will undertake to meet the performance targets of the State.

(k) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term "intelligent freight transportation system" means—

(A) innovative or intelligent technological transportation systems, infrastructure, or facilities, including elevated freight transportation facilities—

(i) in proximity to, or within, an existing right of way on a Federal-aid highway; or

(ii) that connect land [ports-of entry] *ports-of-entry* to existing Federal-aid highways; or

(B) communications or information processing systems that improve the efficiency, security, or safety of freight movements on the Federal-aid highway system, including to improve the conveyance of freight on dedicated intelligent freight lanes.

(2) OPERATING STANDARDS.—The Administrator shall determine whether there is a need for establishing operating standards for intelligent freight transportation systems.

[(l) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.]

* * * * * * *

§ 171. Carbon pollution reduction

(a) ESTABLISHMENT.—The Secretary shall establish a carbon pollution reduction program to support the reduction of greenhouse gas emissions from the surface transportation system.

(b) ELIGIBLE PROJECTS.—A project is eligible for funding under this section if such project—

(1) is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system;

(2) will help a State meet the greenhouse gas emissions performance targets established under section 150(d); and

(3) is—

(A) eligible for assistance under this title or under chapter 53 of title 49 or is a capital project for vehicles and facilities (whether publicly or privately owned) that are used to provide intercity passenger service by bus; or

(B) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation, provided that the project will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

(c) GUIDANCE.—The Secretary shall issue guidance on methods of determining the reduction of single occupant vehicle trips and improvement of mobility on public roads as those factors relate to intercity rail passenger transportation projects under subsection (b)(4).

(d) OPERATING EXPENSES.—A State may use not more than 10 percent of the funds provided under section 104(b)(9) for the operating expenses of public transportation and passenger rail transportation projects.

(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single oc-

cupant vehicles unless the project consists of a high occupancy vehicle facility and is consistent with section 166.

(f) EVALUATION.—

(1) IN GENERAL.—The Secretary shall annually evaluate the progress of each State in carrying out the program under this section by comparing the percent change in carbon dioxide emissions per capita on public roads in the State calculated as—

(A) the annual carbon dioxide emissions per capita on public roads in the State for the most recent year for which there is data; divided by

(B) the average annual carbon dioxide emissions per capita on public roads in the State in calendar years 2015 through 2019.

(2) MEASURES.—In conducting the evaluation under paragraph (1), the Secretary shall—

(A) prior to the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such data as are available, which may include data on motor fuels usage published by the Federal Highway Administration and information on emissions factors or coefficients published by the Energy Information Administration of the Department of Energy; and

(B) following the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such measures.

(g) PROGRESS REPORT.—The Secretary shall annually issue a carbon pollution reduction progress report, to be made publicly available on the website of the Department of Transportation, that includes—

(1) the results of the evaluation under subsection (f) for each State; and

(2) a ranking of all the States by the criteria under subsection (f), with the States that, for the year covered by such report, have the largest percentage reduction in annual carbon dioxide emissions per capita on public roads being ranked the highest.

(h) HIGH-PERFORMING STATES.—

(1) DESIGNATION.—For purposes of this section, each State that is 1 of the 15 highest ranked States, as determined under subsection (g)(2), and that achieves a reduction in carbon dioxide emissions per capita on public roads, as determined by the evaluation in subsection (f), shall be designated as a high-performing State for the following fiscal year.

(2) USE OF FUNDS.—For each State that is designated as a high-performing State under paragraph (1)—

(A) notwithstanding section 120, the State may use funds made available under this title to pay the non-Federal share of a project under this section during any year for which such State is designated as a high-performing State; and

(B) notwithstanding section 126, the State may transfer up to 50 percent of funds apportioned under section 104(b)(9) to the program under section 104(b)(2) in any

year for which such State is designated as a high-performing State.

(3) TRANSFER.—For each State that is 1 of the 15 lowest ranked States, as determined under subsection (g)(2), the Secretary shall transfer 10 percent of the amount apportioned to the State under section 104(b)(2) in the fiscal year following the year in which the State is so ranked, not including amounts set aside under section 133(d)(1)(A) and under section 133(h) or 505(a), to the apportionment of the State under section 104(b)(9).

(4) LIMITATION.—The Secretary shall not conduct a transfer under paragraph (3)—

(A) until the first fiscal year following the effective date of greenhouse gas performance measures under section 150(c)(7)(A); and

(B) with respect to a State in any fiscal year following the year in which such State achieves a reduction in carbon dioxide emissions per capita on public roads in such year as determined by the evaluation under subsection (f).

(i) REPORT.—Not later than 2 years after the date of enactment of this section and periodically thereafter, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue a report—

(1) detailing, based on the best available science, what types of projects eligible for assistance under this section are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

(2) detailing, based on the best available science, what types of projects eligible for assistance under this section are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.

§ 172. Community climate innovation grants

(a) ESTABLISHMENT.—The Secretary shall establish a community climate innovation grant program (in this section referred to as the "Program") to make grants, on a competitive basis, for locally selected projects that reduce greenhouse gas emissions while improving the mobility, accessibility, and connectivity of the surface transportation system.

(b) PURPOSE.—The purpose of the Program shall be to support communities in reducing greenhouse gas emissions from the surface transportation system.

(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under the Program to the following entities:

(1) A metropolitan planning organization.

(2) A unit of local government or a group of local governments, or a county or multi-county special district.

(3) A subdivision of a local government.

(4) A transit agency.

(5) A special purpose district with a transportation function or a port authority.

(6) An Indian Tribe or Tribal organization.

(7) A territory.

(8) A multijurisdictional group of entities described in paragraphs (1) through (7).

(d) APPLICATIONS.—To be eligible for a grant under the Program, an entity specified in subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(e) ELIGIBLE PROJECTS.—The Secretary may only provide a grant under the Program for a project that is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system and—

(1) is a project eligible for assistance under this title or under chapter 53 of title 49, or is a capital project for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus; or

(2) is a capital project as defined in section 22906 of title 49 to improve intercity passenger rail that will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

(f) ELIGIBLE USES.—Grant amounts received for a project under the Program may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(g) PROJECT PRIORITIZATION.—In making grants for projects under the Program, the Secretary shall give priority to projects that are expected to yield the most significant reductions in greenhouse gas emissions from the surface transportation system.

(h) ADDITIONAL CONSIDERATIONS.—In making grants for projects under the Program, the Secretary shall consider the extent to which—

(1) a project maximizes greenhouse gas reductions in a cost-effective manner;

(2) a project reduces dependence on single-occupant vehicle trips or provides additional transportation options;

(3) a project improves the connectivity and accessibility of the surface transportation system, particularly to low- and zero-emission forms of transportation, including public transportation, walking, and bicycling;

(4) an applicant has adequately considered or will adequately consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

(5) a project contributes to geographic diversity among grant recipients, including to achieve a balance between urban, suburban, and rural communities;

(6) a project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents;

(7) a project uses pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes;

(8) a project repurposes neglected or underused infrastructure, including abandoned highways, bridges, railways, trail ways, and adjacent underused spaces, into new hybrid forms of public space that support multiple modes of transportation; and

(9) a project includes regional multimodal transportation system management and operations elements that will improve the effectiveness of such project and encourage reduction of single occupancy trips by providing the ability of users to plan, use, and pay for multimodal transportation alternatives.

(i) FUNDING.—

(1) MAXIMUM AMOUNT.—The maximum amount of a grant under the Program shall be $25,000,000.

(2) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out the Program, the Secretary may use up to 1 percent to provide technical assistance to applicants and potential applicants.

(j) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of this title to a highway project;

(B) the requirements of chapter 53 of title 49 to a public transportation project; and

(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single oc-

cupant vehicles unless the project consists of a high-occupancy vehicle facility and is consistent with section 166.

(l) PUBLIC COMMENT.—Prior to issuing the notice of funding opportunity for funding under this section for fiscal year 2023, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall solicit public comment on the method of determining the significant reduction in greenhouse gas emissions required under subsection (e).

(m) CONSULTATION.—Prior to making an award under this section in a given fiscal year, the Secretary shall consult with the Administrator of the Environmental Protection Agency to determine which projects are expected to yield a significant reduction in greenhouse gas emissions as required under subsection (e).

(n) RURAL SET-ASIDE.—

(1) IN GENERAL.—The Secretary shall set aside not less than 10 percent of the amounts made available to carry out this section for projects located in rural areas.

(2) DEFINITION OF RURAL AREA.—In this subsection, the term "rural area" means all areas of a State or territory that are outside of an urbanized area with a population greater than 74,999 individuals, as determined by the Bureau of the Census.

§ 173. Community transportation investment grant program

(a) ESTABLISHMENT.—The Secretary shall establish a community transportation investment grant program to improve surface transportation safety, state of good repair, accessibility, and environmental quality through infrastructure investments.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary shall make grants, on a competitive basis, to eligible entities in accordance with this section.

(2) GRANT AMOUNT.—The maximum amount of a grant under this section shall be $25,000,000.

(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(d) ELIGIBLE PROJECT COSTS.—Grant amounts for an eligible project carried out under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to such land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(e) RURAL AND COMMUNITY SETASIDES.—

(1) IN GENERAL.—The Secretary shall reserve—

(A) not less than 25 percent of the amounts made available to carry out this section for projects located in rural areas; and

(B) not less than 25 percent of the amounts made available to carry out this section for projects located in areas with a population greater than 74,999 individuals and fewer than 200,001 individuals.

(2) DEFINITION OF RURAL AREA.—In this subsection, the term "rural area" means all areas of a State or territory that are outside of an urbanized area with a population greater than 74,999 individuals, as determined by the Bureau of the Census.

(3) EXCESS FUNDING.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

(f) EVALUATION.—To evaluate applications under this section, the Secretary shall—

(1) develop a process to objectively evaluate applications on the benefits of the project proposed in such application—

(A) to transportation safety, including reductions in traffic fatalities and serious injuries;

(B) to state of good repair, including improved condition of bridges and pavements;

(C) to transportation system access, including improved access to jobs and services; and

(D) in reducing greenhouse gas emissions;

(2) develop a rating system to assign a numeric value to each application, based on each of the criteria described in paragraph (1);

(3) for each application submitted, compare the total benefits of the proposed project, as determined by the rating system developed under paragraph (2), with the costs of such project, and rank each application based on the results of the comparison; and

(4) ensure that only such applications that are ranked highly based on the results of the comparison conducted under paragraph (3) are considered to receive a grant under this section.

(g) WEIGHTING.—In establishing the evaluation process under subsection (f), the Secretary may assign different weights to the criteria described in subsection (f)(1) based on project type, population served by a project, and other context-sensitive considerations, provided that—

(1) each application is rated on all criteria described in subsection (f)(1); and

(2) each application has the same possible minimum and maximum rating, regardless of any differences in the weighting of criteria.

(h) TRANSPARENCY.—

(1) PUBLICLY AVAILABLE INFORMATION.—Prior to the issuance of any notice of funding opportunity under this section, the Secretary shall make publicly available on the website of the Department of Transportation a detailed explanation of the evaluation and rating process developed under subsection (f), including any differences in the weighting of criteria pursuant to subsection (g), if applicable, and update such website for each revision of the evaluation and rating process.

(2) NOTIFICATIONS TO CONGRESS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate the following written notifications:

(A) A notification when the Secretary publishes or updates the information required under paragraph (1).

(B) Not later than 30 days prior to the date on which the Secretary awards a grant under this section, a notification that includes—

(i) the ratings of each application submitted pursuant to subsection (f)(2);

(ii) the ranking of each application submitted pursuant to subsection (f)(3); and

(iii) a list of all applications that receive final consideration by the Secretary to receive an award under this section pursuant to subsection (f)(4).

(C) Not later than 3 business days prior to the date on which the Secretary announces the award of a grant under this section, a notification describing each grant to be awarded, including the amount and the recipient.

(i) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $3,000,000 in each fiscal year to provide technical assistance to eligible entities.

(j) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 for the administrative costs of carrying out the program under this section.

(k) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of this title to a highway project;

(B) the requirements of chapter 53 of title 49 to a public transportation project; and

(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(l) TRANSPARENCY.—

(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

(A) a summary of each application made to the program for the grant application period; and

(B) the evaluation and justification for the project selection, including ratings and rankings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

(m) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a metropolitan planning organization;

(B) a unit of local government;

(C) a transit agency;

(D) an Indian Tribe or Tribal organization;

(E) a multijurisdictional group of entities described in this paragraph;

(F) a special purpose district with a transportation function or a port authority;

(G) a territory; or

(H) a State that applies for a grant under this section jointly with an entity described in subparagraphs (A) through (G).

(2) ELIGIBLE PROJECT.—The term "eligible project" means any project eligible under this title or chapter 53 of title 49.

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CHAPTER 2—OTHER HIGHWAYS

Sec.
201. Federal lands and tribal transportation programs.

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208. Federal lands and Tribal major projects program.

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211. Safe routes to school program.
212. Use of youth service and conservation corps.

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§ 201. Federal lands and tribal transportation programs

(a) PURPOSE.— Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, the Secretary of Transportation, in collaboration with the Secretaries of the appropriate Federal land management agencies, shall coordinate a uniform policy for all public Federal and tribal transportation facilities that shall apply to Federal lands transportation facilities, tribal transportation facilities, and Federal lands access transportation facilities.

(b) AVAILABILITY OF FUNDS.—

(1) AVAILABILITY.— Funds authorized for the tribal transportation program, the Federal lands transportation program, and the Federal lands access program shall be available for contract upon apportionment, or on October 1 of the fiscal year for which the funds were authorized if no apportionment is required.

(2) AMOUNT REMAINING.— Any amount remaining unexpended for a period of 3 years after the close of the fiscal year for which the funds were authorized shall lapse.

(3) OBLIGATIONS.— The Secretary of the department responsible for the administration of funds under this subsection may incur obligations, approve projects, and enter into contracts under such authorizations, which shall be considered to be contractual obligations of the United States for the payment of the cost thereof, the funds of which shall be considered to have been expended when obligated.

(4) EXPENDITURE.—

(A) IN GENERAL.— Any funds authorized for any fiscal year after the date of enactment of this section under the Federal lands transportation program, the Federal lands access program, and the tribal transportation program shall be considered to have been expended if a sum equal to the total of the sums authorized for the fiscal year and previous fiscal years have been obligated.

(B) CREDITED FUNDS.— Any funds described in subparagraph (A) that are released by payment of final voucher or modification of project authorizations shall be—

(i) credited to the balance of unobligated authorizations; and

(ii) immediately available for expenditure.

(5) APPLICABILITY.— This section shall not apply to funds authorized before the date of enactment of this paragraph.

(6) CONTRACTUAL OBLIGATION.—

(A) IN GENERAL.— Notwithstanding any other provision of law (including regulations), the authorization by the Secretary, or the Secretary of the appropriate Federal land management agency if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval by the Secretary of plans, specifications, and estimates for construction of a project,

shall be considered to constitute a contractual obligation of the Federal Government to pay the total eligible cost of—

(i) any project funded under this title; and

(ii) any project funded pursuant to agreements authorized by this title or any other title.

(B) EFFECT.— Nothing in this paragraph—

(i) affects the application of the Federal share associated with the project being undertaken under this section; or

(ii) modifies the point of obligation associated with Federal salaries and expenses.

(7) FEDERAL SHARE.—

(A) TRIBAL AND FEDERAL LANDS TRANSPORTATION PROGRAM.— The Federal share of the cost of a project carried out under the Federal lands transportation program or the tribal transportation program shall be 100 percent.

(B) FEDERAL LANDS ACCESS PROGRAM.— The Federal share of the cost of a project carried out under the Federal lands access program shall be determined in accordance with section 120.

(c) TRANSPORTATION PLANNING.—

(1) TRANSPORTATION PLANNING PROCEDURES.— In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall implement transportation planning procedures for Federal lands and tribal transportation facilities that are consistent with the planning processes required under sections 134 and 135.

(2) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.— The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

(3) INCLUSION IN OTHER PLANS.— Each regionally significant tribal transportation program, Federal lands transportation program, and Federal lands access program project shall be—

(A) developed in cooperation with State and metropolitan planning organizations; and

(B) included in appropriate tribal transportation program plans, Federal lands transportation program plans, Federal lands access program plans, State and metropolitan plans, and transportation improvement programs.

(4) INCLUSION IN STATE PROGRAMS.— The approved tribal transportation program, Federal lands transportation program, and Federal lands access program transportation improvement programs shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

(5) ASSET MANAGEMENT.— The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the tribal transportation program and the Federal lands transportation program in support of asset management.

(6) DATA COLLECTION.—

(A) DATA COLLECTION.—

(i) IN GENERAL.— The Secretaries of the appropriate Federal land management agencies shall collect and report data necessary to implement the Federal lands transportation program, the Federal lands access program, and the tribal transportation program.

(ii) REQUIREMENT.— Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*.

(iii) INCLUSIONS.— Data collected under this paragraph includes—

(I) inventory and condition information on Federal lands transportation facilities and tribal transportation facilities; and

(II) bridge inspection and inventory information on any Federal bridge open to the public.

(B) STANDARDS.— The Secretary, in coordination with the Secretaries of the appropriate Federal land management agencies, shall define the collection and reporting data standards.

(C) TRIBAL DATA COLLECTION.— In addition to the data to be collected under subparagraph (A), not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of the Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

(i) The names of projects and activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

(ii) A description of the projects and activities identified under clause (i).

(iii) The current status of the projects and activities identified under clause (i).

(iv) An estimate of the number of jobs created and the number of jobs retained by the projects and activities identified under clause (i).

(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.— The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

(8) FUNDING.—

(A) IN GENERAL.— To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in [section 125(e)] *section 125(j)*), the Secretary shall for each fiscal year combine and use not greater than 5 percent of the funds authorized for programs under sections 203 and 204.

(B) OTHER ACTIVITIES.— In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.

(d) REIMBURSABLE AGREEMENTS.— In carrying out work under reimbursable agreements with any State, local, or tribal government under this title, the Secretary—

(1) may, without regard to any other provision of law (including regulations), record obligations against accounts receivable from the entity; and

(2) shall credit amounts received from the entity to the appropriate account, which shall occur not later than 90 days after the date of the original request by the Secretary for payment.

(e) TRANSFERS.—

(1) IN GENERAL.— To enable the efficient use of funds made available for the Federal lands transportation program and the Federal lands access program, the funds may be transferred by the Secretary within and between each program with the concurrence of, as appropriate—

(A) the Secretary;

(B) the affected Secretaries of the respective Federal land management agencies;

(C) State departments of transportation; and

(D) local government agencies.

(2) CREDIT.— The funds described in paragraph (1) shall be credited back to the loaning entity with funds that are currently available for obligation at the time of the credit.

(f) ALTERNATIVE CONTRACTING METHODS.—

(1) IN GENERAL.— Notwithstanding any other provision of law, the Secretary may use a contracting method available to a State under this title on behalf of—

(A) a Federal land management agency, with respect to any funds available pursuant to section 203 or 204;

(B) a Federal land management agency, with respect to any funds available pursuant to section 1535 of title 31 for any eligible use described in sections 203(a)(1) and 204(a)(1) of this title; or

(C) a Tribal Government, with respect to any funds available pursuant to section 202(b)(7)(D).

(2) METHODS DESCRIBED.— The contracting methods referred to in paragraph (1) shall include, at a minimum—

(A) project bundling;

(B) bridge bundling;

(C) design-build contracting;

(D) 2-phase contracting;

(E) long-term concession agreements; and

(F) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

(3) RULE OF CONSTRUCTION.— Nothing in this subsection—

(A) affects the application of the Federal share for a project carried out with a contracting method under this subsection; or

(B) modifies the point of obligation of Federal salaries and expenses.

§ 202. Tribal transportation program

(a) USE OF FUNDS.—

(1) IN GENERAL.— Funds made available under the tribal transportation program shall be used by the Secretary of Transportation and the Secretary of the Interior to pay the costs of—

(A)(i) transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;

(ii) adjacent vehicular parking areas;

(iii) interpretive signage;

(iv) acquisition of necessary scenic easements and scenic or historic sites;

(v) provisions for pedestrians and bicycles;

(vi) environmental mitigation in or adjacent to tribal land—

(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and

(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;

(vii) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and

(viii) other appropriate public road facilities as determined by the Secretary;

(B) operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government; and

(C) any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.

(2) CONTRACT.— In connection with an activity described in paragraph (1), the Secretary and the Secretary of the Interior may enter into a contract or other appropriate agreement with respect to the activity with—

(A) a State (including a political subdivision of a State); or

(B) an Indian tribe.

(3) INDIAN LABOR.— Indian labor may be employed, in accordance with such rules and regulations as may be promul-

gated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1).

(4) FEDERAL EMPLOYMENT.— No maximum limitation on Federal employment shall be applicable to the construction or improvement of tribal transportation facilities.

(5) FUNDS FOR CONSTRUCTION AND IMPROVEMENT.— All funds made available for the construction and improvement of tribal transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the Interior.

(6) ADMINISTRATIVE EXPENSES.— Of the funds authorized to be appropriated for the tribal transportation program, not more than 5 percent may be used by the Secretary or the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(7) TRIBAL TECHNICAL ASSISTANCE CENTERS.— The Secretary of the Interior may reserve amounts from administrative funds of the Bureau of Indian Affairs that are associated with the tribal transportation program to fund tribal technical assistance centers under section 504(b).

(8) MAINTENANCE.—

(A) USE OF FUNDS.— Notwithstanding any other provision of this title, of the amount of funds allocated to an Indian tribe from the tribal transportation program, for the purpose of maintenance (excluding road sealing, which shall not be subject to any limitation), the Secretary shall not use an amount more than the greater of—

(i) an amount equal to 25 percent; or

(ii) $500,000.

(B) RESPONSIBILITY OF BUREAU OF INDIAN AFFAIRS AND SECRETARY OF THE INTERIOR.—

(i) BUREAU OF INDIAN AFFAIRS.— The Bureau of Indian Affairs shall retain primary responsibility, including annual funding request responsibility, for Bureau of Indian Affairs road maintenance programs on Indian reservations.

(ii) SECRETARY OF THE INTERIOR.— The Secretary of the Interior shall ensure that funding made available under this subsection for maintenance of tribal transportation facilities for each fiscal year is supplementary to, and not in lieu of, any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.

(C) TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.—

(i) IN GENERAL.— An Indian tribe and a State may enter into a road maintenance agreement under which an Indian tribe shall assume the responsibility of the State for—

(I) tribal transportation facilities; and

(II) roads providing access to tribal transportation facilities.

(ii) REQUIREMENTS.— Agreements entered into under clause (i) shall—

(I) be negotiated between the State and the Indian tribe; and

(II) not require the approval of the Secretary.

(9) COOPERATION.—

(A) IN GENERAL.— The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

(B) FUNDS RECEIVED.— Any funds received from a State, county, or local subdivision shall be credited to appropriations available for the tribal transportation program.

(10) COMPETITIVE BIDDING.—

(A) CONSTRUCTION.—

(i) IN GENERAL.— Subject to clause (ii) and subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

(ii) EXCEPTION.— Clause (i) shall not apply if the Secretary or the Secretary of the Interior affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

(B) APPLICABILITY.— Notwithstanding subparagraph (A), section 23 of the Act of June 25, 1910 (25 U.S.C. 47) and section 7(b) of the Indian Self-Determination and Education Assistance Act ❙(25 U.S.C. 450e(b))❙ *(25 U.S.C. 5307(b))* shall apply to all funds administered by the Secretary of the Interior that are appropriated for the construction and improvement of tribal transportation facilities.

(b) FUNDS DISTRIBUTION.—

(1) NATIONAL TRIBAL TRANSPORTATION FACILITY INVENTORY.—

(A) IN GENERAL.— The Secretary of the Interior, in cooperation with the Secretary, shall maintain a comprehensive national inventory of tribal transportation facilities that are eligible for assistance under the tribal transportation program.

(B) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORY.— For purposes of identifying the tribal transportation system and determining the relative transportation needs among Indian tribes, the Secretary shall include, at a minimum, transportation facilities that are eligible for assistance under the tribal transportation program that an Indian tribe has requested, including facilities that—

(i) were included in the Bureau of Indian Affairs system inventory prior to October 1, 2004;

(ii) are owned by an Indian tribal government;

(iii) are owned by the Bureau of Indian Affairs;

(iv) were constructed or reconstructed with funds from the Highway Trust Fund under the Indian reservation roads program since 1983;

(v) are public roads or bridges within the exterior boundary of Indian reservations, Alaska Native villages, and other recognized Indian communities (including communities in former Indian reservations in the State of Oklahoma) in which the majority of residents are American Indians or Alaska Natives;

(vi) are public roads within or providing access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian or Alaska Native villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians; or

(vii) are primary access routes proposed by tribal governments, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal terminals, such as airports, harbors, or boat landings.

(C) LIMITATION ON PRIMARY ACCESS ROUTES.— For purposes of this paragraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.

(D) ADDITIONAL FACILITIES.— Nothing in this paragraph precludes the Secretary from including additional transportation facilities that are eligible for funding under the tribal transportation program in the inventory used for the national funding allocation if such additional facilities are included in the inventory in a uniform and consistent manner nationally.

(E) BRIDGES.— All bridges in the inventory shall be recorded in the national bridge inventory administered by the Secretary under section 144.

(2) REGULATIONS.— Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall maintain any regulations governing the tribal transportation program.

(3) BASIS FOR FUNDING FORMULA.—

(A) BASIS.—

(i) IN GENERAL.— After making the set asides authorized under subparagraph (C) and subsections (a)(6), (c), (d), and (e) on October 1 of each fiscal year, the Secretary shall distribute the remainder authorized to be appropriated for the tribal transportation program under this section among Indian tribes as follows:

(I) For fiscal year 2013—

(aa) for each Indian tribe, 80 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

(II) For fiscal year 2014—

(aa) for each Indian tribe, 60 percent of the total relative need distribution factor and population adjustment factor for the fiscal year

2011 funding amount made available to that Indian tribe; and

(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

(III) For fiscal year 2015—

(aa) for each Indian tribe, 40 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

(IV) For fiscal year 2016 and thereafter—

(aa) for each Indian tribe, 20 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

(ii) TRIBAL HIGH PRIORITY PROJECTS.— The High Priority Projects program as included in the Tribal Transportation Allocation Methodology of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP–21), shall not continue in effect.

(B) TRIBAL SHARES.— Tribal shares under this program shall be determined using the national tribal transportation facility inventory as calculated for fiscal year 2012, and the most recent data on American Indian and Alaska Native population within each Indian tribe's American Indian/Alaska Native Reservation or Statistical Area, as computed under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), in the following manner:

(i) 27 percent in the ratio that the total eligible road mileage in each tribe bears to the total eligible road mileage of all American Indians and Alaskan Natives. For the purposes of this calculation, eligible road mileage shall be computed based on the inventory described in paragraph (1), using only facilities included in the inventory described in clause (i), (ii), or (iii) of paragraph (1)(B).

(ii) 39 percent in the ratio that the total population in each tribe bears to the total population of all American Indians and Alaskan Natives.

(iii) 34 percent shall be divided equally among each Bureau of Indian Affairs region. Within each region, such share of funds shall be distributed to each Indian tribe in the ratio that the average total relative need distribution factors and population adjustment factors from fiscal years 2005 through 2011 for a tribe bears to the average total of relative need distribution fac-

tors and population adjustment factors for fiscal years 2005 through 2011 in that region.

(C) TRIBAL SUPPLEMENTAL FUNDING.—

(i) TRIBAL SUPPLEMENTAL FUNDING AMOUNT.— Of funds made available for each fiscal year for the tribal transportation program, the Secretary shall set aside the following amount for a tribal supplemental program:

(I) If the amount made available for the tribal transportation program is less than or equal to $275,000,000, 30 percent of such amount.

(II) If the amount made available for the tribal transportation program exceeds $275,000,000—

(aa) $82,500,000; plus

(bb) 12.5 percent of the amount made available for the tribal transportation program in excess of $275,000,000.

(ii) TRIBAL SUPPLEMENTAL ALLOCATION.— The Secretary shall distribute tribal supplemental funds as follows:

(I) DISTRIBUTION AMONG REGIONS.— Of the amounts set aside under clause (i), the Secretary shall distribute to each region of the Bureau of Indian Affairs a share of tribal supplemental funds in proportion to the regional total of tribal shares based on the cumulative tribal shares of all Indian tribes within such region under subparagraph (B).

(II) DISTRIBUTION WITHIN A REGION.— Of the amount that a region receives under subclause (I), the Secretary shall distribute tribal supplemental funding among Indian tribes within such region as follows:

(aa) TRIBAL SUPPLEMENTAL AMOUNTS.— The Secretary shall determine—

(AA) which such Indian tribes would be entitled under subparagraph (A) to receive in a fiscal year less funding than they would receive in fiscal year 2011 pursuant to the relative need distribution factor and population adjustment factor, as described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP–21); and

(BB) the combined amount that such Indian tribes would be entitled to receive in fiscal year 2011 pursuant to such relative need distribution factor and population adjustment factor in excess of the amount that they would be entitled to receive in the fiscal year under subparagraph (B).

(bb) COMBINED AMOUNT.— Subject to subclause (III), the Secretary shall distribute to

each Indian tribe that meets the criteria described in item (aa)(AA) a share of funding under this subparagraph in proportion to the share of the combined amount determined under item (aa)(BB) attributable to such Indian tribe.

(III) CEILING.— An Indian tribe may not receive under subclause (II) and based on its tribal share under subparagraph (A) a combined amount that exceeds the amount that such Indian tribe would be entitled to receive in fiscal year 2011 pursuant to the relative need distribution factor and population adjustment factor, as described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP–21).

(IV) OTHER AMOUNTS.— If the amount made available for a region under subclause (I) exceeds the amount distributed among Indian tribes within that region under subclause (II), the Secretary shall distribute the remainder of such region's funding under such subclause among all Indian tribes in that region in proportion to the combined amount that each such Indian tribe received under subparagraph (A) and subclauses (I), (II), and (III).

(4) TRANSFERRED FUNDS.—

(A) IN GENERAL.— Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and made available for immediate use by, eligible Indian tribes, in accordance with the formula for distribution of funds under the tribal transportation program.

(B) USE OF FUNDS.— Notwithstanding any other provision of this section, funds made available to Indian tribes for tribal transportation facilities shall be expended on projects identified in a transportation improvement program approved by the Secretary.

(5) HEALTH AND SAFETY ASSURANCES.— Notwithstanding any other provision of law, an Indian tribal government may approve plans, specifications, and estimates and commence road and bridge construction with funds made available from the tribal transportation program through a contract or agreement under *the* Indian Self-Determination and Education Assistance Act ❚(25 U.S.C. 450 et seq.)❚ *(25 U.S.C. 5301 et seq.)*, if the Indian tribal government—

(A) provides assurances in the contract or agreement that the construction will meet or exceed applicable health and safety standards;

(B) obtains the advance review of the plans and specifications from a State-licensed civil engineer that has certified that the plans and specifications meet or exceed the applicable health and safety standards; and

(C) provides a copy of the certification under subparagraph (A) to the Deputy Assistant Secretary for Tribal Government Affairs, Department of Transportation, or the Assistant Secretary for Indian Affairs, Department of the Interior, as appropriate.

(6) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

(A) IN GENERAL.— Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available through the Secretary of the Interior under this chapter and [section 125(e)] *section 125(d)* for tribal transportation facilities to pay for the costs of programs, services, functions, and activities, or portions of programs, services, functions, or activities, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any tribal transportation facility shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with *the* Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*.

(B) EXCLUSION OF AGENCY PARTICIPATION.— All funds, including contract support costs, for programs, functions, services, or activities, or portions of programs, services, functions, or activities, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A), without regard to the organizational level at which the Department of the Interior has previously carried out such programs, functions, services, or activities.

(7) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

(A) IN GENERAL.— Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this chapter for a tribal transportation facility program or project shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*, contracts and agreements for the planning, research, design, engineering, construction, and maintenance relating to the program or project.

(B) EXCLUSION OF AGENCY PARTICIPATION.— In accordance with subparagraph (A), all funds, including contract support costs, for a program or project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the tribal transportation program, the programs, functions, services, or activities involved.

(C) CONSORTIA.— Two or more Indian tribes that are otherwise eligible to participate in a program or project to which this chapter applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

(D) SECRETARY AS SIGNATORY.— Notwithstanding any other provision of law, the Secretary is authorized to enter into a funding agreement with an Indian tribal government to carry out a tribal transportation facility program or project under subparagraph (A) that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe.

(E) FUNDING.— The amount an Indian tribal government receives for a program or project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the program or project in accordance with the funding formula established under this subsection and such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

(F) ELIGIBILITY.—

(i) IN GENERAL.— Subject to clause (ii) and the approval of the Secretary, funds may be made available under subparagraph (A) to an Indian tribal government for a program or project in a fiscal year only if the Indian tribal government requesting such funds demonstrates to the satisfaction of the Secretary financial stability and financial management capability during the 3 fiscal years immediately preceding the fiscal year for which the request is being made.

(ii) CONSIDERATIONS.— An Indian tribal government that had no uncorrected significant and material audit exceptions in the required annual audit of the contracts or self-governance funding agreements made by the Indian tribe with any Federal agency under the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)* during the 3-fiscal year period referred in clause (i) shall be conclusive evidence of the financial stability and financial management capability of the Indian tribe for purposes of clause (i).

(G) ASSUMPTION OF FUNCTIONS AND DUTIES.— An Indian tribal government receiving funding under subparagraph (A) for a program or project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to a program or project under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*.

(H) POWERS.— An Indian tribal government receiving funding under subparagraph (A) for a program or project

shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such program or project under this section if the funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*.

(I) DISPUTE RESOLUTION.— In the event of a disagreement between the Secretary or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred to the Indian tribe under the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*, the Indian tribe shall have the right to pursue all alternative dispute resolution and appeal procedures authorized by that Act, including regulations issued to carry out the Act.

(J) TERMINATION OF CONTRACT OR AGREEMENT.— On the date of the termination of a contract or agreement under this section by an Indian tribal government, the Secretary shall transfer all funds that would have been allocated to the Indian tribal government under the contract or agreement to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

(c) PLANNING.—

(1) IN GENERAL.— For each fiscal year, not more than 2 percent of the funds made available for the tribal transportation program shall be allocated among Indian tribal governments that apply for transportation planning pursuant to the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450 et seq.)] *(25 U.S.C. 5301 et seq.)*.

(2) REQUIREMENT.— An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with section 201(c).

(3) SELECTION AND APPROVAL OF PROJECTS.— A project funded under this section shall be—

(A) selected by the Indian tribal government from the transportation improvement program; and

(B) subject to the approval of the Secretary of the Interior and the Secretary.

(d) TRIBAL TRANSPORTATION FACILITY BRIDGES.—

(1) NATIONWIDE PRIORITY PROGRAM.— The Secretary shall maintain a nationwide priority program for [improving deficient] *the construction and reconstruction of* bridges eligible for the tribal transportation program.

(2) FUNDING.— Before making any distribution under subsection (b), the Secretary shall set aside not more than 3 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated—

(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of a project to

construct, replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or

(B) to implement any countermeasure for [deficient] tribal transportation facility bridges *in poor condition*, including multiple-pipe culverts.

(3) [ELIGIBLE BRIDGES] *ELIGIBILITY FOR EXISTING BRIDGES.*— To be eligible to receive funding under this subsection, [a bridge] *an existing bridge* described in paragraph (1) shall—

(A) have an opening of not less than 20 feet;

(B) be classified as a tribal transportation facility; and

(C) be [structurally deficient or functionally obsolete] *in poor condition*.

(4) APPROVAL REQUIREMENT.— The Secretary may make funds available under this subsection for preliminary engineering, construction, and construction engineering activities after approval of required documentation and verification of eligibility in accordance with this title.

(e) SAFETY.—

(1) FUNDING.— Before making any distribution under subsection (b), the Secretary shall set aside not more than 2 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated based on an identification and analysis of highway safety issues and opportunities on tribal land, as determined by the Secretary, on application of the Indian tribal governments [for eligible projects described in section 148(a)(4).] *for—*

(A) eligible projects described in section 148(a)(4);

(B) projects to promote public awareness and education concerning highway safety matters (including bicycle, all-terrain, motorcyclist, and pedestrian safety); or

(C) projects to enforce highway safety laws.

(2) PROJECT SELECTION.— An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall select projects from the transportation improvement program, subject to the approval of the Secretary and the Secretary of the Interior.

(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.— Before making any distribution under subsection (b), the Secretary shall set aside $50,000,000 from the funds made available under the tribal transportation program for each fiscal year to carry out the Tribal High Priority Projects program under section 1123 of MAP–21 (23 U.S.C. 202 note).

[(f)] *(g)* FEDERAL-AID ELIGIBLE PROJECTS.— Before approving as a project on a tribal transportation facility any project eligible for funds apportioned under section 104 in a State, the Secretary shall, for projects on tribal transportation facilities, determine that the obligation of funds for the project is supplementary to and not in lieu of the obligation of a fair and equitable share of funds apportioned to the State under section 104.

§ 203. Federal lands transportation program

(a) USE OF FUNDS.—

(1) IN GENERAL.— Funds made available under the Federal lands transportation program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the costs of—

(A) program administration, transportation planning, research, preventive maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Federal lands transportation facilities, and—

(i) adjacent vehicular parking areas;

(ii) acquisition of necessary scenic easements and scenic or historic sites;

(iii) provision for pedestrians and bicycles;

(iv) environmental mitigation in or adjacent to Federal land open to the public—

(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and

(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;

(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities;

(vi) congestion mitigation; and

(vii) other appropriate public road facilities, as determined by the Secretary;

(B) capital, operations, and maintenance of transit facilities;

(C) any transportation project eligible for assistance under this title that is on a public road within or adjacent to, or that provides access to, Federal lands open to the public; and

(D) not more $10,000,000 of the amounts made available per fiscal year to carry out this section for activities eligible under subparagraph (A)(iv)(I).

(2) CONTRACT.— In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—

(A) a State (including a political subdivision of a State); or

(B) an Indian tribe.

(3) ADMINISTRATION.— All appropriations for the construction and improvement of Federal lands transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

(4) COOPERATION.—

(A) IN GENERAL.— The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

(B) FUNDS RECEIVED.— Any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands transportation facilities to which the funds were contributed.

(5) COMPETITIVE BIDDING.—

(A) IN GENERAL.— Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

(B) EXCEPTION.— Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

(6) TRANSFER FOR HIGH-COMMUTER CORRIDORS.—

(A) REQUEST.— If the head of a covered agency determines that a high-commuter corridor requires additional investment, based on the criteria described in subparagraph (D), the head of a covered agency, with respect to such corridor, shall submit to the State—

(i) information on condition of pavements and bridges;

(ii) an estimate of the amounts needed to bring such corridor into a state of good repair, taking into consideration any planned future investments; and

(iii) at the discretion of the head of a covered agency, a request that the State transfer to the covered agency, under the authority of section 132 or section 204, or to the Federal Highway Administration, under the authority of section 104, a portion of such amounts necessary to address the condition of the corridor.

(B) STATE RESPONSE.— Not later than 45 days after the date of receipt of the request described in subparagraph (A)(iii), the State shall—

(i) approve the request;

(ii) deny the request and explain the reasons for such denial; or

(iii) request any additional information necessary to take action on the request.

(C) NOTIFICATION TO THE SECRETARY.— The head of a covered agency shall provide to the Secretary a copy of any request described under subparagraph (A)(iii) and response described under subparagraph (B).

(D) CRITERIA.— In making a determination under subparagraph (A), the head of a covered agency, with respect to the corridor, shall consider—

(i) the condition of roads, bridges, and tunnels; and

(ii) the average annual daily traffic.

(E) DEFINITIONS.— In this paragraph:

(i) COVERED AGENCY.— The term "covered agency" means a Federal agency eligible to receive funds under this section, section 203, or section 204, including the

Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management.

(ii) HIGH-COMMUTER CORRIDOR.— The term "high-commuter corridor" means a Federal lands transportation facility that has an average annual daily traffic of not less than 20,000 vehicles.

(b) AGENCY PROGRAM DISTRIBUTIONS.—

(1) IN GENERAL.— On October 1, 2011, and on October 1 of each fiscal year thereafter, the Secretary shall allocate the sums authorized to be appropriated for the fiscal year for the Federal lands transportation program on the basis of applications of need, as determined by the Secretary—

(A) in consultation with the Secretaries of the applicable Federal land management agencies; and

(B) in coordination with the transportation plans required under section 201 of the respective transportation systems of—

(i) the National Park Service;

(ii) the Forest Service;

(iii) the United States Fish and Wildlife Service;

(iv) the Corps of Engineers;

(v) the Bureau of Land Management;

(vi) the Bureau of Reclamation; and

(vii) independent Federal agencies with natural resource and land management responsibilities.

(2) APPLICATIONS.—

(A) REQUIREMENTS.— Each application submitted by a Federal land management agency shall include proposed programs at various potential funding levels, as defined by the Secretary following collaborative discussions with applicable Federal land management agencies.

(B) CONSIDERATION BY SECRETARY.— In evaluating an application submitted under subparagraph (A), the Secretary shall consider the extent to which the programs support performance management, including—

(i) the transportation goals of—

(I) a state of good repair of transportation facilities;

(II) a reduction of bridge deficiencies; and

(III) an improvement of safety;

(ii) high-use Federal recreational sites or Federal economic generators; and

(iii) the resource and asset management goals of the Secretary of the respective Federal land management agency.

(C) PERMISSIVE CONTENTS.— Applications may include proposed programs the duration of which extend over a multiple-year period to support long-term transportation planning and resource management initiatives.

(c) NATIONAL FEDERAL LANDS TRANSPORTATION FACILITY INVENTORY.—

(1) IN GENERAL.— The Secretaries of the appropriate Federal land management agencies, in cooperation with the Secretary,

shall maintain a comprehensive national inventory of public Federal lands transportation facilities.

(2) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORIES.— To identify the Federal lands transportation system and determine the relative transportation needs among Federal land management agencies, the inventories shall include, at a minimum, facilities that—

(A) provide access to high-use Federal recreation sites or Federal economic generators, as determined by the Secretary in coordination with the respective Secretaries of the appropriate Federal land management agencies; and

(B) are owned by 1 of the following agencies:

(i) The National Park Service.

(ii) The Forest Service.

(iii) The United States Fish and Wildlife Service.

(iv) The Bureau of Land Management.

(v) The Corps of Engineers.

(vi) The Bureau of Reclamation.

(3) AVAILABILITY.— The inventories shall be made available to the Secretary.

(4) UPDATES.— The Secretaries of the appropriate Federal land management agencies shall update the inventories of the appropriate Federal land management agencies, as determined by the Secretary after collaborative discussions with the Secretaries of the appropriate Federal land management agencies.

(5) REVIEW.— A decision to add or remove a facility from the inventory shall not be considered a Federal action for purposes of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) BICYCLE SAFETY.— The Secretary of the appropriate Federal land management agency shall prohibit the use of bicycles on each federally owned road that has a speed limit of 30 miles per hour or greater and an adjacent paved path for use by bicycles within 100 yards of the road unless the Secretary determines that the bicycle level of service on that roadway is rated B or higher.

§ 204. Federal lands access program

(a) USE OF FUNDS.—

(1) IN GENERAL.— Funds made available under the Federal lands access program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the cost of—

(A) transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, *context-sensitive solutions,* construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and—

(i) adjacent vehicular parking areas*, including interpretive panels in or adjacent to those areas*;

(ii) acquisition of necessary scenic easements and scenic or historic sites;

(iii) provisions for pedestrians and bicycles;

(iv) environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-

caused wildlife mortality while maintaining habitat connectivity;

(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities; [and]

(vi) contextual wayfinding markers;

(vii) landscaping;

(viii) cooperative mitigation of visual blight, including screening or removal; and

[(vi)] *(ix)* other appropriate public road facilities, as determined by the Secretary;

(B) operation and maintenance of transit facilities; and

(C) any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.

(2) CONTRACT.— In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—

(A) a State (including a political subdivision of a State); or

(B) an Indian tribe.

(3) ADMINISTRATION.— All appropriations for the construction and improvement of Federal lands access transportation facilities shall be administered in conformity with regulations and agreements approved by the Secretary.

(4) COOPERATION.—

(A) IN GENERAL.— The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

(B) FUNDS RECEIVED.— Any funds received from a State, county, or local subdivision for a Federal lands access transportation facility project shall be credited to appropriations available under the Federal lands access program.

(5) COMPETITIVE BIDDING.—

(A) IN GENERAL.— Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

(B) EXCEPTION.— Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

(6) NATIVE PLANT MATERIALS.— In carrying out an activity described in paragraph (1), the Secretary shall ensure that the entity carrying out the activity considers—

(A) the use of locally adapted native plant materials; and

(B) designs that minimize runoff and heat generation.

(b) PROGRAM DISTRIBUTIONS.—

(1) IN GENERAL.— Funding made available to carry out the Federal lands access program shall be allocated among those States that have Federal land, in accordance with the following formula:

(A) 80 percent of the available funding for use in those States that contain at least 1 1/2 percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

(i) 30 percent in the ratio that—

(I) recreational visitation within each such State; bears to

(II) the recreational visitation within all such States.

(ii) 5 percent in the ratio that—

(I) the Federal land area within each such State; bears to

(II) the Federal land area in all such States.

(iii) 55 percent in the ratio that—

(I) the Federal public road miles within each such State; bears to

(II) the Federal public road miles in all such States.

(iv) 10 percent in the ratio that—

(I) the number of Federal public bridges within each such State; bears to

(II) the number of Federal public bridges in all such States.

(B) 20 percent of the available funding for use in those States that do not contain at least 1 1/2 percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

(i) 30 percent in the ratio that—

(I) recreational visitation within each such State; bears to

(II) the recreational visitation within all such States.

(ii) 5 percent in the ratio that—

(I) the Federal land area within each such State; bears to

(II) the Federal land area in all such States.

(iii) 55 percent in the ratio that—

(I) the Federal public road miles within each such State; bears to

(II) the Federal public road miles in all such States.

(iv) 10 percent in the ratio that—

(I) the number of Federal public bridges within each such State; bears to

(II) the number of Federal public bridges in all such States.

(2) DATA SOURCE.— Data necessary to distribute funding under paragraph (1) shall be provided by the following Federal land management agencies:

(A) The National Park Service.

(B) The Forest Service.

(C) The United States Fish and Wildlife Service.

(D) The Bureau of Land Management.

(E) The Corps of Engineers.

(c) PROGRAMMING DECISIONS COMMITTEE.—

(1) IN GENERAL.— Programming decisions shall be made within each State by a committee comprised of—

(A) a representative of the Federal Highway Administration;

(B) a representative of the State Department of Transportation; and

(C) a representative of any appropriate political subdivision of the State.

(2) CONSULTATION REQUIREMENT.— The committee described in paragraph (1) shall cooperate with each applicable Federal agency in each State before any joint discussion or final programming decision.

(3) PROJECT PREFERENCE.— In making a programming decision under paragraph (1), the committee shall give preference to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the Secretaries of the appropriate Federal land management agencies.

* * * * * * *

§ 206. Recreational trails program

(a) DEFINITIONS.— In this section, the following definitions apply:

(1) MOTORIZED RECREATION.— The term "motorized recreation" means off-road recreation using any motor-powered vehicle, **[**except for a motorized wheelchair.**]** *except for—*

(A) a motorized wheelchair; and

(B) in any case in which applicable laws and regulations permit use, an electric bicycle, as defined in section 217(j).

(2) RECREATIONAL TRAIL.— The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as—

(A) pedestrian activities, including wheelchair use;

(B) skating or skateboarding;

(C) equestrian activities, including carriage driving;

(D) nonmotorized snow trail activities, including skiing;

(E) bicycling or use of other human-powered vehicles;

(F) aquatic or water activities; **[**and**]**

(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles**[**.**]***; and*

(H) electric bicycling.

(b) PROGRAM.— In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

(c) STATE RESPONSIBILITIES.— To be eligible for apportionments under this section—

(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

(d) USE OF APPORTIONED FUNDS.—

(1) IN GENERAL.— Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by chapter 2003 of title 54, that is in effect.

(2) PERMISSIBLE USES.— Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

(A) maintenance and restoration of existing recreational trails;

(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

(C) purchase and lease of recreational trail construction and maintenance equipment;

(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

(i) permissible under other law;

(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by chapter 2003 of title 54 and that is in effect;

(iii) approved by the administering agency of the State designated under subsection (c)(1); and

(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

(F) assessment of trail conditions for accessibility and maintenance;

(G) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the [use of recreational trails] *uses of recreational trails*, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5

percent of the apportionment made to the State for the fiscal year; and

(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year.

(3) USE OF APPORTIONMENTS.—

(A) IN GENERAL.— Except as provided in subparagraphs (B) and (C), of the apportionments made to a State for a fiscal year to carry out this section—

(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

(ii) 30 percent shall be used for uses relating to motorized recreation; and

(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

(B) SMALL STATE EXCLUSION.— Any State with a total land area of less than 3,500,000 acres shall be exempt from the requirements of clauses (ii) and (iii) of subparagraph (A).

(C) STATE ADMINISTRATIVE COSTS.— State administrative costs eligible for funding under paragraph (2)(H) shall be exempt from the requirements of subparagraph (A).

(4) GRANTS.—

(A) IN GENERAL.— A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal Government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

(B) COMPLIANCE.— A State that makes grants under subparagraph (A) shall establish measures to verify that recipients of the grants comply with the conditions of the program for the use of grant funds.

(e) ENVIRONMENTAL BENEFIT OR MITIGATION.— To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

(f) FEDERAL SHARE.—

(1) IN GENERAL.— Subject to the other provisions of this subsection, the Federal share of the cost of a project and the Federal share of the administrative costs of a State under this section shall be determined in accordance with section 120(b).

(2) FEDERAL AGENCY PROJECT SPONSOR.— Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

(A) the share attributable to the Secretary of Transportation may not exceed the amount determined in accordance with section 120(b) for the cost of a project under this section; and

(B) the share attributable to the Secretary and the Federal agency sponsoring the project may not exceed 95 percent of the cost of a project under this section.

(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.— Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

(B) expended on a project that is eligible for assistance under this section.

(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.— Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

(B) expended on a project that is eligible for assistance under this section.

(5) PROGRAMMATIC NON-FEDERAL SHARE.— A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed the Federal share as determined in accordance with section 120(b).

(g) USES NOT PERMITTED.— A State may not obligate funds apportioned to carry out this section for—

(1) condemnation of any kind of interest in property;

(2) construction of any recreational trail on National Forest System land for any motorized use unless—

(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

(A) has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

(B) the construction is otherwise consistent with the management direction in the approved management plan; or

(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

(h) PROJECT ADMINISTRATION.—

(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

(A) IN GENERAL.— Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

(B) FEDERAL PROJECT SPONSORS.— Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.— The Secretary may allow preapproval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described in subsection (d)(2) (other than subparagraph (H)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.

(2) RECREATIONAL PURPOSE.— A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

(3) CONTINUING RECREATIONAL USE.— At the option of each State, funds apportioned to the State to carry out this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 200305(f)(3) of title 54.

(4) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.— As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.— Any use of the apportionments to a State to carry out this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

(i) CONTRACT AUTHORITY.— Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.

(j) SPECIAL RULE.— Section 113 shall not apply to projects under this section.

(k) USE OF OTHER APPORTIONED FUNDS.— Funds apportioned to a State under section 104(b) that are obligated for recreational trails and related projects shall be administered as if such funds were made available for purposes described under this section.

§ 207. Tribal transportation self-governance program

(a) ESTABLISHMENT.— Subject to the requirements of this section, the Secretary shall establish and carry out a program to be known as the tribal transportation self-governance program. The Secretary may delegate responsibilities for administration of the program as the Secretary determines appropriate.

(b) ELIGIBILITY.—

(1) IN GENERAL.— Subject to paragraphs (2) and (3), an Indian tribe shall be eligible to participate in the program if the Indian tribe requests participation in the program by resolution or other official action by the governing body of the Indian tribe, and demonstrates, for the preceding 3 fiscal years, financial stability and financial management capability, and transportation program management capability.

(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.— For the purposes of paragraph (1), evidence that, during the preceding 3 fiscal years, an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability.

(3) CRITERIA FOR DETERMINING TRANSPORTATION PROGRAM MANAGEMENT CAPABILITY.— The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49, to gain eligibility for the program.

(c) COMPACTS.—

(1) COMPACT REQUIRED.— Upon the request of an eligible Indian tribe, and subject to the requirements of this section, the Secretary shall negotiate and enter into a written compact with the Indian tribe for the purpose of providing for the participation of the Indian tribe in the program.

(2) CONTENTS.— A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the United States under the program and other terms that will continue to apply in future fiscal years.

(3) AMENDMENTS.— A compact entered into with an Indian tribe under paragraph (1) may be amended only by mutual agreement of the Indian tribe and the Secretary.

(d) ANNUAL FUNDING AGREEMENTS.—

(1) FUNDING AGREEMENT REQUIRED.— After entering into a compact with an Indian tribe under subsection (c), the Secretary shall negotiate and enter into a written annual funding agreement with the Indian tribe.

(2) CONTENTS.—

(A) IN GENERAL.—

(i) FORMULA FUNDING AND DISCRETIONARY GRANTS.— A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, conduct, consolidate, administer, and receive full tribal share funding, tribal transit formula funding, and funding to tribes from discretionary and competitive grants administered by the Department for all programs, services, functions, and activities (or portions thereof) that are made available to Indian tribes to carry out tribal transportation programs and programs, services, functions, and activities (or portions thereof) administered by the Secretary that are otherwise available to Indian tribes.

(ii) TRANSFERS OF STATE FUNDS.—

(I) INCLUSION OF TRANSFERRED FUNDS IN FUNDING AGREEMENT.— A funding agreement entered into with an Indian tribe shall include Federal-aid funds apportioned to a State under chapter 1 if the State elects to provide a portion of such funds to the Indian tribe for a project eligible under section 202(a). The provisions of this section shall be in addition to the methods for making funding contributions described in section 202(a)(9). Nothing in this section shall diminish the authority of the Secretary to provide funds to an Indian tribe under section 202(a)(9).

(II) METHOD FOR TRANSFERS.— If a State elects to provide funds described in subclause (I) to an Indian tribe—

(aa) the transfer may occur in accordance with section 202(a)(9); or

(bb) the State shall transfer the funds back to the Secretary and the Secretary shall transfer the funds to the Indian tribe in accordance with this section.

(III) RESPONSIBILITY FOR TRANSFERRED FUNDS.— Notwithstanding any other provision of law, if a State provides funds described in subclause (I) to an Indian tribe—

(aa) the State shall not be responsible for constructing or maintaining a project carried out using the funds or for administering or supervising the project or funds during the

applicable statute of limitations period related to the construction of the project; and

(bb) the Indian tribe shall be responsible for constructing and maintaining a project carried out using the funds and for administering and supervising the project and funds in accordance with this section during the applicable statute of limitations period related to the construction of the project.

(B) ADMINISTRATION OF TRIBAL SHARES.— The tribal shares referred to in subparagraph (A) shall be provided without regard to the agency or office of the Department within which the program, service, function, or activity (or portion thereof) is performed.

(C) FLEXIBLE AND INNOVATIVE FINANCING.—

(i) IN GENERAL.— A funding agreement entered into with an Indian tribe under paragraph (1) shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

(ii) TERMS AND CONDITIONS.—

(I) AUTHORITY TO ISSUE REGULATIONS.— The Secretary may issue regulations to establish the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i).

(II) TERMS AND CONDITIONS IN ABSENCE OF REGULATIONS.— If the Secretary does not issue regulations under subclause (I), the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i) shall be consistent with—

(aa) agreements entered into by the Department under—

(AA) section 202(b)(7); and

(BB) section 202(d)(5), as in effect before the date of enactment of MAP–21 (Public Law 112–141); or

(bb) regulations of the Department of the Interior relating to flexible financing contained in part 170 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the FAST Act.

(3) TERMS.— A funding agreement shall set forth—

(A) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered by the Indian tribe; and

(B) for items identified in subparagraph (A)—

(i) the general budget category assigned;

(ii) the funds to be provided, including those funds to be provided on a recurring basis;

(iii) the time and method of transfer of the funds;

(iv) the responsibilities of the Secretary and the Indian tribe; and

(v) any other provision agreed to by the Indian tribe and the Secretary.

(4) SUBSEQUENT FUNDING AGREEMENTS.—

(A) APPLICABILITY OF EXISTING AGREEMENT.— Absent notification from an Indian tribe that the Indian tribe is withdrawing from or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed.

(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.— The terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

(5) CONSENT OF INDIAN TRIBE REQUIRED.— The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe that is subject to the agreement unless such terms are required by Federal law.

(e) GENERAL PROVISIONS.—

(1) REDESIGN AND CONSOLIDATION.—

(A) IN GENERAL.— An Indian tribe, in any manner that the Indian tribe considers to be in the best interest of the Indian community being served, may—

(i) redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement; and

(ii) reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof), if the funds are—

(I) expended on projects identified in a transportation improvement program approved by the Secretary; and

(II) used in accordance with the requirements in—

(aa) appropriations Acts;

(bb) this title and chapter 53 of title 49; and

(cc) any other applicable law.

(B) EXCEPTION.— Notwithstanding subparagraph (A), if, pursuant to subsection (d), an Indian tribe receives a discretionary or competitive grant from the Secretary or receives State apportioned funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.

(2) RETROCESSION.—

(A) IN GENERAL.—

(i) AUTHORITY OF INDIAN TRIBES.— An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in a compact or funding agreement.

(ii) REASSUMPTION OF REMAINING FUNDS.— Following a retrocession described in clause (i), the Secretary may—

(I) reassume the remaining funding associated with the retroceded programs, functions, services, and activities (or portions thereof) included in the applicable compact or funding agreement;

(II) out of such remaining funds, transfer funds associated with Department of Interior programs, services, functions, or activities (or portions thereof) to the Secretary of the Interior to carry out transportation services provided by the Secretary of the Interior; and

(III) distribute funds not transferred under subclause (II) in accordance with applicable law.

(iii) CORRECTION OF PROGRAMS.— If the Secretary makes a finding under subsection (f)(2)(B) and no funds are available under subsection (f)(2)(A)(ii), the Secretary shall not be required to provide additional funds to complete or correct any programs, functions, services, or activities (or portions thereof).

(B) EFFECTIVE DATE.— Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, the retrocession shall become effective on—

(i) the earlier of—

(I) 1 year after the date of submission of the request; or

(II) the date on which the funding agreement expires; or

(ii) such date as may be mutually agreed upon by the parties and, with respect to Department of the Interior programs, functions, services, and activities (or portions thereof), the Secretary of the Interior.

(f) PROVISIONS RELATING TO SECRETARY.—

(1) DECISIONMAKER.— A decision that relates to an appeal of the rejection of a final offer by the Department shall be made either—

(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

(B) by an administrative judge.

(2) TERMINATION OF COMPACT OR FUNDING AGREEMENT.—

(A) AUTHORITY TO TERMINATE.—

(i) PROVISION TO BE INCLUDED IN COMPACT OR FUNDING AGREEMENT.— A compact or funding agreement shall include a provision authorizing the Secretary, if the Secretary makes a finding described in subparagraph (B), to—

(I) terminate the compact or funding agreement (or a portion thereof); and

(II) reassume the remaining funding associated with the reassumed programs, functions, services, and activities included in the compact or funding agreement.

(ii) TRANSFERS OF FUNDS.— Out of any funds reassumed under clause (i)(II), the Secretary may transfer the funds associated with Department of the Interior programs, functions, services, and activities (or portions thereof) to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

(B) FINDINGS RESULTING IN TERMINATION.— The finding referred to in subparagraph (A) is a specific finding of—

(i) imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by an act or omission of the Indian tribe and that arises out of a failure to carry out the compact or funding agreement, as determined by the Secretary; or

(ii) gross mismanagement with respect to funds or programs transferred to the Indian tribe under the compact or funding agreement, as determined by the Secretary in consultation with the Inspector General of the Department, as appropriate.

(C) PROHIBITION.— The Secretary shall not terminate a compact or funding agreement (or portion thereof) unless—

(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe that is subject to the compact or funding agreement; and

(ii) the Indian tribe has not taken corrective action to remedy the mismanagement of funds or programs or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

(D) EXCEPTION.—

(i) IN GENERAL.— Notwithstanding subparagraph (C), the Secretary, upon written notification to an Indian tribe that is subject to a compact or funding agreement, may immediately terminate the compact or funding agreement (or portion thereof) if—

(I) the Secretary makes a finding of imminent substantial and irreparable jeopardy to a trust asset, natural resource, or public health and safety; and

(II) the jeopardy arises out of a failure to carry out the compact or funding agreement.

(ii) HEARINGS.— If the Secretary terminates a compact or funding agreement (or portion thereof) under clause (i), the Secretary shall provide the Indian tribe subject to the compact or agreement with a hearing on the record not later than 10 days after the date of such termination.

(E) BURDEN OF PROOF.— In any hearing or appeal involving a decision to terminate a compact or funding agreement (or portion thereof) under this paragraph, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the termination.

(g) COST PRINCIPLES.— In administering funds received under this section, an Indian tribe shall apply cost principles under the

applicable Office of Management and Budget circular, except as modified by section 106 of the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450j–1)] *(25 U.S.C. 5325)*, other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit conducted pursuant to this subsection shall be subject to the provisions of section 106(f) of that Act [(25 U.S.C. 450j–1(f))] *(25 U.S.C. 5325(f))*.

(h) TRANSFER OF FUNDS.— The Secretary shall provide funds to an Indian tribe under a funding agreement in an amount equal to—

(1) the sum of the funding that the Indian tribe would otherwise receive for the program, function, service, or activity in accordance with a funding formula or other allocation method established under this title or chapter 53 of title 49; and

(2) such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

(i) CONSTRUCTION PROGRAMS.—

(1) STANDARDS.— Construction projects carried out under programs administered by an Indian tribe with funds transferred to the Indian tribe pursuant to a funding agreement entered into under this section shall be constructed pursuant to the construction program standards set forth in applicable regulations or as specifically approved by the Secretary (or the Secretary's designee).

(2) MONITORING.— Construction programs shall be monitored by the Secretary in accordance with applicable regulations.

(j) FACILITATION.—

(1) SECRETARIAL INTERPRETATION.— Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

(A) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in compacts and funding agreements; and

(B) the implementation of the compacts and funding agreements.

(2) REGULATION WAIVER.—

(A) IN GENERAL.— An Indian tribe may submit to the Secretary a written request to waive application of a regulation promulgated under this section with respect to a compact or funding agreement. The request shall identify the regulation sought to be waived and the basis for the request.

(B) APPROVALS AND DENIALS.—

(i) IN GENERAL.— Not later than 90 days after the date of receipt of a written request under subparagraph (A), the Secretary shall approve or deny the request in writing.

(ii) REVIEW.— The Secretary shall review any application by an Indian tribe for a waiver bearing in mind increasing opportunities for using flexible policy approaches at the Indian tribal level.

(iii) DEEMED APPROVAL.— If the Secretary does not approve or deny a request submitted under subparagraph (A) on or before the last day of the 90-day period referred to in clause (i), the request shall be deemed approved.

(iv) DENIALS.— If the application for a waiver is not granted, the agency shall provide the applicant with the reasons for the denial as part of the written response required in clause (i).

(v) FINALITY OF DECISIONS.— A decision by the Secretary under this subparagraph shall be final for the Department.

(k) DISCLAIMERS.—

(1) EXISTING AUTHORITY.— Notwithstanding any other provision of law, upon the election of an Indian tribe, the Secretary shall—

(A) maintain current tribal transportation program funding agreements and program agreements; or

(B) enter into new agreements under the authority of section 202(b)(7).

(2) LIMITATION ON STATUTORY CONSTRUCTION.— Nothing in this section may be construed to impair or diminish the authority of the Secretary under section 202(b)(7).

(l) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.— Except to the extent in conflict with this section (as determined by the Secretary), the following provisions of the Indian Self-Determination and Education Assistance Act shall apply to compact and funding agreements (except that any reference to the Secretary of the Interior or the Secretary of Health and Human Services in such provisions shall be treated as a reference to the Secretary of Transportation):

(1) Subsections (a), (b), (d), (g), and (h) of section 506 of such Act ❚(25 U.S.C. 458aaa–5)❚ *(25 U.S.C. 5386)*, relating to general provisions.

(2) Subsections (b) through (e) and (g) of section 507 of such Act ❚(25 U.S.C. 458aaa–6)❚ *(25 U.S.C. 5387)*, relating to provisions relating to the Secretary of Health and Human Services.

(3) Subsections (a), (b), (d), (e), (g), (h), (i), and (k) of section 508 of such Act ❚(25 U.S.C. 458aaa–7)❚ *(25 U.S.C. 5388)*, relating to transfer of funds.

(4) Section 510 of such Act ❚(25 U.S.C. 458aaa–9)❚ *(25 U.S.C. 5390)*, relating to Federal procurement laws and regulations.

(5) Section 511 of such Act ❚(25 U.S.C. 458aaa–10)❚ *(25 U.S.C. 5391)*, relating to civil actions.

(6) Subsections (a)(1), (a)(2), and (c) through (f) of section 512 of such Act ❚(25 U.S.C. 458aaa–11)❚ *(25 U.S.C. 5392)*, relating to facilitation, except that subsection (c)(1) of that section shall be applied by substituting "transportation facilities and other facilities" for "school buildings, hospitals, and other facilities".

(7) Subsections (a) and (b) of section 515 of such Act [(25 U.S.C. 458aaa–14)] *(25 U.S.C. 5395)*, relating to disclaimers.

(8) Subsections (a) and (b) of section 516 of such Act [(25 U.S.C. 458aaa–15)] *(25 U.S.C. 5396)*, relating to application of title I provisions.

(9) Section 518 of such Act [(25 U.S.C. 458aaa–17)] *(25 U.S.C. 5398)*, relating to appeals.

(m) DEFINITIONS.—

(1) IN GENERAL.— In this section, the following definitions apply (except as otherwise expressly provided):

(A) COMPACT.— The term "compact" means a compact between the Secretary and an Indian tribe entered into under subsection (c).

(B) DEPARTMENT.— The term "Department" means the Department of Transportation.

(C) ELIGIBLE INDIAN TRIBE.— The term "eligible Indian tribe" means an Indian tribe that is eligible to participate in the program, as determined under subsection (b).

(D) FUNDING AGREEMENT.— The term "funding agreement" means a funding agreement between the Secretary and an Indian tribe entered into under subsection (d).

(E) INDIAN TRIBE.— The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this section, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term "Indian tribe" as used in this section shall include such other authorized Indian tribe, intertribal consortium, or tribal organization.

(F) PROGRAM.— The term "program" means the tribal transportation self-governance program established under this section.

(G) SECRETARY.— The term "Secretary" means the Secretary of Transportation.

(H) TRANSPORTATION PROGRAMS.— The term "transportation programs" means all programs administered or financed by the Department under this title and chapter 53 of title 49.

(2) APPLICABILITY OF OTHER DEFINITIONS.— In this section, the definitions set forth in sections 4 and [505] *501* of the Indian Self-Determination and Education Assistance Act [(25 U.S.C. 450b; 458aaa)] *(25 U.S.C. 5304; 5381)* apply, except as otherwise expressly provided in this section.

(n) REGULATIONS.—

(1) IN GENERAL.—

(A) PROMULGATION.— Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.

(B) PUBLICATION OF PROPOSED REGULATIONS.— Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 42 months after such date of enactment.

(C) EXPIRATION OF AUTHORITY.— The authority to promulgate regulations under subparagraph (A) shall expire 48 months after such date of enactment.

(D) EXTENSION OF DEADLINES.— A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

(2) COMMITTEE.—

(A) IN GENERAL.— A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

(B) REQUIREMENTS.— The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

(C) ADAPTATION OF PROCEDURES.— The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

(3) EFFECT.— The lack of promulgated regulations shall not limit the effect of this section.

(4) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.— Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.

§ 208. Federal lands and Tribal major projects program

(a) ESTABLISHMENT.— The Secretary shall establish a Federal lands and Tribal major projects program (referred to in this section as the "program") to provide funding to construct, reconstruct, or rehabilitate critical Federal lands and Tribal transportation infrastructure.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.— Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 may apply for funding under the program.

(2) SPECIAL RULE.— A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal agency or Indian Tribe.

(c) ELIGIBLE PROJECTS.— An eligible project under the program shall be on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility, except that such facility is not required to be included in an inventory described in section 202 or 203, and for which—

(1) the project—

(A) has completed the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) which has been demonstrated through—

(i) a record of decision with respect to the project;

(ii) a finding that the project has no significant impact; or

(iii) a determination that the project is categorically excluded; or

(B) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project; and

(2) the project has an estimated cost equal to or exceeding—

(A) $12,500,000 if it is on a Federal lands transportation facility or a Federal lands access transportation facility; and

(B) $5,000,000 if it is on a Tribal transportation facility.

(d) ELIGIBLE ACTIVITIES.— Grant amounts received for a project under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, and rehabilitation activities.

(e) APPLICATIONS.— Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) PROJECT REQUIREMENTS.— The Secretary may select a project to receive funds under the program only if the Secretary determines that the project—

(1) improves the condition of critical transportation facilities, including multimodal facilities;

(2) cannot be easily and efficiently completed with amounts made available under section 202, 203, or 204; and

(3) is cost effective.

(g) MERIT CRITERIA.— In making a grant under this section, the Secretary shall consider whether the project—

(1) will generate state of good repair, resilience, economic competitiveness, quality of life, mobility, or safety benefits;

(2) in the case of a project on a Federal lands transportation facility or a Federal lands access transportation facility, has costs matched by funds that are not provided under this section or this title; and

(3) generates benefits for land owned by multiple Federal land management agencies or Indian Tribes, or which spans multiple States.

(h) EVALUATION AND RATING.— To evaluate applications, the Secretary shall—

(1) determine whether a project meets the requirements under subsection (f);

(2) evaluate, through a discernable and transparent methodology, how each application addresses one or more merit criteria established under subsection (g);

(3) assign a rating for each merit criteria for each application; and

(4) consider applications only on the basis of such quality ratings and which meet the minimally acceptable level for each of the merit criteria.

(i) COST SHARE.—

(1) FEDERAL LANDS PROJECTS.—

(A) IN GENERAL.— Notwithstanding section 120, the Federal share of the cost of a project on a Federal lands transportation facility or a Federal lands access transportation facility shall be up to 90 percent.

(B) NON-FEDERAL SHARE.— Notwithstanding any other provision of law, any Federal funds may be used to pay the non-Federal share of the cost of a project carried out under this section.

(2) TRIBAL PROJECTS.— The Federal share of the cost of a project on a Tribal transportation facility shall be 100 percent.

(j) USE OF FUNDS.— For each fiscal year, of the amounts made available to carry out this section, not more than 50 percent shall be used for eligible projects on Federal lands transportation facilities or Federal lands access transportation facilities and Tribal transportation facilities, respectively.

* * * * * * *

§ 211. Safe routes to school program

(a) PROGRAM.— The Secretary shall carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

(b) PURPOSES.— The purposes of the program shall be—

(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

(c) USE OF FUNDS.— Amounts apportioned to a State under paragraphs (2) and (3) of section 104(b) may be used to carry out projects, programs, and other activities under this section.

(d) ELIGIBLE ENTITIES.— Projects, programs, and activities funded under this section may be carried out by eligible entities described under section 133(h)(4)(B) that demonstrate an ability to meet the requirements of this section.

(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) INFRASTRUCTURE-RELATED PROJECTS.—

(A) IN GENERAL.— A State may obligate funds under this section for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

(B) LOCATION OF PROJECTS.— Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.— In addition to projects described in paragraph (1), a State may obligate funds under this section for noninfrastructure-related activities to encourage walking and bicycling to school, including—

(A) public awareness campaigns and outreach to press and community leaders;

(B) traffic education and enforcement in the vicinity of schools;

(C) student sessions on bicycle and pedestrian safety, health, and environment;

(D) programs that address personal safety; and

(E) funding for training, volunteers, and managers of safe routes to school programs.

(3) SAFE ROUTES TO SCHOOL COORDINATOR.— Each State receiving an apportionment under paragraphs (2) and (3) of section 104(b) shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

(4) RURAL SCHOOL DISTRICT OUTREACH.— A coordinator described in paragraph (3) shall conduct outreach to ensure that rural school districts in the State are aware of such State's safe routes to school program and any funds authorized by this section.

(f) FEDERAL SHARE.— The Federal share of the cost of a project, program, or activity under this section shall be 100 percent.

(g) CLEARINGHOUSE.—

(1) IN GENERAL.— The Secretary shall maintain a national safe routes to school clearinghouse to—

(A) develop information and educational programs on safe routes to school; and

(B) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

(2) FUNDING.— The Secretary shall carry out this subsection using amounts authorized to be appropriated for administrative expenses under section 104(a).

(h) DEFINITIONS.— In this section, the following definitions apply:

(1) IN THE VICINITY OF SCHOOLS.— The term "in the vicinity of schools" means, with respect to a school, the area within bicy-

cling and walking distance of the school (approximately 2 miles).

(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.— The term "primary, middle, and high schools" means schools providing education from kindergarten through twelfth grade.

§ 212. Use of youth service and conservation corps

(a) IN GENERAL The Secretary may allow and shall encourage project sponsors to enter into contracts and cooperative agreements with qualified youth service or conservation corps, as described in sections 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)) and 106(c)(3) of the National and Community Service Trust Act of 1993 (42 U.S.C. 12656(c)(3)) to perform appropriate projects eligible under sections 133(h), 162, 206, and 211.

(b) REQUIREMENTS Under any contract or cooperative agreement entered into with a qualified youth service or conservation corps under this section, the Secretary shall—

(1) set the amount of a living allowance or rate of pay for each participant in such corps at—

(A) such amount or rate as required under State law in a State with such requirements; or

(B) for corps in States not described in subparagraph (A), at such amount or rate as determined by the Secretary, not to exceed the maximum living allowance authorized by section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594); and

(2) not subject such corps to the requirements of section 112.

* * * * * * *

§ 217. Bicycle transportation and pedestrian walkways

(a) USE OF STP AND CONGESTION MITIGATION PROGRAM FUNDS.— Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(4) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

(b) USE OF NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.— Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(c) USE OF FEDERAL LANDS HIGHWAY FUNDS.— Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities.

(d) STATE BICYCLE AND PEDESTRIAN COORDINATORS.— Each State receiving an apportionment under sections 104(b)(2) and [104(b)(3)] *104(b)(4)* of this title shall use such amount of the ap-

portionment as may be necessary to fund in the State department of transportation [a position] *at least one full-time positions* of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) BRIDGES.— In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which [bicycles] *pedestrians or bicyclists* are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of [bicycles] *pedestrians or bicyclists* can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(f) FEDERAL SHARE.— For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be determined in accordance with section 120(b).

(g) PLANNING AND DESIGN.—

(1) IN GENERAL.— Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

(2) SAFETY CONSIDERATIONS.— Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.

(h) USE OF MOTORIZED VEHICLES.— Motorized vehicles may not be permitted on trails and pedestrian walkways under this section, except for—

(1) maintenance purposes;

(2) when snow conditions and State or local regulations permit, snowmobiles;

(3) motorized wheelchairs;

(4) when State or local regulations permit, electric bicycles; and

(5) such other circumstances as the Secretary deems appropriate.

(i) TRANSPORTATION PURPOSE.— No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

(j) DEFINITIONS.— In this section, the following definitions apply:

(1) BICYCLE TRANSPORTATION FACILITY.— The term "bicycle transportation facility" means a new or improved lane, path, or shoulder for use by bicyclists *or operators of micromobility de-*

vices and a traffic control device, shelter, or parking facility for bicycles.

[(2) ELECTRIC BICYCLE.—The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.]

(2) ELECTRIC BICYCLE.— The term "electric bicycle" means mean a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that can safely share a bicycle transportation facility with other users of such facility and meets the requirements of one of the following three classes:

(A) CLASS 1 ELECTRIC BICYCLE.— The term "class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(B) CLASS 2 ELECTRIC BICYCLE.— The term "class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(C) CLASS 3 ELECTRIC BICYCLE.— The term "class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(3) MICROMOBILITY DEVICE.— The term "micromobility device" means any wheeled vehicle equipped with a low powered electric motor—

(A) that is designed primarily for human transport;

(B) that weighs not more than 100 pounds; and

(C) that has a top speed of 20 miles per hour or less.

(3) PEDESTRIAN.— The term "pedestrian" means any person traveling by foot and any mobility-impaired person using a wheelchair.

(4) WHEELCHAIR.— The term "wheelchair" means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or motorized.

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CHAPTER 3—GENERAL PROVISIONS

Sec.
301. Freedom from tolls.

* * * * * * *

[325. State assumption of responsibilities for certain programs and projects.]

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§ 313. Buy America

(a) [Notwithstanding] *IN GENERAL.—Notwithstanding* any other provision of law, the [Secretary of Transportation] *Secretary* shall

not obligate any funds authorized to be appropriated to carry out [the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or] this title and administered by the Department of Transportation, unless steel, iron, [and manufactured products] *manufactured products, and construction materials* used in such project are produced in the United States.

(b) *DETERMINATION.*— The provisions of subsection (a) of this section shall not apply where the Secretary finds—

(1) that their application would be inconsistent with the public interest;

(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

(c) [For purposes] *CALCULATION.—For purposes* of this section, in calculating components' costs, labor costs involved in final assembly shall not be included in the calculation.

(d) [The Secretary of Transportation] *REQUIREMENTS.—The Secretary* shall not impose any limitation or condition on assistance provided under [the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or] this title that restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements.

(e) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

(1) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United [States;] *States,*

that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

(f) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section[, and]*; and*

(2) the foreign country has violated the terms of the agreement by discriminating against products covered by this section that are produced in the United States and are covered by the agreement,

the provisions of subsection (b) shall not apply to products produced in that foreign country.

(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), *or within the scope of the applicable finding, determination, or environmental review decision made pursuant to authority granted by the Secretary under section 330, if applicable,* regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.

(h) WAIVER PROCEDURE.—

(1) IN GENERAL.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under paragraph (1) or (2) of subsection (b) as to whether subsection (a) shall apply.

(2) PUBLIC NOTIFICATION AND COMMENT.—

(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the request for such waiver.

(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

(i) describe whether the application is being made for a determination described in subsection (b)(1); and

(ii) be provided to the public by electronic means, including on the public website of the Department of Transportation.

(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

(A) on the public website of the Department of Transportation; and

(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

(i) REVIEW OF NATIONWIDE WAIVERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and at least every 5 years thereafter, the Secretary shall review any standing nationwide waiver issued by the Secretary under this section to ensure such waiver remains justified.

(2) PUBLIC NOTIFICATION AND OPPORTUNITY FOR COMMENT.—

(A) IN GENERAL.—Not later than 30 days before the completion of a review under paragraph (1), the Secretary shall provide notification and an opportunity for public comment on such review.

(B) MEANS OF NOTIFICATION.—Notification provided under this subparagraph shall be provided by electronic means, including on the public website of the Department of Transportation.

(3) DETAILED JUSTIFICATION IN FEDERAL REGISTER.—After the completion of a review under paragraph (1), the Secretary shall

publish in the Federal Register a detailed justification for the determination made under paragraph (1) that addresses all public comments received under paragraph (2).

(4) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider the research on supply chains carried out under section 1112(c) of the INVEST in America Act.

(j) REPORT.—Not later than 120 days after the last day of each fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Appropriations of the Senate a report on the waivers provided under subsection (h) during the previous fiscal year and the justifications for such waivers.

(k) CONSTRUCTION MATERIALS DEFINED.—In this section, the term "construction materials" means primary materials, except for iron and steel, that are commonly used in highway construction, as determined by the Secretary.

* * * * * * *

§ 322. Magnetic levitation transportation technology deployment program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs"—

(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

(B) includes the costs of preconstruction planning activities.

(2) FULL PROJECT COSTS.—The term "full project costs" means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

(3) MAGLEV.—The term "MAGLEV" means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

(4) PARTNERSHIP POTENTIAL.—The term "partnership potential" has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978).

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects selected under this section. Financial assistance made available under this section and projects assisted

with the assistance shall be subject to section 5333(a) of title 49, United States Code.

(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than 2/3.

(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

(2) require an amount of Federal funds for project financing that will not exceed the sum of—

(A) the amounts made available under subsection (h)(1); and

(B) the amounts made available by States under subsection (h)(3);

(3) result in an operating transportation facility that provides a revenue producing service;

(4) be undertaken through a public and private partnership, with at least 1/3 of full project costs paid using non-Federal funds;

(5) satisfy applicable statewide and metropolitan planning requirements;

(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

(3) States, regions, and localities financially contribute to the project;

(4) implementation of the project will create new jobs in traditional and emerging industries;

(5) the project will augment MAGLEV networks identified as having partnership potential;

(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

(7) financial assistance would foster the timely implementation of a project; and

(8) life-cycle costs in design and engineering are considered and enhanced.

(f) PROJECT SELECTION.—

(1) PRECONSTRUCTION PLANNING ACTIVITIES.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for preconstruction planning activities, including—

(A) preparation of such feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

(B) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

(C) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of preconstruction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.

(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

(h) FUNDING.—

(1) IN GENERAL.—

(A) CONTRACT AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001.

(ii) CONTRACT AUTHORITY.—Funds authorized by this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

(II) the availability of the funds shall be determined in accordance with paragraph (2).

(B) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section (other than subsection (i)) $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation [block grant] program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Equity Act for the 21st Century, including loans, loan guarantees, and lines of credit.

(i) LOW-SPEED PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

(i) shall not be available in advance of an annual appropriation; and

(ii) shall remain available until expended.

§ 323. Donations and credits

(a) DONATIONS OF PROPERTY BEING ACQUIRED.—Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been fully informed of his

right to receive just compensation for the acquisition of his property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine.

(b) CREDIT FOR ACQUIRED LANDS.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

(A) is lawfully obtained by the State or a unit of local government in the State;

(B) is incorporated into the project;

(C) is not land described in section 138; and

(D) the Secretary determines will not influence the environmental assessment of the project, including—

(i) the decision as to the need to construct the project;

(ii) the consideration of alternatives; and

(iii) the selection of a specific location.

(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

(B) the fair market value of donated land shall be established as of the earlier of—

(i) the date on which the donation becomes effective; or

(ii) the date on which equitable title to the land vests in the State.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply to donations made by an agency of the Federal Government.

(4) LIMITATION ON AMOUNT OF CREDIT.—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project.

(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services, or a local government from offering to donate funds, materials, or services performed by local government employees, in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State transportation department shall be credited against the State share.

(d) PROCEDURES.—A gift or donation in accordance with subsection (a) may be made at any time during the development of a

project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 *(42 U.S.C. 4321 et seq.)* shall clearly indicate that—

(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.

* * * * * * *

[§ 325. State assumption of responsibilities for certain programs and projects

[(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

[(1) PILOT PROGRAM.—

[(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

[(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of the SAFETEA–LU, the Secretary may allow up to 5 States to participate in the pilot program.

[(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

[(A) Projects funded under section 104(h).

[(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

[(b) AGREEMENTS.—

[(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

[(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

[(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an ini-

tial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

[(4) COMPLIANCE.—

[(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

[(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

[(5) SOLE RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

[(6) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

[(c) SELECTION OF STATES FOR PILOT PROGRAM.—

[(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

[(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

[(B) a certification that the State has the capability to assume such responsibilities.

[(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

[(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

[(B) provide an opportunity for public comment.

[(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

[(A) the requirements under paragraph (2) have been met; and

[(B) the Secretary determines that the State has the capability to assume the responsibilities.

[(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

[(d) STATE DEFINED.—With respect to the recreational trails program, the term "State" means the State agency designated by the Governor of the State in accordance with section 206(c)(1).

[(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.]

§ 326. State assumption of responsibility for categorical exclusions

(a) CATEGORICAL EXCLUSION DETERMINATIONS.—

(1) IN GENERAL.—The Secretary may assign, and a State may assume, responsibility for determining whether certain designated activities are included within classes of action identified in regulation by the Secretary that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of title 40, Code of Federal Regulations (as in effect on October 1, 2003).

(2) SCOPE OF AUTHORITY.—A determination described in paragraph (1) shall be made by a State in accordance with criteria established by the Secretary and only for types of activities specifically designated by the Secretary.

(3) CRITERIA.—The criteria under paragraph (2) shall include provisions for public availability of information consistent with section 552 of title 5 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) PRESERVATION OF FLEXIBILITY.—The Secretary shall not require a State, as a condition of assuming responsibility under this section, to forego project delivery methods that are otherwise permissible for highway projects.

(b) OTHER APPLICABLE FEDERAL LAWS.—

(1) IN GENERAL.—If a State assumes responsibility under subsection (a), the Secretary may also assign and the State may assume all or part of the responsibilities of the Secretary for environmental review, consultation, or other related actions required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

(2) SOLE RESPONSIBILITY.—A State that assumes responsibility under paragraph (1) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

(c) MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary and the State, after providing public notice and opportunity for comment, shall enter into a memorandum of understanding setting forth the responsibilities to be assigned under this section and the terms and

conditions under which the assignments are made, including establishment of the circumstances under which the Secretary would reassume responsibility for categorical exclusion determinations.

(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

(A) assuming responsibility under subsection (a);

(B) developing a memorandum of understanding under this subsection; or

(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).

(3) TERM.—A memorandum of understanding—

[(A) shall have a term of not more than 3 years; and**]**

(A) except as provided under subparagraph (C), have a term of not more than 3 years;

(B) shall be renewable**[**.**]***; and*

(C) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.

(4) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

(5) MONITORING.—The Secretary shall—

(A) monitor compliance by the State with the memorandum of understanding and the provision by the State of financial resources to carry out the memorandum of understanding; and

(B) take into account the performance by the State when considering renewal of the memorandum of understanding.

(d) TERMINATION.—

(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

(B) the Secretary provides to the State—

(i) a notification of the determination of noncompliance;

(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by

providing to the Secretary a notice not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.

(e) STATE AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under a memorandum of understanding shall be deemed to be a Federal agency for the purposes of the Federal law under which the responsibility is exercised.

(f) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorney's fees directly attributable to eligible activities associated with the project.

§ 327. Surface transportation project delivery program

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery program (referred to in this section as the "program").

(2) ASSUMPTION OF RESPONSIBILITY.—

(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project;

(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary with respect to 1 or more railroad, public transportation, or multimodal projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) in a State that has assumed the responsibilities of the Secretary under clause (ii), a recipient of assistance under chapter 53 of title 49 may request that the Secretary maintain the responsibilities of the Secretary with respect to 1 or more public transportation projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); but

(iv) the Secretary may not assign—

(I) any responsibility imposed on the Secretary by section 134 or 135 or section 5303 or 5304 of title 49; or

(II) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forego project delivery methods that are otherwise permissible for projects.

(G) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys' fees directly attributable to eligible activities associated with the project*, including the payment of fees awarded under section 2412 of title 28*.

(b) STATE PARTICIPATION.—

(1) PARTICIPATING STATES.—All States are eligible to participate in the program.

(2) APPLICATION.—Not later than 270 days after the date on which amendments to this section by the MAP-21 take effect, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum—

(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

(3) PUBLIC NOTICE.—

(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application.

(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the

State in accordance with the appropriate public notice law of the State.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

(A) the regulatory requirements under paragraph (2) have been met;

(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.

(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

(2) be in such form as the Secretary may prescribe;

(3) provide that the State—

(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

(C) certifies that State laws (including regulations) are in effect that—

(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

(4) require the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

[(5) have a term of not more than 5 years; and**]**

(5) except as provided under paragraph (7), have a term of not more than 5 years;

(6) be renewable**[**.**]***; and*

(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.

(d) JURISDICTION.—

(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State

for failure to carry out any responsibility of the State under this section.

(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (j).

(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

(g) AUDITS.—

(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall—

(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

(B) conduct annual audits during each of the first 4 years of State participation; [and]

(C) in the case of an agreement period of greater than 5 years under subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and

[(C)] *(D)* ensure that the time period for completing an [annual] audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

(2) PUBLIC AVAILABILITY AND COMMENT.—

(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

(3) AUDIT TEAM.—

(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

(h) MONITORING.—After the fourth year of the participation of a State in the program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

(i) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

(j) TERMINATION.—

(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

(B) the Secretary provides to the State—

(i) a notification of the determination of noncompliance;

(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.

(k) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

(1) to assist States in developing the capacity to participate in the assignment program under this section; and

(2) to promote information sharing and collaboration among States that are participating in the assignment program under this section.

(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and at the request of a local government—

(1) exercise such authority on behalf of the local government for a locally administered project; or

(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any comparable requirements under State law.

(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this sec-

tion shall be deemed to be an agency of the United States for the purposes of section 2412 of title 28.

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CHAPTER 4—HIGHWAY SAFETY

Sec.
401. Authority of the Secretary.
* * * * * * *
[404. High-visibility enforcement program.]
404. National safety campaigns.

* * * * * * *

§ 402. Highway safety programs

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Each State shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic [accidents] *crashes* and the resulting deaths, injuries, and property damage.

(2) UNIFORM GUIDELINES.—Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that—

(A) include programs—

(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

(iv) to prevent [accidents] *crashes* and reduce injuries and deaths resulting from [accidents] *crashes* involving motor vehicles and motorcycles;

(v) to reduce injuries and deaths resulting from [accidents] *crashes* involving school buses;

(vi) to reduce [accidents] *crashes* resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles);

(vii) to improve law enforcement services in motor vehicle [accident] *crash* prevention, traffic supervision, and post-[accident] *crash* procedures; and

(viii) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities;

(B) improve driver performance, including—

(i) driver education;

(ii) driver testing to determine proficiency to operate motor vehicles; and

(iii) driver examinations (physical, mental, and driver licensing);

(C) improve pedestrian performance and bicycle safety;

(D) include provisions for—

(i) an effective record system of [accidents] *crashes* (including resulting injuries and deaths);

(ii) [accident] *crash* investigations to determine the probable causes of [accidents] *crashes*, injuries, and deaths;

(iii) vehicle registration, operation, and inspection; and

(iv) emergency services; and

(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(3) ADDITIONAL CONSIDERATIONS.—States which have legalized medicinal or recreational marijuana shall consider programs in addition to the programs described in paragraph (2)(A) to educate drivers on the risks associated with marijuana-impaired driving and to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.

(b) ADMINISTRATION OF STATE PROGRAMS.—

(1) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not approve a State highway safety program under this section which does not—

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

(C) except as provided in paragraph (2), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B);

(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State;

(E) beginning on the first day of the first fiscal year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 for which a State submits its highway safety plan under subsection (k), provide for a data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries

in areas most at risk for such incidents, to the satisfaction of the Secretary[;]*; and*

(F) provide satisfactory assurances that the State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within a State as identified by the State highway safety planning process, including—

(i) national law enforcement mobilizations and high-visibility law enforcement mobilizations coordinated by the Secretary;

(ii) sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

(iii) an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative;

(iv) development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources; and

(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)).

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of [accidents] *crashes*, and deaths and injuries resulting therefrom.

(2) ADDITIONAL USES.—In addition to uses authorized under paragraph (1) and as approved by the Secretary, States may use funds under this section to—

(A) educate the public on the dangers of pediatric vehicular hyperthermia;

(B) purchase and distribute child restraints to low-income families; and

(C) reduce injuries and deaths resulting from drivers of motor vehicles not moving to another traffic lane or reducing the speed of such driver's vehicle when passing an emergency, law enforcement, or other vehicle stopped or parked on or near the roadway.

[(2)] *(3)* APPORTIONMENT.—Except for amounts identified in section 403(f), funds described in paragraph (1) shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than three-quarters of 1 percent of the total apportionment, except that the apportionment to the Secretary of the Interior shall not be less than 2 percent of the total apportionment and the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. A highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. A State may use the funds apportioned under this section, in cooperation with neighboring States, for highway safety programs or related projects that may confer benefits on such neighboring States. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 20 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

[(3)] *(4)* REAPPORTIONMENT.—The Secretary shall promptly apportion the funds withheld from a State's apportionment to the State if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the with-

held funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.

[(4)] *(5)* AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS.—

(A) PROHIBITION.—A State may not expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

(B) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (A), a State may expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic system in a work zone or school zone.

(C) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—Any automated traffic enforcement system installed pursuant to subparagraph (B) shall comply with speed enforcement camera systems and red light camera systems guidelines established by the Secretary.

[(B)] *(D)* AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.—In this paragraph, the term "automated traffic enforcement system" means any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation.

[(C) SURVEY.—A State in which an automated traffic enforcement system is installed shall expend funds apportioned to that State under this section to conduct a biennial survey that the Secretary shall make publicly available through the Internet Web site of the Department of Transportation that includes—

[(i) a list of automated traffic enforcement systems in the State;

[(ii) adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and

[(iii) a comparison of each automated traffic enforcement system with—

[(I) Speed Enforcement Camera Systems Operational Guidelines (DOT HS 810 916, March 2008); and

[(II) Red Light Camera Systems Operational Guidelines (FHWA–SA–05–002, January 2005).]

(d) All provisions of chapter 1 of this title that are applicable to National Highway System highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration)

shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State transportation department" as used in such provisions shall mean the Governor of a State for the purposes of this section.

(e) Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).

(h) APPLICATION IN INDIAN COUNTRY.—

(1) USE OF TERMS.—For the purpose of application of this section in Indian country, the terms "State" and "Governor of a State" include the Secretary of the Interior and the term "political subdivision of a State" includes an Indian tribe.

(2) EXPENDITURES FOR LOCAL HIGHWAY PROGRAMS.—Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

(3) ACCESS FOR INDIVIDUALS WITH DISABILITIES.—The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

(4) INDIAN COUNTRY DEFINED.—In this subsection, the term "Indian country" means—

(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including rights-of-way running through the reservation;

(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(i) RULEMAKING PROCEEDING.—The Secretary may periodically conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.

(j) LAW ENFORCEMENT VEHICULAR PURSUIT TRAINING.—A State shall actively encourage all relevant law enforcement agencies in such State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are in effect on the date of enactment of this subsection or as revised and in effect after such date as determined by the Secretary.

(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—With respect to fiscal year 2014, and each fiscal year thereafter, the Secretary shall require each State, as a condition of the approval of the State's highway safety program for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan that complies with the requirements under this subsection.

(2) TIMING.—Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.

(3) ELECTRONIC SUBMISSION.—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.

(4) CONTENTS.—State highway safety plans submitted under paragraph (1) shall include—

(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including—

(i) documentation of current safety levels for each performance measure;

(ii) quantifiable annual performance targets for each performance measure; and

(iii) a justification for each performance target, that explains why each target is appropriate and evidence-based;

(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

(C) data and data analysis supporting the effectiveness of proposed countermeasures;

(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds ap-

portioned to the State under this section, to carry out the strategy described in subparagraph (B);

(E) for the fiscal year preceding the fiscal year to which the plan applies, a report on the State's success in meeting State safety goals and performance targets set forth in the previous year's highway safety plan; and

(F) an application for any additional grants available to the State under this chapter.

(5) PERFORMANCE MEASURES.—For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (3)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor's Highway Safety Association and described in the report, "Traffic Safety Performance Measures for States and Federal Agencies" (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall coordinate with the Governor's Highway Safety Association in making revisions to the set of required performance measures.

(6) REVIEW OF HIGHWAY SAFETY PLANS.—

(A) IN GENERAL.—Not later than 45 days after the date on which a State's highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.

(B) APPROVALS AND DISAPPROVALS.—

(i) APPROVALS.—The Secretary shall approve a State's highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are evidence-based and supported by data; and

(II) the plan, once implemented, will allow the State to meet the State's performance targets.

(ii) DISAPPROVALS.—The Secretary shall disapprove a State's highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are not evidence-based or supported by data; or

(II) the plan does not provide for programming of funding in a manner sufficient to allow the State to meet the State's performance targets.

(C) ACTIONS UPON DISAPPROVAL.—If the Secretary disapproves a State's highway safety plan, the Secretary shall—

(i) inform the State of the reasons for such disapproval; and

(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

(D) REVIEW OF RESUBMITTED PLANS.—If the Secretary requires a State to resubmit a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

(E) PUBLIC NOTICE.—A State shall make the State's highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.

(m) TEEN TRAFFIC SAFETY.—

(1) IN GENERAL.—Subject to the requirements of a State's highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement statewide efforts to improve traffic safety for teen drivers.

(2) USE OF FUNDS.—Statewide efforts under paragraph (1)—

(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

(i) increase safety belt use;

(ii) reduce speeding;

(iii) reduce impaired and distracted driving;

(iv) reduce underage drinking; and

(v) reduce other behaviors by teen drivers that lead to injuries and fatalities; and

(B) may include—

(i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;

(ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

(v) conducting outreach and providing educational resources for parents;

(vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor's safety representative on issues related to the safety of teen drivers;

(vii) collaborating with law enforcement;

(viii) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities;

(ix) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and

(x) support for school-based driver's education classes to improve teen knowledge about—

(I) safe driving practices; and

(II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.

(n) [PUBLIC TRANSPARENCY.—] [The Secretary] *PUBLIC TRANSPARENCY.—*

(1) IN GENERAL.—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.

(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

(A) IN GENERAL.—In carrying out the requirements of paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under paragraph (1), in order to foster greater transparency in approved State highway safety programs.

(B) CONTENTS.—The website established under subparagraph (A) shall—

(i) include each State highway safety plan and annual report submitted and approved by the Secretary under subsection (k);

(ii) provide a means for the public to search such website for State highway safety program content required in subsection (k), including—

(I) performance measures required by the Secretary under paragraph (3)(A);

(II) progress made toward meeting the State's performance targets for the previous year;

(III) program areas and expenditures; and

(IV) a description of any sources of funds other than funds provided under this section that the State proposes to use to carry out the State highway safety plan of such State.

§ 403. Highway safety research and development

(a) DEFINED TERM.—In this section, the term "Federal laboratory" includes—

(1) a government-owned, government-operated laboratory; and

(2) a government-owned, contractor-operated laboratory.

(b) GENERAL AUTHORITY.—

(1) RESEARCH AND DEVELOPMENT ACTIVITIES.—The Secretary may conduct research and development activities, including demonstration projects*, training,* and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

(A) all aspects of highway and traffic safety systems and conditions relating to—

(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

(ii) [accident] *crash* causation and investigations;

(iii) communications; and

(iv) emergency medical services, including the transportation of the injured;

(B) human behavioral factors and their effect on highway and traffic safety, including—

(i) driver education;

(ii) impaired driving; and

(iii) distracted driving;

(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives;

(D) the development of technologies to detect drug impaired drivers;

(E) research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems; and

(F) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (E).

(2) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, foreign government (in coordination with the Department of State) or person (as defined in chapter 1 of title 1); or

(D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).

(c) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is authorized to carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign governments, colleges, universities, corporations, partnerships, sole proprietorships, organizations, and trade associations that are incorporated or established under the laws of any State or the United States; and

(B) Federal laboratories.

(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides not more than 50 percent of the cost of any research or development project under this subsection.

(3) USE OF TECHNOLOGY.—The research, development, or use of any technology pursuant to an agreement under this subsection, including the terms under which technology may be li-

censed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(d) TITLE TO EQUIPMENT.—In furtherance of the purposes set forth in section 402, the Secretary may vest title to equipment purchased for demonstration projects with funds authorized under this section to State or local agencies on such terms and conditions as the Secretary determines to be appropriate.

(e) PROHIBITION ON CERTAIN DISCLOSURES.—Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic [accident] *crash* or the investigation of such [accident] *crash* conducted pursuant to this chapter or chapter 301 of title 49 may only be made available to the public in a manner that does not identify individuals.

(f) COOPERATIVE RESEARCH AND EVALUATION.—

(1) ESTABLISHMENT AND FUNDING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), [$2,500,000] *$3,500,000* of the total amount available for apportionment to the States for highway safety programs under [subsection 402(c) in each fiscal year ending before October 1, 2015, and $443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015,] *section 402(c)(2) in each fiscal year* shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

(2) ADMINISTRATION.—The program established under paragraph (1)—

(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.

(g) INTERNATIONAL COOPERATION.—The Administrator of the National Highway Traffic Safety Administration may participate and cooperate in international activities to enhance highway safety.

[(h) IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH.—

[(1) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49 on in-vehicle technology to prevent alcohol-impaired driving.

[(2) FUNDING.—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal years 2017 through 2021 not more than $26,560,000' to conduct the research described in paragraph (1).

[(3) PRIVACY PROTECTION.—The Administrator shall not develop requirements for any device or means of technology to be installed in an automobile intended for retail sale that records a driver's blood alcohol concentration.

[(4) REPORTS.—The Administrator shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and Committee on Science, Space, and Technology of the House of Representatives that—

[(A) describes the progress made in carrying out the collaborative research effort; and

[(B) includes an accounting for the use of Federal funds obligated or expended in carrying out that effort.

[(5) DEFINITIONS.—In this subsection:

[(A) ALCOHOL-IMPAIRED DRIVING.—The term "alcohol-impaired driving" means the operation of a motor vehicle (as defined in section 30102(a)(6) of title 49) by an individual whose blood alcohol content is at or above the legal limit.

[(B) LEGAL LIMIT.—The term "legal limit" means a blood alcohol concentration of 0.08 percent or greater (as set forth in section 163(a)) or such other percentage limitation as may be established by applicable Federal, State, or local law.]

[(i)] *(h)* LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

[(j)] *(i)* FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.

(j) GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.—

(1) GENERAL AUTHORITY.—Subject to the requirements of this subsection, the Secretary shall make grants to a State that—

(A) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver; or

(B) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of subparagraph (A).

(2) USE OF GRANT FUNDS.—A grant received by a State under paragraph (1) shall be used by the State for the costs of—

(A) collecting and maintaining data on traffic stops;

(B) evaluating the results of such data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling.

(3) LIMITATIONS.—The total amount of grants made to a State under this section in a fiscal year may not exceed—

(A) 10 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(A); and

(B) 5 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(B).

(4) FUNDING.—From funds made available under this section, the Secretary shall set aside $15,000,000 for each fiscal year to carry out this subsection.

[§ 404. High-visibility enforcement program

[(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 campaigns will be carried out in each of fiscal years 2016 through 2020.

[(b) PURPOSE.—The purpose of each campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

[(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

[(2) Increase use of seatbelts by occupants of motor vehicles.

[(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

[(d) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the campaigns under this section, including advertising funded under subsection (c), with consideration given to—

[(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

[(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

[(e) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsection (c).

[(f) DEFINITIONS.—In this section, the following definitions apply:

[(1) CAMPAIGN.—The term "campaign" means a high-visibility traffic safety law enforcement campaign.

[(2) STATE.—The term "State" has the meaning given that term in section 401.]

§ 404. National safety campaigns

(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 high-visibility enforcement campaigns and not less than 3 public awareness campaigns will be carried out in each of fiscal years 2023 through 2026.

(b) HIGH-VISIBILITY ENFORCEMENT.—In carrying out the requirements under paragraph (a), the Secretary shall ensure that in each fiscal year not less than 1 high-visibility enforcement campaign is carried out to—

(1) reduce alcohol-impaired operation of a motor vehicle;

(2) reduce alcohol-impaired and drug-impaired operation of a motor vehicle; and

(3) increase use of seatbelts by occupants of motor vehicles.

(c) PUBLIC AWARENESS.—The purpose of each public awareness campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

(1) Increase the proper use of seatbelts and child restraints by occupants of motor vehicles.

(2) Reduce instances of distracted driving.

(3) Reduce instances of speeding by drivers.

(d) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

(e) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the high-visibility enforcement campaigns under this section, including advertising funded under subsection (d), with consideration given to—

(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

(f) COORDINATION OF DYNAMIC HIGHWAY MESSAGE SIGNS.—During national high-visibility enforcement emphasis periods supported by these funds, the Federal Highway Administration and the National Highway Traffic Safety Administration shall coordinate with State departments of transportation on the use of dynamic highway message signs to support high-visibility national emphasis activities.

(g) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsections (c) and (d).

(h) DEFINITION.—In this section:

(1) CAMPAIGN.—The term "campaign" means a high-visibility traffic safety law enforcement campaign or a traffic safety public awareness campaign.

(2) DYNAMIC HIGHWAY.—The term "dynamic highway message sign" means a traffic control device that is capable of displaying one or more alternative messages which convey information to travelers.

(3) STATE.—The "State" has the meaning given that term in section 401.

§ 405. National priority safety programs

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the following:

(1) OCCUPANT PROTECTION.—In each fiscal year, [13 percent] *12.85 percent* of the funds provided under this section shall be allocated among States that adopt and implement effective oc-

cupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

(2) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—In each fiscal year, [14.5 percent] *14.3 percent* of the funds provided under this section shall be allocated among States that meet requirements with respect to State traffic safety information system improvements (as described in subsection (c)).

(3) IMPAIRED DRIVING COUNTERMEASURES.—In each fiscal year, [52.5 percent] *51.75 percent* of the funds provided under this section shall be allocated among States that meet requirements with respect to impaired driving countermeasures (as described in subsection (d)).

(4) DISTRACTED DRIVING.—In each fiscal year, [8.5 percent] *8.3 percent* of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

(5) MOTORCYCLIST SAFETY.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).

(6) STATE GRADUATED DRIVER LICENSING LAWS.—In each fiscal year, [5 percent] *4.9 percent* of the funds provided under this section shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

(7) NONMOTORIZED SAFETY.—In each fiscal year, [5 percent] *4.9 percent* of the funds provided under this section shall be allocated among States that meet requirements with respect to nonmotorized safety (as described in subsection (h)).

(8) DRIVER AND OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet the requirements with respect to driver and officer safety education (as described in subsection (i)).

[(8)] *(9)* TRANSFERS.—Notwithstanding [paragraphs (1) through (7)] *paragraphs (1) through (8)*, the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in [subsections (b) through (h)] *subsections (b) through (i)* to increase the amount made available *to carry out any of the other activities described in such subsections, or the amount made available* under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

[(9)] *(10)* MAINTENANCE OF EFFORT.—

(A) CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), (c), or (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those subsections is maintaining aggregate expenditures at or above

the average level of such expenditures in the 2 fiscal years prior to the [date of enactment of the FAST Act] *date of enactment of the INVEST in America Act*.

(B) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under subparagraph (A) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

[(10)] *(11)* POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of the State or an Indian tribal government.

(b) OCCUPANT PROTECTION GRANTS.—

(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

(2) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants awarded under this subsection may not exceed 80 percent for each fiscal year for which a State receives a grant.

(3) ELIGIBILITY.—

(A) HIGH SEAT BELT USE RATE.—A State with an observed seat belt use rate of 90 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State—

(i) submits an occupant protection plan during the first fiscal year;

(ii) participates in the Click It or Ticket national mobilization;

(iii) has an active network of child restraint inspection stations; and

(iv) has a plan to recruit, train, and maintain a sufficient number of child passenger safety technicians.

(B) LOWER SEAT BELT USE RATE.—A State with an observed seat belt use rate below 90 percent, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if—

(i) the State meets all of the requirements under clauses (i) through (iv) of subparagraph (A); and

(ii) the Secretary determines that the State meets at least 3 of the following criteria:

(I) The State conducts sustained (on-going and periodic) seat belt enforcement at a defined level of participation during the year.

(II) The State has enacted and enforces a primary enforcement seat belt use law.

(III) The State has implemented countermeasure programs for high-risk populations, such

as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

(IV) The State has enacted and enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

(V) The State has implemented a comprehensive occupant protection program in which the State has—

(aa) conducted a program assessment;

(bb) developed a statewide strategic plan;

(cc) designated an occupant protection coordinator; and

(dd) established a statewide occupant protection task force.

(VI) The State—

(aa) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

(bb) will conduct such an assessment during the first year of the grant.

(4) USE OF GRANT AMOUNTS.—

(A) IN GENERAL.—Grant funds received pursuant to this subsection may be used to—

(i) carry out a program to support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

(ii) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection;

(iii) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

(iv) carry out a program to provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;

[(v) purchase and distribute child restraints to low-income families, provided that not more than 5 percent of the funds received in a fiscal year are used for such purpose; and**]**

(v) implement programs in low-income and underserved populations to—

(I) recruit and train occupant protection safety professionals, nationally certified child passenger safety technicians, police officers, fire and emergency medical personnel, and educators serving low-income and underserved populations;

(II) educate parents and caregivers in low-income and underserved populations about the proper use and installation of child safety seats; and

(III) purchase and distribute child safety seats to low-income and underserved populations; and

(vi) establish and maintain information systems containing data concerning occupant protection, including the collection and administration of child passenger safety and occupant protection surveys.

(B) HIGH SEAT BELT USE RATE.—A State that is eligible for funds under paragraph (3)(A) may use up to [100 percent] *90 percent* of such funds for any project or activity eligible for funding under section 402. *The remaining 10 percent of such funds shall be used to carry out subsection (A)(v).*

(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(6) DEFINITIONS.—In this subsection:

(A) CHILD RESTRAINT.—The term "child restraint" means any device (including child safety seat, booster seat, harness, and excepting seat belts) that is—

(i) designed for use in a motor vehicle to restrain, seat, or position children who weigh 65 pounds (30 kilograms) or less; and

(ii) certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration for child restraints.

(B) SEAT BELT.—The term "seat belt" means—

(i) with respect to open-body motor vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(ii) with respect to other motor vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(c) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—

(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States to support the development and implementation of effective State programs that—

(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

(B) evaluate the effectiveness of efforts to make such improvements;

(C) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;

(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and

(E) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(2) FEDERAL SHARE.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this subsection may not exceed 80 percent.

(3) ELIGIBILITY.—A State is not eligible for a grant under this subsection in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State—

(A) has a functioning traffic records coordinating committee (referred to in this paragraph as "TRCC") that meets at least 3 times each year;

(B) has designated a TRCC coordinator;

(C) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State's core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;

(D) has demonstrated quantitative progress in relation to the significant data program attribute of—

(i) accuracy;

(ii) completeness;

(iii) timeliness;

(iv) uniformity;

(v) accessibility; or

(vi) integration of a core highway safety database; and

(E) has certified to the Secretary that an assessment of the State's highway safety data and traffic records system was conducted or updated during the preceding **[**5**]** *10* years.

[(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D).**]**

(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for—

(A) making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D);

(B) developing or acquiring information technology for programs to identify, collect, and report data to State and local government agencies, and enter data, including crash, citation and adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle, into the core highway safety databases of a State;

(C) purchasing equipment used to identify, collect, and report State safety data to support State efforts to improve State traffic safety information systems;

(D) linking core highway safety databases of a State with such databases of other States;

(E) improving the compatibility and interoperability of the core highway safety databases of the State with national data systems and data systems of other States;

(F) costs associated with training State and local personnel on ways to improve State traffic safety information systems;

(G) hiring a Fatality Analysis Reporting System liaison for a State; and

(H) conducting research on State traffic safety information systems, including developing and evaluating programs to improve core highway safety databases of such State and processes by which data is identified, collected, reported to State and local government agencies, and entered into such core safety databases.

(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(d) IMPAIRED DRIVING COUNTERMEASURES.—

(1) IN GENERAL.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement—

(A) effective programs to reduce driving under the influence of alcohol, drugs, or the combination of alcohol and drugs; or

(B) alcohol-ignition interlock laws.

(2) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants under this subsection may not exceed 80 percent in any fiscal year in which the State receives a grant.

(3) ELIGIBILITY.—

(A) LOW-RANGE STATES.—Low-range States shall be eligible for a grant under this subsection.

(B) MID-RANGE STATES.—A mid-range State shall be eligible for a grant under this subsection if—

(i) a statewide impaired driving task force in the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or

(ii) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.

(C) HIGH-RANGE STATES.—A high-range State shall be eligible for a grant under this subsection if the State—

(i)(I) conducted an assessment of the State's impaired driving program during the most recent 3 calendar years; or

(II) will conduct such an assessment during the first year of the grant;

(ii) convenes, during the first year of the grant, a statewide impaired driving task force to develop a statewide plan that—

(I) addresses any recommendations from the assessment conducted under clause (i);

(II) includes a detailed plan for spending any grant funds provided under this subsection; and

(III) describes how such spending supports the statewide program; and

(iii)(I) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the agency's review and approval;

(II) annually updates the statewide plan in each subsequent year of the grant; and

(III) submits each updated statewide plan for the agency's review and comment.

(4) USE OF GRANT AMOUNTS.—

(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

(i) high-visibility enforcement efforts; and

(ii) any of the activities described in subparagraph (B) if—

(I) the activity is described in the statewide plan; and

(II) the Secretary approves the use of funding for such activity.

(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

(i) any of the purposes described in subparagraph (A);

(ii) hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs, or the combination of alcohol and drugs;

[(iii) court support of high-visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;]

(iii)(I) court support of high-visibility enforcement efforts;

(II) hiring criminal justice professionals, including law enforcement officers, prosecutors, traffic safety resource prosecutors, judges, judicial outreach liaisons, and probation officers;

(III) training and education of the criminal justice professionals described in subclause (II) to assist those professionals in preventing impaired driving and handling impaired driving cases, including by providing

compensation to a law enforcement officer to replace a law enforcement officer who is—

(aa) receiving such drug recognition expert training; or

(bb) participating as an instructor in such drug recognition expert training; and

(IV) establishing driving while intoxicated courts;

(iv) alcohol ignition interlock programs;

[(v) improving blood-alcohol concentration testing and reporting;

[(vi) paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;**]**

(v) improving—

(I) blood alcohol concentration screening and testing;

(II) the detection of potentially impairing drugs, including through the use of oral fluid as a specimen; and

(III) reporting relating to the testing and detection described in subclauses (I) and (II);

(vi)(I) paid and earned media in support of high-visibility enforcement efforts;

(II) conducting initial and continuing—

(aa) standardized field sobriety training, advanced roadside impaired driving enforcement training, and drug recognition expert training for law enforcement; and

(bb) law enforcement phlebotomy training; and

(III) to purchase equipment to carry out impaired driving enforcement activities authorized by this subsection;

(vii) training on the use of alcohol and drug screening and brief intervention;

(viii) training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk;

(ix) developing impaired driving information systems; **[**and**]**

(x) costs associated with a 24-7 sobriety program**[**.**]***; and*

(xi) testing and implementing programs and purchasing technologies to better identify, monitor, or treat impaired drivers, including—

(I) oral fluid screening technologies;

(II) electronic warrant programs;

(III) equipment to increase the scope, quantity, quality, and timeliness of forensic toxicology chemical testing;

(IV) case management software to support the management of impaired driving offenders; and

(V) technology to monitor impaired driving offenders.

(C) OTHER PROGRAMS.—[Low-range]

(i) LOW-RANGE STATES.—Subject to clause (iii), low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may use not more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402. [Medium-range]

(ii) MEDIUM-RANGE AND HIGH-RANGE STATES.—Subject to clause (iii), medium-range and high-range States may use funds for any expenditure designed to reduce impaired driving based on problem identification upon approval by the Secretary.

(iii) ALL STATES.—

(I) REPORTING OF IMPAIRED DRIVING CRIMINAL JUSTICE INFORMATION.—A State may use grant funds for any expenditure designed to increase the timely and accurate reporting of crash information, including electronic crash reporting systems that allow accurate real-time or near real-time uploading of crash information, and impaired driving criminal justice information to Federal, State, and local databases.

(II) IMPAIRED DRIVING COUNTERMEASURES.—A State may use grant funds for any expenditure to research or evaluate impaired driving countermeasures.

(5) GRANT AMOUNT.—Subject to paragraph (6), the allocation of grant funds to a State under this section for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(6) ADDITIONAL GRANTS.—

[(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.]

(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

(i) adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals at the time of, or prior to, a conviction of driving under the influence of alcohol or of driving while intoxicated;

(ii) does not allow any individual required to have an ignition interlock for driving privileges to drive a motor vehicle unless such individual installs an ignition interlock for a minimum 180-day interlock period; or

(iii) has—

(I) enacted and is enforcing a state law requiring all individuals convicted of, or whose driving privilege is revoked or denied for, refusing to submit to a chemical or other test for the purpose of determining the presence or concentration of any intoxicating substance to install an ignition interlock for a minimum 180-day interlock period unless the driver successfully completes an appeal process; and

(II) a compliance-based removal program in which an individual required to install an ignition interlock for a minimum 180-day interlock period and have completed a minimum consecutive period of not less than 60 days of the required interlock period immediately preceding the date of release, without a confirmed violation, as defined by State law or regulations, of driving under the influence of alcohol or driving while intoxicated.

(B) GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

(ii) provides a 24-7 sobriety program.

(C) USE OF FUNDS.—Grants authorized under subparagraph (A) and subparagraph (B) may be used by recipient States for any eligible activities under this subsection or section 402.

(D) ALLOCATION.—Amounts made available under this paragraph shall be allocated among States described in subparagraph (A) and subparagraph (B) in proportion to the State's apportionment under section 402 for fiscal year 2009.

(E) FUNDING.—

(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

(ii) FUNDING FOR GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in

a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).

(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

(iii) A State-certified ignition interlock provider is not available within 100 miles of the individual's residence.

(7) DEFINITIONS.—In this subsection:

(A) 24-7 SOBRIETY PROGRAM.—The term "24-7 sobriety program" means a State law or program that authorizes a State *or local* court or an agency with jurisdiction, as a condition of bond, sentence, probation, parole, or work permit, to—

(i) require an individual who was arrested for, plead guilty to, or was convicted of driving under the influence of alcohol or drugs to totally abstain from alcohol or drugs for a period of time; and

(ii) require the individual to be subject to testing for alcohol or drugs—

(I) at least twice per day at a testing location;

(II) by continuous transdermal alcohol monitoring via an electronic monitoring device; or

(III) by an alternate method with the concurrence of the Secretary.

(B) AVERAGE IMPAIRED DRIVING FATALITY RATE.—The term "average impaired driving fatality rate" means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 percent for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.

(C) HIGH-RANGE STATE.—The term "high-range State" means a State that has an average impaired driving fatality rate of 0.60 or higher.

(D) LOW-RANGE STATE.—The term "low-range State" means a State that has an average impaired driving fatality rate of 0.30 or lower.

(E) MID-RANGE STATE.—The term "mid-range State" means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.

(e) DISTRACTED DRIVING GRANTS.—

(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that includes distracted driving

awareness as part of the State's driver's license examination, and enacts and enforces a law that meets the requirements set forth in [paragraphs (2) and (3)] *paragraph (2)*.

[(2) PROHIBITION ON TEXTING WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

[(A) prohibits a driver from texting through a personal wireless communications device while driving;

[(B) makes violation of the law a primary offense;

[(C) establishes a minimum fine for a violation of the law; and

[(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.

[(3) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

[(A) prohibits a driver from using a personal wireless communications device while driving if the driver is—

[(i) younger than 18 years of age; or

[(ii) in the learner's permit or intermediate license stage set forth in subsection (g)(2)(B);

[(B) makes violation of the law a primary offense;

[(C) establishes a minimum fine for a violation of the law; and

[(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.]

(2) ALLOCATION.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(B) PRIMARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a primary offense shall be allocated 100 percent of the amount calculated under subparagraph (A).

(C) SECONDARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a secondary offense shall be allocated 50 percent of the amount calculated under subparagraph (A).

(D) TEXTING WHILE DRIVING.—Notwithstanding subparagraphs (B) and (C), a State shall be allocated 25 percent of the amount calculated under subparagraph (A) if such State has enacted and is enforcing a law that prohibits a driver from viewing a personal wireless communication device, except for the purpose of navigation.

(3) PROHIBITION ON HANDHELD PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

(A) prohibits a driver from holding or using, including texting, a personal wireless communications device while

driving, except for the use of a personal wireless communications device—

(i) in a hands-free manner or with a hands-free accessory; or

(ii) to activate or deactivate a feature or function of the personal wireless communications device;

(B) establishes a fine for a violation of the law; and

(C) does not provide for an exemption that specifically allows a driver to hold or use a personal wireless communication device while stopped in traffic.

(4) PROHIBITION ON PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

(A) prohibits a driver from holding or using a personal wireless communications device while driving if the driver is—

(i) younger than 18 years of age; or

(ii) in the learner's permit or intermediate license stage described in subparagraph (A) or (B) of subsection (g)(2);

(B) establishes a fine for a violation of the law; and

(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communication device while stopped in traffic.

[(4)**]** *(5)* PERMITTED EXCEPTIONS.—A law that meets the requirements set forth in **[**paragraph (2) or (3)**]** *paragraph (3) or (4)* may provide exceptions for—

(A) a driver who uses a personal wireless **[**communications device to contact emergency services**]** *communications device during an emergency to contact emergency services or to prevent injury to persons or property*;

(B) emergency services personnel who use a personal wireless communications device while—

(i) operating an emergency services vehicle; and

(ii) engaged in the performance of their duties as emergency services personnel;

(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations promulgated pursuant to section 31136 of title 49**[**; and**]***;*

(D) a driver who uses a personal wireless communication device for navigation; and

[(D)**]** *(E)* any additional exceptions determined by the Secretary through a rulemaking process.

[(5)**]** *(6)* USE OF GRANT FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), amounts received by a State under this subsection shall be used—

(i) to educate the public through advertising containing information about the dangers of **[**texting or using a cell phone while**]** *distracted* driving;

(ii) for traffic signs that notify drivers about the distracted driving law of the State; or

(iii) for law enforcement costs related to the enforcement of the distracted driving law.

(B) FLEXIBILITY.—

(i) Not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402.

(ii) Not more than 75 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402 if the State has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

[(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

[(A) IN GENERAL.—Notwithstanding paragraph (1), for each of fiscal years 2017 and 2018, the Secretary shall use up to 25 percent of the amounts available for grants under this subsection to award grants to any State that—

[(i) in fiscal year 2017—

[(I) certifies that it has enacted a basic text messaging statute that—

[(aa) is applicable to drivers of all ages; and

[(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

[(II) is otherwise ineligible for a grant under this subsection; and

[(ii) in fiscal year 2018—

[(I) certifies that it has enacted a basic text messaging statute that—

[(aa) is applicable to drivers of all ages; and

[(bb) makes violation of the basic text messaging statute a primary offense;

[(II) imposes fines for violations;

[(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and

[(IV) is otherwise ineligible for a grant under this subsection.

[(B) USE OF GRANT FUNDS.—

[(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

[(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

[(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.]

(7) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—[Of the amounts] *In addition to the amounts authorized under section 404 and of the amounts* available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend not more than $5,000,000 for the development and placement of broadcast media to reduce distracted driving of motor vehicles.

[(8) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.]

(8) RULEMAKING.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue such regulations as are necessary to account for diverse State approaches to combating distracted driving that—

(A) defines the terms personal wireless communications device and texting for the purposes of this subsection; and

(B) determines additional permitted exceptions that are appropriate for a State law that meets the requirements under paragraph (3) or (4).

(9) DEFINITIONS.—In this subsection, the following definitions apply:

(A) DRIVING.—The term "driving"—

(i) means operating a motor vehicle on a public road; and

(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

[(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term "personal wireless communications device"—

[(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

[(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.]

(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term "personal wireless communications device" means—

(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), a device through which personal services (as such term is defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)) are transmitted, but not including the use of such a device as a global navigation system receiver used for positioning, emergency notification, or navigation purposes; and

(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.

(C) PRIMARY OFFENSE.—The term "primary offense" means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

(D) PUBLIC ROAD.—The term "public road" has the meaning given such term in section 402(c).

[(E) TEXTING.—The term "texting" means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.]

(E) TEXTING.—The term "texting" means—

(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication; and

(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.

(f) MOTORCYCLIST SAFETY.—

(1) GRANTS AUTHORIZED.—Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(2) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009, except that the amount of a grant awarded to a State for a fiscal year may not exceed 25 percent of the amount apportioned to the State under such section for fiscal year 2009.

(3) GRANT ELIGIBILITY.—A State becomes eligible for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary, at least 2 of the following criteria:

(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, which—

(i) provides a formal program of instruction in [accident] *crash* avoidance and other safety-oriented operational skills to motorcyclists; and

(ii) may include innovative training opportunities to meet unique regional needs.

(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar

year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

(F) FEES COLLECTED FROM MOTORCYCLISTS.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety purposes.

(4) ELIGIBLE USES.—

(A) IN GENERAL.—A State may use funds from a grant under this subsection only for motorcyclist safety training and motorcyclist awareness programs, including—

(i) improvements to motorcyclist safety training curricula;

(ii) improvements in program delivery of motorcycle training to both urban and rural areas, including—

(I) procurement or repair of practice motorcycles;

(II) instructional materials;

(III) mobile training units; and

(IV) leasing or purchasing facilities for closed-course motorcycle skill training;

(iii) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(iv) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, including "share-the-road" safety messages.

(B) SUBALLOCATIONS OF FUNDS.—An agency of a State that receives a grant under this subsection may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out this subsection.

(C) FLEXIBILITY.—Not more than 50 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations based on the most recent data that conforms with criteria established by the Secretary.

(5) DEFINITIONS.—In this subsection:

(A) MOTORCYCLIST AWARENESS.—The term "motorcyclist awareness" means individual or collective awareness of—

(i) the presence of motorcycles on or near roadways; and

(ii) safe driving practices that avoid injury to motorcyclists.

(B) MOTORCYCLIST AWARENESS PROGRAM.—The term "motorcyclist awareness program" means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

(C) MOTORCYCLIST SAFETY TRAINING.—The term "motorcyclist safety training" means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

(D) STATE.—The term "State" has the meaning given such term in section 101(a) of title 23, United States Code.

(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall update and provide to the States model language, for use in traffic safety education courses, driver's manuals, and other driver training materials, that provides instruction for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.

(g) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.—

(1) GRANTS AUTHORIZED.—Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in *subparagraphs (A) and (B) of* paragraph (2).

[(2) MINIMUM REQUIREMENTS.—

[(A) IN GENERAL.—A State meets the requirements set forth in this paragraph if the State has a graduated driver licensing law that requires novice drivers younger than 18 years of age to comply with the 2-stage licensing process described in subparagraph (B) before receiving an unrestricted driver's license.

[(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

[(i) a learner's permit stage that—

[(I) is at least 6 months in duration;

[(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

[(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

[(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

[(V) has a requirement that the driver—

[(aa) complete a State-certified driver education or training course; or

[(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

[(VI) remains in effect until the driver—

[(aa) reaches 16 years of age and enters the intermediate stage; or

[(bb) reaches 18 years of age;

[(ii) an intermediate stage that—

[(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

[(II) is at least 6 months in duration;

[(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

[(IV) for the first 6 months of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

[(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

[(VI) remains in effect until the driver reaches 17 years of age; and

[(iii) learner's permit and intermediate stages that each require, in addition to any other penalties imposed by State law, that the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

[(I) driving while intoxicated;

[(II) misrepresentation of the individual's age;

[(III) reckless driving;

[(IV) driving without wearing a seat belt;

[(V) speeding; or

[(VI) any other driving-related offense, as determined by the Secretary.]

(2) MINIMUM REQUIREMENTS.—

(A) TIER 1 STATE.—A State shall be eligible for a grant under this subsection as a Tier 1 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

(i) a learner's permit stage that—

(I) is at least 180 days in duration;

(II) requires that the driver be accompanied and supervised at all times; and

(III) has a requirement that the driver obtain at least 40 hours of behind-the-wheel training with a supervisor; and

(ii) an intermediate stage that—

(I) commences immediately after the expiration of the learner's permit stage;

(II) is at least 180 days in duration; and

(III) for the first 180 days of the intermediate stage, restricts the driver from—

(aa) driving at night between the hours of 11:00 p.m. and at least 4:00 a.m. except—

(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

(bb) operating a motor vehicle with more than 1 nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.

(B) TIER 2 STATE.—A State shall be eligible for a grant under this subsection as a Tier 2 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

(i) a learner's permit stage that—

(I) is at least 180 days in duration;

(II) requires that the driver be accompanied and supervised at all times; and

(III) has a requirement that the driver obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a supervisor; and

(ii) an intermediate stage that—

(I) commences immediately after the expiration of the learner's permit stage;

(II) is at least 180 days in duration; and

(III) for the first 180 days of the intermediate stage, restricts the driver from—

(aa) driving at night between the hours of 10:00 p.m. and at least 4:00 a.m. except—

(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

(bb) operating a motor vehicle with any non-familial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.

(3) RULEMAKING.—

(A) IN GENERAL.—The Secretary shall promulgate regulations necessary to implement the requirements set forth in *subparagraphs (A) and (B) of* paragraph (2), in accordance with the notice and comment provisions under section 553 of title 5.

(B) EXCEPTION.—A State that otherwise meets the minimum requirements set forth in *subparagraphs (A) and (B) of* paragraph (2) shall be deemed by the Secretary to be in compliance with the requirement set forth in *subparagraphs (A) and (B) of* paragraph (2) if the State enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants younger than 18 years of age to drive a motor vehicle—

(i) in connection with work performed on, or for the operation of, a farm owned by family members who are directly related to the applicant or licensee; or

(ii) if demonstrable hardship would result from the denial of a license to the licensees or applicants.

(4) ALLOCATION.—Grant funds allocated to a State under this subsection for a fiscal year shall be in proportion to a State's apportionment under section 402 for ⟦such fiscal year⟧ *fiscal year 2009*.

⟦(5) USE OF FUNDS.—Of the grant funds received by a State under this subsection—

⟦(A) at least 25 percent shall be used for—

⟦(i) enforcing a 2-stage licensing process that complies with paragraph (2);

⟦(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

⟦(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

⟦(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; and

⟦(v) carrying out a teen traffic safety program described in section 402(m); and

[(B) up to 75 percent may be used for any eligible project or activity under section 402.]

(5) USE OF FUNDS.—

(A) TIER 1 STATES.—A Tier 1 State shall use grant funds provided under this subsection for—

(i) enforcing a 2-stage licensing process that complies with paragraph (2);

(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; or

(v) carrying out a teen traffic safety program described in section 402(m).

(B) TIER 2 STATES.—Of the grant funds made available to a Tier 2 State under this subsection—

(i) 25 percent shall be used for any activity described in subparagraph (A); and

(ii) 75 percent may be used for any project or activity eligible under section 402.

(6) SPECIAL RULE.—Notwithstanding paragraph (5), up to 100 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402, if the State is in the lowest 25 percent of all States for the number of drivers under age 18 involved in fatal crashes in the State per the total number of drivers under age 18 in the State based on the most recent data that conforms with criteria established by the Secretary.

(h) NONMOTORIZED SAFETY.—

(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle.

(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out by a State using amounts from a grant awarded under this subsection may not exceed 80 percent.

(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the annual combined pedestrian and bicycle fatalities in the State exceed 15 percent of the total annual crash fatalities in the State, based on the most recently reported final data from the Fatality Analysis Reporting System.

[(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for—

[(A) training of law enforcement officials on State laws applicable to pedestrian and bicycle safety;

[(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; and

[(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety.]

(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of pedestrians and bicyclists, including—

(A) training of law enforcement officials on pedestrian and bicycle safety, State laws applicable to pedestrian and bicycle safety, and infrastructure designed to improve pedestrian and bicycle safety;

(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety;

(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists about—

(i) pedestrian and bicycle safety, including information on nonmotorized mobility and the important of speed management to the safety of pedestrians and bicyclists;

(ii) the value of the use of pedestrian and bicycle safety equipment, including lighting, conspicuity equipment, mirrors, helmets and other protective equipment, and compliance with any State or local laws requiring their use;

(iii) State traffic laws applicable to pedestrian and bicycle safety, including motorists' responsibilities towards pedestrians and bicyclists; and

(iv) infrastructure designed to improve pedestrian and bicycle safety; and

(D) data analysis and research concerning pedestrian and bicycle safety.

(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(i) DRIVER AND OFFICER SAFETY EDUCATION.—

(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to—

(A) States that enact a commuter safety education program; and

(B) States qualifying under paragraph (5)(A).

(2) FEDERAL SHARE.—The Federal share of the costs of activities carried out using amounts from a grant awarded under this subsection may not exceed 80 percent.

(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State shall enact a law or adopt a program that requires the following:

(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—Inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing concerning law enforcement practices during traffic stops, including information on—

(i) the role of law enforcement and the duties and responsibilities of peace officers;

(ii) an individual's legal rights concerning interactions with peace officers;

(iii) best practices for civilians and peace officers during such interactions;

(iv) the consequences for an individual's or officer's failure to comply with those laws and programs; and

(v) how and where to file a complaint against or a compliment on behalf of a peace officer.

(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

(4) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

(5) SPECIAL RULE FOR CERTAIN STATES.—

(A) QUALIFYING STATE.—A State qualifies pursuant to this subparagraph if—

(i) the Secretary determines such State has taken meaningful steps toward the full implementation of a law or program described in paragraph (3);

(ii) the Secretary determines such State has established a timetable for the implementation of such a law or program; and

(iii) such State has received a grant pursuant to this subsection for a period of not more than 5 years.

(B) WITHHOLDING.—With respect to a State that qualifies pursuant to subparagraph (A), the Secretary shall—

(i) withhold 50 percent of the amount that such State would otherwise receive if such State were a State described in paragraph (1)(A); and

(ii) direct any such amounts for distribution among the States that are enforcing and carrying out a law or program described in paragraph (3).

(6) USE OF GRANT AMOUNTS.—A State receiving a grant under this subsection may use such grant—

(A) for the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (3); and

(B) for the implementation of the law described in paragraph (3).

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CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION

Sec.

501. Definitions.

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520. Every Day Counts initiative.

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§ 502. Surface transportation research, development, and technology

(a) BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—

(1) APPLICABILITY.—The research, development, and technology provisions of this section shall apply throughout this chapter.

(2) COVERAGE.—Surface transportation research and technology development shall include all activities within the innovation lifecycle leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, communications, impact analysis, and technical support.

(3) FEDERAL RESPONSIBILITY.—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

(A) is of national significance;

(B) delivers a clear public benefit and occurs where private sector investment is less than optimal;

(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently;

(D) meets and addresses current or emerging needs;

(E) addresses current gaps in research;

(F) presents the best means to align resources with multiyear plans and priorities;

(G) ensures the coordination of highway research and technology transfer activities, including through activities performed by university transportation centers;

(H) educates transportation professionals; or

(I) presents the best means to support Federal policy goals compared to other policy alternatives.

(4) ROLE.—Consistent with these Federal responsibilities, the Secretary shall—

(A) conduct research;

(B) partner with State highway agencies and other stakeholders as appropriate to facilitate research and technology transfer activities;

(C) communicate the results of ongoing and completed research;

(D) lead efforts to coordinate national emphasis areas of highway research, technology, and innovation deployment;

(E) leverage partnerships with industry, academia, international entities, and State departments of transportation;

(F) lead efforts to reduce unnecessary duplication of effort; and

(G) lead efforts to accelerate innovation delivery.

(5) PROGRAM CONTENT.—A surface transportation research program shall include—

(A) fundamental, long-term highway research;

(B) research aimed at significant highway research gaps and emerging issues with national implications; and

(C) research related to all highway objectives seeking to improve the performance of the transportation system.

(6) STAKEHOLDER INPUT.—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, tribal governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

(7) COMPETITION AND PEER REVIEW.—Except as otherwise provided in this chapter, the Secretary shall award, to the maximum extent practicable, all grants, contracts, and cooperative agreements for research and development under this chapter based on open competition and peer review of proposals.

(8) PERFORMANCE REVIEW AND EVALUATION.—

(A) IN GENERAL.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation.

(B) PERFORMANCE MEASURES.—Performance measures shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based.

(C) PROGRAM PLAN.—To the maximum extent practicable, each program pursued under this chapter shall be part of a data-driven, outcome-oriented program plan.

(D) AVAILABILITY OF EVALUATIONS.—All evaluations under this paragraph shall be made readily available to the public.

(9) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the transportation research and development strategic plan under section 6503 of title 49.

(b) GENERAL AUTHORITY.—

(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

(A) motor carrier transportation;

(B) all phases of transportation planning and development (including construction, operation, transportation system management and operations, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

(C) the effect of State laws on the activities described in subparagraphs (A) and (B).

(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process.

(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to, or entering into contracts and cooperative agreements with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, *entities that represent the needs of metropolitan planning organizations,* any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or any other person.

(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the transportation research and development strategic plan under section 6503 of title 49.

(5) FUNDS.—

(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this chapter, the Secretary shall use such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose.

(B) USE OF FUNDS.—The Secretary shall use funds made available to carry out this chapter to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this chapter.

(6) POOLED FUNDING.—

(A) COOPERATION.—To promote effective utilization of available resources, the Secretary may cooperate with a State and an appropriate agency in funding research, development, and technology transfer activities of mutual interest on a pooled funds basis.

(B) SECRETARY AS AGENT.—The Secretary may enter into contracts, cooperative agreements, and grants as the agent for all participating parties in carrying out such research, development, or technology transfer activities.

(C) TRANSFER OF AMOUNTS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—The Secretary may, at the request of a State, transfer amounts apportioned or allocated to that State under this chapter to another State or the Federal Highway Administration to fund research, development, and technology transfer activities of mutual interest on a pooled funds basis.

(D) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be disbursed in the same manner and for the same amount as provided for the project being transferred.

(7) PRIZE COMPETITIONS.—

(A) IN GENERAL.—The Secretary may use up to 1 percent of the funds made available under section 51001 of the

Transportation Research and Innovative Technology Act of 2012 to carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research and technology development that has the potential for application to the national transportation system.

(B) TOPICS.—In selecting topics for prize competitions under this paragraph, the Secretary shall—

(i) consult with a wide variety of governmental and nongovernmental representatives; and

(ii) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

(C) ADVERTISING.—The Secretary shall encourage participation in the prize competitions through advertising efforts.

(D) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Secretary shall publish a notice on a public website that describes—

(i) the subject of the competition;

(ii) the eligibility rules for participation in the competition;

(iii) the amount of the prize; and

(iv) the basis on which a winner will be selected.

(E) ELIGIBILITY.—An individual or entity may not receive a prize under this paragraph unless the individual or entity—

(i) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;

(ii) has complied with all requirements under this paragraph;

(iii)(I) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

(II) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States;

(iv) is not a Federal entity or Federal employee acting within the scope of his or her employment; and

(v) has not received a grant to perform research on the same issue for which the prize is awarded.

(F) LIABILITY.—

(i) ASSUMPTION OF RISK.—

(I) IN GENERAL.—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

(II) RELATED ENTITY.—In this subparagraph, the term "related entity" means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailee.

(ii) FINANCIAL RESPONSIBILITY.—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(I) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

(II) the Federal Government for damage or loss to Government property resulting from such an activity.

(G) JUDGES.—

(i) SELECTION.—Subject to clause (iii), for each prize competition, the Secretary, either directly or through an agreement under subparagraph (H), may appoint 1 or more qualified judges to select the winner or winners of the prize competition on the basis of the criteria described in subparagraph (D).

(ii) SELECTION.—Judges for each competition shall include individuals from outside the Federal Government, including the private sector.

(iii) LIMITATIONS.—A judge selected under this subparagraph may not—

(I) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this paragraph; or

(II) have a familial or financial relationship with an individual who is a registered participant.

(H) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this paragraph.

(I) FUNDING.—

(i) IN GENERAL.—

(I) PRIVATE SECTOR FUNDING.—A cash prize under this paragraph may consist of funds appropriated by the Federal Government and funds provided by the private sector.

(II) GOVERNMENT FUNDING.—The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for a cash prize under this paragraph.

(III) NO SPECIAL CONSIDERATION.—The Secretary may not give any special consideration to any private sector entity in return for a donation under this subparagraph.

(ii) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for prize awards under this paragraph—

(I) shall remain available until expended; and

(II) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

(iii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

(iv) PRIZE ANNOUNCEMENT.—A prize may not be announced under this paragraph until all the funds needed to pay out the announced amount of the prize have been appropriated by a governmental source or committed to in writing by a private source.

(v) PRIZE INCREASES.—The Secretary may increase the amount of a prize after the initial announcement of the prize under this paragraph if—

(I) notice of the increase is provided in the same manner as the initial notice of the prize; and

(II) the funds needed to pay out the announced amount of the increase have been appropriated by a governmental source or committed to in writing by a private source.

(vi) CONGRESSIONAL NOTIFICATION.—A prize competition under this paragraph may offer a prize in an amount greater than $1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives.

(vii) AWARD LIMIT.—A prize competition under this section may not result in the award of more than $25,000 in cash prizes without the approval of the Secretary.

(J) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this paragraph, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.

(K) NOTICE AND ANNUAL REPORT.—

(i) IN GENERAL.—Not later than 30 days prior to carrying out an activity under subparagraph (A), the Secretary shall notify the Committees on Transportation and Infrastructure and Science, Space, and Technology

of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate of the intent to use such authority.

(ii) REPORTS.—

(I) IN GENERAL.—The Secretary shall submit to the committees described in clause (i) on an annual basis a report on the activities carried out under subparagraph (A) in the preceding fiscal year if the Secretary exercised the authority under subparagraph (A) in that fiscal year.

(II) INFORMATION INCLUDED.—A report under this subparagraph shall include, for each prize competition under subparagraph (A)—

(aa) a description of the proposed goals of the prize competition;

(bb) an analysis of why the use of the authority under subparagraph (A) was the preferable method of achieving the goals described in item (aa) as opposed to other authorities available to the Secretary, such as contracts, grants, and cooperative agreements;

(cc) the total amount of cash prizes awarded for each prize competition, including a description of the amount of private funds contributed to the program, the source of such funds, and the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures;

(dd) the methods used for the solicitation and evaluation of submissions under each prize competition, together with an assessment of the effectiveness of such methods and lessons learned for future prize competitions;

(ee) a description of the resources, including personnel and funding, used in the execution of each prize competition together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the agency for recording as obligations and expenditures; and

(ff) a description of how each prize competition advanced the mission of the Department.

(c) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietor-

ships, and trade associations that are incorporated or established under the laws of any State; and

(B) Federal laboratories.

(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may directly initiate contracts, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, and their agents to conduct joint transportation research and technology efforts.

(3) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this chapter shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this chapter, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101(b) to (d) of title 41 shall not apply to a contract or agreement entered into under this chapter.

§ 503. Research and technology development and deployment

(a) IN GENERAL.—The Secretary shall—

(1) carry out research, development, and deployment activities that encompass the entire innovation lifecycle; and

(2) ensure that all research carried out under this section aligns with the transportation research and development strategic plan of the Secretary under [section 508] *section 6503 of title 49*.

(b) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

(1) OBJECTIVES.—In carrying out the highway research and development program, the Secretary, to address current and emerging highway transportation needs, shall—

(A) identify research topics;

(B) coordinate research and development activities;

(C) carry out research, testing, and evaluation activities; and

(D) provide technology transfer and technical assistance.

(2) IMPROVING HIGHWAY SAFETY.—

(A) IN GENERAL.—The Secretary shall carry out research and development activities from an integrated perspective to establish and implement systematic measures to improve highway safety.

(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities—

(i) to achieve greater long-term safety gains;

(ii) to reduce the number of fatalities and serious injuries on public roads;

(iii) to fill knowledge gaps that limit the effectiveness of research;

(iv) to support the development and implementation of State strategic highway safety plans;

(v) to advance improvements in, and use of, performance prediction analysis for decisionmaking; and

(vi) to expand technology transfer to partners and stakeholders.

(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

(i) safety assessments and decisionmaking tools;

(ii) data collection and analysis;

(iii) crash reduction projections;

(iv) low-cost safety countermeasures;

(v) innovative operational improvements and designs of roadway and roadside features;

(vi) evaluation of countermeasure costs and benefits;

(vii) development of tools for projecting impacts of safety countermeasures;

(viii) rural road safety measures;

(ix) safety measures for vulnerable road users, including bicyclists and pedestrians;

(x) safety policy studies;

(xi) human factors studies and measures;

(xii) safety technology deployment;

(xiii) safety workforce professional capacity building initiatives;

(xiv) safety program and process improvements; and

(xv) tools and methods to enhance safety performance, including achievement of statewide safety performance targets.

(3) IMPROVING INFRASTRUCTURE INTEGRITY.—

(A) IN GENERAL.—The Secretary shall carry out and facilitate highway and bridge infrastructure research and development activities—

(i) to maintain infrastructure integrity;

(ii) to meet user needs**[**; and**]***;*

(iii) to link Federal transportation investments to improvements in system performance**[**.**]***; and*

(iv) to reduce greenhouse gas emissions and limit the effects of climate change.

(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities—

(i) to reduce the number of fatalities attributable to infrastructure design characteristics and work zones;

(ii) to improve the safety and security of highway infrastructure;

(iii) to increase the reliability of lifecycle performance predictions used in infrastructure design, construction, and management;

(iv) to improve the ability of transportation agencies to deliver projects that meet expectations for timeliness, quality, and cost;

(v) to reduce user delay attributable to infrastructure system performance, maintenance, rehabilitation, and construction;

(vi) to improve highway condition and performance through increased use of design, materials, construction, and maintenance innovations;

(vii) to reduce the environmental impacts of highway infrastructure through innovations in design, construction, operation, preservation, and maintenance; and

(viii) to study vulnerabilities of the transportation system to seismic activities and extreme events and methods to reduce those vulnerabilities.

(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

(i) long-term infrastructure performance programs addressing pavements, bridges, tunnels, and other structures;

(ii) short-term and accelerated studies of infrastructure performance;

(iii) research to develop more durable infrastructure materials and systems;

(iv) advanced infrastructure design methods;

(v) accelerated highway and bridge construction;

(vi) performance-based specifications;

(vii) construction and materials quality assurance;

(viii) comprehensive and integrated infrastructure asset management;

(ix) infrastructure safety assurance;

(x) sustainable infrastructure design and construction;

(xi) infrastructure rehabilitation and preservation techniques, including techniques to rehabilitate and preserve historic infrastructure;

(xii) hydraulic, geotechnical, and aerodynamic aspects of infrastructure;

(xiii) improved highway construction technologies and practices;

(xiv) improved tools, technologies, and models for infrastructure management, including assessment and monitoring of infrastructure condition;

(xv) studies to improve flexibility and resiliency of infrastructure systems to withstand climate variability;

(xvi) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions;

(xvii) studies of infrastructure resilience and other adaptation measures;

(xviii) maintenance of seismic research activities, including research carried out in conjunction with other Federal agencies to study the vulnerability of the transportation system to seismic activity and methods to reduce that vulnerability; and

(xix) technology transfer and adoption of permeable, pervious, or porous paving materials, practices, and systems that are designed to minimize environmental impacts, stormwater runoff, and flooding and to treat or remove pollutants by allowing stormwater to infiltrate through the pavement in a manner similar to predevelopment hydrologic conditions.

[(D) LIFECYCLE COSTS ANALYSIS STUDY.—

[(i) IN GENERAL.—In this subparagraph, the term "lifecycle costs analysis" means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

[(ii) STUDY.—The Comptroller General shall conduct a study of the best practices for calculating lifecycle costs and benefits for federally funded highway projects, which shall include, at a minimum, a thorough literature review and a survey of current lifecycle cost practices of State departments of transportation.

[(iii) CONSULTATION.—In carrying out the study, the Comptroller shall consult with, at a minimum—

[(I) the American Association of State Highway and Transportation Officials;

[(II) appropriate experts in the field of lifecycle cost analysis; and

[(III) appropriate industry experts and research centers.

[(E) REPORT.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives a report on the results of the study which shall include—

[(i) a summary of the latest research on lifecycle cost analysis; and

[(ii) recommendations on the appropriate—

[(I) period of analysis;

[(II) design period;

[(III) discount rates; and

[(IV) use of actual material life and maintenance cost data.]

(4) STRENGTHENING TRANSPORTATION PLANNING AND ENVIRONMENTAL DECISIONMAKING.—

(A) IN GENERAL.—The Secretary may carry out research—

(i) to minimize the cost of transportation planning and environmental decisionmaking processes;

(ii) to improve transportation planning and environmental decisionmaking processes[; and]*;*

(iii) to minimize the potential impact of surface transportation on the environment[.]*; and*

(iv) to reduce greenhouse gas emissions and limit the effects of climate change.

(B) OBJECTIVES.—In carrying out this paragraph the Secretary may carry out research and development activities—

(i) to minimize the cost of highway infrastructure and operations;

(ii) to reduce the potential impact of highway infrastructure and operations on the environment;

(iii) to advance improvements in environmental analyses and processes and context sensitive solutions for transportation decisionmaking;

(iv) to improve construction techniques;

(v) to accelerate construction to reduce congestion and related emissions;

(vi) to reduce the impact of highway runoff on the environment;

(vii) to improve understanding and modeling of the factors that contribute to the demand for transportation; and

(viii) to improve transportation planning decisionmaking and coordination.

(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

(i) creation of models and tools for evaluating transportation measures and transportation system designs, including the costs and benefits;

(ii) congestion reduction efforts;

(iii) transportation and economic development planning in rural areas and small communities;

(iv) improvement of State, local, and tribal government capabilities relating to surface transportation planning and the environment[; and]*;*

(v) streamlining of project delivery processes[.]*; and*

(vi) establishing best practices and creating models and tools to support metropolitan and statewide planning practices to meet the considerations described in sections 134(i)(2)(I) and 135(f)(10) of this title, including—

(I) strategies to address climate change mitigation and impacts described in sections 134(i)(2)(I)(ii) and 135(f)(10)(B) of this title and the incorporation of such strategies into long range transportation planning;

(II) preparation of a vulnerability assessment described in sections 134(i)(2)(I)(iii) and 135(f)(10)(C) of this title; and

(III) integration of these practices with the planning practices described in sections 5303(i)(2)(I) and 5304(f)(10) of title 49.

(5) REDUCING CONGESTION, IMPROVING HIGHWAY OPERATIONS, AND ENHANCING FREIGHT PRODUCTIVITY.—

(A) IN GENERAL.—The Secretary shall carry out research under this paragraph with the goals of—

(i) addressing congestion problems;

(ii) reducing the costs of congestion;

(iii) improving freight movement;

(iv) increasing productivity**[**; and**]***;*

(v) improving the economic competitiveness of the United States**[**.**]***; and*

(vi) reducing greenhouse gas emissions and limiting the effects of climate change.

(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities to identify, develop, and assess innovations that have the potential—

(i) to reduce traffic congestion;

(ii) to improve freight movement; and

(iii) to reduce freight-related congestion throughout the transportation network.

(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

(i) active traffic and demand management;

(ii) acceleration of the implementation of Intelligent Transportation Systems technology;

(iii) advanced transportation concepts and analysis;

(iv) arterial management and traffic signal operation;

(v) congestion pricing;

(vi) corridor management;

(vii) emergency operations;

(viii) research relating to enabling technologies and applications;

(ix) freeway management;

(x) evaluation of enabling technologies;

(xi) impacts of vehicle size and weight on congestion;

(xii) freight operations and technology;

(xiii) operations and freight performance measurement and management;

(xiv) organization and planning for operations;

(xv) planned special events management;

(xvi) real-time transportation information;

(xvii) road weather management;

(xviii) traffic and freight data and analysis tools;

(xix) traffic control devices;

(xx) traffic incident management;

(xxi) work zone management;

(xxii) communication of travel, roadway, and emergency information to persons with disabilities;

(xxiii) research on enhanced mode choice and intermodal connectivity;

(xxiv) techniques for estimating and quantifying public benefits derived from freight transportation projects; and

(xxv) other research areas to identify and address emerging needs related to freight transportation by all modes.

(6) EXPLORATORY ADVANCED RESEARCH.—The Secretary shall carry out research and development activities relating to exploratory advanced research—

(A) to leverage the targeted capabilities of the Turner-Fairbank Highway Research Center to develop technologies and innovations of national importance; and

(B) to develop potentially transformational solutions to improve the durability, efficiency, environmental impact, productivity, and safety aspects of highway and intermodal transportation systems.

(7) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

(A) IN GENERAL.—The Secretary shall continue to operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

(B) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

(i) the conduct of highway research and development relating to emerging highway technology;

(ii) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials;

(iii) the development of innovative highway products and practices; and

(iv) the conduct of long-term, high-risk research to improve the materials used in highway infrastructure.

(8) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

(A) IN GENERAL.—Not later than July 31, 2013, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes estimates of the future highway and bridge needs of the United States and the backlog of current highway and bridge needs.

(B) COMPARISONS.—Each report under subparagraph (A) shall include all information necessary to relate and compare the conditions and service measures used in the pre-

vious biennial reports to conditions and service measures used in the current report.

(C) INCLUSIONS.—Each report under subparagraph (A) shall provide recommendations to Congress on changes to the highway performance monitoring system that address—

(i) improvements to the quality and standardization of data collection on all functional classifications of Federal-aid highways for accurate system length, lane length, and vehicle-mile of travel; and

(ii) changes to the reporting requirements authorized under section 315, to reflect recommendations under this paragraph for collection, storage, analysis, reporting, and display of data for Federal-aid highways and, to the maximum extent practical, all public roads.

(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—

(A) track the condition of highway assets, including interchanges, and the reconstruction history of such assets;

(B) can be used to assess transportation options;

(C) allow for the monitoring and modeling of network-level traffic flows on highways; and

(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.

(10) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.—

(A) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150).

(B) INCLUSIONS.—The data analysis activities authorized under subparagraph (A) may include—

(i) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(ii) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(iii) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

(iv) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e);

(v) developing tools—

(I) to improve performance analysis; and

(II) to evaluate the effects of project investments on performance;

(vi) assisting in the development or procurement of the transportation system access data under section 1403(g) of the INVEST in America Act; and

(vii) developing tools and acquiring data described under paragraph (9).

(C) FUNDING.—The Administrator of the Federal Highway Administration may use up to $15,000,000 for each of fiscal years 2023 through 2026 to carry out this paragraph.

(c) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a technology and innovation deployment program relating to all aspects of highway transportation, including planning, financing, operation, structures, materials, pavements, environment, construction, and the duration of time between project planning and project delivery, with the goals of—

(A) significantly accelerating the adoption of innovative technologies by the surface transportation community*, while considering the impacts on jobs*;

(B) providing leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in highway construction processes that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction;

(C) constructing longer-lasting highways through the use of innovative technologies and practices that lead to faster construction of efficient and safe highways and bridges;

(D) improving highway efficiency, safety, mobility, reliability, service life, environmental protection, and sustainability**[**; and**]***;*

(E) developing and deploying new tools, techniques, and practices to accelerate the adoption of innovation in all aspects of highway transportation**[**.**]***; and*

(F) reducing greenhouse gas emissions and limiting the effects of climate change.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall promote, facilitate, and carry out the program established under paragraph (1) to distribute the products, technologies, tools, methods, or other findings that result from highway research and development activities, including research and development activities carried out under this chapter**[**.**]** *and findings from the materials to reduce greenhouse gas emissions program under subsection (d).*

(B) ACCELERATED INNOVATION DEPLOYMENT.—In carrying out the program established under paragraph (1), the Secretary shall—

(i) establish and carry out demonstration programs;

(ii) provide technical assistance, and training to researchers and developers; and

(iii) develop improved tools and methods to accelerate the adoption of proven innovative practices and technologies as standard practices.

(C) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

(i) IN GENERAL.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials and the Transportation Research Board of the National Academy of Sciences, shall promote research results and products developed under the future strategic highway research program administered by the Transportation Research Board of the National Academy of Sciences.

(ii) BASIS FOR FINDINGS.—The activities carried out under this subparagraph shall be based on the report submitted to Congress by the Transportation Research Board of the National Academy of Sciences under section 510(e).

(iii) PERSONNEL.—The Secretary may use funds made available to carry out this subsection for administrative costs under this subparagraph.

(3) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.—

(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program to promote, implement, deploy, demonstrate, showcase, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

(B) GOALS.—The goals of the accelerated implementation and deployment of pavement technologies program shall include—

(i) the deployment of new, cost-effective designs, materials, recycled materials, and practices to extend the pavement life and performance and to improve user satisfaction;

(ii) the reduction of initial costs and lifecycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

(iii) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

(iv) the deployment of engineering design criteria and specifications for new and efficient practices, products, and materials for use in highway pavements;

(v) the deployment of new nondestructive and real-time pavement evaluation technologies and construction techniques**[**; and**]***;*

(vi) effective technology transfer and information dissemination to accelerate implementation of new technologies and to improve life, performance, cost effectiveness, safety, and user satisfaction**[**.**]***; and*

(vii) the deployment of innovative pavement designs, materials, and practices that reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction of highways, with consideration for findings from

the materials to reduce greenhouse gas emissions program under subsection (d).

(C) FUNDING.—The Secretary shall obligate for each of [fiscal years 2016 through 2020] *fiscal years 2023 through 2026* from funds made available to carry out this subsection $12,000,000 to accelerate the deployment and implementation of pavement technology.

(D) PUBLICATION.—

(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on an Internet website a report on the cost and benefits from deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

(ii) INCLUSIONS.—The report under clause (i) may include an analysis of—

(I) Federal, State, and local cost savings;

(II) project delivery time improvements;

(III) reduced fatalities[; and]*;*

(IV) congestion impacts[.]*;*

(V) pavement monitoring and data collection practices;

(VI) pavement durability and resilience;

(VII) stormwater management;

(VIII) impacts on vehicle efficiency;

(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability;

(X) integration of renewable energy in pavement designs; and

(XI) greenhouse gas emissions reduction, including findings from the materials to reduce greenhouse gas emissions program under subsection (d).

(4) ADVANCED TRANSPORTATION TECHNOLOGIES DEPLOYMENT.—

(A) IN GENERAL.—[Not later than 6 months after the date of enactment of this paragraph, the] *The* Secretary shall [establish an advanced transportation and congestion management technologies deployment] *establish a mobility through advanced technologies* initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, *mobility,* efficiency, system performance, *environmental impacts,* and infrastructure return on investment.

(B) CRITERIA.—The Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including how the deployment of technology will—

[(i) reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;]

(i) reduce costs, improve return on investments, and improve person throughput and mobility, including through the optimization of existing transportation capacity;

(ii) deliver environmental benefits that alleviate congestion and streamline traffic flow;

(iii) measure and improve the operational performance of the applicable transportation network;

(iv) reduce the number and severity of traffic crashes and increase driver, passenger, and *bicyclist, and* pedestrian safety;

(v) collect, disseminate, and use real-time traffic, transit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;

(vi) monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;

(vii) deliver economic benefits by reducing delays, improving system performance, *increasing job opportunities,* and providing for the efficient and reliable movement of goods and services**[**; or**]***;*

(viii) **[**accelerate the deployment**]** *prepare for the safe deployment* of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies**[**.**]***; or*

(ix) reduce greenhouse gas emissions and limit the effects of climate change.

(C) APPLICATIONS.—

(i) REQUEST.—Not later than 6 months after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall request applications in accordance with clause (ii).

(ii) CONTENTS.—An application submitted under this subparagraph shall include the following:

(I) PLAN.—A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

(II) OBJECTIVES.—Quantifiable system performance improvements, such as—

(aa) reducing traffic-related crashes, **[**congestion**]** *congestion and delays, greenhouse gas emissions*, and costs;

(bb) optimizing system efficiency; and

(cc) improving access to transportation services.

(III) RESULTS.—Quantifiable safety, mobility, *economic,* and environmental benefit projections such as data-driven estimates of how the project

will improve the region's transportation system efficiency and reduce traffic congestion.

(IV) PARTNERSHIPS.—A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, *organizations representing the surface transportation workforce,* or other transportation stakeholders.

(V) LEVERAGING.—A plan to leverage and optimize existing local and regional advanced transportation technology investments.

(iii) CONSIDERATIONS.—An application submitted under this paragraph may include a description of how the proposed project would support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), or the improvement of transportation system access consistent with section 150(f), including through—

(I) the congestion and on-road mobile-source emissions performance measures established under section 150(c)(5); or

(II) the greenhouse gas emissions performance measures established under section 150(c)(7).

(D) GRANT SELECTION.—

(i) GRANT AWARDS.—Not later than 1 year after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall award grants to not less than 5 and not more than 10 eligible entities.

(ii) GEOGRAPHIC DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban and rural areas.

(iii) TECHNOLOGY DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse technology solutions.

(iv) PRIORITIZATION.—In awarding a grant under this paragraph, the Secretary shall prioritize projects that, in accordance with the criteria described in subparagraph (B)—

(I) improve person throughput and mobility, including through the optimization of existing transportation capacity;

(II) deliver environmental benefits;

(III) reduce the number and severity of traffic crashes and increase driver, passenger, bicyclist, and pedestrian safety; or

(IV) reduce greenhouse gas emissions and limit the effects of climate change.

(v) GRANT DISTRIBUTION.—In each fiscal year, the Secretary shall award not fewer than 3 grants under

this paragraph based on the potential of the project to reduce the number and severity of traffic crashes and increase, driver, passenger, bicyclist, and pedestrian safety.

(vi) WORKFORCE PARTNERSHIPS.—In awarding a grant under this paragraph, the Secretary shall consider, to the extent practicable, any demonstrated partnership of the applicant with representatives of the surface transportation workforce.

(E) USE OF GRANT FUNDS.—A grant recipient may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advanced traveler information systems;

(ii) advanced transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems *consistent with section 5312 of title 49*;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) advanced safety systems, including vehicle-to-vehicle*, vehicle-to-pedestrian,* and vehicle-to-infrastructure communications, *systems to improve vulnerable road user safety,* technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

(vii) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;

(viii) electronic pricing and payment systems**[**; or**]***;*

(ix) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and **[**disabled individuals.**]** *disabled individuals, including activities under section 5316 of title 49;*

(x) measures to safeguard surface transportation system technologies under this subparagraph from cybersecurity threats; or

(xi) retrofitting dedicated short-range communications technology deployed as part of an existing pilot program to cellular vehicle-to-everything technology.

(F) REPORT TO SECRETARY.—For each eligible entity that receives a grant under this paragraph, not later than 1 year after the entity receives the grant, and each year thereafter, the entity shall submit a report to the Secretary that describes—

(i) deployment and operational costs of the project compared to the benefits and savings the project provides; and

(ii) how the project has met the original expectations projected in the deployment plan submitted with the application, such as—

(I) data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

(II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

(III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

(IV) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

[(G) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on an Internet website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

[(i) reduced traffic-related fatalities and injuries;

[(ii) reduced traffic congestion and improved travel time reliability;

[(iii) reduced transportation-related emissions;

[(iv) optimized multimodal system performance;

[(v) improved access to transportation alternatives;

[(vi) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

[(vii) provided cost savings to transportation agencies, businesses, and the traveling public; or

[(viii) provided other benefits to transportation users and the general public.]

(G) REPORTING.—

(i) APPLICABILITY OF LAW.—The program under this paragraph shall be subject to the accountability and oversight requirements in section 106(m).

(ii) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on a website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has provided benefits, such as how the program has—

(I) reduced traffic-related fatalities and injuries;

(II) reduced traffic congestion and improved travel time reliability;

(III) reduced transportation-related emissions;

(IV) optimized multimodal system performance;

(V) improved access to transportation alternatives;

(VI) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

(VII) provided cost savings to transportation agencies, businesses, and the traveling public;

(VIII) created or maintained transportation jobs and supported transportation workers; or

(IX) provided other benefits to transportation users, workers, and the general public.

(iii) CONSIDERATIONS.—If applicable, the Secretary shall ensure that the activities described in subclauses (I) and (IV) of clause (ii) reflect—

(I) any information described in subparagraph (C)(iii) that is included by an applicant; or

(II) the project prioritization guidelines under subparagraph (D)(iv).

(H) ADDITIONAL GRANTS.—The Secretary may cease to provide additional grant funds to a recipient of a grant under this paragraph if—

(i) the Secretary determines from such recipient's report that the recipient is not carrying out the requirements of the grant; and

(ii) the Secretary provides written notice 60 days prior to withholding funds to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

(I) **[**FUNDING.—

[(i) IN GENERAL.—From funds made available to carry out subsection (b), this subsection, and sections 512 through 518, the Secretary shall set aside for grants awarded under subparagraph (D) $60,000,000 for each of fiscal years 2016 through 2020.**]**

[(ii) EXPENSES FOR THE SECRETARY.—**]** **[**Of the amounts set aside under clause (i), the Secretary may set aside**]** *FUNDING.—Of the amounts made available to carry out this paragraph, the Secretary may set aside* $2,000,000 each fiscal year for program reporting, evaluation, and administrative costs related to this paragraph.

(J) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project**[**.**]**, *except that the Federal share of the cost of a project for which a grant is awarded under this paragraph shall not exceed 80 percent.*

(K) GRANT LIMITATION.—The Secretary may not award more than 20 percent of the **[**amount described under subparagraph (I)**]** *funds made available to carry out this paragraph* in a fiscal year to a single grant recipient.

(L) EXPENSES FOR GRANT RECIPIENTS.—A grant recipient under this paragraph may use not more than 5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

[(M) GRANT FLEXIBILITY.—

[(i) IN GENERAL.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in clause (ii)—

[(I) any of the funds reserved for the fiscal year under subparagraph (I) that the Secretary has not yet awarded under this paragraph; and

[(II) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subclause (I).

[(ii) PROGRAMS.—The programs referred to in clause (i) are—

[(I) the program under subsection (b);

[(II) the program under this subsection; and

[(III) the programs under sections 512 through 518.

[(iii) DISTRIBUTION.—Any transfer of funds and obligation limitation under clause (i) shall be divided among the programs referred to in that clause in the same proportions as the Secretary originally reserved funding from the programs for the fiscal year under subparagraph (I).]

(M) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this paragraph for a fiscal year, the Secretary shall transfer to the technology and innovation deployment program—

(i) any of the funds made available to carry out this paragraph in a fiscal year that the Secretary has not yet awarded under this paragraph; and

(ii) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under clause (i).

(N) DEFINITIONS.—In this paragraph, the following definitions apply:

(i) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government, a transit agency, metropolitan planning organization representing *an urbanized area with* a population of over 200,000, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions.

(ii) ADVANCED AND CONGESTION MANAGEMENT TRANSPORTATION TECHNOLOGIES.—The term "advanced transportation and congestion management technologies" means technologies that improve the effi-

ciency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

(iii) MULTIJURISDICTIONAL GROUP.—The term "multijurisdictional group" means [a any] *any* combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group—

(I) has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries; and

(II) is an eligible entity under this paragraph.

(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

(A) IN GENERAL.—The Secretary shall, to the extent practicable, under the technology and innovation deployment program established under paragraph (1), promote, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

(B) GOALS.—The goals of promoting the accelerated implementation and deployment of advanced digital construction management systems established under subparagraph (A) shall include—

(i) accelerated State and local government adoption of advanced digital construction management systems applied throughout the project delivery process (including through the design and engineering, construction, and operations phases) that—

(I) maximize interoperability with other systems, products, tools, or applications;

(II) boost productivity;

(III) manage complexity and risk;

(IV) reduce project delays and cost overruns;

(V) enhance safety and quality; and

(VI) support sustainable design and construction;

(ii) more timely and productive information-sharing among stakeholders through digital collaboration platforms that connect workflows, teams, and data and reduced reliance on paper to manage construction processes and deliverables;

(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors;

(iv) the development and deployment of best practices for use in digital construction management;

(v) increased technology adoption and deployment by States and units of local government that enables project sponsors—

(I) to integrate the adoption of digital management systems and technologies in contracts; and

(II) to weigh the cost of digitization and technology in setting project budgets;

(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States and units of local government—

(I) to better manage projects using advance digital construction management technologies; and

(II) to properly measure and reward technology adoption across projects of the State or unit of local government;

(vii) development of guidance to assist States in updating regulations of the State to allow project sponsors and contractors—

(I) to report data relating to the project in digital formats; and

(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects;

(ix) development of more sustainable infrastructure that is designed to be more resilient to climate impacts, constructed with less material waste and made with more low-emissions construction materials; and

(x) enhanced worker and pedestrian safety resulting from increased transparency.

(d) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish and implement a program under which the Secretary shall award grants to eligible entities to research and support the development and deployment of materials that will capture, absorb, adsorb, reduce, or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction and use of highways.

(2) ACTIVITIES.—Activities under this section may include—

(A) carrying out research to determine the materials proven to most effectively capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

(B) evaluating and improves the ability of materials to most effectively capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

(C) supporting the development and deployment of materials that will capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions; and

(D) in coordination with standards-setting organizations, such as the American Association of State Highway and Transportation Officials, carrying out research on—

(i) the extent to which existing state materials procurement standards enable the deployment of materials

proven to most effectively reduce or sequester greenhouse gas emissions;

(ii) opportunities for States to adapt procurement standards to more frequently procure materials proven to most effectively reduce or sequester greenhouse gas emissions; and

(iii) how to support or incentivize States to adapt procurement standards to incorporate more materials proven to most effectively reduce or sequester greenhouse gas emissions.

(3) COMPETITIVE SELECTION PROCESS.—

(A) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(B) CONSIDERATION.—In making grants under this subsection, the Secretary shall consider the degree to which applicants presently carry out research on materials that capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions.

(C) SELECTION CRITERIA.—The Secretary may make grants under this subsection to any eligible entity based on the demonstrated ability of the applicant to fulfill the activities described in paragraph (2).

(D) TRANSPARENCY.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process for a grant under this subsection, including—

(i) specific criteria of evaluation used in the review;

(ii) descriptions of the review process; and

(iii) explanations of the grants awarded.

(4) GRANTS.—

(A) RESTRICTIONS.—

(i) IN GENERAL.—For each fiscal year, a grant made available under this subsection shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

(ii) LIMITATION.—An eligible entity may only receive one grant in a fiscal year under this subsection.

(B) MATCHING REQUIREMENTS.—As a condition of receiving a grant under this subsection, a grant recipient shall match 50 percent of the amounts made available under the grant.

(5) PROGRAM COORDINATION.—

(A) IN GENERAL.—The Secretary shall—

(i) coordinate the research, education, and technology transfer activities carried out by grant recipients under this subsection;

(ii) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse; and

(iii) to the extent practicable, support the deployment and commercial adoption of effective materials researched or developed under this subsection to relevant stakeholders.

(B) ANNUAL REVIEW AND EVALUATION.—Not later than 2 years after the date of enactment of this subsection, and not less frequently than annually thereafter, the Secretary shall, consistent with the activities in paragraph (3)—

(i) review and evaluate the programs carried out under this subsection by grant recipients, describing the effectiveness of the program in identifying materials that capture, absorb, adsorb, reduce, or sequester greenhouse gas emissions;

(ii) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing such review and evaluation; and

(iii) make the report in clause (ii) available to the public on a website.

(6) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this subsection shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

(7) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this subsection, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44 (commonly known as the "Paperwork Reduction Act").

(8) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means—

(A) a nonprofit institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) a State department of transportation.

§ 504. Training and education

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a National Highway Institute (in this subsection referred to as the "Institute"). The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

(A) Federal Highway Administration, State, and local transportation agency employees and the employees of any other applicable Federal agency;

(B) regional, State, and metropolitan planning organizations;

(C) State and local police, public safety, and motor vehicle employees; and

(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

(3) COURSES.—

(A) IN GENERAL.—The Institute shall—

(i) develop or update existing courses in asset management, including courses that include such components as—

(I) the determination of life-cycle costs;

(II) the valuation of assets;

(III) benefit-to-cost ratio calculations; and

(IV) objective decisionmaking processes for project selection; and

(ii) continually develop courses relating to the application of emerging technologies for—

(I) transportation infrastructure applications and asset management;

(II) intelligent transportation systems;

(III) operations (including security operations);

(IV) the collection and archiving of data;

(V) reducing the amount of time required for the planning and development of transportation projects; and

(VI) the intermodal movement of individuals and freight.

(B) ADDITIONAL COURSES.—In addition to the courses developed under subparagraph (A), the Institute, in consultation with State transportation departments, metropolitan planning organizations, and the American Association of State Highway and Transportation Officials, may develop courses relating to technology, methods, techniques, engineering, construction, safety, maintenance, environmental mitigation and compliance, regulations, management, inspection, and finance.

(C) REVISION OF COURSES OFFERED.—The Institute shall periodically—

(i) review the course inventory of the Institute; and

(ii) revise or cease to offer courses based on course content, applicability, and need.

(4) SET-ASIDE; FEDERAL SHARE.—Not to exceed 1/2 of 1 percent of the funds apportioned to a State under section 104(b)(2) for the surface transportation [block grant] program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of

State and local transportation agencies in accordance with this subsection.

(5) FEDERAL RESPONSIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

(7) COLLECTION OF FEES.—

(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

(ii) persons and entities to whom education or training is provided under this subsection.

(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or

administration of education and training programs authorized under this subsection.

(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under paragraph (7).

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

(A) highway and transportation agencies in urbanized and rural areas;

(B) contractors that perform work for the agencies; and

(C) infrastructure security staff.

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

(i) develop and expand expertise in road and transportation areas (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures);

(ii) improve roads and bridges;

(iii) enhance—

(I) programs for the movement of passengers and freight; and

(II) intergovernmental transportation planning and project selection; and

(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

(B) develop technical assistance for tourism and recreational travel;

(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);

(D) operate, in cooperation with State transportation departments and universities—

(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas; and

(ii) local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and

(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

(3) FEDERAL SHARE.—

(A) LOCAL TECHNICAL ASSISTANCE CENTERS.—

(i) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out by a local technical assistance center under paragraphs (1) and (2) shall be 50 percent.

(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity described in clause (i) may consist of amounts provided to a recipient under subsection (e) or section 505, up to 100 percent of the non-Federal share.

(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of an activity carried out by a tribal technical assistance center under paragraph (2)(D)(ii) shall be 100 percent.

(c) RESEARCH FELLOWSHIPS.—

(1) GENERAL AUTHORITY.—The Secretary, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation, which program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program".

(B) USE OF AMOUNTS.—Amounts provided to institutions of higher education to carry out this paragraph shall be used to provide direct support of student expenses.

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.

(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

(A) internships that offer students experience in the transportation field;

(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

(C) developing relevant curriculum that uses examples and problems related to transportation.

(3) APPLICATION AND REVIEW PROCEDURES.—

(A) IN GENERAL.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used to serve the purposes described in paragraph (2).

(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

(C) ELIGIBILITY.—Local educational agencies and State educational agencies, which may enter into a partnership agreement with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

(4) DEFINITIONS.—In this subsection, the following definitions apply:

(A) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(B) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

(C) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—

(1) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under paragraphs (1) through (4) *and (8) through (9)* of section 104(b) for surface transportation workforce development, training, and education, including—

(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

(B) employee professional development;

(C) student internships;

(D) university or community college support;

(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers;

(F) activities carried out by the National Highway Institute under subsection (a); and

(G) local technical assistance programs under subsection (b).

(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100

percent, except for activities carried out under paragraph (1)(G), for which the Federal share shall be 50 percent.

(3) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION DEFINED.—In this subsection, the term "surface transportation workforce development, training, and education" means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.

(f) TRANSPORTATION EDUCATION DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to institutions of higher education that, in partnership with industry or State departments of transportation, will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

(B) providing for practical experience and on-the-job training;

(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

(E) programs or curricula in nontraditional departments that train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

(F) the commitment of industry or a State's department of transportation to the program.

(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $300,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal not more than 75 percent of a grantee's program costs.

(4) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that includes—

(A) a list of all grant recipients under this subsection;

(B) an explanation of why each recipient was chosen in accordance with the criteria under paragraph (2);

(C) a summary of each recipient's objective to carry out the purpose described in paragraph (1) and an analysis of progress made toward achieving each such objective;

(D) an accounting for the use of Federal funds obligated or expended in carrying out this subsection; and

(E) an analysis of outcomes of the program under this subsection.

(g) FREIGHT CAPACITY BUILDING PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating to the governance of the freight planning capacity initiative.

(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

(4) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:

(A) The identification and dissemination of best practices in freight transportation.

(B) Providing opportunities for freight transportation staff to engage in peer exchange.

(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation needs.

(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental stewardship in connection with long-range multimodal transportation planning and project implementation.

(5) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(6) USE OF FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or [make grants or to] *make grants to*

and enter into contracts and cooperative agreements with a Federal agency, State agency, local agency, federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.

(h) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—

(1) IN GENERAL.—The Secretary shall make grants under this section to establish and maintain centers for surface transportation excellence.

(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.

(3) ROLE OF THE CENTERS.—To achieve the goals set forth in paragraph (2), any centers established under paragraph (1) shall provide technical assistance, information sharing of best practices, and training in the use of tools and decisionmaking processes that can assist States in effectively implementing surface transportation programs, projects, and policies.

(4) PROGRAM ADMINISTRATION.—

(A) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary under this subsection, or receiving a grant to perform research or provide technical assistance under this subsection, shall be selected on a competitive basis.

(B) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan, that—

(i) is submitted to the Secretary at such time as the Secretary requires; and

(ii) describes—

(I) the activities to be undertaken by the center; and

(II) how the work of the center will be coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized under this chapter.

* * * * * * *

§ 513. Use of funds for ITS activities

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government, tribal government, transit agency, public toll authority, metropolitan planning organization, other political subdivision of a State or local government, or a multistate or multijurisdictional group applying through a single lead applicant.

(2) MULTIJURISDICTIONAL GROUP.—The term "multijurisdictional group" means a combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State that—

(A) have signed a written agreement to implement an activity that meets the grant criteria under this section; and

(B) is comprised of at least 2 members, each of whom is an eligible entity.

(b) PURPOSE.—The purpose of this section is to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs.

(c) ITS ADOPTION.—

(1) INNOVATIVE TECHNOLOGIES AND STRATEGIES.—The Secretary shall encourage the deployment of ITS technologies that will improve the performance of the National Highway System in such areas as traffic operations, emergency response, incident management, surface transportation network management, freight management, traffic flow information, *greenhouse gas emissions reduction,* and congestion management by accelerating the adoption of innovative technologies through the use of—

(A) demonstration programs;

(B) grant funding;

(C) incentives to eligible entities; and

(D) other tools, strategies, or methods that will result in the deployment of innovative ITS technologies.

(2) COMPREHENSIVE PLAN.—To carry out this section, the Secretary shall develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.

§ 514. Goals and purposes

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to collisions, with particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) reduction of greenhouse gas emissions and mitigation of the effects of climate change;

[(4)**]** *(5)* accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles, and pedestrians (including individuals with disabilities);

[(5)] *(6)* enhancement of national defense mobility and improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and

[(6)] *(7)* enhancement of the national freight system and support to [national freight policy goals] *national multimodal freight policy goals and activities described in subtitle IX of title 49*.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent transportation system program, at a minimum—

(1) to expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) to ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

(3) to improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) to promote the innovative use of private resources in support of intelligent transportation system development;

(5) to facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

(6) to support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

(7) to develop a workforce capable of developing, operating, and maintaining intelligent transportation systems;

(8) to provide continuing support for operations and maintenance of intelligent transportation systems;

(9) to ensure a systems approach that includes cooperation among vehicles, infrastructure, and users; and

(10) to assist in the development of cybersecurity research in cooperation with relevant modal administrations of the Department of Transportation and other Federal agencies to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles.

§ 515. General authorities and requirements

(a) SCOPE.—Subject to the provisions of sections 512 through 518, the Secretary shall conduct an ongoing intelligent transportation system program—

(1) to research, develop, and operationally test intelligent transportation systems; and

(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to sections 512 through 518 shall encourage and not displace public-private partnerships or private sector investment in those tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local

governments and other public entities, the private sector firms of the United States, the Federal laboratories, and institutions of higher education, including historically Black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal agencies, as appropriate.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under sections 512 through 518; and

(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

(h) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out sections 512 through 518.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than [20 members] *25 members*, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a [State highway department] *State department of transportation*;

(B) a representative from a [local highway department] *local department of transportation* who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

[(E) a private sector user of intelligent transportation system technologies;

[(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

[(G) an academic researcher who is a civil engineer;

[(H) an academic researcher who is a social scientist with expertise in transportation issues;

[(I) a representative from a nonprofit group representing the intelligent transportation system industry;

[(J) a representative from a public interest group concerned with safety;]

(E) a private sector representative of the intelligent transportation systems industry;

(F) a representative from an advocacy group concerned with safety, including bicycle and pedestrian interests;

(G) a representative from a labor organization; and

[(K)] *(H)* a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

[(L) members with expertise in planning, safety, telecommunications, utilities, and operations.]

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the intelligent transportation system aspects of the strategic plan under [section 508] *section 6503 of title 49*.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users *in both urban and rural areas*, and if not, to determine the barriers to deployment[; and]*;*

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered[.]*; and*

(iv) assess how Federal transportation resources, including programs under this title, are being used to advance intelligent transportation systems.

(C) Convene not less frequently than twice each year, either in person or remotely.

(4) REPORT.—Not later than [May 1] *April 1* of each year, the Secretary shall make available to the public on a Department of Transportation website a report that includes—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of the manner in which the Secretary has implemented those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.)*, except that section 14 of such Act shall not apply*.

(i) REPORTING.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under sections 512 through 518.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under sections 512 through 518.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under sections 512 through 518 shall not be subject to chapter 35 of title 44, United States Code.

§ 516. Research and development

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research and development, *including through grants to entities or groups of entities, such as institutions of higher education,* and operational tests of intelligent vehicles, intelligent infrastructure systems, and other similar activities that are necessary to carry out this chapter.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

(2) use interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems;

(4) incorporate research on the potential impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

(5) demonstrate reductions in greenhouse gas emissions;

[(5)**]** *(6)* enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

[(6)**]** *(7)* enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems**[**; or**]***;*

[(7)**]** *(8)* facilitate the integration of intelligent infrastructure, vehicle, and control technologies**[**.**]***;*

(9) integrate existing observational networks and data management systems for road weather applications; or

(10) facilitate the interconnectivity of data and information technology systems across different observational networks and different users.

(c) FEDERAL SHARE.—The Federal share payable on account of any project or activity carried out under subsection (a) shall not exceed 80 percent.

* * * * * * *

§ 520. Every Day Counts initiative

(a) IN GENERAL.—It is in the national interest for the Department of Transportation, State departments of transportation, and all other recipients of Federal surface transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at expediting project delivery;

(2) enhancing the safety of the roadways of the United States, and protecting the environment;

(3) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(4) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(5) to create a culture of innovation within the highway community.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, all other recipients of Federal surface transportation funds, and industry stakeholders, including labor representatives, to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;

(2) expedite the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety;

(5) reduce congestion; and

(6) reduce greenhouse gas emissions.

(c) CONSIDERATIONS.—In carrying out the Every Day Counts initiative, the Administrator shall consider any innovative practices and products in accordance with subsections (a) and (b), including—

(1) research results from the university transportation centers program under section 5505 of title 49; and

(2) results from the materials to reduce greenhouse gas emissions program in section 503(d).

(d) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, outreach, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(e) PUBLICATION.—Each collection identified under subsection (d) shall be published by the Administrator on a publicly available website.

(f) FUNDING.—The Secretary may use funds made available to carry out section 503(c) to carry out this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.

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CHAPTER 6—INFRASTRUCTURE FINANCE

* * * * * * *

§ 602. Determination of eligibility and project selection

(a) ELIGIBILITY.—

(1) IN GENERAL.—A project shall be eligible to receive credit assistance under the TIFIA program if—

(A) the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project; and

(B) the project meets the criteria described in this subsection.

(2) CREDITWORTHINESS.—

(A) IN GENERAL.—To be eligible for assistance under the TIFIA program, a project shall satisfy applicable creditworthiness standards, which, at a minimum, shall include—

(i) a rate covenant, if applicable;

(ii) adequate coverage requirements to ensure repayment;

(iii) an investment grade rating from at least 2 rating agencies on debt senior to the Federal credit instrument; and

(iv) ⟦a rating⟧ *an investment grade rating* from at least 2 rating agencies on the Federal credit instrument, subject to the condition that, with respect to clause (iii), if the total amount of the senior debt and the Federal credit instrument is less than ⟦$75,000,000⟧ *$150,000,000*, 1 rating agency opinion

for each of the senior debt and Federal credit instrument shall be sufficient.

(B) SENIOR DEBT.—Notwithstanding subparagraph (A), in a case in which the Federal credit instrument is [the senior debt] *senior debt*, the Federal credit instrument shall be required to receive an investment grade rating from at least 2 rating agencies, unless the [credit instrument is for an amount less than $75,000,000] *total amount of other senior debt and the Federal credit instrument is less than $150,000,000*, in which case 1 rating agency opinion shall be sufficient.

(3) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—A project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under the TIFIA program.

(4) APPLICATION.—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary shall submit a project application that is acceptable to the Secretary.

(5) ELIGIBLE PROJECT COST PARAMETERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a project under the TIFIA program shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) $50,000,000; and

(ii) 331/3 percent of the amount of Federal highway funds apportioned for the most recently completed fiscal year to the State in which the project is located.

(B) EXCEPTIONS.—

(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $15,000,000.

(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000, but not to exceed $100,000,000.

(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of a project or program of projects—

(I) in which the applicant is a local government, public authority, or instrumentality of local government;

(II) located on a facility owned by a local government; or

(III) for which the Secretary determines that a local government is substantially involved in the development of the project.

(6) DEDICATED REVENUE SOURCES.—The applicable Federal credit instrument shall be repayable, in whole or in part, from—

(A) tolls;

(B) user fees;

(C) payments owing to the obligor under a public-private partnership; or

(D) other dedicated revenue sources that also secure or fund the project obligations.

(7) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraph (3).

(8) APPLICATIONS WHERE OBLIGOR WILL BE IDENTIFIED LATER.—A State, local government, agency or instrumentality of a State or local government, or public authority may submit to the Secretary an application under paragraph (4), under which a private party to a public-private partnership will be—

(A) the obligor; and

(B) identified later through completion of a procurement and selection of the private party.

(9) BENEFICIAL EFFECTS.—The Secretary shall determine that financial assistance for the project under the TIFIA program will—

(A) foster, if appropriate, partnerships that attract public and private investment for the project;

(B) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs (including debt service costs) of the project; and

(C) reduce the contribution of Federal grant assistance for the project.

(10) PROJECT READINESS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under the TIFIA program, the applicant shall demonstrate a reasonable expectation that the contracting process for construction of the project can commence by no later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary

may extend the term of the loan or withdraw the loan commitment.

(b) SELECTION AMONG ELIGIBLE PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a rolling application process under which projects that are eligible to receive credit assistance under subsection (a) shall receive credit assistance on terms acceptable to the Secretary, if adequate funds are available to cover the subsidy costs associated with the Federal credit instrument.

(2) MASTER CREDIT AGREEMENTS.—

(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.

(3) PRELIMINARY RATING OPINION LETTER.—The Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency—

(A) indicating that the senior obligations of the project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating; and

(B) including a preliminary rating opinion on the Federal credit instrument.

(c) FEDERAL REQUIREMENTS.—

(1) IN GENERAL.—In addition to the requirements of this title for highway projects, the requirements of chapter 53 [of title 49] *and section 22905(a) of title 49, subject to the requirements of section 5320(o) of title 49,* for transit projects, and the requirements of section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under the TIFIA program and projects assisted with those funds:

(A) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(B) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(2) NEPA.—No funding shall be obligated for a project that has not received an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) APPLICATION PROCESSING PROCEDURES.—

(1) NOTICE OF COMPLETE APPLICATION.—Not later than 30 days after the date of receipt of an application under this sec-

tion, the Secretary shall provide to the applicant a written notice to inform the applicant whether—

(A) the application is complete; or

(B) additional information or materials are needed to complete the application.

(2) APPROVAL OR DENIAL OF APPLICATION.—Not later than 60 days after the date of issuance of the written notice under paragraph (1), the Secretary shall provide to the applicant a written notice informing the applicant whether the Secretary has approved or disapproved the application.

(e) DEVELOPMENT PHASE ACTIVITIES.—Any credit instrument secured under the TIFIA program may be used to finance up to 100 percent of the cost of development phase activities as described in section [601(a)(1)(A)] *601(a)(2)(A)*.

§ 603. Secured loans

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) and (3), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 602;

(B) to refinance interim construction financing of eligible project costs of any project selected under section 602;

(C) to refinance existing Federal credit instruments for rural infrastructure projects; or

(D) to refinance long-term project obligations or Federal credit instruments, if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

(i) is selected under section 602; or

(ii) otherwise meets the requirements of section 602.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—

(A) if the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and

(B) later than 1 year after the date of substantial completion of the project.

(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account each rating letter provided by an agency under section 602(b)(3)(B).

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate.

(2) MAXIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a secured loan under this section shall not exceed the lesser of 49 percent of the reasonably anticipated eligible project costs or if the secured loan does not receive an investment grade rating, the amount of the senior project obligations.

(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).

(3) PAYMENT.—A secured loan under this section—

(A) shall—

(i) be payable, in whole or in part, from—

(I) tolls;

(II) user fees;

(III) payments owing to the obligor under a public-private partnership;

(IV) other dedicated revenue sources that also secure the senior project obligations; or

(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and

(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(B) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) INTEREST RATE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(B) RURAL INFRASTRUCTURE PROJECTS.—

(i) IN GENERAL.—The interest rate of a loan offered to a rural infrastructure project or a rural projects fund under the TIFIA program shall be at 1/2 of the Treasury Rate in effect on the date of execution of the loan agreement.

(ii) APPLICATION.—The rate described in clause (i) shall only apply to any portion of a loan the subsidy cost of which is funded by amounts set aside for rural infrastructure projects and rural project funds under section 608(a)(3)(A).

(C) LIMITED BUYDOWNS.—The interest rate of a secured loan under this section may not be lowered by more than the lower of—

(i) 11/2 percentage points (150 basis points); or

(ii) the amount of the increase in the interest rate.

(5) MATURITY DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the final maturity date of the secured loan shall be the lesser of—

(i) 35 years after the date of substantial completion of the project; and

(ii) if the useful life of the capital asset being financed is of a lesser period, the useful life of the asset.

(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.

(6) NONSUBORDINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(B) PREEXISTING INDENTURE.—

(i) IN GENERAL.—The Secretary shall waive the requirement under subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

(I) the secured loan is rated in the A category or higher;

(II) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

(III) the TIFIA program share of eligible project costs is 33 percent or less.

(ii) LIMITATION.—If the Secretary waives the nonsubordination requirement under this subparagraph—

(I) the maximum credit subsidy to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

(II) the obligor shall be responsible for paying the remainder of the subsidy cost, if any.

(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

[(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under the TIFIA program may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.**]**

(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

(9) MAXIMUM FEDERAL INVOLVEMENT.—

(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program shall not exceed 80 percent of the total project cost.

(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy subparagraph (A) through compliance with the Federal share requirement described in section 610(e)(3)(B).

(C) TERRITORIES.—Funds provided for a territory under section 165(c) shall not be considered Federal assistance for purposes of subparagraph (A).

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on—

(A) the projected cash flow from project revenues and other repayment sources; and

(B) the useful life of the project.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(3) DEFERRED PAYMENTS.—

(A) IN GENERAL.—If, at any time after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

(ii) REPAYMENT STANDARDS.—The criteria established pursuant to clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project

if the Secretary determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

(f) STREAMLINED APPLICATION PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall make available an expedited application process or processes available at the request of entities seeking secured loans under the TIFIA program that use a set or sets of conventional terms established pursuant to this section.

(2) TERMS.—In establishing the streamlined application process required by this subsection, the Secretary may include terms commonly included in prior credit agreements and allow for an expedited application period, including—

(A) the secured loan is in an amount of not greater than $100,000,000;

(B) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge, tax increment financing, or a system-backed pledge of project revenues; and

(C) repayment of the loan commences not later than 5 years after disbursement.

(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

(i) the terms under paragraph (2); and

(ii) the additional criteria described in subparagraph (B).

(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

(ii) The secured loan is rated in the A category or higher.

(iii) The TIFIA program share of eligible project costs is 33 percent or less.

(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.

* * * * * * *

§ 605. Program administration

(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instruments made available under the TIFIA program.

(b) FEES.—The Secretary may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(1) the costs of services of expert firms retained pursuant to subsection (d); and

(2) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments.

(c) SERVICER.—

(1) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary.

(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

(e) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under the TIFIA program.

(f) ASSISTANCE TO SMALL PROJECTS.—

(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set aside under section 608(a)(5), not less than **[**$2,000,000**]** *$3,000,000* shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the

TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) in a fiscal year shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.

* * * * * * *

§ 608. Funding

(a) FUNDING.—

(1) SPENDING AND BORROWING AUTHORITY.—Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal-year basis.

(2) REESTIMATES.—If the subsidy cost of a Federal credit instrument is reestimated, the cost increase or decrease of the reestimate shall be borne by, or benefit, the general fund of the Treasury, consistent with section 504(f) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(f)).

(3) RURAL SET-ASIDE.—

(A) IN GENERAL.—Of the total amount of funds made available to carry out the TIFIA program for each fiscal year, not more than 10 percent shall be set aside for rural infrastructure projects or rural projects funds.

(B) REOBLIGATION.—Any amounts set aside under subparagraph (A) that remain unobligated by June 1 of the fiscal year for which the amounts were set aside shall be available for obligation by the Secretary on projects other than rural infrastructure projects or rural projects funds.

(4) AVAILABILITY.—Amounts made available to carry out the TIFIA program shall remain available until expended.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use not more than **[**$6,875,000 for fiscal year 2016, $7,081,000 for fiscal year 2017, $7,559,000 for fiscal year 2018, $8,195,000 for fiscal year 2019, and $8,441,000 for fiscal year 2020 for the administration of the TIFIA program.**]** *2.5 percent for the administration of the TIFIA program.*

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under the TIFIA program shall impose on the United States a contractual obligation to fund the Federal credit investment.

(2) AVAILABILITY.—Amounts made available to carry out the TIFIA program for a fiscal year shall be available for obligation on October 1 of the fiscal year.

§ 609. Reports to Congress

(a) IN GENERAL.—On June 1, 2012, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under the TIFIA program, including a rec-

ommendation as to whether the objectives of the TIFIA program are best served by—

(1) continuing the program under the authority of the Secretary;

(2) establishing a Federal corporation or federally sponsored enterprise to administer the program; or

(3) phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by the TIFIA program without Federal participation.

(b) APPLICATION PROCESS REPORT.—

(1) IN GENERAL.—Not later than December 1, 2012, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a list of all of the letters of interest and applications received from project sponsors for assistance under the TIFIA program during the preceding fiscal year.

(2) INCLUSIONS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include, at a minimum, a description of, with respect to each letter of interest and application included in the report—

(i) the date on which the letter of interest or application was received;

(ii) the date on which a notification was provided to the project sponsor regarding whether the application was complete or incomplete;

(iii) the date on which a revised and completed application was submitted (if applicable);

(iv) the date on which a notification was provided to the project sponsor regarding whether the project was approved or disapproved; [and]

(v) if the project was not approved, the reason for the disapproval[.]*; and*

(vi) whether the project is located in a metropolitan statistical area, micropolitan statistical area, or neither (as such areas are defined by the Office of Management and Budget).

(B) CORRESPONDENCE.—Each report under paragraph (1) shall include copies of any correspondence provided to the project sponsor in accordance with section 602(d).

(c) STATUS REPORTS.—

(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

(A) the name of the party submitting the letter of interest or application;

(B) the name of the project;

(C) the date on which the letter of interest or application was received;

(D) the estimated project eligible costs;

(E) the type of credit assistance sought; and

(F) the anticipated fiscal year and quarter for closing of the credit assistance.

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TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

* * * * * * *

CHAPTER 1—ORGANIZATION

Sec.
101. Purpose.

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118. Nontraditional and Emerging Transportation Technology Council.

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§ 102. Department of Transportation

(a) The Department of Transportation is an executive department of the United States Government at the seat of Government.

(b) The head of the Department is the Secretary of Transportation. The Secretary is appointed by the President, by and with the advice and consent of the Senate.

(c) The Department has a Deputy Secretary of Transportation appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary—

(1) shall carry out duties and powers prescribed by the Secretary; and

(2) acts for the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant.

(d) The Department has an Under Secretary of Transportation for Policy appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall provide leadership in the development of policy for the Department, supervise the policy activities of Assistant Secretaries with primary responsibility for aviation, international, and other transportation policy development and carry out other powers and duties prescribed by the Secretary. The Under Secretary acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant.

(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

(1) APPOINTMENT.—The Department has [6 Assistant] *7 Assistant* Secretaries and a General Counsel, including—

(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, an Assistant Secretary for Research and Technology, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President[; and]*;*

(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and

[(D)] *(E)* a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary or the General Counsel, in the order prescribed by the Secretary, acts for the Secretary when the Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy are absent or unable to serve, or when the offices of the Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy are vacant.

(f) [DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS] *OFFICE OF TRIBAL GOVERNMENT AFFAIRS*.—

[(1) ESTABLISHMENT.—In accordance with Federal policies promoting Indian self determination, the Department of Transportation shall have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations and to coordinate tribal transportation programs and activities in all offices and administrations of the Department and to be a participant in any negotiated rulemaking relating to, or having an impact on, projects, programs, or funding associated with the tribal transportation program.]

(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs, to—

(A) oversee the Tribal transportation self-governance program under section 207 of title 23;

(B) plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

(C) coordinate Tribal transportation programs and activities in all offices and administrations of the Department;

(D) provide technical assistance to Indian Tribes and Tribal organizations;

(E) be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or fund-

ing associated with the tribal transportation program under section 202 of title 23; and

(F) ensure that Department programs have in place, implement, and enforce requirements and obligations for regular and meaningful consultation and collaboration with Tribes and Tribal officials under Executive Order No. 13175 and to serve as the primary advisor to the Secretary and other Department components regarding violations of those requirements.

(2) RESERVATION OF TRUST OBLIGATIONS.—

(A) RESPONSIBILITY OF SECRETARY.—In carrying out this title, the Secretary shall be responsible to exercise the trust obligations of the United States to Indians and Indian tribes to ensure that the rights of a tribe or individual Indian are protected.

(B) PRESERVATION OF UNITED STATES RESPONSIBILITY.—Nothing in this title shall absolve the United States from any responsibility to Indians and Indian tribes, including responsibilities derived from the trust relationship and any treaty, executive order, or agreement between the United States and an Indian tribe.

(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.

(h) The Department shall have a seal that shall be judicially recognized.

* * * * * * *

§ 116. National Surface Transportation and Innovative Finance Bureau

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

(b) PURPOSES.—The purposes of the Bureau shall be—

[(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);**]**

(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1), including by—

(A) conducting proactive outreach to communities located outside of metropolitan or micropolitan statistical areas (as such areas are defined by the Office of Management and Budget) using data from the most recent decennial Census; and

(B) coordinating with the Office of Rural Development of the Department of Agriculture, the Office of Community Revitalization of the Environmental Protection Agency, and any other agencies that provide technical assistance for rural communities, as determined by the Executive Director;

(2) to administer the application processes for programs within the Department in accordance with subsection (d);

(3) to promote innovative financing best practices in accordance with subsection (e);

(4) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f); and

(5) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g).

(c) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

(2) DUTIES.—The Executive Director shall—

(A) report to the Under Secretary of Transportation for Policy;

(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;

(C) support the Council on Credit and Finance established under section 117 in accordance with this section; and

(D) carry out such additional duties as the Secretary may prescribe.

(d) ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.—

(1) IN GENERAL.—The Bureau shall administer the application processes for the following programs:

(A) The infrastructure finance programs authorized under chapter 6 of title 23.

(B) The railroad rehabilitation and improvement financing program authorized under sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823).

(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

(D) The nationally significant freight and highway projects program under section 117 of title 23.

(2) CONGRESSIONAL NOTIFICATION.—The Executive Director shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

(3) REPORTS.—The Executive Director shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

(4) COORDINATION.—In administering the application processes for the programs referred to in paragraph (1), the Executive Director shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

(5) STREAMLINING APPROVAL PROCESSES.—Not later than 1 year after the date of enactment of this section, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

(A) evaluates the application processes for the programs referred to in paragraph (1);

(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

(C) describes how the Executive Director will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

(6) PROCEDURES AND TRANSPARENCY.—

(A) PROCEDURES.—With respect to the programs referred to in paragraph (1), the Executive Director shall—

(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau's decisions for accepting or rejecting late applications to the applicant and the public; and

(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

(B) REVIEW.—

(i) IN GENERAL.—The Comptroller General of the United States shall review the compliance of the Executive Director with the requirements of this paragraph.

(ii) RECOMMENDATIONS.—The Comptroller General may make recommendations to the Executive Director in order to improve compliance with the requirements of this paragraph.

(iii) REPORT.—Not later than 3 years after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs,

and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under clause (i), including findings and recommendations for improvement.

(e) INNOVATIVE FINANCING BEST PRACTICES.—

(1) IN GENERAL.—The Bureau shall work with the modal administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative financing and public-private partnerships.

(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

(A) by making Federal credit assistance programs more accessible to eligible recipients;

(B) by providing advice and expertise to eligible entities that seek to leverage public and private funding;

(C) by sharing innovative financing best practices and case studies from eligible entities with other eligible entities that are interested in utilizing innovative financing methods; and

(D) by developing and monitoring—

(i) best practices with respect to standardized State public-private partnership authorities and practices, including best practices related to—

(I) accurate and reliable assumptions for analyzing public-private partnership procurements;

(II) procedures for the handling of unsolicited bids;

(III) policies with respect to noncompete clauses; and

(IV) other significant terms of public-private partnership procurements, as determined appropriate by the Bureau;

(ii) standard contracts for the most common types of public-private partnerships for transportation facilities; and

(iii) analytical tools and other techniques to aid eligible entities in determining the appropriate project delivery model, including a value for money analysis.

(3) TRANSPARENCY.—The Bureau shall—

(A) ensure the transparency of a project receiving credit assistance under a program referred to in subsection (d)(1) and procured as a public-private partnership by—

(i) requiring the sponsor of the project to undergo a value for money analysis or a comparable analysis prior to deciding to advance the project as a public-private partnership;

(ii) requiring the analysis required under subparagraph (A), and other key terms of the relevant public-private partnership agreement, to be made publicly available by the project sponsor at an appropriate time;

(iii) not later than 3 years after the date of completion of the project, requiring the sponsor of the project to conduct a review regarding whether the private

partner is meeting the terms of the relevant public-private partnership agreement; and

(iv) providing a publicly available summary of the total level of Federal assistance in such project; and

(B) develop guidance to implement this paragraph that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

(4) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity, the Bureau shall provide technical assistance to the eligible entity regarding proposed public-private partnership agreements for transportation facilities, including assistance in performing a value for money analysis or comparable analysis.

(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

(1) IN GENERAL.—The Bureau shall take actions that are appropriate and consistent with the Department's goals and policies to improve the delivery timelines for projects carried out under the programs referred to in subsection (d)(1).

(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

(A) by serving as the Department's liaison to the Council on Environmental Quality;

(B) by coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

(C) by providing technical assistance and training to field and headquarters staff of Federal agencies on policy changes and innovative approaches to the delivery of projects; and

(D) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969.

(3) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity that is carrying out a project under a program referred to in subsection (d)(1), the Bureau, in coordination with the appropriate modal administrations within the Department, shall provide technical assistance with regard to the compliance of the project with the requirements of the National Environmental Policy Act 1969 and relevant Federal environmental permits.

(g) PROJECT PROCUREMENT.—

(1) IN GENERAL.—The Bureau shall promote best practices in procurement for a project receiving assistance under a program referred to in subsection (d)(1) by developing, in coordination with modal administrations within the Department as appropriate, procurement benchmarks in order to ensure accountable expenditure of Federal assistance over the life cycle of the project.

(2) PROCUREMENT BENCHMARKS.—To the maximum extent practicable, the procurement benchmarks developed under paragraph (1) shall—

(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;

(B) establish uniform methods for States to measure cost and delivery changes over the life cycle of a project; and

(C) be tailored, as necessary, to various types of project procurements, including design-bid-build, design-build, and public-private partnerships.

(3) DATA COLLECTION.—The Bureau shall—

(A) collect information related to procurement benchmarks developed under paragraph (1), including project specific information detailed under paragraph (2); and

(B) provide on a publicly accessible Internet Web site of the Department a report on the information collected under subparagraph (A).

(h) ELIMINATION AND CONSOLIDATION OF DUPLICATIVE OFFICES.—

(1) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

(A) the purposes of the office are duplicative of the purposes of the Bureau; and

(B) the elimination of the office does not adversely affect the obligations of the Secretary under any Federal law.

(2) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate any office or office function within the Department into the Bureau that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Bureau.

(3) STAFFING AND BUDGETARY RESOURCES.—

(A) IN GENERAL.—The Secretary shall ensure that the Bureau is adequately staffed and funded.

(B) STAFFING.—The Secretary may transfer to the Bureau a position within the Department from any office that is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

(C) SAVINGS PROVISION.—If the Secretary transfers a position to the Bureau under subparagraph (B), the Secretary, in coordination with the appropriate modal administration, shall ensure that the transfer of the position does not adversely affect the obligations of the modal administration under any Federal law.

(D) BUDGETARY RESOURCES.—

(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—The Secretary may transfer to the Bureau funds allocated to any office or office function that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau. Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.

(ii) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—The Secretary may transfer to the Bureau funds allocated to the administrative costs of processing applications for the programs referred to in subsection (d)(1). Any such funds or limitation of obligations or portions thereof transferred to the Bureau

may be transferred back to and merged with the original account.

(4) NOTIFICATION.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate of—

(A) the offices eliminated under paragraph (1) and the rationale for elimination of the offices;

(B) the offices and office functions consolidated under paragraph (2) and the rationale for consolidation of the offices and office functions;

(C) the actions taken under paragraph (3) and the rationale for taking such actions; and

(D) any additional legislative actions that may be needed.

(i) SAVINGS PROVISIONS.—

(1) LAWS AND REGULATIONS.—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).

(2) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs and projects subject to this section.

(3) APPLICABILITY.—Nothing in this section may be construed to affect any pending application under 1 or more of the programs referred to in subsection (d)(1) that was received by the Secretary on or before the date of enactment of this section.

(j) ANNUAL PROGRESS REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) the use of funds authorized under section 605(f) of title 23; and

(2) the progress of the Bureau in carrying out the purposes described in subsection (b).

[(j)**]** *(k)* DEFINITIONS.—In this section, the following definitions apply:

(1) BUREAU.—The term "Bureau" means the National Surface Transportation and Innovative Finance Bureau of the Department.

(2) DEPARTMENT.—The term "Department" means the Department of Transportation.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means an eligible applicant receiving financial or credit assistance under 1 or more of the programs referred to in subsection (d)(1).

(4) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of the Bureau.

(5) MULTIMODAL PROJECT.—The term "multimodal project" means a project involving the participation of more than 1 modal administration or secretarial office within the Department.

(6) PROJECT.—The term "project" means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.

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§ 118. Nontraditional and Emerging Transportation Technology Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Nontraditional and Emerging Transportation Technology Council (hereinafter referred to as the "Council") in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of the following officers of the Department of Transportation:

(A) The Secretary of Transportation.

(B) The Deputy Secretary of Transportation.

(C) The Under Secretary of Transportation for Policy.

(D) The General Counsel of the Department of Transportation.

(E) The Chief Information Officer of the Department of Transportation.

(F) The Assistant Secretary for Research and Technology.

(G) The Assistant Secretary for Budget and Programs.

(H) The Administrator of the Federal Aviation Administration.

(I) The Administrator of the Federal Highway Administration.

(J) The Administrator of the Federal Motor Carrier Safety Administration.

(K) The Administrator of the Federal Railroad Administration.

(L) The Administrator of the Federal Transit Administration.

(M) The Administrator of the Federal Maritime Administration.

(N) The Administrator of the National Highway Traffic Safety Administration.

(O) The Administrator of the Pipeline and Hazardous Materials Safety Administration.

(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members of the Department to serve as at-large members of the Council.

(3) CHAIR AND VICE CHAIR.—The Secretary may designate officials to serve as the Chair and Vice Chair of the Council and of any working groups of the Council.

(c) DUTIES.—The Council shall—

(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or

brought before the Department to eliminate, so far as practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to safety regulation and oversight, environmental review, and funding issues;

(2) coordinate the Department's internal oversight of non-traditional and emerging transportation technologies, modes, or projects and engagement with external stakeholders;

(3) within applicable statutory authority other than this paragraph, develop and establish department-wide processes, solutions, and best practices for identifying, managing and resolving issues regarding emerging transportation technologies, modes, or projects pending or brought before the Department; and

(4) carry out such additional duties as the Secretary may prescribe, to the extent consistent with this title, including subsections (f)(2) and (g) of section 106.

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CHAPTER 3—GENERAL DUTIES AND POWERS

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SUBCHAPTER II—ADMINISTRATIVE

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§ 330. Research activities

(a) IN GENERAL.—The Secretary of Transportation may make contracts with educational institutions, public and private agencies and organizations, and persons for scientific or technological research into a problem related to programs carried out by the Secretary. Before making a contract, the Secretary must require the institution, agency, organization, or person to show that it is able to carry out the contract.

(b) RESPONSIBILITIES.—In carrying out this section, the Secretary shall—

(1) give advice and assistance the Secretary believes will best carry out the duties and powers of the Secretary;

(2) participate in coordinating all research started under this section;

(3) indicate the lines of inquiry most important to the Secretary; and

(4) encourage and assist in establishing and maintaining cooperation by and between contractors and between them and other research organizations, the Department of Transportation, and other departments, agencies, and instrumentalities of the United States Government.

(c) PUBLICATIONS.—The Secretary may distribute publications containing information the Secretary considers relevant to research carried out under this section.

(d) DUTIES.—The Secretary shall provide for the following:

(1) Coordination, facilitation, and review of Department of Transportation research and development programs and activities.

(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

(3) Comprehensive transportation statistics research, analysis, and reporting.

(4) Education and training in transportation and transportation-related fields.

(5) Activities of the Volpe National Transportation Systems Center.

(6) Coordination in support of multimodal and multidisciplinary research activities.

(e) ADDITIONAL AUTHORITIES.—The Secretary may—

(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons to conduct research into transportation service and infrastructure assurance and to carry out other research activities of the Department of Transportation;

(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

(B) Federal laboratories; and

(C) other Federal agencies; and

(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Academies, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subsection (e)(3).

(g) PROGRAM EVALUATION AND OVERSIGHT.—For [each of fiscal years 2016 through 2020] *each of fiscal years 2023 through 2026*, the Secretary is authorized to expend not more than 1 1/2 percent of the amounts authorized to be appropriated for the coordination,

evaluation, and oversight of the programs administered by the Office of the Assistant Secretary for Research and Technology.

(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.

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SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

Chapter		Sec.
*	*	*
66.	***Domestic Production of Electric Vehicles***	***6601***
*	*	*

CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

Sec.
5101. Purpose.

* * * * * * *

5129. Lithium battery approval.

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§ 5107. Hazmat employee training requirements and grants

(a) TRAINING REQUIREMENTS.—The Secretary shall prescribe by regulation requirements for training that a hazmat employer must give hazmat employees of the employer on the safe loading, unloading, handling, storing, and transporting of hazardous material and emergency preparedness for responding to an accident or incident involving the transportation of hazardous material. The regulations—

(1) shall establish the date, as provided by subsection (b) of this section, by which the training shall be completed; and

(2) may provide for different training for different classes or categories of hazardous material and hazmat employees.

(b) BEGINNING AND COMPLETING TRAINING.—A hazmat employer shall begin the training of hazmat employees of the employer not later than 6 months after the Secretary prescribes the regulations under subsection (a) of this section. The training shall be completed within a reasonable period of time after—

(1) 6 months after the regulations are prescribed; or

(2) the date on which an individual is to begin carrying out a duty or power of a hazmat employee if the individual is employed as a hazmat employee after the 6-month period.

(c) CERTIFICATION OF TRAINING.—After completing the training, each hazmat employer shall certify, with documentation the Secretary may require by regulation, that the hazmat employees of the employer have received training and have been tested on appropriate transportation areas of responsibility, including at least one of the following:

(1) recognizing and understanding the Department of Transportation hazardous material classification system.

(2) the use and limitations of the Department hazardous material placarding, labeling, and marking systems.

(3) general handling procedures, loading and unloading techniques, and strategies to reduce the probability of release or damage during or incidental to transporting hazardous material.

(4) health, safety, and risk factors associated with hazardous material and the transportation of hazardous material.

(5) appropriate emergency response and communication procedures for dealing with an accident or incident involving hazardous material transportation.

(6) the use of the Department Emergency Response Guidebook and recognition of its limitations or the use of equivalent documents and recognition of the limitations of those documents.

(7) applicable hazardous material transportation regulations.

(8) personal protection techniques.

(9) preparing a shipping document for transporting hazardous material.

(d) COORDINATION OF TRAINING REQUIREMENTS.—In consultation with the Administrator of the Environmental Protection Agency and the Secretary of Labor, the Secretary shall ensure that the training requirements prescribed under this section do not conflict with or duplicate—

(1) the requirements of regulations the Secretary of Labor prescribes related to hazard communication, and hazardous waste operations, and emergency response that are contained in part 1910 of title 29, Code of Federal Regulations; and

(2) the regulations the Agency prescribes related to worker protection standards for hazardous waste operations that are contained in part 311 of title 40, Code of Federal Regulations.

(e) TRAINING GRANTS.—

(1) IN GENERAL.—Subject to the availability of funds under section 5128(c), the Secretary shall make grants under this subsection—

(A) for training instructors to train hazmat employees; and

(B) to the extent determined appropriate by the Secretary, for such instructors to train hazmat employees.

(2) ELIGIBILITY.—A grant under this subsection shall be made through a competitive process to a nonprofit organization that demonstrates—

(A) expertise in conducting a training program for hazmat employees; and

(B) the ability to reach and involve in a training program a target population of hazmat employees.

(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way employees and railroad signalmen receive general awareness and familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.

(g) RELATIONSHIP TO OTHER LAWS.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary under subsections (a)–(d) of this section.

(2) An action of the Secretary under subsections (a)–(d) of this section and section 5106 is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(h) EXISTING EFFORT.—No grant under subsection (e) shall supplant or replace existing employer-provided hazardous materials training efforts or obligations.

(i) COMMUNITY SAFETY GRANTS.—The Secretary shall establish a competitive program for making grants to nonprofit organizations for—

(1) conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and

(2) training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids.

(j) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING.—The Secretary shall establish a program to make grants, on a competitive basis, to nonprofit organizations to develop hazardous materials response training for emergency responders and make such training available electronically or in person.

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§ 5128. Authorization of appropriations

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

[(1) $53,000,000 for fiscal year 2016;
[(2) $55,000,000 for fiscal year 2017;
[(3) $57,000,000 for fiscal year 2018;
[(4) $58,000,000 for fiscal year 2019; and
[(5) $60,000,000 for fiscal year 2020.]
(1) $75,000,000 for fiscal year 2022;
(2) $70,000,000 for fiscal year 2023;
(3) $71,000,000 for fiscal year 2024;
(4) $73,000,000 for fiscal year 2025; and
(5) $74,000,000 for fiscal year 2026.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend, for each of [fiscal years 2016 through 2020] *fiscal years 2022 through 2026*—

(1) [$21,988,000] *$24,025,000* to carry out section 5116(a);

(2) $150,000 to carry out section 5116(e);

(3) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and

(4) [$1,000,000] *$2,000,000* to carry out section 5116(i).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend [$4,000,000 for each of fiscal years 2016 through 2020] *$5,000,000 for each of fiscal years 2022 through 2026* to carry out section 5107(e).

(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold [$1,000,000 for each of fiscal years 2016 through 2020] *$4,000,000 for each of fiscal years 2022 through 2026* to carry out section 5107(i).

(e) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend $1,800,000 for each of fiscal years 2022 through 2026 to carry out the grant program under section 5107(j).

[(e)] *(f)* CREDITS TO APPROPRIATIONS.—

(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority, or entity.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.

§ 5129. Lithium battery approval

(a) APPROVAL TO TRANSPORT CERTAIN BATTERIES IN COMMERCE.—A person may not transport in commerce a specified lithium battery that is determined by the Secretary to be a high safety or security risk unless—

(1) the manufacturer of such battery receives an approval from the Secretary; and

(2) the manufacture of such battery meets the requirements of this section and the regulations issued under subsection (d).

(b) TERM OF APPROVAL.—An approval granted to a manufacturer under this section shall not exceed 5 years.

(c) APPROVAL PROCESS.—To receive an approval for a specified lithium battery under this section, a manufacturer shall—

(1) allow the Secretary, or an entity designated by the Secretary, to inspect the applicant's manufacturing process and procedures;

(2) bear the cost of any inspection carried out under paragraph (1); and

(3) develop and implement, with respect to the manufacture of such battery—

(A) a comprehensive quality management program; and

(B) appropriate product identification, marking, documentation, lifespan, and tracking measures.

(d) REGULATIONS REQUIRED.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue regulations to carry out this section. Such regulations shall include—

(1) parameters for, and a process for receiving, an approval under this section; and

(2) a determination of the types of specified lithium batteries that pose a high safety or security risk in transport, including battery or cell type, size, and energy storage capacity.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to affect any provision, limitation, or prohibition with respect to the transportation of a specified lithium battery in effect as of the date of enactment of this section; or

(2) to authorize transportation of any such battery if such transportation is not already authorized as of the date of enactment of this section.

(f) SPECIFIED LITHIUM BATTERY DEFINED.—In this section, the term "specified lithium battery" means—

(1) a lithium ion cell or battery; or

(2) a lithium metal cell or battery.

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CHAPTER 53—PUBLIC TRANSPORTATION

Sec.
5301. Policies and purposes.
* * * * * * *
5308. Multi-jurisdictional bus frequency and ridership competitive grants.
* * * * * * *
5316. Mobility innovation.
* * * * * * *
5320. Buy America.
* * * * * * *
5328. Transit-supportive communities.
* * * * * * *
5341. U.S. Employment Plan.

§ 5301. Policies and purposes

(a) DECLARATION OF POLICY.—It is in the interest of the United States, including the economic interest of the United States, to foster the development and revitalization of public transportation systems with the cooperation of both public transportation companies and private companies engaged in public transportation.

(b) GENERAL PURPOSES.—The purposes of this chapter are to—

(1) provide funding to support public transportation;

(2) improve the development and delivery of capital projects;

(3) establish standards for the state of good repair of public transportation infrastructure and vehicles;

(4) promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network;

(5) establish a technical assistance program to assist recipients under this chapter to more effectively and efficiently provide public transportation service;

(6) continue Federal support for public transportation providers to deliver high quality service to all users, including individuals with disabilities, seniors, and individuals who depend on public transportation;

(7) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service**[**; and**]***;*

(8) promote the development of the public transportation workforce**[**.**]***;*

(9) reduce the contributions of the surface transportation system to the total carbon pollution of the United States; and

(10) improve the resiliency of the public transportation network to withstand weather events and other natural disasters.

§ 5302. Definitions

Except as otherwise specifically provided, in this chapter the following definitions apply:

(1) ASSOCIATED TRANSIT IMPROVEMENT.—The term "associated transit improvement" means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service;

(B) bus shelters;

(C) functional landscaping and streetscaping, including benches, trash receptacles, and street lights;

(D) pedestrian access and walkways;

(E) bicycle access, including bicycle storage shelters and parking facilities **[**and the installation**]***, the installation* of equipment for transporting bicycles on public transportation vehicles*, charging stations and docks for electric micromobility devices, and bikeshare projects*;

(F) signage; or

(G) enhanced access for persons with disabilities to public transportation.

(2) BUS RAPID TRANSIT SYSTEM.—The term "bus rapid transit system" means a bus transit system—

(A) in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods; and

(B) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(i) defined stations;

(ii) traffic signal priority for public transportation vehicles;

(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(iv) any other features the Secretary may determine are necessary to produce high-quality public transpor-

tation services that emulate the services provided by rail fixed guideway public transportation systems.

(3) CAPITAL PROJECT.—The term "capital project" means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance;

(F) leasing equipment or a facility for use in public transportation;

(G) a joint development improvement that—

(i) enhances economic development or incorporates private investment, such as commercial and residential development;

(ii)(I) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or

(II) establishes new or enhanced coordination between public transportation and other transportation;

[(iii) provides a fair share of revenue that will be used for public transportation;**]**

(iii) provides a fair share of revenue established by the Secretary that will be used for public transportation, except for a joint development that is a community service (as defined by the Federal Transit Administration), publicly operated facility, or offers a minimum of 50 percent of units as affordable housing, meaning legally binding affordability restricted housing units available to tenants with incomes below 60 percent of the area median income or owners with incomes below the area median;

(iv) provides that a person making an agreement to occupy space in a facility constructed under this paragraph shall pay a fair share of the costs of the facility through rental payments and other means; and

(v) may include—

(I) property acquisition;

(II) demolition of existing structures;

(III) site preparation;

(IV) utilities;

(V) building foundations;

(VI) walkways;

(VII) pedestrian and bicycle access to a public transportation facility;

(VIII) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals;

(IX) renovation and improvement of historic transportation facilities;

(X) open space;

(XI) safety and security equipment and facilities (including lighting, surveillance, and related intelligent transportation system applications);

(XII) facilities that incorporate community services such as daycare or health care;

(XIII) a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

(XIV) construction of space for commercial uses;

(H) the introduction of new technology, through innovative and improved products, into public transportation;

(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts—

(i) not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311; or

(ii) not to exceed 20 percent of such recipient's annual formula apportionment under sections 5307 and 5311, if, consistent with guidance issued by the Secretary, the recipient demonstrates that the recipient meets at least 2 of the following requirements:

(I) Provides an active fixed route travel training program that is available for riders with disabilities.

(II) Provides that all fixed route and paratransit operators participate in a passenger safety, disability awareness, and sensitivity training class on at least a biennial basis.

(III) Has memoranda of understanding in place with employers and the American Job Center to increase access to employment opportunities for people with disabilities.

(J) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter;

(K) mobility management—

(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

(ii) excluding operating public transportation services;

(L) associated capital maintenance, including—

(i) equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used; and

(ii) reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used;

(M) associated transit improvements[; or]*;*

(N) technological changes or innovations to modify low or [no emission] *zero emission* vehicles [(as defined in section 5339(c)) or facilities.] *or facilities; or*

(O) the employment of forensic consultants, cybersecurity experts, or third-party penetration testers to identify, evaluate, test, and patch ransomware attack vulnerabilities.

(4) DESIGNATED RECIPIENT.—The term "designated recipient" means—

(A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or

(B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

(5) DISABILITY.—The term "disability" has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(6) EMERGENCY REGULATION.—The term "emergency regulation" means a regulation—

(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(c); and

(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

(i) would injure seriously an important public interest;

(ii) would frustrate substantially legislative policy and intent; or

(iii) would damage seriously a person or class without serving an important public interest.

(7) FIXED GUIDEWAY.—The term "fixed guideway" means a public transportation facility—

(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

(B) using rail;

(C) using a fixed catenary system;

(D) for a passenger ferry system; or

(E) for a bus rapid transit system.

(8) GOVERNOR.—The term "Governor"—

(A) means the Governor of a State, the mayor of the District of Columbia, and the chief executive officer of a territory of the United States; and

(B) includes the designee of the Governor.

(9) JOB ACCESS AND REVERSE COMMUTE PROJECT.—

(A) IN GENERAL.—The term "job access and reverse commute project" means a transportation project to finance planning, capital, and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

(B) DEFINITIONS.—In this paragraph:

(i) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

(ii) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) at any time during the 3-year period before the date on which the applicant applies for a grant under section 5307 or 5311.

(10) LOCAL GOVERNMENTAL AUTHORITY.—The term "local governmental authority" includes—

(A) a political subdivision of a State;

(B) an authority of at least 1 State or political subdivision of a State;

(C) an Indian tribe; and

(D) a public corporation, board, or commission established under the laws of a State.

(11) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means an individual whose family income is at or below 150 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

(12) NET PROJECT COST.—The term "net project cost" means the part of a project that reasonably cannot be financed from revenues.

(13) NEW BUS MODEL.—The term "new bus model" means a bus model (including a model using alternative fuel)—

(A) that has not been used in public transportation in the United States before the date of production of the model; or

(B) used in public transportation in the United States, but being produced with a major change in configuration or components.

(14) PUBLIC TRANSPORTATION.—The term "public transportation"—

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include—

(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

(15) REGULATION.—The term "regulation" means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

(16) RURAL AREA.—The term "rural area" means an area encompassing a population of less than 50,000 people that has not been designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce.

(17) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(18) SENIOR.—The term "senior" means an individual who is 65 years of age or older.

(19) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(20) STATE OF GOOD REPAIR.—The term "state of good repair" has the meaning given that term by the Secretary, by rule, under section 5326(b).

(21) TRANSIT.—The term "transit" means public transportation.

(22) URBAN AREA.—The term "urban area" means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

(23) URBANIZED AREA.—The term "urbanized area" means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce.

(24) VALUE CAPTURE.—The term "value capture" means recovering the increased property value to property located near public transportation resulting from investments in public transportation.

(25) RESILIENCE.—

(A) IN GENERAL.—The term "resilience" means, with respect to a facility, the ability to—

(i) anticipate, prepare for, or adapt to conditions; or

(ii) withstand, respond to, or recover rapidly from disruptions.

(B) INCLUSIONS.—Such term includes, with respect to a facility, the ability to—

(i) resist hazards or withstand impacts from disruptions;

(ii) reduce the magnitude, duration, or impact of a disruption; or

(iii) have the absorptive capacity, adaptive capacity, and recoverability to decrease vulnerability to a disruption.

(26) ASSAULT ON A TRANSIT WORKER.—The term "assault on a transit worker" means any circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties.

§ 5303. Metropolitan transportation planning

(a) POLICY.—It is in the national interest—

[(1) to encourage and promote the safe and efficient management, operation, and development of resilient surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and]

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

(b) DEFINITIONS.—In this section and section 5304, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d).

(3) NONMETROPOLITAN AREA.—The term "nonmetropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term "nonmetropolitan local official" means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term "regional transportation planning organization" means a policy board of an organization established as the result of a designation under section 5304(*l*).

(6) STIP.—The term "STIP" means a statewide transportation improvement program developed by a State under section 135(g).

[(6)**]** *(7)* TIP.—The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

[(7)**]** *(8)* URBANIZED AREA.—The term "urbanized area" means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

(9) MAINTENANCE AREA.—The term "maintenance area" has the meaning given the term in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a).

(c) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans **[**and transportation improvement programs**]** *and TIPs* through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes

of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.

(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) STRUCTURE.—[Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each] *Each* metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C) appropriate State officials.

(3) REPRESENTATION.—

(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).

(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(5) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (6).

(6) REDESIGNATION PROCEDURES.—

(A) IN GENERAL.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet the requirements of [paragraph (2)] *paragraphs (2) or (3)(D)* without undertaking a redesignation.

(7) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within [an existing metropolitan planning area] *an urbanized area* only if the Governor and the existing metropolitan planning organization determine that the size and complexity of [the existing metropolitan planning area] *the area* make designation of more than 1 metropolitan planning organization for the area appropriate.

(e) METROPOLITAN PLANNING AREA BOUNDARIES.—

(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

(2) INCLUDED AREA.—Each metropolitan planning area—

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing

metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA–LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

(B) EXCEPTION.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(6).

(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA–LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

(A) shall be established in the manner described in subsection (d)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

(f) COORDINATION IN MULTISTATE AREAS.—

(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within [a metropolitan area] *an urbanized area* or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan plan-

ning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE [MPOS] *METROPOLITAN PLANNING AREAS*.—If a transportation improvement, funded under this chapter or title 23, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, tourism, natural disaster risk reduction, *emergency response and evacuation, climate change adaptation and resilience,* environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

(B) REQUIREMENTS.—Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

(i) recipients of assistance under this chapter;

(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(iii) recipients of assistance under section 204 of title 23.

(4) COORDINATION BETWEEN MPOS.—

(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.

(h) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and for freight;

[(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;]

(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation;

(H) emphasize the preservation of the existing transportation system; [and]

(I) improve the resiliency and reliability of the transportation system[.] *and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;*

(J) support emergency management, response, and evacuation and hazard mitigation;

(K) improve the level of transportation system access; and

(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.

(2) PERFORMANCE-BASED APPROACH.—

[(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of title 23 and the general purposes described in section 5301.]

(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b) of title 23, the achievement of metropolitan and statewide targets established under section 150(d) of title 23, the improvement of transportation system access (consistent with section 150(f)) of title 23, and the general purposes described in section 5301 of this title.

(B) PERFORMANCE TARGETS.—

(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

(II) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed by recipients of assistance under this chapter, required as part of a performance-based program.

(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

(B) FREQUENCY.—

(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

(ii) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

(i) IN GENERAL.—An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

(D) MITIGATION ACTIVITIES.—

(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may

have the greatest potential to *reduce greenhouse gas emissions and* restore and maintain the environmental functions affected by the plan.

(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(E) FINANCIAL PLAN.—

(i) IN GENERAL.—A financial plan that—

(I) demonstrates how the adopted transportation plan can be implemented;

(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(III) recommends any additional financing strategies for needed projects and programs.

(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters *and climate change*.

(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, *greenhouse gas emissions,* and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

(I) CLIMATE CHANGE AND RESILIENCE.—

(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

(III) at the discretion of the metropolitan planning organization, identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation, as appropriate, with State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.

(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for develop-

ment of the transportation control measures of the State implementation plan required by that Act.

(4) OPTIONAL SCENARIO DEVELOPMENT.—

(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

(i) potential regional investment strategies for the planning horizon;

(ii) assumed distribution of population and employment;

(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

(vi) estimated costs and potential revenues available to support each scenario.

(C) METRICS.—In addition to the performance measures identified in section 150(c) of title 23, metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

(5) CONSULTATION.—

(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, *air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,* and historic preservation concerning the development of a long-range transportation plan.

[(B) ISSUES.—The consultation shall involve, as appropriate—

[(i) comparison of transportation plans with State conservation plans or maps, if available; or

[(ii) comparison of transportation plans to inventories of natural or historic resources, if available.**]**

(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

(i) State conservation plans or maps; and

(ii) inventories of natural or historic resources.

(6) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

(i) shall be developed in consultation with all interested parties; and

(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

[(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

[(i) hold any public meetings at convenient and accessible locations and times;

[(ii) employ visualization techniques to describe plans; and

[(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).**]**

(C) METHODS.—

(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

(I) hold any public meetings at convenient and accessible locations and times;

(II) employ visualization techniques to describe plans; and

(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.

(7) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

(j) METROPOLITAN TIP.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

(i) contains projects consistent with the current metropolitan transportation plan;

(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) UPDATING AND APPROVAL.—The TIP shall be—

(i) updated at least once every 4 years; and

(ii) approved by the metropolitan planning organization and the Governor.

(2) CONTENTS.—

(A) PRIORITY LIST.—The TIP shall include a priority list of proposed [Federally] *federally* supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

(i) demonstrates how the TIP can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) [PERFORMANCE TARGET ACHIEVEMENT] *PERFORMANCE MANAGEMENT.*—[The transportation improvement program]

(i) IN GENERAL.—***The TIP*** shall include, to the maximum extent practicable, a description of the anticipated effect of the [transportation improvement program] ***TIP*** toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

(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) of title 23.

(3) INCLUDED PROJECTS.—

(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under this chapter and chapter 1 of title 23.

(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the [transportation improvement program] *TIP*.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the [transportation improvement program] *TIP*.

(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-

range transportation plan developed under subsection (i) for the area.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(E) RESILIENCE PROJECTS.—The TIP shall—

(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of [Federally] *federally* funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(I) in the case of projects under title 23, the State; and

(II) in the case of projects under this chapter, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily

available by the metropolitan planning organization for public review.

(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—

(i) IN GENERAL.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) REQUIREMENT.—The listing shall be consistent with the categories identified in the TIP.

(k) TRANSPORTATION MANAGEMENT AREAS.—

(1) IDENTIFICATION AND DESIGNATION.—

(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) TRANSPORTATION PLANS.—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(3) CONGESTION MANAGEMENT PROCESS.—

(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section **[**shall address congestion management**]** *shall address*—

(i) congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this chapter and title 23 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies**[**.**]***; and*

(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f) of title 23, that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this chapter and title 23.

(B) SCHEDULE.—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and non-profit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

(4) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All [Federally] *federally* funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System) or under this chapter shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

(5) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements

of this paragraph are met with respect to the metropolitan planning process.

(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law[; and]*;*

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor[.]*; and*

(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f) of title 23.

(C) EFFECT OF FAILURE TO CERTIFY.—

(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this chapter and title 23.

(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

(l) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

(1) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

(2) REPORT.—Not later than [5 years after the date of enactment of the Federal Public Transportation Act of 2012] *2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter*, the Secretary shall submit to Congress a report evaluating—

(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section [and whether metropolitan planning organizations are developing meaningful performance targets; and]*;*

[(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning

area with a population of 200,000 or less and their ability to carry out the requirements of this section.]

(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B) of title 23); and

(E) the progress of implementing the measure established under section 150(f) of title 23.

(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provisions of this chapter or title 23, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this chapter or title 23.

(p) FUNDING.—Funds apportioned under [section 104(b)(5)] *section 104(b)(6)* of title 23 or section 5305(g) shall be available to carry out this section.

(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP de-

scribed in this section shall not be considered to be a Federal action subject to review under that Act.

(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term "Bi-State Metropolitan Planning Organization" has the meaning given the term "region" in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

(2) TREATMENT.—For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as—

(A) a metropolitan planning organization;

(B) a transportation management area under subsection (k); and

(C) an urbanized area, which is comprised of a population of 145,000 and 25 square miles of land area and 25 square miles of land area in the State of California and a population of 65,000 and 12 square miles of land area and 12 square miles of land area in the State of Nevada.

§ 5304. Statewide and nonmetropolitan transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 5303, to accomplish the objectives stated in section 5303(a), each State shall develop a statewide transportation plan and a **[**statewide transportation improvement program**]** *STIP* for all areas of the State.

(2) CONTENTS.—**[**The statewide transportation plan and the**]**

(A) IN GENERAL.—The statewide transportation plan and the **[**transportation improvement program**]** *STIP* developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases.

(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the **[**transportation improvement program**]** *STIP* shall provide for consideration of all modes of transportation and the policies stated in section 5303(a) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 5303 for metropolitan areas of the State and with statewide

trade and economic development planning activities and related multistate planning efforts; and

(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) INTERSTATE AGREEMENTS.—

(1) IN GENERAL.—Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) SCOPE OF PLANNING PROCESS.—

(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and freight;

(E) protect and enhance the environment, promote energy conservation, *reduce greenhouse gas emissions,* improve the quality of life *and public health*, and promote consistency between transportation improvements and State and local planned growth and economic development patterns*, including housing and land use patterns*;

(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

(G) promote efficient system management and operation;

(H) emphasize the preservation of the existing transportation system; **[**and**]**

(I) improve the resiliency and reliability of the transportation system**[**.**]** *and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;*

(J) facilitate emergency management, response, and evacuation and hazard mitigation;

(K) improve the level of transportation system access; and

(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and pre-

vent high housing costs from displacing economically disadvantaged households.

(2) PERFORMANCE-BASED APPROACH.—

[(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b) of title 23 and the general purposes described in section 5301.]

(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

(i) the national goals described in section 150(b) of title 23;

(ii) the consideration of transportation system access (consistent with section 150(f) of title 23);

(iii) the achievement of statewide targets established under section 150(d) of title 23; and

(iv) the general purposes described in section 5301 of this title.

(B) PERFORMANCE TARGETS.—

(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

(I) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the State.

(II) COORDINATION.—Selection of performance targets by a State shall be coordinated with the relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.

(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—In areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, selection of performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

(C) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this paragraph, in other State transportation plans and transportation processes, as well as any plans developed pursuant to title 23 by providers of public transportation in areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan

planning organization, required as part of a performance-based program.

(D) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and [statewide transportation improvement program] *STIP*.

(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a [statewide transportation improvement program] *STIP*, a project or strategy, or the certification of a planning process.

(e) ADDITIONAL REQUIREMENTS.—"In carrying out planning under this section, each State shall, at a minimum—

(1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l);

(2) consider the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) consider coordination of transportation plans, the [transportation improvement program] *STIP*, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

(B) NONMETROPOLITAN AREAS.—

(i) IN GENERAL.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (*l*).

(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the consultation process in each State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed

in consultation with the tribal government and the Secretary of the Interior.

(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, *air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,* and historic preservation.

[(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve comparison of transportation plans to State and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.**]**

(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

(I) State and tribal conservation plans or maps; and

(II) inventories of natural or historic resources.

(3) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—In developing the statewide transportation plan, the State shall provide to—

(i) nonmetropolitan local elected officials, or, if applicable, through regional transportation planning organizations described in subsection (*l*), an opportunity to participate in accordance with subparagraph (B)(i); and

(ii) citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties a reasonable opportunity to comment on the proposed plan.

(B) METHODS.—**[**In carrying out**]**

(i) IN GENERAL.—in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

[(i)**]** *(I)* develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);

[(ii)**]** *(II)* hold any public meetings at convenient and accessible locations and times;

[(iii)] *(III)* employ visualization techniques to describe plans; and

[(iv)] *(IV)* make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the 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.

(4) MITIGATION ACTIVITIES.—

(A) IN GENERAL.—A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to *reduce greenhouse gas emissions and* restore and maintain the environmental functions affected by the plan.

(B) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(5) FINANCIAL PLAN.—The statewide transportation plan may include—

(A) a financial plan that—

(i) demonstrates how the adopted statewide transportation plan can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(iii) recommends any additional financing strategies for needed projects and programs; and

(B) for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (5).

(7) PERFORMANCE-BASED APPROACH.—The statewide transportation plan should include—

(A) a description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (d)(2); and

(B) a system performance report and subsequent updates evaluating the condition and performance of the

transportation system with respect to the performance targets described in subsection (d)(2), including progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;

(8) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system *including consideration of the role that intercity buses may play in reducing congestion, pollution, greenhouse gas emissions, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated*.

(9) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(10) CLIMATE CHANGE AND RESILIENCE.—

(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacu-

ation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

(iv) describes the State's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.

(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—Each State shall develop a [statewide transportation improvement program] *STIP* for all areas of the State.

(B) DURATION AND UPDATING OF PROGRAM.—Each program developed under subparagraph (A) shall cover a period of 4 years and shall be updated every 4 years or more frequently if the Governor of the State elects to update more frequently.

(2) CONSULTATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

(B) NONMETROPOLITAN AREAS.—

(i) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (*l*).

(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the specific consultation process in the State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

(4) [PERFORMANCE TARGET ACHIEVEMENT] *PERFORMANCE MANAGEMENT*.—A [statewide transportation improvement program shall include, to the maximum extent practicable, a discussion] *STIP shall include—*

(A)a discussion of the anticipated effect of the [statewide transportation improvement program] *STIP* toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets[.]*; and*

(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f) of title 23.

(5) INCLUDED PROJECTS.—

(A) IN GENERAL.—A [transportation improvement program] *STIP* developed under this subsection for a State shall include Federally supported surface transportation expenditures within the boundaries of the State.

(B) LISTING OF PROJECTS.—

(i) IN GENERAL.—An annual listing of projects for which funds have been obligated for the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review.

(ii) FUNDING CATEGORIES.—The listing described in clause (i) shall be consistent with the funding categories identified in each [metropolitan transportation improvement program] *TIP*.

(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.

(C) PROJECTS UNDER CHAPTER 2.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the [transportation improvement program] *STIP*.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the [transportation improvement program] *STIP*.

(D) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

(i) consistent with the statewide transportation plan developed under this section for the State;

(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

(iii) in conformance with the applicable State air quality implementation plan developed under the

Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as a nonattainment area for ozone, particulate matter, or carbon monoxide under part D of title I of that Act (42 U.S.C. 7501 et seq.).

(E) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The [transportation improvement program] *STIP* shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(F) FINANCIAL PLAN.—

(i) IN GENERAL.—The [transportation improvement program] *STIP* may include a financial plan that demonstrates how the approved [transportation improvement program] *STIP* can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the [transportation improvement program] *STIP*, and recommends any additional financing strategies for needed projects and programs.

(ii) ADDITIONAL PROJECTS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(G) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).

(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved [transportation improvement program] *STIP*.

(H) PRIORITIES.—The [transportation improvement program] *STIP* shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this chapter and title 23.

(6) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved [transportation improvement program] *STIP* (excluding projects carried out on the National Highway System [and projects carried out under the bridge program or the Interstate maintenance program under title 23] or under sections 5310 and 5311 of this chapter), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation or,

if applicable, through regional transportation planning organizations described in subsection (*l*).

(B) OTHER PROJECTS.—Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System [or under the bridge program or the Interstate maintenance program] under title 23 or under sections 5310 and 5311 of this chapter shall be selected, from the approved [statewide transportation improvement program] *STIP*, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

(7) [TRANSPORTATION IMPROVEMENT PROGRAM] *STIP* APPROVAL.—Every 4 years, a [transportation improvement program] *STIP* developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

(8) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which [statewide transportation plans and programs] *statewide transportation plans and STIPs* are developed is consistent with this section and section 5303.

(9) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved [transportation improvement program] *STIP* in place of another project in the program.

(h) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:

(A) The extent to which the State is making progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed appropriate performance targets.

(B) The extent to which the State has made transportation investments that are efficient and cost-effective.

(C) The extent to which the State—

(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

(ii) provides reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.

(2) REPORT.—

(A) IN GENERAL.—[Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012,] *Not less frequently than once every 4 years,* the Secretary shall submit to Congress a report evaluating—

(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and

(ii) the effectiveness of the performance-based planning process of each State.

(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 5303, and sections 134 and 135 of title 23, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this this section and section 5303, and sections 134 and 135 of title 23, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 5303, and sections 134 and 135 of title 23, as appropriate.

(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the [transportation improvement program] *STIP* described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the [transportation improvement program] *STIP* are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the [transportation improvement program] *STIP* described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the [transportation improvement program] *STIP* described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(k) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.

(l) DESIGNATION OF REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a State may establish and designate regional transportation planning organizations to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and [transportation improvement programs] *STIPs*, with an emphasis on addressing the needs of nonmetropolitan areas of the State.

(2) STRUCTURE.—A regional transportation planning organization shall be established as a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

(3) REQUIREMENTS.—A regional transportation planning organization shall establish, at a minimum—

(A) a policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

(B) a fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

(4) DUTIES.—The duties of a regional transportation planning organization shall include—

(A) developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

(B) developing a regional transportation improvement program for consideration by the State;

(C) fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

(D) providing technical assistance to local officials;

(E) participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

(F) providing a forum for public participation in the statewide and regional transportation planning processes;

(G) considering and sharing plans and programs with neighboring regional transportation planning organizations, metropolitan planning organizations, and, where appropriate, tribal organizations; and

(H) conducting other duties, as necessary, to support and enhance the statewide planning process under subsection (d).

(5) STATES WITHOUT REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—If a State chooses not to establish or designate a regional transportation planning organization, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

* * * * * * *

§ 5307. Urbanized area formula grants

(a) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section for—

(A) capital projects;

(B) planning;

(C) job access and reverse commute projects; and

(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.

(2) The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in

public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

(A) for public transportation systems that—

(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; [or]

(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

(B) subject to paragraph (3), for public transportation systems that—

(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b); [or]

(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit [service during peak] *service, during peak* service hours, in an amount not to exceed 50 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b)[.]*; or*

(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment allocated to such systems within the ur-

banized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).

(3) The amount available to a public transportation system under subparagraph (B) of paragraph (2) shall be not more than 10 percent greater than the amount that would otherwise be available to the system under subparagraph (A) of that paragraph.

(b) PROGRAM OF PROJECTS.—Each recipient of a grant shall—

(1) make available to the public information on amounts available to the recipient under this section;

(2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;

(3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;

(4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;

(5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;

(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; [and]

(7) ensure that the proposed program of projects provides improved access to transit for the individuals described in section 5336(j); and

[(7)] *(8)* make the final program of projects available to the public.

(c) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (b) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a Governor under this section)—

(A) has or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program;

(B) has or will have satisfactory continuing control over the use of equipment and facilities;

(C) will maintain equipment and facilities in accordance with the recipient's transit asset management plan;

(D) will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—

(i) senior;

(ii) individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and

(iii) individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq. and 1395 et seq.);

(E) in carrying out a procurement under this section, will comply with sections 5323*, 5320,* and 5325;

(F) has complied with subsection (b) of this section;

(G) has available and will provide the required amounts as provided by subsection (d) of this section;

(H) will comply with sections 5303 and 5304;

(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;

(J)(i) will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

(ii) has decided that the expenditure for security projects is not necessary;

(K) in the case of a recipient for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and

(L) will comply with section 5329(d); and

(2) the Secretary accepts the certification.

(d) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

(3) REMAINING COSTS.—Subject to paragraph (4), the remainder of the net project costs shall be provided—

(A) in cash from non-Government sources other than revenues from providing public transportation services;

(B) from revenues from the sale of advertising and concessions;

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

(D) from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation**[**; and**]***;*

(E) from amounts received under a service agreement with a State or local social service agency or private social service organization**[**.**]***; and*

(F) transportation development credits.

(4) USE OF CERTAIN FUNDS.—For purposes of subparagraphs (D) and (E) of paragraph (3), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(e) UNDERTAKING PROJECTS IN ADVANCE.—

(1) PAYMENT.—The Secretary may pay the Government share of the net project cost to a State or local governmental authority that carries out any part of a project eligible under subparagraph (A) or (B) of subsection (a)(1) without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the recipient applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out any part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.

(2) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—

(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less

(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.

(3) FINANCING COSTS.—

(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the recipient to the extent proceeds of the bonds are expended in carrying out the part.

(B) LIMITATION ON THE AMOUNT OF INTEREST.—The amount of interest allowed under this paragraph may not be more than the most favorable financing terms reasonably available for the project at the time of borrowing.

(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant

has shown reasonable diligence in seeking the most favorable financing terms.

(f) REVIEWS, AUDITS, AND EVALUATIONS.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.—At least annually, the Secretary shall carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

(i) the activities proposed under subsection (c) of this section in a timely and effective way and can continue to do so; and

(ii) those activities and its certifications and has used amounts of the Government in the way required by law.

(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.

(2) TRIENNIAL REVIEW.—At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (c) of this section and the planning process required under sections 5303, 5304, and 5305 of this title. To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.

(3) ACTIONS RESULTING FROM REVIEW, AUDIT, OR EVALUATION.—The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

(g) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

(h) PASSENGER FERRY GRANTS.—

(1) IN GENERAL.—The Secretary may make grants under this subsection to recipients for passenger ferry projects that are eligible for a grant under subsection (a).

(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (a).

(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

(4) ZERO-EMISSION OR REDUCED-EMISSION GRANTS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term "eligible project" means a project or program of projects in an area eligible for a grant under subsection (a) for—

(I) acquiring zero- or reduced-emission passenger ferries;

(II) leasing zero- or reduced-emission passenger ferries;

(III) constructing facilities and related equipment for zero- or reduced-emission passenger ferries;

(IV) leasing facilities and related equipment for zero- or reduced-emission passenger ferries;

(V) constructing new public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

(VI) constructing shoreside ferry charging infrastructure for zero- or reduced-emission passenger ferries; or

(VII) rehabilitating or improving existing public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

(ii) the term "zero- or reduced-emission passenger ferry" means a passenger ferry used to provide public transportation that reduces emissions by utilizing onboard energy storage systems for hybrid-electric or 100 percent electric propulsion, related charging infrastructure, and other technologies deployed to reduce emissions or produce zero onboard emissions under normal operation; and

(iii) the term "recipient" means a designated recipient, a local government authority, or a State that receives a grant under subsection (a).

(B) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

(C) GRANT REQUIREMENTS.—A grant under this paragraph shall be subject to the same terms and conditions as a grant under subsection (a).

(D) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects under this paragraph on a competitive basis.

(E) GOVERNMENT SHARE OF COSTS.—

(i) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this paragraph shall not exceed 80 percent.

(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

§ 5308. Multi-jurisdictional bus frequency and ridership competitive grants

(a) IN GENERAL.—The Secretary shall make grants under this section, on a competitive basis, to eligible recipients to increase the frequency of bus service and the ridership of public transit buses.

(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) APPLICATION TIMING.—Not later than 90 days after amounts are made available to carry out this section, the Secretary shall solicit grant applications from eligible recipients for projects described in subsection (d).

(d) USES OF FUNDS.—An eligible recipient of a grant under this section shall use such grant for transportation capital projects that—

(1) increase—

(A) the frequency of bus service;

(B) bus ridership; and

(C) total person throughput; and

(2) are consistent with, and as described in, the design guidance issued by the National Association of City Transportation Officials and titled "Transit Street Design Guide".

(e) GRANT CRITERIA.—In making grants under this section, the Secretary shall consider the following:

(1) Each eligible recipient's projected increase in bus frequency.

(2) Each eligible recipient's projected increase in bus ridership.

(3) Each eligible recipient's projected increase in total person throughput.

(4) The degree of regional collaboration described in each eligible recipient's application, including collaboration with—

(A) a local government entity that operates a public transportation service;

(B) local government agencies that control street design;

(C) metropolitan planning organizations (as such term is defined in section 5303); and

(D) State departments of transportation.

(f) GRANT TIMING.—The Secretary shall award grants under this section not later than 120 days after the date on which the Secretary completes the solicitation described in subsection (c).

(g) REQUIREMENTS OF THE SECRETARY.—In carrying out the program under this section, the Secretary shall—

(1) not later than the date described in subsection (c), publish in the Federal Register a list of all metrics and evaluation procedures to be used in making grants under this section; and

(2) publish in the Federal Register—

(A) a summary of the final metrics and evaluations used in making grants under this section; and

(B) a list of the ratings of eligible recipients receiving a grant under this section based on such metrics and evaluations.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section shall not exceed 80 percent.

(2) RESTRICTION ON GRANT AMOUNTS.—The Secretary may make a grant for a project under this section in an amount up to 150 percent of the amount—

(A) provided for such project under title 23; and

(B) provided for such project from non-Federal funds budgeted for roadways.

(i) REQUIREMENTS OF SECTION 5307.—Except as otherwise provided in this section, a grant under this section shall be subject to the requirements of section 5307.

(j) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall remain available for 4 fiscal years after the fiscal year for which the amount was made available.

(2) UNOBLIGATED AMOUNTS.—After the expiration of the period described in paragraph (1) for an amount made available to carry out this section, any unobligated amounts made available to carry out this section shall be added to the amounts made available for the following fiscal year.

(k) ELIGIBLE RECIPIENTS.—In this section, the term "eligible recipient" means a recipient of a grant under section 5307 in an urbanized area with a population greater than 500,000.

§ 5309. Fixed guideway capital investment grants

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means a State or local governmental authority that applies for a grant under this section.

(2) CORE CAPACITY IMPROVEMENT PROJECT.—The term "core capacity improvement project" means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

(3) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term "corridor-based bus rapid transit project" means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems, including defined stations; traffic signal priority for public transportation vehicles; short headway bidirectional services for a substantial part of weekdays; and any other features the Secretary may determine support a long-term corridor investment, but the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(4) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term "fixed guideway bus rapid transit project" means a bus capital project—

(A) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(i) defined stations;

(ii) traffic signal priority for public transportation vehicles;

(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(5) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term "new fixed guideway capital project" means—

(A) a new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

[(6) PROGRAM OF INTERRELATED PROJECTS.—The term "program of interrelated projects" means the simultaneous development of—

[(A) 2 or more new fixed guideway capital projects, small start projects, or core capacity improvement projects; or

[(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects.**]**

[(7)**]** *(6)* SMALL START PROJECT.—The term "small start project" means a new fixed guideway capital project or corridor-based bus rapid transit project for which—

(A) the Federal assistance provided or to be provided under this section is less than **[**$100,000,000**]** *$320,000,000*; and

(B) the total estimated net capital cost is less than **[**$300,000,000**]** *$400,000,000*.

(b) GENERAL AUTHORITY.—The Secretary may make grants under this section to State and local governmental authorities to assist in financing—

(1) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and

(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, *expanding station capacity,* and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by at least 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(c) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may make a grant under this section for new fixed guideway capital projects, small start projects, or core capacity improvement projects, if the Secretary determines that—

(A) the project is part of an approved transportation plan required under sections 5303 and 5304; and

(B) the applicant has, or will have—

(i) the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of the project;

(ii) satisfactory continuing control over the use of the equipment or facilities; and

(iii) the technical and financial capacity to maintain new and existing equipment and facilities.

(2) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this subsection.

(3) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed at least 1 new fixed guideway capital project, or core capacity improvement project, if—

(A) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(B) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(4) RECIPIENT REQUIREMENTS.—A recipient of a grant awarded under this section shall be subject to all terms, conditions, requirements, and provisions that the Secretary determines to be necessary or appropriate for purposes of this section.

(d) NEW FIXED GUIDEWAY GRANTS.—

(1) PROJECT DEVELOPMENT PHASE.—

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new fixed guideway capital project shall enter into the project development phase when—

(i) the applicant—

(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(ii) the Secretary—

(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the new fixed guideway capital project is entering the project development phase.

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

(i) IN GENERAL.—Not later than [2 years] *3 years* after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

(I) a reasonable plan for completing the activities required under this paragraph; and

(II) an estimated time period within which the applicant will complete such activities.

(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.

(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.

(2) ENGINEERING PHASE.—

(A) IN GENERAL.—A new fixed guideway capital project may advance to the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) is adopted into the metropolitan transportation plan required under section 5303;

(iii) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with

the project, economic development effects associated with the project, policies and land use patterns of the project that support public transportation, and the project's cost-effectiveness as measured by cost per rider; and

(iv) is supported by [an acceptable degree of] *a* local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iii), the Secretary shall evaluate, analyze, and consider—

(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and

(ii) population density and current public transportation ridership in the transportation corridor.

(e) CORE CAPACITY IMPROVEMENT PROJECTS.—

(1) PROJECT DEVELOPMENT PHASE.—

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A core capacity improvement project shall be deemed to have entered into the project development phase if—

(i) the applicant—

(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(ii) the Secretary—

(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient; and

(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the core capacity improvement project is entering the project development phase.

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

(i) IN GENERAL.—Not later than [2 years] *3 years* after the date on which a project enters into the project development phase, the applicant shall com-

plete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

(I) a reasonable plan for completing the activities required under this paragraph; and

(II) an estimated time period within which the applicant will complete such activities.

(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.

(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.

(2) ENGINEERING PHASE.—

(A) IN GENERAL.—A core capacity improvement project may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

(ii) is adopted into the metropolitan transportation plan required under section 5303;

(iii) is in a corridor that is—

(I) at or over capacity; or

(II) projected to be at or over capacity within the next [5 years] *10 years*;

(iv) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, the capacity needs of the corridor, and the project's cost-effectiveness as measured by cost per rider; and

(v) is supported by [an acceptable degree of] *a* local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iv), the Secretary shall evaluate, analyze, and consider—

(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient;

(ii) whether the project will increase capacity at least 10 percent in a corridor;

(iii) whether the project will improve interconnectivity among existing systems; and

(iv) whether the project will improve environmental outcomes.

(f) FINANCING SOURCES.—

(1) REQUIREMENTS.—In determining whether a project is supported by [an acceptable degree of] *a* local financial commitment and shows evidence of stable and dependable financing sources for purposes of [subsection (d)(2)(A)(v)] *subsection (d)(2)(A)(iv)* or (e)(2)(A)(v), the Secretary shall require that—

(A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

(B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

(2) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of [subsection (d)(2)(A)(v)] *subsection (d)(2)(A)(iv)* or (e)(2)(A)(v), the Secretary shall consider—

(A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

(B) existing grant commitments;

(C) the degree to which financing sources are dedicated to the proposed purposes;

(D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; *and*

[(E) the extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project; and]

[(F)] *(E)* 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.

(3) TRANSPORTATION DEVELOPMENT CREDITS.—For purposes of assessments and determinations under this subsection or subsection (h), transportation development credits that are included as a source of local financing or match shall be treated the same as other sources of local financing.

(4) COST-SHARE INCENTIVES.—For a project for which a lower CIG cost share is elected by the applicant under subsection

(l)(1)(C), the Secretary shall apply the following requirements and considerations in lieu of paragraphs (1) and (2):

(A) REQUIREMENTS.—In determining whether a project is supported by local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall require that—

(i) the proposed project plan provides for the availability of contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(iii) an applicant certifies that local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project, or that the annual operating cost of the proposed project does not exceed 5 percent of the annual cost to operate and maintain the overall public transportation system of the applicant.

(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall consider—

(i) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

(ii) existing grant commitments;

(iii) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and

(iv) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(g) PROJECT ADVANCEMENT AND RATINGS.—

(1) PROJECT ADVANCEMENT.—A new fixed guideway capital project or core capacity improvement project proposed to be carried out using a grant under this section may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that—

(A) the project meets the applicable requirements under this section; and

(B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

(2) RATINGS.—

(A) OVERALL RATING.—In making a determination under paragraph (1), the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low, or low) based on—

(i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), and the [degree of local financial commitment] *criteria in subsection (f)*; and

(ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the [degree of local financial commitment] *criteria in subsection (f)*.

(B) INDIVIDUAL RATINGS FOR EACH CRITERION.—In rating a project under this paragraph, the Secretary shall—

(i) provide, in addition to the overall project rating under subparagraph (A), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable[; and]*;*

(ii) give comparable, but not necessarily equal, numerical weight to each of the criteria established under subsections (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i)[.]*; and*

(iii) in the case of a new fixed guideway capital project or a core capacity improvement project, allow a weighting 5 percentage points greater to the economic development criterion and 5 percentage points lesser to the lowest scoring criterion if the applicant demonstrates substantial efforts to preserve or encourage affordable housing near the project by providing documentation of policies that allow by-right multi-family housing, single room occupancy units, or accessory dwelling units, providing local capital sources for transit-oriented development, or demonstrate other methods as determined by the Secretary.

(C) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single project justification criterion meet or exceed a "medium" rating in order to advance the project from one phase to another.

(3) WARRANTS.—[The Secretary shall, 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—]

[(A) the share of the cost of the project to be provided under this section does not exceed—

[(i) $100,000,000; or

[(ii) 50 percent of the total cost of the project;

[(B) the applicant requests the use of the warrants;

[(C) the applicant certifies that its existing public transportation system is in a state of good repair; and]

[(D)] [the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.] *The Secretary shall—*

(A) to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section if—

(i) the share of the cost of the project to be provided under this section—

(I) does not exceed $500,000,000 and the total project cost does not exceed $1,000,000,000; or

(II) complies with subsection (l)(1)(C);

(ii) the applicant requests the use of the warrants;

(iii) the applicant certifies that its existing public transportation system is in a state of good repair; and

(iv) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection; and

(B) establish a warrant that applies to the economic development project justification criteria, provided that the applicant that requests a warrant under this process has completed and submitted a housing feasibility assessment.

(4) LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.—In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.

[(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance regarding the review and evaluation process and criteria—

[(A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and

[(B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.

[(6) RULES.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for—

[(A) new fixed guideway capital projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection; and

[(B) core capacity improvement projects that is based on the results of the capacity needs of the corridor, project justification, and local financial commitment.]

(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance on the review and evaluation process and criteria not later than 180 days after the date of enactment of the INVEST in America Act.

(6) TRANSPARENCY.—Not later than 30 days after the Secretary receives a written request from an applicant for all remaining information necessary to obtain 1 or more of the following, the Secretary shall provide such information to the applicant:

(A) Project advancement.

(B) Medium or higher rating.

(C) Warrant.

(D) Letter of intent.

(E) Early systems work agreement.

(7) APPLICABILITY.—This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before the date of enactment of ⟦the Federal Public Transportation Act of 2012⟧ *the INVEST in America Act*.

(h) SMALL START PROJECTS.—

(1) IN GENERAL.—A small start project shall be subject to the requirements of this subsection.

(2) PROJECT DEVELOPMENT PHASE.—

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new small starts project shall enter into the project development phase when—

(i) the applicant—

(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(ii) the Secretary—

(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the small starts project is entering the project development phase.

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

(3) SELECTION CRITERIA.—The Secretary may provide Federal assistance for a small start project under this subsection only if the Secretary determines that the project—

(A) has been adopted as the locally preferred alternative as part of the metropolitan transportation plan required under section 5303;

(B) is based on the results of an analysis of the benefits of the project as set forth in paragraph (4); and

(C) is supported by [an acceptable degree of] *a* local financial commitment.

(4) EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.—In making a determination for a small start project under paragraph (3)(B), the Secretary shall analyze, evaluate, and consider the following evaluation criteria for the project (as compared to a no-action alternative): mobility improvements, environmental benefits, congestion relief, economic development effects associated with the project, policies and land use patterns that support public transportation*, the extent to which the project improves transportation options to economically distressed areas,* and cost-effectiveness as measured by cost per rider.

(5) EVALUATION OF LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (3)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable*, except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls*.

(6) RATINGS.—

(A) IN GENERAL.—In carrying out paragraphs (4) and (5) for a small start project, the Secretary shall evaluate and rate the project on a 5-point scale (high, medium-high, medium, medium-low, or low) based on an evaluation of the benefits of the project as compared to the Federal assistance to be provided and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by this subsection and shall give comparable, but not necessarily equal, numerical weight to the benefits that the project will bring to the community in calculating the overall project rating.

(B) OPTIONAL EARLY RATING.—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) GRANTS AND EXPEDITED GRANT AGREEMENTS.—

(A) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment

on the part of the Secretary to provide funding for the project in future fiscal years.

(B) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this subsection, the Secretary may include in the agreement terms similar to those established under subsection (k)(2).

(C) NOTICE OF PROPOSED GRANTS AND EXPEDITED GRANT AGREEMENTS.—At least [10 days] *3 days* before making a grant award or entering into a grant agreement for a project under this subsection, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate of the proposed grant or expedited grant agreement, as well as the evaluations and ratings for the project.

[(i) PROGRAMS OF INTERRELATED PROJECTS.—

[(1) PROJECT DEVELOPMENT PHASE.—A federally funded project in a program of interrelated projects shall advance through project development as provided in subsection (d), (e), or (h), as applicable.

[(2) ENGINEERING PHASE.—A federally funded new fixed guideway capital project or core capacity improvement project in a program of interrelated projects may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that—

[(A) the project is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

[(B) the project is adopted into the metropolitan transportation plan required under section 5303;

[(C) the program of interrelated projects involves projects that have a logical connectivity to one another;

[(D) the program of interrelated projects, when evaluated as a whole—

[(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

[(I) new fixed guideway capital projects;

[(II) core capacity improvement projects; or

[(III) small start projects; or

[(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;

[(E) the program of interrelated projects is supported by a program implementation plan demonstrating that construction will begin on each of the projects in the program

of interrelated projects within a reasonable time frame; and

[(F) the program of interrelated projects is supported by an acceptable degree of local financial commitment, as described in subsection (f) or subsection (h)(5), as applicable.

[(3) PROJECT ADVANCEMENT AND RATINGS.—

[(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

[(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

[(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.

[(B) RATINGS.—

[(i) OVERALL RATING.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate a program of interrelated projects on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the criteria described in paragraph (2).

[(ii) INDIVIDUAL RATING FOR EACH CRITERION.—In rating a program of interrelated projects, the Secretary shall provide, in addition to the overall program rating, individual ratings for each of the criteria described in paragraph (2) and shall give comparable, but not necessarily equal, numerical weight to each such criterion in calculating the overall program rating.

[(iii) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single criterion described in paragraph (2) meet or exceed a "medium" rating in order to advance the program of interrelated projects from one phase to another.

[(4) ANNUAL REVIEW.—

[(A) REVIEW REQUIRED.—The Secretary shall annually review the program implementation plan required under paragraph (2)(E) to determine whether the program of interrelated projects is adhering to its schedule.

[(B) EXTENSION OF TIME.—If a program of interrelated projects is not adhering to its schedule, the Secretary may, upon the request of the applicant, grant an extension of

time if the applicant submits a reasonable plan that includes—

[(i) evidence of continued adequate funding; and

[(ii) an estimated time frame for completing the program of interrelated projects.

[(C) SATISFACTORY PROGRESS REQUIRED.—If the Secretary determines that a program of interrelated projects is not making satisfactory progress, no Federal funds shall be provided for a project within the program of interrelated projects.

[(5) FAILURE TO CARRY OUT PROGRAM OF INTERRELATED PROJECTS.—

[(A) REPAYMENT REQUIRED.—If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges that the Secretary may establish.

[(B) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

[(6) NON-FEDERAL FUNDS.—Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Government share requirement for any other project in the program of interrelated projects, if the Government share of the cost of each project within the program of interrelated projects does not exceed 80 percent.

[(7) PRIORITY.—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the non-Government share of the cost of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (l).

[(8) NON-GOVERNMENT PROJECTS.—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.]

(i) INTERRELATED PROJECTS.—

(1) RATINGS IMPROVEMENT.—The Secretary shall grant a rating increase of 1 level in mobility improvements to any project being rated under subsection (d), (e), or (h), if the Secretary certifies that the project has a qualifying interrelated project that meets the requirements of paragraph (2).

(2) INTERRELATED PROJECT.—A qualifying interrelated project is a transit project that—

(A) is adopted into the metropolitan transportation plan required under section 5303;

(B) has received a class of action designation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) will likely increase ridership on the project being rated in subsection (d), (e), or (h), respectively, as determined by the Secretary; and

(D) meets one of the following criteria:

(i) Extends the corridor of the project being rated in subsection (d), (e), or (h), respectively.

(ii) Provides a direct passenger transfer to the project being rated in subsection (d), (e), or (h), respectively.

(j) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (d) and (e) shall not apply to projects for which the Secretary has issued a letter of intent, approved entry into final design, entered into a full funding grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

(k) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

(1) LETTERS OF INTENT.—

(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a new fixed guideway capital project or core capacity improvement project, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for a capital project under this section, the amount shall be sufficient to complete at least an operable segment.

(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

(2) FULL FUNDING GRANT AGREEMENTS.—

(A) IN GENERAL.—A new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.

(B) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), (e), or (i), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (i)(3)(B), as applicable.

(C) TERMS.—A full funding grant agreement shall—

(i) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project;

(ii) establish the maximum amount of Federal financial assistance for the project;

(iii) include the period of time for completing the project, even if that period extends beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(D) SPECIAL FINANCIAL RULES.—

(i) IN GENERAL.—A full funding grant agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.

(v) LOCAL FUNDING COMMITMENT.— For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall enter into a full funding grant agreement that has at least 75 percent of local financial commitment committed and the remaining percentage budgeted for the proposed purposes.

(E) BEFORE AND AFTER STUDY.—

(i) IN GENERAL.—A full funding grant agreement under this paragraph shall require the applicant to conduct a study that—

(I) describes and analyzes the impacts of the new fixed guideway capital project or core capacity improvement project on public transportation services and public transportation ridership;

(II) evaluates the consistency of predicted and actual project characteristics and performance; and

(III) identifies reasons for differences between predicted and actual outcomes.

(ii) INFORMATION COLLECTION AND ANALYSIS PLAN.—

(I) SUBMISSION OF PLAN.—Applicants seeking a full funding grant agreement under this paragraph shall submit a complete plan for the collection and analysis of information to identify the impacts of the new fixed guideway capital project or core capacity improvement project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan

shall be included in the full funding grant agreement as an eligible activity.

(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

(aa) collection of data on the current public transportation system regarding public transportation service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics;

(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

(cc) collection of data on the public transportation system 2 years after the opening of a new fixed guideway capital project or core capacity improvement project, including analogous information on public transportation service levels and ridership patterns and information on the as-built scope, capital, and financing costs of the project; and

(dd) analysis of the consistency of predicted project characteristics with actual outcomes.

(F) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement under this paragraph, recipients shall have collected data on the current system, according to the plan required under subparagraph (E)(ii), before the beginning of construction of the proposed new fixed guideway capital project or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

(3) EARLY SYSTEMS WORK AGREEMENTS.—

(A) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

(i) a full funding grant agreement for the project will be made; and

(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

(B) CONTENTS.—

(i) IN GENERAL.—An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

(ii) CONTINGENT COMMITMENT.—An early systems work agreement may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(iii) PERIOD COVERED.—An early systems work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

(iv) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the early systems work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(v) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

(vi) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(4) LIMITATION ON AMOUNTS.—

(A) IN GENERAL.—The Secretary may enter into full funding grant agreements under this subsection for new fixed guideway capital projects and core capacity improvement projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(B) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

(5) NOTIFICATION TO CONGRESS.—At least [30 days] *3 days* before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter or agreement. The Secretary shall include

with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(l) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(1) IN GENERAL.—

(A) ESTIMATION OF NET CAPITAL PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

[(B) GRANTS.—

[(i) GRANT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

[(ii) FULL FUNDING GRANT AGREEMENT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

[(iii) GRANT FOR CORE CAPACITY IMPROVEMENT PROJECT.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

[(iv) GRANT FOR SMALL START PROJECT.—A grant for a small start project shall not exceed 80 percent of the net capital project costs.]

(B) CAP.—Except as provided in subparagraph (C), a grant for a project under this section shall not exceed 80 percent of the net capital project cost, except that a grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

(C) APPLICANT ELECTION OF LOWER LOCAL CIG COST SHARE.—An applicant may elect a lower local CIG cost share for a project under this section for purposes of application of the cost-share incentives under subsection (f)(3). Such cost share shall not exceed 60 percent of the net capital project cost, except that for a grant for a core capacity improvement project such cost share shall not exceed 60 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net capital project cost of a new fixed guideway capital project or core capacity improvement project evaluated under subsection (d), (e), or (i) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed at a cost that is significantly below the original estimate.

(3) MAXIMUM GOVERNMENT SHARE.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

(A) the Secretary determines that the net capital project cost of the project is not more than 10 percent higher than

the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

(B) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into the engineering phase.

(4) REMAINING COSTS.—The remainder of the net capital project costs shall be provided—

(A) in cash from non-Government sources;

(B) from revenues from the sale of advertising and concessions[; or]*;*

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital[.]*;*

(D) transportation development credits; or

(E) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) provided that—

(i) such funds are used in conjunction with the planning or development of affordable housing; and

(ii) such affordable housing is located within one-half of a mile of a new station.

[(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.]

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require, incentivize (in any manner not specified in this section), or place additional conditions upon a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost or, for a core capacity improvement project, 20 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

(6) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(7) LIMITATION ON APPLICABILITY.—This subsection shall not apply to projects for which the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

[(8) SPECIAL RULE FOR FIXED GUIDEWAY BUS RAPID TRANSIT PROJECTS.—For up to three fixed-guideway bus rapid transit projects each fiscal year the Secretary shall—

[(A) establish a Government share of at least 80 percent; and

[(B) not lower the project's rating for degree of local financial commitment for purposes of subsections (d)(2)(A)(v) or (h)(3)(C) as a result of the Government share specified in this paragraph.]

(8) CONTINGENCY SHARE.—The Secretary shall provide funding for the contingency amount equal to the proportion of the CIG cost share. If the Secretary increases the contingency amount after a project has received a letter of no prejudice or been allocated appropriated funds, the federal share of the additional contingency amount shall be 25 percent higher than the original proportion the CIG cost share and in addition to the grant amount set in subsection (k)(2)(C)(ii).

(m) UNDERTAKING PROJECTS IN ADVANCE.—

(1) IN GENERAL.—The Secretary may pay the Government share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the State or local governmental authority applies for the payment;

(B) the Secretary approves the payment; and

(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

(2) FINANCING COSTS.—

(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(n) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 4 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section.

(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.

(o) REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.—

(1) ANNUAL REPORT ON FUNDING RECOMMENDATIONS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

(A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts;

(B) evaluations and ratings, as required under subsections (d), (e), and (i), for each such project that is in project development, engineering, or has received a full funding grant agreement; and

(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

(2) REPORTS ON BEFORE AND AFTER STUDIES.—Not later than the first Monday in August of each year, the Secretary shall submit to the committees described in paragraph (1) a report containing a summary of the results of any studies conducted under subsection (k)(2)(E).

(3) BIENNIAL GAO REVIEW.—The Comptroller General of the United States shall—

(A) conduct a biennial review of—

(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects and core capacity improvement projects; and

(ii) the Secretary's implementation of such processes and procedures; and

(B) report to Congress on the results of such review by May 31 of each year.

(4) CIG PROGRAM DASHBOARD.—Not later than the fifth day of each month, the Secretary shall make publicly available on a website data on, including the status of, each project under this section that is in the project development phase, in the engineering phase, or has received a grant agreement and remains under construction. Such data shall include, for each project—

(A) the amount and fiscal year of any funding appropriated, allocated, or obligated for the project;

(B) the date on which the project—

(i) entered the project development phase;

(ii) entered the engineering phase, if applicable; and

(iii) received a grant agreement, if applicable; and

(C) the status of review by the Federal Transit Administration and the Secretary, including dates of request, dates of acceptance of request, and dates of a decision for each of the following, if applicable:

(i) A letter of no prejudice.

(ii) An environmental impact statement notice of intent.

(iii) A finding of no significant environmental impact.

(iv) A draft environmental impact statement.

(v) A final environmental impact statement.

(vi) A record of decision on the final environmental impact statement.

(vii) The status of the applicant in securing the non-Federal match, based on information provided by the applicant, including the amount committed, budgeted, planned, and undetermined.

(p) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

(A) engineering studies;

(B) studies of economic feasibility;

(C) the expected use of equipment or facilities; and

(D) the public transportation costs attributable to the project.

(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs

of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

§ 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RECIPIENT.—The term "recipient" means—

(A) a designated recipient or a State that receives a grant under this section directly; or

(B) a State or local governmental entity that operates a public transportation service.

(2) SUBRECIPIENT.—The term "subrecipient" means a State or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under this section indirectly through a recipient.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section to recipients for—

(A) public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and

(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

(2) LIMITATIONS FOR CAPITAL PROJECTS.—

(A) AMOUNT AVAILABLE.—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.

(B) ALLOCATION TO SUBRECIPIENTS.—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—

(i) a private nonprofit organization; or

(ii) a State or local governmental authority that—

(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or

(II) certifies that there are no private nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).

(3) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

(4) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.

(5) COORDINATION.—

(A) DEPARTMENT OF TRANSPORTATION.—To the maximum extent feasible, the Secretary shall coordinate activities under this section with related activities under other Federal departments and agencies.

(B) OTHER FEDERAL AGENCIES AND NONPROFIT ORGANIZATIONS.—A State or local governmental authority or nonprofit organization that receives assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

(i) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

(ii) participate in the planning for the transportation services described in clause (i).

(6) PROGRAM OF PROJECTS.—

(A) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for seniors and individuals with disabilities, if such transportation projects are included in a program of projects.

(B) SUBMISSION.—A recipient shall annually submit a program of projects to the Secretary.

(C) ASSURANCE.—The program of projects submitted under subparagraph (B) shall contain an assurance that the program provides for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

(7) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS *AND INCIDENTAL USE*.—A public transportation service provider that receives assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals *or providing other incidental services*, if the **[**delivery service does not conflict**]** *service does not conflict* with providing public transportation service or reduce service to public transportation passengers.

(c) APPORTIONMENT AND TRANSFERS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

(A) LARGE URBANIZED AREAS.—Sixty percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census, in the ratio that—

(i) the number of seniors and individuals with disabilities in each such urbanized area; bears to

(ii) the number of seniors and individuals with disabilities in all such urbanized areas.

(B) SMALL URBANIZED AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer

than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to

(ii) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in all States.

(C) RURAL AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of seniors and individuals with disabilities in rural areas in each State; bears to

(ii) the number of seniors and individuals with disabilities in rural areas in all States.

(2) AREAS SERVED BY PROJECTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B)—

(i) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census;

(ii) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

(iii) funds apportioned under paragraph (1)(C) shall be used for projects serving rural areas.

(B) EXCEPTIONS.—A State may use funds apportioned to the State under subparagraph (B) or (C) of paragraph (1)—

(i) for a project serving an area other than an area specified in subparagraph (A)(ii) or (A)(iii), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the area specified in subparagraph (A)(ii) or (A)(iii); or

(ii) for a project anywhere in the State, if the State has established a statewide program for meeting the objectives of this section.

(C) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to subparagraph (B) shall be made available only for eligible projects selected under this section.

(D) CONSULTATION.—A recipient may transfer an amount under subparagraph (B) only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area for which the amount was originally apportioned.

(d) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be in an amount equal to 80 percent of the net capital costs of the project, as determined by the Secretary.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER OF NET COSTS.—The remainder of the net costs of a project carried out under this section—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appropriated or otherwise made available—

(i) to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; or

(ii) to carry out the Federal lands highways program under section 204 of title 23.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(i), the prohibition under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.

(e) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant under this section shall be subject to the same requirements as a grant under section 5307, to the extent the Secretary determines appropriate.

(2) CERTIFICATION REQUIREMENTS.—

(A) PROJECT SELECTION AND PLAN DEVELOPMENT.—Before receiving a grant under this section, each recipient shall certify that—

(i) the projects selected by the recipient are included in a locally developed, coordinated public transit-human services transportation plan;

(ii) the plan described in clause (i) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public; and

(iii) to the maximum extent feasible, the services funded under this section will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services.

(B) ALLOCATIONS TO SUBRECIPIENTS.—If a recipient allocates funds received under this section to subrecipients, the recipient shall certify that the funds are allocated on a fair and equitable basis.

(f) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants under this section.

(2) STATEWIDE SOLICITATIONS.—A recipient of funds apportioned under subparagraph (B) or (C) of subsection (c)(1) may conduct a statewide solicitation for applications for grants under this section.

(3) APPLICATION.—If the recipient elects to engage in a competitive process, a recipient or subrecipient seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient making the election an application in such form and in accordance with such requirements as the recipient making the election shall establish.

(g) TRANSFERS OF FACILITIES AND EQUIPMENT.—A recipient may transfer a facility or equipment acquired using a grant under this section to any other recipient eligible to receive assistance under this chapter, if—

(1) the recipient in possession of the facility or equipment consents to the transfer; and

(2) the facility or equipment will continue to be used as required under this section.

(h) PERFORMANCE MEASURES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives making recommendations on the establishment of performance measures for grants under this section. Such report shall be developed in consultation with national nonprofit organizations that provide technical assistance and advocacy on issues related to transportation services for seniors and individuals with disabilities.

(2) MEASURES.—The performance measures to be considered in the report under paragraph (1) shall require the collection of quantitative and qualitative information, as available, concerning—

(A) modifications to the geographic coverage of transportation service, the quality of transportation service, or service times that increase the availability of transportation services for seniors and individuals with disabilities;

(B) ridership;

(C) accessibility improvements; and

(D) other measures, as the Secretary determines is appropriate.

(i) BEST PRACTICES.—The Secretary shall collect from, review, and disseminate to public transportation agencies—

(1) innovative practices;

(2) program models;

(3) new service delivery options;

(4) findings from activities under subsection (h); and

(5) transit cooperative research program reports.

(j) ONE-STOP PARATRANSIT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish a one-stop paratransit competitive grant program to encourage an extra stop in non-fixed route Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) service for a paratransit rider to complete essential tasks.

(2) PREFERENCE.—The Secretary shall give preference to eligible recipients that—

(A) have comparable data for the year prior to implementation of the grant program and made available to the Secretary, academic and nonprofit organizations for research purposes; and

(B) plan to use agency personnel to implement the pilot program.

(3) APPLICATION CRITERIA.—To be eligible to participate in the grant program, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including information on—

(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

(i) childcare or education facilities;

(ii) pharmacies;

(iii) grocery stores; and

(iv) bank or ATM locations;

(B) methodology for informing the public of the grant program;

(C) vehicles, personnel, and other resources that will be used to implement the grant program;

(D) if the applicant does not intend the grant program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the grant program to apply; and

(E) the anticipated amount of increased operating costs.

(4) SELECTION.—The Secretary shall seek to achieve diversity of participants in the grant program by selecting a range of eligible entities that includes at least—

(A) 5 eligible recipients that serve an area with a population of 50,000 to 200,000;

(B) 10 eligible recipients that serve an area with a population of over 200,000; and

(C) 5 eligible recipients that provide transportation for rural communities.

(5) DATA-SHARING CRITERIA.—An eligible recipient in this subsection shall provide data as the Secretary requires, which may include—

(A) number of ADA paratransit trips conducted each year;

(B) requested time of each paratransit trip;

(C) scheduled time of each paratransit trip;

(D) actual pickup time for each paratransit trip;

(E) average length of a stop in the middle of a ride as allowed by this subsection;

(F) any complaints received by a paratransit rider;

(G) rider satisfaction with paratransit services; and

(H) after the completion of the grant, an assessment by the eligible recipient of its capacity to continue a one-stop program independently.

(6) REPORT.—

(A) IN GENERAL.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than

December 31 of the calendar year in which such fiscal year ends.

(B) CONTENTS.—The report required under subparagraph (A) shall include a detailed description of the activities carried out under the program, and an evaluation of the program, including an evaluation of the data shared by eligible recipients under paragraph (5).

(k) INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) START UP GRANTS.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

(B) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(i) a detailed description of the eligible project;

(ii) an identification of all eligible project partners and the specific role of each eligible project partner in the eligible project, including—

(I) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

(II) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

(III) Federal and State entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; and

(iii) a description of how the eligible project shall—

(I) improve local coordination or access to coordinated transportation services;

(II) reduce duplication of service, if applicable; and

(III) provide innovative solutions in the State or community.

(C) PERFORMANCE MEASURES.—An eligible recipient shall specify, in an application for a grant under this paragraph, the performance measures the eligible project, in coordination with project partners, will use to quantify actual outcomes against expected outcomes, including—

(i) changes to transportation expenditures as a result of improved coordination;

(ii) changes to healthcare expenditures provided by projects partners as a result of improved coordination; and

(iii) changes to health care metrics, including aggregate health outcomes provided by projects partners.

(D) ELIGIBLE USES.—Eligible recipients receiving a grant under this section may use such funds for—

(i) the deployment of coordination technology;

(ii) projects that create or increase access to community One-Call/One-Click Centers;

(iii) projects that coordinate transportation for 3 or more of—

(I) public transportation provided under this section;

(II) a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(III) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(IV) Veterans Health Administration; or

(V) private health care facilities; and

(iv) such other projects as determined appropriate by the Secretary.

(E) CONSULTATION.—In evaluating the performance metrics described in subparagraph (C), the Secretary shall consult with the Secretary of Health and Human Services.

(2) INCENTIVE GRANTS.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to incentivize innovative projects for the transportation disadvantaged that improve the coordination of transportation services and nonemergency medical transportation services.

(B) SELECTION OF GRANT RECIPIENTS.—The Secretary shall distribute grant funds made available to carry out this paragraph as described in subparagraph (E) to eligible recipients that apply and propose to demonstrate improvement in the metrics described in subparagraph (F).

(C) ELIGIBILITY.—An eligible recipient shall not be required to have received a grant under paragraph (1) to be eligible to receive a grant under this paragraph.

(D) APPLICATIONS.—Eligible recipients shall submit to the Secretary an application that includes—

(i) which metrics under subparagraph (F) the eligible recipient intends to improve;

(ii) the performance data eligible recipients and the Federal, State, nonprofit, and private partners, as described in paragraph (1)(B)(ii), of the eligible recipient will make available; and

(iii) a proposed incentive formula that makes payments to the eligible recipient based on the proposed data and metrics.

(E) DISTRIBUTION.—The Secretary shall distribute funds made available to carry out this paragraph based upon the number of grant applications approved by the Secretary, number of individuals served by each grant, and the incentive formulas approved by the Secretary using the following metrics:

(i) The reduced transportation expenditures as a result of improved coordination.

(ii) The reduced Federal and State healthcare expenditures using the metrics described in subparagraph (F).

(iii) The reduced private healthcare expenditures using the metrics described in subparagraph (F).

(F) HEALTHCARE METRICS.—Healthcare metrics described in this subparagraph shall be—

(i) reducing missed medical appointments;

(ii) the timely discharge of patients from hospitals;

(iii) preventing hospital admissions and reducing readmissions of patients into hospitals; and

(iv) other measureable healthcare metrics, as determined appropriate by the Secretary, in consultation with the Secretary of Health and Human Services.

(G) ELIGIBLE EXPENDITURES.—The Secretary shall allow the funds distributed by this grant program to be expended on eligible activities described in paragraph (1)(D) and any eligible activity under this section that is likely to improve the metrics described in subparagraph (F).

(H) RECIPIENT CAP.—The Secretary—

(i) may not provide more than 20 grants under this paragraph; and

(ii) shall reduce the maximum number of grants under this paragraph to ensure projects are fully funded, if necessary.

(I) CONSULTATION.—In evaluating the health care metrics described in subparagraph (F), the Secretary shall consult with the Secretary of Health and Human Services.

(J) ANNUAL GRANTEE REPORT.—Each grantee shall submit a report, in coordination with the project partners of such grantee, that includes an evaluation of the outcomes of the grant awarded to such grantee, including the performance measures.

(3) REPORT.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the program, and an evaluation of the 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.

§ 5311. Formula grants for rural areas

(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) RECIPIENT.—The term "recipient" means a State or Indian tribe that receives a Federal transit program grant directly from the Government.

(2) SUBRECIPIENT.—The term "subrecipient" means a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

(3) PERSISTENT POVERTY COUNTY.—The term "persistent poverty county" means any county with a poverty rate of at least 20 percent—

(A) as determined in each of the 1990 and 2000 decennial censuses;

(B) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the estimates are available; and

(C) has at least 25 percent of its population in rural areas.

(b) GENERAL AUTHORITY.—

(1) GRANTS AUTHORIZED.—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in rural areas for—

(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of rural areas in the State;

(B) public transportation capital projects;

(C) operating costs of equipment and facilities for use in public transportation;

(D) job access and reverse commute projects; and

(E) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

(2) STATE PROGRAM.—

(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

(B) SUBMISSION TO SECRETARY.—Each State shall submit to the Secretary annually the program described in subparagraph (A).

(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—

(i) the program provides a fair distribution of amounts in the State, including Indian reservations *and persistent poverty counties*; and

(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(D) CENSUS DESIGNATION.—The Secretary may approve a State program that allocates not more than 5 percent of such State's apportionment to assist rural areas that were

redesignated as urban areas not more than 2 fiscal years after the last census designation of urbanized area boundaries.

(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in rural areas.

(B) GRANTS AND CONTRACTS.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available under section [5338(a)(2)(F)] *5338(a)(2)(E)* to make grants and contracts for transportation research, technical assistance, training, and related support services in rural areas.

(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out competitively selected projects of a national scope, with the remaining balance provided to the States.

(4) DATA COLLECTION.—Each recipient under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—

(A) total annual revenue;

(B) sources of revenue;

(C) total annual operating costs;

(D) total annual capital costs;

(E) fleet size and type, and related facilities;

(F) vehicle revenue miles; and

(G) ridership.

(c) APPORTIONMENTS.—

(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section [5338(a)(2)(F)] *5338(a)(2)(E)* to carry out this paragraph, the following amounts shall be apportioned each fiscal year for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary:

(A) [$5,000,000] *$10,000,000* for each fiscal year shall be distributed on a competitive basis by the Secretary.

(B) [$30,000,000] *the amount remaining under section 5338(a)(2)(E)(i) after the amount under subparagraph (A) is distributed* for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).

[(2) APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

[(A) DEFINITIONS.—In this paragraph—

[(i) the term "Appalachian region" has the same meaning as in section 14102 of title 40; and

[(ii) the term "eligible recipient" means a State that participates in a program established under subtitle IV of title 40.

[(B) IN GENERAL.—The Secretary shall carry out a public transportation assistance program in the Appalachian region.

[(C) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(F) to carry out this paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.

[(D) SPECIAL RULE.—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—

[(i) that use is approved, in writing, by the eligible recipient after appropriate notice and an opportunity for comment and appeal are provided to affected public transportation providers; and

[(ii) the eligible recipient, in approving the use of amounts under this subparagraph, determines that the local transit needs are being addressed.]

(2) PERSISTENT POVERTY PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a public transportation assistance program for areas of persistent poverty.

(B) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(E)(ii) to carry out this paragraph, the Secretary shall apportion funds to recipients for service in, or directly benefitting, persistent poverty counties for any eligible purpose under this section in the ratio that—

(i) the number of individuals in each such rural area residing in a persistent poverty county; bears to

(ii) the number of individuals in all such rural areas residing in a persistent poverty county.

(3) REMAINING AMOUNTS.—

(A) IN GENERAL.—The amounts made available or appropriated for each fiscal year pursuant to section [5338(a)(2)(F)] *5338(a)(2)(E)* that are not apportioned under paragraph (1) or (2) shall be apportioned in accordance with this paragraph.

[(B) APPORTIONMENT BASED ON LAND AREA AND POPULATION IN NONURBANIZED AREAS.—

[(i) IN GENERAL.—83.15 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

[(ii) LAND AREA.—

[(I) IN GENERAL.—Subject to subclause (II), each State shall receive an amount that is equal to 20 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

[(II) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subclause (I).

[(iii) POPULATION.—Each State shall receive an amount equal to 80 percent of the amount apportioned under clause (i), multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

[(C) APPORTIONMENT BASED ON LAND AREA, VEHICLE REVENUE MILES, AND LOW-INCOME INDIVIDUALS IN NON-URBANIZED AREAS.—

[(i) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

[(ii) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

[(iii) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

[(iv) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 40.64 percent of the amount apportioned under clause (i), multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.

[(v) MAXIMUM APPORTIONMENT.—No State shall receive—

[(I) more than 5 percent of the amount apportioned under clause (ii); or

[(II) more than 5 percent of the amount apportioned under clause (iii).]

(B) LAND AREA.—

(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 15 percent of the amount apportioned under this paragraph, multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

(C) POPULATION.—Each State shall receive an amount equal to 50 percent of the amount apportioned under this paragraph, multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

(D) VEHICLE REVENUE MILES.—

(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 25 percent of the amount apportioned under this paragraph, multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

(E) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 10 percent of the amount apportioned under this paragraph, multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.

(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in a rural area.

(e) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—The Secretary may allow a State to use not more than 10 percent of the amount apportioned under this section to administer this section and provide technical assistance to a subrecipient, including project planning, program and management development, coordination of public transportation programs, and research the State considers appropriate to promote effective delivery of public transportation to a rural area.

(f) INTERCITY BUS TRANSPORTATION.—

(1) IN GENERAL.—A State shall expend at least 15 percent of the amount made available in each fiscal year to carry out a program to develop and support intercity bus transportation. *A State may expend funds to continue service into another State to extend a route.* Eligible activities under the program include—

(A) planning and marketing for intercity bus transportation;

(B) capital grants for intercity bus facilities;

(C) joint-use facilities;

(D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and

(E) coordinating rural connections between small public transportation operations and intercity bus carriers.

(2) CERTIFICATION.—A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the Governor of the State certifies to the Secretary, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately *and makes the certification and supporting documents publicly available*.

(3) MEANINGFUL CONNECTIONS.—All projects funded under this subsection shall directly serve, or make meaningful scheduled connections to, the national intercity bus network.

(g) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.

(2) OPERATING ASSISTANCE.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

(3) REMAINDER.—The remainder of net project costs—

(A) may be provided in cash from non-Government sources;

(B) may be provided from revenues from the sale of advertising and concessions;

(C) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;

(D) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation;

(E) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program established by section 204 of title 23; and

(F) in the case of an intercity bus project that includes both feeder service and an unsubsidized segment of intercity bus service to which the feeder service connects, may

be derived from the costs of a private operator for the unsubsidized segment of intercity bus service, including all operating and capital costs of such service whether or not offset by revenue from such service, as an in-kind match for the operating costs of connecting rural intercity bus feeder service funded under subsection (f), if the private operator agrees in writing to the use of the costs of the private operator for the unsubsidized segment of intercity bus service as an in-kind match.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

(6) ALLOWANCE FOR VOLUNTEER HOURS.—

(A) APPLICABLE REGULATIONS.—For any funds provided by a department or agency of the Government under paragraph (3)(D) or by a service agreement under paragraph (3)(C), and such department or agency has regulations in place that provide for the valuation of volunteer hours as allowable in-kind contributions toward the non-Federal share of project costs, such regulations shall be used to determine the allowable valuation of volunteer hours as an in-kind contribution toward the non-Federal remainder of net project costs for a transit project funded under this section.

(B) LIMITATIONS.—Subparagraph (A) shall not apply to the provision of fixed-route bus services funded under this section.

(h) TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—Section 5333(b) applies to this section if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees.

(2) RULE OF CONSTRUCTION.—This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.

(j) FORMULA GRANTS FOR PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—

(1) APPORTIONMENT.—

(A) IN GENERAL.—Of the amounts described in subsection (c)(1)(B)—

(i) 50 percent of the total amount shall be apportioned so that each Indian tribe providing public

transportation service shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of vehicle revenue miles provided by an Indian tribe divided by the total number of vehicle revenue miles provided by all Indian tribes, as reported to the Secretary;

(ii) 25 percent of the total amount shall be apportioned equally among each Indian tribe providing at least 200,000 vehicle revenue miles of public transportation service annually, as reported to the Secretary; and

(iii) 25 percent of the total amount shall be apportioned among each Indian tribe providing public transportation on tribal lands (American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census) on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) so that each Indian tribe shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe's lands divided by the total number of low-income individuals on tribal lands on which more than 1,000 low-income individuals reside.

(B) LIMITATION.—No recipient shall receive more than $300,000 of the amounts apportioned under subparagraph (A)(iii) in a fiscal year.

(C) REMAINING AMOUNTS.—Of the amounts made available under subparagraph (A)(iii), any amounts not apportioned under that subparagraph shall be allocated among Indian tribes receiving less than $300,000 in a fiscal year according to the formula specified in that clause.

(D) LOW-INCOME INDIVIDUALS.—For purposes of subparagraph (A)(iii), the term "low-income individual" means an individual whose family income is at or below 100 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds so that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all Indian tribes in the Tribal Statistical Area.

(2) NON-TRIBAL SERVICE PROVIDERS.—A recipient that is an Indian tribe may use funds apportioned under this subsection

to finance public transportation services provided by a non-tribal provider of public transportation that connects residents of tribal lands with surrounding communities, improves access to employment or healthcare, or otherwise addresses the mobility needs of tribal members.

§ 5312. Public transportation innovation

(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.

(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.—

(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements for research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation, that the Secretary determines will improve public transportation.

(2) AGREEMENTS.—In order to carry out paragraph (1), the Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with—

(A) departments, agencies, and instrumentalities of the Government, including Federal laboratories;

(B) State and local governmental entities;

(C) providers of public transportation;

(D) private or non-profit organizations;

(E) institutions of higher education; and

(F) technical and community colleges.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant, contract, cooperative agreement, or other agreement under this section, an entity described in paragraph (2) shall submit an application to the Secretary.

(B) FORM AND CONTENTS.—An application under subparagraph (A) shall be in such form and contain such information as the Secretary may require, including—

(i) a statement of purpose detailing the need being addressed;

(ii) the short- and long-term goals of the project, including opportunities for future innovation and development, the potential for deployment, and benefits to riders and public transportation; and

(iii) the short- and long-term funding requirements to complete the project and any future objectives of the project.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (b)(2) to carry out a public transportation research project that has as its ultimate goal the development and deployment of new and innovative ideas, practices, and approaches.

(2) PROJECT ELIGIBILITY.—A public transportation research project that receives assistance under paragraph (1) shall focus on—

(A) providing more effective and efficient public transportation service, including services to—

(i) seniors;

(ii) individuals with disabilities; and

(iii) low-income individuals;

(B) mobility management and improvements and travel management systems;

(C) data and communication system advancements;

(D) system capacity, including—

(i) train control;

(ii) capacity improvements; and

(iii) performance management;

(E) capital and operating efficiencies;

(F) planning and forecasting modeling and simulation;

(G) advanced vehicle design;

(H) advancements in vehicle technology;

(I) asset maintenance and repair systems advancement;

(J) construction and project management;

(K) alternative fuels;

(L) the environment and energy efficiency;

(M) safety improvements; or

(N) any other area that the Secretary determines is important to advance the interests of public transportation.

(d) INNOVATION AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (b)(2) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technology and technological capacity improvements.

(2) PROJECT ELIGIBILITY.—A public transportation innovation and development project that receives assistance under paragraph (1) shall focus on—

(A) the development of public transportation research projects that received assistance under subsection (c) that the Secretary determines were successful;

(B) planning and forecasting modeling and simulation;

(C) capital and operating efficiencies;

(D) advanced vehicle design;

(E) advancements in vehicle technology;

(F) the environment and energy efficiency;

(G) system capacity, including train control and capacity improvements; or

(H) any other area that the Secretary determines is important to advance the interests of public transportation.

(3) MOBILITY INNOVATION SANDBOX PROGRAM.—The Secretary may make funding available under this subsection to carry out research on mobility on demand and mobility as a service activities eligible under section 5316.

(4) TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.—

(A) IN GENERAL.—The Secretary may make funding available under this subsection to carry out research on redesigning transit bus operator compartments to improve safety, operational efficiency, and passenger accessibility.

(B) OBJECTIVES.—Research objectives under this paragraph shall include—

(i) increasing bus operator safety from assaults;

(ii) optimizing operator visibility and reducing operator distractions to improve safety of bus passengers, pedestrians, bicyclists, and other roadway users;

(iii) expanding passenger accessibility for positive interactions between operators and passengers, including assisting passengers in need of special assistance;

(iv) accommodating passenger boarding, alighting, and securement consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(v) improving ergonomics to reduce bus operator work-related health issues and injuries, as well as locate key instrument and control interfaces to improve operational efficiency and convenience.

(C) ACTIVITIES.—Eligible activities under this paragraph shall include—

(i) measures to reduce visibility impairments and distractions for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments and distractions;

(ii) the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations;

(iii) technologies to improve passenger accessibility, including boarding, alighting, and securement 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).

(e) DEMONSTRATION, DEPLOYMENT, AND EVALUATION.—

(1) IN GENERAL.—The Secretary may, under terms and conditions that the Secretary prescribes, make a grant to or enter into a contract, cooperative agreement, or other agreement with an entity described in paragraph (2) to promote the early deployment and demonstration of innovation in public transportation that has broad applicability.

(2) PARTICIPANTS.—An entity described in this paragraph is—

(A) an entity described in subsection (b)(2); or

(B) a consortium of entities described in subsection (b)(2), including a provider of public transportation, that will share the costs, risks, and rewards of early deployment and demonstration of innovation.

(3) PROJECT ELIGIBILITY.—A demonstration, deployment, or evaluation project that receives assistance under paragraph (1) shall seek to build on successful research, innovation, and development efforts to facilitate—

(A) the deployment of research and technology development resulting from private efforts or Federally funded efforts;

(B) the implementation of research and technology development to advance the interests of public transportation; or

(C) the deployment of ⟦low or no emission vehicles, zero emission vehicles,⟧ *zero emission vehicles* or associated advanced technology.

(4) EVALUATION.—Not later than 2 years after the date on which a project receives assistance under paragraph (1), the Secretary shall conduct a comprehensive evaluation of the success or failure of the projects funded under this subsection and any plan for broad-based implementation of the innovation promoted by successful projects.

(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

⟦(6) DEFINITIONS.—In this subsection—

⟦(A) the term "direct carbon emissions" means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

⟦(B) the term "low or no emission vehicle" means—

⟦(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

⟦(ii) a zero emission vehicle used to provide public transportation; and

⟦(C) the term "zero emission vehicle" means a low or no emission vehicle that produces no carbon or particulate matter.⟧

(6) ZERO EMISSION VEHICLE DEFINED.—In this subsection, the term "zero emission vehicle" means a passenger vehicle used to provide public transportation that produces no carbon or particulate matter.

[(g)] *(f)* ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—

(1) a description of each project that received assistance under this section during the preceding fiscal year; and

(2) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (e)(4) for the preceding fiscal year.

(g) GOVERNMENT SHARE OF COSTS.—

(1) IN GENERAL.—The Government share of the cost of a project carried out under this section shall not exceed 80 percent.

(2) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a project carried out under this section may be derived from in-kind contributions.

(3) FINANCIAL BENEFIT.—If the Secretary determines that there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other agreement under this section, the Secretary shall establish a Government share of the costs of the project to be carried out under the grant, contract, cooperative agreement, or other agreement that is consistent with the benefit.

(h) [LOW OR NO EMISSION] *ZERO EMISSION* VEHICLE COMPONENT ASSESSMENT.—

(1) DEFINITIONS.—In this subsection—

(A) the term "covered institution of higher education" means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility selected under paragraph (2)(A);

[(B) the terms "direct carbon emissions" and "low or no emission vehicle" have the meanings given those terms in subsection (e)(6);]

(B) the term "zero emission vehicle" has the meaning given such term in subsection (e)(6);

(C) the term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(D) the term "[low or no emission vehicle] *zero emission vehicle* component" means an item that is separately installed in and removable from a [low or no emission vehicle] *zero emission vehicle*.

(2) ASSESSING [LOW OR NO EMISSION] *ZERO EMISSION* VEHICLE COMPONENTS.—

(A) IN GENERAL.—The Secretary shall competitively select at least one facility to conduct testing, evaluation, and analysis of [low or no emission] *zero emission* vehicle components intended for use in [low or no emission] *zero emission* vehicles.

(B) OPERATION AND MAINTENANCE.—

(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least one institution of higher education to operate and maintain a facility selected under subparagraph (A).

(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

(II) laboratories capable of testing and evaluation; and

(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test [low or no emission] *zero emission* vehicle components installed on the intended vehicle.

(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of [low or no emission] *zero emission* vehicle components at the applicable facility selected under subparagraph (A).

(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to an institution of higher education under which—

(i) the Secretary shall pay 50 percent of the cost of assessing a [low or no emission] *zero emission* vehicle component at the applicable facility selected under subparagraph (A) from amounts made available to carry out this section; and

(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

(E) VOLUNTARY TESTING.—A manufacturer of a [low or no emission] *zero emission* vehicle component is not required to assess the [low or no emission] *zero emission* vehicle component at a facility selected under subparagraph (A).

(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a [low or no emission] *zero emission* vehicle component is assessed at a facility selected under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

[(G) SEPARATE FACILITY.—A facility selected under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.]

(3) [LOW OR NO EMISSION] *ZERO EMISSION* VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on [low or no emission] *zero emission* vehicle component assessments conducted at each facility selected under paragraph (2)(A), which shall include information related to the

maintainability, reliability, performance, structural integrity, efficiency, and noise of those [low or no emission] *zero emission* vehicle components.

(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility selected under paragraph (2)(A) shall be made publicly available, including to affected industries.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

(A) a [low or no emission] *zero emission* vehicle component to be tested at a facility selected under paragraph (2)(A); or

(B) the development or disclosure of a privately funded component assessment.

(i) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

(1) IN GENERAL.—The amounts made available under section [5338(a)(2)(G)(ii)] *5338(a)(2)(F)(iii)* are available for a public transportation cooperative research program.

(2) INDEPENDENT GOVERNING BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an independent governing board for the program under this subsection.

(B) RECOMMENDATIONS.—The board shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

(3) FEDERAL ASSISTANCE.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary considers appropriate.

(4) GOVERNMENT SHARE OF COSTS.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this subsection, the Secretary shall establish a Government share consistent with that benefit.

(5) LIMITATION ON APPLICABILITY.—Subsections (f) and (g) shall not apply to activities carried out under this subsection.

(j) DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.—

(1) IN GENERAL.—Not later than 300 days after the date of enactment of the INVEST in America Act, the Secretary shall award grants (which shall be known as "Access to Jobs Grants") to eligible entities, on a competitive basis, to implement reduced fare transit service.

(2) NOTICE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary shall provide notice to eligible entities of the availability of grants under paragraph (1).

(3) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including, at a minimum, the following:

(A) A description of how the eligible entity plans to implement reduced fare transit access with respect to low-income individuals, including any eligibility requirements for such transit access.

(B) A description of how the eligible entity will consult with local community stakeholders, labor unions, local education agencies and institutions of higher education, public housing agencies, and workforce development boards in the implementation of reduced fares.

(C) A description of the eligible entity's current fare evasion enforcement policies, including how the eligible entity plans to use the reduced fare program to reduce fare evasion.

(D) An estimate of additional costs to such eligible entity as a result of reduced transit fares.

(E) A plan for a public awareness campaign of the transit agency's ability to provide reduced fares, including in foreign languages, based on—

(i) data from the Bureau of the Census, consistent with the local area demographics where the transit agency operates, including the languages that are most prevalent and commonly requested for translation services; or

(ii) qualitative and quantitative observation from community service providers including those that provide health and mental health services, social services, transportation, and other relevant social services.

(F) Projected impacts on ridership.

(G) Projected benefits in closing transit equity gaps.

(H) Projected impact on the ability of students to access education or workforce training programs.

(4) GRANT DURATION.—Grants awarded under this subsection shall be for a 2-year period.

(5) SELECTION OF ELIGIBLE RECIPIENTS.—In carrying out the program under this subsection, the Secretary shall award not more than 20 percent of grants to eligible entities located in rural areas.

(6) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use such grant to implement a reduced fare transit program and offset lost fare revenue.

(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the eligibility of an applicant if a State, local, or Tribal governmental entity provides reduced fare transportation to low-income individuals.

(8) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term "eligible entity" means a State, local, or Tribal governmental entity that operates a public transportation service and is a recipient or subrecipient of funds under this chapter.

(B) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means an individual—

(i) that has qualified for—

(I) any program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(II) supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(III) the program of block grants for States for temporary assistance for needy families (TANF) established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(IV) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(V) a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

(VI) benefits under the Low-Income Home Energy Assistance Act of 1981;

(VII) special supplemental food program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

(VIII) a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

(ii) whose family income is at or below a set percent (as determined by the eligible recipient) of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved; or

(iii) that is a low-income veteran or member of the military.

(9) REPORT.—The Secretary shall designate a university transportation center under section 5505 to collaborate with the eligible entities receiving a grant under this subsection to collect necessary data to evaluate the effectiveness of meeting the targets described in the application of such recipient, including increased ridership, impacts on fare evasion, and progress towards significantly closing transit equity gaps.

(k) EVERY DAY COUNTS INITIATIVE.—

(1) IN GENERAL.—It is in the national interest for the Department of Transportation and recipients of Federal public transportation funds—

(A) to identify, accelerate, and deploy innovation aimed at expediting project delivery, enhancing the safety of transit systems of the United States, and protecting the environment;

(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(C) to promote the rapid deployment of proven solutions that provide greater accountability for public investments; and

(D) to create a culture of innovation within the transit community.

(2) FTA EVERY DAY COUNTS INITIATIVE.—To advance the policies described in paragraph (1), the Administrator of the Federal Transit Administration shall adopt the Every Day Counts initiative to work with recipients to identify and deploy the proven innovation practices and products that—

(A) accelerate innovation deployment;

(B) expedite the project delivery process;

(C) improve environmental sustainability;

(D) enhance transit safety;

(E) expand mobility; and

(F) reduce greenhouse gas emissions.

(3) CONSIDERATION.—In accordance with the Every Day Counts goals described in paragraphs (1) and (2), the Administrator shall consider research conducted through the university transportation centers program in section 5505.

(4) INNOVATION DEPLOYMENT.—

(A) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with recipients to identify a new collection of innovations, best practices, and data to be deployed to recipients through case studies, webinars, and demonstration projects.

(B) REQUIREMENTS.—In identifying a collection described in subparagraph (A), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(5) PUBLICATION.—Each collection identified under paragraph (4) shall be published by the Administrator on a publicly available website.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.

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§ 5314. Technical assistance and workforce development

(a) TECHNICAL ASSISTANCE AND STANDARDS.—

(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

(A) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

(i) more effectively and efficiently provide public transportation service;

(ii) administer funds received under this chapter in compliance with Federal law; and

(iii) improve public transportation.

(B) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (A) may include—

(i) technical assistance**[**; and**]***;*

(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best

practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, [and vehicle electronics.] *cybersecurity and mitigating the threat of ransomware, and vehicle electronics; and*

(iii) technical assistance to assist recipients with the impacts of a new census count.

(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

(C) meet the transportation needs of elderly individuals;

(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals;

(F) facilitate best practices to promote bus driver safety;

(G) meet the requirements of [sections 5323(j) and 5323(m)] *section 5320*;

(H) cybersecurity and mitigating the threat of ransomware;

(I) provide innovation and capacity-building to rural and tribal public transportation recipients that do not duplicate the activities of sections 5311(b) or 5312; and

[(H)] *(J)* assist with the development and deployment of low or no emission vehicles (as defined in section 5339(c)(1)) or low or no emission vehicle components (as defined in section 5312(h)(1)); and

[(I)] *(K)* any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first Monday in February of each year, the Secretary

shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this subsection may be derived from in-kind contributions.

(4) AVAILABILITY OF AMOUNTS.—Of the amounts made available to carry out this section under section 5338(a)(2)(G)(i), $1,500,000 shall be available to carry out activities described in paragraph (2)(I).

(b) HUMAN RESOURCES AND TRAINING.—

(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

(A) an employment training program;

(B) an outreach program to increase employment for veterans, [females] *women*, individuals with a disability, minorities (including American Indians or Alaska Natives, Asian, Black or African Americans, native Hawaiians or other Pacific Islanders, and Hispanics) in public transportation activities;

(C) research on public transportation personnel and training needs;

(D) training and assistance for veteran and minority business opportunities; and

(E) consensus-based national training standards and certifications in partnership with industry stakeholders.

[(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

[(A) IN GENERAL.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under paragraph (1).

[(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under paragraph (1) shall—

[(i) develop apprenticeships, on-the-job training, and instructional training for public transportation maintenance and operations occupations;

[(ii) build local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps;

[(iii) improve safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and

[(iv) address current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations.

[(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

[(i) are geographically diverse;

[(ii) address the workforce and human resources needs of large public transportation providers;

[(iii) address the workforce and human resources needs of small public transportation providers;

[(iv) address the workforce and human resources needs of urban public transportation providers;

[(v) address the workforce and human resources needs of rural public transportation providers;

[(vi) advance training related to maintenance of low or no emission vehicles and facilities used in public transportation;

[(vii) target areas with high rates of unemployment;

[(viii) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations; and

[(ix) address in-demand industry sector or occupation, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

[(D) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

[(i) the impact on reducing public transportation workforce shortages in the area served;

[(ii) the diversity of training participants;

[(iii) the number of participants obtaining certifications or credentials required for specific types of employment;

[(iv) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used

by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

[(v) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.

[(E) REPORT TO CONGRESS.—The Secretary shall make publicly available a report on the Frontline Workforce Development Program 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 activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.]

(2) NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.—

(A) ESTABLISHMENT.—The Secretary shall establish a national transit frontline workforce training center (hereinafter referred to as the "Center") and enter into a cooperative agreement with a nonprofit organization with a demonstrated capacity to develop and provide transit career pathway programs through labor-management partnerships and registered apprenticeships on a nationwide basis, in order to carry out the duties under subparagraph (B). The Center shall be dedicated to the needs of the frontline transit workforce in both rural and urban transit systems by providing training in the maintenance and operations occupations based on industry best practices.

(B) DUTIES.—

(i) IN GENERAL.—In cooperation with the Administrator of the Federal Transit Administration, public transportation authorities, and national entities, the Center shall develop and conduct training and educational programs for frontline local transportation employees of recipients eligible for funds under this chapter.

(ii) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under clause (i) may include courses in recent developments, techniques, and procedures related to—

(I) developing consensus national training standards, skills, competencies, and recognized postsecondary credentials in partnership with industry stakeholders for key frontline transit occupations with demonstrated skill gaps;

(II) developing recommendations and best practices for curriculum and recognized postsecondary credentials, including related instruction and on-the-job learning for registered apprenticeship programs for transit maintenance and operations occupations;

(III) building local, regional, and statewide transit training partnerships to identify and address workforce skill gaps and develop skills, competencies, and recognized postsecondary credentials needed for delivering quality transit service and supporting employee career advancement;

(IV) developing programs for training of transit frontline workers, instructors, mentors, and labor-management partnership representatives, in the form of classroom, hands-on, on-the-job, and web-based training, delivered at a national center, regionally, or at individual transit agencies;

(V) developing training programs for skills and competencies related to existing and emerging transit technologies, including zero emission buses;

(VI) developing improved capacity for safety, security, and emergency preparedness in local transit systems and in the industry as a whole through—

(aa) developing the role of the transit frontline workforce in building and sustaining safety culture and safety systems in the industry and in individual public transportation systems; and

(bb) training to address transit frontline worker roles in promoting health and safety for transit workers and the riding public;

(VII) developing local transit capacity for career pathways programs with schools and other community organizations for recruiting and training under-represented populations as successful transit employees who can develop careers in the transit industry;

(VIII) in collaboration with the Administrator of the Federal Transit Administration, the Bureau of Labor Statistics, the Employment and Training Adminstration, and organizations representing public transit agencies, conducting and disseminating research to—

(aa) provide transit workforce job projections and identify training needs and gaps;

(bb) determine the most cost-effective methods for transit workforce training and development, including return on investment analysis;

(cc) identify the most effective methods for implementing successful safety systems and a positive safety culture; and

(dd) promote transit workforce best practices for achieving cost-effective, quality, safe, and reliable public transportation services; and

(IX) providing culturally competent training and educational programs to all who participate, regardless of gender, sexual orientation, or gender identity, including those with limited English pro-

ficiency, diverse cultural and ethnic backgrounds, and disabilities.

(C) COORDINATION.—The Secretary shall coordinate activities under this section, to the maximum extent practicable, with the Employment and Training Administration, including the National Office of Apprenticeship of the Department of Labor and the Office of Career, Technical, and Adult Education of the Department of Education.

(D) AVAILABILITY OF AMOUNTS.—

(i) IN GENERAL.—Not more than 1 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 and not more than 2 percent of amounts made available to a recipient under section 5311 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

(ii) EXISTING PROGRAMS.—A recipient may use amounts made available under clause (i) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

(iii) LIMITATION.—Any funds made available under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, a registered apprenticeship program, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

(E) DEFINITIONS.—In this paragraph:

(i) CAREER PATHWAY.—The term "career pathway" has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term "recognized postsecondary credential" has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.

(3) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under paragraph (1) [or (2)] shall be 50 percent.

[(4) AVAILABILITY OF AMOUNTS.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient,

with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.]

(c) NATIONAL TRANSIT INSTITUTE.—

(1) ESTABLISHMENT.—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

(2) DUTIES.—

(A) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

(i) intermodal and public transportation planning;

(ii) management;

(iii) environmental factors;

(iv) acquisition and joint use rights-of-way;

(v) engineering and architectural design;

(vi) procurement strategies for public transportation systems;

(vii) turnkey approaches to delivering public transportation systems;

(viii) new technologies;

(ix) emission reduction technologies;

(x) ways to make public transportation accessible to individuals with disabilities;

(xi) construction, construction management, insurance, and risk management;

(xii) maintenance;

(xiii) contract administration;

(xiv) inspection;

(xv) innovative finance;

(xvi) workplace safety; and

(xvii) public transportation security.

(3) PROVISION FOR EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339*, and not more than 2 percent of amounts under 5311,* is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

(B) EXISTING PROGRAMS.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

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§ 5316. Mobility innovation

(a) IN GENERAL.—Amounts made available to a covered recipient to carry out sections 5307, 5310, and 5311 may be used by such covered recipient under this section to assist in the financing of—

(1) mobility as a service; and

(2) mobility on demand services.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the net cost of a project carried out under this section shall not exceed 70 percent.

(2) INSOURCING 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 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;

(iii) compliance with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iv) low-income service to increase access to employment, healthcare, and other essential services;

(v) service during times of the day when regular transit service is not operating, as long as regular transit service hours are not reduced;

(vi) new service that operates in areas of lower density that are unserved or underserved by regular transit service;

(vii) rural service; and

(viii) improvement in paratransit service quality.

(2) FARE COLLECTION MODERNIZATION.—In developing guidance referred to in this section, the Secretary shall ensure that—

(A) all costs associated with installing, modernizing, and managing fare collection, including touchless payment systems, shall be considered eligible expenses under this title and subject to the applicable Federal share; and

(B) such guidance includes guidance on how agencies shall provide unbanked and underbanked users with an opportunity to benefit from mobility as a service platforms.

(3) PROHIBITION ON USE OF FUNDS.—Amounts used by a covered recipient for projects eligible under this section may not be used for—

(A) single passenger vehicle miles (in a passenger motor vehicle, as such term is defined in section 32101, that carries less than 9 passengers), unless the trip—

(i) meets the definition of public transportation; and

(ii) begins or completes a fixed route public transportation trip;

(B) deadhead vehicle miles; or

(C) any service considered a taxi service that operates under an exemption from testing requirements under section 5331.

(d) FEDERAL REQUIREMENTS.—A project carried out under this section shall be treated as if such project were carried out under the section from which the funds were provided to carry out such project, including the application of any additional requirements provided for by law that apply to section 5307, 5310, or 5311, as applicable.

(e) WAIVER.—

(1) INDIVIDUAL WAIVER.—Except as provided in paragraphs (2) and (3), the Secretary may waive any requirement applied to a project carried out under this section pursuant to subsection (d) if the Secretary determines that the project would—

(A) not undermine labor standards;

(B) increase employment opportunities of the recipient unless the Secretary determines that such a waiver does not affect employment opportunities; and

(C) be consistent with the public interest.

(2) WAIVER UNDER OTHER SECTIONS.—The Secretary may not waive any requirement under paragraph (1) for which a waiver is otherwise available.

(3) PROHIBITION OF WAIVER.—Notwithstanding paragraph (1), the Secretary may not waive any requirement of—

(A) section 5333;

(B) section 5331;

(C) section 5302(14); and

(D) chapter 53 that establishes a maximum Federal share for operating costs.

(4) APPLICATION OF SECTION 5320.—Notwithstanding paragraphs (1) and (2), the Secretary may only waive the requirements of section 5320 with respect to—

(A) a passenger vehicle owned by an individual;

(B) subsection (q) of such section for any passenger vehicle not owned by an individual for the period beginning on the date of enactment of this section and ending 3 years after such date;

(C) any shared micromobility device for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date; and

(D) rolling stock that is part of a dedicated fleet of vehicles for the provision of microtransit that is operated by, or exclusively on behalf of, the covered recipient for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date.

(5) LIMITATION.—A waiver issued under subparagraphs (B), (C), or (D) of paragraph (4) may only be issued on an individual project basis at the request of the covered recipient and may not be renewed or extended beyond the initial 3-year period of the waiver.

(f) OPEN DATA STANDARDS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to develop an open data standard and an application programming interface necessary to carry out this section.

(2) REGULATIONS.—The regulations required under paragraph (1) shall require public transportation agencies, mobility on demand providers, mobility as a service technology providers, other non-government actors, and local governments the efficient means to transfer data to—

(A) foster the efficient use of transportation capacity;

(B) enhance the management of new modes of mobility;

(C) enable the use of innovative planning tools;

(D) enable single payment systems for all mobility on demand services;

(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, real time operations data, and rules;

(F) prohibit the transfer of personally identifiable information;

(G) protect confidential business information;

(H) enhance cybersecurity protections; and

(I) allow data governance, including but not limited to licensing and terms of information sharing, periodic risk assessments, policies regarding data retention and information handling policies, and anonymization techniques.

(3) PROHIBITION ON FOR PROFIT ACTIVITY.—Any data received by an entity under this subsection may not be sold, leased, or otherwise used to generate profit, except for the direct provision

of the related mobility on demand services and mobility as a service.

(4) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have a maximum of 17 members limited to representatives of the Department of Transportation, State and local governments, metropolitan planning organizations, urban and rural covered recipients, associations that represent public transit agencies, representatives from at least 3 different organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States, mobility on demand providers, and mobility as a service technology providers.

(5) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

(6) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (4) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (5) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(g) APPLICATION OF RECIPIENT VEHICLE REVENUE MILES.—With respect to vehicle revenue miles with one passenger of a covered recipient using amounts under this section, such miles—

(1) shall be included in the National Transit Database under section 5335; and

(2) shall be excluded from vehicle revenue miles data used in the calculation described in section 5336.

(h) SAVINGS CLAUSE.—Subsection (c)(2) and subsection (g) shall not apply to any eligible activities under this section if such activities are—

(1) being carried out in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

(2) projects eligible under section 5310 that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(i) DEFINITIONS.—In this section:

(1) COVERED RECIPIENT.—The term "covered recipient" means a State or local government entity, private nonprofit organization, or Tribe that—

(A) operates a public transportation service; and

(B) is a recipient or subrecipient of funds under section 5307, 5310, or 5311.

(2) DEADHEAD VEHICLE MILES.—The term "deadhead vehicle miles" means the miles that a vehicle travels when out of revenue service, including leaving or returning to the garage or yard facility, changing routes, when there is no expectation of carrying revenue passengers, and any miles traveled by a private operator without a passenger.

(3) MOBILITY AS A SERVICE.—The term "mobility as a service" means services that constitute the integration of mobility on demand services and public transportation that are available and

accessible to all travelers, provide multimodal trip planning, and a unified payment system.

(4) MOBILITY ON DEMAND.—The term "mobility on demand" means an on-demand transportation service shared among individuals, either concurrently or one after another.

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§ 5318. Bus testing facility

(a) FACILITY.—The Secretary shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

(b) OPERATION AND MAINTENANCE.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, a qualified person or organization to operate and maintain the facility. The contract, cooperative agreement, or grant may provide for the testing of rail cars and other public transportation vehicles at the facility.

(c) FEES.—The person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. The Secretary must approve the fees.

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, the operator of the facility under which the Secretary shall pay 80 percent of the cost of testing a vehicle at the facility from amounts available to carry out this section. The entity having the vehicle tested shall pay 20 percent of the cost.

(e) ACQUIRING NEW BUS MODELS.—

(1) IN GENERAL.—Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if—

(A) a bus of that model has been tested at a facility authorized under subsection (a); and

(B) the bus tested under subparagraph (A) met—

(i) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and

(ii) the minimum safety performance standards established by the Secretary pursuant to section 5329(b).

(2) BUS TEST "PASS/FAIL" STANDARD.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule under subparagraph (B)(i). The final rule issued under paragraph (B)(i) shall include a bus model scoring system that results in a weighted, aggregate score that uses the testing categories under subsection (a) and considers the relative importance of each such testing category. The final rule issued under subparagraph (B)(i) shall establish a "pass/fail" standard that uses the aggregate score described in the preceding sentence. Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if the new bus model has received a passing aggre-

gate test score. The Secretary shall work with the bus testing facility, bus manufacturers, and transit agencies to develop the bus model scoring system under this paragraph. A passing aggregate test score under the rule issued under subparagraph (B)(i) indicates only that amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model and shall not be interpreted as a warranty or guarantee that the new bus model will meet a purchaser's specific requirements.

(f) TESTING SCHEDULE.—The Secretary shall—

(1) determine eligibility of a bus manufacturer's request for testing within 10 business days; and

(2) make publicly available the current backlog (in months) to begin testing a new bus at the bus testing facility.

§ 5320. Buy America

(a) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(b) WAIVER.—The Secretary may waive subsection (a) if the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(3) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

(A) the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock; and

(B) final assembly of the rolling stock has occurred in the United States; or

(4) including domestic material will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

(1) WAIVER PROCEDURE.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under subsection (b)(1), (b)(2), or (b)(4) as to whether to waive subsection (a).

(2) PUBLIC NOTIFICATION AND COMMENT.—

(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the request for such waiver.

(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

(i) describe whether the application is being made for a waiver described in subsection (b)(1), (b)(2) or (b)(4); and

(ii) be provided to the public by electronic means, including on a public website of the Department of Transportation.

(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

(A) on the public website of the Department of Transportation; and

(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

(4) ANNUAL REPORT.—Annually, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (1) during the preceding year.

(d) ROLLING STOCK WAIVER CONDITIONS.—

(1) LABOR COSTS FOR FINAL ASSEMBLY.—In this section, highly skilled labor costs involved in final assembly shall be included as a separate component in the cost of components and subcomponents under subsection (b)(3)(A).

(2) HIGH DOMESTIC CONTENT COMPONENT BONUS.—In this section, in calculating the domestic content of the rolling stock under subsection (b)(3)(A), the percent, rounded to the nearest whole number, of the domestic content in components of such rolling stock, weighted by cost, shall be used in calculating the domestic content of the rolling stock, except—

(A) with respect to components that exceed—

(i) 70 percent domestic content, the Secretary shall add 10 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

(ii) 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

(B) in no case may a component exceed 100 percent domestic content when calculating the domestic content of the rolling stock.

(3) ROLLING STOCK FRAMES OR CAR SHELLS.—

(A) INCLUSION OF COSTS.—Subject to the substantiation requirement of subparagraph (B), in calculating the cost of the domestic content of the rolling stock under subsection (b)(3), in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of the steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

(B) SUBSTANTIATION.—If a rolling stock vehicle manufacturer wishes to include in the calculation of the vehicle's domestic content the cost of steel or iron produced in the

United States and used in the rolling stock frames and car shells that are not produced in the United States, the manufacturer shall maintain and provide upon request a mill certification that substantiates the origin of the steel or iron.

(4) TREATMENT OF WAIVED COMPONENTS AND SUBCOMPONENTS.—In this section, a component or subcomponent waived under subsection (b) shall be excluded from any part of the calculation required under subsection (b)(3)(A).

(5) ZERO-EMISSION VEHICLE DOMESTIC BATTERY CELL INCENTIVE.—The Secretary shall add 2.5 percent to the total domestic content when calculating the domestic content of the rolling stock for any zero-emission vehicle that uses only battery cells for propulsion that are manufactured domestically.

(6) PROHIBITION ON DOUBLE COUNTING.—

(A) IN GENERAL.—No labor costs included in the cost of a component or subcomponent by the manufacturer of rolling stock may be treated as rolling stock assembly costs for purposes of calculating domestic content.

(B) VIOLATION.—A violation of this paragraph shall be treated as a false claim under subchapter III of chapter 37 of title 31.

(7) DEFINITION OF HIGHLY SKILLED LABOR COSTS.—In this subsection, the term "highly skilled labor costs"—

(A) means the apportioned value of direct wage compensation associated with final assembly activities of workers directly employed by a rolling stock original equipment manufacturer and directly associated with the final assembly activities of a rolling stock vehicle that advance the value or improve the condition of the end product;

(B) does not include any temporary or indirect activities or those hired via a third-party contractor or subcontractor;

(C) are limited to metalworking, fabrication, welding, electrical, engineering, and other technical activities requiring training;

(D) are not otherwise associated with activities required under section 661.11 of title 49, Code of Federal Regulations; and

(E) includes only activities performed in the United States and does not include that of foreign nationals providing assistance at a United States manufacturing facility.

(e) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

(1) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under subsection (b)(2), the Secretary shall provide to the applicant a written certification that—

(A) the steel, iron, or manufactured goods, as applicable, (referred to in this paragraph as the "item") is produced in the United States in a sufficient and reasonably available amount;

(B) the item produced in the United States is of a satisfactory quality; and

(C) includes a list of known manufacturers in the United States from which the item can be obtained.

(2) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in the manner described in subsection (c).

(f) WAIVER PROHIBITED.—The Secretary may not make a waiver under subsection (b) for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(1) has an agreement with the United States Government under which the Secretary has waived the requirement of this section; and

(2) has violated the agreement by discriminating against goods to which this section applies that are produced in the United States and to which the agreement applies.

(g) PENALTY FOR MISLABELING AND MISREPRESENTATION A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under title II of division B of the INVEST in America Act if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies but not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

(h) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(i) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

(j) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

(k) STEEL AND IRON.—For purposes of this section, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations, may be considered produced in the United States.

(l) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under subsection (b)(1), including under any regulation pro-

mulgated under such subsection, the term "small purchase" means a purchase of not more than $150,000.

(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—

(1) IN GENERAL.—The Secretary shall prescribe regulations requiring a preaward and postdelivery certification of a rolling stock vehicle that meets the requirements of this section and Government motor vehicle safety requirements to be eligible for a grant under this chapter. For compliance with this section—

(A) Federal inspections and review are required;

(B) a manufacturer certification is not sufficient; and

(C) a rolling stock vehicle that has been certified by the Secretary remains certified until the manufacturer makes a material change to the vehicle, or adjusts the cost of all components of the rolling stock, that reduces, by more than half, the percentage of domestic content above 70 percent.

(2) CERTIFICATION OF PERCENTAGE.—

(A) IN GENERAL.—The Secretary may, at the request of a component or subcomponent manufacturer, certify the percentage of domestic content and place of manufacturing for a component or subcomponent.

(B) PERIOD OF CERTIFICATION.—Any component or subcomponent certified by the Secretary shall remain certified until the manufacturer makes a material change to the domestic content or the place of manufacturing of such component or subcomponent.

(3) FREEDOM OF INFORMATION ACT.—In carrying out this subsection, the Secretary shall apply the provisions of section 552 of title 5, including subsection (b)(4) of such section.

(4) NONCOMPLIANCE.—The Secretary shall prohibit recipients from procuring rolling stock, components, or subcomponents from a supplier that intentionally provides false information to comply with this subsection.

(n) SCOPE.—The requirements of this section apply to all contracts for a public transportation project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the public transportation project is funded with amounts made available to carry out this chapter.

(o) BUY AMERICA CONFORMITY.—The Secretary shall ensure that all Federal funds for new commuter rail projects shall comply with this section and shall not be subject to section 22905(a).

(p) AUDITS AND REPORTING OF WASTE, FRAUD, AND ABUSE.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an annual audit on certifications under subsection (m) regarding compliance with Buy America.

(2) REPORT FRAUD, WASTE, AND ABUSE.—The Secretary shall display a "Report Fraud, Waste, and Abuse" button and link to Department of Transportation's Office of Inspector General Hotline on the Federal Transit Administration's Buy America landing page.

(3) CONTRACT REQUIREMENT.—The Secretary shall require all recipients who enter into contracts to purchase rolling stock

with funds provided under this chapter to include in such contract information on how to contact the Department of Transportation's Office of Inspector General Hotline to report suspicions of fraud, waste, and abuse.

(q) PASSENGER MOTOR VEHICLES.—

(1) IN GENERAL.—Any domestically manufactured passenger motor vehicle shall be considered to be produced in the United States under this section.

(2) DOMESTICALLY MANUFACTURED PASSENGER MOTOR VEHICLE.—In this subsection, the term "domestically manufactured passenger motor vehicle" means any passenger motor vehicle, as such term is defined in section 32304(a) that—

(A) has under section 32304(b)(1)(B) its final assembly place in the United States; and

(B) the percentage (by value) of passenger motor equipment under section 32304(b)(1)(A) equals or exceeds 60 percent value added.

(r) ROLLING STOCK COMPONENTS AND SUBCOMPONENTS.—No bus shell, railcar frame, or other component or subcomponent that is primarily made of steel or iron shall be treated as produced in the United States for purposes of subsection (b)(3) or determined to be of domestic origin under section 661.11 of title 49, Code of Federal Regulations, if the material inputs of such component or subcomponent were imported into the United States and the processes performed in the United States on the imported articles would not result in a change in the article's classification to chapter 86 or 87 of the Harmonized Tariff Schedule of the United States from another chapter or a new heading of any chapter from the heading under which the article was classified upon entry.

(s) TREATMENT OF STEEL AND IRON COMPONENTS AS PRODUCED IN THE UNITED STATES.—Notwithstanding any other provision of any law or any rule, regulation, or policy of the Federal Transit Administration, steel and iron components of a system, as defined in section 661.3 of title 49, Code of Federal Regulations, and of manufactured end products referred to in Appendix A of such section, may not be considered to be produced in the United States unless such components meet the requirements of section 661.5(b) of title 49, Code of Federal Regulations.

(t) REQUIREMENT FOR TRANSIT AGENCIES.—Notwithstanding the provisions of this section, if a transit agency accepts Federal funds, such agency shall adhere to the requirements of this section in procuring rolling stock.

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§ 5323. General provisions

(a) INTERESTS IN PROPERTY.—

(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in

addition to, transportation service provided by an existing public transportation company, only if—

(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303, 5304, and 5306;

(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

(C) just compensation under State or local law will be paid to the company for its franchise or property.

(2) LIMITATION.—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.

(b) RELOCATION AND REAL PROPERTY REQUIREMENTS.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.

(c) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

(1) COOPERATION AND CONSULTATION.—The Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

(2) COMPLIANCE WITH NEPA.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to financial assistance for capital projects under this chapter.

(d) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—

(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the [urban area] *urbanized area* in which it provides regularly scheduled public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

(2) VIOLATIONS.—

(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a re-

cipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

(3) EXCEPTIONS.—This subsection shall not apply to financial assistance under this chapter—

(A) in which the non-Federal share of project costs are provided from amounts received under a service agreement with a State or local social service agency or private social service organization pursuant to section 5307(d)(3)(E) or section 5311(g)(3)(C);

(B) provided to a recipient or subrecipient whose sole receipt of such assistance derives from section 5310; or

(C) provided to a recipient operating a fixed route service that is—

(i) for a period of less than 30 days;

(ii) accessible to the public;

(iii) contracted by a local government entity that provides local cost share to the recipient; and

(iv) not contracted for the purposes of a convention or on behalf of a convention and visitors bureau.

(4) GUIDELINES.—The Secretary shall publish guidelines for grant recipients and private bus operators that clarify when and how a transit agency may provide the service in the event a registered charter provider does not contact the customer, provide a quote, or provide the service.

(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307, 5309, or 5337 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under section 5304, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient establishes pursuant to section 5302(3)(J) from amounts made available to the recipient under section 5309.

(f) SCHOOLBUS TRANSPORTATION.—

(1) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project, or to operate public transportation equipment or a public transportation facility, only if the applicant agrees not to provide schoolbus transportation that exclusively transports students and school personnel in com-

petition with a private schoolbus operator. This subsection does not apply—

(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system; and

(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates.

(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

(g) BUYING BUSES UNDER OTHER LAWS.—Subsections (d) and (f) of this section apply to financial assistance to buy a bus under sections 133 and 142 of title 23.

(h) GRANT AND LOAN PROHIBITIONS.—A grant or loan may not be used to—

(1) pay ordinary governmental or nonproject operating expenses; *or*

[(2) pay incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team; or**]**

[(3)**]** *(2)* support a procurement that uses an exclusionary or discriminatory specification.

(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—

(1) ACQUIRING VEHICLES AND VEHICLE-RELATED EQUIPMENT OR FACILITIES.—

(A) VEHICLES.—A grant for a project to be assisted under this chapter that involves acquiring vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or the Clean Air Act is for 85 percent of the net project cost.

(B) VEHICLE-RELATED EQUIPMENT OR FACILITIES.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment or facilities required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment or facilities attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment or facilities attributable to compliance with those Acts.

(2) COSTS INCURRED BY PROVIDERS OF PUBLIC TRANSPORTATION BY VANPOOL.—

(A) LOCAL MATCHING SHARE.—The local matching share provided by a recipient of assistance for a capital project under this chapter may include any amounts expended by

a provider of public transportation by vanpool for the acquisition of rolling stock to be used by such provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition.

(B) USE OF REVENUES.—A private provider of public transportation by vanpool may use revenues it receives in the provision of public transportation service in the service area of a recipient of assistance under this chapter that are in excess of the provider's operating costs for the purpose of acquiring rolling stock, if the private provider enters into a legally binding agreement with the recipient that requires the provider to use the rolling stock in the recipient's service area.

(C) DEFINITIONS.—In this paragraph, the following definitions apply:

(i) PRIVATE PROVIDER OF PUBLIC TRANSPORTATION BY VANPOOL.—The term "private provider of public transportation by vanpool" means a private entity providing vanpool services in the service area of a recipient of assistance under this chapter using a commuter highway vehicle or vanpool vehicle.

(ii) COMMUTER HIGHWAY VEHICLE; VANPOOL VEHICLE.—The term "commuter highway vehicle or vanpool vehicle" means any vehicle—

(I) the seating capacity of which is at least 6 adults (not including the driver); and

(II) at least 80 percent of the mileage use of which can be reasonably expected to be for the purposes of transporting commuters in connection with travel between their residences and their place of employment.

[(j) BUY AMERICA.—

[(1) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

[(2) WAIVER.—The Secretary may waive paragraph (1) of this subsection if the Secretary finds that—

[(A) applying paragraph (1) would be inconsistent with the public interest;

[(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

[(C) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

[(i) the cost of components and subcomponents produced in the United States—

[(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

[(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

[(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

[(ii) final assembly of the rolling stock has occurred in the United States; or

[(D) including domestic material will increase the cost of the overall project by more than 25 percent.

[(3) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

[(A) WRITTEN DETERMINATION.—Before issuing a waiver under paragraph (2), the Secretary shall—

[(i) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department of Transportation a detailed written explanation of the waiver determination; and

[(ii) provide the public with a reasonable period of time for notice and comment.

[(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, and annually thereafter, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (2) during the preceding year.

[(4) LABOR COSTS FOR FINAL ASSEMBLY.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

[(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

[(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

[(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

[(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the "item") is produced in the United States in a sufficient and reasonably available amount;

[(ii) the item produced in the United States is of a satisfactory quality; and

[(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

[(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.

[(7) WAIVER PROHIBITED.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

[(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

[(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

[(8) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under the Federal Public Transportation Act of 2015 if a court or department, agency, or instrumentality of the Government decides the person intentionally—

[(A) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

[(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

[(9) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

[(10) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

[(11) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

[(12) STEEL AND IRON.—For purposes of this subsection, steel and iron meeting the requirements of section 661.5(b) of title

49, Code of Federal Regulations may be considered produced in the United States.

[(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term "small purchase" means a purchase of not more than $150,000.]

(j) REPORTING ACCESSIBILITY COMPLAINTS.—

(1) IN GENERAL.—The Secretary shall ensure that an individual who believes that he or she, or a specific class in which the individual belongs, has been subjected to discrimination on the basis of disability by a State or local governmental entity, private nonprofit organization, or Tribe that operates a public transportation service and is a recipient or subrecipient of funds under this chapter, may, by the individual or by an authorized representative, file a complaint with the Department of Transportation.

(2) PROCEDURES.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall implement procedures that allow an individual to submit a complaint described in paragraph (1) by phone, mail-in form, and online through the website of the Office of Civil Rights of the Federal Transit Administration.

(3) NOTICE TO INDIVIDUALS WITH DISABILITIES.—Not later than 12 months after the date of enactment of the INVEST in America Act, the Secretary shall require that each public transit provider and contractor providing paratransit services shall include on a publicly available website of the service provider, any related mobile device application, and online service—

(A) notice that an individual can file a disability-related complaint with the local transit agency and the process and any timelines for filing such a complaint;

(B) the telephone number, or a comparable electronic means of communication, for the disability assistance hotline of the Office of Civil Rights of the Federal Transit Administration;

(C) notice that a consumer can file a disability related complaint with the Office of Civil Rights of the Federal Transit Administration; and

(D) an active link to the website of the Office of Civil Rights of the Federal Transit Administration for an individual to file a disability-related complaint.

(4) INVESTIGATION OF COMPLAINTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall publish a report that lists the disposition of complaints described in paragraph (1), including—

(A) the number and type of complaints filed with Department of Transportation;

(B) the number of complaints investigated by the Department;

(C) the result of the complaints that were investigated by the Department including whether the complaint was resolved—

(i) informally;

(ii) by issuing a violation through a noncompliance Letter of Findings; or

(iii) by other means, which shall be described; and

(D) if a violation was issued for a complaint, whether the Department resolved the noncompliance by—

(i) reaching a voluntary compliance agreement with the entity;

(ii) referring the matter to the Attorney General; or

(iii) by other means, which shall be described.

(5) REPORT.—The Secretary shall, upon implementation of this section and annually thereafter, submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available a report containing the information collected under this section.

(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

(1) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

(2) be included in the planning for those services.

(l) RELATIONSHIP TO OTHER LAWS.—

(1) FRAUD AND FALSE STATEMENTS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter if the Secretary determines that a recipient of such financial assistance has made a false or fraudulent statement or related act in connection with a Federal public transportation program.

(2) POLITICAL ACTIVITIES OF NONSUPERVISORY EMPLOYEES.—The provision of assistance under this chapter shall not be construed to require the application of chapter 15 of title 5 to any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to whom such chapter does not otherwise apply.

[(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (j) of this section, and bid specifications requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient. Rolling stock procurements of 20 vehicles or fewer made for the purpose of serving rural areas and urbanized areas with populations of 200,000 or fewer shall be subject to the same requirements as established for procurements of 10 or fewer buses under the post-delivery purchaser's requirements certification process under section 663.37(c) of title 49, Code of Federal Regulations.**]**

(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with bid specifications requirements of grant recipients under this chapter. Under this subsection, grantee inspections and review are required, and a manufacturer certification is not sufficient.

(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(d)(2).

(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307, 5309, and 5337 apply to any project under this chapter that receives any assistance or other financing under chapter 6 (other than section 609) of title 23.

(p) ALTERNATIVE FUELING FACILITIES.—A recipient of assistance under this chapter may allow the incidental use of federally funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

(1) the incidental use does not interfere with the recipient's public transportation operations;

(2) all costs related to the incidental use are fully recaptured by the recipient from the nontransit public entity or private entity;

(3) the recipient uses revenues received from the incidental use in excess of costs for planning, capital, and operating expenses that are incurred in providing public transportation; and

(4) private entities pay all applicable excise taxes on fuel.

(q) CORRIDOR PRESERVATION.—

(1) IN GENERAL.—The Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law.

(2) ENVIRONMENTAL REVIEWS.—Right-of-way acquired under this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.

[(r) REASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—A recipient of assistance under this chapter may not deny reasonable access for a private intercity or charter transportation operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes. In determining reasonable access, capacity requirements of the recipient of assistance and the extent to which access would be detrimental to existing public transportation services must be considered.**]**

(r) REASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—

(1) IN GENERAL.—A recipient of assistance under this chapter—

(A) may not deny reasonable access for a private intercity or charter transportation operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes; and

(B) shall respond to any request for reasonable access within 75 days of the receipt of the request and, if a recipient of assistance under this chapter denies access to a private intercity or charter transportation operator based on the reasonable access standards, provide, in writing, the reasons for the denial.

(2) DETERMINING REASONABLE ACCESS.—In determining reasonable access under paragraph (1)(A), capacity requirements of the recipient of assistance and the extent to which access would be detrimental or beneficial to existing public transportation services must be considered and demographic makeup of the riders of a private intercity or charter transportation operator may not be cited as a detriment to the provision of access.

(3) NOTIFICATION.—If a private intercity or charter transportation operator requesting access under this subsection is denied such access by a recipient of assistance under this chapter or does not receive a written response within 75 days of submitting the request, such operator may notify the Secretary for purposes of inclusion in the report under paragraph (4).

(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing each instance reported under paragraph (3) in which—

(A) a private intercity or charter transportation operator requested reasonable access and was denied, and the reasons provided by the recipient of assistance under this chapter for the denial; and

(B) a recipient of assistance under this chapter did not respond to a request for reasonable access within 75 days.

(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

(t) SPECIAL CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—If, in a fiscal year, the Secretary is prohibited by law from enforcing regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with such part 604, and then was subsequently granted an exception from such part—

(1) the transit agency shall be precluded from receiving its allocation of urbanized area formula grant funds for such fiscal year; and

(2) any amounts withheld pursuant to paragraph (1) shall be added to the amount that the Secretary may apportion under section 5336 in the following fiscal year.

(u) LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (5), financial assistance made available under this chapter shall not be used in awarding a contract or subcontract to an entity on or after the date of enactment of this subsection for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

(A) is incorporated in or has manufacturing facilities in the United States; and

(B) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(i) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

(iii) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term "otherwise related legally or financially" does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

(4) CERTIFICATION FOR [RAIL] ROLLING STOCK.—

(A) IN GENERAL.—Except as provided in paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5337, a recipient that operates rail fixed guideway service shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in paragraph (1).

(B) SEPARATE CERTIFICATION.—The certification required under this paragraph shall be in addition to any certification the Secretary establishes to ensure compliance with the requirements of paragraph (1).

(C) NONRAIL ROLLING STOCK.—Notwithstanding subparagraph (B) of paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5339, a recipient shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rolling stock for use in public transportation with a rolling stock manufacturer described in paragraph (1).

(5) SPECIAL RULES.—

(A) PARTIES TO EXECUTED CONTRACTS.—This subsection, including the certification requirement under paragraph (4), shall not apply to the award of any contract or subcontract [made by a public transportation agency with a

rail rolling stock manufacturer described in paragraph (1) if the manufacturer and the public transportation agency have executed a contract for rail rolling stock before the date of enactment of this subsection.] *as of December 20, 2019, including options and other requirements tied to these contracts or subcontracts, made by a public transportation agency with a restricted rail rolling stock manufacturer.*

(B) ROLLING STOCK.—Except as provided in subparagraph (C) and for a contract or subcontract that is not described in subparagraph (A), this subsection, including the certification requirement under paragraph (4), shall not apply to the award of a contract or subcontract made by a public transportation agency with any rolling stock manufacturer for the 2-year period beginning on or after the date of enactment of this subsection.

(C) EXCEPTION.—Subparagraph (B) shall not apply to the award of a contract or subcontract made by the Washington Metropolitan Area Transit Authority.

(v) CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.—

(1) CERTIFICATION.—As a condition of financial assistance made available under this chapter, a recipient that operates a rail fixed guideway public transportation system shall certify that the recipient has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks.

(2) COMPLIANCE.—For the process required under paragraph (1), a recipient of assistance under this chapter shall—

(A) utilize the approach described by the voluntary standards and best practices developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)), as applicable;

(B) identify hardware and software that the recipient determines should undergo third-party testing and analysis to mitigate cybersecurity risks, such as hardware or software for rail rolling stock under proposed procurements; and

(C) utilize the approach described in any voluntary standards and best practices for rail fixed guideway public transportation systems developed under the authority of the Secretary of Homeland Security, as applicable.

(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority of—

(A) the Secretary of Homeland Security to publish or ensure compliance with requirements or standards concerning cybersecurity for rail fixed guideway public transportation systems; or

(B) the Secretary of Transportation under section 5329 to address cybersecurity issues as those issues relate to the safety of rail fixed guideway public transportation systems.

(x) BUS PROCUREMENT STREAMLINING.—

(1) IN GENERAL.—The Secretary may only obligate amounts for acquisition of buses under this chapter to a recipient that issues a request for proposals for an open market procurement that meets the following criteria:

(A) Such request for proposals is limited to performance specifications, except for components or subcomponents identified in the negotiated rulemaking carried out pursuant to this subsection.

(B) Such request for proposals does not seek any alternative design or manufacture specification of a bus offered by a manufacturer, except to require a component or subcomponent identified in the negotiated rulemaking carried out pursuant to this subsection.

(2) SPECIFIC BUS COMPONENT NEGOTIATED RULEMAKING.—

(A) INITIATION.—Not later than 120 days after the date of enactment of the INVEST in America Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and issue such regulations as are necessary to establish as limited a list as is practicable of bus components and subcomponents described in subparagraph (B).

(B) LIST OF COMPONENTS.—The regulations required under subparagraph (A) shall establish a list of bus components and subcomponents that may be specified in a request for proposals described in paragraph (1) by a recipient. The Secretary shall ensure the list is limited in scope and limited to only components and subcomponents that cannot be selected with performance specifications to ensure interoperability.

(C) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

(D) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this paragraph shall have a maximum of 11 members limited to representatives of the Department of Transportation, urban and rural recipients (including State government recipients), and transit vehicle manufacturers.

(E) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in subparagraph (D) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to provide additional authority for the Secretary to restrict what a bus manufacturer offers to sell to a public transportation agency.

(y) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

(1) DEFINED TERM.—In this subsection, the term "decennial census date" has the meaning given the term in section 141(a) of title 13.

(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, for purposes of this chapter, the Secretary shall treat an area as an urbanized area for the period described in paragraph (3) if—

(A) a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the area during the 3-year period preceding the decennial census date for the 2010 decennial census or for any subsequent decennial census;

(B) the area was defined and designated as an "urbanized area" by the Secretary of Commerce in the decennial census immediately preceding the major disaster described in subparagraph (A); and

(C) the population of the area fell below 50,000 as a result of the major disaster described in subparagraph (A).

(3) COVERED PERIOD.—The Secretary shall treat an area as an urbanized area under paragraph (2) during the period—

(A) beginning on—

(i) in the case of a major disaster described in paragraph (2)(A) that occurred during the 3-year period preceding the decennial census date for the 2010 decennial census, October 1 of the first fiscal year that begins after the date of enactment of this subsection; or

(ii) in the case of any other major disaster described in paragraph (2)(A), October 1 of the first fiscal year—

(I) that begins after the decennial census date for the first decennial census conducted after the major disaster; and

(II) for which the Secretary has sufficient data from that census to determine that the area qualifies for treatment as an urbanized area under paragraph (2); and

(B) ending on the day before the first fiscal year—

(i) that begins after the decennial census date for the second decennial census conducted after the major disaster described in paragraph (2)(A); and

(ii) for which the Secretary has sufficient data from that census to determine which areas are urbanized areas for purposes of this chapter.

(4) POPULATION CALCULATION.—An area treated as an urbanized area under this subsection shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the most recent decennial census conducted before the major disaster described in paragraph (2)(A).

(5) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of enactment of this subsection.

(z) SPARE RATIO WAIVER.—The Federal Transit Administration shall waive spare ratio policies for rolling stock found in FTA Grant Management Requirements Circular 5010.1, FTA Circular 9030.1

providing Urbanized Area Formula Program guidance, and other guidance documents for 2 years from the date of enactment of the INVEST in America Act.

§ 5324. Public transportation emergency relief program

(a) DEFINITION.—In this section the following definitions shall apply:

(1) ELIGIBLE OPERATING COSTS.—The term "eligible operating costs" means costs relating to—

(A) evacuation services;

(B) rescue operations;

(C) temporary public transportation service; or

(D) reestablishing, expanding, or relocating public transportation route service before, during, or after an emergency.

(2) EMERGENCY.—The term "emergency" means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, as a result of which—

(A) the Governor of a State has declared an emergency and the Secretary has concurred; or

(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) for—

(1) capital projects to protect, repair, reconstruct, or replace equipment and facilities of a public transportation system operating in the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency; and

(2) eligible operating costs of public transportation equipment and facilities in an area directly affected by an emergency during—

(A) the 1-year period beginning on the date of a declaration described in subsection (a)(2); or

(B) if the Secretary determines there is a compelling need, the 2-year period beginning on the date of a declaration described in subsection (a)(2).

(c) COORDINATION OF EMERGENCY FUNDS.—

(1) USE OF FUNDS.—Funds appropriated to carry out this section shall be in addition to any other funds available under this chapter.

(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.

(3) NOTIFICATION.—The Secretary shall notify the Secretary of Homeland Security of the purpose and amount of any grant

made or contract or other agreement entered into under this section.

(d) GRANT REQUIREMENTS.—A grant awarded under this section or under section 5307 or 5311 that is made to address an emergency defined under subsection (a)(2) shall be—

(1) subject to the terms and conditions the Secretary determines are necessary; and

(2) made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(e) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS AND OPERATING ASSISTANCE.—A grant, contract, or other agreement for a capital project or eligible operating costs under this section shall be, at the option of the recipient, for not more than 80 percent of the net project cost, as determined by the Secretary.

(2) NON-FEDERAL SHARE.—The remainder of the net project cost may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(3) WAIVER.—The Secretary may waive, in whole or part, the non-Federal share required under—

(A) paragraph (2); or

(B) section 5307 or 5311, in the case of a grant made available under section 5307 or 5311, respectively, to address an emergency.

(f) IMPOSITION OF DEADLINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded pursuant to this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

(A) the date on which the Governor declared the emergency, as described in subsection (a)(2); or

(B) the date on which the President declared a major disaster, as described in such subsection.

(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant an extension.

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§ 5327. Project management oversight

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan. The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to the handling of construction change orders;

(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

(8) material testing policies and procedures;

(9) internal plan implementation and reporting requirements;

(10) criteria and procedures to be used for testing the operational system or its major components;

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, ridership estimates, and the status of local efforts to enhance ridership where ridership estimates partly depend on the success of those efforts;

(12) the recipient's commitment to submit a project budget and project schedule to the Secretary quarterly; and

(13) safety and security management.

(b) PLAN APPROVAL.—(1) The Secretary shall approve a plan not later than 60 days after it is submitted. If the approval cannot be completed within 60 days, the Secretary shall notify the recipient, explain the reasons for the delay, and estimate the additional time that will be required.

(2) The Secretary shall inform the recipient of the reasons when a plan is disapproved.

(c) ACCESS TO SITES AND RECORDS.—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall provide the Secretary and a contractor the Secretary chooses under section [5338(f)] *5338(d)* with access to the construction sites and records of the recipient when reasonably necessary.

(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall include—

(1) a definition of "major capital project" for section [5338(f)] *5338(d)* that excludes a project to acquire rolling stock or to maintain or rehabilitate a vehicle;

(2) a requirement that oversight—

(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has failed to meet the requirements of such plan and the project may be at risk of going over budget or becoming behind schedule; and

(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).

§ 5328. Transit-supportive communities

(a) ESTABLISHMENT.—The Secretary shall establish within the Federal Transit Administration, an Office of Transit-Supportive Communities to make grants, provide technical assistance, and assist in the coordination of transit and housing policies within the Federal Transit Administration, the Department of Transportation, and across the Federal Government.

(b) TRANSIT ORIENTED DEVELOPMENT PLANNING GRANT PROGRAM.—

(1) DEFINITION.—In this subsection the term "eligible project" means—

(A) a new fixed guideway capital project or a core capacity improvement project as defined in section 5309;

(B) an existing fixed guideway system, or an existing station that is served by a fixed guideway system; or

(C) the immediate corridor along the highest 25 percent of routes by ridership as demonstrated in section 5336(b)(2)(B).

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State, local governmental authority, or metropolitan planning organization to assist in financing comprehensive planning associated with an eligible project that seeks to—

(A) enhance economic development, ridership, equity, reduction of greenhouse gas emissions, or other goals established during the project development and engineering processes or the grant application;

(B) facilitate multimodal connectivity and accessibility;

(C) increase access to transit hubs for pedestrian and bicycle traffic;

(D) enable mixed-use development;

(E) identify infrastructure needs associated with the eligible project; and

(F) include private sector participation.

(3) ELIGIBILITY.—A State, local governmental authority, or metropolitan planning organization that desires to participate in the program under this subsection shall submit to the Secretary an application that contains at a minimum—

(A) an identification of an eligible project;

(B) a schedule and process for the development of a comprehensive plan;

(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

(D) proposed performance criteria for the development and implementation of the comprehensive plan;

(E) a description of how the project will advance equity and reduce and mitigate social and economic impacts on existing residents and businesses and communities historically excluded from economic opportunities vulnerable to displacement; and

(F) identification of—

(i) partners;

(ii) availability of and authority for funding; and

(iii) potential State, local or other impediments to the implementation of the comprehensive plan.

(4) COST SHARE.—A grant under this subsection shall not exceed an amount in excess of 80 percent of total project costs, except that a grant that includes an affordable housing component shall not exceed an amount in excess of 90 percent of total project costs.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, local governmental authorities, and metropolitan planning organizations in the planning and development of transit-oriented development projects and transit-supportive corridor policies, including—

(1) the siting, planning, financing, and integration of transit-oriented development projects;

(2) the integration of transit-oriented development and transit-supportive corridor policies in the preparation for and development of an application for funding under section 602 of title 23;

(3) the siting, planning, financing, and integration of transit-oriented development and transit-supportive corridor policies associated with projects under section 5309;

(4) the development of housing feasibility assessments as allowed under section 5309(g)(3)(B);

(5) the development of transit-supportive corridor policies that promote transit ridership and transit-oriented development;

(6) the development, implementation, and management of land value capture programs; and

(7) the development of model contracts, model codes, and best practices for the implementation of transit-oriented development projects and transit-supportive corridor policies.

(d) VALUE CAPTURE POLICY REQUIREMENTS.—

(1) VALUE CAPTURE POLICY.—Not later than October 1 of the fiscal year that begins 2 years after the date of enactment of this section, the Secretary, in collaboration with State departments of transportation, metropolitan planning organizations, and regional council of governments, shall establish voluntary and consensus-based value capture standards, policies, and best practices for State and local value capture mechanisms that promote greater investments in public transportation and affordable transit-oriented development.

(2) REPORT.—Not later than 15 months after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State and local laws and policies that provide for value capture and value sharing that promote greater investment in public transportation and affordable transit-oriented development.

(e) EQUITY.—In providing technical assistance under subsection (c), the Secretary shall incorporate strategies to promote equity for underrepresented and underserved communities, including—

(1) preventing displacement of existing residents and businesses;

(2) mitigating rent and housing price increases;

(3) incorporating affordable rental and ownership housing in transit-oriented development;

(4) engaging under-served, limited English proficiency, low-income, and minority communities in the planning process;

(5) fostering economic development opportunities for existing residents and businesses; and

(6) targeting affordable housing that help lessen homelessness.

(f) AUTHORITY TO REQUEST STAFFING ASSISTANCE.—In fulfilling the duties of this section, the Secretary shall, as needed, request staffing and technical assistance from other Federal agencies, programs, administrations, boards, or commissions.

(g) REVIEW EXISTING POLICIES AND PROGRAMS.—Not later than 24 months after the date of enactment of this section, the Secretary shall review and evaluate all existing policies and programs within the Federal Transit Administration that support or promote transit-oriented development to ensure their coordination and effectiveness relative to the goals of this section.

(h) REPORTING.—Not later than February 1 of each year beginning the year after the date of enactment of this section, the Secretary shall prepare a report detailing the grants and technical assistance provided under this section, the number of affordable housing units constructed or planned as a result of projects funded in this section, and the number of affordable housing units constructed or planned as a result of a property transfer under section 5334(h)(1). The report shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(i) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to provide any financial assistance for the construction of housing.

(j) PRIORITY FOR LOW-INCOME AREAS.—In awarding grants under this section, the Secretary shall give priority to projects under this section that expand or build transit in low-income areas or that provide access to public transportation to low-income areas that do not have access to public transportation.

§ 5329. Public transportation safety program

(a) DEFINITION.—In this section, the term "recipient" means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter.

(b) NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN.—

(1) IN GENERAL.—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.

(2) CONTENTS OF PLAN.—The national public transportation safety plan under paragraph (1) shall include—

(A) safety performance criteria for all modes of public transportation;

(B) the definition of the term "state of good repair" established under section 5326(b);

(C) minimum safety performance standards for public transportation vehicles used in revenue operations that—

(i) do not apply to rolling stock otherwise regulated by the Secretary or any other Federal agency; and

(ii) to the extent practicable, take into consideration—

(I) relevant recommendations of the National Transportation Safety Board; **[**and**]**

(II) recommendations of, and best practices standards developed by, the public transportation industry**[**;**]***; and*

(III) innovations in driver assistance technologies and driver protection infrastructure where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;

(D) in consultation with the Secretary of the Department of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health during an emergency as defined in section 5324;

[(D)**]** *(E)* minimum safety standards to ensure the safe operation of public transportation systems that—

(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

(ii) to the extent practicable, take into consideration—

(I) relevant recommendations of the National Transportation Safety Board;

(II) best practices standards developed by the public transportation industry;

(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;

(IV) relevant recommendations from the report under section 3020 of the Federal Public Transportation Act of 2015; and

(V) any additional information that the Secretary determines necessary and appropriate; and

[(E)**]** *(F)* a public transportation safety certification training program, as described in subsection (c).

(c) PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a public transportation safety certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight.

(2) INTERIM PROVISIONS.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall establish interim provisions for the certification and training of the personnel described in paragraph (1), which shall be in effect until the effective date of the final rule issued by the Secretary to implement this subsection.

(d) PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.—

(1) IN GENERAL.—Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection, each recipient or State, as described in paragraph (3), shall certify that the recipient or State has established a comprehensive agency safety plan that includes, at a minimum—

(A) a requirement that *the safety committee established under paragraph (4), and subsequently,* the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan;

(B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient;

(C) strategies to minimize the exposure of the **[**public, personnel, and property**]** *public and personnel to injuries, assaults, fatalities, and, consistent with guidelines by the Centers for Disease Control and Prevention, infectious diseases, and strategies to minimize the exposure of property* to hazards and unsafe conditions;

(D) a process and timeline for conducting an annual review and update of the safety plan of the recipient;

(E) performance targets based on the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2);

(F) assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; **[**and**]**

[(G) a comprehensive staff training program for the operations personnel and personnel directly responsible for safety of the recipient that includes—

[(i) the completion of a safety training program; and

[(ii) continuing safety education and training.**]**

(G) a comprehensive staff training program for the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

(i) the completion of a safety training program;

(ii) continuing safety education and training; and

(iii) de-escalation training;

(H) a requirement that the safety committee only approve a safety plan under subparagraph (A) if such plan stays within such recipient's fiscal budget; and

(I) a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers using data submitted to the National Transit Database, including—

(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

(ii) transit worker assault mitigation, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations when a recipient's risk analysis performed by the safety committee established in paragraph (4) determines that such barriers or other measures would reduce assaults on and injuries to transit workers.

[(2) INTERIM AGENCY SAFETY PLAN.—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.**]**

(2) SAFETY COMMITTEE PERFORMANCE MEASURES.—

(A) IN GENERAL.—The safety committee described in paragraph (4) shall establish performance measures for the risk reduction program in paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the National Transit Database.

(B) SAFETY SET ASIDE.—With respect to a recipient serving an urbanized area that receives funds under section 5307, such recipient shall allocate not less than 0.75 percent of such funds to projects eligible under section 5307.

(C) FAILURE TO MEET PERFORMANCE MEASURES.—Any recipient that receives funds under section 5307 that does not meet the performance measures established in subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

(D) ELIGIBLE PROJECTS.—Funds set aside under this paragraph shall be used for projects that are reasonably likely to meet the performance measures established in subparagraph (A), including modifications to rolling stock and de-escalation training.

(3) PUBLIC TRANSPORTATION AGENCY SAFETY PLAN DRAFTING AND CERTIFICATION.—

(A) SECTION 5311.—For a recipient receiving assistance under section 5311, a State safety plan may be drafted and certified by the recipient or a State.

(B) SECTION 5307.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule designating recipients of assistance under section 5307 that are small public transportation providers or systems that may have their State safety plans drafted or certified by a State.

(4) SAFETY COMMITTEE.—For purposes of the approval process of an agency safety plan under paragraph (1), the safety committee shall be convened by a joint labor-management process and consist of an equal number of—

(A) frontline employee representatives, selected by the labor organization representing the plurality of the frontline workforce employed by the recipient or if applicable a contractor to the recipient; and

(B) employer or State representatives.

(e) STATE SAFETY OVERSIGHT PROGRAM.—

(1) APPLICABILITY.—This subsection applies only to eligible States.

(2) DEFINITION.—In this subsection, the term "eligible State" means a State that has—

(A) a rail fixed guideway public transportation system within the jurisdiction of the State that is not subject to regulation by the Federal Railroad Administration; or

(B) a rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration.

(3) IN GENERAL.—In order to obligate funds apportioned under section 5338 to carry out this chapter, effective 3 years after the date on which a final rule under this subsection becomes effective, an eligible State shall have in effect a State safety oversight program approved by the Secretary under which the State—

(A) assumes responsibility for overseeing rail fixed guideway public transportation safety;

(B) adopts and enforces Federal and relevant State laws on rail fixed guideway public transportation safety;

(C) establishes a State safety oversight agency;

(D) determines, in consultation with the Secretary, an appropriate staffing level for the State safety oversight agency that is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the eligible State;

(E) requires that employees and other designated personnel of the eligible State safety oversight agency who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under subsection (c); and

(F) prohibits any public transportation agency from providing funds to the State safety oversight agency or an entity designated by the eligible State as the State safety oversight agency under paragraph (4).

(4) STATE SAFETY OVERSIGHT AGENCY.—

(A) IN GENERAL.—Each State safety oversight program shall establish a State safety oversight agency that—

(i) is financially and legally independent from any public transportation entity that the State safety oversight agency oversees;

(ii) does not directly provide public transportation services in an area with a rail fixed guideway public transportation system subject to the requirements of this section;

(iii) does not employ any individual who is also responsible for the administration of rail fixed guideway public transportation programs subject to the requirements of this section;

(iv) has the authority to review, approve, oversee, and enforce the implementation by the rail fixed guideway public transportation agency of the public transportation agency safety plan required under subsection (d);

(v) has investigative*, inspection,* and enforcement authority with respect to the safety of rail fixed guideway public transportation systems of the eligible State;

(vi) audits, at least once triennially, the compliance of the rail fixed guideway public transportation systems in the eligible State subject to this subsection with the public transportation agency safety plan required under subsection (d); and

(vii) provides, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems the State safety oversight agency oversees to—

(I) the Federal Transit Administration;

(II) the Governor of the eligible State; and

(III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.

(B) WAIVER.—At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that—

(i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or

(ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.

(5) PROGRAMS FOR MULTI-STATE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall—

(A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uniform safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or

(B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.

(6) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to eligible States to develop or carry out State safety oversight programs under this subsection. Grant funds may be used for program operational and administrative expenses, including employee training activities.

(B) APPORTIONMENT.—

(i) FORMULA.—The amount made available for State safety oversight under section 5336(h) shall be apportioned among eligible States under a formula to be established by the Secretary. Such formula shall take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems not subject to regulation by the Federal Railroad Administration within each eligible State.

(ii) ADMINISTRATIVE REQUIREMENTS.—Grant funds apportioned to States under this paragraph shall be subject to uniform administrative requirements for grants and cooperative agreements to State and local governments under part 18 of title 49, Code of Federal Regulations, and shall be subject to the requirements of this chapter as the Secretary determines appropriate.

(C) GOVERNMENT SHARE.—

(i) IN GENERAL.—The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.

(ii) IN-KIND CONTRIBUTIONS.—Any calculation of the non-Government share of a State safety oversight program shall include in-kind contributions by an eligible State.

(iii) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by—

(I) any Federal funds;

(II) any funds received from a public transportation agency; or

(III) any revenues earned by a public transportation agency.

(iv) SAFETY TRAINING PROGRAM.—Recipients of funds made available to carry out sections 5307 and 5311 may use not more than 0.5 percent of their formula funds to pay not more than 80 percent of the cost of participation in the public transportation safety certification training program established under subsection (c), by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.

(7) CERTIFICATION PROCESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall determine whether or not each State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.

(B) ISSUANCE OF CERTIFICATIONS AND DENIALS.—The Secretary shall issue a certification to each eligible State that the Secretary determines under subparagraph (A) adequately meets the requirements of this subsection, and shall issue a denial of certification to each eligible State that the Secretary determines under subparagraph (A) does not adequately meet the requirements of this subsection.

(C) DISAPPROVAL.—If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection and denies certification, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.

(D) FAILURE TO CORRECT.—If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to certify the program, the Secretary—

(i) shall notify the Governor of the eligible State of such denial of certification and failure to adequately modify the program, and shall request that the Governor take all possible actions to correct deficiencies in the program to ensure the certification of the program; and

(ii) may—

(I) withhold funds available under paragraph (6) in an amount determined by the Secretary;

(II) withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under section 5307 of this title, until the State safety oversight program has been certified; or

(III) require fixed guideway public transportation systems under such State safety oversight program to provide up to 100 percent of Federal assistance made available under this chapter only for safety-related improvements on such systems,

until the State safety oversight program has been certified.

(8) FEDERAL SAFETY MANAGEMENT.—

(A) IN GENERAL.—If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.

(B) TEMPORARY FEDERAL OVERSIGHT.—In making a determination under subparagraph (A), the Secretary shall—

(i) transmit to the eligible State and affected recipient or recipients, a written explanation of the determination or subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notice of a withdrawal of State safety oversight program approval; and

(ii) require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.

(C) FAILURE TO CORRECT.—If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may—

(i) withhold funds available under paragraph (6) in an amount determined by the Secretary;

(ii) beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under section 5307, until the State safety oversight program or modification has been certified; and

(iii) use any other authorities authorized under this chapter considered necessary and appropriate.

(D) ADMINISTRATIVE AND OVERSIGHT ACTIVITIES.—To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.

(9) EVALUATION OF PROGRAM AND ANNUAL REPORT.—The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, and shall submit on or before July 1 of each year to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(A) the amount of funds apportioned to each eligible State; and

(B) the certification status of each State safety oversight program, including what steps a State program that has been denied certification must take in order to be certified.

(10) FEDERAL OVERSIGHT.—The Secretary shall—

(A) oversee the implementation of each State safety oversight program under this subsection;

(B) audit the operations of each State safety oversight agency at least once triennially; and

(C) issue rules to carry out this subsection.

(f) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may—

(1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

(2) make reports and issue directives with respect to the safety of the public transportation system of a recipient or the public transportation industry generally;

(3) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if—

(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and

(B) the Attorney General—

(i) determines that the subpoena will not interfere with an ongoing criminal investigation; or

(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A);

(4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;

(5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;

(6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and

(7) issue rules to carry out this section.

(g) ENFORCEMENT ACTIONS.—

(1) TYPES OF ENFORCEMENT ACTIONS.—The Secretary may take enforcement action against a recipient that does not comply with Federal law with respect to the safety of the public transportation system, including—

(A) issuing directives;

(B) requiring more frequent oversight of the recipient by a State safety oversight agency or the Secretary;

(C) imposing more frequent reporting requirements;

(D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects; and

(E) withholding not more than 25 percent of financial assistance under section 5307.

(2) USE OR WITHHOLDING OF FUNDS.—

(A) IN GENERAL.—The Secretary may require the use of funds or withhold funds in accordance with paragraph (1)(D) or (1)(E) only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the public transportation system.

(B) NOTICE.—Before withholding funds from a recipient, the Secretary shall provide to the recipient—

(i) written notice of a violation and the amount proposed to be withheld; and

(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.

(h) RESTRICTIONS AND PROHIBITIONS.—

(1) RESTRICTIONS AND PROHIBITIONS.—The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.

(2) NOTICE.—The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.

(3) CONTINUED AUTHORITY.—Nothing in this subsection shall be construed as limiting the Secretary's authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.

(i) CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

(j) ACTIONS UNDER STATE LAW.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with—

(A) a Federal standard of care established by a regulation or order issued by the Secretary under this section; or

(B) its own program, rule, or standard that it created pursuant to a rule or order issued by the Secretary.

(2) EFFECTIVE DATE.—This subsection shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012.

(3) JURISDICTION.—Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.

(k) NATIONAL PUBLIC TRANSPORTATION SAFETY REPORT.—Not later than 3 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented using grants under this section; and

(2) describes the effect on public transportation safety of activities carried out using grants under this section.

* * * * * * *

§ 5333. Labor standards

(a) PREVAILING WAGES REQUIREMENT.—The Secretary of Transportation shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed with a grant or loan under this chapter be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141 through 3144, 3146, and 3147 of title 40. The Secretary of Transportation may approve a grant or loan only after being assured that required labor standards will be maintained on the construction work. For a labor standard under this subsection, the Secretary of Labor has the same duties and powers stated in Reorganization Plan No. 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of title 40.

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—(1) As a condition of financial assistance under sections 5307–5312, 5316, 5318, 5323(a)(1), 5323(b), 5323(d), ⟦5328, 5337, and 5338(b)⟧ *and 5337* of this title, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. The agreement granting the assistance under sections 5307–5312, 5316, 5318, 5323(a)(1), 5323(b), 5323(d), ⟦5328, 5337, and 5338(b)⟧ *and 5337* shall specify the arrangements.

(2) Arrangements under this subsection shall include provisions that may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

(B) the continuation of collective bargaining rights;

(C) the protection of individual employees against a worsening of their positions related to employment;

(D) assurances of employment to employees of acquired public transportation systems;

(E) assurances of priority of reemployment of employees whose employment is ended or who are laid off; and

(F) paid training or retraining programs.

(3) Arrangements under this subsection shall provide benefits at least equal to benefits established under section 11326 of this title.

(4) Fair and equitable arrangements to protect the interests of employees utilized by the Secretary of Labor for assistance to purchase like-kind equipment or facilities, and grant amendments which do not materially revise or amend existing assistance agreements, shall be certified without referral.

(5) When the Secretary is called upon to issue fair and equitable determinations involving assurances of employment when one private transit bus service contractor replaces another through competitive bidding, such decisions shall be based on the principles set forth in the Department of Labor's decision of September 21, 1994, as clarified by the supplemental ruling of November 7, 1994, with respect to grant NV–90–X021. This paragraph shall not serve as a basis for objections under section 215.3(d) of title 29, Code of Federal Regulations.

§ 5334. Administrative provisions

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) prescribe terms for a project that receives Federal financial assistance under this chapter (except terms the Secretary of Labor prescribes under section 5333(b) of this title);

(2) sue and be sued;

(3) foreclose on property or bring a civil action to protect or enforce a right conferred on the Secretary of Transportation by law or agreement;

(4) buy property related to a loan under this chapter;

(5) agree to pay an annual amount in place of a State or local tax on real property acquired or owned under this chapter;

(6) sell, exchange, or lease property, a security, or an obligation;

(7) obtain loss insurance for property and assets the Secretary of Transportation holds;

(8) consent to a modification in an agreement under this chapter;

(9) include in an agreement or instrument under this chapter a covenant or term the Secretary of Transportation considers necessary to carry out this chapter;

(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote public transportation and credit amounts collected to the appropriation concerned; and

(11) issue regulations as necessary to carry out the purposes of this chapter.

(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

(1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States as described in section 5329, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter. The Secretary may not regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.

(c) PROCEDURES FOR PRESCRIBING REGULATIONS.—(1) The Secretary shall prepare an agenda listing all areas in which the Secretary intends to propose regulations governing activities under this chapter within the following 12 months. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semiannual regulatory agenda that lists regulatory activities of the Federal Transit Administration. The Secretary shall submit the agenda to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives on the day the agenda is published.

(2) Except for emergency regulations, the Secretary shall give interested parties at least 60 days to participate in a regulatory proceeding under this chapter by submitting written information, views, or arguments, with or without an oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary because of the routine nature or insignificant impact of the regulation or that an emergency regulation should be issued. The Secretary may extend the 60-day period if the Secretary decides the period is insufficient to allow diligent individuals to prepare comments or that other circumstances justify an extension.

(3) An emergency regulation ends 120 days after it is issued.

(4) The Secretary shall comply with this subsection when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.

(d) BUDGET PROGRAM AND SET OF ACCOUNTS.—The Secretary shall—

(1) submit each year a budget program as provided in section 9103 of title 31; and

(2) maintain a set of accounts for audit under chapter 35 of title 31.

(e) DEPOSITORY AND AVAILABILITY OF AMOUNTS.—The Secretary shall deposit amounts made available to the Secretary under this chapter in a checking account in the Treasury. Receipts, assets, and amounts obtained or held by the Secretary to carry out this chapter are available for administrative expenses to carry out this chapter.

(f) BINDING EFFECT OF FINANCIAL TRANSACTION.—A financial transaction of the Secretary under this chapter and a related voucher are binding on all officers and employees of the United States Government.

(g) DEALING WITH ACQUIRED PROPERTY.—Notwithstanding another law related to the Government acquiring, using, or disposing of real property, the Secretary may deal with property acquired under paragraph (3) or (4) of subsection (a) in any way. However, this subsection does not—

(1) deprive a State or political subdivision of a State of jurisdiction of the property; or

(2) impair the civil rights, under the laws of a State or political subdivision of a State, of an inhabitant of the property.

(h) TRANSFER OF ASSETS NO LONGER NEEDED.—[(1) If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. The Secretary may authorize a transfer for a public purpose other than public transportation only if the Secretary decides—

[(A) the asset will remain in public use for at least 5 years after the date the asset is transferred;

[(B) there is no purpose eligible for assistance under this chapter for which the asset should be used;

[(C) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

[(D) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.]

(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

(i) the asset is a necessary component of a proposed transit-oriented development project;

(ii) the transit-oriented development project will increase transit ridership;

(iii) at least 40 percent of the housing units offered in the transit-oriented development, including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and/or owners with incomes at or below 60 percent the area median income;

(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

(v) with respect to a transfer to a third party entity—

(I) a local government authority or nonprofit organization is unable to receive the property;

(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.

(2) A decision under paragraph (1) must be in writing and include the reason for the decision.

(3) This subsection is in addition to any other law related to using and disposing of a facility or equipment under an assistance agreement.

(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for public transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

(B) USE.—The net income from asset sales, uses, or leases (including lease renewals) under this subsection shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter.

(C) RELATIONSHIP TO OTHER AUTHORITY.—The authority of the Secretary under this subsection is in addition to existing authorities controlling allocation or use of recipient income otherwise permissible in law or regulation in effect prior to the date of enactment of this paragraph.

(i) TRANSFER OF AMOUNTS AND NON-GOVERNMENT SHARE.—(1) Amounts made available for a public transportation project under title 23 may be transferred to and administered by the Secretary

under this chapter. Amounts made available for a highway project under this chapter shall be transferred to and administered by the Secretary under title 23.

(2) The provisions of title 23 related to the non-Government share apply to amounts under title 23 used for public transportation projects. The provisions of this chapter related to the non-Government share apply to amounts under this chapter used for highway projects.

(j) NOTIFICATION OF PENDING DISCRETIONARY GRANTS.—Not less than 3 full business days before announcement of award by the Secretary of any discretionary grant, letter of intent, or full funding grant agreement totaling $1,000,000 or more, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(k) AGENCY STATEMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Transit Administration shall follow applicable rulemaking procedures under section 553 of title 5 before the Federal Transit Administration issues a statement that imposes a binding obligation on recipients of Federal assistance under this chapter.

(2) BINDING OBLIGATION DEFINED.—In this subsection, the term "binding obligation" means a substantive policy statement, rule, or guidance document issued by the Federal Transit Administration that grants rights, imposes obligations, produces significant effects on private interests, or effects a significant change in existing policy.

(l) DISPOSITION OF ASSETS BEYOND USEFUL LIFE.—

(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of an asset with a current market value, or proceed from the sale of such asset, acquired under this chapter at least in part with such assistance, after such asset has reached the useful life of such asset, the Secretary shall allow the recipient, or subrecipient, to use the proceeds attributable to the Federal share of such asset calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311.

(2) MINIMUM VALUE.—This subsection shall only apply to assets with a current market value, or proceeds from sale, of at least $5,000.

(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of an asset described in paragraph (1) shall be calculated by multiplying—

(A) the current market value of, or the proceeds from the disposition of, such asset; by

(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.

(m) DISPOSITION OF ROLLING STOCK TO MEET AIR QUALITY GOALS.—

(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of rolling stock with a current market value, or proceeds from the disposition of such rolling stock, acquired under this chapter at least in part with such assist-

ance, before such rolling stock has reached its useful life, the Secretary may allow the recipient, or subrecipient, to use the proceeds attributable to the Federal share of such rolling stock calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311 without need for repayment of the Federal financial interest.

(2) COVERED ROLLING STOCK.—This subsection shall only apply to rolling stock disposed of—

(A) which are replaced by rolling stock that will help improve attainment of air quality goals compared to the rolling stock being replaced; and

(B) for which the recipient is located in an area that is designated as a nonattainment area for particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of rolling stock described in paragraph (1) shall be calculated by multiplying—

(A) the current market value of, or the proceeds from the disposition of, such asset; and

(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.

§ 5335. National transit database

(a) NATIONAL TRANSIT DATABASE.—To help meet the needs of individual public transportation systems, the United States Government, State and local governments, and the public for information on which to base public transportation service planning, the Secretary shall maintain a reporting system, using uniform categories to accumulate public transportation financial, operating, and asset condition information and using a uniform system of accounts. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision*, including information on transit routes and ridership on those routes*. The Secretary may request and receive appropriate information from any source.

(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary may award a grant under section 5307 or 5311 only if the applicant, and any person that will receive benefits directly from the grant, are subject to the reporting and uniform systems.

(c) DATA REQUIRED TO BE REPORTED.—The recipient of a grant under this chapter shall report to the Secretary, for inclusion in the National Transit Database, any information relating to a transit asset inventory or condition assessment conducted by the recipient*, any data on each assault on a transit worker, and pedestrian injuries and fatalities as a result of an impact with a bus. Each of the data sets shall be publicly reported without aggregating the data with other safety data*.

§ 5336. Apportionment of appropriations for formula grants

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount apportioned under subsection (h)(5) to carry out section 5307—

(1) 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the most recent decennial census; and

(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile; and

(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section.

(b) BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.—(1) In this subsection, "fixed guideway vehicle revenue miles" and "fixed guideway directional route miles" include passenger ferry operations directly or under contract by the designated recipient.

(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

(A) [95.61 percent] *95 percent* of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) 60 percent of the [95.61 percent] *95 percent* apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all areas; and

(ii) 40 percent of the [95.61 percent] *95 percent* apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway directional route miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

(B) [4.39 percent] *5 percent* of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) the number of fixed guideway vehicle passenger miles traveled *in the highest 25 percent of routes by ridership* multiplied by the number of fixed guideway [vehicle passenger miles traveled for each dollar of operating cost in an area] *vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership*; divided by

(ii) the total number of fixed guideway vehicle passenger miles traveled *in the highest 25 percent of routes by rider-*

ship multiplied by the total number of fixed guideway [vehicle passenger miles traveled for each dollar of operating cost in all areas] *vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership*. An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

(C) Under subparagraph (A) of this paragraph, fixed guideway vehicle revenue or directional route miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

(D) A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary that energy or operating efficiencies would be achieved, reduces vehicle revenue miles but provides the same frequency of revenue service to the same number of riders.

(E) For purposes of subparagraph (A) and section 5337(c)(3), the Secretary shall deem to be attributable to an urbanized area not less than 27 percent of the fixed guideway vehicle revenue miles or fixed guideway directional route miles in the public transportation system of a recipient that are located outside the urbanized area for which the recipient receives funds, in addition to the fixed guideway vehicle revenue miles or fixed guideway directional route miles of the recipient that are located inside the urbanized area.

(3) SPECIAL RULE.—For fiscal years 2023 and 2024, the percentage—

(A) in paragraph (2)(A) in the matter preceding clause (i) shall be treated as 100 percent; and

(B) in paragraph (2)(B) in the matter preceding clause (i) shall be treated as 0 percent.

(c) BASED ON BUS VEHICLE REVENUE MILES AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:

(1) [90.8 percent] *90 percent* of the total amount apportioned under this subsection shall be apportioned as follows:

(A) 73.39 percent of the [90.8 percent] *90 percent* apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown in the most recent decennial census; and

(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

(B) 26.61 percent of the [90.8 percent] *90 percent* apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the most recent decennial census; and

(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

(2) [9.2 percent] *8 percent* of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least [200,000] *500,000* is entitled to receive an amount equal to—

[(A) the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in an area; divided by

[(B) the total number of bus passenger miles traveled multiplied by the total number of bus passenger miles traveled for each dollar of operating cost in all areas.]

(A) the number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership; divided by

(B) the total number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the total number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership in all areas.

(3) Two percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 and less than 500,000 is entitled to receive an amount using the formula in paragraph (1).

(4) For fiscal years 2023 and 2024, the percentage—

(A) in paragraph (1) in the matter preceding subparagraph (A) shall be treated as 100 percent;

(B) in paragraph (2) in the matter preceding subparagraph (A) shall be treated as 0 percent; and

(C) in paragraph (3) shall be treated as 0 percent.

(d) DATE OF APPORTIONMENT.—The Secretary shall—

(1) apportion amounts appropriated under section ⟦5338(a)(2)(C)⟧ *5338(a)(2)(B)* of this title to carry out section 5307 of this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; ⟦and⟧

(2) notwithstanding paragraph (1), apportion amounts to the States appropriated under section 5338(a)(2) to carry out sections 5307, 5310, and 5311 not later than December 15 for which any amounts are appropriated; and

⟦(2)⟧ *(3)* publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.

(e) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient, as defined in section 5302(4).

(f) TRANSFERS OF APPORTIONMENTS.—(1) The Governor of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c)(3). The Governor may make a transfer only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was apportioned under this section.

(2) The Governor of a State may transfer any part of the State's apportionment under section 5311(c)(3) to supplement amounts apportioned to the State under subsection (a)(1) of this section.

(3) The Governor of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.

(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the Governor of a State. The Governor shall distribute the transferred amounts to urbanized areas under this section.

(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this subsection.

(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 5 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 5-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(h) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section [5338(a)(2)(C)] *5338(a)(2)(B)*—

[(1) $30,000,000 shall be set aside each fiscal year to carry out section 5307(h);]

(1) to carry out section 5307(h)—

(A) $60,906,000 shall be set aside in fiscal year 2023;

(B) $61,856,134 shall be set aside in fiscal year 2024;

(C) $62,845,832 shall be set aside in fiscal year 2025; and

(D) $63,832,511 shall be set aside in fiscal year 2026;

(2) [3.07 percent] *6 percent* shall be apportioned to urbanized areas in accordance with subsection (j);

[(3) of amounts not apportioned under paragraphs (1) and (2)—

[(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and

[(B) for fiscal years 2019 and 2020, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);]

(3) of amounts not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);

(4) 0.5 percent shall be apportioned to eligible States for State safety oversight program grants in accordance with section 5329(e)(6); and

(5) any amount not apportioned under paragraphs (1), (2), (3), and (4) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).

(i) SMALL TRANSIT INTENSIVE CITIES FORMULA.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ELIGIBLE AREA.—The term "eligible area" means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

(B) PERFORMANCE CATEGORY.—The term "performance category" means each of the following:

(i) Passenger miles traveled per vehicle revenue mile.

(ii) Passenger miles traveled per vehicle revenue hour.

(iii) Vehicle revenue miles per capita.

(iv) Vehicle revenue hours per capita.

(v) Passenger miles traveled per capita.

(vi) Passengers per capita.

(2) APPORTIONMENT.—

(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (h)(3) shall be apportioned among eligible areas in the ratio that—

(i) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to

(ii) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

(B) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under this section.

(3) CENSUS PHASE-OUT.—Before apportioning funds under subsection (h)(3), for any urbanized area that is no longer an eligible area due to a change in population in the most recent decennial census, the Secretary shall apportion to such urbanized area, for 3 fiscal years, an amount equal to half of the funds apportioned to such urbanized area pursuant to this subsection for the previous fiscal year.

(j) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) shall be apportioned among urbanized areas as follows:

(1) [75 percent] *50 percent* of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

(A) the number of eligible low-income individuals in each such urbanized area; bears to

(B) the number of eligible low-income individuals in all such urbanized areas.

(2) [25 percent] *12.5 percent* of the funds shall be apportioned among designated recipients for urbanized areas with a population of less than 200,000 in the ratio that—

(A) the number of eligible low-income individuals in each such urbanized area; bears to

(B) the number of eligible low-income individuals in all such urbanized areas.

(3) 30 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

(B) the number of individuals in all such urbanized areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.

(4) 7.5 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population less than 200,000 in the ratio that—

(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate

of at least 20 percent during the 5 years most recently ending; bears to

(B) the number of individuals in all such areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.

(k) PEAK REVENUE SERVICE DEFINED.—In this section, the term "peak revenue service" means the time period between the time in the morning that an agency first exceeds the number of midday vehicles in revenue service and the time in the evening that an agency falls below the number of midday vehicles in revenue service.

§ 5337. State of good repair grants

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) FIXED GUIDEWAY.—The term "fixed guideway" means a public transportation facility—

(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

(B) using rail;

(C) using a fixed catenary system;

(D) for a passenger ferry system; or

(E) for a bus rapid transit system.

(2) STATE.—The term "State" means the 50 States, the District of Columbia, and Puerto Rico.

(3) STATE OF GOOD REPAIR.—The term "state of good repair" has the meaning given that term by the Secretary, by rule, under section 5326(b).

(4) TRANSIT ASSET MANAGEMENT PLAN.—The term "transit asset management plan" means a plan developed by a recipient of funding under this chapter that—

(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

(B) the recipient certifies that the recipient complies with the rule issued under section 5326(d).

(b) GENERAL AUTHORITY.—

(1) ELIGIBLE PROJECTS.—The Secretary may make grants under this section to assist State and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to replace and rehabilitate—

(A) rolling stock;

(B) track;

(C) line equipment and structures;

(D) signals and communications;

(E) power equipment and substations;

(F) passenger stations and terminals;

(G) security equipment and systems;

(H) maintenance facilities and equipment;

(I) operational support equipment, including computer hardware and software;

(J) development and implementation of a transit asset management plan; and

(K) other replacement and rehabilitation projects the Secretary determines appropriate.

(2) INCLUSION IN PLAN.—A recipient shall include a project carried out under paragraph (1) in the transit asset management plan of the recipient upon completion of the plan.

(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR FORMULA.—

(1) IN GENERAL.—Of the amount authorized or made available under section 5338(a)(2)(K), 97.15 percent shall be apportioned to recipients in accordance with this subsection.

(2) AREA SHARE.—

(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned for fixed guideway systems in accordance with this paragraph.

(B) SHARE.—A recipient shall receive an amount equal to the amount described in subparagraph (A), multiplied by the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated in accordance with the provisions of section 5336(b)(1) and using the definition of the term "fixed guideway" under subsection (a) of this section, as such sections are in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012, and divided by the total amount apportioned for all areas under this section for fiscal year 2011.

(C) RECIPIENT.—For purposes of this paragraph, the term "recipient" means an entity that received funding under this section, as in effect for fiscal year 2011.

(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned to recipients in accordance with this paragraph.

(B) VEHICLE REVENUE MILES.—A recipient in an urbanized area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway vehicle revenue miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all urbanized areas.

(C) DIRECTIONAL ROUTE MILES.—A recipient in an urbanized area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway directional route miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all urbanized areas.

(4) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share apportioned to the area under this subsection in the previous fiscal year.

(B) SPECIAL RULE FOR FISCAL YEAR 2013.—In fiscal year 2013, the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share that would have been apportioned to the area under this section, as in effect for fiscal year 2011, if the share had been calculated using the definition of the term "fixed guideway" under subsection (a) of this section, as in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012.

(5) USE OF FUNDS.—Amounts made available under this subsection shall be available for the exclusive use of fixed guideway projects.

(6) RECEIVING APPORTIONMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for an area with a fixed guideway system, the amounts provided under this subsection shall be apportioned to the designated recipient for the urbanized area in which the system operates.

(B) EXCEPTION.—An area described in the amendment made by section 3028(a) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 366) shall receive an individual apportionment under this subsection.

(7) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway vehicle revenue miles or fixed guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.

(d) HIGH INTENSITY MOTORBUS STATE OF GOOD REPAIR.—

(1) DEFINITION.—For purposes of this subsection, the term "high intensity motorbus" means public transportation that is provided on a facility with access for other high-occupancy vehicles.

(2) APPORTIONMENT.—Of the amount authorized or made available under section 5338(a)(2)(K), 2.85 percent shall be apportioned to urbanized areas for high intensity motorbus vehicle state of good repair in accordance with this subsection.

(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

(A) IN GENERAL.—The amount described in paragraph (2) shall be apportioned to each area in accordance with this paragraph.

(B) VEHICLE REVENUE MILES.—Each area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of high intensity motorbus vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all high intensity motorbus vehicle revenue miles attributable to all areas.

(C) DIRECTIONAL ROUTE MILES.—Each area shall receive an amount equal to 40 percent of the amount described in

subparagraph (A), multiplied by the number of high intensity motorbus directional route miles attributable to the area, as established by the Secretary, divided by the total number of all high intensity motorbus directional route miles attributable to all areas.

(4) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of high intensity motorbus vehicle revenue miles or high intensity motorbus directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of high intensity motorbus systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.

(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).

(e) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

(2) REMAINING COSTS.—The remainder of the net project cost shall be provided—

(A) in cash from non-Government sources;

(B) from revenues derived from the sale of advertising and concessions; or

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(3) ACCESSIBILITY COSTS.—Notwithstanding paragraph (1), the Federal share of the net project cost of a project to provide accessibility improvements consistent with standards in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) shall be 90 percent.

[§ 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, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—

[(A) $9,347,604,639 for fiscal year 2016;

[(B) $9,534,706,043 for fiscal year 2017;

[(C) $9,733,353,407 for fiscal year 2018;

[(D) $9,939,380,030 for fiscal year 2019; and

[(E) $10,150,348,462 for fiscal year 2020.

[(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

[(A) $130,732,000 for fiscal year 2016, $133,398,933 for fiscal year 2017, $136,200,310 for fiscal year 2018, $139,087,757 for fiscal year 2019, and $142,036,417 for fiscal year 2020, shall be available to carry out section 5305;

[(B) $10,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

[(C) $4,538,905,700 for fiscal year 2016, $4,629,683,814 for fiscal year 2017, $4,726,907,174 for fiscal year 2018, $4,827,117,606 for fiscal year 2019, and $4,929,452,499 for fiscal year 2020 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

[(D) $262,949,400 for fiscal year 2016, $268,208,388 for fiscal year 2017, $273,840,764 for fiscal year 2018, $279,646,188 for fiscal year 2019, and $285,574,688 for fiscal year 2020 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

[(E) $2,000,000 for fiscal year 2016, $3,000,000 for fiscal year 2017, $3,250,000 for fiscal year 2018, $3,500,000 for fiscal year 2019 and $3,500,000 for fiscal year 2020 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of the Federal Public Transportation Act of 2015;

[(F) $619,956,000 for fiscal year 2016, $632,355,120 for fiscal year 2017, $645,634,578 for fiscal year 2018, $659,322,031 for fiscal year 2019, and $673,299,658 for fiscal year 2020 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

[(i) $35,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(1); and

[(ii) $20,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(2);

[(G) $28,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312, of which—

[(i) $3,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(h); and

[(ii) $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(i);

[(H) $9,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5314; of which $5,000,000 shall be available for the national transit institute under section 5314(c);

[(I) $3,000,000 for each of fiscal years 2016 through 2020 shall be available for bus testing under section 5318;

[(J) $4,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5335;

[(K) $2,507,000,000 for fiscal year 2016, $2,549,670,000 for fiscal year 2017, $2,593,703,558 for fiscal year 2018, $2,638,366,859 for fiscal year 2019, and $2,683,798,369 for fiscal year 2020 shall be available to carry out section 5337;

[(L) $427,800,000 for fiscal year 2016, $436,356,000 for fiscal year 2017, $445,519,476 for fiscal year 2018, $454,964,489 for fiscal year 2019, and $464,609,736 for fiscal year 2020 shall be available for the bus and buses facilities program under section 5339(a);

[(M) $268,000,000 for fiscal year 2016, $283,600,000 for fiscal year 2017, $301,514,000 for fiscal year 2018, $322,059,980 for fiscal year 2019, and $344,044,179 for fiscal year 2020 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5339(c); and

[(N) $536,261,539 for fiscal year 2016, $544,433,788 for fiscal year 2017, $552,783,547 for fiscal year 2018, $561,315,120 for fiscal year 2019 and $570,032,917 for fiscal year 2020, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

[(i) $272,297,083 for fiscal year 2016, $279,129,510 for fiscal year 2017, $286,132,747 for fiscal year 2018, $293,311,066 for fiscal year 2019, $300,668,843 for fiscal year 2020 shall be for growing States under section 5340(c); and

[(ii) $263,964,457 for fiscal year 2016, $265,304,279 for fiscal year 2017, $266,650,800 for fiscal year 2018, $268,004,054 for fiscal year 2019, $269,364,074 for fiscal year 2020 shall be for high density States under section 5340(d).

[(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (h) and (i) of that section, $20,000,000 for each of fiscal years 2016 through 2020.

[(c) TECHNICAL ASSISTANCE AND TRAINING.—There are authorized to be appropriated to carry out section 5314, $5,000,000 for each of fiscal years 2016 through 2020.

[(d) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for each of fiscal years 2016 through 2020.

[(e) ADMINISTRATION.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for each of fiscal years 2016 through 2020.

[(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5329.

[(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5326.

[(f) OVERSIGHT.—

[(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not

more than the following amounts for the activities described in paragraph (2):

[(A) 0.5 percent of amounts made available to carry out section 5305.

[(B) 0.75 percent of amounts made available to carry out section 5307.

[(C) 1 percent of amounts made available to carry out section 5309.

[(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

[(E) 0.5 percent of amounts made available to carry out section 5310.

[(F) 0.5 percent of amounts made available to carry out section 5311.

[(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of amounts made available for this subparagraph shall be available to carry out section 5329.

[(H) 0.75 percent of amounts made available to carry out section 5339.

[(2) ACTIVITIES.—The activities described in this paragraph are as follows:

[(A) Activities to oversee the construction of a major capital project.

[(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

[(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

[(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

[(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

[(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

[(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

[(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

[(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.]

§ 5338. Authorizations

(a) GRANTS.—

(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335, 5337, 5339, and 5340—

(A) $17,894,460,367 for fiscal year 2023;

(B) $18,201,940,770 for fiscal year 2024;

(C) $18,551,676,708 for fiscal year 2025; and

(D) $18,901,573,693 for fiscal year 2026.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) $189,879,151 for fiscal year 2023, $192,841,266 for fiscal year 2024, $195,926,726 for fiscal year 2025, and $199,002,776 for fiscal year 2026, shall be available to carry out section 5305;

(B) $7,505,830,848 for fiscal year 2023, $7,622,921,809 for fiscal year 2024, $7,744,888,558 for fiscal year 2025, and $7,866,483,309 for fiscal year 2026 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

(C) $101,510,000 for fiscal year 2023, $103,093,556 for fiscal year 2024, $104,743,053 for fiscal year 2025, and $106,387,519 for fiscal year 2026 shall be available for grants under section 5308;

(D) $434,830,298 for fiscal year 2023, $441,613,651 for fiscal year 2024, $448,679,469 for fiscal year 2025, and $455,723,737 for fiscal year 2026 shall be available to carry out section 5310, of which not less than—

(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5310(j); and

(ii) $20,302,000 for fiscal year 2023, $20,618,711 for fiscal year 2024, $20,948,611 for fiscal year 2025, and $21,277,504 for fiscal year 2026 shall be available to carry out section 5310(k);

(E) $1,025,199,724 for fiscal year 2023, $1,041,192,839 for fiscal year 2024, $1,057,851,925 for fiscal year 2025, and $1,074,460,200 for fiscal year 2026 shall be available to carry out section 5311, of which not less than—

(i) $55,679,500 for fiscal year 2023, $56,392,100 for fiscal year 2024, $57,134,374 for fiscal year 2025, and $57,874,383 for fiscal year 2026 shall be available to carry out section 5311(c)(1); and

(ii) $50,755,000 for fiscal year 2023, $51,546,778 for fiscal year 2024, $52,371,526 for fiscal year 2025, and $53,193,759 for fiscal year 2026 shall be available to carry out section 5311(c)(2);

(F) $53,498,300 for fiscal year 2023; $54,020,873 for fiscal year 2024; $54,565,207 for fiscal year 2025; $55,107,881 for fiscal year 2026 shall be available to carry out section 5312, of which not less than—

(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out each of sections 5312(d)(3) and 5312(d)(4);

(ii) $3,045,300 for fiscal year 2023, $3,092,807 for fiscal year 2024, $3,142,292 for fiscal year 2025, and $3,191,626 for fiscal year 2026 shall be available to carry out section 5312(h);

(iii) $10,151,000 for fiscal year 2023, $10,309,356 for fiscal year 2024, $10,474,305 for fiscal year 2025, and $10,638,752 for fiscal year 2026 shall be available to carry out section 5312(i); and

(iv) $10,075,500 for fiscal year 2023, $10,154,678 for fiscal year 2024, $10,237,153 for fiscal year 2025, and $10,319,376 shall be available to carry out section 5312(j);

(G) $23,347,300 for fiscal year 2023, $23,711,518 for fiscal year 2024, $24,090,902 for fiscal year 2025, and $24,469,129 for fiscal year 2026 shall be available to carry out section 5314, of which not less than—

(i) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for fiscal year 2025, and $4,255,501 for fiscal year 2026 shall be available to carry out section of 5314(a);

(ii) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5314(c); and

(iii) $12,181,200 for fiscal year 2023, $12,371,227 for fiscal year 2024, $12,569,166 for fiscal year 2025, and $12,766,502 for fiscal year 2026 shall be available to carry out section 5314(b)(2);

(H) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5318;

(I) $30,453,000 for fiscal year 2023, $30,928,067 for fiscal year 2024, $31,422,916 for fiscal year 2025, and $31,916,256 for fiscal year 2026 shall be available to carry out section 5328, of which not less than—

(i) $25,377,500 for fiscal year 2023, $25,773,389 for fiscal year 2024, $26,185,763 for fiscal year 2025, and $26,596,880 for fiscal year 2026 shall be available to carry out section of 5328(b); and

(ii) $2,537,750 for fiscal year 2023, $2,577,339 for fiscal year 2024, $2,618,576 for fiscal year 2025, and $2,659,688 for fiscal year 2026 shall be available to carry out section 5328(c);

(J) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for fiscal year 2025, and $4,255,501

for fiscal year 2026 shall be available to carry out section 5335;

(K) $5,366,233,728 for fiscal year 2023, $5,460,789,084 for fiscal year 2024, $5,560,170,578 for fiscal year 2025, and $5,660,288,417 for fiscal year 2026 shall be available to carry out section 5337;

(L) to carry out the bus formula program under section 5339(a)—

(i) $1,240,328,213 for fiscal year 2023, $1,259,667,334 for fiscal year 2024, $1,279,832,171 for fiscal year 2025, and $1,299,925,536 for fiscal year 2026; except that

(ii) 15 percent of the amounts under clause (i) shall be available to carry out 5339(d);

(M) $437,080,000 for fiscal year 2023, $424,748,448 for fiscal year 2024, $387,944,423 for fiscal year 2025, and $351,100,151 for fiscal year 2026 shall be available to carry out section 5339(b);

(N) $890,000,000 for fiscal year 2023, $950,000,000 for fiscal year 2024, $1,065,000,000 for fiscal year 2025, and $1,180,000,000 for fiscal year 2026 shall be available to carry out section 5339(c); and

(O) $587,133,905 for each of fiscal years 2023 through 2026 shall be available to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

(i) $309,688,908 for each of fiscal years 2023 through 2026 shall be for growing States under section 5340(c); and

(ii) $277,444,997 for each of fiscal years 2023 through 2026 shall be for high density States under section 5340(d).

(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 $3,500,000,000 for fiscal year 2023, $4,250,000,000 for fiscal year 2024, $5,000,000,000 for fiscal year 2025, and 5,500,000,000 for fiscal year 2026.

(c) ADMINISTRATION.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $142,060,785 for fiscal year 2023, $144,191,696 for fiscal year 2024, $146,412,248 for fiscal year 2025, and 148,652,356 for fiscal year 2026.

(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $6,000,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5329.

(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,500,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5326.

(d) OVERSIGHT.—

(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

(A) 0.5 percent of amounts made available to carry out section 5305.

(B) 0.75 percent of amounts made available to carry out section 5307.

(C) 1 percent of amounts made available to carry out section 5309.

(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

(E) 0.5 percent of amounts made available to carry out section 5310.

(F) 0.5 percent of amounts made available to carry out section 5311.

(G) 1 percent of amounts made available to carry out section 5337, of which not less than 25 percent of such amounts shall be available to carry out section 5329 and of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

(H) 1 percent of amounts made available to carry out section 5339 of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

(I) 1 percent of amounts made available to carry out section 5308.

(2) ACTIVITIES.—The activities described in this paragraph are as follows:

(A) Activities to oversee the construction of a major capital project.

(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts from future appropriations from the general fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of

the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.

(g) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Funds provided under this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the INVEST in America Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term "otherwise related legally or financially" does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

§ 5339. Grants for buses and bus facilities

(a) FORMULA GRANTS.—

(1) DEFINITIONS.—In this subsection *and subsection (d)*—

(A) the ⟦term "low or no emission vehicle" has⟧ *term "zero emission vehicle" has* the meaning given that term in subsection (c)(1);

(B) the term "State" means a State of the United States *and the District of Columbia*; and

(C) the term "territory" means ⟦the District of Columbia,⟧ Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify ⟦low or no emission vehicles⟧ *zero emission vehicles* or facilities; and

(B) to construct bus-related facilities.

(3) GRANT REQUIREMENTS.—The requirements of—

(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

(4) ELIGIBLE RECIPIENTS.—

(A) RECIPIENTS.—Eligible recipients under this subsection *and subsection (d)* are—

(i) designated recipients that allocate funds to fixed route bus operators; or

(ii) State or local governmental entities that operate fixed route bus service.

(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection *and subsection (d)* may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(L) shall be distributed as follows:

(A) NATIONAL DISTRIBUTION.—**[**$90,500,000**]** *$156,750,000* for each of fiscal years **[**2016 through 2020**]** *2023 through 2026* shall be allocated to all States and territories, with each State receiving **[**$1,750,000**]** *$3,000,000* for each such fiscal year and each territory receiving **[**$500,000**]** *$750,000* for each such fiscal year.

(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

(6) TRANSFERS OF APPORTIONMENTS.—

(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336.

(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

(7) GOVERNMENT SHARE OF COSTS.—

(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

(i) in cash from non-Government sources other than revenues from providing public transportation services;

(ii) from revenues derived from the sale of advertising and concessions;

(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization[; or]*;*

(v) from revenues generated from value capture financing mechanisms[.]*; or*

(vi) transportation development credits.

(C) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding subparagraph (A), a grant for a capital project for buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles under this subsection shall be for 90 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for [3 fiscal years] *4 fiscal years* after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the [3-fiscal-year period] *4-fiscal-year period* described in the preceding sentence, any amount that is not obligated on the last day of such period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

[(9) PILOT PROGRAM FOR COST-EFFECTIVE CAPITAL INVESTMENT.—

[(A) IN GENERAL.—For each of fiscal years 2016 through 2020, the Secretary shall carry out a pilot program under which an eligible recipient (as described in paragraph (4)) in an urbanized area with population of not less than 200,000 and not more than 999,999 may elect to participate in a State pool in accordance with this paragraph.

[(B) PURPOSE OF STATE POOLS.—The purpose of a State pool shall be to allow for transfers of formula grant funds made available under this subsection among the designated recipients participating in the State pool in a manner that supports the transit asset management plans of the designated recipients under section 5326.

[(C) REQUESTS FOR PARTICIPATION.—A State, and eligible recipients in the State described in subparagraph (A), may submit to the Secretary a request for participation in the program under procedures to be established by the Secretary. An eligible recipient for a multistate area may participate in only 1 State pool.

[(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate to each State participating in the program the total amount of funds that otherwise would be allocated to the urbanized areas of the eligible recipients participating in the State's pool for that fiscal year pursuant to the formulas referred to in paragraph (5).

[(E) ALLOCATIONS TO ELIGIBLE RECIPIENTS IN STATE POOLS.—A State shall distribute the amount that is allo-

cated to the State for a fiscal year under subparagraph (D) among the eligible recipients participating in the State's pool in a manner that supports the transit asset management plans of the recipients under section 5326.

[(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the period of fiscal years 2016 through 2020 to ensure that an eligible recipient participating in the State's pool receives under the program an amount of funds that equals the amount of funds that would have otherwise been available to the eligible recipient for that period pursuant to the formulas referred to in paragraph (5).

[(G) GRANTS.—The Secretary shall make grants under this subsection for a fiscal year to an eligible recipient participating in a State pool following notification by the State of the allocation amount determined under subparagraph (E).]

(b) [BUSES AND BUS FACILITIES COMPETITIVE GRANTS] *BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS.*—

(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients (as described in subsection (a)(4)) to assist in the financing of [buses and] bus facilities capital projects *and certain buses*, including—

(A) replacing, rehabilitating, purchasing, or leasing [buses or related equipment] *bus-related facilities*; and

[(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.]

(B) purchasing or leasing buses that will not replace buses in the applicant's fleet at the time of application and will be used to—

(i) increase the frequency of bus service; or

(ii) increase the service area of the applicant.

[(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.]

(2) GRANT CONSIDERATIONS.—In making grants—

(A) under subparagraph (1)(A), the Secretary shall only consider—

(i) the age and condition of bus-related facilities of the applicant compared to all applicants and proposed improvements to the resilience (as such term is defined in section 5302) of such facilities;

(ii) for a facility that, in whole or in part, encroaches within the limits of a flood-prone area, the extent to which the facility is designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk; and

(iii) for a bus station, the degree of multi-modal connections at such station; and

(B) under paragraph (1)(B), the Secretary shall consider the improvements to headway and projected new ridership.

(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private non-

profit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients (as described in subsection (a)(4)) in an urbanized area in a State.

(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

(5) RURAL PROJECTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

(6) GRANT REQUIREMENTS.—

(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

(i) section 5307 for eligible recipients of grants made in urbanized areas; and

(ii) section 5311 for eligible recipients of grants made in rural areas.

[(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.]

(B) GOVERNMENT SHARE OF COSTS.—

(i) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(ii) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding clause (i), the Government share of the cost of an eligible project for the financing of buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles shall not exceed 90 percent.

(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

(A) shall remain available for 3 fiscal years after the fiscal year for which the amount is made available; and

(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

(8) LIMITATION.—Of the amounts made available under this subsection, not more than 10 percent may be awarded to a single grantee.

(c) [LOW OR NO EMISSION GRANTS] *ZERO EMISSION GRANTS*.—

(1) DEFINITIONS.—In this subsection—

(A) the term "direct carbon emissions" means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

(B) the term "eligible project" means a project or program of projects [in an eligible area] for—

(i) acquiring [low or no emission] *zero emission* vehicles;

(ii) leasing [low or no emission] *zero emission* vehicles;

(iii) acquiring [low or no emission] *zero emission* vehicles with a leased power source;

(iv) constructing [facilities and related equipment for low or no emission] *related equipment for zero emission* vehicles;

(v) leasing [facilities and related equipment for low or no emission vehicles;] *related equipment for zero emission vehicles; or*

[(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or]

[(vii)] *(vi)* rehabilitating or improving existing public transportation facilities to accommodate [low or no emission] *zero emission* vehicles;

(C) the term "leased power source" means a removable power source, as defined in subsection (c)(3) of section 3019 of the Federal Public Transportation Act of 2015 that is made available through a capital lease under such section;

[(D) the term "low or no emission bus" means a bus that is a low or no emission vehicle;

[(E) the term "low or no emission vehicle" means—

[(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

[(ii) a zero emission vehicle used to provide public transportation;]

(D) the term "zero emission bus" means a bus that is a zero emission vehicle;

(E) the term "zero emission vehicle" means a vehicle used to provide public transportation that produces no carbon dioxide or particulate matter;

(F) the term "recipient" means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; [and]

[(G) the term "zero emission vehicle" means a low or no emission vehicle that produces no carbon or particulate matter.]

(G) the term "priority area" means an area that is—

(i) designated as a nonattainment area for ozone or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d));

(ii) a maintenance area, as such term is defined in section 5303, for ozone or particulate matter; or

(iii) in a State that has enacted a statewide zero emission bus transition requirement, as determined by the Secretary; and

(H) the term "low-income community" means any population census tract if—

(i) the poverty rate for such tract is at least 20 percent; or

(ii) in the case of a tract—

(I) not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income; or

(II) located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater statewide median family income or the metropolitan area median family income.

(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

[(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.]

[(C)] *(B)* COMBINATION OF FUNDING SOURCES.—

(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

(4) COMPETITIVE PROCESS.—The Secretary shall—

(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

(i) 75 days after the date on which the solicitation expires; or

(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

[(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that—

[(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than

comparable standard buses or other low or no emission buses; and

[(B) are part of a long-term integrated fleet management plan for the recipient.]

(5) GRANT ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall make grants to eligible projects relating to the acquisition or leasing of equipment for zero-emission buses or zero-emission buses—

(A) that procure—

(i) at least 10 zero emission buses;

(ii) if the recipient operates less than 50 buses in peak service, at least 5 zero emission buses; or

(iii) hydrogen buses;

(B) for which the recipient's board of directors has approved a long-term integrated fleet management plan that—

(i) establishes—

(I) a goal by a set date to convert the entire bus fleet to zero emission buses; or

(II) a goal that within 10 years from the date of approval of such plan the recipient will convert a set percentage of the total bus fleet of such recipient to zero emission buses; and

(ii) examines the impact of the transition on the applicant's current workforce, by identifying skills gaps, training needs, and retraining needs of the existing workers of such applicant to operate and maintain zero-emission vehicles and related infrastructure, and avoids the displacement of the existing workforce; and

(C) for which the recipient has performed a fleet transition study that includes optimal route planning and an analysis of how utility rates may impact the recipient's operations and maintenance budget.

(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

(A) shall remain available to an eligible project for 3 fiscal years after the fiscal year for which the amount is made available; and

(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

(7) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed [80] *90* percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(8) LOW AND MODERATE COMMUNITY GRANTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects serving predominantly low-income communities.

(9) PRIORITY SET-ASIDE.—Of the amounts made available under this subsection in a fiscal year, not less than—

(A) 20 percent shall be distributed to applicants in priority areas; and

(B) 10 percent shall be distributed to applicants not located in priority areas whose board of directors have approved a long-term integrated fleet management plan that establishes a goal to convert 100 percent of their bus fleet to zero-emission buses within 15 years.

(d) RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.—

(1) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients and subrecipients described in paragraph (2) in financing capital projects to replace, rehabilitate, and purchase buses and related equipment.

(2) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—Not later than September 1 annually, the Secretary shall make public a list of eligible recipients and subrecipients based on the most recent data available in the National Transit Database to calculate the 20 percent of eligible recipients and subrecipients with the highest percentage of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration.

(3) URBAN APPORTIONMENTS.—Funds allocated under section 5338(a)(2)(L)(ii) shall be—

(A) distributed to—

(i) designated recipients in an urbanized area with a population of at least 200,000 made eligible by paragraph (1); and

(ii) States based on subrecipients made eligible by paragraph (1) in an urbanized area under 200,000; and

(B) allocated pursuant to the formula set forth in section 5336 other than subsection (b), using the data from the 20 percent of eligible recipients and subrecipients.

(4) RURAL ALLOCATION.—The Secretary shall—

(A) calculate the percentage of funds under section 5338(a)(2)(L)(ii) to allocate to rural subrecipients by dividing—

(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) of the rural subrecipients described in paragraph (2); by

(ii) the total asset vehicle miles for buses beyond such benchmark of all eligible recipients and subrecipients described in paragraph (2); and

(B) prior to the allocation described in paragraph (3)(B), apportion to each State the amount of the total rural allocation calculated under subparagraph (A) attributable to such State based the proportion that—

(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Ad-

ministration) for rural subrecipients described in paragraph (2) in such State; bears to

(ii) the total asset vehicle miles described in subparagraph (A)(i).

(5) APPLICATION OF OTHER PROVISIONS.—Paragraphs (3), (7), and (8) of subsection (a) shall apply to eligible recipients and subrecipients described in paragraph (2) of a grant under this subsection.

(6) PROHIBITION.—No eligible recipient or subrecipient outside the top 5 percent of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration may receive a grant in both fiscal year 2023 and fiscal year 2024.

(7) REQUIREMENT.—The Secretary shall require—

(A) States to expend, to the benefit of the subrecipients eligible under paragraph (2), the apportioned funds attributed to such subrecipients; and

(B) designated recipients to provide the allocated funds to the recipients eligible under paragraph (2) the apportioned funds attributed to such recipients.

(e) WORKFORCE DEVELOPMENT TRAINING GRANTS.—

(1) IN GENERAL.—Not less than 12.5 percent of funds authorized to be made available for subsection (c) shall be available to fund workforce development training eligible under section 5314(b)(2) (including registered apprenticeships and other labor-management training programs), related to operations or maintenance of zero emission vehicles.

(2) ELIGIBLE RECIPIENTS.—Recipients eligible under subsection (c) shall be eligible to receive a grant under this subsection.

(3) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under this subsection shall be 100 percent.

(4) PRIORITIZATION.—In making grants under this subsection, the Secretary shall prioritize applications that jointly fund training as part of a vehicle procurement application under subsection (c).

§ 5340. Apportionments based on growing States and high density States formula factors

(a) DEFINITION.—In this section, the term "State" shall mean each of the 50 States of the United States *and the District of Columbia*.

(b) ALLOCATION.—The Secretary shall apportion the amounts made available under section [5338(b)(2)(N)] *5338(a)(2)(O)* in accordance with subsection (c) and subsection (d).

(c) GROWING STATE APPORTIONMENTS.—

(1) APPORTIONMENT AMONG STATES.—The amounts apportioned under subsection (b)(1) shall provide each State with an amount equal to the total amount apportioned multiplied by a ratio equal to the population of that State forecast for the year that is 15 years after the most recent decennial census, divided by the total population of all States forecast for the year that is 15 years after the most recent decennial census. Such fore-

cast shall be based on the population trend for each State between the most recent decennial census and the most recent estimate of population made by the Secretary of Commerce.

(2) APPORTIONMENTS BETWEEN URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—

(A) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of all urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the State. If no forecasts are available, the Secretary shall utilize data on urbanized areas and total population from the most recent decennial census.

(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (A) shall be apportioned to that State and added to the amount made available for grants under section 5311.

(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to urbanized areas in each State under paragraph (2)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (2)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

(d) HIGH DENSITY STATE APPORTIONMENTS.—Amounts to be apportioned under subsection (b)(2) shall be apportioned as follows:

(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection all States with a population density in excess of 370 persons per square mile.

(2) STATE URBANIZED LAND FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to—

(A) the total land area of the State (in square miles); multiplied by

(B) 370; multiplied by

(C)(i) the population of the State in urbanized areas; divided by

(ii) the total population of the State.

(3) STATE APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated in paragraph (2).

(4) STATE APPORTIONMENT.—Each State qualifying for an apportionment under paragraph (1) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for the State under paragraph (3) divided by the sum of the amounts calculated under

paragraph (3) for all States qualifying for an apportionment under paragraph (1).

(5) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to each State under paragraph (4) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (4) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

§ 5341. U.S. Employment Plan

(a) DEFINITIONS.—In this section:

(1) COMMITMENT TO HIGH-QUALITY CAREER AND BUSINESS OPPORTUNITIES.—The term "commitment to high-quality career and business opportunities" means participation in a registered apprenticeship program.

(2) COVERED INFRASTRUCTURE PROGRAM.—The term "covered infrastructure program" means any activity under a program or project under this chapter for the purchase or acquisition of rolling stock.

(3) U.S. EMPLOYMENT PLAN.—The term "U.S. Employment Plan" means a plan under which an entity receiving Federal assistance for a project under a covered infrastructure program shall—

(A) include in a request for proposal an encouragement for bidders to include, with respect to the project—

(i) high-quality wage, benefit, and training commitments by the bidder and the supply chain of the bidder for the project; and

(ii) a commitment to recruit and hire individuals described in subsection (e) if the project results in the hiring of employees not currently or previously employed by the bidder and the supply chain of the bidder for the project;

(B) give preference for the award of the contract to a bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A); and

(C) ensure that each bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A) that is awarded a contract complies with those commitments.

(4) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(b) BEST-VALUE FRAMEWORK.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program is encouraged—

(1) to ensure that each dollar invested in infrastructure uses a best-value contracting framework to maximize the local value of federally funded contracts by evaluating bids on price and other technical criteria prioritized in the bid, such as—

(A) equity;

(B) environmental and climate justice;

(C) impact on greenhouse gas emissions;

(D) resilience;

(E) the results of a 40-year life-cycle analysis;

(F) safety;

(G) commitment to creating or sustaining high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)) for disadvantaged or underrepresented individuals in infrastructure industries in the United States; and

(H) access to jobs and essential services by all modes of travel for all users, including individuals with disabilities; and

(2) to ensure community engagement, transparency, and accountability in carrying out each stage of the project.

(c) PREFERENCE FOR REGISTERED APPRENTICESHIP PROGRAMS.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program, with respect to the project for which the assistance is received, shall give preference to a bidder that demonstrates a commitment to high-quality job opportunities affiliated with registered apprenticeship programs.

(d) USE OF U.S. EMPLOYMENT PLAN.—Notwithstanding any other provision of law, in carrying out a project under a covered infrastructure program that receives assistance under this chapter, the recipient shall use a U.S. Employment Plan for each contract of $10,000,000 or more for the purchase of manufactured goods or of services, based on an independent cost estimate.

(e) PRIORITY.—The Secretary shall ensure that the entity carrying out a project under the covered infrastructure program gives priority to—

(1) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including ex-offenders and disabled individuals;

(2) veterans; and

(3) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

(f) REPORT.—Not less frequently than once each fiscal year, the Secretary shall jointly submit to Congress a report describing the implementation of this section.

(g) INTENT OF CONGRESS.—

(1) IN GENERAL.—It is the intent of Congress—

(A) to encourage recipients of Federal assistance under covered infrastructure programs to use a best-value contracting framework described in subsection (b) for the purchase of goods and services;

(B) to encourage recipients of Federal assistance under covered infrastructure programs to use preferences for reg-

istered apprenticeship programs as described in subsection (c) when evaluating bids for projects using that assistance;

(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in carrying out the project for which the assistance was provided; and

(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

(2) INCLUSION.—A best-value contracting framework described in subsection (b) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.

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CHAPTER 55—INTERMODAL TRANSPORTATION

SUBCHAPTER I—GENERAL

Sec.

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5506. Unsolicited research initiative.
5507. National highly automated vehicle and mobility innovation clearinghouse.
5508. Transportation workforce outreach program.

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SUBCHAPTER I—GENERAL

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§ 5505. University transportation centers program

(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

(C) to address critical workforce needs and educate the next generation of transportation leaders.

(b) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—To receive a grant under this section, a consortium of nonprofit institutions of higher education shall

submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) RESTRICTION.—

(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

(4) GENERAL SELECTION CRITERIA.—

(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the [research priorities identified in chapter 65.] *following research priorities:*

(i) Improving the mobility of people and goods.

(ii) Reducing congestion.

(iii) Promoting safety.

(iv) Improving the durability and extending the life of transportation infrastructure and the existing transportation system.

(v) Preserving the environment.

(vi) Reducing greenhouse gas emissions.

(B) CRITERIA.—The Secretary, in consultation with the Assistant Secretary for Research and [Technology and] *Technology,* the Administrator of the Federal Highway Administration*, the Administrator of the Federal Transit Administration,* [and other modal administrations as appropriate] *and the Administrators of other operating administrations, as appropriate*, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

(I) degree-granting programs or programs that provide other industry-recognized credentials; and

(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

(5) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (4) that includes—

(i) specific criteria of evaluation used in the review;

(ii) descriptions of the review process; and

(iii) explanations of the selected awards.

(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders, including the Transportation Research Board of the National Research Council of the National Academies, to evaluate and competitively review all proposals.

(7) FOCUSED RESEARCH CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider how the program under this section advances research on the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicles.

(c) GRANTS.—

(1) IN GENERAL.—[Not later than 1 year after the date of enactment of this section,]

(A) SELECTION OF GRANTS.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

(B) LIMITATIONS.—A grant under this subsection may not include a cooperative agreement described in section 6305 of title 31.

(2) NATIONAL TRANSPORTATION CENTERS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to [5 consortia] *6 consortia* that the Secretary determines best meet the criteria described in subsection (b)(4).

(B) RESTRICTIONS.—

(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be [not greater than $4,000,000 and not less than $2,000,000] *not greater than $4,250,000 and not less than $2,250,000* per recipient.

(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in [section 6503(c)] *subsection (b)(4)(A).*

(C) MATCHING REQUIREMENT.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match [100 percent] *50 percent* of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(I) section 504(b) of title 23; or

(II) section 505 of title 23.

(D) REQUIREMENT.—In awarding grants under this section, the Secretary shall award 1 grant to a national consortia for each focus area described in subsection (b)(4)(A).

(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled "Standard Federal Regions" and dated April 1974 (circular A–105).

(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

(i) the criteria described in subsection (b)(4);

(ii) the location of the lead center within the Federal region to be served; and

(iii) whether the consortium of institutions demonstrates that the consortium has a well-established,

nationally recognized program in transportation research and education, as evidenced by—

(I) recent expenditures by the institution in highway or public transportation research;

(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall be [not greater than $3,000,000 and not less than $1,500,000] *not greater than $3,250,000 and not less than $1,750,000* per recipient.

(D) MATCHING REQUIREMENTS.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match [100 percent] *50 percent* of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(I) section 504(b) of title 23; or

(II) section 505 of title 23.

[(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, connected vehicles, connected infrastructure, and autonomous vehicles.]

(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

(A) IN GENERAL.—The Secretary shall provide grants of not [greater than $2,000,000 and not less than $1,000,000] *greater than $2,250,000 and not less than $1,250,000* to not more than 20 recipients to carry out this paragraph.

(B) MATCHING REQUIREMENT.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(I) section 504(b) of title 23; or

(II) section 505 of title 23.

[(C) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.]

(C) CONSIDERATION.—In awarding grants under this section, the Secretary shall consider historically black colleges and universities, as such term is defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q), and other minority institutions, as such term is defined by section 365 of the Higher Education Act (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

(D) FOCUSED RESEARCH.—

(i) IN GENERAL.—In awarding grants under this section, the Secretary shall select not less than one grant recipient with each of the following focus areas:

(I) Transit.

(II) Connected and automated vehicle technology, including cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicle technology.

(III) Non-motorized transportation, including bicycle and pedestrian safety.

(IV) The surface transportation workforce, including—

(aa) current and future workforce needs and challenges; and

(bb) the impact of technology on the transportation sector.

(V) Climate change mitigation, including—

(aa) researching the types of transportation projects that are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

(bb) researching the types of transportation projects that are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.

(ii) ADDITIONAL GRANTS.—In awarding grants under this section and after awarding grants pursuant to clause (i), the Secretary may award any remaining grants to any grant recipient based on the criteria described in subsection (b)(4)(A).

(d) PROGRAM COORDINATION.—

(1) IN GENERAL.—The Secretary shall—

(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.

(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 6503, the Secretary shall—

(A) review and evaluate the programs carried out under this section by grant recipients; and

(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate a report describing that review and evaluation.

(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of [fiscal years 2016 through 2020] *fiscal years 2023 through 2026*, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

(f) SURPLUS AMOUNTS.—

(1) IN GENERAL.—Amounts made available to the Secretary to carry out this section that remain unobligated after awarding grants under subsection (c) shall be made available under the unsolicited research initiative under section 5506.

(2) LIMITATION ON AMOUNTS.—Amounts under paragraph (1) shall not exceed $2,000,000 for any given fiscal year.

[(f)] *(g)* INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.

§ 5506. Unsolicited research initiative

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a program under which an eligible entity may at any time submit unsolicited research proposals for funding under this section.

(b) CRITERIA.—A research proposal submitted under subsection (a) shall meet the purposes of the Secretary's 5-year transportation research and development strategic plan described in section 6503(c)(1).

(c) APPLICATIONS.—To receive funding under this section, eligible entities shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(d) REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available to the public on a public website a report on the progress and findings of the program established under subsection (a).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent.

(2) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-

Federal share of the cost of an activity carried out under this section.

(f) FUNDING.—

(1) IN GENERAL.—Of the funds made available to carry out the university transportation centers program under section 5505, $2,000,000 shall be available for each of fiscal years 2023 through 2026 to carry out this section.

(2) FUNDING FLEXIBILITY.—

(A) IN GENERAL.—For fiscal years 2023 through 2026, funds made available under paragraph (1) shall remain available until expended.

(B) UNCOMMITTED FUNDS.—If the Secretary determines, at the end of a fiscal year, funds under paragraph (1) remain unexpended as a result of a lack of meritorious projects under this section, the Secretary may, for the following fiscal year, make remaining funds available under either this section or under section 5505.

(g) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means—

(1) a State;

(2) a unit of local government;

(3) a transit agency;

(4) any nonprofit institution of higher education, including a university transportation center under section 5505; and

(5) a nonprofit organization.

§ 5507. National highly automated vehicle and mobility innovation clearinghouse

(a) IN GENERAL.—The Secretary shall make a grant to an institution of higher education engaged in research on the secondary impacts of highly automated vehicles and mobility innovation to—

(1) operate a national highly automated vehicle and mobility innovation clearinghouse;

(2) collect, conduct, and fund research on the secondary impacts of highly automated vehicles and mobility innovation;

(3) make such research available on a public website; and

(4) conduct outreach and dissemination of the information described in this subsection to assist communities.

(b) DEFINITIONS.—In this section:

(1) HIGHLY AUTOMATED VEHICLE.—The term "highly automated vehicle" means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) MOBILITY INNOVATION.—The term "mobility innovation" means an activity described in section 5316, including mobility on demand and mobility as a service (as such terms are defined in such section).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) SECONDARY IMPACTS.—The term "secondary impacts" means the impacts on land use, urban design, transportation systems, real estate, accessibility, municipal budgets, social equity, availability and quality of jobs, air quality and climate, energy consumption, and the environment.

§ 5508. Transportation workforce outreach program

(a) IN GENERAL.—The Secretary shall establish and administer a transportation workforce outreach program that carries out a series of public service announcement campaigns during fiscal years 2023 through 2026.

(b) PURPOSE.—The purpose of each campaign carried out under the program shall be to achieve the following objectives:

(1) Increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, maritime transportation workers, air traffic controllers, flight attendants, truck drivers, engineers, transit workers, railroad workers, and other transportation professionals.

(2) Increase diversity, including race, gender, ethnicity, and socioeconomic status, of professionals in the transportation sector.

(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out the program for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out campaigns under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each fiscal years 2023 through 2026.

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CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

Sec.

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[6314. Port performance freight statistics program.]

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§ 6305. Advisory council on transportation statistics

(a) IN GENERAL.—[The Director shall establish and consult with an advisory council on transportation statistics.] *Notwithstanding section 418 of the FAA Reauthorization Act of 2018 (Public Law 115–254), not later than 6 months after the date of enactment of the INVEST in America Act, the Director shall establish and consult with an advisory council on transportation statistics.*

(b) FUNCTION.—The advisory council established under this section shall advise the Director on—

(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, sup-

ported, or disseminated by the Bureau and the Department; and

(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director.

(2) SELECTION.—In selecting members for the advisory council, the Director shall appoint individuals who—

(A) are not officers or employees of the United States;

(B) possess expertise in—

(i) transportation data collection, analysis, or application;

(ii) economics; or

(iii) transportation safety; and

(C) represent a cross section of transportation stakeholders, to the greatest extent possible.

(d) TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.

(2) ADDITIONAL TERMS.—A member may be renominated for 1 additional 3-year term.

[(3) CURRENT MEMBERS.—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the Transportation Research and Innovative Technology Act of 2012 shall serve until the end of the appointed term of the member.]

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this section, except that section 14 of that Act shall not apply.

* * * * * * *

§ 6307. Furnishing of information, data, or reports by Federal agencies

(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency requested to furnish information, data, or reports by the Director under section 6302(b)(3)(B) shall provide the information to the Director.

(b) PROHIBITION ON CERTAIN DISCLOSURES.—

(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

(A) make any disclosure in which the data provided by an individual or organization under section 6302(b)(3)(B) [or section 6314(b)] can be identified;

(B) use the information provided under section 6302(b)(3)(B) [or section 6314(b)] for a nonstatistical purpose; or

(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6302(b)(3)(B) [or section 6314(b)].

(2) COPIES OF REPORTS.—

(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this chapter) may require, for any reason, a copy of any report that has been filed under section 6302(b)(3)(B) [or section 6314(b)] with the Bureau or retained by an individual respondent.

(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of the employees, contractors, or agents of the Bureau—

(i) shall be immune from legal process; and

(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

(3) INFORMING RESPONDENT OF USE OF DATA.—If the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, in a manner that informs the respondent who is requested or required to supply the data or information of the nonstatistical purpose.

(c) TRANSPORTATION AND TRANSPORTATION-RELATED DATA ACCESS.—The Director shall be provided access to any transportation and transportation-related information in the possession of any Federal agency, except—

(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

(2) information that the agency possessing the information determines could not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

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[§ 6314. Port performance freight statistics program

[(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

[(1) the Nation's top 25 ports by tonnage;

[(2) the Nation's top 25 ports by 20-foot equivalent unit; and

[(3) the Nation's top 25 ports by dry bulk.

[(b) REPORTS.—

[(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report

to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

[(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

[(A) receives Federal assistance; or

[(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

[(c) RECOMMENDATIONS.—

[(1) IN GENERAL.—The Director shall obtain recommendations for—

[(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

[(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

[(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

[(A) operating administrations of the Department;

[(B) the Coast Guard;

[(C) the Federal Maritime Commission;

[(D) U.S. Customs and Border Protection;

[(E) the Marine Transportation System National Advisory Council;

[(F) the Army Corps of Engineers;

[(G) the Great Lakes St. Lawrence Seaway Development Corporation;

[(H) the Bureau of Labor Statistics;

[(I) the Maritime Advisory Committee for Occupational Safety and Health;

[(J) the Advisory Committee on Supply Chain Competitiveness;

[(K) 1 representative from the rail industry;

[(L) 1 representative from the trucking industry;

[(M) 1 representative from the maritime shipping industry;

[(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

[(O) 1 representative from the International Longshoremen's Association;

[(P) 1 representative from the International Longshore and Warehouse Union;

[(Q) 1 representative from a port authority;

[(R) 1 representative from a terminal operator;

[(S) representatives of the National Freight Advisory Committee of the Department; and

[(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

[(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

[(d) ACCESS TO DATA.—The Director shall ensure that—

[(1) the statistics compiled under this section—

[(A) are readily accessible to the public; and

[(B) are consistent with applicable security constraints and confidentiality interests; and

[(2) the data acquired, regardless of source, shall be protected in accordance with section 3572 of title 44.]

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CHAPTER 65—RESEARCH PLANNING

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§ 6503. Transportation research and development 5-year strategic plan

(a) IN GENERAL.—[The Secretary] *For the period of fiscal years 2017 through 2022, and for each 5-year period thereafter, the Secretary* shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(b) CONSISTENCY.—The strategic plan developed under subsection (a) shall be consistent with—

(1) section 306 of title 5;

(2) sections 1115 and 1116 of title 31; and

(3) any other research and development plan within the Department of Transportation.

(c) CONTENTS.—The strategic plan developed under subsection (a) shall—

(1) describe how the plan furthers the primary purposes of the transportation research and development program, which shall include—

(A) improving mobility of people and goods;

(B) reducing congestion;

(C) promoting safety *and security in the transportation system*;

(D) improving the durability and extending the life of transportation infrastructure *and the existing transportation system*;

(E) preserving the environment[; and]*;*

[(F) preserving the existing transportation system;]

(F) reducing greenhouse gas emissions; and

(G) developing and maintaining a diverse workforce in transportation sectors;

(2) for each of the purposes referred to in paragraph (1), list the primary proposed research and development activities that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

(A) fundamental research pertaining to the applied physical and natural sciences;

(B) applied science and research;

(C) technology development research; and

(D) social science research; and

(3) for each research and development activity—

(A) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(B) describe the research findings the Department expects to discover at the end of the period covered by the strategic plan.

(d) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(1) reflects input from a wide range of external stakeholders;

(2) includes and integrates the research and development programs of all of the modal administrations of the Department of Transportation, including aviation, transit, rail, and maritime and joint programs;

(3) takes into account research and development by other Federal, State, local, private sector, and nonprofit institutions;

(4) [not later than December 31, 2016,] *not later than December 31, 2022,* is published on a public website; and

(5) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

(A) contributes to the achievement of the purposes identified under subsection (c)(1); and

(B) avoids unnecessary duplication of those efforts.

(e) INTERIM REPORT.—Not later than 2 1/2 years after the date of enactment of this chapter, the Secretary may publish on a public website an interim report that—

(1) provides an assessment of the 5-year research and development strategic plan of the Department of Transportation described in this section; and

(2) includes a description of the extent to which the research and development is or is not successfully meeting the purposes described under subsection (c)(1).

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CHAPTER 66—DOMESTIC PRODUCTION OF ELECTRIC VEHICLES

Sec.
6601. Task force.
6602. Critical mineral sourcing.

§ 6601. Task force

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Task Force to Promote American Vehicle Competitiveness (hereinafter referred to as the "Task Force") in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of the following officers:

(A) The Secretary of Transportation.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Secretary of Energy.

(E) The Administrator of the Environmental Protection Agency.

(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members to serve on the Task Force.

(3) OFFICERS.—The Secretary of Transportation shall serve as Chair and may designate officials to serve as the Vice Chair, and on any working groups of the task force.

(c) DUTIES.—The Task Force shall—

(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with domestic sourcing and production of electric vehicle batteries to eliminate, so far as practicable, impediments to the prompt and safe deployment of domestically produced electric vehicle batteries, including with respect to safety regulation and oversight, environmental review, and funding issues;

(2) coordinate agency oversight of nontraditional and emerging electric vehicle battery sourcing and production technologies, projects, and engagement with external stakeholders;

(3) within applicable statutory authority other than this subsection, develop, recommend, and establish processes, solutions, and best practices for identifying, managing, and resolving issues regarding domestic sourcing and production of electric vehicle batteries; and

(4) carry out such additional duties as the Secretary of Transportation may prescribe, to the extend consistent with this title.

(d) REPORT.—Not later than 12 months after the date of enactment of this section, and annually thereafter, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report containing findings on electric vehicle battery sourcing and production issues in the United States, recommended strategies or measures to streamline sourcing and production and promote American competitiveness, and any recommended legislative solutions.

§ 6602. Critical mineral sourcing

(a) IN GENERAL.—The Secretary of Transportation, in conjunction with the Task Force to Promote American Vehicle Competitiveness, shall coordinate with the appropriate agencies to increase domestic sourcing of critical minerals and domestic production of electric vehicle batteries.

(b) DEPARTMENT COORDINATION.—The Department of Transportation shall coordinate with the Task Force and prioritize accordingly when making awards under section 5339(c) and sections 151 and 155 of title 23.

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SUBTITLE IV—INTERSTATE TRANSPORTATION

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PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

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CHAPTER 135—JURISDICTION

SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

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§ 13506. Miscellaneous motor carrier transportation exemptions

(a) IN GENERAL.—Neither the Secretary nor the Board has jurisdiction under this part over—

(1) a motor vehicle transporting only school children and teachers to or from school;

(2) a motor vehicle providing taxicab service;

(3) a motor vehicle owned or operated by or for a hotel and only transporting hotel patrons between the hotel and the local station of a carrier;

(4) a motor vehicle controlled and operated by a farmer and transporting—

(A) the farmer's agricultural or horticultural commodities and products; or

(B) supplies to the farm of the farmer;

(5) a motor vehicle controlled and operated by a cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a))) or by a federation of cooperative associations if the federation has no greater power or purposes than a cooperative association, except that if the cooperative association or federation provides transportation for compensation between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State—

(A) for a nonmember that is not a farmer, cooperative association, federation, or the United States Government, the transportation (except for transportation otherwise exempt under this subchapter)—

(i) shall be limited to transportation incidental to the primary transportation operation of the cooperative association or federation and necessary for its effective performance; and

(ii) may not exceed in each fiscal year 25 percent of the total transportation of the cooperative association or federation between those places, measured by tonnage; and

(B) the transportation for all nonmembers may not exceed in each fiscal year, measured by tonnage, the total transportation between those places for the cooperative association or federation and its members during that fiscal year;

(6) transportation by motor vehicle of—

(A) ordinary livestock;

(B) agricultural or horticultural commodities (other than manufactured products thereof);

(C) commodities listed as exempt in the Commodity List incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, other than frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, or wool imported from a foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted);

(D) cooked or uncooked fish, whether breaded or not, or frozen or fresh shellfish, or byproducts thereof not intended for human consumption, other than fish or shellfish that have been treated for preserving, such as canned, smoked, pickled, spiced, corned, or kippered products; and

(E) livestock and poultry feed and agricultural seeds and plants, if such products (excluding products otherwise exempt under this paragraph) are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production;

(7) a motor vehicle used only to distribute newspapers;

(8)(A) transportation of passengers by motor vehicle incidental to transportation by aircraft;

(B) transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Secretary) by a foreign air carrier; or

(C) transportation of property by motor vehicle in lieu of transportation by aircraft because of adverse weather conditions or mechanical failure of the aircraft or other causes due to circumstances beyond the control of the carrier or shipper;

(9) the operation of a motor vehicle in a national park or national monument;

(10) a motor vehicle carrying not more than 15 individuals in a single, daily roundtrip to commute to and from work;

(11) transportation of used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles);

(12) transportation of natural, crushed, vesicular rock to be used for decorative purposes;

(13) transportation of wood chips;

(14) brokers for motor carriers of passengers, except as provided in section 13904(d);

(15) transportation of broken, crushed, or powdered glass; or

(16) the transportation of passengers by 9 to 15 passenger motor vehicles operated by youth or family camps that provide recreational or educational activities.

(b) EXEMPT UNLESS OTHERWISE NECESSARY.—Except to the extent the Secretary or Board, as applicable, finds it necessary to exercise jurisdiction to carry out the transportation policy of section

13101, neither the Secretary nor the Board has jurisdiction under this part over—

(1) transportation provided entirely in a municipality, in contiguous municipalities, or in a zone that is adjacent to, and commercially a part of, the municipality or municipalities, except—

(A) when the transportation is under common control, management, or arrangement for a continuous carriage or shipment to or from a place outside the municipality, municipalities, or zone; or

(B) that in transporting passengers over a route between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State, the transportation is exempt from jurisdiction under this part only if the motor carrier operating the motor vehicle also is lawfully providing intrastate transportation of passengers over the entire route under the laws of each State through which the route runs;

(2) transportation by motor vehicle provided casually, occasionally, or reciprocally but not as a regular occupation or business, except when a broker or other person sells or offers for sale passenger transportation provided by a person authorized to transport passengers by motor vehicle under an application pending, or registration issued, under this part; **[**or**]**

(3) the emergency towing of an accidentally wrecked or disabled motor vehicle**[**.**]***; or*

(4) transportation by a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, that is operated by a person that provides recreational activities if—

(A) the transportation is provided within a 150 air-mile radius of the location where passengers are boarded; and

(B) the person operating the motor vehicle, if transporting passengers over a route between a place in a State and a place in another State, is otherwise lawfully providing transportation of passengers over the entire route in accordance with applicable State law.

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SUBTITLE V—RAIL PROGRAMS

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PART A—SAFETY

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CHAPTER 201—GENERAL

SUBCHAPTER I—GENERAL

Sec.

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20122. New passenger service pre-revenue safety validation plan.

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

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20169. Freight train crew size safety standards.
20170. Assault prevention and response plans.
20171. Audit of qualification and certification programs.
20172. Safety management team communication.
20173. Time limit for blocking public highway-rail grade crossing.
20174. National blocked crossing database.

SUBCHAPTER I—GENERAL

* * * * * * *

§ 20103. General authority

(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary.

(b) REGULATIONS OF PRACTICE FOR PROCEEDINGS.—The Secretary shall prescribe regulations of practice applicable to each proceeding under this chapter. The regulations shall reflect the varying nature of the proceedings and include time limits for disposition of the proceedings. The time limit for disposition of a proceeding may not be more than 12 months after the date it begins.

(c) CONSIDERATION OF INFORMATION AND STANDARDS.—In prescribing regulations and issuing orders under this section, the Secretary shall consider existing relevant safety information and standards.

[(d) NONEMERGENCY WAIVERS.—The Secretary may waive compliance with any part of a regulation prescribed or order issued under this chapter if the waiver is in the public interest and consistent with railroad safety. The Secretary shall make public the reasons for granting the waiver.]

(d) NONEMERGENCY WAIVERS.—

(1) IN GENERAL.—The Secretary may waive or suspend compliance with any part of a regulation prescribed or order issued under this chapter if the waiver or suspension is in the public interest and consistent with railroad safety.

(2) NOTICE REQUIRED.—The Secretary shall—

(A) provide timely public notice of any request for a waiver or suspension under this subsection;

(B) make the application for such waiver or suspension and any related underlying data available to interested parties;

(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver or suspension under this subsection before making a final decision; and

(D) make public the reasons for granting a waiver or suspension under this subsection.

(3) INFORMATION PROTECTION.—Nothing in this subsection shall be construed to require the release of information protected by law from public disclosure.

(e) HEARINGS.—The Secretary shall conduct a hearing as provided by section 553 of title 5 when prescribing a regulation or issuing an order under this part, including a regulation or order establishing, amending, or providing a waiver, described in subsection (d), of compliance with a railroad safety regulation prescribed or order issued under this part. An opportunity for an oral presentation shall be provided.

(f) TOURIST RAILROAD CARRIERS.—In prescribing regulations that pertain to railroad safety that affect tourist, historic, scenic, or excursion railroad carriers, the Secretary of Transportation shall take into consideration any financial, operational, or other factors that may be unique to such railroad carriers. The Secretary shall submit a report to Congress not later than September 30, 1995, on actions taken under this subsection.

(g) EMERGENCY WAIVERS.—

(1) IN GENERAL.—The Secretary may waive compliance with any part of a regulation prescribed or order issued under this part without prior notice and comment if the Secretary determines that—

(A) it is in the public interest to grant the waiver;

(B) the waiver is not inconsistent with railroad safety; and

(C) the waiver is necessary to address an actual or impending emergency situation or emergency event.

(2) PERIOD OF WAIVER.—A waiver under this subsection may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this part.

(3) STATEMENT OF REASONS.—The Secretary shall state in the decision issued under this subsection the reasons for granting the waiver.

(4) CONSULTATION.—In granting a waiver under this subsection, the Secretary shall consult and coordinate with other Federal agencies, as appropriate, for matters that may impact such agencies.

(5) EMERGENCY SITUATION; EMERGENCY EVENT.—In this subsection, the terms "emergency situation" and "emergency event" mean a natural or manmade disaster, such as a hurricane, flood, earthquake, mudslide, forest fire, snowstorm, terrorist act, biological outbreak, release of a dangerous radiological, chemical, explosive, or biological material, or a war-related activity, that poses a risk of death, serious illness, severe

injury, or substantial property damage. The disaster may be local, regional, or national in scope.

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§ 20108. Research, development, testing, and training

(a) GENERAL.—The Secretary of Transportation shall carry out, as necessary, research, development, testing, evaluation, and training for every area of railroad safety.

(b) CONTRACTS.—To carry out this part, the Secretary may make contracts for, and carry out, research, development, testing, evaluation, and training (particularly for those areas of railroad safety found to need prompt attention).

(c) AMOUNTS FROM NON-GOVERNMENT SOURCES FOR TRAINING SAFETY EMPLOYEES.—The Secretary may request, receive, and expend amounts received from non-United States Government sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities, except State rail safety inspectors participating in training under section 20105 of this title.

(d) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—

(1) CENTER OF EXCELLENCE.—The Secretary may provide a grant to an entity described in paragraph (2) to establish a Center of Excellence to advance research and development that improves the safety, efficiency, and reliability of passenger and freight rail transportation.

(2) ELIGIBILITY.—An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or a consortium of nonprofit institutions of higher education shall be eligible to receive a grant under this subsection.

(3) SELECTION CRITERIA.—In awarding a grant under this subsection, the Secretary may—

(A) give preference to an applicant with strong past performance related to rail research, education, and workforce development activities;

(B) consider the extent to which the applicant would involve public passenger and private and public freight railroad operators; and

(C) consider the regional and national impacts of the applicant's proposal.

(4) USE OF FUNDS.—Amounts awarded under this subsection may be used to establish and operate the Center of Excellence described in paragraph (1) and for research, evaluation, education, and workforce development and training efforts related to safety, environmental sustainability, and reliability of rail transportation, including—

(A) rolling stock;

(B) positive train control;

(C) human factors, systems design, or fatigue;

(D) rail infrastructure;

(E) shared corridors;

(F) grade crossings;

(G) rail systems maintenance;

(H) network resiliency;

(I) programs to train railroad workers in needed skills; and

(J) the development of programs or partnerships to raise awareness of railroad employment opportunities, in coordination with the Federal Railroad Administration.

(5) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with a grant under this subsection shall be 50 percent.

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[§ 20117. Authorization of appropriations

[(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

[(A) $225,000,000 for fiscal year 2009;

[(B) $245,000,000 for fiscal year 2010;

[(C) $266,000,000 for fiscal year 2011;

[(D) $289,000,000 for fiscal year 2012; and

[(E) $293,000,000 for fiscal year 2013.

[(2) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase Gage Restraint Measurement System vehicles and track geometry vehicles or other comparable technology as needed to assess track safety consistent with the results of the track inspection study required by section 403 of the Rail Safety Improvement Act of 2008.

[(3) There are authorized to be appropriated to the Secretary $18,000,000 for the period encompassing fiscal years 2009 through 2013 to design, develop, and construct the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test and evaluate the vulnerabilities of above-ground and underground rail tunnels to prevent accidents and incidents in such tunnels, to mitigate and remediate the consequences of any such accidents or incidents, and to provide a realistic scenario for training emergency responders.

[(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2009 through 2013 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.

[(b) GRADE CROSSING SAFETY.—Not more than $1,000,000 may be appropriated to the Secretary for improvements in grade crossing safety, except demonstration projects under section 20134(c) of this title. Amounts appropriated under this subsection remain available until expended.

[(c) RESEARCH AND DEVELOPMENT, AUTOMATED TRACK INSPECTION, AND STATE PARTICIPATION GRANTS.—Amounts appropriated under this section for research and development, automated track inspection, and grants under section 20105(e) of this title remain available until expended.

[(d) MINIMUM AVAILABLE FOR CERTAIN PURPOSES.—At least 50 percent of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs under this chapter or another law shall be available for safety research, improved track inspection and information acquisition technology, improved railroad freight transportation, and improved railroad passenger systems.

[(e) OPERATION LIFESAVER.—In addition to amounts otherwise authorized by law, there are authorized to be appropriated for railroad research and development $300,000 for fiscal year 1995, $500,000 for fiscal year 1996, and $750,000 for fiscal year 1997, to support Operation Lifesaver, Inc.]

§ 20117. Authorization of appropriations

(a) SAFETY AND OPERATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the operations of the Federal Railroad Administration and to carry out railroad safety activities authorized or delegated to the Administrator—

(A) $290,500,000 for fiscal year 2022;
(B) $303,300,000 for fiscal year 2023;
(C) $316,100,000 for fiscal year 2024;
(D) $324,400,000 for fiscal year 2025; and
(E) $332,900,000 for fiscal year 2026.

(2) AUTOMATED TRACK INSPECTION PROGRAM AND DATA ANALYSIS.—From the funds made available under paragraph (1) for each of fiscal years 2022 through 2026, not more than $17,000,000 may be expended for the Automated Track Inspection Program and data analysis related to track inspection. Such funds shall remain available until expended.

(3) STATE PARTICIPATION GRANTS.—Amounts made available under paragraph (1) for grants under section 20105(e) shall remain available until expended.

(4) REGIONAL PLANNING GUIDANCE.—The Secretary may withhold up to $20,000,000 from the amounts made available for each fiscal year under paragraph (1) to facilitate and provide guidance for regional planning processes, including not more than $500,000 annually for each interstate rail compact.

(5) RAILROAD SAFETY INSPECTORS.—

(A) IN GENERAL.—The Secretary shall ensure that the number of full-time equivalent railroad safety inspection personnel employed by the Office of Railroad Safety of the Federal Railroad Administration does not fall below the following:

(i) 379 for fiscal year 2022;
(ii) 403 for fiscal year 2023;
(iii) 422 for fiscal year 2024;
(iv) 424 for fiscal year 2025; and
(v) 426 for fiscal year 2026.

(B) CONSIDERATION.—In meeting the minimum railroad safety inspector levels under subparagraph (A), the Secretary shall consider the ability of railroad safety inspectors to analyze railroad safety data.

(C) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

(i) $3,244,104 for fiscal year 2022.

(ii) $6,488,208 for fiscal year 2023.

(iii) $9,056,457 for fiscal year 2024.

(iv) $9,326,799 for fiscal year 2025.

(v) $9,597,141 for fiscal year 2026.

(6) OTHER SAFETY PERSONNEL.—

(A) INCREASE IN NUMBER OF SUPPORT EMPLOYEES.—The Secretary shall, for each of fiscal years 2022 and 2023, increase by 10 the total number of full-time equivalent employees working as specialists, engineers, or analysts in the field supporting inspectors compared to the number of such employees employed in the previous fiscal year.

(B) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

(i) $1,631,380 for fiscal year 2022.

(ii) $3,262,760 for fiscal year 2023.

(iii) $3,262,760 for fiscal year 2024.

(iv) $3,262,760 for fiscal year 2025.

(v) $3,262,760 for fiscal year 2026.

(b) RAILROAD RESEARCH AND DEVELOPMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for necessary expenses for carrying out railroad research and development activities the following amounts which shall remain available until expended:

(A) $67,000,000 for fiscal year 2022.

(B) $69,000,000 for fiscal year 2023.

(C) $71,000,000 for fiscal year 2024.

(D) $73,000,000 for fiscal year 2025.

(E) $75,000,000 for fiscal year 2026.

(2) SHORT LINE SAFETY.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may expend not more than $4,000,000—

(A) for grants to improve safety practices and training for Class II and Class III freight, commuter, and intercity passenger railroads; and

(B) to develop safety management systems for Class II and Class III freight, commuter, and intercity passenger railroads through the continued development of safety culture assessments, transportation emergency response plans, training and education, outreach activities, best practices for trespassing prevention and employee trauma response, and technical assistance.

(3) UNIVERSITY RAIL CLIMATE INNOVATION INSTITUTE.—

(A) IN GENERAL.—Of the amounts made available under paragraph (1), the Secretary may make available up to $20,000,000 for each of fiscal years 2022 through 2026 to establish the University Rail Climate Innovation Institute under section 22913.

(B) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the total amounts appropriated under subparagraph (A) for the costs of project management oversight of the grant carried out under section 22913.

(4) SUICIDE PREVENTION RESEARCH FUNDING.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may make available not less than $1,000,000 for human factors research undertaken by the Federal Railroad Administration, including suicide countermeasure evaluation, data exploration and quality improvement, and other initiatives as appropriate.

* * * * * * *

§ 20122. New passenger service pre-revenue safety validation plan

(a) SAFETY VALIDATION PLAN.—

(1) IN GENERAL.—The Secretary of Transportation shall require a covered entity to submit to the Secretary a safety validation plan to ensure the safe operation of—

(A) a new intercity rail passenger transportation or commuter rail passenger transportation service;

(B) an intercity rail passenger transportation or commuter rail passenger transportation route that has not been in revenue service for a period of more than 180 days; or

(C) an extension of an existing intercity rail passenger transportation or commuter rail passenger transportation route.

(2) SUBMISSION.—A covered entity shall submit a safety validation plan required under paragraph (1) not later than 30 days before the date on which such entity begins revenue service of a service or route described in paragraph (1).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall establish the requirements of the safety validation plan described under subsection (a), including adequate training of all relevant personnel and a minimum period of simulated service to ensure operational readiness.

(2) PROHIBITION OF SERVICE.—The Secretary shall prohibit a covered entity from beginning a service described in subsection (a)(1) until the entity is in full compliance with the safety validation plan required by such subsection.

(c) AMENDMENT TO SAFETY VALIDATION PLAN.—

(1) IN GENERAL.—The Secretary shall require a covered entity to submit to the Secretary for review and approval any proposed amendment to a safety validation plan required under subsection (a).

(2) REVIEW AND APPROVAL.—Not later than 5 working days after the date on which the Secretary receives a proposed amendment submitted under paragraph (1), the Secretary shall review and approve or deny such proposed amendment.

(3) NOTIFICATION.—If the Secretary does not approve a proposed amendment submitted under this subsection, the Secretary shall provide written notice to the covered entity of the specific areas in which the proposed amendment is deficient. An entity may correct such deficiencies and reapply for review and approval under this subsection.

(d) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means an entity providing regularly scheduled railroad transportation that is intercity rail passenger transportation or commuter rail passenger transportation.

(2) INTERCITY RAIL PASSENGER TRANSPORTATION; COMMUTER RAIL PASSENGER TRANSPORTATION.—The terms "intercity rail passenger transportation" and "commuter rail passenger transportation" have the meanings given such terms in section 24102.

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

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§ 20152. Notification of grade crossing problems

(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation shall require each railroad carrier to—

(1) establish and maintain a toll-free telephone service for rights-of-way over which it dispatches trains, to directly receive calls reporting—

(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads;

(B) disabled vehicles blocking railroad tracks at such grade crossings;

(C) obstructions to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train's approach; **[**or**]**

(D) blocked crossing incident, as defined in section 20173; or

[(D)**]** *(E)* other safety information involving such grade crossings;

(2) upon receiving a report pursuant to paragraph (1)(A) or (B), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

(3) upon receiving a report pursuant to paragraph (1)(A) or (B), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities as appropriate;

(4) upon receiving a report pursuant to **[**paragraph (1)(C) or (D)**]** *subparagraph (C), (D), or (E) of paragraph (1)*, timely investigate the report, remove the obstruction if possible, or correct the unsafe circumstance; **[**and**]**

(5) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

(A) a toll-free telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

(B) an explanation of the purpose of that toll-free telephone number; and

(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation**[.]***;*

(6) upon receiving a report of a blocked crossing pursuant to paragraph (1)(D), the railroad carrier shall, within 14 days of receipt of the report—

(A) verify that the public highway-rail grade crossing, as defined in section 20173, was blocked for a period of at least 10 minutes; and

(B) upon positive verification of the report, enter the report into the national blocked crossings database established in section 20174; and

(7) promptly inform the Secretary of any update to the number maintained under paragraph (1).

(b) WAIVER.—The Secretary may waive the requirement that the telephone service be toll-free for Class II and Class III rail carriers if the Secretary determines that toll-free service would be cost prohibitive or unnecessary.

(c) PUBLICATION OF TELEPHONE NUMBERS.—The Secretary shall make any telephone number established under subsection (a) publicly available on the website of the Department of Transportation.

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§ 20157. Implementation of positive train control systems

(a) IN GENERAL.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015, each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall submit to the Secretary of Transportation a revised plan for implementing a positive train control system by December 31, 2018, governing operations on—

(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation, as defined in section 24102, is regularly provided;

(B) its main line over which poison- or toxic-by-inhalation hazardous materials, as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations, are transported; and

(C) such other tracks as the Secretary may prescribe by regulation or order.

(2) IMPLEMENTATION.—

(A) CONTENTS OF REVISED PLAN.—A revised plan required under paragraph (1) shall—

(i) describe—

(I) how the positive train control system will provide for interoperability of the system with the movements of trains of other railroad carriers over its lines; and

(II) how, to the extent practical, the positive train control system will be implemented in a manner that addresses areas of greater risk before areas of lesser risk;

(ii) comply with the positive train control system implementation plan content requirements under section 236.1011 of title 49, Code of Federal Regulations; and

(iii) provide—

(I) the calendar year or years in which spectrum will be acquired and will be available for use in each area as needed for positive train control system implementation, if such spectrum is not already acquired and available for use;

(II) the total amount of positive train control system hardware that will be installed for implementation, with totals separated by each major hardware category;

(III) the total amount of positive train control system hardware that will be installed by the end of each calendar year until the positive train control system is implemented, with totals separated by each hardware category;

(IV) the total number of employees required to receive training under the applicable positive train control system regulations;

(V) the total number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until the positive train control system is implemented;

(VI) a summary of any remaining technical, programmatic, operational, or other challenges to the implementation of a positive train control system, including challenges with—

(aa) availability of public funding;

(bb) interoperability;

(cc) spectrum;

(dd) software;

(ee) permitting; and

(ff) testing, demonstration, and certification; and

(VII) a schedule and sequence for implementing a positive train control system by the deadline established under paragraph (1).

(B) ALTERNATIVE SCHEDULE AND SEQUENCE.—Notwithstanding the implementation deadline under paragraph (1) and in lieu of a schedule and sequence under paragraph (2)(A)(iii)(VII), a railroad carrier or other entity subject to paragraph (1) may include in its revised plan an alter-

native schedule and sequence for implementing a positive train control system, subject to review under paragraph (3). Such schedule and sequence shall provide for implementation of a positive train control system as soon as practicable, but not later than the date that is 24 months after the implementation deadline under paragraph (1).

(C) AMENDMENTS.—A railroad carrier or other entity subject to paragraph (1) may file a request to amend a revised plan, including any alternative schedule and sequence, as applicable, in accordance with section 236.1021 of title 49, Code of Federal Regulations.

(D) COMPLIANCE.—A railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its revised plan, including any amendments or any alternative schedule and sequence approved by the Secretary under paragraph (3).

(3) SECRETARIAL REVIEW.—

(A) NOTIFICATION.—A railroad carrier or other entity that submits a revised plan under paragraph (1) and proposes an alternative schedule and sequence under paragraph (2)(B) shall submit to the Secretary a written notification when such railroad carrier or other entity is prepared for review under subparagraph (B).

(B) CRITERIA.—Not later than 90 days after a railroad carrier or other entity submits a notification under subparagraph (A), the Secretary shall review the alternative schedule and sequence submitted pursuant to paragraph (2)(B) and determine whether the railroad carrier or other entity has demonstrated, to the satisfaction of the Secretary, that such carrier or entity has—

(i) installed all positive train control system hardware consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(II) on or before the implementation deadline under paragraph (1);

(ii) acquired all spectrum necessary for implementation of a positive train control system, consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(I) on or before the implementation deadline under paragraph (1);

(iii) completed employee training required under the applicable positive train control system regulations;

(iv) included in its revised plan an alternative schedule and sequence for implementing a positive train control system as soon as practicable, pursuant to paragraph (2)(B);

(v) certified to the Secretary in writing that it will be in full compliance with the requirements of this section on or before the date provided in an alternative schedule and sequence, subject to approval by the Secretary;

(vi) in the case of a Class I railroad carrier and Amtrak, implemented a positive train control system or initiated revenue service demonstration on the majority of territories, such as subdivisions or districts, or

route miles that are owned or controlled by such carrier and required to have operations governed by a positive train control system; and

(vii) in the case of any other railroad carrier or other entity not subject to clause (vi)—

(I) initiated revenue service demonstration on at least 1 territory that is required to have operations governed by a positive train control system; or

(II) met any other criteria established by the Secretary.

(C) DECISION.—

(i) IN GENERAL.—Not later than 90 days after the receipt of the notification from a railroad carrier or other entity under subparagraph (A), the Secretary shall—

(I) approve an alternative schedule and sequence submitted pursuant to paragraph (2)(B) if the railroad carrier or other entity meets the criteria in subparagraph (B); and

(II) notify in writing the railroad carrier or other entity of the decision.

(ii) DEFICIENCIES.—Not later than 45 days after the receipt of the notification under subparagraph (A), the Secretary shall provide to the railroad carrier or other entity a written notification of any deficiencies that would prevent approval under clause (i) and provide the railroad carrier or other entity an opportunity to correct deficiencies before the date specified in such clause.

(D) REVISED DEADLINES.—

(i) PENDING REVIEWS.—For a railroad carrier or other entity that submits a notification under subparagraph (A), the deadline for implementation of a positive train control system required under paragraph (1) shall be extended until the date on which the Secretary approves or disapproves the alternative schedule and sequence, if such date is later than the implementation date under paragraph (1).

(ii) ALTERNATIVE SCHEDULE AND SEQUENCE DEADLINE.—If the Secretary approves a railroad carrier or other entity's alternative schedule and sequence under subparagraph (C)(i), the railroad carrier or other entity's deadline for implementation of a positive train control system required under paragraph (1) shall be the date specified in that railroad carrier or other entity's alternative schedule and sequence. The Secretary may not approve a date for implementation that is later than 24 months from the deadline in paragraph (1).

(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance and guidance to railroad carriers in developing the plans required under subsection (a).

(c) PROGRESS REPORTS AND REVIEW.—

(1) PROGRESS REPORTS.—Each railroad carrier or other entity subject to subsection (a) shall, not later than March 31, 2016, and annually thereafter until such carrier or entity has completed implementation of a positive train control system, submit to the Secretary a report on the progress toward implementing such systems, including—

(A) the information on spectrum acquisition provided pursuant to subsection (a)(2)(A)(iii)(I);

(B) the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii), by territory, if applicable;

(C) the extent to which the railroad carrier or other entity is complying with the implementation schedule under subsection (a)(2)(A)(iii)(VII) or subsection (a)(2)(B);

(D) any update to the information provided under subsection (a)(2)(A)(iii)(VI);

(E) for each entity providing regularly scheduled intercity or commuter rail passenger transportation, a description of the resources identified and allocated to implement a positive train control system;

(F) for each railroad carrier or other entity subject to subsection (a), the total number of route miles on which a positive train control system has been initiated for revenue service demonstration or implemented, as compared to the total number of route miles required to have a positive train control system under subsection (a); and

(G) any other information requested by the Secretary.

(2) PLAN REVIEW.—The Secretary shall at least annually conduct reviews to ensure that railroad carriers or other entities are complying with the revised plan submitted under subsection (a), including any amendments or any alternative schedule and sequence approved by the Secretary. Such railroad carriers or other entities shall provide such information as the Secretary determines necessary to adequately conduct such reviews.

(3) PUBLIC AVAILABILITY.—Not later than 60 days after receipt, the Secretary shall make available to the public on the Internet Web site of the Department of Transportation any report submitted pursuant to paragraph (1) or subsection (d), but may exclude, as the Secretary determines appropriate—

(A) proprietary information; and

(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

(d) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of each railroad carrier or other entity subject to subsection (a) in implementing a positive train control system.

(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for—

(1) a violation of this section;

(2) the failure to submit or comply with the revised plan required under subsection (a), including the failure to comply

with the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii) and the spectrum acquisition dates provided pursuant to subsection (a)(2)(A)(iii)(I);

(3) failure to comply with any amendments to such revised plan pursuant to subsection (a)(2)(C); and

(4) the failure to comply with an alternative schedule and sequence submitted under subsection (a)(2)(B) and approved by the Secretary under subsection (a)(3)(C).

(f) OTHER RAILROAD CARRIERS.—Nothing in this section restricts the discretion of the Secretary to require railroad carriers other than those specified in subsection (a) to implement a positive train control system pursuant to this section or section 20156, or to specify the period by which implementation shall occur that does not exceed the time limits established in this section or section 20156. In exercising such discretion, the Secretary shall, at a minimum, consider the risk to railroad employees and the public associated with the operations of the railroad carrier.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe regulations or issue orders necessary to implement this section, including regulations specifying in appropriate technical detail the essential functionalities of positive train control systems, and the means by which those systems will be qualified.

(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Positive Train Control Enforcement and Implementation Act of 2015, the Secretary—

(A) shall remove or revise the date-specific deadlines in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.

(3) REVIEW.—Nothing in the Positive Train Control Enforcement and Implementation Act of 2015, or the amendments made by such Act, shall be construed to require the Secretary to issue regulations to implement such Act or amendments other than the regulatory amendments required to conform with this section.

(4) CLARIFICATION.—

(A) PROHIBITIONS.—The Secretary is prohibited from—

(i) approving or disapproving a revised plan submitted under subsection (a)(1);

(ii) considering a revised plan under subsection (a)(1) as a request for amendment under section 236.1021 of title 49, Code of Federal Regulations; or

(iii) requiring the submission, as part of the revised plan under subsection (a)(1), of—

(I) only a schedule and sequence under subsection (a)(2)(A)(iii)(VII); or

(II) both a schedule and sequence under subsection (a)(2)(A)(iii)(VII) and an alternative schedule and sequence under subsection (a)(2)(B).

(B) CIVIL PENALTY AUTHORITY.—Except as provided in paragraph (2) and this paragraph, nothing in this subsection shall be construed to limit the Secretary's authority to assess civil penalties pursuant to subsection (e), consistent with the requirements of this section.

(C) RETAINED REVIEW AUTHORITY.—The Secretary retains the authority to review revised plans submitted under subsection (a)(1) and is authorized to require modifications of those plans to the extent necessary to ensure that such plans include the descriptions under subsection (a)(2)(A)(i), the contents under subsection (a)(2)(A)(ii), and the year or years, totals, and summary under subsection (a)(2)(A)(iii)(I) through (VI).

(h) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall not permit the installation of any positive train control system or component in revenue service unless the Secretary has certified that any such system or component has been approved through the approval process set forth in part 236 of title 49, Code of Federal Regulations, and complies with the requirements of that part.

(2) PROVISIONAL OPERATION.—Notwithstanding the requirements of paragraph (1), the Secretary may authorize a railroad carrier or other entity to commence operation in revenue service of a positive train control system or component to the extent necessary to enable the safe implementation and operation of a positive train control system in phases.

(i) DEFINITIONS.—In this section:

(1) EQUIVALENT OR GREATER LEVEL OF SAFETY.—The term "equivalent or greater level of safety" means the compliance of a railroad carrier with—

(A) appropriate operating rules in place immediately prior to the use or implementation of such carrier's positive train control system, except that such rules may be changed by such carrier to improve safe operations; and

(B) all applicable safety regulations, except as specified in subsection (j).

(2) HARDWARE.—The term "hardware" means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), switch position monitors needed for a positive train control system, physical back office system equipment, a base station radio, a wayside radio, a locomotive radio, or a communication tower or pole.

(3) INTEROPERABILITY.—The term "interoperability" means the ability to control locomotives of the host railroad and tenant railroad to communicate with and respond to the positive train control system, including uninterrupted movements over property boundaries.

(4) MAIN LINE.—The term "main line" means a segment or route of railroad tracks over which 5,000,000 or more gross tons of railroad traffic is transported annually, except that—

(A) the Secretary may, through regulations under subsection (g), designate additional tracks as main line as appropriate for this section; and

(B) for intercity rail passenger transportation or commuter rail passenger transportation routes or segments over which limited or no freight railroad operations occur, the Secretary shall define the term "main line" by regulation.

(5) POSITIVE TRAIN CONTROL SYSTEM.—The term "positive train control system" means a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position.

(j) EARLY ADOPTION.—

(1) OPERATIONS.—From the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015 through the 1-year period beginning on the date on which the last Class I railroad carrier's positive train control system subject to subsection (a) is certified by the Secretary under subsection (h)(1) of this section and is implemented on all of that railroad carrier's lines required to have operations governed by a positive train control system, any railroad carrier, including any railroad carrier that has its positive train control system certified by the Secretary, shall not be subject to the operational restrictions set forth in sections 236.567 and 236.1029 of title 49, Code of Federal Regulations, that would apply where a controlling locomotive that is operating in, or is to be operated in, a positive train control-equipped track segment experiences a positive train control system failure, a positive train control operated consist is not provided by another railroad carrier when provided in interchange, or a positive train control system otherwise fails to initialize, cuts out, or malfunctions, provided that such carrier operates at an equivalent or greater level of safety than the level achieved immediately prior to the use or implementation of its positive train control system.

(2) SAFETY ASSURANCE.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall make reasonable efforts to determine the cause of the failure and adjust, repair, or replace any faulty component causing the system failure in a timely manner.

(3) PLANS.—The positive train control safety plan for each railroad carrier or other entity shall describe the safety measures, such as operating rules and actions to comply with applicable safety regulations, that will be put in place during any system failure.

(4) NOTIFICATION.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall submit a notification to the appropriate regional office of the Federal Railroad Administration within 7 days of the system failure, or under alternative location and deadline requirements set by the Secretary, and include in the notification a description of

the safety measures the affected railroad carrier or other entity has in place.

(k) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline under such section by 3 years.

(l) REVENUE SERVICE DEMONSTRATION.—When a railroad carrier or other entity subject to (a)(1) notifies the Secretary it is prepared to initiate revenue service demonstration, it shall also notify any applicable tenant railroad carrier or other entity subject to subsection (a)(1).

(m) REPORT OF SYSTEM FAILURES.—The Secretary shall require railroad carriers and other entities subject to subsection (a) to regularly report to the Administrator failures of positive train control systems. The Secretary shall prescribe the type of failure, format, interval, and detail required for reports submitted under this subsection.

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§ 20169. Freight train crew size safety standards

(a) MINIMUM CREW SIZE.—No freight train may be operated unless such train has a 2-person crew comprised of at least 1 appropriately qualified and certified conductor and 1 appropriately qualified and certified locomotive engineer.

(b) EXCEPTIONS.—Except as provided in subsection (d), the prohibition in subsection (a) shall not apply in any of the following circumstances:

(1) Train operations on track that is not a main track.

(2) A train operated—

(A) by a railroad carrier that has fewer than 400,000 total employee work hours annually and less than $40,000,000 annual revenue (adjusted for inflation as measured by the Surface Transportation Board Railroad Inflation-Adjusted Index);

(B) at a speed of not more than 25 miles per hour; and

(C) on a track with an average track grade of less than 2 percent for any segment of track that is at least 2 continuous miles.

(3) Locomotives performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including traveling to or from the location where assistance is provided.

(4) Locomotives that—

(A) are not attached to any equipment or attached only to a caboose; and

(B) do not travel farther than 30 miles from the point of origin of such locomotive.

(5) Train operations staffed with fewer than a two-person crew at least 1 year prior to the date of enactment of this section, if the Secretary determines that the operation achieves an equivalent level of safety.

(c) TRAINS INELIGIBLE FOR EXCEPTION.—The exceptions under subsection (b) may not be applied to—

(1) a train transporting 1 or more loaded cars carrying high-level radioactive waste, spent nuclear fuel, or material toxic by inhalation;

(2) a train carrying 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid throughout the train consist; or

(3) a train with a total length of 7,500 feet or greater.

(d) WAIVER.—A railroad carrier may seek a waiver of the requirements of this section pursuant to section 20103(d).

§ 20170. Assault prevention and response plans

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, any entity that provides regularly scheduled intercity or commuter rail passenger transportation shall submit to the Secretary of Transportation for review and approval an assault prevention and response plan (in this section referred to as the "Plan") to address transportation assaults.

(b) CONTENTS OF PLAN.—The Plan required under subsection (a) shall include—

(1) procedures that—

(A) facilitate the reporting of a transportation assault, including the notification of on-site personnel, rail law enforcement, and local law enforcement;

(B) personnel should follow up on the reporting of a transportation assault, including actions to protect affected individuals from continued assault;

(C) may be taken to remove the passenger or personnel who has committed a transportation assault from the train or related area or facility as soon as practicable when appropriate;

(D) include protections and safe reporting practices for passengers who may have been assaulted by personnel; and

(E) may limit or prohibit, to the extent practicable, future travel with the entity described in subsection (a) by any passenger or personnel who commits a transportation assault against personnel or passengers;

(2) a policy that ensures an employee who is a victim or witness of a transportation assault may participate in the prosecution of a criminal offense of such assault without any adverse effect on the victim's or witnesses' employment status; and

(3) a process and timeline for conducting an annual review and update of the Plan.

(c) NOTICE TO PASSENGERS.—An entity described under subsection (a) shall display onboard trains and in boarding areas, as appropriate, a notice stating the entity's abilities to restrict future travel under subsection (b)(1)(E).

(d) PERSONNEL TRAINING.—An entity described under subsection (a) shall provide initial and annual training for all personnel on the contents of the Plan, including training regarding—

(1) the procedures described in subsection (b);

(2) methods for responding to hostile situations, including de-escalation training; and

(3) rights and responsibilities of personnel with respect to a transportation assault on themselves, other personnel, or passengers.

(e) PERSONNEL PARTICIPATION.—The Plan required under subsection (a) shall be developed and implemented with the direct participation of personnel, and, as applicable, labor organizations representing personnel.

(f) REPORTING.—

(1) INCIDENT NOTIFICATION.—

(A) IN GENERAL.—Not later than 10 days after a transportation assault incident, the applicable entity described in subsection (a) shall notify personnel employed at the location in which the incident occurred. In the case of an incident on a vehicle, such entity shall notify personnel regularly scheduled to carry out employment activities on the service route on which the incident occurred.

(B) CONTENT OF INCIDENT REPORT.—The notification required under paragraph (1) shall—

(i) include a summary of the incident; and

(ii) be written in a manner that protects the confidentiality of individuals involved in the incident.

(2) ANNUAL REPORT.—For each calendar year, each entity with respect to which a transportation assault incident has been reported during such year shall submit to the Secretary a report that describes—

(A) the number of assault incidents reported to the entity, including—

(i) the number of incidents committed against passengers; and

(ii) the number of incidents committed against personnel; and

(B) the number of assault incidents reported to rail or local law enforcement by personnel of the entity.

(3) PUBLICATION.—The Secretary shall make available to the public on the primary website of the Federal Railroad Administration the data collected under paragraph (2).

(4) DATA PROTECTION.—Data made available under this subsection shall be made available in a manner that protects the confidentiality of individuals involved in transportation assault incidents.

(g) DEFINITION OF TRANSPORTATION ASSAULT.—In this section, the term "transportation assault" means the occurrence, or reasonably suspected occurrence, of an act that—

(1) constitutes assault;

(2) is committed by a passenger or member of personnel of an entity that provides regularly scheduled intercity or commuter rail passenger transportation against another passenger or member of personnel of such entity; and

(3) takes place—

(A) within a vehicle of such entity; or

(B) in an area in which passengers are entering or exiting a vehicle described in subparagraph (A); or

(C) at a station or facility where such entity operates, regardless of ownership of the station or facility.

§ 20171. Audit of qualification and certification programs

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than every 5 years thereafter, the Secretary shall conduct an audit of—

(1) the qualification and certification program of locomotive engineers of each Class I railroad carrier subject to the requirements of part 240 of title 49, Code of Federal Regulations; and

(2) the qualification and certification program of conductors of each Class I railroad carrier subject to the requirements of part 242 of title 49, Code of Federal Regulations.

(b) CONTENTS OF AUDIT.—In carrying out the audit required under subsection (a), the Secretary shall—

(1) consider whether the training, qualification, and continuing education components of the programs described in subsection (a) comply with regulations in parts 240 and 242 of title 49, Code of Federal Regulations;

(2) assess the quality of the training that railroad carriers provide locomotive engineers and conductors under such programs;

(3) determine whether such programs provide locomotive engineers and conductors the knowledge, skill, and ability to safely operate the types of locomotives or trains a railroad carrier may require a locomotive engineer and conductor to operate, including all associated technology used on such locomotives or trains;

(4) determine whether the training, qualification, and continuing education components of such programs reflect the operating practices of the railroad carrier carrying out such components;

(5) assess whether a railroad carrier conducting such programs provides locomotive engineers or conductors adequate at-controls training before certification;

(6) assess how a railroad carrier uses a simulator or other technology to train, familiarize, or provide recurrent training to a locomotive engineer or conductor, including how the use of a simulator or other such technology compares to international experience or practice; and

(7) address any other safety issues the Secretary determines appropriate for preparing locomotive engineers and conductors.

(c) DEFICIENCY IN QUALIFICATION AND CERTIFICATION PROGRAM.—If, in conducting the audit required under this section, the Secretary identifies a deficiency in a railroad carrier's qualification and certification program of locomotive engineers or the qualification and certification program of conductors, the Secretary shall require the railroad carrier to update such program to eliminate the deficiency.

(d) CONSULTATION.—In conducting the audit required under this section, the Secretary shall consult with representatives of each railroad carrier and representatives of the employees of the railroad carrier, including any nonprofit employee labor organization representing engineers or conductors of the railroad carrier.

(e) COOPERATION.—

(1) IN GENERAL.—A railroad carrier and employees of the railroad carrier, including any nonprofit employee labor organization representing engineers or conductors of the railroad carrier, shall cooperate fully with the Secretary during an audit required under this section.

(2) DOCUMENTS; INTERVIEWS.—A railroad carrier shall provide any documents requested by the Secretary or make available any employee for interview with the Secretary without undue delay or obstruction.

(f) REPORT TO CONGRESS.—Not later than 90 days after the date on which the Secretary completes an audit under subsection (a), the Secretary shall—

(1) publish on the website of the Federal Railroad Administration a report that summarizes the results of the audit and any updates made in accordance with subsection (c); and

(2) notify of such report the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(g) CIVIL PENALTY.—The Secretary is authorized to assess a civil penalty or to take other authorized enforcement action, as appropriate, pursuant to chapter 213 for a failure to comply with the requirements of this section.

§ 20172. Safety management team communication

The Administrator of the Federal Railroad Administration shall implement a process for the communication of information between safety management teams of the Administration and railroad employees, including any nonprofit employee labor organization representing railroad employees. Such process shall include a reasonable timeframe for a safety management team to respond to communication from such railroad employees.

§ 20173. Time limit for blocking public highway-rail grade crossing

(a) TIME LIMIT.—A railroad carrier may not cause a blocked crossing incident that is longer than 10 minutes in duration, unless the blocked crossing incident is caused by—

(1) a casualty or serious injury;

(2) an accident;

(3) a track obstruction;

(4) actions necessary to comply with Federal rail safety laws, regulations, or orders issued thereunder unless the action to comply could reasonably occur at a different time or location;

(5) actions necessary to adhere to section 24308;

(6) a train fully contained within rail yard limits or fully contained in a rail siding;

(7) an act of God; or

(8) a derailment or a safety appliance equipment failure that prevents the train from advancing.

(b) INVESTIGATION OF FREQUENTLY BLOCKED CROSSINGS.—For any public highway-rail grade crossing that has had 3 or more blocked crossing incidents that exceed the time limit set forth in subsection (a) and are reported to the blocked crossing database,

and such incidents have occurred on at least 3 calendar days within a 30-day period, the Secretary shall—

(1) provide an electronic notice of the number of reported blocked crossing incidents to the railroad carrier that owns the public highway-rail grade crossing;

(2) investigate the causes of the blocked crossing incidents; and

(3) investigate possible measures to reduce the frequency and duration of blocked crossing incidents at such grade crossing.

(c) RECORDKEEPING.—

(1) IN GENERAL.—A railroad carrier shall, upon receiving a notice under subsection (b), maintain train location data records for the public highway-rail grade crossing that was the subject of the notice.

(2) CONTENTS OF RECORDS.—The train location data records required under paragraph (1) shall include—

(A) a list of all blocked crossing incidents at the public highway-rail grade crossing that is the subject of the report exceeding 10 minutes;

(B) the cause of the blocked crossing incident (to the extent available);

(C) train length; and

(D) the estimated duration of each blocked crossing incident.

(3) CONSULTATION.—Beginning on the date on which a railroad carrier receives a notice under subsection (b), the Secretary may consult with the carrier for a period of 60 days to address concerns with blocked crossing incidents at the public highway-rail grade crossing that is the subject of the notice.

(4) EXPIRATION OF DATA COLLECTION.—The requirement to maintain records under paragraph (1) shall cease with respect to a public highway-rail grade crossing noticed under subsection (b)(2) if there are no reports submitted to the blocked crossing database for blocked crossing incidents reported to occur at such grade crossing during the previous 365 consecutive calendar days.

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—The Secretary may issue civil penalties in accordance with section 21301 to railroad carriers for violations of subsection (a) occurring 60 days after the date of submission of a notice under subsection (b).

(2) RELEASE OF RECORDS.—Upon the request of, and under requirements set by, the Secretary, railroad carriers shall provide the records maintained pursuant to subsection (c)(1) to the Administrator of the Federal Railroad Administration.

(3) ALTERNATE ROUTE EXEMPTION.—Civil penalties may not be issued for violations of subsection (a) that occur at a public highway-rail grade crossing if an alternate route created by a public highway-rail grade separation exists within a half mile by road mileage of such public highway-rail grade crossing.

(4) GRADE SEPARATION PROJECT.—Civil penalties may not be issued for violations of subsection (a) if the violation occurs at a public highway-rail grade crossing for which there is a proposed grade separation project—

(A) that has received written agreement from the relevant local authorities; and

(B) for which railroad carrier and project funding from all parties has been budgeted.

(5) CONSIDERATIONS.—In determining civil penalties under this section, the Secretary shall consider increased penalties in a case in which a pattern of the blocked crossing incidents continue to cause delays to State or local emergency services.

(e) APPLICATION TO AMTRAK AND COMMUTER RAILROADS.—This section shall not apply to Amtrak or commuter authorities, including Amtrak and commuter authorities' operations run or dispatched by a Class I railroad.

(f) DEFINITIONS.—In this section:

(1) BLOCKED CROSSING DATABASE.—The term "blocked crossing database" means the national blocked crossing database established under section 20174.

(2) BLOCKED CROSSING INCIDENT.—The term "blocked crossing incident" means a circumstance in which a train, locomotive, rail car, or other rail equipment is stopped in a manner that obstructs travel at a public highway-rail grade crossing.

(3) PUBLIC HIGHWAY-RAIL GRADE CROSSING.—The term "public highway-rail grade crossing" means a location within a State in which a public highway, road, or street, including associated sidewalks and pathways, crosses 1 or more railroad tracks at grade.

§ 20174. National blocked crossing database

(a) DATABASE.—Not later than 45 days after the date of enactment of the TRAIN Act, the Secretary of Transportation shall establish a national blocked crossings database for the public to report blocked crossing incidents.

(b) PUBLIC AWARENESS.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall require each railroad carrier to publish the active link to report blocked crossing incidents on the website of the national blocked crossings database described in subsection (a) on the home page of the publicly-available website of the railroad carrier.

(c) BLOCKED CROSSING INCIDENT; PUBLIC HIGHWAY-RAIL GRADE CROSSING.—In this section, the terms "blocked crossing incident" and "public highway-rail grade crossing" have the meanings given the terms in section 20173.

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CHAPTER 207—LOCOMOTIVES

Sec.
20701. Requirements for use.

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20704. Requirements for railroad freight cars entering service in United States.

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§ 20704. Requirements for railroad freight cars entering service in United States

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMPONENT.—The term "component" means a part or subassembly of a railroad freight car.

(2) CONTROL.—The term "control" means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

(3) COST OF SENSITIVE TECHNOLOGY.—The term "cost of sensitive technology" means the aggregate cost of the sensitive technology located on a railroad freight car.

(4) COUNTRY OF CONCERN.—The term "country of concern" means a country that—

(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the TRAIN Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C.2416).

(5) NET COST.—The term "net cost" has the meaning given the term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

(6) QUALIFIED FACILITY.—The term "qualified facility" means a facility that is not owned or under the control of a state-owned enterprise.

(7) QUALIFIED MANUFACTURER.—The term "qualified manufacturer" means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

(8) RAILROAD FREIGHT CAR.—The term "railroad freight car" means a car designed to carry freight or railroad personnel by rail, including—

(A) box car;
(B) refrigerator car;
(C) ventilator car;
(D) intermodal well car;
(E) gondola car;
(F) hopper car;
(G) auto rack car;
(H) flat car;
(I) special car;
(J) caboose car;
(K) tank car; and

(L) yard car.

(9) SENSITIVE TECHNOLOGY.—The term "sensitive technology" means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

(A) onboard telematics;

(B) remote monitoring software;

(C) firmware;

(D) analytics;

(E) GPS satellite and cellular location tracking systems;

(F) event status sensors;

(G) predictive component condition and performance monitoring sensors; and

(H) similar sensitive technologies embedded into freight railcar components and subassemblies.

(10) STATE-OWNED ENTERPRISE.—The term "state-owned enterprise" means—

(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

(11) SUBSTANTIALLY TRANSFORMED.—The term "substantially transformed" means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related Annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

(12) USMCA.—The term "USMCA" has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN THE UNITED STATES.—

(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of enactment of the TRAIN Act, may only operate on the United States freight railroad interchange system if—

(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from state-owned enterprise; and

(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual

property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

(A) PERCENTAGE LIMITATION.—Not later than 12 months after the date of enactment of the TRAIN Act, a railroad freight car manufactured may operate on the United States freight railroad interchange system only if—

(i) not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

(ii) not later than 24 months after the date of enactment of the TRAIN Act, the percentage described in clause (i) shall be no more than 15 percent.

(B) CONFLICT.—The percentages specified in this paragraph apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

(c) REGULATIONS AND PENALTIES.—

(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of the TRAIN Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring, enforcement, and sensitive technology requirements of this section.

(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States freight railroad interchange system, the manufacturer of such car shall certify to the Secretary annually that any railroad freight cars to be so provided meet the requirements of this section.

(3) COMPLIANCE.—

(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States freight railroad interchange system, the manufacturer of such railroad freight car shall have valid certification describe under paragraph (2) for the year in which such car begins operation.

(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements of this section in the Association of American Railroad's Umler system.

(4) CIVIL PENALTIES.—

(A) IN GENERAL.—A railroad freight car manufacturer that has manufactured a railroad freight car for operation on the United States freight railroad interchange system that the Secretary of Transportation determines, after written notice and an opportunity for a hearing, has violated this section is liable to the United States Government for a civil penalty of at least $100,000 but not more than $250,000 for each violation for each railroad freight car.

(B) PROHIBITION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manu-

facturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States freight railroad interchange system until the Secretary determines—

(i) such manufacturer is in compliance with this section; and

(ii) all civil penalties assessed to such manufacturer under subparagraph (A) have been paid in full.

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CHAPTER 209—ACCIDENTS AND INCIDENTS

Sec.
20901. Reports.

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20904. Trend analysis.

§ 20901. Reports

(a) GENERAL REQUIREMENTS.—Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident *(including the train length, the number of crew members in the controlling locomotive cab, and the duties of such crew members)*. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.

(b) MONETARY THRESHOLD FOR REPORTING.—(1) In establishing or changing a monetary threshold for the reporting of a railroad accident or incident, the Secretary shall base damage cost calculations only on publicly available information obtained from—

(A) the Bureau of Labor Statistics; or

(B) another department, agency, or instrumentality of the United States Government if the information has been collected through objective, statistically sound survey methods or has been previously subject to a public notice and comment process in a proceeding of a Government department, agency, or instrumentality.

(2) If information is not available as provided in paragraph (1)(A) or (B) of this subsection, the Secretary may use any other source to obtain the information. However, use of the information shall be subject to public notice and an opportunity for written comment.

§ 20902. Investigations

(a) GENERAL AUTHORITY.—The Secretary of Transportation, or an impartial investigator authorized by the Secretary, may investigate—

(1) an accident or incident resulting in serious injury to an individual or to railroad property, occurring on the railroad line of a railroad carrier; and

(2) an accident or incident reported under section 20505 of this title.

(b) OTHER DUTIES AND POWERS.—In carrying out an investigation, the Secretary or authorized investigator may [subpena] *subpoena* witnesses, require the production of records, exhibits, and other evidence, administer oaths, and take testimony. If the accident or incident is investigated by a commission of the State in which it occurred, the Secretary, if convenient, shall carry out the investigation at the same time as, and in coordination with, the commission's investigation. The railroad carrier on whose railroad line the accident or incident occurred shall provide reasonable facilities to the Secretary for the investigation.

(c) REPORTS.—When in the public interest, the Secretary shall make a report of the investigation, stating the cause of the accident or incident and making recommendations the Secretary considers appropriate. The Secretary shall publish the report in a way the Secretary considers appropriate. *The Secretary shall develop a process to make available to a representative of the railroad carrier that is the subject of an accident or incident investigation, and to a representative of the employees of such railroad carrier, including a nonprofit employee labor organization representing railroad workers, a draft investigation report for timely review and comment.*

(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section to—

(A) gather information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others determined relevant by the Secretary; and

(B) consult with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

(2) CONFIDENTIALITY.—In developing the process under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

(A) such entity requests confidentiality;

(B) such entity was not involved in the accident or incident; and

(C) maintaining such entity's confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

(3) APPLICATION OF LAW.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.

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§ 20904. Trend analysis

(a) ANNUAL REVIEW AND ANALYSIS.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than annually thereafter, the Secretary shall review the reports filed by a railroad carrier subject to section 20901(a) and analyze the data contained in such reports for trends or patterns of potential safety risks.

(b) SECRETARY ACTION.—If the Secretary identifies any such trends or patterns, the Secretary shall—

(1) take such actions as are necessary to address the potential safety risk; and

(2) if appropriate, communicate any such trends or patterns to a representative of any relevant railroad carrier and a representative of the employees of such railroad carrier, including any nonprofit employee labor organization representing a craft or class of employees subject to the potential safety risk.

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CHAPTER 211—HOURS OF SERVICE

Sec.
21101. Definitions.

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[21103. Limitations on duty hours of train employees.]
21103. Limitations on duty hours of train employees and yardmaster employees.

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§ 21101. Definitions

In this chapter—

(1) "designated terminal" means the home or away-from-home terminal for the assignment of a particular crew.

(2) "dispatching service employee" means an operator, train dispatcher, or other train employee who by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements.

(3) "employee" means a dispatching service employee, *a yardmaster employee,* a signal employee, or a train employee.

(4) "signal employee" means an individual who is engaged in installing, repairing, or maintaining signal systems.

(5) "train employee" means an individual engaged in or connected with the movement of a train, including a hostler.

(6) "yardmaster employee" means an individual responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

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§ 21103. Limitations on duty hours of train employees *and yardmaster employees*

(a) IN GENERAL.—Except as provided in subsection (d) of this section, a railroad carrier and its officers and agents may not require or allow a train employee *or yardmaster employee* to—

(1) remain on duty, go on duty, wait for deadhead transportation, be in deadhead transportation from a duty assignment to the place of final release, or be in any other mandatory service for the carrier in any calendar month where the employee has spent a total of 276 hours—

(A) on duty;

(B) waiting for deadhead transportation, or in deadhead transportation from a duty assignment to the place of final release; or

(C) in any other mandatory service for the carrier;

(2) remain or go on duty for a period in excess of 12 consecutive hours;

(3) remain or go on duty unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours; or

(4) remain or go on duty after that employee has initiated an on-duty period each day for—

(A) 6 consecutive days, unless that employee has had at least 48 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier except that—

(i) an employee may work a seventh consecutive day if that employee completed his or her final period of on-duty time on his or her sixth consecutive day at a terminal other than his or her home terminal; and

(ii) any employee who works a seventh consecutive day pursuant to subparagraph (i) shall have at least 72 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier; or

(B) except as provided in subparagraph (A), 7 consecutive days, unless that employee has had at least 72 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier, if—

(i) for a period of 18 months following the date of enactment of the Rail Safety Improvement Act of 2008, an existing collective bargaining agreement expressly provides for such a schedule or, following the expiration of 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, collective bargaining agreements entered into during such period expressly provide for such a schedule;

(ii) such a schedule is provided for by a pilot program authorized by a collective bargaining agreement; or

(iii) such a schedule is provided for by a pilot program under section 21108 of this chapter related to employees' work and rest cycles.

The Secretary may waive paragraph (4), consistent with the procedural requirements of section 20103, if a collective bargaining agreement provides a different arrangement and such an arrangement is in the public interest and consistent with railroad safety.

(b) DETERMINING TIME ON DUTY.—In determining under subsection (a) of this section the time a train employee *or yardmaster employee* is on or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time the employee is engaged in or connected with the movement of a train is time on duty.

(3) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in or connected with the movement of a train is time on duty.

(4) Time spent in deadhead transportation to a duty assignment is time on duty, but time spent in deadhead transportation from a duty assignment to the place of final release is neither time on duty nor time off duty.

(5) An interim period available for rest at a place other than a designated terminal is time on duty.

(6) An interim period available for less than 4 hours rest at a designated terminal is time on duty.

(7) An interim period available for at least 4 hours rest at a place with suitable facilities for food and lodging is not time on duty when the employee is prevented from getting to the employee's designated terminal by any of the following:

(A) a casualty.

(B) a track obstruction.

(C) an act of God.

(D) a derailment or major equipment failure resulting from a cause that was unknown and unforeseeable to the railroad carrier or its officer or agent in charge of that employee when that employee left the designated terminal.

(c) LIMBO TIME LIMITATION AND ADDITIONAL REST REQUIREMENT.—

(1) A railroad carrier may not require or allow an employee—

(A) to exceed a total of 40 hours per calendar month spent—

(i) waiting for deadhead transportation; or

(ii) in deadhead transportation from a duty assignment to the place of final release,

following a period of 12 consecutive hours on duty that is neither time on duty nor time off duty, not including interim rest periods, during the period from the date of enactment of the Rail Safety Improvement Act of 2008 to one year after such date of enactment; and

(B) to exceed a total of 30 hours per calendar month spent—

(i) waiting for deadhead transportation; or

(ii) in deadhead transportation from a duty assignment to the place of final release,

following a period of 12 consecutive hours on duty that is neither time on duty nor time off duty, not including interim rest periods, during the period beginning one year after the date of enactment of the Rail Safety Improvement Act of 2008 except that the Secretary may further

limit the monthly limitation pursuant to regulations prescribed under section 21109.

(2) The limitations in paragraph (1) shall apply unless the train carrying the employee is directly delayed by—

(A) a casualty;

(B) an accident;

(C) an act of God;

(D) a derailment;

(E) a major equipment failure that prevents the train from advancing; or

(F) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

(3) Each railroad carrier shall report to the Secretary, in accordance with procedures established by the Secretary, each instance where an employee subject to this section spends time waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release in excess of the requirements of paragraph (1).

(4) If—

(A) the time spent waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release that is not time on duty, plus

(B) the time on duty,

exceeds 12 consecutive hours, the railroad carrier and its officers and agents shall provide the employee with additional time off duty equal to the number of hours by which such sum exceeds 12 hours.

(d) EMERGENCIES.—A train employee *or yardmaster employee* on the crew of a wreck or relief train may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of the crew is related to the emergency. In this subsection, an emergency ends when the track is cleared and the railroad line is open for traffic.

(e) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's *or yardmaster employee's* minimum off-duty period of 10 consecutive hours, as provided under subsection (a) or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7) or during additional off-duty hours under subsection (c)(4), a railroad carrier, and its officers and agents, shall not communicate with the train employee *or yardmaster employee* by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary. The Secretary may waive the requirements of this paragraph for commuter or intercity passenger railroads if the Secretary determines that such a waiver will not reduce safety and is necessary to maintain such railroads' efficient operations and on-time performance of its trains.

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PART B—ASSISTANCE

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CHAPTER 229—RAIL IMPROVEMENT GRANTS

Sec.
22901. Definitions.

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[22906. Authorization of appropriations.]
22906. Passenger rail improvement, modernization, and expansion grants.

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22909. Bridges, stations, and tunnels (BeST) grant program.
22910. Interstate rail compacts support program.
22911. State rail planning formula funds.
22912. Highway-rail grade crossing separation grants.
22913. University Rail Climate Innovation Institute.

§ 22901. Definitions

In this chapter:

(1) APPLICANT.—The term "applicant" means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

(2) CAPITAL PROJECT.—The term "capital project" means a project or program in a State rail plan developed under chapter 227 of this title for—

(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

(C) costs associated with developing State rail plans; and

(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904.

(3) INTERCITY PASSENGER RAIL SERVICE.—The term "intercity passenger rail service" means intercity rail passenger transportation, as defined in section 24102 of this title.

(4) SATISFACTORY CONTINUING CONTROL.—The term "satisfactory continuing control" means the continuing ability to utilize and ensure maintenance of an asset as a result of full or partial

ownership, lease, operating or other enforceable contractual agreements, or statutory access rights.

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§ 22905. Grant conditions

(a) BUY AMERICA.—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; *or*

[(C) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or**]**

[(D)**]** *(C)* including domestic material will increase the cost of the overall project by more than 25 percent.

(3) For purposes of this subsection, in calculating the components' costs, labor costs involved in final assembly shall not be included in the calculation.

[(4) If the Secretary determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the Secretary shall, before the date on which such finding takes effect—

[(A) publish in the Federal Register a detailed written justification as to why the waiver is needed; and

[(B) provide notice of such finding and an opportunity for public comment on such finding for a reasonable period of time not to exceed 15 days.**]**

(4)(A) If the Secretary receives a request for a waiver under paragraph (2), the Secretary shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

(B) A notice provided under subparagraph (A) shall—

(i) include the information available to the Secretary concerning the request, including whether the request is being made under subparagraph (A), (B), or (C) of paragraph (2); and

(ii) be provided by electronic means, including on the official public website of the Department of Transportation.

(5) Not later than December 31, **[**2012**]** *2020, and each year thereafter*, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on any waivers granted under paragraph (2) *during the preceding fiscal year*.

(6) The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United

States Trade Representative, decides that the government of that foreign country—

(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

(7) A person is ineligible to receive a contract or subcontract made with amounts authorized under this chapter if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(A) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

(8) The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(9) The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

(10) A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

(11) The requirements of this subsection shall only apply to projects for which the costs exceed $100,000.

(12) The requirements of this subsection apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decisions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source for activities carried out pursuant to such contracts, if at least 1 contract for the project is funded with amounts made available to carry out a provision specified in paragraph (1).

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this chapter shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (45 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this chapter for a project that uses rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

(2) the applicant agrees to comply with—

(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

(B) the protective arrangements ❚that are equivalent to the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)❚ *established by the Secretary under subsection (e)(1)* with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this chapter and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's se-

niority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

(B) establishes a procedure for notifying such an employee of such positions;

(C) establishes a procedure for such an employee to apply for such positions; and

(D) establishes rates of pay, rules, and working conditions.

(2) IMMEDIATE REPLACEMENT SERVICE.—

(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). The arbitrator shall be guided by prevailing national standard rates of pay, benefits, and working conditions for comparable work. This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the

parties; all other expenses shall be paid by the party incurring them.

(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Federal Railroad Administration shall establish protective arrangements equivalent to those established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836), and require such protective arrangements to apply to employees described under subsection (c)(2)(B) and as required under subsection (j) of section 22907.

(2) PUBLICATION.—The Administrator shall make available on a publicly available website the protective arrangements established under paragraph (1).

[(e)**]** *(f)* INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

(1) commuter rail passenger transportation (as defined in section 24102) operations of a State or local governmental authority (as those terms are defined in section 5302) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

(2) the Alaska Railroad or its contractors; or

(3) Amtrak's access rights to railroad rights of way and facilities under current law.

[(f)**]** *(g)* LIMITATION.—No grants shall be provided under this chapter for commuter rail passenger transportation (as defined in section 24102(3)).

[§ 22906. Authorization of appropriations

[There are authorized to be appropriated to the Secretary of Transportation for capital grants under this chapter the following amounts:

[(1) For fiscal year 2009, $100,000,000.

[(2) For fiscal year 2010, $300,000,000.
[(3) For fiscal year 2011, $400,000,000.
[(4) For fiscal year 2012, $500,000,000.
[(5) For fiscal year 2013, $600,000,000.]

§ 22906. Passenger rail improvement, modernization, and expansion grants

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible applicants for—

(A) capital projects that—

(i) provide high-speed rail or intercity rail passenger transportation;

(ii) improve high-speed rail or intercity rail passenger performance, including congestion mitigation, reliability improvements, achievement of on-time performance standards established under section 207 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 24101 note), reduced trip times, increased train frequencies, higher operating speeds, electrification, and other improvements, as determined by the Secretary; and

(iii) expand or establish high-speed rail or intercity rail passenger transportation and facilities; or

(B) corridor planning activities for high-speed rail described in section 26101(b).

(2) PURPOSES.—Grants under this section shall be for projects that improve mobility, operational performance, or growth of high-speed rail or intercity rail passenger transportation.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

(A) a State;

(B) a group of States;

(C) an Interstate Compact;

(D) a public agency or publicly chartered authority established by 1 or more States;

(E) a political subdivision of a State;

(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

(G) an Indian Tribe.

(2) CAPITAL PROJECT.—The term "capital project" means—

(A) a project or program for acquiring, constructing, or improving—

(i) passenger rolling stock;

(ii) infrastructure assets, including tunnels, bridges, stations, track and track structures, communication and signalization improvements; and

(iii) a facility of use in or for the primary benefit of high-speed or intercity rail passenger transportation;

(B) project planning, development, design, engineering, location surveying, mapping, environmental analysis or studies;

(C) acquiring right-of-way or payments for rail trackage rights agreements;

(D) making highway-rail grade crossing improvements related to high-speed rail or intercity rail passenger transportation service;

(E) electrification;

(F) mitigating environmental impacts; or

(G) a project relating to other assets determined appropriate by the Secretary.

(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term "intercity rail passenger transportation" has the meaning given such term in section 24102.

(4) HIGH-SPEED RAIL.—The term "high-speed rail" has the meaning given such term in section 26105.

(5) STATE.—The term "State" means each of the 50 States and the District of Columbia.

(6) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term "socially disadvantaged individuals" has the meaning given the term "socially and economically disadvantaged individuals" in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(c) PROJECT REQUIREMENTS.—

(1) REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall demonstrate that such applicant has or will have—

(A) the legal, financial, and technical capacity to carry out the project;

(B) satisfactory continuing control over the use of the equipment or facilities that are the subject of the project; and

(C) an agreement in place for maintenance of such equipment or facilities.

(2) HIGH-SPEED RAIL REQUIREMENTS.—

(A) CORRIDOR PLANNING ACTIVITIES.—Notwithstanding paragraph (1), the Secretary shall evaluate projects described in subsection (a)(1)(B) based on the criteria under section 26101(c).

(B) HIGH-SPEED RAIL PROJECT REQUIREMENTS.—To be eligible for a grant for a high-speed rail project, an eligible applicant shall demonstrate compliance with section 26106(e)(2)(A).

(d) PROJECT SELECTION CRITERIA.—

(1) PRIORITY.—In selecting a project for a grant under this section, the Secretary shall give preference to projects that—

(A) are supported by multiple States or are included in a multi-state regional plan or planning process;

(B) achieve environmental benefits such as a reduction in greenhouse gas emissions or an improvement in local air quality; or

(C) improve service to and investment in socially disadvantaged individuals.

(2) ADDITIONAL CONSIDERATIONS.—In selecting an applicant for a grant under this section, the Secretary shall consider—

(A) the proposed project's anticipated improvements to high-speed rail or intercity rail passenger transportation, including anticipated public benefits on the—

(i) effects on system and service performance;

(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

(iii) overall transportation system, including efficiencies from improved integration with other modes of transportation or benefits associated with achieving modal shifts;

(iv) ability to meet existing, anticipated, or induced passenger or service demand; and

(v) projected effects on regional and local economies along the corridor, including increased competitiveness, productivity, efficiency, and economic development;

(B) the eligible applicant's past performance in developing and delivering similar projects;

(C) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

(D) if applicable, agreements between all stakeholders necessary for the successful delivery of the project.

(3) ADDITIONAL SCREENING FOR HIGH-SPEED RAIL.—In selecting an applicant for a grant under this section, for high-speed rail projects, the Secretary shall, in addition to the application of paragraphs (1) and (2), apply the selection and consideration criteria described in subparagraphs (B) and (C) of section 26106(e)(2).

(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

(1) TOTAL PROJECT COST ESTIMATE.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

(2) FEDERAL SHARE.—The Federal share of total project costs under this section shall not exceed 90 percent.

(3) TREATMENT OF REVENUE.—Applicants may use ticket and other revenues generated from operations and other sources to satisfy the non-Federal share requirements.

(f) LETTERS OF INTENT.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

(A) announces an intention to obligate, for a project under this section, an amount that is not more than the amount stipulated as the financial participation of the Secretary in the project, regardless of authorized amounts; and

(B) states that the contingent commitment—

(i) is not an obligation of the Federal Government; and

(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

(2) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

(i) the Committee on Transportation and Infrastructure of the House of Representatives;

(ii) the Committee on Appropriations of the House of Representatives;

(iii) the Committee on Appropriations of the Senate; and

(iv) the Committee on Commerce, Science, and Transportation of the Senate.

(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

(i) a copy of the letter of intent;

(ii) the criteria used under subsection (d) for selecting the project for a grant; and

(iii) a description of how the project meets such criteria.

(g) APPROPRIATIONS REQUIRED.—An obligation may be made under this section only when amounts are appropriated for such purpose.

(h) AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 22905, except that the domestic buying preferences of section 24305(f) shall apply to Amtrak in lieu of the requirements of section 22905(a).

§ 22907. Consolidated rail infrastructure and safety improvements

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

(b) ELIGIBLE RECIPIENTS.—[The following] *Except as provided in subsections (o), (p), and (q), the following* entities are eligible to receive a grant under this section:

(1) A State *or the District of Columbia*.

(2) A group of States.

(3) An Interstate Compact.

(4) A public agency or publicly chartered authority established by 1 or more States.

(5) A political subdivision of a State.

(6) Amtrak or another rail carrier that provides intercity rail passenger transportation (as defined in section 24102).

(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

(9) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

(10) A University [transportation center] engaged in rail-related research.

(11) A non-profit labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

(12) A commuter authority (as such term is defined in section 24102).

(13) An Indian Tribe.

(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

(1) Deployment *and upgrades* of railroad safety technology, including positive train control and rail integrity inspection systems.

[(2) A capital project as defined in section 22901(2), except that a project shall not be required to be in a State rail plan developed under chapter 227.]

[(3)] *(2)* A capital project identified by the Secretary as being necessary to address congestion *or safety* challenges affecting rail service.

[(4)] *(3)* A capital project [identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation] *to improve service or facilitate ridership growth in intercity rail passenger transportation or commuter rail passenger transportation (as such term is defined in section 24102)* along heavily traveled rail corridors.

[(5)] *(4)* A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements *to establish new quiet zones or* to reduce risk in quiet zones or potential quiet zones.

[(6)] *(5)* A rail line relocation and improvement project.

[(7)] *(6)* A capital project to improve short-line or regional railroad infrastructure.

[(8)] *(7)* The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

[(9)] *(8)* Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service or commercial air service.

[(10)] *(9)* The development and implementation of a safety program or institute designed to improve rail safety*, including for suicide prevention and other rail trespassing prevention*.

[(11)] *(10)* Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

[(12)] *(11)* Workforce development and training activities, coordinated to the extent practicable with the existing local

training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

(e) PROJECT SELECTION CRITERIA.—

[(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

[(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

[(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).]

(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall give preference to—

(A) projects that will maximize the net benefits of the funds made available for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2); and

(B) projects that improve service to, or provide direct benefits to, socially disadvantaged individuals (as defined in section 22906(b)), including relocating or mitigating infrastructure that limits community connectivity, including mobility, access, or economic development of such individuals.

(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project.

(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions.

(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227.

(E) If applicable, any technical evaluation ratings the proposed project received under previous competitive grant programs administered by the Secretary.

(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

(3) BENEFITS.—The benefits described in [paragraph (1)(B)] *paragraph (1)(A)* may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, the ability to meet existing or anticipated demand, and any other benefits.

(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

(g) RURAL AREAS.—

(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

(2) DEFINITION OF RURAL AREA.—In this subsection, the term "rural area" means any area not in an urbanized area, as defined by the Bureau of the Census.

(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

(2) FEDERAL SHARE.—The Federal share of total project costs under this section shall not exceed 80 percent*, except that a grant for a capital project involving zero-emission locomotive technologies shall not exceed an amount in excess of 90 percent of the total project costs*.

(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail carrier is an applicant under this section, Amtrak or the other rail carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

(i) LARGE PROJECTS.—Of the amounts made available under this section, at least 25 percent shall be for projects that have total project costs of greater than $100,000,000.

(j) COMMUTER RAIL.—

(1) ADMINISTRATION OF FUNDS.—The amounts awarded under this section for commuter rail passenger transportation projects shall be transferred by the Secretary, after selection, to the Federal Transit Administration for administration of funds in accordance with chapter 53.

(2) GRANT CONDITION.—

(A) IN GENERAL.—Notwithstanding section 22905(f)(1) and 22907(j)(1), as a condition of receiving a grant under this section that is used to acquire, construct, or improve railroad right-of-way or facilities, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Rail-

road Retirement Act of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements established under section 22905(e).

(B) APPLICATION OF PROTECTIVE ARRANGEMENT.—The grant recipient and the successors, assigns, and contractors of such recipient shall be bound by the protective arrangements required under subparagraph (A). Such recipient shall be responsible for the implementation of such arrangement and for the obligations under such arrangement, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

(3) APPLICATION OF LAW.—Subsection (g) of section 22905 shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

(k) DEFINITION OF CAPITAL PROJECT.—In this section, the term "capital project" means a project or program for—

(1) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility, expenses incidental to acquisition or construction (including project-level planning, designing, engineering, location surveying, mapping, environmental studies, and acquiring right-of-way), payments for rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

(3) costs associated with developing State or multi-State regional rail plans; and

(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904.

[(i)**]** *(l)* APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

[(j)**]** *(m)* AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

[(k)**]** *(n)* LIMITATION.—The requirements under sections 22902, 22903, and 22904, and the definition contained in section 22901(1) shall not apply to this section.

[(l) SPECIAL TRANSPORTATION CIRCUMSTANCES.—

[(1) IN GENERAL.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available to programs in this chapter to provide grants to States—

[(A) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

[(B) in which the rail transportation system is not physically connected to rail systems in the continental United

States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

[(2) DEFINITION.—For the purposes of this subsection, the term "appropriate portion" means a share, for each State subject to paragraph (1), not less than the share of the total railroad route miles in such State of the total railroad route miles in the United States, excluding from all totals the route miles exclusively used for tourist, scenic, and excursion railroad operations.]

(o) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

(1) GRANT.—Of the amounts made available to carry out this section, the Secretary shall make grants to nonprofit organizations to carry out public information and education programs to help prevent and reduce rail-related pedestrian, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad right-of-way and at highway-rail grade crossings.

(2) SELECTION.—Programs eligible for a grant under this subsection—

(A) shall include, as appropriate—

(i) development, placement, and dissemination of public service announcements in appropriate media;

(ii) school presentations, driver and pedestrian safety education, materials, and public awareness campaigns; and

(iii) disseminating information to the public on how to identify and report to the appropriate authorities—

(I) unsafe or malfunctioning highway-rail grade crossings and equipment; and

(II) high-risk and unsafe behavior and trespassing around railroad right-of-way; and

(B) may include targeted and sustained outreach in communities at greatest risk to develop measures to reduce such risk.

(3) COORDINATION.—Eligible entities shall coordinate program activities with local communities, law enforcement and emergency responders, and railroad carriers, as appropriate, and ensure consistency with State highway-rail grade crossing action plans required under section 11401(b) of the FAST Act (49 U.S.C. 22501 note) and the report titled "National Strategy to Prevent Trespassing on Railroad Property" issued by the Federal Railroad Administration in October 2018.

(4) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications for programs that—

(A) are nationally recognized;

(B) are targeted at schools in close proximity to railroad right-of-way;

(C) partner with nearby railroad carriers; or

(D) focus on communities with a recorded history of repeated pedestrian and motor vehicle accidents, incidents,

injuries, and fatalities at highway-rail grade crossings and along railroad right-of-way.

(5) APPLICABILITY.—Section 22905 shall not apply to contracts and agreements made under this subsection.

(p) RAILROAD TRESPASSING ENFORCEMENT GRANTS.—

(1) IN GENERAL.—Of the amounts made available under this section, the Secretary may make grants to public law enforcement agencies engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way to pay wages of law enforcement personnel to patrol railroad right-of-way located in communities at risk for rail trespassing incidents and fatalities.

(2) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications from entities that have jurisdiction within the boundaries of the 10 States with the highest incidence of rail trespass related casualties as reported in the previous fiscal year, as reported by the National Rail Accident Incident Reporting System.

(3) LIMITATION.—The Secretary shall not award more than 3 annual grants under this subsection to the same entity.

(q) RAILROAD TRESPASSING SUICIDE GRANTS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section, the Secretary may make grants to eligible entities to implement a public outreach campaign to reduce the number of railroad suicides.

(2) ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means a nonprofit mental health organization engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way in partnership with a railroad carrier, as defined in section 20102.

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§ 22909. Bridges, stations, and tunnels (BeST) grant program

(a) IN GENERAL.—The Secretary of Transportation shall establish a program (in this section referred to as the "BeST Program") to provide grants to eligible entities for major capital projects included in the BeST Inventory established under subsection (b) for rail bridges, stations, and tunnels that are publicly owned or owned by Amtrak to make safety, capacity, and mobility improvements.

(b) BEST INVENTORY.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of the TRAIN Act, the Secretary shall establish, and publish on the website of the Department of Transportation an inventory (in this section referred to as the "BeST Inventory") for publicly owned and Amtrak owned major capital projects designated by the Secretary to be eligible for funding under this section. The BeST Inventory shall include major capital projects to acquire, refurbish, rehabilitate, or replace rail bridges, stations, or tunnels and any associated and co-located projects.

(2) CONSIDERATIONS.—In selecting projects for inclusion in the BeST Inventory, the Secretary shall give priority to projects that provide the most benefit for intercity passenger rail service

in relation to estimated costs and that are less likely to secure all of the funding required from other sources.

(3) UPDATES TO BEST INVENTORY.—Every 2 years after the establishment of the BeST Inventory under paragraph (1), the Secretary shall update the BeST Inventory and include it in its annual budget justification.

(4) ELIGIBILITY FOR BEST INVENTORY.—Projects included in the BeST Inventory—

(A) shall be—

(i) consistent with the record of decision issued by the Federal Railroad Administration in July 2017 titled "NEC FUTURE: A Rail Investment Plan for the Northeast Corridor" (known as the "Selected Alternative");

(ii) consistent with the most recent service development plan under section 24904(a) (hereinafter in this section referred to as the "Service Development Plan"); and

(iii) located in a territory for which a cost allocation policy is maintained pursuant to section 24905(c); or

(B) shall be consistent with a multi-state regional planning document equivalent to the document referred to in subparagraph (A)(ii) with a completed Tier I environmental review of such document pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) PROJECT FUNDING SEQUENCING.—The Secretary shall determine the order of priority for projects in the BeST Inventory based on projects identified in paragraph (4) and project management plans as described in subsection (d). The Secretary may alter the BeST Inventory as necessary if eligible entities are not carrying out the schedule identified in the Inventory.

(6) TERMS.—The Secretary shall ensure the BeST Inventory establishes, for each project included in such Inventory—

(A) the roles and terms of participation by any railroad bridge, station, or tunnel owners and railroad carriers in the project; and

(B) the schedule for such project that ensures efficient completion of the project.

(7) SPECIAL FINANCIAL RULES.—

(A) IN GENERAL.—Projects listed in the BeST Inventory may include an agreement with a commitment, contingent on future amounts to be specified in law for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(B) STATEMENT OF CONTINGENT COMMITMENT.—An obligation or administrative commitment under this paragraph may be made only when amounts are appropriated. An agreement shall state that any contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

(C) FINANCING COSTS.—Financing costs of carrying out the project may be considered a cost of carrying out the project under the BeST Inventory.

(c) EXPENDITURE OF FUNDS.—

(1) FEDERAL SHARE OF TOTAL PROJECT COSTS.—The Federal share for the total cost of a project under this section shall not exceed 90 percent.

(2) NON-FEDERAL SHARE.—A recipient of funds under this section may use any source of funds, including other Federal financial assistance, to satisfy the non-Federal funds requirement. The non-Federal share for a grant provided under this section shall be consistent with section 24905(c) or section 24712(a)(7) if either such section are applicable to the railroad territory at the project location.

(3) AVAILABILITY OF FUNDS.—Funds made available under this section shall remain available for obligation by the Secretary for a period of 10 years after the last day of the fiscal year for which the funds are appropriated, and remain available for expenditure by the recipient of grant funds without fiscal year limitation.

(4) ELIGIBLE USES.—Funds made available under this section may be used for projects contained in the most recent BeST Inventory, including pre-construction expenses and the acquisition of real property interests.

(5) FUNDS AWARDED TO AMTRAK.—Grants made to Amtrak shall be provided in accordance with the requirements of chapter 243.

(6) GRANT CONDITIONS.—Except as provided in this section, the use of any amounts made available for grants under this section shall be subject to the grant requirements in section 22905.

(d) PROJECT MANAGEMENT.—

(1) SUBMISSION OF PROJECT MANAGEMENT PLANS.—The Secretary shall establish a process, including specifying formats, methods, and procedures, for applicants to submit a project management plan to the Secretary for a project in the BeST Inventory. Consistent with requirements in section 22903, project management plans shall—

(A) describe the schedules, management actions, workforce availability, interagency agreements, permitting, track outage availability, and other factors that will determine the entity's ability to carry out a project included in the BeST Inventory; and

(B) be updated and resubmitted in accordance with this subsection every 2 years according to the schedule in the most recent Service Development Plan, or equivalent multistate regional planning document with a completed Tier I environmental review conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) NORTHEAST CORRIDOR PROJECTS.—For projects on the Northeast Corridor, an applicant shall submit such project management plan to the Northeast Corridor Commission. Upon receipt of such plan, the Northeast Corridor Commission shall submit to the Secretary an updated Service Development Plan that describes the schedule and sequencing of all capital projects on the Northeast Corridor, including estimates of the amount each sponsor entity will need in program funding for

each of the next 2 fiscal years to carry out the entity's projects according to the Service Development Plan.

(e) COST METHODOLOGY POLICY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall ensure, as a condition of a grant agreement under this section for any project located in a railroad territory where a policy established pursuant to section 24905(c) or section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) applies, that a recipient of funds under either such section maintain compliance with the policies, or any updates to any applicable cost methodology policy, for the railroad territory encompassing the project location.

(2) PENALTY FOR NONCOMPLIANCE.—If such recipient does not maintain compliance with the policies described in paragraph (1), the Secretary may—

(A) withhold funds under this subsection from such recipient up to the amount the recipient owes, but has not paid; and

(B) permanently reallocate such funds to other recipients after a reasonable period.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, including the District of Columbia;

(B) a group of States;

(C) an Interstate Compact;

(D) a public agency or publicly chartered authority established by one or more States;

(E) a political subdivision of a State;

(F) Amtrak;

(G) An Indian Tribe; or

(H) any combination of the entities listed in subparagraphs (A) through (G).

(2) MAJOR CAPITAL PROJECT.—The term "major capital project" means a rail bridge, station, or tunnel project used for intercity passenger rail service that has a total project cost of at least $500,000,000.

(3) NORTHEAST CORRIDOR.—The term "Northeast Corridor" has the meaning given the term in section 24904(e).

(4) PUBLICLY OWNED.—The term "publicly owned" means major capital projects that are at least partially owned or planned to be owned by the Federal Government or an eligible entity.

(5) CO-LOCATED PROJECT.—The term "co-located project" means a capital project that is adjacent to a major capital project and can be carried out during the same period.

§ 22910. Interstate rail compacts support program

(a) IN GENERAL.—The Secretary shall develop and implement a competitive grant program for providing administrative assistance, including salaries, benefits, travel, and other administrative expenses, to eligible applicants to support interstate and regional efforts—

(1) to improve the safety, efficiency, or reliability of intercity passenger rail; and

(2) to promote and develop intercity passenger rail service, including through initiating, restoring, or enhancing intercity passenger rail service.

(b) APPLICANT SELECTION CRITERIA.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall consider—

(A) the amount of other funding received by an applicant (including funding from railroads) or other significant participation by State, local, and regional governmental and private entities;

(B) the applicant's work to facilitate and encourage regional planning for passenger rail improvement, enhancement, and development;

(C) the applicant's work to foster, through rail transportation systems, economic development, particularly in rural communities, for socially disadvantaged individuals, and for disadvantaged populations;

(D) the applicant's efforts to provide guidance to local communities on public and private resources relate to community concerns, such as congestion, rail and grade crossing safety, trespasser prevention, quiet zones, idling, and rail line relocations;

(E) whether the applicant seeks to restore service over routes formerly operated by Amtrak, including routes described in section 11304(a) of the Passenger Rail Reform and Investment Act of 2015 (title XI of division A of Public Law 114–94);

(F) the applicant's intent to provide intercity passenger rail service to regions and communities that are underserved or not served by other intercity public transportation;

(G) whether the applicant is enhancing connectivity and geographic coverage of the existing national network of intercity rail passenger service;

(H) the applicant's efforts to engage with entities to deploy railroad safety technology or programs, including trespassing prevention, rail integrity inspection systems, or grade crossing safety;

(I) whether the applicant prepares regional rail and corridor service development plans and corresponding environmental analysis; and

(J) whether the applicant has engaged with the Federal, local, or State government and transportation planning agencies to identify projects necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service, commercial air service, or commuter rail service.

(2) PREFERENCE.—In selecting grant recipients, the Secretary shall give preference to applicants that are initiating, restoring, or enhancing intercity rail passenger transportation.

(c) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of submitting applications under this section.

(d) PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives.

(2) ANNUAL REPORT.— The Secretary shall require grant recipients to submit an annual report of the activities of such recipient and information related to applicable performance measures, which may include—

(A) a demonstration of progress to achieve or advance the relevant criteria described in subsection (b); and

(B) the amount of non-Federal matching funds provided from each member State.

(e) FEDERAL SHARE OF TOTAL PROJECT COST.—The Secretary shall require each recipient of a grant under this subsection to provide a non-Federal match of not less than 50 percent of the administrative assistance to the interstate rail compact.

(f) APPLICABLE REQUIREMENTS.—The use of any amounts appropriated for grants under this section shall be subject to the applicable requirements under this chapter.

(g) APPLICABILITY.—Amounts appropriated to carry out this section shall remain available until expended.

(h) LIMITATIONS.—

(1) MAXIMUM FUNDING PER APPLICANT.—The Secretary may not award grants under this section in an amount exceeding $500,000 annually for each applicant.

(2) NUMERIC LIMITATION.—The Secretary may not provide grants under this section to more than 10 interstate rail compacts in any fiscal year.

(i) DEFINITIONS.—In this section:

(1) APPLICANT.—The term "applicant" means an interstate rail compact or an interstate commission composed of 2 or more States that has been established to promote, develop, or operate intercity passenger rail transportation systems.

(2) INTERCITY PASSENGER RAIL SERVICE.—The term "intercity passenger rail service" has the meaning given the term "intercity rail passenger transportation" in section 24102.

§ 22911. State rail planning formula funds

(a) IN GENERAL.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of 1.5 percent of the amounts made available for programs under this chapter to provide grants to States—

(1) for State or multi-State regional intercity passenger rail corridor planning or project-specific, intercity passenger rail planning purposes; or

(2) for funding rail projects otherwise eligible under section 22907 if no intercity passenger rail planning is feasible.

(b) LIMITATION OF FUNDS.—Any unobligated balances of a grant under this section remaining after 3 years from the fiscal year in which the grant was made shall be redistributed in an appropriate portion.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE PORTION.—The term "appropriate portion" means a share, for each State—

(A) one quarter of which is comprised of the ratio that the total railroad route miles in such State bears to the total railroad route miles in the United States, excluding from each such total the route miles used exclusively for tourist excursions;

(B) one quarter of which is comprised of the ratio that the population in such State bears to the total population of the United States, as determined by the Bureau of the Census; and

(C) half of which is comprised of the ratio that the Amtrak ridership for fiscal year 2019 in each State bears to the total Amtrak ridership for fiscal year 2019.

(2) STATE.—The term "State" means each of the 50 States and the District of Columbia.

§ 22912. Highway-rail grade crossing separation grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make grants under this section to eligible entities to assist in funding the cost of highway-rail grade crossing separation projects.

(b) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require, including—

(1) an agreement between the entity that owns or controls the railroad right-of-way and the applicant addressing access to the railroad right-of-way throughout the project; and

(2) a cost-sharing agreement with the funding amounts that the entity that owns or controls the railroad right-of-way shall contribute to the project, which shall be not less than 10 percent of the total project cost.

(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive a grant under this section:

(1) Installation, repair, or improvement, including necessary acquisition of real property interests, of highway-rail grade crossing separations.

(2) Highway-rail grade crossing elimination incidental to eligible grade crossing separation projects.

(3) Project planning, development, and environmental work related to a project described in paragraph (1) or (2).

(d) PROJECT SELECTION CRITERIA.—In awarding grants under this section, the Secretary—

(1) shall give priority to projects that maximize the safety benefits of Federal funding;

(2) shall give priority to projects that provide direct benefits to socially disadvantaged individuals (as such term is defined in section 22906(b)); and

(3) may evaluate applications on the safety profile of the existing crossing, 10-year history of accidents at such crossing, inclusion of the proposed project on a State highway-rail grade crossing action plan, average daily vehicle traffic, total number of trains per day, average daily number of crossing closures, the challenges of grade crossings located near international borders, proximity to established emergency evacuation routes, and proximity of community resources, including schools, hospitals,

fire stations, police stations, and emergency medical service facilities.

(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analysis, and information on the expected use of equipment or facilities.

(2) FEDERAL SHARE.—The Federal share for a project carried out under this section shall not exceed 85 percent.

(f) GRANT CONDITIONS.—An eligible entity may not receive a grant for a project under this section unless such project complies with section 22905.

(g) LETTERS OF INTENT.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

(A) announces an intention to obligate for a project an amount that is not more than the amount stipulated as the financial participation of the Secretary for the project; and

(B) states that the contingent commitment—

(i) is not an obligation of the Federal Government; and

(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

(2) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

(i) the Committee on Transportation and Infrastructure of the House of Representatives;

(ii) the Committee on Appropriations of the House of Representatives;

(iii) the Committee on Appropriations of the Senate; and

(iv) the Committee on Commerce, Science, and Transportation of the Senate.

(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

(i) a copy of the letter of intent;

(ii) the criteria used under subsection (d) for selecting the project for a grant; and

(iii) a description of how the project meets such criteria.

(h) APPROPRIATIONS REQUIRED.—An obligation or contingent commitment may be made under subsection (g) only after amounts are appropriated for such purpose.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) a public agency or publicly chartered authority;

(C) a metropolitan planning organization;

(D) a political subdivision of a State; and

(E) a Tribal government.

(2) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" has the meaning given such term in section 134(b) of title 23.

(3) STATE.—The term "State" means a State of the United States or the District of Columbia.

§ 22913. University Rail Climate Innovation Institute

(a) ESTABLISHMENT.—The Secretary of Transportation may make a grant to an institution of higher education to establish a University Rail Climate Innovation Institute (in this section referred to as the 'Institute') for the research and development of low- and zero-emission rail technologies. Such grant agreement shall not exceed 5 years.

(b) ELIGIBLE APPLICANTS.—To be eligible for a grant under the subsection (a), an institution of higher education shall—

(1) have an active research program to study the development of low- and zero-emission rail technologies or be able to demonstrate sufficient expertise in relevant rail research and development;

(2) enter into a cost-sharing agreement for purposes of the Institute with a railroad or rail supplier; and

(3) submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(c) ELIGIBLE PROJECTS.—A recipient of this grant under this section may carry out the research, design, development, and demonstration of 1 or more of the following:

(1) Hydrogen-powered locomotives and associated locomotive technologies.

(2) Battery-powered locomotives and associated locomotive technologies.

(3) Deployment of a revenue service testing and demonstration program to accelerate commercial adoption of low- or zero-emission locomotives.

(4) Development or deployment of an operating prototype low- or zero-emission locomotive.

(5) Rail technologies that significantly reduce greenhouse gas emissions, as determined appropriate by the Secretary.

(d) BUY AMERICA APPLICABILITY.—For purposes of subsection (c)(4), the recipient shall be in compliance with section 22905(a).

(e) FUNDING REQUIREMENT.—The Federal share of the total cost of the Institute shall not exceed 50 percent.

(f) CONSIDERATIONS.—In selecting an applicant to receive funding to establish the Institute, the Secretary shall consider—

(1) the extent to which the proposed activities maximize greenhouse gas reductions;

(2) the potential of the proposed activities to increase the use of low- and zero- emission rail technologies among the United States freight and passenger rail industry; and

(3) the anticipated public benefits of the proposed activities.

(g) CONSIDERATION OF HBCUS.—In selecting an institution of higher education for a grant award under this section, the Secretary

shall consider historically black colleges and universities, as such term is defined in section 371(a)of the Higher Education Act of 1965 (2010 U.S.C. 1067q), and other minority institutions, as such term is defined by section 365 of such Act (20 U.S.C. 1067k).

(h) NOTIFICATION.—

(1) NOTICE.—Not less than 3 days before an applicant has been selected, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the intention to award such a grant.

(2) REPORT.—The Institute shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Secretary an annual report summarizing the activities undertaken by the Institute on low- and zero-emission rail technologies.

(i) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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PART C—PASSENGER TRANSPORTATION

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CHAPTER 241—GENERAL

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§ 24101. Findings, mission, and goals

(a) FINDINGS.—(1) Public convenience and necessity require that Amtrak**[**, to the extent its budget allows,**]** provide modern, cost-efficient, and energy-efficient intercity rail passenger transportation **[**between crowded urban areas and in other areas of**]** *throughout* the United States.

(2) Rail passenger transportation can help alleviate overcrowding of airways and airports and on highways*, thereby providing additional capacity for the traveling public and widespread air quality benefits.*

(3) A traveler in the United States should have the greatest possible choice of transportation most convenient to the needs of the traveler.

(4) A **[**greater**]** *high* degree of cooperation is necessary among Amtrak, other rail carriers, State, regional, and local governments, the private sector, labor organizations, and suppliers of services and equipment **[**to Amtrak to achieve a performance level sufficient to justify expending public money**]** *in order to meet the intercity passenger rail needs of the United States*.

(5) Modern and efficient *intercity and* commuter rail passenger transportation is important to the viability and well-being of major urban areas and to **[**the energy conservation and self-sufficiency**]** *addressing climate change, energy conservation, and self-sufficiency* goals of the United States.

(6) As a rail passenger transportation entity, Amtrak should be available to operate commuter rail passenger transportation [through its subsidiary, Amtrak Commuter,] under contract with commuter authorities that do not provide the transportation themselves as part of the governmental function of the State.

(7) The Northeast Corridor is a valuable resource of the United States used by intercity and commuter rail passenger transportation and freight transportation.

(8) Greater coordination between intercity and commuter rail passenger transportation is required.

(9) Long-distance intercity passenger rail provides economic benefits to rural communities and offers intercity travel opportunities where such options are often limited, making long-distance intercity passenger rail an important part of the national transportation system.

(10) The Northeast Corridor, long-distance routes, and State-supported routes are interconnected and collectively provide national rail passenger transportation.

(11) Investments in intercity and commuter rail passenger transportation support jobs that provide a pathway to the middle class.

(b) MISSION.—[The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent] *The mission of Amtrak is to provide a safe, efficient, and high-quality national intercity passenger rail system that is trip-time competitive with other intercity travel options, consistent* with the goals set forth in subsection (c).

(c) GOALS.—Amtrak shall—

[(1) use its best business judgment in acting to minimize United States Government subsidies, including—

[(A) increasing fares;

[(B) increasing revenue from the transportation of mail and express;

[(C) reducing losses on food service;

[(D) improving its contracts with operating rail carriers;

[(E) reducing management costs; and

[(F) increasing employee productivity;]

(1) use its best business judgment in acting to maximize the benefits of public funding;

(2) [minimize Government subsidies by encouraging] *work with* State, regional, and local governments and the private sector, separately or in combination, to share the cost of providing rail passenger transportation, including the cost of operating facilities[;] *and improvements to service;*

[(3) carry out strategies to achieve immediately maximum productivity and efficiency consistent with safe and efficient transportation;]

(3) manage the passenger rail network in the interest of public transportation needs, including current and future Amtrak passengers;

(4) operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables;

(5) develop transportation on rail corridors subsidized by States and private parties;

(6) implement schedules based on a systemwide average speed of at least 60 miles an hour that can be achieved with a degree of reliability and passenger comfort;

(7) [encourage] *work with* rail carriers to assist in improving intercity rail passenger transportation;

(8) improve generally the performance of Amtrak through comprehensive and systematic operational programs and employee incentives;

(9) provide additional or complementary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;

(10) carry out policies that ensure equitable access to the Northeast Corridor by intercity and commuter rail passenger transportation;

(11) coordinate the uses of the Northeast Corridor, particularly intercity and commuter rail passenger transportation; [and]

[(12) maximize the use of its resources, including the most cost-effective use of employees, facilities, and real property.]

(12) utilize and manage resources with a long-term perspective, including sound investments that take into account the overall lifecycle costs of an asset;

(13) ensure that service is accessible, equitable, and accommodating to passengers with disabilities and members of underserved communities; and

(14) maximize the benefits Amtrak generates for the United States by creating quality jobs and supporting the domestic workforce.

[(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out subsection (c)(12) of this section, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment and designed to maximize its revenues and minimize Government subsidies. Amtrak shall prepare a financial plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013. Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.]

* * * * * * *

§ 24103. Enforcement

(a) GENERAL.—(1) Except as provided in paragraph (2) of this subsection *and section 24308(c)*, only the Attorney General may bring a civil action for equitable relief in a district court of the United States when Amtrak or a rail carrier—

(A) engages in or adheres to an action, practice, or policy inconsistent with this part or chapter 229;

(B) obstructs or interferes with an activity authorized under this part or chapter 229;

(C) refuses, fails, or neglects to discharge its duties and responsibilities under this part or chapter 229; or

(D) threatens—

(i) to engage in or adhere to an action, practice, or policy inconsistent with this part or chapter 229;

(ii) to obstruct or interfere with an activity authorized by this part or chapter 229; or

(iii) to refuse, fail, or neglect to discharge its duties and responsibilities under this part or chapter 229.

(2) An employee affected by any conduct or threat referred to in paragraph (1) of this subsection, or an authorized employee representative, may bring the civil action if the conduct or threat involves a labor agreement.

(b) REVIEW OF DISCONTINUANCE OR REDUCTION.—A discontinuance of a route, a train, or transportation, or a reduction in the frequency of transportation, by Amtrak is reviewable only in a civil action for equitable relief brought by the Attorney General.

(c) VENUE.—Except as otherwise prohibited by law, a civil action under this section may be brought in the judicial district in which Amtrak or the rail carrier resides or is found.

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CHAPTER 242—PROJECT DELIVERY

Sec.

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Sec. 24203. Advance acquisition.

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SEC. 24203. ADVANCE ACQUISITION.

(a) RAIL CORRIDOR PRESERVATION.—The Secretary of Transportation may assist a recipient of Federal financial assistance provided by the Secretary for an intercity passenger rail project in acquiring a right-of-way and adjacent real property interests before or during the completion of the environmental reviews for a project that may use such property interests if the acquisition is otherwise permitted under Federal law.

(b) CERTIFICATION.—Before authorizing advance acquisition under this section, the Secretary shall verify that—

(1) the recipient has authority to acquire the real property interest; and

(2) the acquisition of the real property interest—

(A) is for a transportation purpose;

(B) will not cause significant adverse environmental impact;

(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the project;

(D) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered;

(E) complies with other applicable Federal laws and regulations; and

(F) will not result in elimination or reduction of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(c) ENVIRONMENTAL REVIEWS.—

(1) COMPLETION OF NEPA REVIEW.—Before reimbursing or approving the expenditure of Federal funding for an acquisition of a real property interest, the Secretary shall complete all review processes otherwise required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) with respect to the acquisition.

(2) TIMING OF DEVELOPMENT ACQUISITION.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.

(d) INCLUSION IN NON-FEDERAL SHARE OF PROJECT COSTS.—Non-Federal funds used to acquire right-of-way and adjacent real property interests under this section before or during the environmental review, or before the award of a grant by the Secretary, shall be included in determining the non-Federal share of the costs of the underlying intercity passenger rail project.

(e) SAVINGS CLAUSE.—The advance acquisition process described in this section—

(1) is in addition to processes in effect on or before the date of enactment of the TRAIN Act; and

(2) does not affect—

(A) any right of the recipient described in subsection (a) to acquire property; or

(B) any other environmental review process, program, agreement, or funding arrangement related to the acquisition of real property, in effect on the date of enactment of the TRAIN Act.

CHAPTER 243—AMTRAK

Sec.

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[24321. Food and beverage reform.]
24321. Amtrak food and beverage.

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24323. Prohibition on smoking on Amtrak trains.
24324. Disaster and emergency relief program.
24325. Amtrak cybersecurity enhancement and resiliency grant program.
24326. Amtrak Office of Community Outreach.
24327. Amtrak carbon-free and renewable energy initiatives.

§ 24301. Status and applicable laws

(a) STATUS.—Amtrak—

(1) is a railroad carrier under section [20102(2)] *20102* and chapters 261 and 281 of this title;

(2) shall be operated and managed as a for-profit corporation *serving the public interest in reliable passenger rail service*; and

(3) is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31.

(b) PRINCIPAL OFFICE AND PLACE OF BUSINESS.—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the secretary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11123, 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

(d) APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.—Laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier subject to part A of subtitle IV of this title apply to Amtrak.

(e) APPLICATION OF CERTAIN ADDITIONAL LAWS.—Section 552 of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code § 29–301 et seq.) apply to Amtrak. Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.

(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

(g) NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) NONAPPLICATION OF PAY PERIOD LAWS.—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak

to the extent necessary to allow the person to make and carry out obligations under the agreement.

(k) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

(A) "additional tax" means a tax or fee—

(i) on the acquisition, improvement, ownership, or operation of personal property by Amtrak; and

(ii) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak.

(B) "Amtrak" includes a rail carrier subsidiary of Amtrak and a lessor or lessee of Amtrak or one of its rail carrier subsidiaries.

(2) Amtrak is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility, or right-of-way material or structures used in providing rail passenger transportation, even if that use is indirect.

(l) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.—(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981. In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.

(2) The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this subsection and may grant equitable or declaratory relief requested by Amtrak.

(m) WASTE DISPOSAL.—(1) An intercity rail passenger car manufactured after October 14, 1990, shall be built to provide for the discharge of human waste only at a servicing facility. Amtrak shall retrofit each of its intercity rail passenger cars that was manufactured after May 1, 1971, and before October 15, 1990, with a human waste disposal system that provides for the discharge of human waste only at a servicing facility. Subject to appropriations—

(A) the retrofit program shall be completed not later than October 15, 2001; and

(B) a car that does not provide for the discharge of human waste only at a servicing facility shall be removed from service after that date.

(2) Section 361 of the Public Health Service Act (42 U.S.C. 264) and other laws of the United States, States, and local governments do not apply to waste disposal from rail carrier vehicles operated in intercity rail passenger transportation. The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this paragraph and may grant equitable or declaratory relief requested by Amtrak.

(n) RAIL TRANSPORTATION TREATED EQUALLY.—When authorizing transportation in the continental United States for an officer, employee, or member of the uniformed services of a department, agency, or instrumentality of the Government, the head of that department, agency, or instrumentality shall consider rail transportation (including transportation by extra-fare trains) the same as transportation by another authorized mode. The Administrator of General Services shall include Amtrak in the contract air program of the Administrator in markets in which transportation provided by Amtrak is competitive with other carriers on fares and total trip times.

(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.

§ 24302. Board of directors

(a) COMPOSITION AND TERMS.—

(1) The Amtrak Board of Directors (referred to in this section as the "Board") is composed of the following 10 directors, each of whom must be a citizen of the United States:

(A) The Secretary of Transportation.

(B) The [President of Amtrak] *Chief Executive Officer of Amtrak*, who shall serve as a nonvoting member of the Board.

[(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.]

(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with a record of support for national intercity passenger rail service. Of the individuals appointed—

(i) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service on the Northeast Corridor;

(ii) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service that is not on the Northeast Corridor;

(iii) 1 shall be a representative of Amtrak employees;

(iv) 1 shall be an individual with a history of regular Amtrak ridership and an understanding of the concerns of intercity rail passengers;

(v) 1 shall be an individual with—

(I) demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network; and

(II) industry experience or qualifications in transportation, freight and passenger rail trans-

portation, travel, or passenger air transportation; and

(vi) 1 shall be an individual with general business and financial experience who has demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network.

(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of *users of Amtrak, including the elderly and individuals with disabilities, and* the major geographic regions of the United States served by Amtrak.

(3) An individual appointed under paragraph (1)(C) of this subsection shall be appointed for a term of 5 years. Such term may be extended until the individual's successor is appointed and qualified. [Not more than 5] *Not more than 4* individuals appointed under paragraph (1)(C) may be members of the same political party. *A member of the Board appointed under clause (i) or (ii) of paragraph (1)(C) shall serve for a term of 5 years or until such member leaves the elected office such member occupied at the time such member was appointed, whichever is first.*

(4) The Board shall elect a chairman and a vice chairman, other than the [President] *Chief Executive Officer* of Amtrak, from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

[(5) The Secretary may be represented at Board meetings by the Secretary's designee.]

(5) The Secretary and any Governor of a State may be represented at a Board meeting by a designee.

(b) [PAY AND EXPENSES] *DUTIES, PAY, AND EXPENSES.—Each director must consider the well-being of current and future Amtrak passengers, the public interest in sustainable national passenger rail service, and balance the preceding considerations with the fiduciary responsibilities of the director and the mission and goals of Amtrak.* Each director not employed by the United States Government or Amtrak is entitled to reasonable pay when performing Board duties. Each director not employed by the United States Government is entitled to reimbursement from Amtrak for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

(c) TRAVEL.—(1) Each director not employed by the United States Government shall be subject to the same travel and reimbursable business travel expense policies and guidelines that apply to Amtrak's executive management when performing Board duties.

(2) Not later than 60 days after the end of each fiscal year, the Board shall submit a report describing all travel and reimbursable business travel expenses paid to each director when performing Board duties to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) The report submitted under paragraph (2) shall include a detailed justification for any travel or reimbursable business travel expense that deviates from Amtrak's travel and reimbursable business travel expense policies and guidelines.

(d) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

(e) QUORUM.—A majority of the members serving who are eligible to vote shall constitute a quorum for doing business.

(f) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.

(g) GOVERNOR DEFINED.—In this section, the term "Governor" means the Governor of a State or the Mayor of the District of Columbia and includes a designee of the Governor.

* * * * * * *

§ 24305. General authority

(a) ACQUISITION AND OPERATION OF EQUIPMENT AND FACILITIES.—(1) Amtrak may acquire, operate, maintain, and make contracts for the operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation.

(2) Amtrak shall operate and control directly, to the extent practicable, all aspects of the rail passenger transportation it provides.

(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.

(b) MAINTENANCE AND REHABILITATION.—Amtrak may maintain and rehabilitate rail passenger equipment and shall maintain a regional maintenance plan that includes—

(1) a review panel at the principal office of Amtrak consisting of members the President of Amtrak designates;

(2) a systemwide inventory of spare equipment parts in each operational region;

(3) enough maintenance employees for cars and locomotives in each region;

(4) a systematic preventive maintenance program;

(5) periodic evaluations of maintenance costs, time lags, and parts shortages and corrective actions; and

(6) other elements or activities Amtrak considers appropriate.

(c) MISCELLANEOUS AUTHORITY.—Amtrak may—

(1) make and carry out appropriate agreements;

(2) transport mail and express and shall use all feasible methods to obtain the bulk mail business of the United States Postal Service;

(3) improve its reservation system and advertising;

(4) provide food and beverage services on its trains [only if revenues from the services each year at least equal the cost of providing the services];

(5) conduct research, development, and demonstration programs related to the mission of Amtrak; and

(6) buy or lease rail rolling stock and develop and demonstrate improved rolling stock.

(d) THROUGH ROUTES AND JOINT FARES.—(1) Establishing through routes and joint fares between Amtrak and other intercity rail passenger carriers and motor carriers of passengers is consistent with the public interest and the transportation policy of the United States. Congress encourages establishing those routes and fares.

(2) Amtrak may establish through routes and joint fares with any domestic or international motor carrier, air carrier, or water carrier.

(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.

(e) RAIL POLICE.—Amtrak may directly employ or contract with rail police to provide security for rail passengers and property of Amtrak. Rail police directly employed by or contracted by Amtrak who have complied with a State law establishing requirements applicable to rail police or individuals employed in a similar position may be directly employed or contracted without regard to the law of another State containing those requirements.

(f) DOMESTIC BUYING PREFERENCES.—(1) In this subsection, "United States" means the States, territories, and possessions of the United States and the District of Columbia.

(2) Amtrak shall buy only—

(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(3) Paragraph (2) of this subsection applies only when the cost of those articles, material, or supplies bought is at least $1,000,000.

(4) On application of Amtrak, the Secretary of Transportation may exempt Amtrak from this subsection if the Secretary decides that—

(A) for particular articles, material, or supplies—

(i) the requirements of paragraph (2) of this subsection are inconsistent with the public interest;

(ii) the cost of imposing those requirements is unreasonable; or

(iii) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; or

(B) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time.

* * * * * * *

§ 24307. Special transportation

(a) REDUCED FARE PROGRAM.—Amtrak shall maintain a reduced fare program [for the following:] *of at least a 10 percent discount on full-price coach class rail fares for, at a minimum—*

(1) individuals at least 65 years of age[.]*;*

[(2) individuals (except alcoholics and drug abusers) who—

[(A) have a physical or mental impairment that substantially limits a major life activity of the individual;

[(B) have a record of an impairment; or

[(C) are regarded as having an impairment.]

(2) individuals of 12 years of age or younger;

(3) individuals with a disability, as such term is defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) members of the Armed Forces on active duty (as those terms are defined in section 101 of title 10) and their spouses and dependents with valid identification;

(5) veterans (as that term is defined in section 101 of title 38) with valid identification; and

(6) individuals attending federally accredited postsecondary education institutions with valid student identification cards.

(b) EMPLOYEE TRANSPORTATION.—(1) In this subsection, "rail carrier employee" means—

(A) an active full-time employee of a rail carrier or terminal company and includes an employee on furlough or leave of absence;

(B) a retired employee of a rail carrier or terminal company; and

(C) a dependent of an employee referred to in clause (A) or (B) of this paragraph.

(2) Amtrak shall ensure that a rail carrier employee eligible for free or reduced-rate rail transportation on April 30, 1971, under an agreement in effect on that date is eligible, to the greatest extent practicable, for free or reduced-rate intercity rail passenger transportation provided by Amtrak under this part, if space is available, on terms similar to those available on that date under the agree-

ment. However, Amtrak may apply to all rail carrier employees eligible to receive free or reduced-rate transportation under any agreement a single systemwide schedule of terms that Amtrak decides applied to a majority of employees on that date under all those agreements. Unless Amtrak and a rail carrier make a different agreement, the carrier shall reimburse Amtrak at the rate of 25 percent of the systemwide average monthly yield of each revenue passenger-mile. The reimbursement is in place of costs Amtrak incurs related to free or reduced-rate transportation, including liability related to travel of a rail carrier employee eligible for free or reduced-rate transportation.

(3) This subsection does not prohibit the Surface Transportation Board from ordering retroactive relief in a proceeding begun or reopened after October 1, 1981.

§ 24308. Use of facilities and providing services to Amtrak

(a) GENERAL AUTHORITY.—(1) Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance.

(2)(A) If the parties cannot agree and if the Surface Transportation Board finds it necessary to carry out this part, the Board shall—

(i) order that the facilities be made available and the services provided to Amtrak; and

(ii) prescribe reasonable terms and compensation for using the facilities and providing the services.

(B) When prescribing reasonable compensation under subparagraph (A) of this paragraph, the Board shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services.

(C) The Board shall decide the dispute not later than 90 days after Amtrak submits the dispute to the Board.

(3) Amtrak's right to use the facilities or have the services provided is conditioned on payment of the compensation. If the compensation is not paid promptly, the rail carrier or authority entitled to it may bring an action against Amtrak to recover the amount owed.

(4) Amtrak shall seek immediate and appropriate legal remedies to enforce its contract rights when track maintenance on a route over which Amtrak operates falls below the contractual standard.

(b) OPERATING DURING EMERGENCIES.—To facilitate operation by Amtrak during an emergency, the Board, on application by Amtrak, shall require a rail carrier to provide facilities immediately during the emergency. The Board then shall promptly prescribe reasonable terms, including indemnification of the carrier by Amtrak against personal injury risk to which the carrier may be exposed. The rail carrier shall provide the facilities for the duration of the emergency.

(c) PREFERENCE OVER FREIGHT TRANSPORTATION.—Except in an emergency, intercity and commuter rail passenger transportation

provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the Board orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Board for relief. If the Board, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the Board shall establish the rights of the carrier and Amtrak on reasonable terms. *Notwithstanding section 24103(a) and section 24308(f), Amtrak shall have the right to bring an action for equitable or other relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.*

(d) ACCELERATED SPEEDS.—If a rail carrier refuses to allow accelerated speeds on trains operated by or for Amtrak, Amtrak may apply to the Board for an order requiring the carrier to allow the accelerated speeds. The Board shall decide whether accelerated speeds are unsafe or impracticable and which improvements would be required to make accelerated speeds safe and practicable. After an opportunity for a hearing, the Board shall establish the maximum allowable speeds of Amtrak trains on terms the Board decides are reasonable.

(e) ADDITIONAL TRAINS.—**[**(1) When a rail carrier does not agree to provide, or allow Amtrak to provide, for the operation of additional trains over a rail line of the carrier, Amtrak may apply to the Board for an order requiring the carrier to provide or allow for the operation of the requested trains. After a hearing on the record, the Board may order the carrier, within 60 days, to provide or allow for the operation of the requested trains on a schedule based on legally permissible operating times. However, if the Board decides not to hold a hearing, the Board, not later than 30 days after receiving the application, shall publish in the Federal Register the reasons for the decision not to hold the hearing.**]** *(1)(A) When a rail carrier does not agree to allow Amtrak to operate additional trains in accordance with proposed schedules over any rail line of the carrier on which Amtrak is operating or seeks to operate, Amtrak may submit an application to the Board for an order requiring the carrier to allow for the operation of the requested trains. Not later than 90 days after receipt of such application, the Board shall determine whether the additional trains would unreasonably impair freight transportation and—*

(i) upon a determination that such trains do not unreasonably impair freight transportation, order the rail carrier to allow for the operation of such trains on a schedule established by the Board; or

(ii) upon a determination that such trains do unreasonably impair freight transportation, initiate a proceeding to determine any additional infrastructure investments required by, or on behalf of, Amtrak.

(B) If Amtrak seeks to resume operation of a train that Amtrak operated during the 5-year period preceding an application described in subparagraph (A), the Board shall apply a presumption that the resumed operation of such train will not un-

reasonably impair freight transportation unless the Board finds that there are substantially changed circumstances.

(2) [The Board shall consider] *The Board shall—*

[(A) when conducting a hearing, whether an order would impair unreasonably freight transportation of the rail carrier, with the carrier having the burden of demonstrating that the additional trains will impair the freight transportation; and]

(A) in making the determination under paragraph (1), take into account any infrastructure investments previously made by, or on behalf of, Amtrak, or proposed in Amtrak's application, with the rail carrier having the burden of demonstrating that the additional trains will unreasonably impair the freight transportation; and

(B) when establishing scheduled running times, *consider investments described in subparagraph (A) and* the statutory goal of Amtrak to implement schedules that attain a system-wide average speed of at least 60 miles an hour that can be adhered to with a high degree of reliability and passenger comfort.

(3) Unless the parties have an agreement that establishes the compensation Amtrak will pay the carrier for additional trains provided under an order under this subsection, the Board shall decide the dispute under subsection (a) of this section.

(4) In a proceeding initiated by the Board under paragraph (1)(A)(ii), the Board shall solicit the views of the parties and require the parties to provide any necessary data or information. Not later than 180 days after the date on which the Board makes a determination under paragraph (1)(A)(ii), the Board shall issue an order requiring the rail carrier to allow for the operation of the requested trains provided that any conditions enumerated by the Board are met. In determining the necessary level of additional infrastructure or other investments needed to mitigate unreasonable impairment of freight transportation, the Board shall use any criteria, assumptions, and processes it considers appropriate.

(5) The provisions of this subsection shall be in addition to any other statutory or contractual remedies Amtrak may have with respect to operating the additional trains.

(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 207 of the Passenger Rail Investment and Improvement Act of 2008 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board (referred to in this section as the "Board") may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate such an investigation, to determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over whose tracks the intercity passenger train operates or reasonably addressed by Amtrak or

other intercity passenger rail operators. As part of its investigation, the Board has authority to review the accuracy of the train performance data and the extent to which scheduling and congestion contribute to delays. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).

* * * * * * *

§ 24312. Labor standards

(a) PREVAILING WAGES AND HEALTH AND SAFETY STANDARDS.—Amtrak shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed under an agreement made under section 24308(a) of this title will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. Amtrak may make such an agreement only after being assured that required labor standards will be maintained on the construction work. Health and safety standards prescribed by the Secretary under section 3704 of title 40 apply to all construction work performed under such an agreement, except for construction work performed by a rail carrier.

(b) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et

seq.) are deemed to comply with sections 3141–3144, 3146, and 3147 of title 40.

(c) CALL CENTER STAFFING.—

(1) OUTSOURCING.—Amtrak may not renew or enter into a contract to outsource call center customer service work on behalf of Amtrak, including through a business process outsourcing group.

(2) TRAINING.—Amtrak shall make available appropriate training programs to any Amtrak call center employee carrying out customer service activities using telephone or internet platforms.

(d) STATION AGENT STAFFING.—

(1) IN GENERAL.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building where at least one Amtrak ticket agent was employed on or after October 1, 2017.

(2) LOCATIONS.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building—

(A) that Amtrak owns, or operates service through, as part of a passenger service route; and

(B) for which the number of passengers boarding or deboarding an Amtrak long-distance train in the previous fiscal year exceeds the average of at least 40 passengers per day over all days in which the station was serviced by Amtrak, regardless of the number of Amtrak vehicles servicing the station per day. For fiscal year 2021, ridership from fiscal year 2019 shall be used to determine qualifying stations.

(3) EXCEPTION.—This subsection does not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.

(4) AMTRAK TICKET AGENT.—For purposes of this section, the term "Amtrak ticket agent" means an Amtrak employee with authority to sell Amtrak tickets onsite and assist in the checking of Amtrak passenger baggage.

(5) EFFECTIVE DATE.—This subsection shall take effect on the earlier of—

(A) the date of the expiration of the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or

(B) the day after the period that is the first 6 consecutive months within a calendar year for which Amtrak ridership exceeds the Amtrak ridership for the same 6 consecutive calendar months in 2019.

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§ 24315. Reports and audits

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Not later than February 15 of each year, Amtrak shall submit to Congress a report that—

(1) for each route on which Amtrak provided intercity rail passenger transportation during the prior fiscal year, includes information on—

(A) ridership;

(B) passenger-miles;

(C) the short-term avoidable profit or loss for each passenger-mile;

(D) the revenue-to-cost ratio;

(E) revenues;

(F) the United States Government subsidy;

(G) the subsidy not provided by the United States Government; and

(H) on-time performance;

(2) provides relevant information about a decision to pay an officer of Amtrak more than the rate for level I of the Executive Schedule under section 5312 of title 5; and

(3) specifies—

(A) significant operational problems Amtrak identifies; and

(B) proposals by Amtrak to solve those problems.

(b) AMTRAK GENERAL AND LEGISLATIVE ANNUAL REPORT.—(1) Not later than February 15 of each year, Amtrak shall submit to the President and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year. The report—

(A) shall include a discussion and accounting of Amtrak's success in meeting the goal of section 24902(b) of this title; and

(B) may include recommendations for legislation, including the amount of financial assistance needed for operations and capital improvements, the method of computing the assistance, and the sources of the assistance.

(2) Amtrak may submit reports to the President and Congress at other times Amtrak considers desirable.

(c) SECRETARY'S REPORT ON EFFECTIVENESS OF THIS PART.—The Secretary of Transportation shall prepare a report on the effectiveness of this part in meeting the requirements for a balanced transportation system in the United States. The report may include recommendations for legislation. The Secretary shall include this report as part of the annual report the Secretary submits under section 308(a) of this title.

(d) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of Amtrak each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be included in the report required by subsection (a) of this section.

(e) COMPTROLLER GENERAL AUDITS.—The Comptroller General may conduct performance audits of the activities and transactions of Amtrak. Each audit shall be conducted at the place at which the Comptroller General decides and under generally accepted management principles. The Comptroller General may prescribe regulations governing the audit.

(f) AVAILABILITY OF RECORDS AND PROPERTY OF AMTRAK AND RAIL CARRIERS.—Amtrak and, if required by the Comptroller Gen-

eral, a rail carrier with which Amtrak has made a contract for intercity rail passenger transportation shall make available for an audit under subsection (d) or (e) of this section all records and property of, or used by, Amtrak or the carrier that are necessary for the audit. Amtrak and the carrier shall provide facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. Amtrak and the carrier may keep all reports and property.

(g) COMPTROLLER GENERAL'S REPORT TO CONGRESS.—The Comptroller General shall submit to Congress a report on each audit, giving comments and information necessary to inform Congress on the financial operations and condition of Amtrak and recommendations related to those operations and conditions. The report also shall specify any financial transaction or undertaking the Comptroller General considers is carried out without authority of law. When the Comptroller General submits a report to Congress, the Comptroller General shall submit a copy of it to the President, the Secretary, and Amtrak at the same time.

(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.

(i) ACCESS TO RECREATIONAL TRAILS.—At least 30 days before implementing a new policy, structure, or operation that impedes access to recreational trails, Amtrak shall work with potentially affected communities, making a good-faith effort to address local concerns about such access. Not later than February 15 of each year, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any such engagement in the preceding calendar year, and any changes to policies, structures, or operations affecting access to recreational trails that were considered or made as a result. The report shall include Amtrak's plans to mitigate the impact to such access.

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§ 24317. Accounts

(a) PURPOSE.—The purpose of this section is to—

(1) promote the effective use and stewardship by Amtrak of Amtrak revenues, Federal, State, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

(2) enhance the transparency of the assignment of revenues and costs among Amtrak business lines while ensuring the health of the Northeast Corridor and National Network.

(b) ACCOUNT STRUCTURE.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation, in consultation with Amtrak, shall define an account structure and improvements to accounting methodologies, as necessary, to support, at a minimum, the Northeast Corridor and the National Network.

(c) FINANCIAL SOURCES.—In defining the account structure and improvements to accounting methodologies required under sub-

section (b), the Secretary shall ensure, to the greatest extent practicable, that Amtrak assigns the following:

(1) For the Northeast Corridor account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Northeast Corridor, including—

(A) grant funds appropriated for the Northeast Corridor pursuant to section 11101(a) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from commuter rail passenger transportation providers for such providers' share of capital and operating costs on the Northeast Corridor provided to Amtrak pursuant to section 24905(c); and

(C) any operating surplus of the Northeast Corridor, as allocated pursuant to section 24318.

(2) For the National Network account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the National Network, including—

(A) grant funds appropriated for the National Network pursuant to section 11101(b) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from States provided to Amtrak pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

(C) any operating surplus of the National Network, as allocated pursuant to section 24318.

(d) FINANCIAL USES.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

(1) For the Northeast Corridor, all associated costs, including—

(A) operating activities;

(B) capital activities as described in section ⟦24904(a)(2)(E)⟧ *24904(b)(2)(E)*;

(C) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

(D) payment of principal and interest on loans for capital projects described in this paragraph or for capital leases attributable to the Northeast Corridor;

(E) other capital projects on the Northeast Corridor, determined appropriate by the Secretary, and consistent with section 24905(c)(1)(A)(i); and

(F) if applicable, capital projects described in section ⟦24904(b)⟧ *24904(c)*.

(2) For the National Network, all associated costs, including—

(A) operating activities;

(B) capital activities; and

(C) the payment of principal and interest on loans or capital leases attributable to the National Network.

(e) IMPLEMENTATION AND REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak, in consultation with the Secretary, shall implement any account structures and improvements defined under subsection (b) so that Amtrak is able to produce profit and loss statements for each of the business lines described in section 24320(b)(1) and, as appropriate, each of the asset categories described in section 24320(c)(1) that identify sources and uses of—

(A) revenues;

(B) appropriations; and

(C) transfers between business lines.

(2) UPDATED PROFIT AND LOSS STATEMENTS.—Not later than 1 month after the implementation under paragraph (1), and monthly thereafter, Amtrak shall submit updated profit and loss statements for each of the business lines and asset categories to the Secretary.

(f) ACCOUNT MANAGEMENT.—For the purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) if such transfers—

(1) do not materially impact Amtrak's ability to achieve its anticipated financial, capital, and operating performance goals for the fiscal year; and

(2) would not materially change any grant agreement entered into pursuant to section 24319(d), or other agreements made pursuant to applicable Federal law.

(g) TRANSFER AUTHORITY.—

(1) IN GENERAL.—If Amtrak determines that a transfer between the accounts defined under subsection (b) does not meet the account management standards established under subsection (f), Amtrak may transfer funds between the Northeast Corridor and National Network accounts if—

(A) Amtrak notifies the Amtrak Board of Directors, including the Secretary, at least 10 days prior to the expected date of transfer; and

(B) solely for a transfer that will materially change a grant agreement, the Secretary approves.

(2) REPORT.—Not later than 5 days after the Amtrak Board of Directors receives notification from Amtrak under paragraph (1)(A), the Board shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, a report that includes—

(A) the amount of the transfer; and

(B) a detailed explanation of the reason for the transfer, including—

(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

(3) NOTIFICATIONS.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under paragraph (1) to or from an account, Amtrak shall transmit to the State-Supported Route Committee and Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

(h) REPORT.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak's report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(i) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term "Northeast Corridor" means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

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§ 24320. Amtrak 5-year business line and asset plans

(a) IN GENERAL.—

(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary of Transportation final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak's general and legislative annual report to the President and Congress required by section 24315(b). Each plan shall cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed.

(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any funding needs in excess of amounts authorized or otherwise available to Amtrak in a fiscal year.

(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

(A) Northeast Corridor train services.

(B) State-supported routes operated by Amtrak.

(C) Long-distance routes operated by Amtrak.

(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.

(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

(A) a statement of Amtrak's objectives, goals, and service plan for the business line, in consultation with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

(i) passenger operations;

(ii) non-passenger operations that are directly related to the business line; and

(iii) governmental funding sources, including revenues and other funding received from States;

(C) projected ridership levels for all passenger operations;

(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

(E) annual profit and loss statements and forecasts and balance sheets;

(F) annual cash flow forecasts;

(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and productivity for each route;

(J) specific costs and savings estimates resulting from reform initiatives;

(K) prior fiscal year and projected equipment reliability statistics; and

(L) an identification and explanation of any major adjustments made from previously-approved plans.

(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

(A) consult with the Secretary in the development of the business line plans;

(B) for the Northeast Corridor business line plan, consult with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

(C) for the State-supported route business line plan, consult with the State-Supported Route Committee established under section 24712;

(D) for the long-distance route business line plan, consult with any States or Interstate Compacts that provide funding for such routes, as appropriate;

(E) ensure that Amtrak's general and legislative annual report, required under section 24315(b), to the President and Congress is consistent with the information in the 5-year business line plans; and

(F) identify the appropriate Amtrak officials that are responsible for each business line.

(4) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term "Northeast Corridor" means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(c) AMTRAK 5-YEAR ASSET PLANS.—

(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national rail passenger transportation system.

(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

(A) a summary of Amtrak's 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

(C) a prioritized list of proposed capital investments that—

(i) categorizes each capital project as being primarily associated with—

(I) normalized capital replacement;

(II) backlog capital replacement;

(III) improvements to support service enhancements or growth;

(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

(V) statutory, regulatory, or other legal mandates;

(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

(I) the potential effect on passenger operations, safety, reliability, and resilience;

(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

(III) the benefits and costs; ⟦and⟧

(D) a summary of Amtrak's plan to meet the workforce needs of each asset category, which shall—

(i) identify any gaps in Amtrak's workforce, including any vacancy, skill gap, or shortage of qualified personnel;

(ii) summarize any action Amtrak is taking to address any such gaps; and

(iii) summarize any anticipated change to the size of the Amtrak workforce and any cause for such change; and

⟦(D)⟧ *(E)* annual profit and loss statements and forecasts and balance sheets for each asset category.

(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

(A) consult with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

(B) as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

(C) identify the appropriate Amtrak officials that are responsible for each asset category.

(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

(A) evaluate the costs and scope of all national assets; and

(B) determine the activities and costs that are—

(i) required in order to ensure the efficient operations of a national rail passenger system;

(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

(iii) extraneous to providing an efficient national rail passenger system or are too costly relative to the benefits or performance outcomes they provide.

(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term "national assets" means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national rail passenger transportation system.

(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak's cost accounting methodology and system.

(7) EXEMPTION.—

(A) IN GENERAL.—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2).

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on the Department's Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

(C) INCLUSION IN PLAN.—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

(d) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In preparing plans under this section, Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

(2) use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

[§ 24321. Food and beverage reform

[(a) PLAN.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall develop and begin implementing a plan to eliminate, within 5 years of such date of enactment, the operating loss associated with providing food and beverage service on board Amtrak trains.

[(b) CONSIDERATIONS.—In developing and implementing the plan, Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

[(1) scheduling optimization;

[(2) on-board logistics;

[(3) product development and supply chain efficiency;

[(4) training, awards, and accountability;

[(5) technology enhancements and process improvements; and

[(6) ticket revenue allocation.

[(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of—

[(1) the development and implementation of the plan required under subsection (a); or

[(2) any other action taken by Amtrak to implement this section.

[(d) REPORT.—Not later than 120 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, and annually thereafter for 5 years, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the plan developed pursuant to subsection (a) and a description of progress in the implementation of the plan.]

§ 24321. Amtrak food and beverage

(a) ENSURING ACCESS TO FOOD AND BEVERAGE SERVICES.—On all long-distance routes, Amtrak shall ensure that all passengers who travel overnight on such route shall have access to purchasing the food and beverages that are provided to sleeping car passengers on such route.

(b) FOOD AND BEVERAGE WORKFORCE.—

(1) WORKFORCE REQUIREMENT.—Amtrak shall ensure that any individual onboard a train who prepares or provides food and beverages is an Amtrak employee.

(2) SAVINGS CLAUSE.—No Amtrak employee holding a position as of the date of enactment of the TRAIN Act may be involuntarily separated because of any action taken by Amtrak to implement this section, including any employees who are furloughed as a result of the COVID–19 pandemic.

(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of the development and implementation of the plan required by the amendments made by section 11207 of such Act.

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§ 24323. Prohibition on smoking on Amtrak trains

(a) PROHIBITION.—Beginning on the date of enactment of the TRAIN Act, Amtrak shall prohibit smoking on board Amtrak trains.

(b) ELECTRONIC CIGARETTES.—

(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term "electronic cigarette" means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.

§ 24324. Disaster and emergency relief program

(a) IN GENERAL.—The Secretary of Transportation may make grants to Amtrak for—

(1) capital projects to repair, reconstruct, or replace equipment, infrastructure, stations, and other facilities that the Secretary determines are in danger of suffering serious damage, or have suffered serious damage, as a result of an emergency event;

(2) offset revenue lost as a result of such an event; and

(3) support continued operations following emergency events.

(b) COORDINATION OF EMERGENCY FUNDS.—Funds made available to carry out this section shall be in addition to any other funds available and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law.

(c) GRANT CONDITIONS.—Grants made under this subsection (a) shall be subject to section 22905(c)(2)(A) and other such terms and conditions as the Secretary determines necessary.

(d) DEFINITION OF EMERGENCY EVENT.—In this section, the term "emergency event" has the meaning given such term in section 20103.

§ 24325. Amtrak cybersecurity enhancement and resiliency grant program

(a) IN GENERAL.—The Secretary of Transportation shall make grants to Amtrak for improvements in information technology systems, including cyber resiliency improvements for Amtrak information technology assets.

(b) APPLICATION OF BEST PRACTICES.—Any cyber resiliency improvements carried out with a grant under this section shall be consistent with cybersecurity industry best practices and publications issued by the National Institute of Standards and Technology.

(c) COORDINATION OF CYBERSECURITY FUNDS.—Funds made available to carry out this section shall be in addition to any other Federal funds and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law for purposes of enhancing the cybersecurity architecture of Amtrak.

(d) GRANT CONDITIONS.—In carrying out this section—

(1) to the extent practicable, the Secretary shall provide grants consistent with the process established under section 24319;

(2) the Secretary shall ensure that a grant made available under this section shall be administered and disbursed as part of Amtrak's annual grant agreement as authorized by section 24319(d)(1)(B); and

(3) a grant made under this section shall be subject to such terms and conditions as the Secretary determines necessary.

§ 24326. Amtrak Office of Community Outreach

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall establish an Office of Community Outreach to engage with communities impacted by Amtrak operations.

(b) RESPONSIBILITIES.—The Office of Community Outreach shall be responsible for—

(1) outreach and engagement with—

(A) local officials before capital improvement project plans are finalized; and

(B) local stakeholders and relevant organizations on projects of community significance;

(2) clear explanation and publication of how community members can communicate with Amtrak;

(3) the use of virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

(4) making publicly available on the website of Amtrak, planning documents for proposed and implemented capital improvement projects.

(c) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Office of Community Outreach, and annually thereafter, Amtrak shall submit to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes the community outreach efforts undertaken by the Amtrak Office of Community Outreach for the previous year; and

(2) identifies changes Amtrak made to capital improvement project plans after engagement with affected communities.

§ 24327. Amtrak carbon-free and renewable energy initiatives

(a) EMISSIONS REDUCTION AND ENERGY PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall—

(A) develop a greenhouse gas emissions reduction and energy plan that sets forth a goal of, a strategy for achieving, and potential timelines and funding requirements for—

(i) becoming a net-zero carbon emissions transportation provider; and

(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor;

(B) submit the plan to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) publish the plan on Amtrak's website.

(2) ADDITIONAL REQUIREMENTS.—The plan developed under paragraph (1) shall contain—

(A) at least 1 option for becoming a net-zero carbon emissions transportation provider not later than January 1, 2035; and

(B) at least 1 option for achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor not later than January 1, 2030.

(3) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—After submission and publication of the plan developed under paragraph (1), Amtrak shall include in each general and legislative annual report re-

quired under section 24315(b), an update on Amtrak's progress towards—

(i) becoming a net-zero carbon emissions transportation provider; and

(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor.

(B) LEGISLATIVE RECOMMENDATIONS.—The update required under subparagraph (A) may include recommendations for legislative changes or changes to funding levels likely to increase the rate of Amtrak's progress.

(b) CARBON-FREE AND RENEWABLE ENERGY USE.—

(1) ENERGY SOURCE REQUIREMENT.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall ensure that any new or renewed contract between Amtrak and a provider of electricity that is used to meet the needs of train traction power or rail facility power requires that an amount equal to or greater that 25 percent of such electricity is derived from carbon-free or renewable energy sources.

(2) INCREASED ENERGY SOURCE GOALS.—Amtrak shall establish goals for increasing the energy source requirements described in paragraph (1), including a goal of requiring—

(A) at least 50 percent of electricity derived from such sources for new or renewed contracts entered into beginning 5 years after the date of enactment of the TRAIN Act; and

(B) 100 percent of electricity derived from such sources for new or renewed contracts entered into on or after January 1, 2030.

(3) EXCEPTIONS.—The requirements of paragraph (1) shall not apply in any case in which—

(A) no provider of electricity is able to provide the necessary levels of carbon-free or renewable energy;

(B) compliance with such requirements would adversely affect Amtrak's operations or quality of service to an unreasonable degree; or

(C) compliance with such requirements would cause an increase of at least 50 percent in total cost of electricity, as compared to the total cost of electricity Amtrak would otherwise have acquired.

(4) REPORT.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies opportunities to further increase Amtrak's use of carbon-free and renewable energy for train traction power needs and facility power needs.

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CHAPTER 247—AMTRAK ROUTE SYSTEM

* * * * * * *

[§ 24712. State-supported routes operated by Amtrak

[(a) STATE-SUPPORTED ROUTE COMMITTEE.—

[(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the "Committee") to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

[(2) MEMBERSHIP.—

[(A) IN GENERAL.—The Committee shall consist of—

[(i) members representing Amtrak;

[(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

[(iii) members representing States.

[(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

[(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

[(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

[(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

[(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

[(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

[(B) each voting bloc has 1 vote;

[(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

[(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

[(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

[(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

[(B) be adopted in accordance with such decisionmaking procedures.

[(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

[(6) COST ALLOCATION METHODOLOGY.—

[(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the

Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

[(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

[(C) REQUIREMENTS.—The cost allocation methodology shall—

[(i) ensure equal treatment in the provision of like services of all States and groups of States; and

[(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

[(b) INVOICES AND REPORTS.—Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

[(c) DISPUTE RESOLUTION.—

[(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

[(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

[(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

[(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

[(d) ASSISTANCE.—

[(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

[(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

[(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

[(B) administrative expenses that the Secretary determines necessary.

[(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

[(f) STATEMENT OF GOALS AND OBJECTIVES.—

[(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

[(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

[(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

[(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

[(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

[(h) DEFINITION OF STATE.—In this section, the term "State" means any of the 50 States, including the District of Columbia, that sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors such operation on such a route.]

§ 24712. State-supported routes operated by Amtrak

(a) STATE-SUPPORTED ROUTE COMMITTEE.—

(1) ESTABLISHMENT.—There is established a State-Supported Route Committee (referred to in this section as the "Committee") to promote mutual cooperation and planning pertaining to the current and future rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall consist of—

(i) members representing Amtrak;

(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

(iii) members representing States.

(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

(B) each voting bloc has 1 vote;

(C) the votes of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all members of a voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other voting blocs consistent with the procedures set forth in paragraph (3) shall be deemed unanimous consent.

(5) MEETINGS; RULES AND PROCEDURES.—The Committee shall define and periodically update the rules and procedures governing the Committee's proceedings. The rules and procedures shall—

(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

(B) be adopted in accordance with such decisionmaking procedures.

(6) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

(7) COST METHODOLOGY POLICY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(B) REVISIONS TO COST METHODOLOGY POLICY.—

(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to the requirements of clause (iii), the Committee shall, not later than March 31, 2022, update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note). Such update shall be consistent with the principles for revision of the Committee pursuant to such section and consistent with any subsequent changes to such principles approved by the Committee. The Committee shall implement the updated policy beginning in fiscal year 2023 and shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate a report documenting and explaining any changes to the policy and plans for implementation not later than 30 days after the adoption of the updated policy.

(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a policy implemented pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request such costs in the general and legislative annual report required by section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised policy is implemented.

(iii) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (5) shall include procedures for changing the cost methodology policy under this subparagraph, notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act (49 U.S.C. 22 24101 note), and procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, and data sharing and governance.

(C) REQUIREMENTS.—The cost methodology policy shall—

(i) ensure equal treatment in the provision of like services of all States and groups of States;

(ii) assign to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route; and

(iii) promote increased efficiency in Amtrak's operating and capital activities.

(b) INVOICES AND REPORTS.—

(1) MONTHLY INVOICE.—Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs.

(2) PLANNING AND DEMAND REPORTS.—A State shall provide to the Committee and Amtrak planning and demand reports with respect to a planned or existing State-supported route.

(3) FINANCIAL AND PERFORMANCE REPORTS.—The Committee shall require Amtrak to provide to the States and the Committee financial and performance reports at a frequency, and containing such information, as determined appropriate by the Committee.

(c) DISPUTE RESOLUTION.—

(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(5), an invoice or a report provided under subsection (b), implementation or compliance with the cost methodology policy developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(7) of this section, either

Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount related to a State-supported route that a State sponsors that is not in dispute.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

(B) administrative expenses that the Secretary determines necessary.

(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance, including incentives to—

(1) increase revenue;

(2) reduce costs;

(3) finalize contracts by the beginning of the Federal fiscal year; and

(4) require States to promptly make payments for services delivered.

(f) STATEMENT OF GOALS AND OBJECTIVES.—

(1) IN GENERAL.—The Committee shall develop and annually review and update, as necessary, a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The statement shall include a list of capital projects, including infrastructure, fleet, station, and facility initiatives, needed to support the growth of State-supported routes. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than March 31 of each year, the Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the

most recent annual update to the statement developed under paragraph (1).

(g) NEW OR EXPANDED STATE-SUPPORTED ROUTES.—

(1) COORDINATION AND CONSULTATION.—In developing a new State-supported route or expanding an existing State-supported route, Amtrak shall closely coordinate with all States in which such route operates, and shall consult with the following:

(A) The local municipalities in which the proposed route operates.

(B) Commuter authorities and regional transportation authorities (as such terms are defined in section 24102) in the areas proposed to be served by such route.

(C) The owner of any rail infrastructure over which the proposed route operates.

(D) Administrator of the Federal Railroad Administration.

(E) Other stakeholders, as appropriate.

(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated or expanded on or after the date of enactment of the TRAIN Act, Amtrak shall enter into an agreement with the State in which the proposed route operates for sharing ongoing operating costs and capital costs in accordance with—

(A) the cost methodology policy described under subsection (a)(7); or

(B) the alternative cost methodology schedule described in paragraph (3).

(3) ALTERNATIVE COST METHODOLOGY.—Under the cost methodology schedule described in this paragraph, with respect to costs not covered by revenues for the operation of a State-supported route, Amtrak shall pay—

(A) the share Amtrak otherwise would have paid under the cost methodology under subsection (a); and

(B) a percentage of the share that the State otherwise would have paid under the cost methodology policy under subsection (a) according to the following:

(i) Amtrak shall pay up to 100 percent of the capital costs and planning costs necessary to initiate a new State-supported route or expand an existing State-supported route, including planning and development, design, and environmental analysis costs, prior to beginning operations on the new route.

(ii) For the first 2 years of operation, Amtrak shall pay for 100 percent of operating costs and capital costs.

(iii) For the third year of operation, Amtrak shall pay 90 percent of operating costs and capital costs and the State shall pay the remainder.

(iv) For the fourth year of operation, Amtrak shall pay 80 percent of operating costs and capital costs and the State shall pay the remainder

(v) For the fifth year of operation, Amtrak shall pay 50 percent of operating costs and capital costs and the State shall pay the remainder.

(vi) For the sixth year of operation and thereafter, operating costs and capital costs shall be allocated in accordance with the cost methodology policy described under subsection (a) as applicable.

(4) DEFINITIONS.—In this subsection, the terms "capital cost" and "operating cost" shall apply in the same manner as such terms apply under the cost methodology policy developed under subsection (a).

(h) COST METHODOLOGY UPDATE AND IMPLEMENTATION REPORT.—Not later than 18 months after an updated cost methodology policy required under subsection (a)(7)(B) is implemented, the Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the implementation of the updated policy.

(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall provide an update in the general and legislative annual report required by 24315(b) of planned or proposed changes to State-supported routes, including the introduction of new State-supported routes. In identifying routes to be considered planned or proposed under this subsection, Amtrak shall—

(1) identify the timeframe in which such changes could take effect and whether Amtrak has entered into a commitment with a State under subsection (g)(2); and

(2) consult with the Committee and any additional States in which a planned or proposed route may operate, not less than 120 days before an annual grant request is transmitted to the Secretary.

(j) RULE OF CONSTRUCTION.—The decisions of the Committee—

(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

(k) DEFINITION OF STATE.—In this section, the term "State" means any of the 50 States, including the District of Columbia, that sponsor or propose to sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors or proposes to sponsor such operation on such a route.

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CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

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§ 24904. Northeast Corridor planning

(a) SERVICE DEVELOPMENT PLAN.—

(1) REQUIREMENT.—Not later than December 31, 2021, the Northeast Corridor Commission established under section 24905 (referred to in this section as the "Commission") shall submit to Congress a service development plan that identifies key state-of-good-repair, capacity expansion, and capital im-

provement projects planned for the Northeast Corridor, to upgrade aging infrastructure and improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the Northeast Corridor.

(2) CONTENTS.—The service development plan required under paragraph (1) shall—

(A) provide a coordinated and consensus-based plan covering a period of 15 years;

(B) identify service objectives and capital investments needs;

(C) provide a delivery-constrained strategy that identifies capital investment phasing, an evaluation of workforce needs, and strategies for managing resources and mitigating construction impacts on operations;

(D) describe the anticipated outcomes of each project or program, including an assessment of improved capacity, travel time, and other benefits and costs of proposed investments;

(E) include a financial strategy that incorporates available funding and identifies funding needs and potential sources of such funding; and

(F) be updated at least every 5 years.

[(a)] *(b)* NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

(1) REQUIREMENT.—[Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the "Commission") shall] *Not later than November 1 of each year, the Commission shall—*

(A) develop [a capital investment plan] *an annual capital investment plan* for the Northeast Corridor; and

(B) submit the capital investment plan *for the Northeast Corridor* to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The capital investment plan shall—

(A) reflect coordination [and network optimization] across the entire Northeast Corridor;

(B) integrate the individual capital [and service] plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

(C) cover a period of 5 fiscal years, beginning with the [first fiscal year after the date on which] *fiscal year during which* the plan is completed;

(D) notwithstanding section 24902(b), [identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider] *document the projects and programs being undertaken to achieve the service outcomes identified in the Northeast Corridor service development plan, once available, and the asset condition needs identified in the Northeast Corridor*

asset management system described in subsection (e) and consider—

(i) the *overall estimated* benefits and costs of capital investments in the plan;

(ii) project and program readiness;

(iii) the operational impacts; and

(iv) Federal and non-Federal funding availability;

(E) categorize capital projects and programs as primarily associated with—

(i) [normalized capital replacement and] basic infrastructure renewals;

(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

(iii) statutory, regulatory, or other legal mandates;

(iv) improvements to support service enhancements or growth; or

(v) strategic initiatives that will improve overall operational performance or lower costs;

(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E); *and*

[(G) describe the anticipated outcomes of each project or program, including an assessment of—

[(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

[(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

[(iii) the benefits and costs; and]

[(H)] *(G)* include a financial plan.

(3) FINANCIAL PLAN.—The financial plan under [paragraph (2)(H)] *paragraph (2)(G)* shall—

(A) identify *anticipated* funding sources and financing methods *and, in the absence of an authorization or appropriation of funds for a fiscal year, be based on the amount of funding available in the previous fiscal year, plus inflation*;

(B) identify the [expected allocated shares of costs] *status of cost sharing agreements* pursuant to the cost allocation policy developed under section 24905(c);

(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; [and]

(D) include any funding needs in excess of amounts authorized or otherwise available in a fiscal year; and

[(D)*(E)* identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C) and implement each capital project.

[(b)] *(c)* FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the North-

east Corridor account established under section 24317(b) for that fiscal year [may be spent only on—]

[(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

[(2) capital projects described in subsection (a)(2)(E)(iv) or (v) of this section that are for the sole benefit of Amtrak.] *may be spent only on capital projects and programs contained in the Commission's capital investment plan from the previous year.*

[(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

[(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

[(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

[(B) includes, at a minimum—

[(i) an inventory of all capital assets owned by the developer of the asset management plan;

[(ii) an assessment of asset condition;

[(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

[(iv) a description of changes in asset condition since the previous version of the plan.

[(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

[(A) not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, a Northeast Corridor asset management plan developed under paragraph (1); and

[(B) at least biennially thereafter, an update to such plan.

[(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.]

(d) REVIEW AND COORDINATION.—The Commission shall gather information from Amtrak, the States in which the Northeast Corridor is located, and commuter rail authorities to support development of the capital investment plan. The Commission may specify a format and other criteria for the information submitted. Submissions to the plan from Amtrak, States in which the Northeast Corridor are located, and commuter rail authorities shall be provided to the Commission in a manner that allows for a reasonable period of review by, and coordination with, affected agencies.

(e) NORTHEAST CORRIDOR ASSET MANAGEMENT.—With regard to existing infrastructure, Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system, and

use and update such system as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b). Such system shall—

(1) be timed consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

(2) include, at a minimum—

(A) an inventory of all capital assets owned by the developer of the plan;

(B) an assessment of asset condition;

(C) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair; and

(D) a description of changes in asset condition since the previous version of the plan.

[(e)**]** *(f)* DEFINITION OF NORTHEAST CORRIDOR.—In this section, the term "Northeast Corridor" means the main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

§ 24905. Northeast Corridor Commission; Safety Committee

(a) NORTHEAST CORRIDOR COMMISSION.—

(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Commission (referred to in this section as the "Commission") to promote mutual cooperation and planning pertaining to the rail operations, infrastructure investments, and related activities of the Northeast Corridor. The Commission shall be made up of—

(A) **[**members**]** *4 members* representing Amtrak;

(B) **[**members**]** *5 members* representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;

(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

(D) non-voting representatives of freight **[**and commuter railroad carriers using the Northeast Corridor selected by the Secretary**]** *railroad carriers and commuter authorities using the Northeast Corridor, as determined by the Commission.*

[(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under paragraph (1) shall not constitute a majority of the Commission's memberships.**]**

(2) At least two of the members described in paragraph (1)(B) shall be career appointees, as such term is defined in section 3132(a) of title 5.

(3) The Commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the Commission shall develop rules and procedures to govern the Commission's proceedings.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).

(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(10) The Commission shall consult with other entities as appropriate.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

(1) STATEMENT OF GOALS.—The Commission shall develop and periodically update a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations based on the statement developed under this section addressing, as appropriate—

(A) short-term and long-term capital investment needs;

(B) future funding requirements for capital improvements and maintenance;

(C) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

(D) opportunities for additional non-rail uses of the Northeast Corridor;

(E) scheduling and dispatching;

(F) safety and security enhancements;

(G) equipment design;

(H) marketing of rail services;

(I) future capacity requirements; and

(J) potential funding and financing mechanisms for projects of corridor-wide significance.

(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

(i) the operations and performance of commuter, intercity, and freight rail transportation*, including ridership trends,* along the Northeast Corridor; and

(ii) the delivery of the ⟦capital investment plan described in section 24904.⟧ *first year of the capital investment plan described in section 24904; and*

(iii) progress in assessing and eliminating the state-of-good-repair backlog.

(c) ALLOCATION OF COSTS.—

⟦(1) DEVELOPMENT OF POLICY.—⟧ ⟦The Commission shall—⟧

⟦(A) develop a standardized policy⟧

(1) POLICY.—The Commission shall—

(A) maintain and update, as appropriate, the "Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy" approved on September 17, 2015, for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, that use Amtrak facilities or services or that provide such facilities or services to Amtrak that ensures that—

(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;

(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

(iii) all financial contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including but not limited to, any capital infrastructure investments and in-kind services;

(B) develop ⟦a proposed timetable for implementing⟧ *timetables for implementing and maintaining* the policy;

(C) submit [the policy and the timetable] *updates to the policy and the timetables* developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

[(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and]

(D) support the efforts of the members of the Commission to implement the policy in accordance with such timetables; and

(E) with the consent of a majority of its members, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.

(2) IMPLEMENTATION.—[Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the policy developed under paragraph (1) in accordance with the timetable established therein.] *In accordance with the timetable developed in paragraph (1), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in agreements for usage of facilities or services.* If the entities [fail to implement such new agreements] *fail to implement the policy* in accordance with paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall determine the appropriate compensation for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under [paragraph (1)(A), as applicable] *paragraph (1)*. The Surface Transportation Board shall enforce its determination on the party or parties involved.

(3) REVISIONS.—The Commission may make necessary revisions to the policy developed under paragraph (1), including revisions based on Amtrak's financial accounting system developed pursuant to section 203 of the Passenger Rail Investment and Improvement Act of 2008.

(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or [public authorities providing commuter rail passenger transportation] *commuter authorities* on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section during fiscal years 2016

through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015.]

[(e)] *(d)* NORTHEAST CORRIDOR SAFETY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) [commuter rail agencies] *commuter authorities*;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.

* * * * * * *

§ 24911. Federal-State partnership for state of good repair

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term "applicant" means—

(A) a State (including the District of Columbia);

(B) a group of States;

(C) an Interstate Compact;

(D) a public agency or publicly chartered authority established by 1 or more States;

(E) a political subdivision of a State;

(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

(G) any combination of the entities described in subparagraphs (A) through (F).

(2) CAPITAL PROJECT.—The term "capital project" means—

(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity rail passenger service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term "intercity rail passenger transportation" has the meaning given the term in section 24102.

(4) NORTHEAST CORRIDOR.—The term "Northeast Corridor" means—

(A) the main rail line between Boston, Massachusetts and the District of Columbia;

(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and

(C) facilities and services used to operate and maintain lines described in subparagraphs (A) and (B).

(5) QUALIFIED RAILROAD ASSET.—The term "qualified railroad asset" means infrastructure, equipment, or a facility that—

(A) is owned or controlled by an eligible applicant;

(B) is contained in the planning document developed under section 24904 and for which a cost-allocation policy has been developed under section 24905(c), or is contained in an equivalent planning document and for which a similar cost-allocation policy has been developed; and

(C) was not in a state of good repair on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.

(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog with respect to qualified railroad assets.

(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

(1) capital projects to replace existing assets in-kind;

(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service;

(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair; and

(4) capital projects to bring existing assets into a state of good repair.

(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

(1) give preference to eligible projects for which—

(A) Amtrak is not the sole applicant;

(B) applications were submitted jointly by multiple applicants; and

(C) the proposed Federal share of total project costs does not exceed 50 percent; and

(2) take into account—

(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

(i) effects on system and service performance;

(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

(iii) efficiencies from improved integration with other modes; and

(iv) ability to meet existing or anticipated demand;

(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

(D) whether the applicant has, or will have—

(i) the legal, financial, and technical capacity to carry out the project;

(ii) satisfactory continuing control over the use of the equipment or facilities; and

(iii) the capability and willingness to maintain the equipment or facilities;

(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

(F) any other relevant factors, as determined by the Secretary.

(e) NORTHEAST CORRIDOR PROJECTS.—

(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation at the eligible project location on the Northeast Corridor are in compliance with section 24905(c)(2).

(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor capital investment plan developed pursuant to section [24904(a)] *24904(b)*.

(f) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

(2) FEDERAL SHARE.—The Federal share of total costs for a project under this section shall not exceed 80 percent.

(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak is an applicant under this section, Amtrak may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

(g) LETTERS OF INTENT.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a grantee under this section that—

(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

(B) states that the contingent commitment—

(i) is not an obligation of the Federal Government; and

(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws

in force or enacted after the date of the contingent commitment.

(2) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

(i) the Committee on Commerce, Science, and Transportation of the Senate;

(ii) the Committee on Appropriations of the Senate;

(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

(iv) the Committee on Appropriations of the House of Representatives.

(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

(i) a copy of the proposed letter;

(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

(iii) a description of how the project meets such criteria.

(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

(h) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 22905.

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PART D—HIGH-SPEED RAIL

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CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

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§ 26101. High-speed rail corridor planning

(a) CORRIDOR PLANNING ASSISTANCE.—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

(2) No less than 20 percent of the publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources may not include funds from any Federal program.

(b) ELIGIBLE ACTIVITIES.—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institu-

tional plan for implementation of specific high-speed rail improvements[, or if it is an activity described in subparagraph (M)]. Eligible corridor planning activities include—

(A) environmental assessments;

(B) feasibility studies emphasizing commercial technology improvements or applications;

(C) economic analyses, including ridership, revenue, and operating expense forecasting;

(D) assessing the impact on rail employment of developing high-speed rail corridors;

(E) assessing community economic impacts;

(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

(G) operational planning;

(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

(I) preliminary engineering and design;

(J) identification of specific improvements to a corridor, including electrification, line straightening and other [right-of-way improvements] *right-of-way acquisition or improvement needs*, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

(K) preparation of financing plans and prospectuses; *and*

[(L) creation of public/private partnerships; and

[(M) the acquisition of locomotives, rolling stock, track, and signal equipment.]

(L) public costs in the creation of public private partnerships.

(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

(c) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

[(1) the relationship of the corridor to the Secretary's national high-speed ground transportation policy;

[(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

[(3) the integration of the corridor into metropolitan area and statewide transportation planning;]

(1) the extent to which the proposed planning focuses on systems which will provide for high-speed rail;

(2) the integration of the corridor into metropolitan area and statewide transportation planning, including State rail plans;

(3) the use of rail stations within urbanized areas that are located in a geographic area with a greater density population than the urbanized area as a whole;

(4) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the

interconnection with other countries*, passenger rail, transit, and other multimodal options*;

(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) *and reduce greenhouse gas emissions*;

(7) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed high-speed rail program, including the acquisition of rolling stock;

(8) the estimated level of ridership;

(9) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossings;

(10) rail transportation employment impacts;

(11) community economic impacts*, including access to affordable housing*;

(12) the extent to which the projected revenues of the proposed high-speed rail service, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses;

(13) whether a specific route has been selected, specific improvements identified, and capacity studies completed; and

(14) whether the corridor has been designated as a high-speed rail corridor by the Secretary.

* * * * * * *

§ 26105. Definitions

For purposes of this chapter—

(1) the term "financial assistance" includes grants, contracts,, cooperative agreements, and other transactions;

(2) the term "high-speed rail" means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is *made available to members of the general public as passengers and reasonably expected to reach speeds of—*

(A) ⟦reasonably expected to reach sustained speeds of more than 125 miles per hour; and⟧ *160 miles per hour or more on shared-use right-of-way; or*

(B) ⟦made available to members of the general public as passengers⟧ *186 miles per hour or more on dedicated right-of-way*,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;

(3) the term "publicly financed costs" means the costs funded after April 29, 1993, by Federal, State, and local governments;

(4) the term "Secretary" means the Secretary of Transportation;

(5) the term "State" means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Is-

lands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

(6) the term "United States private business" means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.

§ 26106. High-speed rail corridor development

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor development program.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICANT.—The term "applicant" means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

(2) CORRIDOR.—The term "corridor" means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

(3) CAPITAL PROJECT.—The term "capital project" means a project or program in a State rail plan developed under chapter 227 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

(4) HIGH-SPEED RAIL.—The term "high-speed rail" means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

(5) INTERCITY PASSENGER RAIL SERVICE.—The term "intercity passenger rail service" has the meaning given the term "intercity rail passenger transportation" in section 24102 of this title.

(6) STATE.—The term "State" means any of the 50 States or the District of Columbia.

(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

(B) conduct a national solicitation for applications; and

(C) award grants on a competitive basis.

(2) GRANT CRITERIA.—The Secretary, in selecting the recipients of high-speed rail development grants to be provided under subsection (c), shall—

(A) require—

(i) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by [section 211 of the Passenger Rail Investment and Improvement Act of 2008] *section 24904(a)*;

(ii) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

(iii) that the project be based on the results of preliminary engineering studies or other planning, including corridor planning activities funded under section 26101 of this title;

(iv) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

(v) that if an applicant has selected the proposed operator of its service, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

(vi) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

(vii) that each project be compatible with, and operated in conformance with—

(I) plans developed pursuant to the requirements of section 135 of title 23; and

(II) the national rail plan (if it is available);

(B) select high-speed rail projects—

(i) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of the project's—

(I) levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

(II) anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

(ii) for which there is a high degree of confidence that the proposed project is feasible and will result in the anticipated benefits, as indicated by—

(I) the project's precommencement compliance with environmental protection requirements;

(II) the readiness of the project to be commenced;

(III) the commitment of any affected host rail carrier to ensure the realization of the anticipated benefits; and

(IV) other relevant factors as determined by the Secretary;

(iii) for which the level of the anticipated benefits compares favorably to the amount of Federal funding requested under this section; and

(C) give greater consideration to projects—

(i) that are anticipated to result in benefits to other modes of transportation and to the public at large, including, but not limited to, consideration of the project's—

(I) encouragement of intermodal connectivity through provision of direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

(II) connectivity to rail stations within urbanized areas that are located in a geographic area with a greater density population than the urbanized area as a whole;

[(II)**]** *(III)* anticipated improvement of conventional intercity passenger, freight, or commuter rail operations;

[(III) use of positive train control technologies;

[(IV) environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;**]**

(IV) environmental benefits, including projects that—

(aa) reduce greenhouse gas emissions; and

(bb) involve electrification or the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

(V) anticipated positive economic and employment impacts;

(VI) encouragement of State and private contributions toward station development, energy and environmental efficiency, and economic benefits; and

(VII) falling under the description in section 5302(a)(1)(G) of this title as defined to support intercity passenger rail service; and

(ii) that incorporate equitable financial participation in the project's financing, including, but not limited to, consideration of—

(I) donated property interests or services;

(II) financial contributions by intercity passenger, freight, and commuter rail carriers commensurate with the benefit expected to their operations; and

(III) financial commitments from host railroads, non-Federal governmental entities, non-governmental entities, and others.

(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this chapter to comply with the grant requirements of section 22905.

(4) STATE RAIL PLANS.—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of chapter 227 of this title, as determined by the Secretary pursuant to section 22506 of this title, shall be deemed by the Secretary to have met the requirements of paragraph (2)(A)(i) of this subsection.

(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

(g) ISSUANCE OF REGULATIONS.—Within 1 year after the date of enactment of this section, the Secretary shall issue regulations to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $150,000,000 for fiscal year 2009;
(2) $300,000,000 for fiscal year 2010;
(3) $350,000,000 for fiscal year 2011;
(4) $350,000,000 for fiscal year 2012; and
(5) $350,000,000 for fiscal year 2013.

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PART E—MISCELLANEOUS

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CHAPTER 281—LAW ENFORCEMENT

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§ 28103. Limitations on rail passenger transportation liability

(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place

where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.

(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the "Federal Employers' Liability Act") or under any workers compensation Act.

(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

(1) IN GENERAL.—Amtrak may not impose a choice-of-forum clause that attempts to preclude a passenger, or a person who purchases a ticket for rail transportation on behalf of a passenger, from bringing a claim against Amtrak in any court of competent jurisdiction, including a court within the jurisdiction of the residence of such passenger in the United States (provided that Amtrak does business within that jurisdiction).

(2) COURT OF COMPETENT JURISDICTION.—Under this subsection, a court of competent jurisdiction may not include an arbitration forum.

[(e)] *(f)* DEFINITION.—For purposes of this section—

(1) the term "claim" means a claim made—

(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

(2) the term "punitive damages" means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

(3) the term "rail carrier" includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.

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CHAPTER 285—COMMUTER RAIL MEDIATION

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[§ 28502. Surface Transportation Board mediation of trackage use requests

[If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use

trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

[§ 28503. Surface Transportation Board mediation of rights-of-way use requests

[If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.**]**

§ 28502. Surface Transportation Board mediation of trackage use requests

A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to trackage and provision of related services. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the trackage owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.

§ 28503. Surface Transportation Board mediation of rights-of-way use requests

A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to rail right-of-way for the construction and operation of a segregated fixed guideway facility. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transpor-

tation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the right-of-way owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.

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SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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PART B—COMMERCIAL

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CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

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SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

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§ 31102. Motor carrier safety assistance program

(a) IN GENERAL.—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104.

(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

(1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

(2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;

(3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

(c) STATE PLANS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

(2) CONTENTS.—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

(E) provides a right of entry (or other method a State may use that the Secretary determines is adequate to obtain necessary information) and inspection to carry out the plan;

(F) provides that all reports required under this section be available to the Secretary on request;

(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor car-

rier, commercial motor vehicle, and driver safety as described in subsection (b);

(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;

(M) ensures that information is exchanged among the States in a timely manner;

(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

(R) ensures consistent, effective, and reasonable sanctions;

(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

(Y) except as provided in subsection (d), provides that the State—

(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g); and

(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

(AA) in the case of a State that shares a land border with another country, provides that the State—

(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (*l*)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (*l*)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

(3) PUBLICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

(B) LIMITATION.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

(i) would reasonably be expected to interfere with enforcement proceedings; or

(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

(f) MAINTENANCE OF EFFORT.—

(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

(A) the average level of that expenditure for fiscal years 2004 and 2005; or

(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of a State's expenditures under paragraph (1), the Secretary—

(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 or maintenance of effort required by subsection (f).

(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved as part of a State's plan under subsection (c), the State may use motor carrier safety assistance program funds received under this section—

(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

(j) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria prescribed under paragraph (1).

(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the FAST Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

(k) PLAN MONITORING.—

(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

(2) WITHHOLDING OF FUNDS.—

(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

(l) HIGH PRIORITY PROGRAM.—

(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) [and (3)]*, (3), and (4)*.

(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

(A) increase public awareness and education on commercial motor vehicle safety;

(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

(C) improve the safe and secure movement of hazardous materials;

(D) improve safe transportation of goods and persons in foreign commerce;

(E) demonstrate new technologies to improve commercial motor vehicle safety;

(F) support participation in performance and registration information systems management under section 31106(b)—

(i) for entities not responsible for submitting the plan under subsection (c); or

(ii) for entities responsible for submitting the plan under subsection (c)—

(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation*, specifically including the priority activities described in paragraph (4)*;

(G) conduct safety data improvement projects—

(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

(B) PURPOSES.—The purposes of the program shall be—

(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

(ii) to support and maintain commercial motor vehicle information systems and networks—

(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

(III) to reduce costs associated with commercial motor vehicle operations and Federal and State

commercial motor vehicle regulatory requirements.

(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

(II) promote interoperability and efficiency to the extent practicable; and

(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

(iii) for the operation and maintenance costs associated with innovative technology.

(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).

(4) PRIORITIZATION OF IMMOBILIZING UNSAFE PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.—

(A) IN GENERAL.—The Secretary shall prioritize the awarding of discretionary grants to States for activities related to paragraph (2)(F)(II) for the enforcement of out of service orders if such vehicles are found to be unsafe or have violated a Federal out of service order.

(B) ELIGIBILITY.—To be eligible for a grant described under this paragraph, a State shall have the authority to

require the immobilization or impoundment of a passenger-carrying commercial motor vehicle if such vehicle is found to be unsafe or fail inspection or to have violated a Federal out of service order.

(C) USE OF FUNDS.—Grant funds received under this paragraph may be used for—

(i) the immobilization or impoundment of commercial motor vehicles that are unsafe, fail inspection, or have violated a Federal out of service order;

(ii) safety inspections of vehicles described in clause (i);

(iii) other activities related to the activities described in clauses (i) and (ii), as determined by the Secretary.

(D) PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE DEFINED.—In this paragraph, the term "passenger-carrying commercial motor vehicle" has the meaning given such term in section 31301.

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§ 31104. Authorization of appropriations

[(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

[(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (*l*))—

[(A) $292,600,000 for fiscal year 2017;

[(B) $298,900,000 for fiscal year 2018;

[(C) $304,300,000 for fiscal year 2019; and

[(D) $308,700,000 for fiscal year 2020.

[(2) HIGH PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(*l*)—

[(A) $42,200,000 for fiscal year 2017;

[(B) $43,100,000 for fiscal year 2018;

[(C) $44,000,000 for fiscal year 2019; and

[(D) $44,900,000 for fiscal year 2020.

[(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

[(A) $1,000,000 for fiscal year 2017;

[(B) $1,000,000 for fiscal year 2018;

[(C) $1,000,000 for fiscal year 2019; and

[(D) $1,000,000 for fiscal year 2020.

[(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

[(A) $31,200,000 for fiscal year 2017;

[(B) $31,800,000 for fiscal year 2018;

[(C) $32,500,000 for fiscal year 2019; and

[(D) $33,200,000 for fiscal year 2020.]

(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

(A) $388,950,000 for fiscal year 2023;
(B) $398,700,000 for fiscal year 2024;
(C) $408,900,000 for fiscal year 2025; and
(D) $418,425,000 for fiscal year 2026.

(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

(A) $72,604,000 for fiscal year 2023;
(B) $74,424,000 for fiscal year 2024;
(C) $76,328,000 for fiscal year 2025; and
(D) $78,106,000 for fiscal year 2026.

(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

(A) $1,037,200 for fiscal year 2023;
(B) $1,063,200 for fiscal year 2024;
(C) $1,090,400 for fiscal year 2025; and
(D) $1,115,800 for fiscal year 2026.

(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

(A) $56,008,800 for fiscal year 2023;
(B) $57,412,800 for fiscal year 2024;
(C) $58,881,600 for fiscal year 2025; and
(D) $60,253,200 for fiscal year 2026.

(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

[(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train

non-Federal Government employees and to develop related training materials in carrying out such programs.]

(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

(1) IN GENERAL.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.8 percent of those amounts for partner training and program support in that fiscal year.

(2) USE OF FUNDS.—The Secretary shall use at least 50 percent of the amounts deducted under paragraph (1) on training and related training materials for non-Federal Government employees.

(3) PARTNERSHIP.—The Secretary shall carry out the training and development of materials pursuant to paragraph (2) in partnership with one or more nonprofit organizations, through a competitive grant, that have—

(A) expertise in conducting a training program for non-Federal Government employees; and

(B) a demonstrated ability to involve in a training program the target population of commercial motor vehicle safety enforcement employees.

(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

(1) For grants made for carrying out section 31102, other than section 31102(*l*), for the fiscal year in which the Secretary approves the financial assistance agreement and for [the next fiscal year] *the following 2 fiscal years*.

(2) For grants made or cooperative agreements entered into for carrying out [section 31102(*l*)(2)] *paragraphs (2) and (4) of section 31102(l)*, for the fiscal year in which the Secretary approves the financial assistance agreement and for [the next 2 fiscal years] *the following 3 fiscal years*.

(3) For grants made for carrying out section 31102(*l*)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for [the next 4 fiscal years] *the following 5 fiscal years*.

(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

(i) REALLOCATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation for any purpose under section 31102, 31103, or 31313 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.

(j) TREATMENT OF REALLOCATIONS.—Amounts that are obligated and subsequently, after the date of enactment of this subsection, released back to the Secretary under subsection (i) shall not be subject to limitations on obligations provided under any other provision of law.

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§ 31110. Authorization of appropriations

[(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

[(1) $267,400,000 for fiscal year 2016;
[(2) $277,200,000 for fiscal year 2017;
[(3) $283,000,000 for fiscal year 2018;
[(4) $284,000,000 for fiscal year 2019; and
[(5) $288,000,000 for fiscal year 2020.]

(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(1) $380,500,000 for fiscal year 2023;
(2) $381,500,000 for fiscal year 2024;
(3) $382,500,000 for fiscal year 2025; and
(4) $384,500,000 for fiscal year 2026.

(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

(1) personnel costs;
(2) administrative infrastructure;
(3) rent;
(4) information technology;
(5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);

(6) programs for outreach and education under subsection (c);

(7) other operating expenses;

(8) conducting safety reviews of new operators; and

(9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

(c) OUTREACH AND EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration. The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.

(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than $4,000,000 each fiscal year to carry out this subsection.

(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.

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SUBCHAPTER III—SAFETY REGULATION

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§ 31137. Electronic logging devices and brake maintenance regulations

(a) USE OF ELECTRONIC LOGGING DEVICES.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations—

(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic logging device to improve compliance by an

operator of a vehicle with hours of service regulations prescribed by the Secretary; and

(2) ensuring that an electronic logging device is not used to harass a vehicle operator.

(b) ELECTRONIC LOGGING DEVICE REQUIREMENTS.—

(1) IN GENERAL.—The regulations prescribed under subsection (a) shall—

(A) require an electronic logging device—

(i) to accurately record commercial driver hours of service;

(ii) to record the location of a commercial motor vehicle;

(iii) to be tamper resistant; and

(iv) to be synchronized to the operation of the vehicle engine or be capable of recognizing when the vehicle is being operated;

(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

(C) except as provided in paragraph (3), apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.

(2) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed under subsection (a) shall establish performance standards—

(A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

(B) establishing a secure process for standardized—

(i) and unique vehicle operator identification;

(ii) data access;

(iii) data transfer for vehicle operators between motor vehicles;

(iv) data storage for a motor carrier; and

(v) data transfer and transportability for law enforcement officials;

(C) establishing a standard security level for an electronic logging device and related components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

(D) identifying each driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term "driveaway-towaway operation" (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

(A) a paper record of duty status form; or

(B) an electronic logging device.

(c) CERTIFICATION CRITERIA.—

(1) IN GENERAL.—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of electronic logging devices to en-

sure that the device meets the performance requirements under this section.

(2) EFFECT OF NONCERTIFICATION.—Electronic logging devices that are not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(d) ADDITIONAL CONSIDERATIONS.—The Secretary, in prescribing the regulations described in subsection (a), shall consider how such regulations may—

(1) reduce or eliminate requirements for drivers and motor carriers to retain supporting documentation associated with paper-based records of duty status if—

(A) data contained in an electronic logging device supplants such documentation; and

(B) using such data without paper-based records does not diminish the Secretary's ability to audit and review compliance with the Secretary's hours of service regulations; and

(2) include such measures as the Secretary determines are necessary to protect the privacy of each individual whose personal data is contained in an electronic logging device.

(e) USE OF DATA.—

(1) IN GENERAL.—The Secretary may utilize information contained in an electronic logging device [only] to enforce the Secretary's motor carrier safety and related regulations[, including record-of-duty status regulations] *and to conduct transportation research utilizing such data*.

(2) MEASURES TO PRESERVE CONFIDENTIALITY OF PERSONAL DATA.—The Secretary shall institute appropriate measures to preserve the confidentiality of any personal data contained in an electronic logging device and disclosed in the course of an action taken by the Secretary or by law enforcement officials [to enforce the regulations referred to in] *for purposes authorized under* paragraph (1).

[(3) ENFORCEMENT.—The Secretary shall institute appropriate measures to ensure any information collected by electronic logging devices is used by enforcement personnel only for the purpose of determining compliance with hours of service requirements.]

(3) RESEARCH DATA.—The Secretary shall institute appropriate measures to protect the privacy of individuals, operators, and motor carriers when data obtained from an electronic logging device is used for research pursuant to this section and such research is made available to the public.

(f) DEFINITIONS.—In this section:

(1) ELECTRONIC LOGGING DEVICE.—The term "electronic logging device" means an electronic device that—

(A) is capable of recording a driver's hours of service and duty status accurately and automatically; and

(B) meets the requirements established by the Secretary through regulation.

(2) TAMPER RESISTANT.—The term "tamper resistant" means resistant to allowing any individual to cause an electronic de-

vice to record the incorrect date, time, and location for changes to on-duty driving status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.

(g) BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.—The Secretary shall maintain regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

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§ 31139. Minimum financial responsibility for transporting property

(a) DEFINITIONS.—In this section—

(1) "farm vehicle" means a vehicle—

(A) designed or adapted and used only for agriculture;

(B) operated by a motor private carrier (as defined in section 10102 of this title); and

(C) operated only incidentally on highways.

(2) "interstate commerce" includes transportation between a place in a State and a place outside the United States, to the extent the transportation is in the United States.

(3) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) GENERAL REQUIREMENT AND MINIMUM AMOUNT.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property by motor carrier or motor private carrier (as such terms are defined in section 13102 of this title) in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) The level of financial responsibility established under paragraph (1) of this subsection shall be at least **[**$750,000**]** *$2,000,000*.

(3) ADJUSTMENT.—The Secretary, in consultation with the Bureau of Labor Statistics, shall adjust the minimum level of financial responsibility under paragraph (2) quinquennially for inflation.

(c) FILING OF EVIDENCE OF FINANCIAL RESPONSIBILITY.—The Secretary may require a motor private carrier (as defined in section 13102) to file with the Secretary the evidence of financial responsibility specified in subsection (b) in an amount not less than the greater of the minimum amount required by this section or the amount required for such motor private carrier to transport property under the laws of the State or States in which the motor pri-

vate carrier is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the motor private carrier for bodily injury to, or death of, an individual resulting from negligent operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both.

(d) REQUIREMENTS FOR HAZARDOUS MATTER AND OIL.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation by motor vehicle in interstate or intrastate commerce of—

(A) hazardous material (as defined by the Secretary);

(B) oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency); or

(C) hazardous wastes (as defined by the Administrator).

(2)(A) Except as provided in subparagraph (B) of this paragraph, the level of financial responsibility established under paragraph (1) of this subsection shall be at least $5,000,000 for the transportation—

(i) of hazardous substances (as defined by the Administrator) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities of more than 3,500 water gallons;

(ii) in bulk of class A explosives, poison gas, liquefied gas, or compressed gas; or

(iii) of large quantities of radioactive material.

(B) The Secretary of Transportation by regulation may reduce the minimum level in subparagraph (A) of this paragraph (to an amount not less than $1,000,000) for transportation described in subparagraph (A) in any of the territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands if—

(i) the chief executive officer of the territory requests the reduction;

(ii) the reduction will prevent a serious disruption in transportation service and will not adversely affect public safety; and

(iii) insurance of $5,000,000 is not readily available.

(3) The level of financial responsibility established under paragraph (1) of this subsection for the transportation of a material, oil, substance, or waste not subject to paragraph (2) of this subsection shall be at least $1,000,000. However, if the Secretary of Transportation finds it will not adversely affect public safety, the Secretary by regulation may reduce the amount for—

(A) a class of vehicles transporting such a material, oil, substance, or waste in intrastate commerce (except in bulk); and

(B) a farm vehicle transporting such a material or substance in interstate commerce (except in bulk).

(e) FOREIGN MOTOR CARRIERS AND PRIVATE CARRIERS.—Regulations prescribed under this section may allow foreign motor carriers and foreign motor private carriers (as those terms are defined in section 10530 of this title) providing transportation of property under a certificate of registration issued under section 10530 to meet the minimum levels of financial responsibility under this sec-

tion only when those carriers are providing transportation for property in the United States.

(f) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(D) qualification as a self-insurer.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(g) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(h) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

(1) class A or B explosives;

(2) poison gas; or

(3) a large quantity of radioactive material.

* * * * * * *

§ 31144. Safety fitness of owners and operators

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator—

(A) in operations that affect interstate commerce within the United States; and

(B) in operations in Canada and Mexico if the owner or operator also conducts operations within the United States;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

(c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in section 521(b)(5)(A) and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines

such owner or operator is fit. A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) of this section may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(d) DETERMINATION OF UNFITNESS BY STATE.—If a State that receives motor carrier safety assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.

(e) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(f) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Sec-

retary has determined is not fit until the Secretary determines such owner or operator is fit.

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

(B) PROVIDERS OF MOTORCOACH SERVICES.—The Secretary shall require, by regulation, each owner and each operator granted new registration to transport passengers under section 13902 or 31134 to undergo a safety review not later than 120 days after the owner or operator, as the case may be, begins operations under such registration.

(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

(6) ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.—

(A) IN GENERAL.—In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

(B) ELEMENTS.—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agree-

ment under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country's motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.

(i) PERIODIC SAFETY REVIEWS OF OWNERS AND OPERATORS OF INTERSTATE FOR-HIRE COMMERCIAL MOTOR VEHICLES DESIGNED OR USED TO TRANSPORT PASSENGERS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) determine the safety fitness of each motor carrier of passengers [who the Secretary registers under section 13902 or 31134] through a simple and understandable rating system that allows passengers to compare the safety performance of each such motor carrier; and

(ii) assign a safety fitness rating to each such motor carrier.

(B) APPLICABILITY.—Subparagraph (A) shall apply *to motor carriers of passengers and*—

(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and

(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.

(2) PERIODIC REVIEW.—The Secretary shall establish, by regulation, a process for monitoring the safety performance of each motor carrier of passengers on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

(3) ENFORCEMENT STRIKE FORCES.—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting motor carriers of passengers.

(4) PERIODIC UPDATE OF SAFETY FITNESS RATING.—In conducting the safety reviews required under this subsection, the Secretary shall—

(A) reassess the safety fitness rating of each motor carrier of passengers not less frequently than once every 3 years; and

(B) annually assess the safety fitness of certain motor carriers of passengers that serve primarily urban areas with high passenger loads.

(5) MOTOR CARRIER OF PASSENGERS DEFINED.—In this subsection, the term "motor carrier of passengers" includes an offeror of motorcoach services that sells scheduled transportation of passengers for compensation at fares and on schedules and routes determined by such offeror, regardless of ownership or control of the vehicles or drivers used to provide the transportation by motorcoach.

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CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

* * * * * * *

§ 31301. Definitions

In this chapter—

(1) "alcohol" has the same meaning given the term "alcoholic beverage" in section 158(c) of title 23.

(2) "commerce" means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) "commercial driver's license" means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) "commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; **[**or**]**

(C) is designed or used as a stretch limousine; or

[(C)**]** *(D)* is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transporting a consumer commodity or limited quantity of hazardous

material as defined in section 171.8 of title 49, Code of Federal Regulations; and

(iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) "driver's license" means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) "employee" means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) "employer" means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) "felony" means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) "foreign commercial driver" means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.

(11) "hazardous material" has the same meaning given that term in section 5102 of this title.

(12) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(13) "serious traffic violation" means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies;

(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

(G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(14) "State" means a State of the United States [and], the District of Columbia*, and Puerto Rico*.

(15) "stretch limousine" means any sedan or sports utility vehicle that—

(A) has been modified to add seating capacity to that provided by the vehicle manufacturer through an extended chassis, lengthened wheelbase, or an elongated seating area;

(B) as modified, has a seating capacity of more than 8 passengers (including the driver);

(C) is used under trip-by-trip contracts for the transportation of passengers for compensation on a prearranged basis; and

(D) is not used for public transportation service, as such term is defined in section 5302;

[(15)] *(16)* "United States" means the States of the United States and the District of Columbia.

* * * * * * *

§ 31306. Alcohol and controlled substances testing

(a) DEFINITION.—In this section and section 31306a, "controlled substance" means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation.

(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

(ii) to use hair testing as an acceptable alternative to urine testing—

(I) in conducting preemployment testing for the use of a controlled substance; and

(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.

(C) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of an operator of a commercial motor vehicle be conducted when loss of human life occurs in an accident involving a commercial motor vehicle;

(B) may require that post-accident testing of such an operator be conducted when bodily injury or significant property damage occurs in any other serious accident involving a commercial motor vehicle; and

(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.

(c) TESTING AND LABORATORY REQUIREMENTS.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines[, for urine testing,] and technical guidelines for hair testing, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested;

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section; and

(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;

(3) require that a laboratory involved in testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that any test indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part

of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) TESTING AS PART OF MEDICAL EXAMINATION.—The Secretary of Transportation may provide that testing under subsection (a) of this section for operators subject to subpart E of part 391 of title 49, Code of Federal Regulations, be conducted as part of the medical examination required under that subpart.

(e) REHABILITATION.—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs that provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which those operators shall be required to participate in a program. This section does not prevent a motor carrier from establishing a program under this section in cooperation with another motor carrier.

(f) SANCTIONS.—The Secretary of Transportation shall decide on appropriate sanctions for a commercial motor vehicle operator who is found, based on tests conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law or a Government regulation but who is not under the influence of alcohol or a controlled substance as provided in this chapter.

(g) EFFECT ON STATE AND LOCAL GOVERNMENT REGULATIONS.—A State or local government may not prescribe or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this section. However, a regulation prescribed under this section may not be construed to preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(h) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—In prescribing regulations under this section, the Secretary of Transportation—

(1) shall establish only requirements that are consistent with international obligations of the United States; and

(2) shall consider applicable laws and regulations of foreign countries.

(i) OTHER REGULATIONS ALLOWED.—This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by commercial motor vehicle employees.

(j) APPLICATION OF PENALTIES.—This section does not supersede a penalty applicable to an operator of a commercial motor vehicle under this chapter or another law.

* * * * * * *

§ 31313. Commercial driver's license program implementation financial assistance program

(a) FINANCIAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (2) and (3).

(2) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

(A) to assist the State in complying with the requirements of section 31311; and

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State's implementation of its commercial driver's license program, including expenses—

(i) for computer hardware and software;

(ii) for publications, testing, personnel, training, and quality control;

(iii) for commercial driver's license program coordinators; and

(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

(A) benefit all jurisdictions of the United States;

(B) address national safety concerns and circumstances;

(C) address emerging issues relating to commercial driver's license improvements;

(D) support innovative ideas and solutions to commercial driver's license program issues;

(E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or

(F) address other commercial driver's license issues, as determined by the Secretary.

(b) PROHIBITIONS.—**[**A recipient**]** *In participating in financial assistance program under this section—*

(1) a recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings**[**.**]***; and*

(2) a State may not receive more than $250,000 in grants under subsection (a)(2)(B) in any fiscal year—

(A) in which the State prohibits private commercial driving schools or independent commercial driver's license testing facilities from offering a commercial driver's license skills test as a third-party tester; or

(B) in which a State fails to report to the Administrator of the Federal Motor Carrier Safety Administration, during the previous fiscal year, the average number of days of delays for an initial commercial driver's license skills test or retest within the State.

(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.

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§ 31315. Waivers, exemptions, and pilot programs

(a) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

(1) for a period not in excess of 3 months;

(2) limited in scope and circumstances;

(3) for nonemergency and unique events; and

(4) subject to such conditions as the Secretary may impose.

(b) EXEMPTIONS.—

(1) IN GENERAL.—Upon receipt of a request pursuant to this subsection, the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

(2) LENGTH OF EXEMPTION AND RENEWAL.—An exemption may be granted under paragraph (1) for no longer than 5 years

and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).

(3) OPPORTUNITY FOR RESUBMISSION.—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(4) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

(A) the person fails to comply with the terms and conditions*, including data submission requirements,* of such exemption;

(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.

(B) The time period during which the requested exemption would apply.

(C) An analysis of the safety impacts the requested exemption may cause.

(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

(6) NOTICE AND COMMENT.—

(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) UPON GRANTING A REQUEST.—Upon granting a request and before the effective date of the exemption, the Secretary shall publish in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person granted the exemption, the provisions from which the person is ex-

empt, the effective period, and the terms and conditions of the exemption.

(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

(7) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

[(8) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.]

(8) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The Secretary shall establish terms and conditions for each exemption to ensure that the exemption will not likely degrade the level of safety achieved by the person or class of persons granted the exemption, and allow the Secretary to evaluate whether an equivalent level of safety is maintained while the person or class of persons is operating under such exemption, including—

(i) requiring the regular submission of accident and incident data to the Secretary;

(ii) requiring immediate notification to the Secretary in the event of a crash that results in a fatality or serious bodily injury;

(iii) for exemptions granted by the Secretary related to hours of service rules under part 395 of title 49, Code of Federal Regulations, requiring that the exempt person or class of persons submit to the Secretary evidence of participation in a recognized fatigue management plan; and

(iv) providing documentation of the authority to operate under the exemption to each exempt person, to be used to demonstrate compliance if requested by a motor carrier safety enforcement officer during a roadside inspection.

(B) IMPLEMENTATION.—The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(9) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before the effective date of an exemption, the Secretary shall notify a State safety compliance and enforcement agency, and require the agency to notify the State's road-

side inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to the exemption.

(c) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.

(B) A specific data collection and safety analysis plan that identifies a method for comparison.

(C) A reasonable number of participants necessary to yield statistically valid findings.

(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would en-

hance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.

(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety*, based on an analysis of data collected by the Secretary and submitted to the Secretary under subsection (b)(8)*.

(f) WEB SITE.—The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page of the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.

(g) LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.—(1) The Secretary may not—

(A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or

(B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19, 1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

(A) paragraph (1) of this subsection;

(B) a minimum age requirement of the United States Government for operation of the vehicle; and

(C) a medical or physical condition that—

(i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;

(ii) existed on July 1, 1988;

(iii) has not substantially worsened; and

(iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

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SUBTITLE IX—MULTIMODAL FREIGHT TRANSPORTATION

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CHAPTER 701—MULTIMODAL FREIGHT POLICY

* * * * * * *

§ 70101. National multimodal freight policy

(a) IN GENERAL.—It is the policy of the United States to maintain and improve the condition and performance of the National Multimodal Freight Network established under section 70103 to ensure that the Network provides a foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

(b) GOALS.—The goals of the national multimodal freight policy are—

(1) to identify infrastructure improvements, policies, and operational innovations that—

(A) strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States;

(B) reduce congestion and eliminate bottlenecks on the National Multimodal Freight Network; and

(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

(2) to improve the safety, security, efficiency, and resiliency of multimodal freight transportation *in rural and urban areas*;

(3) to achieve and maintain a state of good repair on the National Multimodal Freight Network;

(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Multimodal Freight Network;

(5) to improve the economic efficiency and productivity of the National Multimodal Freight Network;

(6) to improve the reliability of freight transportation;

(7) to improve the short- and long-distance movement of goods that—

(A) travel across rural areas between population centers;

(B) travel between rural areas and population centers**[**; and**]***;*

(C) travel within population centers; and

[(C)**]** *(D)* travel from the Nation's ports, airports, and gateways to the National Multimodal Freight Network;

(8) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity;

(9) to reduce the adverse environmental impacts of freight movement on the National Multimodal Freight Network**[**; and**]** *including—*

(A) greenhouse gas emissions;

(B) local air pollution;

(C) minimizing, capturing, or treating stormwater runoff or other adverse impacts to water quality; and

(D) wildlife habitat loss;

(10) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and

[(10)] *(11)* to pursue the goals described in this subsection in a manner that is not burdensome to State and local governments.

(c) IMPLEMENTATION.—The Under Secretary of Transportation for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

(1) carry out sections 70102 and 70103;

(2) assist with the coordination of modal freight planning; and

(3) identify interagency data sharing opportunities to promote freight planning and coordination.

§ 70102. National freight strategic plan

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Under Secretary of Transportation for Policy shall—

(1) develop a national freight strategic plan in accordance with this section; and

(2) publish the plan on the public Internet Web site of the Department of Transportation.

(b) CONTENTS.—The national freight strategic plan shall include—

(1) an assessment of the condition and performance of the National Multimodal Freight Network established under section 70103;

(2) forecasts of freight volumes for the succeeding 5-, 10-, and 20-year periods;

(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators;

(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Under Secretary, which shall include, at a minimum—

(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

(6) a process for addressing multistate projects and encouraging jurisdictions to collaborate;

(7) strategies to improve freight intermodal connectivity;

(8) an identification of corridors providing access to energy exploration, development, installation, or production areas;

(9) an identification of corridors providing access to major areas for manufacturing, agriculture, or natural resources;

(10) an identification of best practices for improving the performance of the National Multimodal Freight Network, including critical commerce corridors and rural and urban access to critical freight corridors; and

(11) an identification of best practices to mitigate the impacts of freight movement on communities.

(c) UPDATES.—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Under Secretary ❚shall update the plan and publish the updated plan on the public Internet Web site of the Department of Transportation.❚ *shall—*

(1) update the plan and publish the updated plan on the public website of the Department of Transportation; and

(2) include in the update described in paragraph (1)—

(A) each item described in subsection (b); and

(B) best practices to reduce the adverse environmental impacts of freight-related—

(i) greenhouse gas emissions;

(ii) local air pollution;

(iii) stormwater runoff or other adverse impacts to water quality; and

(iv) wildlife habitat loss.

(d) CONSULTATION.—The Under Secretary shall develop and update the national freight strategic plan—

(1) after providing notice and an opportunity for public comment; and

(2) in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders.

§ 70103. National Multimodal Freight Network

(a) IN GENERAL.—The Under Secretary of Transportation for Policy shall establish a National Multimodal Freight Network in accordance with this section—

(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on the Network;

(2) to inform freight transportation planning;

(3) to assist in the prioritization of Federal investment; and

(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23.

(b) INTERIM NETWORK.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Under Secretary shall establish an interim National Multimodal Freight Network in accordance with this subsection.

(2) NETWORK COMPONENTS.—The interim National Multimodal Freight Network shall include—

(A) the National Highway Freight Network, as established under section 167 of title 23;

(B) the freight rail systems of Class I railroads, as designated by the Surface Transportation Board;

(C) the public ports [of the United States that have] *of the United States that—*

(i) have a total annual value of cargo of at least $1,000,000,000, as identified by United States Customs and Border Protection and reported by the Bureau of the Census; or

(ii) have total annual foreign and domestic trade of at least 2,000,000 short tons, as identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, using the data from the latest year for which such data is available;

(D) the inland and intracoastal waterways of the United States, as described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

(E) the Great Lakes, the St. Lawrence Seaway, and coastal and ocean routes along which domestic freight is transported;

(F) the 50 airports located in the United States with the highest annual landed weight, as identified by the Federal Aviation Administration; and

(G) other strategic freight assets, including strategic intermodal facilities and freight rail lines of Class II and Class III railroads, designated by the Under Secretary as critical to interstate commerce.

(c) FINAL NETWORK.—

(1) IN GENERAL.—[Not later than 1 year after the date of enactment of this section,]

(A) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing a plan to designate a final National Multimodal Freight Network, including a detailed summary of the resources within the Office of the Secretary that will be dedicated to carrying out such plan.

(B) DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 60 days after the submission of the report described in subparagraph (A), the Under Secretary, after soliciting input from stakeholders, including multimodal freight system users, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors, including critical commerce corridors, that are vital to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23, and after providing notice and an opportunity for comment on a draft system, shall designate a National Multimodal Freight Network with the goal of—

(A) improving network and intermodal connectivity; and

(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destinations, and linking components of domestic and international supply chains.

(2) FACTORS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall consider—

(A) origins and destinations of freight movement within, to, and from the United States;

(B) volume, value, tonnage, and the strategic importance of freight;

(C) access to border crossings, airports, seaports, and pipelines;

(D) economic factors, including balance of trade;

(E) access to major areas for manufacturing, agriculture, or natural resources;

(F) access to energy exploration, development, installation, and production areas;

(G) intermodal links and intersections that promote connectivity;

(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

(J) facilities and transportation corridors identified by a multi-State coalition, a State, a State freight advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

(K) major distribution centers, inland intermodal facilities, and first- and last-mile facilities; and

(L) the significance of goods movement, including consideration of global and domestic supply chains.

(3) CONSIDERATIONS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall—

(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains;

(B) consider—

(i) the factors described in paragraph (2); and

(ii) any changes in the economy that affect freight transportation network demand; and

(C) provide the States *and metropolitan planning organizations* with an opportunity to submit proposed designations in accordance with ❚paragraph (4)❚ *paragraphs (4) and (5)*.

(4) STATE *AND METROPOLITAN PLANNING ORGANIZATION* INPUT.—

(A) IN GENERAL.—Each State that proposes additional designations for the National Multimodal Freight Network shall—

(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees, as applicable, within the State;

(ii) consider nominations for additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

(iii) ensure that additional designations are consistent with the State transportation improvement program or freight plan.

(B) CRITICAL RURAL FREIGHT FACILITIES AND CORRIDORS.—As part of the designations under subparagraph (A), a State may designate a freight facility or corridor within the borders of the State as a critical rural freight facility or corridor if the facility or corridor—

(i) is a rural principal arterial;

(ii) provides access or service to energy exploration, development, installation, or production areas;

(iii) provides access or service to—

(I) a grain elevator;

(II) an agricultural facility;

(III) a mining facility;

(IV) a forestry facility; or

(V) an intermodal facility;

(iv) connects to an international port of entry;

(v) provides access to a significant air, rail, water, or other freight facility in the State; or

(vi) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

[(C) LIMITATION.—

[(i) IN GENERAL.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is not more than 20 percent of the total mileage designated by the Under Secretary in the State.

[(ii) DETERMINATION BY UNDER SECRETARY.—The Under Secretary shall determine how to apply the limitation under clause (i) to the components of the National Multimodal Freight Network.]

(C) CRITICAL URBAN FREIGHT FACILITIES AND CORRIDORS.—

(i) AREA WITH A POPULATION OF OVER 500,000.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a freight facility or corridor within the borders of the State as a critical urban freight facility or corridor.

(ii) AREA WITH A POPULATION OF LESS THAN 500,000.—In an urbanized area with a population of

less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a freight 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;

(V) provides access to a significant air, rail, water, or other freight facility in the State; or

(VI) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

(D) LIMITATION.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is—

(i) for a highway project, not more than 20 percent of the total mileage designated by the Under Secretary in the State; and

(ii) for a non-highway project, using a limitation determined by the Under Secretary.

[(D)] *(E)* SUBMISSION AND CERTIFICATION.—A State shall submit to the Under Secretary—

(i) a list of any additional designations proposed to be added under this paragraph; and

(ii) a certification that—

(I) the State has satisfied the requirements of subparagraph (A); and

(II) the designations referred to in clause (i) address the factors for designation described in this subsection.

(5) REQUIRED NETWORK COMPONENTS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall ensure that the National Multimodal Freight Network includes the components described in subsection (b)(2).

(d) REDESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

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CHAPTER 702—MULTIMODAL FREIGHT TRANSPORTATION PLANNING AND INFORMATION

Sec.

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70205. National cooperative multimodal freight transportation research program.

§ 70201. State freight advisory committees

(a) IN GENERAL.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, [and local governments] *local governments, metropolitan planning organizations, and the departments with responsibility for environmental protection and air quality of the State*.

(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

(1) advise the State on freight-related priorities, issues, projects, and funding needs;

(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

(3) communicate and coordinate regional priorities with other organizations;

(4) promote the sharing of information between the private and public sectors on freight issues; and

(5) participate in the development of the freight plan of the State described in section 70202.

§ 70202. State freight plans

(a) IN GENERAL.—Each State that receives funding under section 167 of title 23 shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

(b) PLAN CONTENTS.—A State freight plan described in subsection (a) shall include, at a minimum—

(1) an identification of significant freight system trends, needs, and issues with respect to the State;

(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

(3) when applicable, a listing of—

(A) multimodal critical rural *and urban* freight facilities and corridors designated within the State under section 70103 of this title; and

(B) critical rural and urban freight corridors designated within the State under section 167 of title 23;

(4) a description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23;

(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of the roadways, a description of improvements that may be required to reduce or impede the deterioration;

(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues;

(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched**[**; and**]***;*

(10) strategies and goals to decrease freight-related—

(A) greenhouse gas emissions;

(B) local air pollution;

(C) stormwater runoff or other adverse impacts to water quality; and

(D) wildlife habitat loss;

(11) strategies and goals to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and

[(10)**]** *(12)* consultation with the State freight advisory committee, if applicable.

(c) RELATIONSHIP TO LONG-RANGE PLAN.—

(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

(d) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 5-year forecast period.

(e) UPDATES.—

(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) not less frequently than once every 5 years.

(2) FREIGHT INVESTMENT PLAN.—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

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§ 70205. National cooperative multimodal freight transportation research program

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish and support a national cooperative multimodal freight transportation research program.

(b) AGREEMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall seek to enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative multimodal freight transportation research program.

(c) ADVISORY COMMITTEE.—In carrying out the agreement described in subsection (b), the National Academy of Sciences shall select a multimodal freight transportation research advisory committee consisting of multimodal freight stakeholders, including, at a minimum—

(1) a representative of the Department of Transportation;

(2) representatives of any other Federal agencies relevant in supporting the nation's multimodal freight transportation research needs;

(3) a representative of a State department of transportation;

(4) a representative of a local government (other than a metropolitan planning organization);

(5) a representative of a metropolitan planning organization;

(6) a representative of the trucking industry;

(7) a representative of the railroad industry;

(8) a representative of the port industry;

(9) a representative of logistics industry;

(10) a representative of shipping industry;

(11) a representative of a safety advocacy group with expertise in freight transportation;

(12) an academic expert on multimodal freight transportation;

(13) an academic expert on the contributions of freight movement to greenhouse gas emissions; and

(14) representatives of labor organizations representing workers in freight transportation.

(d) ELEMENTS.—The national cooperative multimodal freight transportation research program established under this section shall include the following elements:

(1) NATIONAL RESEARCH AGENDA.—The advisory committee under subsection (c), in consultation with interested parties, shall recommend a national research agenda for the program established in this section.

(2) INVOLVEMENT.—Interested parties may—

(A) submit research proposals to the advisory committee;

(B) participate in merit reviews of research proposals and peer reviews of research products; and

(C) receive research results.

(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences shall conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

(5) DISSEMINATION OF RESEARCH FINDINGS.—

(A) IN GENERAL.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, a public website for the National Academy of Sciences, publications for the general public, and other appropriate means.

(B) REPORT.—Not more than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings of the program.

(e) CONTENTS.—The national research agenda under subsection (d)(1) shall include—

(1) techniques and tools for estimating and identifying both quantitative and qualitative public benefits derived from multimodal freight transportation projects, including—

(A) greenhouse gas emissions reduction;

(B) congestion reduction; and

(C) safety benefits;

(2) the impact of freight delivery vehicles, including trucks, railcars, and non-motorized vehicles, on congestion in urban and rural areas;

(3) the impact of both centralized and disparate origins and destinations on freight movement;

(4) the impacts of increasing freight volumes on transportation planning, including—

(A) first-mile and last-mile challenges to multimodal freight movement;

(B) multimodal freight travel in both urban and rural areas; and

(C) commercial motor vehicle parking and rest areas;

(5) the effects of Internet commerce and accelerated delivery speeds on freight movement and increased commercial motor vehicle volume, including impacts on—

(A) safety on public roads;

(B) congestion in both urban and rural areas;

(C) first-mile and last-mile challenges and opportunities;

(D) the environmental impact of freight transportation, including on air quality and on greenhouse gas emissions; and

(E) vehicle miles-traveled by freight-delivering vehicles;

(6) the impacts of technological advancements in freight movement, including impacts on—

(A) congestion in both urban and rural areas;

(B) first-mile and last-mile challenges and opportunities; and

(C) vehicle miles-traveled;

(7) methods and best practices for aligning multimodal infrastructure improvements with multimodal freight transportation demand, including improvements to the National Multimodal Freight Network under section 70103; and

(8) other research areas to identify and address current, emerging, and future needs related to multimodal freight transportation.

(f) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 100 percent.

(2) PERIOD OF AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term "greenhouse gas" has the meaning given such term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

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SUBTITLE X—MISCELLANEOUS

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CHAPTER 805—MISCELLANEOUS

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§ 80502. Transportation of animals

(a) CONFINEMENT.—(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.

(2) Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night. Animals may be confined for—

(A) more than 28 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful; and

(B) 36 consecutive hours when the owner or person having custody of animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours.

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) UNLOADING, FEEDING, WATERING, AND REST.—Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or

common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals—

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) is not liable for detaining the animals for a reasonable period to comply with subsection (a) of this section.

(c) NONAPPLICATION.—[This section does not] *Subsections (a) and (b) shall not* apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.

(d) TRANSPORTATION OF HORSES.—

(1) PROHIBITION.—No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing two or more levels stacked on top of each other.

(2) MOTOR VEHICLE DEFINED.—In this subsection, the term "motor vehicle"—

(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

(B) does not include a vehicle operated exclusively on a rail or rails.

[(d)] *(e)* CIVIL PENALTY.—[A rail carrier]

(1) IN GENERAL.—A rail carrier , express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel that knowingly and willfully violates [this section] *subsection (a) or (b)* is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation. [On learning]

(2) TRANSPORTATION OF HORSES IN MULTILEVEL TRAILER.—

(A) CIVIL PENALTY.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100, but not more than $500, for each violation. A separate violation of subsection (d) occurs for each horse that is transported, or caused to be transported, in violation of subsection (d).

(B) RELATIONSHIP TO OTHER LAWS.—The penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.

(3) CIVIL ACTION.—On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

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FAST ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fixing America's Surface Transportation Act" or the "FAST Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

* * * * * * *

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

* * * * * * *

[Sec. 1123. Nationally significant Federal lands and tribal projects program.]

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Subtitle D—Miscellaneous

* * * * * * *

[Sec. 1444. Every Day Counts initiative.]

* * * * * * *

TITLE V—MOTOR CARRIER SAFETY

* * * * * * *

Subtitle B—Federal Motor Carrier Safety Administration Reform

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PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

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[Sec. 5223. Data certification.]

* * * * * * *

TITLE VI—INNOVATION

* * * * * * *

[Sec. 6028. Performance management data support program.]

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DIVISION A—SURFACE TRANSPORTATION

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TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

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[SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

[(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this

section as the "program") to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

[(b) ELIGIBLE APPLICANTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

[(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian tribe.

[(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be a single continuous project—

[(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included in an inventory described in section 202 or 203 of such title;

[(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

[(A) a record of decision with respect to the project;

[(B) a finding that the project has no significant impact; or

[(C) a determination that the project is categorically excluded; and

[(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

[(d) ELIGIBLE ACTIVITIES.—

[(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

[(2) INELIGIBLE ACTIVITIES.—An eligible applicant may not use funds received under the program for activities relating to project design.

[(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

[(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

[(1) furthers the goals of the Department, including state of good repair, economic competitiveness, quality of life, and safety;

[(2) improves the condition of critical transportation facilities, including multimodal facilities;

[(3) needs construction, reconstruction, or rehabilitation;

[(4) has costs matched by funds that are not provided under this section, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;

[(5) is included in or eligible for inclusion in the National Register of Historic Places;

[(6) uses new technologies and innovations that enhance the efficiency of the project;

[(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;

[(8) spans 2 or more States; and

[(9) serves land owned by multiple Federal agencies or Indian tribes.

[(g) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share of the cost of a project shall be up to 90 percent.

[(2) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds other than those made available under title 23 or title 49, United States Code, may be used to pay the non-Federal share of the cost of a project carried out under this section.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2016 through 2020. Such sums shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.]

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Subtitle D—Miscellaneous

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SEC. 1404. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "may take into account" and inserting "shall consider";

(ii) in subparagraph (B) by striking "and" at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

"(C) cost savings by utilizing flexibility that exists in current design guidance and regulations; and"; and

(B) in paragraph (2)—

(i) in subparagraph (C) by striking "and" at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

"(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

"(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and"; and

(2) in subsection (f) by inserting "pedestrian walkways," after "bikeways,".

[(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a State may allow a local jurisdiction to use a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

[(1) the local jurisdiction is a direct recipient of Federal funds for the project;

[(2) the roadway design publication—

[(A) is recognized by the Federal Highway Administration; and

[(B) is adopted by the local jurisdiction; and

[(3) the design complies with all other applicable Federal laws.]

* * * * * * *

[SEC. 1444. EVERY DAY COUNTS INITIATIVE.

[(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

[(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

[(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

[(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

[(4) to create a culture of innovation within the highway community.

[(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

[(1) accelerate innovation deployment;

[(2) shorten the project delivery process;

[(3) improve environmental sustainability;

[(4) enhance roadway safety; and

[(5) reduce congestion.

[(c) INNOVATION DEPLOYMENT.—

[(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new

collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.

[(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

[(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available Web site.]

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TITLE III—PUBLIC TRANSPORTATION

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SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and weekend days";

(B) in paragraph (6)—

(i) in subparagraph (A) by inserting ", small start projects," after "new fixed guideway capital projects"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects."; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "$75,000,000" and inserting "$100,000,000"; and

(ii) in subparagraph (B), by striking "$250,000,000" and inserting "$300,000,000";

(2) in subsection (d)—

(A) in paragraph (1)(B) by striking ", policies and land use patterns that promote public transportation,"; and

(B) in paragraph (2)(A)—

(i) in clause (iii) by adding "and" after the semicolon;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i) by striking "the policies and land use patterns that support public transportation,";

(4) in subsection (h)(6)—

(A) by striking "In carrying out" and inserting the following:

"(A) IN GENERAL.—In carrying out"; and

(B) by adding at the end the following:

"(B) OPTIONAL EARLY RATING.—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the

analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).";

(5) in subsection (i)—

(A) in paragraph (1) by striking "subsection (d) or (e)" and inserting "subsection (d), (e), or (h)";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by inserting "new fixed guideway capital project or core capacity improvement" after "federally funded";

(ii) by striking subparagraph (D) and inserting the following:

"(D) the program of interrelated projects, when evaluated as a whole—

"(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

"(I) new fixed guideway capital projects;

"(II) core capacity improvement projects; or

"(III) small start projects; or

"(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;"; and

(iii) in subparagraph (F), by inserting "or subsection (h)(5), as applicable" after "subsection (f)"; and

(C) by striking paragraph (3)(A) and inserting the following:

"(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

"(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

"(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.";

(6) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) ESTIMATION OF NET CAPITAL PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

"(B) GRANTS.—

"(i) GRANT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

"(ii) FULL FUNDING GRANT AGREEMENT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

"(iii) GRANT FOR CORE CAPACITY IMPROVEMENT PROJECT.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

"(iv) GRANT FOR SMALL START PROJECT.—A grant for a small start project shall not exceed 80 percent of the net capital project costs."; and

(B) by striking paragraph (4) and inserting the following:

"(4) REMAINING COSTS.—The remainder of the net capital project costs shall be provided—

"(A) in cash from non-Government sources;

"(B) from revenues from the sale of advertising and concessions; or

"(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.";

(7) by striking subsection (n) and inserting the following:

"(n) AVAILABILITY OF AMOUNTS.—

"(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 4 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section.

"(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section."; and

(8) by adding at the end the following:

"(p) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

"(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

"(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

"(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the

project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

"(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

"(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

"(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

"(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

"(A) engineering studies;

"(B) studies of economic feasibility;

"(C) the expected use of equipment or facilities; and

"(D) the public transportation costs attributable to the project.

"(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

"(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

"(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.".

[(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

[(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

[(A) APPLICANT.—The term "applicant" means a State or local governmental authority that applies for a grant under this subsection.

[(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms "capital project", "fixed guideway", "local governmental authority", "public transportation", "State", and "state of good repair" have the meanings given those terms in section 5302 of title 49, United States Code.

[(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term "core capacity improvement project"—

[(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

[(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

[(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term "corridor-based bus rapid transit project" means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

[(i) including—

[(I) defined stations;

[(II) traffic signal priority for public transportation vehicles;

[(III) short headway bidirectional services for a substantial part of weekdays; and

[(IV) any other features the Secretary may determine support a long-term corridor investment; and

[(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

[(E) ELIGIBLE PROJECT.—The term "eligible project" means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act.

[(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term "fixed guideway bus rapid transit project" means a bus capital project—

[(i) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

[(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and

[(iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

[(I) defined stations;

[(II) traffic signal priority for public transportation vehicles;

[(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and

[(IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

[(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term "new fixed guideway capital project" means—

[(i) a fixed guideway capital project that is a minimum operable segment or extension to an existing fixed guideway system; or

[(ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

[(H) RECIPIENT.—The term "recipient" means a recipient of funding under chapter 53 of title 49, United States Code.

[(I) SMALL START PROJECT.—The term "small start project" means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

[(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

[(ii) the total estimated net capital cost is less than $300,000,000.

[(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

[(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

[(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

[(3) GRANT REQUIREMENTS.—

[(A) IN GENERAL.—The Secretary may make not more than 8 grants under this subsection for eligible projects if the Secretary determines that—

[(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

[(ii) the applicant has, or will have—

[(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

[(II) satisfactory continuing control over the use of the equipment or facilities;

[(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

[(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

[(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

[(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

[(I) mobility improvements attributable to the project;

[(II) environmental benefits associated with the project;

[(III) congestion relief associated with the project;

[(IV) economic development effects derived as a result of the project; and

[(V) estimated ridership projections;

[(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

[(vi) the eligible project will be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing public transportation provider in the service area.

[(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

[(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

[(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

[(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

[(D) FINANCIAL COMMITMENT.—

[(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

[(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

[(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

[(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

[(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

[(II) existing grant commitments;

[(III) the degree to which financing sources are dedicated to the proposed eligible project;

[(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

[(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

[(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

[(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

[(A) identification of an eligible project;

[(B) a schedule and finance plan for the construction and operation of the eligible project;

[(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

[(i) public-private partnership required under paragraph (3)(A)(iii); and

[(ii) project justification required under paragraph (3)(A)(iv); and

[(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

[(5) WRITTEN NOTICE FROM THE SECRETARY.—

[(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an

applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

[(i) of approval of the grant request; or

[(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

[(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

[(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

[(A) the eligible project meets the definition of a core capacity improvement project; and

[(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

[(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

[(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

[(A) LETTERS OF INTENT.—

[(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

[(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

[(B) FULL FUNDING GRANT AGREEMENTS.—

[(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

[(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

[(iii) TERMS.—A full funding grant agreement shall—

[(I) establish the terms of participation by the Federal Government in the eligible project;

[(II) establish the maximum amount of Federal financial assistance for the eligible project;

[(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

[(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

[(iv) SPECIAL FINANCIAL RULES.—

[(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

[(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

[(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

[(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

[(v) EXCEPTION.—

[(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary

to provide funding for the project in future fiscal years.

[(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

[(C) LIMITATION ON AMOUNTS.—

[(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

[(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

[(D) NOTIFICATION TO CONGRESS.—

[(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

[(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

[(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

[(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

[(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

[(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

[(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

[(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

[(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

[(10) AVAILABILITY OF AMOUNTS.—

[(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 4 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this subsection.

[(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

[(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

[(12) BEFORE AND AFTER STUDY AND REPORT.—

[(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

[(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

[(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

[(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

[(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

[(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

[(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

[(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

[(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

[(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.]

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SEC. 3019. INNOVATIVE PROCUREMENT.

(a) DEFINITION.—In this section, the term "grantee" means a recipient or subrecipient of assistance under chapter 53 of title 49, United States Code.

(b) COOPERATIVE PROCUREMENT.—

(1) DEFINITIONS; GENERAL RULES.—

(A) DEFINITIONS.—In this subsection—

(i) the term "cooperative procurement contract" means a contract—

(I) entered into between a State government or eligible nonprofit entity and 1 or more vendors; and

(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

(ii) the term "eligible nonprofit entity" means—

(I) a nonprofit cooperative purchasing organization that is not a grantee; or

(II) a consortium of entities described in subclause (I);

(iii) the terms "lead nonprofit entity" and "lead procurement agency" mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

(iv) the term "participant" means a grantee that participates in a cooperative procurement contract; and

(v) the term "participate" means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under chapter 53 of title 49, United States Code.

(B) GENERAL RULES.—

(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

(iv) DURATION.—A cooperative procurement contract—

(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

(ii) the State government acts throughout the term of the contract as the lead procurement agency.

(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by eligible nonprofit entities.

(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 3 eligible nonprofit entities to enter into a cooperative procurement contract under which the eligible nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

(C) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

(4) JOINT PROCUREMENT CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall establish a clearinghouse for the purpose of allowing grantees to aggregate planned rolling stock purchases and identify joint procurement participants.

(B) NONPROFIT CONSULTATION.—In establishing the clearinghouse under subparagraph (A), the Secretary may consult with nonprofit entities with expertise in public transportation or procurement, and other stakeholders as the Secretary determines appropriate.

(C) INFORMATION ON PROCUREMENTS.—The clearinghouse may include information on bus size, engine type, floor type, and any other attributes necessary to identify joint procurement participants.

(D) LIMITATIONS.—

(i) ACCESS.—The clearinghouse shall only be accessible to the Federal Transit Administration, a nonprofit entity coordinating for such clearinghouse with the Secretary, and grantees.

(ii) PARTICIPATION.—No grantee shall be required to submit procurement information to the database.

(c) LEASING ARRANGEMENTS.—

(1) CAPITAL LEASE DEFINED.—

(A) IN GENERAL.—In this subsection, the term "capital lease" means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

(A) AUTHORITY.—A grantee may use assistance provided under chapter 53 of title 49, United States Code, to enter into a capital lease if—

(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under such chapter; and

(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under chapter 53 of title 49, United States Code, with respect to a capital lease, include—

(i) the cost of the rolling stock or related equipment;

(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

(iii) ancillary costs such as delivery and installation charges; and

(iv) maintenance costs.

(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

(ii) BUY AMERICA.—The requirements under section [5323(j)] *5320* of title 49, United States Code, shall apply to a capital lease.

(3) CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term "removable power source"—

(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

(II) may include a battery, a fuel cell, an ultracapacitor, or other advanced power source used in a zero emission vehicle; and

(ii) the term "zero emission vehicle" has the meaning given the term in section 5339(c) of title 49, United States Code.

(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.

(D) PROCUREMENT REGULATIONS.—For purposes of this section, a removable power source shall be subject to section 200.88 of title 2, Code of Federal Regulations.

(4) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under this subsection, the grantee shall submit to the Secretary a report that contains—

(A) an evaluation of the overall costs and benefits of leasing rolling stock; and

(B) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock.

(5) REPORT.—The Secretary shall make publicly available an annual report on 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 this subsection, and evaluation of the program including the evaluation of the data reported in paragraph (4).

(d) BUY AMERICA.—The requirements of section 5323(j) of title 49, United States Code, shall apply to all procurements under this section.

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TITLE IV—HIGHWAY TRAFFIC SAFETY

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SEC. 4007. STOP MOTORCYCLE CHECKPOINT FUNDING.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; **[**or**]**

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers**[**.**]***; or*

(3) otherwise profile and stop motorcycle operators or motorcycle passengers using as a factor the clothing or mode of transportation of such operators or passengers.

* * * * * * *

SEC. 4010. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Not later than 60 days after the date on which the Secretary awards grants under section 405 of title 23, United States Code, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

(1) an identification of—

(A) the States that were awarded grants under such section;

(B) the States that applied and were not awarded grants under such section; and

(C) the States that did not apply for a grant under such section; and

(2) a list of **[**deficiencies**]** *all deficiencies* that made a State ineligible for a grant under such section for each State under paragraph (1)(B).

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TITLE V—MOTOR CARRIER SAFETY

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Subtitle B—Federal Motor Carrier Safety Administration Reform

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PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

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[SEC. 5223. DATA CERTIFICATION.

[(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the general public until the Inspector General of the Department certifies that—

[(1) the report required under section 5221(c) has been submitted in accordance with that section;

[(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

[(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

[(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled "Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers" of the Government Accountability Office and dated February 2014 (GAO-14-114); and

[(5) the Secretary has initiated modification of the CSA program in accordance with section 5222.

[(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

[(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

[(d) EXCEPTIONS.—

[(1) IN GENERAL.—Notwithstanding any other provision of this section—

[(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

[(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

[(C) a data analysis of motorcoach operators may be provided online with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

[(2) NOTATION.—The notation described in paragraph (1)(C) shall include the following: "Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.".

[(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.]

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TITLE VI—INNOVATION

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SEC. 6020. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

[(b) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.]

(b) ELIGIBILITY.—

(1) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(2) ELIGIBLE PROJECTS.—The Secretary may provide grants to States or a group of States under this section for the following projects:

(A) STATE PILOT PROJECTS.—

(i) IN GENERAL.—A pilot project to demonstrate a user-based alternative revenue mechanism in a State.

(ii) LIMITATION.—If an applicant has previously been awarded a grant under this section, such applicant's proposed pilot project must be comprised of core activities or iterations not substantially similar in manner or scope to activities previously carried out by the applicant with a grant for a project under this section.

(B) STATE IMPLEMENTATION PROJECTS.—A project—

(i) to implement a user-based alternative revenue mechanism that collects revenue to be expended on projects for the surface transportation system of the State; or

(ii) that demonstrates progress towards implementation of a user-based alternative revenue mechanism, with consideration for previous grants awarded to the applicant under this section.

(c) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this section meet the following objectives:

(1) To test the design, acceptance, and implementation of [2 or more future] user-based alternative revenue mechanisms.

(2) To improve the functionality of such user-based alternative revenue mechanisms.

(3) To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.

(4) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(5) To minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(6) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.

(d) USE OF FUNDS.—A State or group of States receiving funds under this section [to test the design, acceptance, and implementation of a user-based alternative revenue mechanism] *to test the design and acceptance of, or implement, a user-based alternative revenue mechanism—*

(1) shall address—

(A) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;

(B) the protection of personal privacy;

(C) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(D) market-based congestion mitigation, if appropriate;

(E) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(F) ease of compliance for different users of the transportation system; and

(G) the reliability and security of technology used to implement the user-based alternative revenue mechanism; and

(2) may address—

(A) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(B) the cost of administering the user-based alternative revenue mechanism; and

(C) the ability of the administering entity to audit and enforce user compliance.

(e) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this section.

(f) LIMITATIONS ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section may not exceed ⟦50 percent⟧ *80 percent* of the total cost of the activity.

(h) REPORT TO SECRETARY.—Not later than 1 year after the date on which the first eligible entity receives a grant under this section, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how the demonstration activities carried out with grant funds meet the objectives described in subsection (c); and

(2) lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

(i) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the demonstration activities under this section, the Secretary shall make available to the public on an Internet website a report describing the progress of the demonstration activities *and containing a determination of the characteristics of the most successful mechanisms with the highest potential for future widespread deployment*.

⟦(j) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

⟦(1) $15,000,000 shall be used to carry out this section for fiscal year 2016; and

⟦(2) $20,000,000 shall be used to carry out this section for each of fiscal years 2017 through 2020.

⟦(k) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements of this section for a fiscal year, Secretary shall transfer to the program under section 503(b) of title 23, United States Code—

⟦(1) any of the funds reserved for the fiscal year under subsection (j) that the Secretary has not yet awarded under this section; and

⟦(2) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under paragraph (1).⟧

(j) FUNDING.—Of amounts made available to carry out this section—

(1) for fiscal year 2023, $17,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $17,500,000 shall be used to carry out projects under subsection (b)(2)(B);

(2) for fiscal year 2024, $15,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $20,000,000 shall be used to carry out projects under subsection (b)(2)(B);

(3) for fiscal year 2025, $12,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $22,500,000 shall be used to carry out projects under subsection (b)(2)(B); and

(4) for fiscal year 2026, $10,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $25,000,000 shall be used to carry out projects under subsection (b)(2)(B).

(k) FUNDING FLEXIBILITY.—Funds made available in a fiscal year for making grants for projects under subsection (b)(2) that are not obligated in such fiscal year may be made available in the following fiscal year for projects under such subsection or for the national surface transportation system funding pilot under section 5402 of the INVEST in America Act.

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[SEC. 6028. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

[(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

[(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

[(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

[(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

[(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

[(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

[(5) developing tools—

[(A) to improve performance analysis; and

[(B) to evaluate the effects of project investments on performance.

[(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator of the Federal Highway Administration may use up to $10,000,000 for each of fiscal years 2016 through 2020 to carry out this section.]

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TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Equity Act for the 21st Century".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE I—FEDERAL-AID HIGHWAYS

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Subtitle B—General Provisions

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[Sec. 1216. Innovative surface transportation financing methods.]

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TITLE I—FEDERAL-AID HIGHWAYS

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Subtitle B—General Provisions

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[SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.

* * * * * * *

[(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

[(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

[(3) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

[(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

[(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

[(C) An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

[(D) A facility management plan that includes—

[(i) a plan for implementing the imposition of tolls on the facility;

[(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

[(iii) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

[(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

[(v) such other information as the Secretary may require.

[(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines that—

[(A) the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments;

[(B) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

[(C) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

[(D) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable;

[(E) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System; and

[(F) the State has the authority required for the project to proceed.

[(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

[(A) all toll revenues received from operation of the toll facility will be used only for—

[(i) debt service;

[(ii) reasonable return on investment of any private person financing the project; and

[(iii) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

[(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

[(6) REQUIREMENTS FOR PROJECT COMPLETION.—

[(A) GENERAL TERM FOR EXPIRATION OF PROVISIONAL APPLICATION.—An application provisionally approved by the Secretary under this subsection shall expire 3 years after

the date on which the application was provisionally approved if the State has not—

[(i) submitted a complete application to the Secretary that fully satisfies the eligibility criteria under paragraph (3) and the selection criteria under paragraph (4);

[(ii) completed the environmental review and permitting process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the pilot project; and

[(iii) executed a toll agreement with the Secretary.

[(B) EXCEPTIONS TO EXPIRATION.—Notwithstanding subparagraph (A), the Secretary may extend the provisional approval for not more than 1 additional year if the State demonstrates material progress toward implementation of the project as evidenced by—

[(i) substantial progress in completing the environmental review and permitting process for the pilot project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

[(ii) funding and financing commitments for the pilot project;

[(iii) expressions of support for the pilot project from State and local governments, community interests, and the public; and

[(iv) submission of a facility management plan pursuant to paragraph (3)(D).

[(C) CONDITIONS FOR PREVIOUSLY PROVISIONALLY APPROVED APPLICATIONS.—A State with a provisionally approved application for a pilot project as of the date of enactment of the FAST Act shall have 1 year after that date of enactment to meet the requirements of subparagraph (A) or receive an extension from the Secretary under subparagraph (B), or the application will expire.

[(7) DEFINITION.—In this subsection, the term "provisional approval" or "provisionally approved" means the approval by the Secretary of a partial application under this subsection, including the reservation of a slot in the pilot program.

[(8) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

[(9) PROGRAM TERM.—The Secretary shall conduct the pilot program under this subsection for a term to be determined by the Secretary, but not less than 10 years.

[(10) INTERSTATE SYSTEM DEFINED.—In this subsection, the term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.]

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INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

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TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

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SEC. 1012. TOLL ROADS, BRIDGES, AND TUNNELS.

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(b) VALUE PRICING PILOT PROGRAM.—(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more value pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 such State or local governments or public authorities to establish, maintain, and monitor value pricing programs.

(2) Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such programs shall be 80 percent. The Secretary shall fund all preimplementation costs and project design, and all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that the Secretary may not fund the preimplementation or implementation costs of any project for more than 3 years.

(3) Revenues generated by any pilot project under this subsection must be applied to projects eligible under such title.

(4) Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of any value pricing pilot program under this subsection.

(5) The Secretary shall monitor the effect of such programs for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102(a) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.

(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, an analysis of the potential effects of the pilot program on low-income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

(8) FUNDING.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

(i) for fiscal year 2005, $11,000,000; and

(ii) for each of fiscal years 2006 through 2009, $12,000,000.

(B) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, $3,000,000 for each of fiscal years 2006 through 2009 shall be available only for congestion pricing pilot projects that do not involve highway tolls.

(C) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

(D) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund to carry out this subsection for fiscal year 1998 and fiscal years thereafter but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

(i) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(ii) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of such title; and

(iii) shall be available for any purpose eligible for funding under section 133 of such title.

(C) CONTRACT AUTHORITY.—Funds authorized to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized to carry out this subsection shall be determined in accordance with this subsection.

(9) SUNSET.—The Secretary may not consider an expression of interest submitted under this section after the date of enactment of this paragraph.

(d) CONTINUATION OF EXISTING AGREEMENTS.—Unless modified under section 129(a)(6) of such title, as amended by subsection (a) of this section, agreements entered into under section 119(e) or 129 of such title before the effective date of this title and in effect on the day before such effective date shall continue in effect on and after such effective date in accordance with the provisions of such agreement and such section 119(e) or 129.

(e) SPECIAL RULE FOR CERTAIN EXISTING TOLL FACILITY AGREEMENTS.—(1) Notwithstanding sections 119 and 129 of title 23, United States Code, at the request of the non-Federal parties to a toll facility agreement reached before October 1, 1991, regarding the New York State Thruway or the Fort McHenry Tunnel under section 105 of the Federal-Aid Highway Act of 1978 or section 129

of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), the Secretary shall allow for the continuance of tolls without repayment of Federal funds. Revenues collected from such tolls, after the date of such request, in excess of revenues needed for debt service and the actual costs of operation and maintenance shall be available for (1) any transportation project eligible for assistance under title 23, United States Code, or (2) costs associated with transportation facilities under the jurisdiction of such non-Federal party, including debt service and costs related to the construction, reconstruction, restoration, repair, operation and maintenance of such facilities.

(2) Upon the request of any State Department of Transportation that was authorized to enter into a tolling agreement under section 120(c) of Public Law 100–17 (101 STAT. 159), the Secretary is authorized to modify the agreement entered into under Public Law 100–17, as follows. The Secretary shall authorize the use of excess toll revenues for any other purpose for which Federal funds may be obligated under title 23, United States Code, provided the State—

(A) AVAILABILITY.—certifies annually that the tolled facility is being adequately maintained; and

(B) AVAILABILITY.—agrees to comply with the audit requirements in section 129(a)(3)(B) of title 23, United States Code.

(3) For the purposes of paragraph (2), "excess toll revenues" means revenues in excess of amounts necessary for operation and maintenance; debt service; reasonable return on investment of any private person or entity that may be authorized by the State to operate and maintain the facility; and any cost necessary for improvement, including reconstruction, resurfacing, restoration, and rehabilitation.

(f) VOIDING OF CERTAIN AGREEMENTS FOR I–78 DELAWARE RIVER BRIDGE.—Upon the joint request of the State of Pennsylvania, the State of New Jersey, and the Delaware River Joint Toll Bridge Commission, and upon such parties entering into a new agreement with the Secretary regarding the bridge on Interstate Route 78 which crosses the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, the Secretary shall void any agreement entered into with such parties with respect to the bridge before the effective date of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code. The new agreement referred to in the preceding sentence shall permit the continuation of tolls without repayment of Federal funds and shall provide that all toll revenues received from operation of the bridge will be used—

(1) first for repayment of the non-Federal cost of construction of the bridge (including debt service);

(2) second for the costs necessary for the proper operation and maintenance of the bridge, including resurfacing, restoration, and rehabilitation; and

(3) to the extent that toll revenues exceed the amount necessary for paragraphs (1) and (2), such excess may be used

with respect to any other bridge under the jurisdiction of the Delaware River Joint Toll Bridge Commission.

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SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) the construction of the Interstate Highway System connected the major population centers of the Nation and greatly enhanced economic growth in the United States;

(2) many regions of the Nation are not now adequately served by the Interstate System or comparable highways and require further highway development in order to serve the travel and economic development needs of the region; and

(3) the development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development.

(b) PURPOSE.—It is the purpose of this section to identify highway corridors and evacuation routes of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) North-South Corridor from Kansas City, Missouri, to Shreveport, Louisiana.

(2) Avenue of the Saints Corridor from St. Louis, Missouri, to St. Paul, Minnesota.

(3) East-West Transamerica Corridor commencing on the Atlantic Coast in the Hampton Roads area going westward across Virginia to the vicinity of Lynchburg, Virginia, continuing west to serve Roanoke and then to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I–73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, and Somerset; then, generally following the Louie B. Nunn Parkway corridor from Somerset to Columbia, to Glasgow, to I–65; then to Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting western Missouri and moving westward across southern Kansas.

(4) Hoosier Heartland Industrial Corridor from Lafayette, Indiana, to Toledo, Ohio.

(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie ter-

minus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

(II) I–581 to I–81 in the vicinity of Roanoke;

(III) I–81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

(IV) United States Route 460 to the West Virginia State line.

(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

(I) in the case of I–73—

(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

(bb) State Route 68 to I–40;

(cc) I–40 to United States Route 220 in Greensboro;

(dd) United States Route 220 to United States Route 1 near Rockingham;

(ee) United States Route 1 to the South Carolina State line; and

(ff) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina, including a connection to Andrews following the route 41 corridor and to Camden following the U.S. Route 521 corridor; and

(II) in the case of I–74—

(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina;

(ee) United States Route 220 to United States Route 74 near Rockingham;

(ff) United States Route 74 to United States Route 76 near Whiteville;

(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

(hh) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina.

(6) United States Route 80 Corridor from Meridian, Mississippi, to Savannah, Georgia.

(7) East-West Corridor from Memphis, Tennessee, through Huntsville, Alabama, to Atlanta, Georgia, and Chattanooga, Tennessee.

(8) Highway 412 East-West Corridor from Tulsa, Oklahoma, through Arkansas along United States Route 62/63/65 to Nashville, Tennessee.

(9) United States Route 220 and the Appalachian Thruway Corridor from Business 220 in Bedford, Pennsylvania, to the vicinity of Corning, New York, including United States Route 322 between United States Route 220 and I–80.

(10) Appalachian Regional Corridor X.

(11) Appalachian Regional Corridor V.

(12) United States Route 25E Corridor from Corbin, Kentucky, to Morristown, Tennessee, via Cumberland Gap, to include that portion of Route 58 in Virginia which lies within the Cumberland Gap Historical Park.

(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.

(14) Heartland Expressway from Denver, Colorado, through Scottsbluff, Nebraska, to Rapid City, South Dakota as follows:

(A) In the State of Colorado, the Heartland Expressway Corridor shall generally follow—

(i) Interstate 76 from Denver to Brush; and

(ii) Colorado Highway 71 from Limon to the border between the States of Colorado and Nebraska.

(B) In the State of Nebraska, the Heartland Expressway Corridor shall generally follow—

(i) Nebraska Highway 71 from the border between the States of Colorado and Nebraska to Scottsbluff;

(ii) United States Route 26 from Scottsbluff to the intersection with State Highway L62A;

(iii) State Highway L62A from the intersection with United States Route 26 to United States Route 385 north of Bridgeport;

(iv) United States Route 385 to the border between the States of Nebraska and South Dakota; and

(v) United States Highway 26 from Scottsbluff to the border of the States of Nebraska and Wyoming.

(C) In the State of Wyoming, the Heartland Expressway Corridor shall generally follow United States Highway 26 from the border of the States of Nebraska and Wyoming to the termination at Interstate 25 at Interchange number 94.

(D) In the State of South Dakota, the Heartland Expressway Corridor shall generally follow—

(i) United States Route 385 from the border between the States of Nebraska and South Dakota to the intersection with State Highway 79; and

(ii) State Highway 79 from the intersection with United States Route 385 to Rapid City.

(15) Urban Highway Corridor along M–59 in Michigan.

(16) Economic Lifeline Corridor along I–15 and I–40 in California, Arizona, and Nevada.

(17) Route 29 Corridor from Greensboro, North Carolina, to the District of Columbia.

(18) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Mississippi, Arkansas, Shreveport/Bossier, Louisiana, to Houston, Texas, and to the Lower Rio Grande Valley at the border between the United States and Mexico, as follows:

(A) In Michigan, the corridor shall be from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

(B) In Michigan and Illinois, the corridor shall be from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.

(C) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

(ii) include a connection between the Corridor east of Wilmar, Arkansas, and west of Monticello, Arkansas, to Pine Bluff, Arkansas.

(D) In the Lower Rio Grande Valley, the Corridor shall—

(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via U.S. Route 77;

(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59;

(iii) include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181, including FM511 from United States Route 77 to the Port of Brownsville; and

(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.

(E) In Kentucky, the corridor shall utilize the existing Purchase Parkway from the Tennessee State line to Interstate 24, follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson.

(19) United States Route 395 Corridor from the United States-Canadian border to Reno, Nevada.

(20) United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas.

(21) United States Route 219 Corridor from Buffalo, New York, to the intersection of Interstate Route 80.

(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota, including I–29 between Kansas City and the Canadian border and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I–135 from Wichita, Kansas to Salina, Kansas, United States Route 81 from Salina, Kansas, to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I–29 in Sioux City, Iowa.

(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.

(26) The CANAMEX Corridor from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Montana, to the Canadian Border as follows:

(A) In the State of Arizona, the CANAMEX Corridor shall generally follow—

(i) I–19 from Nogales to Tucson;

(ii) I–10 from Tucson to Phoenix; and

(iii) United States Route 93 in the vicinity of Phoenix to the Nevada Border.

(B) In the State of Nevada, the CANAMEX Corridor shall follow—

(i) United States Route 93 from the Arizona Border to Las Vegas; and

(ii) I–15 from Las Vegas to the Utah Border.

(C) From the Utah Border through Montana to the Canadian Border, the CANAMEX Corridor shall follow I–15.

(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

(A) In the State of Texas, the Camino Real Corridor shall generally follow—

(i) arterials from the international ports of entry to I–10 in El Paso County; and

(ii) I–10 from El Paso County to the New Mexico border.

(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

(i) I–10 from the Texas Border to Las Cruces; and

(ii) I–25 from Las Cruces to the Colorado Border.

(C) In the State of Colorado, the Camino Real Corridor shall generally follow I–25 from the New Mexico border to Denver continuing to the Wyoming border.

(D) In the State of Wyoming, the Camino Real Corridor shall generally follow—

(i) I–25 north to join with I–90 at Buffalo; and

(ii) I–90 to the Montana border.

(E) In the State of Montana, the Camino Real Corridor shall generally follow—

(i) I–90 to Billings; and

(ii) Montana Route 3, United States Route 12, United States Route 191, United States Route 87, to I–15 at Great Falls; and

(iii) I–15 from Great Falls to the Canadian border.

(28) The Birmingham Northern Beltline beginning at I–59 in the vicinity of Trussville, Alabama, and traversing westwardly intersecting with United States Route 75, United States Route 79, and United States Route 31; continuing southwestwardly intersecting United States Route 78 and terminating at I–59 with the I–459 interchange.

(29) The Coalfields Expressway beginning at Beckley, West Virginia, to Pound, Virginia, generally following the corridor defined as State Routes 54, 97, 10, 16, and 83.

(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania and West Virginia.

(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to and including the I–395 corridor in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line.

(35) Everett-Tacoma FAST Corridor.

(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

(38)(A) The Ports-to-Plains Corridor from Laredo, Texas, via I–27 to Denver, Colorado, shall include:

(i) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

(I) I–35 from Laredo to United States Route 83 at Exit 18;

(II) United States Route 83 from Exit 18 to Carrizo Springs;

(III) United States Route 277 from Carrizo Springs to San Angelo;

(IV) United States Route 87 from San Angelo to Sterling City;

(V) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the Corridor shall also follow Texas Route 158 from Sterling City to I–20, then via I–20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

(VI) United States Route 87 from Lamesa to Lubbock;

(VII) I–27 from Lubbock to Amarillo;

(VIII) United States Route 287 from Amarillo to Dumas; and

(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico.

(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

(II) Interstate Route 70 from Limon to Denver.

(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton.

(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i) shall take effect only if the Texas Transportation Commission has not designated the Ports-to-Plains Corridor in Texas by June 30, 2001.

(39) United States Route 63 from Marked Tree, Arkansas, to I–55.

(40) The Greensboro Corridor from Danville, Virginia, to Greensboro, North Carolina, along United States Route 29.

(41) The Falls-to-Falls Corridor—United States Route 53 from International Falls on the Minnesota/Canada border to Chippewa Falls, Wisconsin.

(42) The portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi.

(43) The United States Route 95 Corridor from the Canadian border at Eastport, Idaho, to the Oregon State border.

(44) The Louisiana Highway 1 corridor from Grand Isle, Louisiana, along Louisiana Highway 1, to the intersection with United States Route 90.

(45) The United States Route 78 Corridor from Memphis, Tennessee, to Corridor X of the Appalachian development highway system near Fulton, Mississippi, and Corridor X of the Appalachian development highway system extending from near Fulton, Mississippi, to near Birmingham, Alabama.

(46) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 60.

(47) Interstate Route 87 from the Quebec border to New York City.

(48) The Route 50 High Plains Corridor along the United States Route 50 corridor from Newton, Kansas, to Pueblo, Colorado.

(49) The Atlantic Commerce Corridor on Interstate Route 95 from Jacksonville, Florida, to Miami, Florida.

(50) The East-West Corridor commencing in Watertown, New York, continuing northeast through New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.

(51) The SPIRIT Corridor on United States Route 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas.

(52) The route in Arkansas running south of and parallel to Arkansas State Highway 226 from the relocation of United States Route 67 to the vicinity of United States Route 49 and United States Route 63.

(53) United States Highway Route 6 from Interstate Route 70 to Interstate Route 15, Utah.

(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.

(55) In Texas, Interstate Route 20 from Interstate Route 35E in Dallas County, east to the intersection of Interstate Route 635, north to the intersection of Interstate Route 30, northeast through Texarkana to Little Rock, Arkansas, Interstate Route 40 northeast from Little Rock east to the proposed Interstate Route 69 corridor.

(56) In the State of Texas, the La Entrada al Pacifico Corridor consisting of the following highways and any portion of a highway in a corridor on 2 miles of either side of the center line of the highway:

(A) State Route 349 from Lamesa to the point on that highway that is closest to 32 degrees, 7 minutes, north latitude, by 102 degrees, 6 minutes, west longitude.

(B) The segment or any roadway extending from the point described by subparagraph (A) to the point on Farm-to-Market Road 1788 closest to 32 degrees, 0 minutes, north latitude, by 102 degrees, 16 minutes, west longitude.

(C) Farm-to-Market Road 1788 from the point described by subparagraph (B) to its intersection with Interstate Route 20.

(D) Interstate Route 20 from its intersection with Farm-to-Market Road 1788 to its intersection with United States Route 385.

(E) United States Route 385 from Odessa to Fort Stockton, including those portions that parallel United States Route 67 and Interstate Route 10.

(F) United States Route 67 from Fort Stockton to Presidio, including those portions that parallel Interstate Route 10 and United States Route 90.

(57) United States Route 41 corridor between Interstate Route 94 via Interstate Route 894 and Highway 45 near Milwaukee and Interstate Route 43 near Green Bay in the State of Wisconsin.

(58) The Theodore Roosevelt Expressway from Rapid City, South Dakota, north on United States Route 85 to Williston, North Dakota, west on United States Route 2 to Culbertson, Montana, and north on Montana Highway 16 to the international border with Canada at the port of Raymond, Montana.

(59) The Central North American Trade Corridor from the border between North Dakota and South Dakota, north on United States Route 83 through Bismark and Minot, North Dakota, to the international border with Canada.

(60) The Providence Beltline Corridor beginning at Interstate Route 95 in the vicinity of Hope Valley, Rhode Island, traversing eastwardly intersecting and merging into Interstate Route 295, continuing northeastwardly along Interstate Route 95, and terminating at the Massachusetts border, and including the western bypass of Providence, Rhode Island, from Interstate Route 295 to the Massachusetts border.

(61) In the State of Missouri, the corridors consisting of the following highways:

(A) Interstate Route 70, from Interstate Route 29/35 to United States Route 61/Avenue of the Saints.

(B) Interstate Route 72/United States Route 36, from the intersection with Interstate Route 29 to United States Route 61/Avenue of the Saints.

(C) United States Route 67, from Interstate Route 55 to the Arkansas State line.

(D) United States Route 65, from United States Route 36/Interstate Route 72 to the East-West TransAmerica corridor, at the Arkansas State line.

(E) United States Route 63, from United States Route 36 and the proposed Interstate Route 72 to the East-West TransAmerica corridor, at the Arkansas State line.

(F) United States Route 54, from the Kansas State line to United States Route 61/Avenue of the Saints.

(62) The Georgia Developmental Highway System Corridors identified in section 32–4–22 of the Official Code of Georgia, Annotated.

(63) The Liberty Corridor, a corridor in an area encompassing very critical and significant transportation infrastructure providing regional, national, and international access through the State of New Jersey, including Interstate Routes 95, 80, 287, and 78, United States Routes 1, 9, and 46, and

State Routes 3 and 17, and portways and connecting infrastructure.

(64) The corridor in an area of passage in the State of New Jersey serving significant interstate and regional traffic, located near the cities of Camden, New Jersey, and Philadelphia, Pennsylvania, and including Interstate Route 295, State Route 42, United States Route 130, and Interstate Routes 76 and 676.

(65) The Interstate Route 95 Corridor beginning at the New York State line and continuing through Connecticut to the Rhode Island State line.

(66) The Interstate Route 91 Corridor from New Haven, Connecticut, to the Massachusetts State line.

(67) The Fairbanks-Yukon International Corridor consisting of the portion of the Alaska Highway from the international border with Canada to the Richardson Highway, and the Richardson Highway from its junction with the Alaska Highway to Fairbanks, Alaska.

(68) The Washoe County Corridor and the Intermountain West Corridor, which shall generally follow—

(A) for the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A from Reno, Nevada, to Las Vegas, Nevada; and

(B) for the Intermountain West Corridor, from the vicinity of Las Vegas, Nevada, north along United States Route 95 terminating at Interstate Route 80.

(69) The Cross Valley Connector connecting Interstate Route 5 and State Route 14, Santa Clarita Valley, California.

(70) The Economic Lifeline corridor, along Interstate Route 15 and Interstate Route 40, California, Arizona, and Nevada, including Interstate Route 215 South from near San Bernadino, California, to Riverside, California, and State Route 91 from Riverside, California, to the intersection with Interstate Route 15 near Corona, California.

(71) The High Desert Corridor/E–220 from Los Angeles, California, to Las Vegas, Nevada, via Palmdale and Victorville, California.

(72) The North-South corridor, along Interstate Route 49 North, from Kansas City, Missouri, to Shreveport, Louisiana.

(73) The Louisiana Highway corridor, along Louisiana Highway 1, from Grand Isle, Louisiana, to the intersection with United States Route 90.

(74) The portion of United States Route 90 from Interstate Route 49 in Lafayette, Louisiana, to Interstate Route 10 in New Orleans, Louisiana.

(75) The Louisiana 28 corridor from Fort Polk to Alexandria, Louisiana.

(76) The portion of Interstate Route 75 from Toledo, Ohio, to Cincinnati, Ohio.

(77) The portion of United States Route 24 from the Indiana/Ohio State line to Toledo, Ohio.

(78) The portion of Interstate Route 71 from Cincinnati, Ohio, to Cleveland, Ohio.

(79) Interstate Route 376 from the Pittsburgh Interchange (I/C No. 56) of the Pennsylvania Turnpike, westward on Interstate Route 279, United States Route 22, United States Route 30, and Pennsylvania Route 60, continuing past the Pittsburgh International Airport on Turnpike Route 60, to the Pennsylvania Turnpike (Interstate Route 76), Interchange 10, and continuing north on Pennsylvania Turnpike Route 60 to Interstate Route 80.

(80) The Intercounty Connector, a new east-west multimodal highway between Interstate Route 270 and Interstate Route 95/United States Route 1 in Montgomery and Prince George's Counties, Maryland.

(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

[(84) The Central Texas Corridor commencing at the logical terminus of Interstate Route 10, generally following portions of United States Route 190 eastward, passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, and Woodville, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.**]**

(84) The Central Texas Corridor, including the route—

(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas to Interstate 20 at Odessa, Texas.

(85) Interstate Route 81 in New York from its intersection with Interstate Route 86 to the United States-Canadian border.

(86) Interstate Route 70 from Denver, Colorado, to Salt Lake City, Utah.

(87) The Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon, and Dayton, Oregon.

(88) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.

(89) I–57 Corridor Extension as follows: In Arkansas, the corridor shall follow United States Route 67 in North Little Rock, Arkansas, from I–40 to United States Route 412, then continuing generally northeast to the State line, and in Missouri, the corridor shall continue generally north from the Arkansas State line to Poplar Bluff, Missouri, and then follow United States Route 60 to I–57.

(90) The Edward T. Breathitt Parkway from Interstate 24 to Interstate 69.

(91) The Wendell H. Ford (Western Kentucky) Parkway from the interchange with the William H. Natcher Parkway in Ohio County, Kentucky, west to the interchange of the Western Kentucky Parkway with the Edward T. Breathitt (Pennyrile) Parkway.

(91) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.

(92) The Central Mississippi Corridor, including the route—

(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi-Alabama State Border; and

(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.

(93) The Middle Alabama Corridor including the route—

(A) beginning at the Alabama-Mississippi Border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80 specifically:

(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama; and

(E) generally following the most expedient route until intersecting with existing United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.

(94) The Middle Georgia Corridor including the route—

(A) beginning at the Alabama-Georgia Border generally following the Fall Line Freeway from Columbus Georgia to Augusta, Georgia specifically:

(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate route 75 in Byron, Georgia;

(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16. Following Interstate 16 east it would next join United States Route 80 and then onto State Route 57; and

(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass. After the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.

(95) The Louisiana Capital Region High Priority Corridor, which shall generally follow—

(A) Interstate 10, between its intersections with Interstate 12 and Louisiana Highway 415;

(B) Louisiana Highway 415, between its intersections with Interstate 10 and United States route 190;

(C) United States route 190, between its intersections with Louisiana Highway 415 and intersection with Interstate 110;

(D) Interstate 110, between its intersections with United States route 190 and Interstate 10;

(E) Louisiana Highway 30, near St. Gabriel, LA and its intersections with Interstate 10;

(F) Louisiana Highway 1, near White Castle, LA and its intersection with Interstate 10; and

(G) A bridge connecting Louisiana Highway 1 with Louisiana Highway 30, south of the Interstate described in subparagraph (A).

(d) INCLUSION ON NHS.—The Secretary shall include all corridors identified in subsection (c) on the proposed National Highway System submitted to Congress under section 103(b)(3) of title 23, United States Code.

(e) PROVISIONS APPLICABLE TO CORRIDORS.—

(1) LONG-RANGE PLAN.—The Secretary, in cooperation with the affected State or States, may prepare a long-range plan for the upgrading of each corridor to the appropriate standard for highways on the National Highway System. Each such plan may include a plan for developing the corridor and a plan for financing the development.

(2) FEASIBILITY STUDIES.—The Secretary, in cooperation with the affected State or States, may prepare feasibility and design studies, as necessary, for those corridors for which such studies have not been prepared. A feasibility study may be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I–55 in the vicinity of Route A in Jefferson County, Missouri. A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois. A feasibility study may be conducted under this paragraph to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.

(3) CERTIFICATION ACCEPTANCE.—The Secretary may discharge any of his responsibilities under title 23, United States Code, relative to projects on a corridor identified under subsection (c), upon the request of a State, by accepting a certification by the State in accordance with section 117 of such title.

(4) ACCELERATION OF PROJECTS.—To the maximum extent feasible, the Secretary may use procedures for acceleration of projects in carrying out projects on corridors identified in subsection (c).

(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—

(A) IN GENERAL.—The portions of the routes referred to in subsection (c)(1), subsection (c)(3) (relating solely to the Kentucky Corridor), clauses (i), (ii), and (except with respect to Georgetown County) (iii) of subsection (c)(5)(B), subsection (c)(9), subsection (c)(13), subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36), subsection (c)(37), *subclauses (I) through (IX) of subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv),* subsection (c)(40), subsection (c)(42), subsection (c)(45), subsection (c)(54), subsection (c)(57), sub-

section (c)(68)(B), subsection (c)(81), subsection (c)(82), subsection (c)(83), *subsection (c)(84),* subsection (c)(89), subsection (c)(90), [and subsection (c)(91)] *subsection (c)(91), subsection (c)(92), subsection (c)(93), subsection (c)(94), subsection (c)(95), and subsection (c)(96)* that are not a part of the Interstate System are designated as future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code, and is planned to connect to an existing Interstate System segment by the date that is 25 years after the date of enactment of the MAP–21.

(B) INTERSTATE ROUTE 376.—

(i) DESIGNATION OF INTERSTATE ROUTE 376.—

(I) IN GENERAL.—The routes referred to in subsection (c)(79), except the portion of Pennsylvania Turnpike Route 60 between Pennsylvania Turnpike Interchange 10 and Interstate Route 80, shall be designated as Interstate Route 376.

(II) SIGNS.—The State of Pennsylvania shall have jurisdiction over the highways described in subclause (I) (except Pennsylvania Turnpike Route 60) and erect signs in accordance with Interstate signing criteria that identify the routes described in subclause (I) as Interstate Route 376.

(III) ASSISTANCE FROM SECRETARY.—The Secretary shall assist the State of Pennsylvania in carrying out, not later than December 31, 2008, an activity under subclause (II) relating to Interstate Route 376 and in complying with sections 109 and 139 of title 23, United States Code.

(ii) OTHER SEGMENTS.—The segment of the route referred to in subsection (c)(79) located between the Pennsylvania Turnpike, Interchange 10, and Interstate Route 80 may be signed as Interstate Route 376 under clause (i)(II) if that segment meets the criteria under sections 109 and 139 of title 23, United States Code.

(C) ROUTES.—

(i) DESIGNATION.—The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I–99. The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(D)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection

(c)(18)(D)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69. The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86. The Louie B. Nunn Parkway corridor referred to in subsection (c)(3) shall be designated as Interstate Route 66. A State having jurisdiction over any segment of routes and/or corridors referred to in subsections (c)(3) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route 66. Notwithstanding the provisions of subsections (e)(5)(A)(i) and (e)(5)(A)(ii), or any other provisions of this Act, the Commonwealth of Kentucky shall erect signs, as approved by the Secretary, identifying the routes and/or corridors described in subsection (c)(3) for the Commonwealth, as segments of future Interstate Route 66. The Purchase Parkway corridor referred to in subsection (c)(18)(E) shall be designated as Interstate Route 69. A State having jurisdiction over any segment of routes and/or corridors referred to in subsections (c)(18) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route 69. Notwithstanding the provisions of subsections (e)(5)(A)(i) and (e)(5)(A)(ii), or any other provisions of this Act, the Commonwealth of Kentucky shall erect signs, as approved by the Secretary, identifying the routes and/or corridors described in subsection (c)(18) for the Commonwealth, as segments of future Interstate Route 69. The route referred to in subsection (c)(45) is designated as Interstate Route I–22. The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11. ❚The route referred to in subsection (c)(84) is designated as Interstate Route I–14.❚ *The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route referred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84) is designated as Interstate Route I–214. The routes referred to in subparagraphs (C), (D), (E), (F), and (G) of subsection (c)(84) and in subsections (c)(91), (c)(92), (c)(93), and (c)(94) are designated as Interstate Route I–14.* The route referred to in subsection (c)(89) is designated as Interstate Route I–57. The route referred to in subsection (c)(90) is designated as Interstate Route I–169. The route referred to in subsection (c)(91) is designated as Interstate Route I–569.

(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for

the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.

(D) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as part of the Interstate System by this paragraph and the mileage of such segments shall be treated in the manner described in the last 2 sentences of section 139(a) of title 23, United States Code.

(E) USE OF FUNDS.—

(i) GENERAL RULE.—Funds apportioned under section 104(b)(5)(A) of title 23, United States Code, may be used on a project to construct a portion of a route referred to in this paragraph to standards set forth in section 109(b) of such title if the State determines that the project for which the funds were originally apportioned is unreasonably delayed or no longer viable.

(ii) LIMITATION.—If funds apportioned under section 104(b)(5)(A) of title 23, United States Code, for completing a segment of the Interstate System are used on a project pursuant to this subparagraph, no interstate construction funds may be made available, after the date of the enactment of this paragraph, for construction of such segment.

(f) HIGH PRIORITY SEGMENTS.—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
1. Pennsylvania	For the segment described in item 6 of this table and up to $11,000,000 for upgrading U.S. 220 High Priority and the Appalachian Thruway Corridor between State College and I–80	50.7
2. Alabama, Georgia, Mississippi, Tennessee	Upgrading of the East-West Corridor along Rt. 72 and up to $1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure	25.4
3. Missouri	Improvement of North-South Corridor along Highway 71, Southwestern, MO	3.6

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
4.	Arkansas	For construction of Highway 412 from Siloam Springs to Springdale, Arkansas as part of Highway 412 East-West Corridor	34.0
5.	Arkansas	For construction of Highway 412 from Harrison to Springdale, Arkansas as part of the Highway 412 East-West Corridor	56.0
6.	Pennsylvania	To improve U.S. 220 to a 4-lane limited access highway from Bald Eagle northward to the intersection of U.S. 220 and U.S. 322	148.0
7.	S. Dakota/Nebraska	Conduct a feasibility study of expressway from Rapid City, S. Dakota to Scotts Bluff, Nebraska	0.64
8.	Alabama	Construction of Appalachian Highway Corridor X from Corridor V near Fulton, Mississippi to U.S. 31 at Birmingham, Alabama as part of Appalachian Highway X Corridor Project	59.2
9.	Alabama	For construction of a portion of Appalachian Development Corridor V from Mississippi State Line near Red Bay, Alabama to the Tennessee State Line north of Bridgeport, Alabama	25.4
10.	West Virginia	Construction of Shawnee Project from 3-Corner Junction to I–77 as part of I–73/74 Corridor project	4.5
11.	West Virginia	Widening U.S. Rt. 52 from Huntington to Williamson, W. Virginia as part of the I–73/74 Corridor project	100.0
12.	West Virginia	Replacement of U.S. Rt. 52 from Williamson, W. Virginia to I–77 as part of the I–73/74 Corridor project	14.0
13.	North Carolina/Virginia	For Upgrading I–64 and Route 17 Virginia and constructing a new highway from Rocky Mount to Elizabeth City, North Carolina as part of the Raleigh-Norfolk High Priority Corridor Improvements	17.8
14.	Arkansas	Construction of Highway 71 between Fayetteville and Alma, Arkansas as part of the North-South High Priority Corridor	100.0
15.	Arkansas/Texas	For construction of Highway 71 from Alma, Arkansas to Louisiana border	70.0
16.	Michigan	To widen a 60 mile portion of highway M–59 from MacComb County to I–96 in Howell County, Michigan	29.6
17.	South Dakota, Colorado, Nebraska	To improve the Heartland Expressway from Rapid City, South Dakota to Scotts Bluff, Nebraska	29.6

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
18.	Indiana	To construct a 4-lane highway from Lafayette to Ft. Wayne, Indiana, following existing Indiana 25 and U.S. 24	9.5
19.	Ohio/Indiana	Conduct feasibility and economic study to widen Rt. 24 from Ft. Wayne, Indiana to Toledo, Ohio as part of the Lafayette to Toledo Corridor	0.32
20.	California, Nevada, Arizona	For improvements on I–15 and I–40 in California, Nevada and Arizona ($10,500,000 of which shall be expended on the Nevada portion of the corridor, including the I–15/U.S. 95 interchange)	59.2
21.	Louisiana	To improve the North-South Corridor from Louisiana border to Shreveport, Louisiana, and up to $6,000,000 for surface transportation projects in Louisiana, including $4,500,000 for the I–10 and I–610 project in Jefferson Parish, Louisiana, in the corridor between the St. Charles Parish line and Tulane Avenue, $500,000 for noise analysis and safety abatement measures or barriers along the Lakeview section of I–610 in New Orleans, and $1,000,000 for 3 highway studies (including $250,000 for a study to widen United States Route 84/Louisiana Route 6 traversing north Louisiana, $250,000 for a study to widen Louisiana Route 42 from United States Route 61 to Louisiana Route 44 and extend to I–10 in East Ascension Parish, and $500,000 for a study to connect I–20 on both sides of the Ouachita River)	29.6
22.	Missouri, Iowa, Minnesota	For improvements for Avenue of the Saints from St. Paul, Minnesota to St. Louis, Missouri	118.0
24.	Various States	I–66 Transamerica Highway Feasibility study	1.0
25.	Kentucky, Tennessee, Virginia	To improve Cumberland Gap Tunnel and for various associated improvements as part of U.S. 25E Corridor, except that the allocation percentages under section 1105(g)(2) of this section shall not apply to this project after fiscal year 1992	72.4

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
26.	Indiana, Kentucky, Tennessee	To improve the Bloomington, Indiana, to Evansville, Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor	23.7
27.	Washington	For improvements on the Washington State portion of the U.S. 395 corridor from the U.S.-Canadian border to Reno, Nevada	54.5
28.	Virginia	Construction of a bypass of Danville, Virginia, on Route 29 Corridor	17.0
29.	Arkansas	Highway 412 from Harrison to Mt. Home	20.0
30.	New York	Improvements on Route 219 between Springville to Ellicottville in New York State	9.5

(g) PROVISIONS RELATING TO HIGH PRIORITY SEGMENTS.—

(1) DETAILED PLANS.—Each State in which a priority segment identified under subsection (f) is located may prepare a detailed plan for completion of construction of such segment and for financing such construction.

(2) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (f) for each high priority segment authorized by subsection (f) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(3) FEDERAL SHARE.—The Federal share payable on account of any project under subsection (f) shall be 80 percent of the cost thereof.

(4) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary may delegate responsibility for construction of a project or projects under subsection (f) to the State in which such project or projects are located upon request of such State.

(5) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(6) APPLICABILITY OF TITLE 23.—Funds authorized by subsection (f) and subsection (h) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under subsection (f) shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by subsection (f) shall not be subject to any obligation limitation.

* * * * * * *

(8) SPECIAL RULE.—Amounts allocated by subsection (f) to the State of California for improvements on I–15 and I–40 shall not be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways.

(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).

(h) AUTHORIZATION FOR FEASIBILITY STUDIES.—There is authorized to be appropriated to the Secretary out of the Highway Trust Fund (other than the Mass Transit Account) $8,000,000 per fiscal year for each of the fiscal years 1992 through 1997 to carry out feasibility and design studies under subsection (e)(2).

(i) REVOLVING LOAN FUND.—

(1) ESTABLISHMENT.—The Secretary may establish a Priority Corridor Revolving Loan Fund.

(2) ADVANCES.—The Secretary shall make available as repayable advances amounts from the Revolving Loan Fund to States for planning and construction of corridors listed in subsection (c). In making such amounts available, the Secretary shall give priority to segments identified in subsection (f).

(3) REPAYMENT OF ADVANCES.—The amount of an advance to a State in a fiscal year under paragraph (2) may not exceed the amount of a State's estimated apportionments for the National Highway System for the 2 succeeding fiscal years. Advances shall be repaid (A) by reducing the State's National Highway System apportionment in each of the succeeding 3 fiscal years by ⅓ of the amount of the advance, or (B) by direct repayment. Repayments shall be credited to the Priority Corridor Revolving Loan Fund.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), $40,000,000 per fiscal year for each of fiscal years 1993 through 1997 to carry out this subsection.

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SECTION 117 OF THE SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008

[SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

[(a) WAIVER NOTIFICATION.—

[(1) IN GENERAL.—f the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

[(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

[(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

[(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

[(b) ANNUAL REPORTS.— Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.]

MAP-21

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DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

* * * * * * *

SEC. 1123. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY OR DISASTER.—The term "emergency or disaster" means damage to a tribal transportation facility that—

(A) renders the tribal transportation facility impassable or unusable;

(B) is caused by—

(i) a natural disaster over a widespread area; or

(ii) a catastrophic failure from an external cause; and

(C) would be eligible under the emergency relief program under section 125 of title 23, United States Code, but does not meet the funding thresholds [required by that section] *required under such program*.

(2) LIST.—The term "list" means the funding priority list developed under subsection (c)(5).

(3) PROGRAM.—The term "program" means the Tribal High Priority Projects program established under subsection (b)(1).

(4) PROJECT.—The term "project" means a project provided funds under the program.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary shall [use amounts made available under subsection (h) to] carry out a Tribal High Priority Projects program under which funds shall be provided to eligible applicants in accordance with this section.

(2) ELIGIBLE APPLICANTS.—Applicants eligible for program funds under this section include—

(A) an Indian tribe whose annual allocation of funding under section 202 of title 23, United States Code, is insufficient to complete the highest priority project of the Indian tribe;

(B) a governmental subdivision of an Indian tribe—

(i) that is authorized to administer the funding of the Indian tribe under section 202 of title 23, United States Code; and

(ii) for which the annual allocation under that section is insufficient to complete the highest priority project of the Indian tribe; or

(C) any Indian tribe that has an emergency or disaster with respect to a transportation facility included on the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code.

(c) PROJECT APPLICATIONS; FUNDING.—

(1) IN GENERAL.—To apply for funds under this section, an eligible applicant shall submit to the Department of the Interior or the Department an application that includes—

(A) project scope of work, including deliverables, budget, and timeline;

(B) the amount of funds requested;

(C) project information addressing—

(i) the ranking criteria identified in paragraph (3); or

(ii) the nature of the emergency or disaster;

(D) documentation that the project meets the definition of a tribal transportation facility and is included in the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code;

(E) documentation of official tribal action requesting the project;

(F) documentation from the Indian tribe providing authority for the Secretary of the Interior to place the project

on a transportation improvement program if the project is selected and approved; and

(G) any other information the Secretary of the Interior or Secretary considers appropriate to make a determination.

(2) LIMITATION ON APPLICATIONS.—An applicant for funds under the program may only have 1 application for assistance under this section pending at any 1 time, including any emergency or disaster application.

(3) APPLICATION RANKING.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary shall determine the eligibility of, and fund, program applications, subject to the availability of funds.

(B) RANKING CRITERIA.—The project ranking criteria for applications under this section shall include—

(i) the existence of safety hazards with documented fatality and injury accidents;

(ii) the number of years since the Indian tribe last completed a construction project funded by section 202 of title 23, United States Code;

(iii) the readiness of the Indian tribe to proceed to construction or bridge design need;

(iv) the percentage of project costs matched by funds that are not provided under section 202 of title 23, United States Code, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches);

(v) the amount of funds requested, with requests for lesser amounts given greater priority;

(vi) the challenges caused by geographic isolation; and

(vii) all weather access for employment, commerce, health, safety, educational resources, or housing.

(4) PROJECT SCORING MATRIX.—The project scoring matrix established in the appendix to part 170 of title 25, Code of Regulations (as in effect on the date of enactment of this Act) shall be used to rank all applications accepted under this section.

(5) FUNDING PRIORITY LIST.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary shall jointly produce a funding priority list that ranks the projects approved for funding under the program.

(B) LIMITATION.—The number of projects on the list shall be limited by the amount of funding made available.

(6) TIMELINE.—The Secretary of the Interior and the Secretary shall—

(A) require applications for funding no sooner than 60 days after funding is made available pursuant to subsection (a);

(B) notify all applicants and Regions in writing of acceptance of applications;

(C) rank all accepted applications in accordance with the project scoring matrix, develop the funding priority list,

and return unaccepted applications to the applicant with an explanation of deficiencies;

(D) notify all accepted applicants of the projects included on the funding priority list no later than 180 days after the application deadline has passed pursuant to subparagraph (A); and

(E) distribute funds to successful applicants.

(d) EMERGENCY OR DISASTER PROJECT APPLICATIONS.—

(1) IN GENERAL.—Notwithstanding subsection (c)(6), an eligible applicant may submit an emergency or disaster project application at any time during the fiscal year.

(2) CONSIDERATION AS PRIORITY.—The Secretary*, in consultation with the Secretary of the Interior,* shall—

(A) consider project applications submitted under paragraph (1) to be a priority; and

(B) fund the project applications in accordance with paragraph (3).

(3) FUNDING.—

(A) IN GENERAL.—If an eligible applicant submits an application for a project under this subsection before the issuance of the list under subsection (c)(5) and the project is determined to be eligible for program funds, the Secretary [of the Interior] shall provide funding for the project before providing funding for other approved projects on the list.

(B) SUBMISSION AFTER ISSUANCE OF LIST.—If an eligible applicant submits an application under this subsection after the issuance of the list under subsection (c)(5) and the distribution of program funds in accordance with the list, the Secretary [of the Interior] shall provide funding for the project on the date on which unobligated funds provided to projects on the list are returned to the Department [of the Interior].

(C) EFFECT ON OTHER PROJECTS.—If the Secretary [of the Interior] uses funding previously designated for a project on the list to fund an emergency or disaster project under this subsection, the project on the list that did not receive funding as a result of the redesignation of funds shall move to the top of the list the following year.

(4) EMERGENCY OR DISASTER PROJECT COST.—The cost of a project submitted as an emergency or disaster under this subsection shall be at least 10 percent of the distribution of funds of the Indian tribe under section 202(b) of title 23, United States Code.

(e) LIMITATION ON USE OF FUNDS.—Program funds shall not be used for—

(1) transportation planning;

(2) research;

(3) routine maintenance activities;

(4) structures and erosion protection unrelated to transportation and roadways;

(5) general reservation planning not involving transportation;

(6) landscaping and irrigation systems not involving transportation programs and projects;

(7) work performed on projects that are not included on a transportation improvement program approved by the Federal Highway Administration, unless otherwise authorized by the Secretary of the Interior and the Secretary;

(8) the purchase of equipment unless otherwise authorized by Federal law; or

(9) the condemnation of land for recreational trails.

(f) LIMITATION ON PROJECT AMOUNTS.—Project funding shall be limited to a maximum of [$1,000,000] *$5,000,000* per application, except that funding for disaster or emergency projects shall also be limited to the estimated cost of repairing damage to the tribal transportation facility.

(g) COST ESTIMATE CERTIFICATION.—All cost estimates prepared for a project shall be required to be submitted by the applicant to the Secretary of the Interior [and the Secretary] *or the Secretary* for certification and approval.

[(h) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated $30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2013 through 2015 and $5,327,869 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on December 4, 2015.

[(2) ADMINISTRATION.—The funds made available under paragraph (1) shall be administered in the same manner as funds made available for the tribal transportation program under section 202 of title 23, United States Code, except that—

[(A) the funds made available for the program shall remain available until September 30 of the third fiscal year after the year appropriated; and

[(B) the Federal share of the cost of a project shall be 100 percent.]

(h) ADMINISTRATION.—The funds made available to carry out this section shall be administered in the same manner as funds made available for the Tribal transportation program under section 202 of title 23, United States Code.

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Subtitle D—Highway Safety

SEC. 1401. JASON'S LAW.

(a) IN GENERAL.—It is the sense of Congress that it is a national priority to address projects under this section for the shortage of long-term parking for commercial motor vehicles on the National Highway System to improve the safety of motorized and non-motorized users and for commercial motor vehicle operators.

(b) ELIGIBLE PROJECTS.—Eligible projects under this section are those that—

(1) serve the National Highway System; and

(2) may include the following:

(A) Constructing safety rest areas (as defined in section 120(c) of title 23, United States Code) that include parking for commercial motor vehicles.

(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

(C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.

(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.

(G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

(c) SURVEY AND COMPARATIVE ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with relevant State motor carrier safety personnel *and private providers of commercial motor vehicle parking*, shall conduct a survey of each State—

(A) to evaluate [the capability of the State to provide] *the availability of* adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

(B) to assess the volume of commercial motor vehicle traffic in the State; and

(C) to develop a system of metrics to measure the adequacy of commercial motor vehicle parking facilities in the State.

(2) RESULTS.—The results of the survey under paragraph (1) shall be made available to the public on the website of the Department of Transportation.

(3) PERIODIC UPDATES.—The Secretary shall periodically update the survey under this subsection.

(d) ELECTRIC VEHICLE AND NATURAL GAS VEHICLE INFRASTRUCTURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may establish electric vehicle charging stations or natural gas vehicle refueling stations for the use of battery-powered or natural gas-fueled trucks or other motor vehicles at any parking facility funded or authorized under this Act or title 23, United States Code.

(2) EXCEPTION.—Electric vehicle battery charging stations or natural gas vehicle refueling stations may not be established or supported under paragraph (1) if commercial establishments

serving motor vehicle users are prohibited by section 111 of title 23, United States Code.

(3) FUNDS.—Charging or refueling stations described in paragraph (1) shall be eligible for the same funds as are available for the parking facilities in which the stations are located.

[(e) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded through the authority provided under this section shall be treated as projects on a Federal-aid highway under chapter 1 of title 23, United States Code.]

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Subtitle E—Miscellaneous

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SEC. 1519. CONSOLIDATION OF PROGRAMS; REPEAL OF OBSOLETE PROVISIONS.

(a) CONSOLIDATION OF PROGRAMS.—For each of [fiscal years 2016 through 2020] *fiscal years 2023 through 2026*, before making an apportionment under section 104(b)(3) of title 23, United States Code, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 of such title for the fiscal year, [$3,500,000] *$4,000,000*—

(1) to carry out safety-related activities, including—

(A) to carry out the operation lifesaver program—

(i) to provide public information and education programs to help prevent and reduce motor vehicle accidents, injuries, and fatalities; and

(ii) to improve driver performance at railway-highway crossings; and

(B) to provide work zone safety grants in accordance with subsections (a) and (b) of section 1409 of the SAFETEA-LU (23 U.S.C. 401 note; 119 Stat. 1232); and

(2) to operate authorized safety-related clearinghouses, including—

(A) the national work zone safety information clearinghouse authorized by section 358(b)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625); and

(B) a public road safety clearinghouse in accordance with section 1411(a) of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1234).

(b) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out under subsection (a) shall be 100 percent.

[(b)] *(c)* REPEALS.—

(1) TITLE 23.—

(A) IN GENERAL.—Sections 105, 110, 117, 124, 151, 155, 157, 160, 212, 216, 303, and 309 of title 23, United States Code, are repealed.

(B) SET ASIDES.—Section 118 of title 23, United States Code, is amended—

(i) by striking subsection (c); and

(ii) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) SAFETEA-LU.—Sections 1302, 1305, 1306, 1803, 1804, 1907, and 1958 of SAFETEA-LU (Public Law 109-59) are repealed.

(3) ADDITIONAL.—Section 1132 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1763) is repealed.

[(c)] *(d)* CONFORMING AMENDMENTS.—

(1) TITLE ANALYSIS.—

(A) CHAPTER 1.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the items relating to sections 105, 110, 117, 124, 151, 155, 157, and 160.

(B) CHAPTER 2.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the items relating to sections 212 and 216.

(C) CHAPTER 3.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 303 and 309.

(2) TABLE OF CONTENTS.—The table of contents contained in section 1(b) of SAFETEA-LU (Public Law 109-59; 119 Stat. 1144) is amended by striking the items relating to sections 1302, 1305, 1306, 1803, 1804, 1907, and 1958.

(3) SECTION 109.—Section 109(q) of title 23, United States Code, is amended by striking "in accordance with section 303 or".

(4) SECTION 118.—Section 118(b) of title 23, United States Code, is amended—

(A) by striking paragraph (1) and all that follows through the heading of paragraph (2); and

(B) by striking "(other than for Interstate construction)".

(5) SECTION 130.—Section 130 of title 23, United States Code, is amended—

(A) in subsection (e) by striking "section 104(b)(5)" and inserting "section 104(b)(3)";

(B) in subsection (f)(1) by inserting "as in effect on the day before the date of enactment of the MAP-21" after "section 104(b)(3)(A)"; and

(C) in subsection (l) by striking paragraphs (3) and (4).

(6) SECTION 131.—Section 131(m) of title 23, United States Code, is amended by striking "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State" and inserting "A State".

(7) SECTION 133.—Paragraph (13) of section 133(b) of title 23, United States Code (as amended by section 1108(a)(3)), is amended by striking "under section 303".

(8) SECTION 142.—Section 142 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "motor vehicles (other than on rail)" and inserting "buses";

(II) by striking "(hereafter in this section referred to as'buses')";

(III) by striking "Federal-aid systems" and inserting "Federal-aid highways"; and

(IV) by striking "Federal-aid system" and inserting "Federal-aid highway"; and

(ii) in paragraph (2)—

(I) by striking "as a project on the the surface transportation program for"; and

(II) by striking "section 104(b)(3)" and inserting "section 104(b)(2)";

(B) in subsection (b) by striking "104(b)(4)" and inserting "104(b)(1)";

(C) in subsection (c)—

(i) by striking "system" in each place it appears and inserting "highway"; and

(ii) by striking "highway facilities" and inserting "highways eligible under the program that is the source of the funds";

(D) in subsection (e)(2) by striking "Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects" and inserting "Projects authorized by subsection (a)(2)"; and

(E) in subsection (f) by striking "exits" and inserting "exists".

(9) SECTION 145.—Section 145(b) of title 23, United States Code, is amended by striking "section 117 of this title,".

(10) SECTION 218.—Section 218 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking the first two sentences;

(ii) in the third sentence—

(I) by striking ", in addition to such funds,"; and

(II) by striking "such highway or";

(iii) by striking the fourth sentence and fifth sentences;

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(11) SECTION 610.—Section 610(d)(1)(B) of title 23, United States Code, is amended by striking "under section 105".

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DIVISION B—PUBLIC TRANSPORTATION

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SEC. 20005. METROPOLITAN TRANSPORTATION PLANNING.

[(a) AMENDMENT.—] Section 5303 of title 49, United States Code, is amended to read as follows:

"SEC. 5303. METROPOLITAN TRANSPORTATION PLANNING.

"(a) POLICY.—It is in the national interest—

"(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

"(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

"(b) DEFINITIONS.—In this section and section 5304, the following definitions apply:

"(1) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

"(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of an organization established as a result of the designation process under subsection (d).

"(3) NONMETROPOLITAN AREA.—The term 'nonmetropolitan area' means a geographic area outside designated metropolitan planning areas.

"(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term 'nonmetropolitan local official' means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

"(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term 'regional transportation planning organization' means a policy board of an organization established as the result of a designation under section 5304(l).

"(6) TIP.—The term 'TIP' means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

"(7) URBANIZED AREA.—The term 'urbanized area' means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

"(c) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

"(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transpor-

tation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) STRUCTURE.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

"(C) appropriate State officials.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

"(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

"(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

"(5) REDESIGNATION PROCEDURES.—

"(A) IN GENERAL.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated

city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

"(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.

"(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

"(e) METROPOLITAN PLANNING AREA BOUNDARIES.—

"(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

"(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

"(B) EXCEPTION.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(5).

"(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (d)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

"(f) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(3) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

"(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

"(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

"(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement, funded under this chapter or title 23, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

"(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

"(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

"(B) REQUIREMENTS.—Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

"(i) recipients of assistance under this chapter;

"(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

"(iii) recipients of assistance under section 204 of title 23.

"(h) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

"(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety of the transportation system for motorized and nonmotorized users;

"(C) increase the security of the transportation system for motorized and nonmotorized users;

"(D) increase the accessibility and mobility of people and for freight;

"(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

"(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(G) promote efficient system management and operation; and

"(H) emphasize the preservation of the existing transportation system.

"(2) PERFORMANCE-BASED APPROACH.—

"(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b) of title 23 and the general purposes described in section 5301.

"(B) PERFORMANCE TARGETS.—

"(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

"(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

"(II) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to en-

sure consistency, to the maximum extent practicable.

"(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

"(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

"(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed by recipients of assistance under this chapter, required as part of a performance-based program.

"(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

"(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

"(1) REQUIREMENTS.—

"(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

"(B) FREQUENCY.—

"(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

"(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

"(ii) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan

planning organization elects to update more frequently.

"(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

"(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

"(i) IN GENERAL.—An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

"(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

"(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

"(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

"(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

"(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

"(D) MITIGATION ACTIVITIES.—

"(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

"(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

"(E) FINANCIAL PLAN.—

"(i) IN GENERAL.—A financial plan that—

"(I) demonstrates how the adopted transportation plan can be implemented;

"(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

"(III) recommends any additional financing strategies for needed projects and programs.

"(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

"(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

"(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

"(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) OPTIONAL SCENARIO DEVELOPMENT.—

"(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

"(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

"(i) potential regional investment strategies for the planning horizon;

"(ii) assumed distribution of population and employment;

"(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

"(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

"(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

"(vi) estimated costs and potential revenues available to support each scenario.

"(C) METRICS.—In addition to the performance measures identified in section 150(c) of title 23, metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

"(5) CONSULTATION.—

"(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

"(B) ISSUES.—The consultation shall involve, as appropriate—

"(i) comparison of transportation plans with State conservation plans or maps, if available; or

"(ii) comparison of transportation plans to inventories of natural or historic resources, if available.

"(6) PARTICIPATION BY INTERESTED PARTIES.—

"(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

"(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

"(i) shall be developed in consultation with all interested parties; and

"(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

"(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(i) hold any public meetings at convenient and accessible locations and times;

"(ii) employ visualization techniques to describe plans; and

"(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable oppor-

tunity for consideration of public information under subparagraph (A).

"(7) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(C).

"(j) METROPOLITAN TIP.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

"(i) contains projects consistent with the current metropolitan transportation plan;

"(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

"(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

"(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

"(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The TIP shall be—

"(i) updated at least once every 4 years; and

"(ii) approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—

"(A) PRIORITY LIST.—The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

"(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

"(i) demonstrates how the TIP can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

"(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

"(D) PERFORMANCE TARGET ACHIEVEMENT.—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

"(3) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under this chapter and chapter 1 of title 23.

"(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

"(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development re-

quired under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

"(i) by—

"(I) in the case of projects under title 23, the State; and

"(II) in the case of projects under this chapter, the designated recipients of public transportation funding; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

"(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

"(7) PUBLICATION.—

"(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—

"(i) IN GENERAL.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

"(ii) REQUIREMENT.—The listing shall be consistent with the categories identified in the TIP.

"(k) TRANSPORTATION MANAGEMENT AREAS.—

"(1) IDENTIFICATION AND DESIGNATION.—

"(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS.—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

"(3) CONGESTION MANAGEMENT PROCESS.—

"(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this chapter and title 23 through the use of travel demand reduction and operational management strategies.

"(B) SCHEDULE.—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System) or under this chapter shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this chapter and title 23.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

"(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

"(l) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

"(1) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection

"(2) REPORT.—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating—

"(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

"(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

"(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

"(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area of less than 200,000 and their ability to carry out the requirements of this section.

"(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

"(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section,

taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provisions of this chapter or title 23, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

"(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this chapter or title 23.

"(p) FUNDING.—Funds set aside under section 104(f) of title 23 or section 5305(g) shall be available to carry out this section.

"(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.".

[(b) PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOPMENT PLANNING.—

[(1) DEFINITIONS.—In this subsection the following definitions shall apply:

[(A) ELIGIBLE PROJECT.—The term "eligible project" means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this division.

[(B) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

[(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible project that seeks to—

[(A) enhance economic development, ridership, and other goals established during the project development and engineering processes;

[(B) facilitate multimodal connectivity and accessibility;

[(C) increase access to transit hubs for pedestrian and bicycle traffic;

[(D) enable mixed-use development;

[(E) identify infrastructure needs associated with the eligible project; and

[(F) include private sector participation.

[(3) ELIGIBILITY.—A State or local governmental authority that desires to participate in the program under this subsection shall submit to the Secretary an application that contains, at a minimum—

[(A) identification of an eligible project;

[(B) a schedule and process for the development of a comprehensive plan;

[(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

[(D) proposed performance criteria for the development and implementation of the comprehensive plan; and

[(E) identification of—

[(i) partners;

[(ii) availability of and authority for funding; and

[(iii) potential State, local or other impediments to the implementation of the comprehensive plan.]

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SAFETEA-LU

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" or "SAFETEA–LU".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE I—FEDERAL-AID HIGHWAYS

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Subtitle D—Highway Safety

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[Sec. 1404. Safe routes to school program.]

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TITLE I—FEDERAL-AID HIGHWAYS

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Subtitle D—Highway Safety

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[SEC. 1404. SAFE ROUTES TO SCHOOL PROGRAM.

[(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and middle schools.

[(b) PURPOSES.—The purposes of the program shall be—

[(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

[(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

[(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

[(c) APPORTIONMENT OF FUNDS.—

[(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to carry out this section for a fiscal year shall be apportioned among the States in the ratio that—

[(A) the total student enrollment in primary and middle schools in each State; bears to

[(B) the total student enrollment in primary and middle schools in all States.

[(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this section for a fiscal year of less than $1,000,000.

[(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this subsection amounts made available to carry out this section for a fiscal year, the Secretary shall set aside not more than $3,000,000 of such amounts for the administrative expenses of the Secretary in carrying out this subsection.

[(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection concerning student enrollments shall be made by the Secretary.

[(d) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State's department of transportation.

[(e) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, tribal, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

[(f) ELIGIBLE PROJECTS AND ACTIVITIES.—

[(1) INFRASTRUCTURE-RELATED PROJECTS.—

[(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicy-

cle parking facilities, and traffic diversion improvements in the vicinity of schools.

[(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

[(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

[(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

[(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this section for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph.

[(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under this section for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

[(g) CLEARINGHOUSE.—

[(1) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools to—

[(A) operate a national safe routes to school clearinghouse;

[(B) develop information and educational programs on safe routes to school; and

[(C) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

[(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (c)(3).

[(h) TASK FORCE.—

[(1) IN GENERAL.—The Secretary shall establish a national safe routes to school task force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies, to study and develop a strategy for advancing safe routes to school programs nationwide.

[(2) REPORT.—Not later than March 31, 2006, the Secretary shall submit to Congress a report containing the results of the study conducted, and a description of the strategy developed, under paragraph (1) and information regarding the use of funds for infrastructure-related and noninfrastructure-related activities under paragraphs (1) and (2) of subsection (f).

[(3) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (c)(3).

[(i) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project or activity under this section shall be 100 percent.

[(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

[(k) DEFINITIONS.—In this section, the following definitions apply:

[(1) IN THE VICINITY OF SCHOOLS.—The term "in the vicinity of schools" means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

[(2) PRIMARY AND MIDDLE SCHOOLS.—The term "primary and middle schools" means schools providing education from kindergarten through eighth grade.]

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TITLE IV—MOTOR CARRIER SAFETY

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Subtitle A—Commercial Motor Vehicle Safety

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SEC. 4144. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND DUTIES.—The Secretary shall establish in the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. The committee shall—

(1) provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration; and

(2) provide advice and recommendations to the Administrator on motor carrier safety regulations.

(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

(1) IN GENERAL.—The committee shall be composed of not more than 20 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. The members shall include representatives of the motor carrier industry*, including small business motor carriers*, safety advocates,

and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the members of the advisory committee.

(2) CHAIRMAN.—The Administrator shall designate the chairman of the committee.

(3) PAY.—A member of the committee shall serve without pay; except that the Administrator may allow a member, when attending meetings of the committee or a subcommittee of the committee, expenses authorized under section 5703 of title 5, relating to per diem, travel, and transportation expenses.

(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

(d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall terminate on [September 30, 2013] *September 30, 2026*.

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NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

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TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

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SEC. 339. ELIGIBILITY.

(a) PENNSYLVANIA TURNPIKE AND I–95.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike, including the structure over the Delaware River.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(b) TYPE II NOISE BARRIERS.—

[(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (i) of section 109 of title 23, United States Code, if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.]

(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct a Type II noise barrier (as defined by section 772.5(I) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (I) of section 109 of title 23, United States Code, unless—

(A) such a barrier is part of a project approved by the Secretary before November 28, 1995; or

(B) such a barrier separates a highway or other noise corridor from a group of structures of which the majority of those closest to the highway or noise corridor—

(i) are residential in nature; and

(ii) either—

(I) were constructed before the construction or most recent widening of the highway or noise corridor; or

(II) are at least 10 years old.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to construction of Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(c) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with section 103(b)(6) of title 23, United States Code.

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;

(B) United States Route 16 from Worland to Interstate Route 90; and

(C) Wyoming Route 59 from Douglas to Gillette.

(d) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under such section.

(e) NATIONAL RAILROAD PASSENGER CORPORATION LINE.—The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight

shall be eligible for funds apportioned under sections 103(e)(4), 104(b)(2), and 104(b)(3) of title 23, United States Code.

(f) POCONO NORTHEAST RAILWAY COMPANY LINE.—The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 104(b)(2) and 104(b)(3) of title 23, United States Code.

(g) BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.—Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

(h) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia, Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge to be constructed under the project, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding section 101(a) of title 23, United States Code, and the requirements of sections 202 and 204 of such title, the highway projects described in section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), section 1 of Public Law 100–211 (101 Stat. 1442), and Public Law 99–647 (100 Stat. 3625) and projects on State Highway 488 within the Great Basin National Park, Nevada, and United States Route 93 from Somers to Whitefish, Montana, shall be eligible for assistance under sections 202 and 204 of such title. Any funds allocated for fiscal year 1996 and thereafter for such projects as a result of enactment of this subsection shall not affect the apportionment adjustments made under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(j) ALAMEDA TRANSPORTATION CORRIDOR, CALIFORNIA.—Funds apportioned to the State of California under section 104(b)(1) of title 23, United States Code, for the National Highway System may be obligated for construction of, and operational improvements for, grade separation projects for the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate Route 10, Los Angeles, California. The Federal share of the costs of such projects shall be determined in accordance with section 120(b) of such title.

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PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

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TITLE VI—CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

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SEC. 601. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9-1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term "Compact" means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89-774).

(b) USE OF FUNDS.—[The Federal] *Except as provided in subsection (e)(2), the Federal* grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53

of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

[(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

[(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

[(B) For purposes of this paragraph, the term "dedicated funding source" means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this division for payments to the Transit Authority.

[(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

[(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

[(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

[(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

[(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

[(B) Not later than 4 years after such date, throughout the rail system.

[(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

[(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

[(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

[(5) DEFINITION.—In this subsection, the term "licensed wireless provider" means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

[(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.]

(d) REQUIRED BOARD APPROVAL.—No amounts may be provided to the Transit Authority under this section until the Transit Authority certifies to the Secretary of Transportation that—

(1) a board resolution has passed on or before July 1, 2022, and is in effect for the period of July 1, 2022 through June 30, 2031, that—

(A) establishes an independent budget authority for the Office of Inspector General of the Transit Authority;

(B) establishes an independent procurement authority for the Office of Inspector General of the Transit Authority;

(C) establishes an independent hiring authority for the Office of Inspector General of the Transit Authority;

(D) ensures the Inspector General of the Transit Authority can obtain legal advice from a counsel reporting directly to the Inspector General;

(E) requires the Inspector General of the Transit Authority to submit recommendations for corrective action to the General Manager and the Board of Directors of the Transit Authority;

(F) requires the Inspector General of the Transit Authority to publish any recommendation described in subparagraph (E) on the website of the Office of Inspector General of the Transit Authority, except that the Inspector General may redact personally identifiable information and information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority;

(G) requires the Board of Directors of the Transit Authority to provide written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 30 days before the Board of Directors removes the Inspector General of the Transit

Authority, which shall include the reasons for removal and supporting documentation; and

(H) prohibits the Board of Directors from removing the Inspector General of the Transit Authority unless the Board of Directors has provided a 30 day written notification as described in subparagraph (G) that documents—

(i) a permanent incapacity;

(ii) a neglect of duty;

(iii) malfeasance;

(iv) a conviction of a felony or conduct involving moral turpitude;

(v) a knowing violation of a law or regulation;

(vi) gross mismanagement;

(vii) a gross waste of funds;

(viii) an abuse of authority; or

(ix) inefficiency; and

(2) the Code of Ethics for Members of the WMATA Board of Directors passed on September 26, 2019, remains in effect, or the Inspector General of the Transit Authority has consulted with any modifications to the Code of Ethics by the Board.

(e) AUTHORIZATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section—

(A) for fiscal year 2022, $150,000,000;

(B) for fiscal year 2023, $155,000,000;

(C) for fiscal year 2024, $160,000,000;

(D) for fiscal year 2025, $165,000,000;

(E) for fiscal year 2026, $170,000,000;

(F) for fiscal year 2027, $175,000,000;

(G) for fiscal year 2028, $180,000,000;

(H) for fiscal year 2029, $185,000,000;

(I) for fiscal year 2030, $190,000,000; and

(J) for fiscal year 2031, $200,000,000.

(2) SET ASIDE FOR OFFICE OF INSPECTOR GENERAL OF TRANSIT AUTHORITY.—From the amounts in paragraph (1), the Transit Authority shall provide at least 7 percent for each fiscal year to the Office of Inspector General of the Transit Authority to carry out independent and objective audits, investigations, and reviews of Transit Authority programs and operations to promote economy, efficiency, and effectiveness, and to prevent and detect fraud, waste, and abuse in such programs and operations.

[(g)**]** *(f)* AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

REAL ID ACT OF 2005

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DIVISION B—REAL ID ACT OF 2005

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TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

* * * * * * *

SEC. 202. MINIMUM REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, [a driver's license or identification card] *a physical or digital driver's license or identification card* issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary may prescribe by regulation.

(3) LIMITATION.—The presentation of digital information from a mobile or digital driver's license or identification card to an official of a Federal agency for an official purpose may not be construed to grant consent for such Federal agency to seize the electronic device on which the license or card is stored or to examine any other information contained on such device.

(b) MINIMUM DRIVER'S LICENSE AND IDENTIFICATION CARD REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on, or as part of, each driver's license and identification card issued to a person by the State:

(1) The person's full legal name.

(2) The person's date of birth.

(3) The person's gender.

(4) The person's driver's license or identification card number.

(5) A digital photograph of the person, which may be the photograph taken by the State at the time the person applies for a driver's license or identification card or may be a digital photograph of the person that is already on file with the State.

(6) The person's address of principal residence.

(7) The person's signature.

(8) Security features designed to prevent tampering, counterfeiting, or duplication of the driver's license or identification card for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) The person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS.—

(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status;

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

(x) is a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau who has been admitted to the United States as a nonimmigrant pursuant to a Compact of Free Association between the United States and the Republic or Federated States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) ELECTRONIC PRESENTATION OF IDENTITY AND LAWFUL STATUS INFORMATION.—A State may accept information required under paragraphs (1) and (2) through the use of electronic transmission methods if—

(A) the Secretary issues regulations regarding such electronic transmission that—

(i) describe the categories of information eligible for electronic transmission; and

(ii) include measures—

(I) to ensure the authenticity of the information transmitted;

(II) to protect personally identifiable information; and

(III) to detect and prevent identity fraud; and

(B) the State certifies to the Department of Homeland Security that its use of such electronic methods complies with regulations issued by the Secretary.

(4) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of the information and documentation required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of materials, records, and data from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate background checks.

(9) Establish fraud detection and prevention training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

(13) Maintain a State motor vehicle database that contains, at a minimum—

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

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TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 47—FRAUD AND FALSE STATEMENTS

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§ 1028. Fraud and related activity in connection with identification documents, authentication features, and information

(a) Whoever, in a circumstance described in subsection (c) of this section—

(1) knowingly and without lawful authority produces an identification document, authentication feature, or a false identification document;

(2) knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority;

(3) knowingly possesses with intent to use unlawfully or transfer unlawfully five or more identification documents (other than those issued lawfully for the use of the possessor), authentication features, or false identification documents;

(4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor), authentication feature, or a false identification document, with the intent such document or feature be used to defraud the United States;

(5) knowingly produces, transfers, or possesses a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document or another document-making implement or authentication feature which will be so used;

(6) knowingly possesses an identification document or authentication feature that is or appears to be an identification document or authentication feature of the United States or a sponsoring entity of an event designated as a special event of national significance which is stolen or produced without lawful authority knowing that such document or feature was stolen or produced without such authority;

(7) knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; or

(8) knowingly traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification;

shall be punished as provided in subsection (b) of this section.

(b) The punishment for an offense under subsection (a) of this section is—

(1) except as provided in paragraphs (3) and (4), a fine under this title or imprisonment for not more than 15 years, or both, if the offense is—

(A) the production or transfer of an identification document, authentication feature, or false identification document that is or appears to be—

(i) an identification document or authentication feature issued by or under the authority of the United States; or

(ii) a birth certificate, or a driver's license or personal identification card;

(B) the production or transfer of more than five identification documents, authentication features, or false identification documents;

(C) an offense under paragraph (5) of such subsection; or

(D) an offense under paragraph (7) of such subsection that involves the transfer, possession, or use of 1 or more means of identification if, as a result of the offense, any individual committing the offense obtains anything of value aggregating $1,000 or more during any 1-year period;

(2) except as provided in paragraphs (3) and (4), a fine under this title or imprisonment for not more than 5 years, or both, if the offense is—

(A) any other production, transfer, or use of a means of identification, an identification document,, authentication feature, or a false identification document; or

(B) an offense under paragraph (3) or (7) of such subsection;

(3) a fine under this title or imprisonment for not more than 20 years, or both, if the offense is committed—

(A) to facilitate a drug trafficking crime (as defined in section 929(a)(2));

(B) in connection with a crime of violence (as defined in section 924(c)(3)); or

(C) after a prior conviction under this section becomes final;

(4) a fine under this title or imprisonment for not more than 30 years, or both, if the offense is committed to facilitate an act of domestic terrorism (as defined under section 2331(5) of this title) or an act of international terrorism (as defined in section 2331(1) of this title);

(5) in the case of any offense under subsection (a), forfeiture to the United States of any personal property used or intended to be used to commit the offense; and

(6) a fine under this title or imprisonment for not more than one year, or both, in any other case.

(c) The circumstance referred to in subsection (a) of this section is that—

(1) the identification document, authentication feature, or false identification document is or appears to be issued by or under the authority of the United States or a sponsoring entity

of an event designated as a special event of national significance or the document-making implement is designed or suited for making such an identification document, authentication feature, or false identification document;

(2) the offense is an offense under subsection (a)(4) of this section; or

(3) either—

(A) the production, transfer, possession, or use prohibited by this section is in or affects interstate or foreign commerce, including the transfer of a document by electronic means; or

(B) the means of identification, identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, possession, or use prohibited by this section.

(d) In this section and section 1028A—

(1) the term "authentication feature" means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;

(2) the term "document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement;

(3) the term "identification document" means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a sponsoring entity of an event designated as a special event of national significance, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(4) the term "false identification document" means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

(A) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a sponsoring entity of an event designated by the President as a special event of national significance, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;

(5) the term "false authentication feature" means an authentication feature that—

(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

(C) appears to be genuine, but is not;

(6) the term "issuing authority"—

(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

(B) includes the United States Government, a State, a political subdivision of a State, a sponsoring entity of an event designated by the President as a special event of national significance, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;

(7) the term "means of identification" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or [government issued driver's license] *government issued physical or digital driver's license* or identification number, alien registration number, government passport number, employer or taxpayer identification number;

(B) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;

(C) unique electronic identification number, address, or routing code; or

(D) telecommunication identifying information or access device (as defined in section 1029(e));

(8) the term "personal identification card" means an identification document issued by a State or local government solely for the purpose of identification;

(9) the term "produce" includes alter, authenticate, or assemble;

(10) the term "transfer" includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others;

(11) the term "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States; and

(12) the term "traffic" means—

(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.

(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

(f) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(g) FORFEITURE PROCEDURES.—The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).

(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.

(i) RULE OF CONSTRUCTION.—For purpose of subsection (a)(7), a single identification document or false identification document that contains 1 or more means of identification shall be construed to be 1 means of identification.

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FAA MODERNIZATION AND REFORM ACT OF 2012

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Modernization and Reform Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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Subtitle B—Essential Air Service

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TITLE VIII—MISCELLANEOUS

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[Sec. 828. Air transportation of lithium cells and batteries.]

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TITLE VIII—MISCELLANEOUS

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[SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

[(a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

[(b) EXCEPTIONS.—

[(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

[(2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

[(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation—

[(i) addresses solely deficiencies referenced in the report; and

[(ii) is effective for not more than 1 year; and

[(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

[(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

[(ii) the regulation addresses solely the deficiencies in existing regulations; and

[(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

[(c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In this section, the term "ICAO Technical Instructions" means the International Civil Aviation Organization Technical Instructions for the Safe

Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act).]

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FAA REAUTHORIZATION ACT OF 2018

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DIVISION B—FAA REAUTHORIZATION ACT OF 2018

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TITLE III—SAFETY

Subtitle A—General Provisions

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SEC. 333. SAFE AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) HARMONIZATION WITH ICAO TECHNICAL INSTRUCTIONS.—

(1) ADOPTION OF ICAO INSTRUCTIONS.—

[(A) IN GENERAL.—] [Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act, the Secretary] *The Secretary* of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015-2016 edition of the International Civil Aviation Organization's (referred to in this subsection as "ICAO") Technical Instructions (to include all addenda), including the revised standards adopted by ICAO which became effective on April 1, 2016 and any further revisions adopted by ICAO prior to the effective date of the FAA Reauthorization Act of 2018.

[(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).]

(2) REVIEW OF OTHER REGULATIONS.—[Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary] *The Secretary* of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

(b) MEDICAL DEVICE BATTERIES.—

(1) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, not

later than 45 days after receipt of an application, an application submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit to the Federal Aviation Administration based on the application. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 20 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; and

(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices that cannot comply with a charge limitation in place at the time, each battery is—

(i) individually packed in an inner packaging that completely encloses the battery;

(ii) placed in a rigid outer packaging; and

(iii) protected to prevent a short circuit.

(3) MEDIAL DEVICE DEFINED.—In this subsection, the term "medical device" means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

[(4) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).]

(c) LITHIUM BATTERY SAFETY WORKING GROUP.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a lithium battery safety working group (referred to as the "working group" in this section) to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

(2) DUTIES.—The working group shall coordinate and facilitate the transfer of knowledge and expertise among the following Federal agencies:

(A) The Department of Transportation.

(B) The Consumer Product Safety Commission.

(C) The National Institute on Standards and Technology.

(D) The Food and Drug Administration.

(3) MEMBERS.—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

(4) SUBCOMMITTEES.—The Secretary, or members of the working group, may—

(A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

(B) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the Secretary or members consider necessary.

(5) REPORT.—Not later than 1 year after the date it is established, the working group shall—

(A) identify and assess—

(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

(iii) new or existing technologies that may reduce the fire and explosion risk of lithium batteries and cells; and

(B) transmit to the appropriate committees of Congress a report on the assessments conducted under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

(6) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (5).

(d) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish, in accordance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the "Committee").

(2) DUTIES.—The Committee shall—

(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of

Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums;

(D) provide a forum for the Secretary to provide information and receive advice on—

(i) activities carried out throughout the world to communicate and enforce relevant United States regulations and the ICAO Technical Instructions; and

(ii) the effectiveness of the activities;

(E) provide advice and recommendations to the Secretary with respect to lithium ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers; and

(F) review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

(3) MEMBERSHIP.—The Committee shall be composed of the following members:

(A) Individuals appointed by the Secretary to represent—

(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

(v) marketers of products powered by lithium ion and lithium metal batteries;

(vi) cargo air service providers based in the United States;

(vii) passenger air service providers based in the United States;

(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

(ix) shippers of lithium ion and lithium metal batteries for air transportation;

(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and

(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary and the appropriate committees of Congress a report that—

(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and

(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

(5) MEETINGS.—

(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.

(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

(e) COOPERATIVE EFFORTS TO ENSURE COMPLIANCE WITH SAFETY REGULATIONS.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(2) COOPERATIVE EFFORTS.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

(A) Encouraging training programs at locations outside the United States from which substantial cargo shipments of lithium ion or lithium metal batteries originate for manufacturers, freight forwarders, and other shippers and potential shippers of lithium ion and lithium metal batteries.

(B) Working with Federal, regional, and international transportation agencies to ensure enforcement of U.S. Haz-

ardous Materials Regulations and ICAO Technical Instructions with respect to shippers who offer noncompliant shipments of lithium ion and lithium metal batteries.

(C) Sharing information, as appropriate, with Federal, regional, and international transportation agencies regarding noncompliant shipments.

(D) Pursuing a joint effort with the international aviation community to develop a process to obtain assurances that appropriate enforcement actions are taken to reduce the likelihood of noncompliant shipments, especially with respect to jurisdictions in which enforcement activities historically have been limited.

(E) Providing information in brochures and on the internet in appropriate foreign languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

(f) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

(g) DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—

(1) IN GENERAL.—It shall be the policy of the Department of Transportation to support the participation of industry and labor stakeholders in all panels and working groups of the dangerous goods panel of the ICAO and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

(2) PARTICIPATION.—The Secretary of Transportation shall request that as part of the ICAO deliberations in the dangerous goods panel on these issues, that appropriate experts on issues under consideration be allowed to participate.

(h) DEFINITIONS.—In this section, the following definitions apply:

[(1) ICAO TECHNICAL INSTRUCTIONS.—The term "ICAO Technical Instructions" has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).**]**

(1) ICAO TECHNICAL INSTRUCTIONS.—The term "ICAO Technical Instructions" means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air.

(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term "U.S. Hazardous Materials Regulations" means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act).

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RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

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TITLE V—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

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SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

(a) GENERAL AUTHORITY.—The Secretary shall provide direct loans and loan guarantees to—

(1) State and local governments;

(2) interstate compacts consented to by Congress under section 410(a) of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 note);

(3) government sponsored authorities and corporations;

(4) railroads;

(5) joint ventures that include at least 1 of the entities described in paragraph (1), (2), (3), (4), or (6); and

(6) solely for the purpose of constructing a rail connection between a plant or facility and a railroad, limited option freight shippers that own or operate a plant or other facility.

(b) ELIGIBLE PURPOSES.—

(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, *civil works such as cuts and fills, stations, tunnels,* bridges, yards, buildings, and shops, and costs related to these activities, including pre-construction costs;

(B) refinance outstanding debt incurred for the purposes described in subparagraph (A) or (C);

(C) develop or establish new intermodal or railroad facilities;

(D) reimburse planning*, permitting,* and design expenses relating to activities described in subparagraph (A) or (C); or

(E) finance economic development, including commercial and residential development, and related infrastructure and activities, that—

(i) incorporates private investment;

(ii) is physically or functionally related to a passenger rail station or multimodal station that includes rail service;

(iii) has a high probability of the applicant commencing the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this title; and

(iv) has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs.

(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

[(3) SUNSET.—The Secretary may provide a direct loan or loan guarantee under this section for a project described in paragraph (1)(E) until September 30, 2021.]

(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

(1) enhance public safety, including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code);

(2) promote economic development;

(3) enhance the environment;

(4) enable United States companies to be more competitive in international markets;

(5) are endorsed by the plans prepared under section 135 of title 23 or chapter 227 of title 49, United States Code, by the State or States in which they are located;

(6) improve railroad stations and passenger facilities and increase transit-oriented development;

(7) preserve or enhance rail or intermodal service to small communities or rural areas;

(8) enhance service and capacity in the national rail system; or

(9) would materially alleviate rail capacity problems which degrade the provision of service to shippers and would fulfill a need in the national transportation system.

(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $35,000,000,000 at any one time. Of this amount, not less than $7,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers. The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.

(e) RATES OF INTEREST.—

[(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.]

(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the direct loan on the date of execution of the loan agreement.

(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

(f) INFRASTRUCTURE PARTNERS.—

(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee. *The Secretary shall only apply appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, in whole or in part, for entities described in paragraphs (1) through (3) of subsection (a).*

(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

(A) the circumstances of the applicant, including the amount of collateral offered, if any;

(B) the proposed schedule of loan disbursements;

(C) historical data on the repayment history of similar borrowers;

(D) consultation with the Congressional Budget Office; and

(E) any other factors the Secretary considers relevant.

(3) CREDITWORTHINESS.—An applicant may propose and the Secretary shall accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

(i) tolls;

(ii) user fees; or

(iii) payments owing to the obligor under a public-private partnership.

[(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.]

(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, if the total amount of the direct loan or loan guarantee is less than $100,000,000.

(D) In the case of a total amount of a direct loan or loan guarantee greater than $100,000,000, an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee, or an investment-grade rating on the direct loan or loan guarantee and a projection of freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project.

(4) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof.

(5) REPAYMENT OF CREDIT RISK PREMIUMS.—The Secretary shall return credit risk premiums paid, and interest accrued thereon, to the original source when all obligations of a loan or loan guarantee have been satisfied. This paragraph applies to any project that has been granted assistance under this section after the date of enactment of the TRAIN Act.

(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

(1) repayment of the obligation is required to be made within a term of not more than the lesser of—

(A) 35 years after the date of substantial completion of the project; or

(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established;

(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

(h) CONDITIONS OF ASSISTANCE.—(1) The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

(A) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

(B) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

(C) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

(2) The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. Any collateral provided or thereafter enhanced shall be valued as a going concern after giving effect to the present value of improvements contemplated by the completion and operation of the project, if applicable. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source.

(3) The Secretary shall require recipients of direct loans or loan guarantees under this section to comply with—

(A) the standards of section 24312 of title 49, United States Code, as in effect on September 1, 2002, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title; and

(B) the protective arrangements established under section 504 of this Act, with respect to employees affected by actions taken in connection with the project to be financed by the loan or loan guarantee.

(4) The Secretary shall require each recipient of a direct loan or loan guarantee under this section for a project described in subsection (b)(1)(E) to provide a non-Federal match of not less than 25 percent of the total amount expended by the recipient for such project.

(i) APPLICATION PROCESSING PROCEDURES.—

(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, or additional information and material under paragraph (2)(B), the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application, including any information required by an independent financial analyst; and

(B) allow the applicant to resubmit the application with the information and material described under subparagraph (A) to complete the application.

(3) APPLICATION APPROVALS AND DISAPPROVALS.—

(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of an application for a direct loan or loan guarantee under this title.

(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's Internet Web site a monthly report that includes, for each application—

(A) the applicant type;

(B) the location of the project;

(C) a brief description of the project, including its purpose;

(D) the requested direct loan or loan guarantee amount;

(E) the date on which the Secretary provided application status notice under paragraph (1); and

(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).

(j) REPAYMENT SCHEDULES.—

(1) IN GENERAL.—The Secretary shall establish a repayment schedule requiring payments to commence not later than 5 years after the date of substantial completion.

(2) ACCRUAL.—Interest shall accrue as of the date of disbursement, and shall be amortized over the remaining term of the loan beginning at the time the payments begin.

(3) DEFERRED PAYMENTS.—

(A) IN GENERAL.—If at any time after the date of substantial completion the obligor is unable to pay the scheduled loan repayments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

(B) INTEREST.—A payment deferred under subparagraph (A) shall—

(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(4) PREPAYMENTS.—

(A) USE OF EXCESS REVENUES.—With respect to a direct loan provided by the Secretary under this section, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(k) SALE OF DIRECT LOANS.—

(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor.

(l) NONSUBORDINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a direct loan provided by the Secretary under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(2) PREEXISTING INDENTURES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

(i) the direct loan is rated in the A category or higher;

(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

(iii) the program share, under this title, of eligible project costs is 50 percent or less.

(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.

(m) MASTER CREDIT AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (d) and paragraph (2) of this subsection, the Secretary may enter into a master credit

agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

(2) CONDITIONS.—Each master credit agreement shall—

(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.

(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs under this title and title 49 if such loan is repayable from non-Federal funds.

(o) BUY AMERICA.—

(1) IN GENERAL.—In awarding direct loans or loan guarantees under this section, the Secretary shall require each recipient to comply with section 22905(a) of title 49, United States Code.

(2) SPECIFIC COMPLIANCE.—Notwithstanding paragraph (1), the Secretary shall require—

(A) Amtrak to comply with section 24305(f) of title 49, United States Code; and

(B) a commuter authority (as defined in section 24102 of title 49, United States Code) to comply with section 5320 of title 49, United States Code.

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AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

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TITLE I—REFORMS

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Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

(2) by striking "(1)" in subsection (a); and

(3) by striking "(2) Wage" in subsection (a) and inserting "(b)WAGE RATES.—Wage".

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work[, other than work related to food and beverage service,] which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be reopened; or

(B) November 1, 1999,

whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

[(d) NO INFERENCE.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.]

(d) FURLOUGHED WORK.—Amtrak may not contract out work within the scope of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period of time such employee has been laid off involuntarily if such employee—

(1) is eligible and qualified under the agreement to perform such work in accordance with the seniority of such employee; and

(2) has not been provided an opportunity to be recalled to perform such work.

(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).

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TITLE IV—MISCELLANEOUS

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SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service [(except funds made available for Amtrak)];

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

(c) INTERSTATE RAIL COMPACTS PROGRAM.—The Secretary of Transportation shall—

(1) make available on a publicly accessible website a list of interstate rail compacts established in accordance with subsection (a);

(2) provide information to the public regarding interstate rail compacts, including how States may establish interstate rail compacts under subsection (a); and

(3) annually update the information provided under paragraph (2).

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RAIL SAFETY IMPROVEMENT ACT OF 2008

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DIVISION A—RAIL SAFETY

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TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION

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SEC. 209. ACCIDENT AND INCIDENT REPORTING.

The Federal Railroad Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities*, and other events required to be reported under part 225 of title 49, Code of Federal Regulations,* are reported to any Federal national accident database.

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COMMITTEE CORRESPONDENCE

JUNE 21, 2021.

The Honorable PETER A. DEFAZIO,
Chairman,
Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC 20515.

DEAR CHAIRMAN DEFAZIO,

I am writing you concerning H.R. 3684, the "INVEST in America Act," which was ordered to be reported out of the Committee on Transportation and Infrastructure on June 10, 2021. Prior to this, I submitted a jurisdictional claim letter for a sequential referral on this bill on June 7, 2021 and the Office of the Parliamentarian found this claim to be valid.

As a result of cooperative consultations with the Committee on Science, Space, and Technology ("Science Committee") and in the interest of an expedient consideration of H.R. 3684 before the House of Representatives, I will waive formal consideration of this bill. I take this action with a mutual understanding between our two Committees that by foregoing consideration of H.R. 3684, the Science Committee does not waive any jurisdiction over the subject matter contained in this, or in similar, legislation.

Furthermore, I humbly request a letter confirming this understanding and that this exchange of letters be included in the bill report to be filed by the Committee on Transportation and Infrastructure as well as included in the *Congressional Record* during floor consideration of the bill. Finally, I ask that you support the appointment of Science Committee conferees during any House-Senate conference convened on this legislation.

Sincerely,

EDDIE BERNICE JOHNSON,
Chairwoman,
Committee on Science, Space, and Technology.

cc: The Honorable Nancy Pelosi, Speaker of the House
Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Sam Graves, Committee on Transportation and Infrastructure
Jason Smith, Parliamentarian

JUNE 21, 2021.

The Honorable EDDIE BERNICE JOHNSON,
Chairwoman,
Committee on Science, Space, and Technology, U.S. House of Representatives, 2321 Rayburn House Office Building, Washington, DC 20515.

DEAR CHAIRWOMAN JOHNSON:

Thank you for your letter regarding H.R. 3684, the *INVEST in America Act*. I appreciate your decision to waive formal consideration of the bill.

I agree that the Committee on Science, Space, and Technology ("Science Committee") has valid jurisdictional claims to certain provisions in this important legislation, and I further agree that by forgoing formal consideration of the bill, the Science Committee is not waiving any jurisdiction over any relevant subject matter. Additionally, I will support the appointment of conferees from the Science Committee should a House-Senate conference be convened on this legislation. Finally, this exchange of letters will be included in the committee report filed by the Committee on Transportation and Infrastructure and included in the *Congressional Record* when the bill is considered on the floor.

Thank you again, and I look forward to continuing to work collaboratively with the Science Committee to ensure H.R. 3684 passes the House and is enacted into law.

Sincerely,

PETER A. DEFAZIO,
Chair.
Committee on Transportation and Infrastructure.

cc: The Honorable Nancy Pelosi, Speaker of the House
Ranking Member Sam Graves, Committee on Transportation and Infrastructure
Ranking Member Frank Lucas, Committee on Science, Space, and Technology
Mr. Jason Smith, Parliamentarian

MINORITY VIEWS

Committee Republicans oppose H.R. 3684, the *Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act*, as amended by the Committee and ordered reported on June 10, 2021. The Majority's bill, H.R. 3684, as amended, prioritizes climate change, emissions reductions, and green infrastructure mandates throughout the surface transportation sector. The price tag for this bill is $547.9 billion, a 79 percent increase over *FAST Act* levels and an 11 percent increase over the Majority's failed surface transportation bill from the 116th Congress. And still, there is no consideration for how Americans will be forced to pay for the Majority's irresponsible spending.

Democrats again excluded Republicans from the process, preventing any possibility for truly bipartisan legislation. The 32 Republicans on the Committee stood ready to work in partnership to bolster the transportation sector in these unprecedented times; unfortunately, this was not the path the Majority chose. As our Nation continues to recover from the COVID–19 pandemic, H.R. 3684, as amended, proposes a seismic shift in core transportation programs and functions despite the unknown impacts of the pandemic on living, working, and commuting patterns. The Majority's bill does this by prioritizing climate change and top-down policies that fail our core surface transportation programs. At a time of great uncertainty, we should focus on programs that are effective in addressing our various communities' transportation needs,—not entertaining partisan policies that do not consider transportation realities.

Chief among these partisan provisions is the pervasive interweaving of climate change policy throughout surface transportation programs. Under the Democrats' bill, $1 out of every $2 in this bill is tied up in meeting Green New Deal goals, either in new programs or new green requirements for existing programs. For example, Section 1201 requires the Department of Transportation (DOT) to establish a new greenhouse gas (GHG) emissions performance measure on *all* public roads. The more than $200 billion for climate change policy includes new programs to reduce carbon emissions across a wide range of highway, transit, and rail projects; creates a new Community Climate Innovation Grants program (sec. 1304); and creates a new Gridlock Reduction Grants program (Section 1306) which only truly benefits urban areas. This foundational pillar of the Democrats' bill removes the focus from our core highway and bridge programs, limits state flexibility through top-down directives, and favors urban areas over rural America.

Another example of the bill's "application of the principles of the green new deal" is forcing states to implement a "worst-to-first" approach, which results in prioritizing state of good repair projects over projects that increase road and bridge capacity. Under Section

1201, States must use National Highway Performance Program (NHPP) funds to conduct analyses on state of good repair and operational improvements to existing facilities before adding new highway capacity. Not only does this mandate limit state flexibility to manage their transportation assets based on their needs, it starves rural and suburban areas of much–needed new capacity. The Subcommittee on Railroads, Pipelines, and Hazardous Materials Ranking Member Rick Crawford offered an amendment to strike provisions in Section 1201 that prioritized state of good repair needs over constructing new highway capacity, in order to reinstate states' flexibility. Committee Republicans believe the decision on whether new capacity is needed should be left up to state and local project sponsors who best know their communities' needs. However, the Majority rejected this amendment in favor of central planning that yet again shows the Majority's position that it knows best the needs of all American citizens despite the diversity across the Nation.

Sadly, to achieve the Majority's Green New Deal agenda, the Nation will be forced to rely on China, who own the mines that contain the necessary critical minerals and manufacture key components of vehicles the Majority's bill favors. This policy choice fails to recognize, or possibly willfully ignores, the fact that China is the worst polluter in the world. However, the Majority refuses to let that key fact get in the way of their narrative on how far their bill goes to address climate change.

Continuing its prioritization of urban areas and leaving rural America behind, the bill provides a 79 percent increase to transit funding and an 850 percent increase to commuter and passenger rail programs. Furthermore, the prioritization of climate and greenhouse gas reduction is also a theme in the Democrats' transit and rail policies. Specifically, in Section 2105, the purpose of the Federal Transit Program is changed to include carbon pollution reduction. This should not be the focus of the transit program. Additional directives expand the transit mission to include promoting affordable housing and increasing frequency of bus service and fleet expansion (sections 2701-2703). Again, removing focus from core highway and bridge programs and limiting state flexibility is a recipe for disaster. The funding increases for transit and rail programs dwarf the increases for highway programs (48 percent).

Further, the increase in transit program authorizations relative to the highway program authorizations would result in transit spending far in excess of deposits into the mass transit account. Given this, the bill would violate the historic 80-20 percent revenue split agreement for balancing highway and transit spending from the highway trust fund (HTF). The Majority ignores this historical agreement while expanding their definition of "infrastructure" by removing a prohibition on using transit funds for art and landscaping at transit stations and along transit routes. This is not sound policy and a poor use of taxpayer funding for a mode of transportation that is already subsidized by highway users and taxpayers. Committee Republicans cannot stand behind the blatant disregard and inequity this creates for communities and taxpayers across America.

Glaring omissions from the Democrats' bill include common-sense policies that were priorities of the Republican Alternative proposal, the *Surface Transportation Advanced through Reform, Technology & Efficient Review (STARTER) Act 2.0* (H.R. 3341). The *STARTER Act 2.0* ensures state flexibility by preserving state decision-making and rejecting new federal mandates that dictate local funding priorities regardless of actual needs. For example, a pilot program is created to allow block grant funding to prioritize state transportation needs across all core programs to get projects done faster, while still meeting performance standards. The *STARTER Act 2.0* also provides a 32 percent increase above FAST Act funding levels—a reasonable but historic increase—with the increases going to core highway, bridge, safety, and rural transit programs only.

Another substantial shortcoming with H.R. 3684, as amended, is the Democrats' failure to streamline infrastructure permitting and make the project delivery process more efficient, despite strong support on this issue from a broad array of infrastructure stakeholders and Democratic members. In contrast, the *STARTER Act 2.0* codifies the prior Administration's Executive Order 13807, One Federal Decision (OFD), which the Biden Administration revoked. The OFD provision builds upon the significant progress the prior Administration made in streamlining permitting and project delivery. With limited federal funding available, common-sense regulatory changes that also help preserve the environment allow us to stretch our funding by delivering projects sooner. Time is money.

A similar OFD provision was unanimously supported in the bipartisan Senate Committee on Environment and Public Works (EPW) highway bill on May 26, 2021. During the Committee's markup, OFD was offered as an amendment by Subcommittee on Highways and Transit Ranking Member Rodney Davis. However, the Majority defeated the amendment despite many of its members expressing support for this idea. This is just one example that demonstrates that Committee Republicans could have found common ground to move bipartisan legislation forward if the Majority had made an effort to consider the benefit streamlining provides to project implementation, including for green infrastructure projects, rather than throwing out common–sense reforms from the start.

Another example, where bipartisanship should have prevailed surrounds mitigation and resiliency. We can all agree that disasters do not target only one part of the country and that unfortunately, every district at some point will experience a disaster. Committee Republicans' alternative, the STARTER ACT 2.0, includes provisions that focus on cost-effective deployment of resilient infrastructure and mitigation strategies, but eschews top-down mandates prevalent in H.R. 3684, as amended. If the Majority truly sought to better protect our infrastructure from the effects of disasters this was a missed opportunity to come together for the benefit of all our constituents.

The failure to craft a bipartisan, broadly supported bill is particularly disheartening as authorization for surface transportation programs will lapse on September 30, 2021. Unfortunately, the process and outcome with H.R. 3684 are no different than last year's exercise with H.R. 2, the *Moving Forward Act*. Today's product is just another progressive, Speaker–led bill, passed on a very

partisan basis, that is nothing more than a messaging exercise that will do nothing to improve our Nation's infrastructure. H.R. 3684, as amended, will not help our states and communities execute the projects they are desperate to implement. This legislation will not spur infrastructure projects and job growth, will not help Americans get back to work, and will not promote the safe and efficient transportation of goods and people.

As H.R. 3684, as amended, goes to the floor, the Majority will likely continue to add wish list items to this bill ahead of inevitable passage by the House of Representatives. A bad bill will get worse, and we urge our fellow Republicans to oppose this partisan legislation compiled without our input.

SAM GRAVES,
Ranking Member.

RODNEY DAVIS,
Ranking Member,
Subcommittee on Highways and Transit.

GARRETT GRAVES,
Ranking Memmber,
Subcommittee on Aviation.

BOB GIBBS,
Ranking Member,
Subcommittee on Coast Guard and Maritime Transportation.

DANIEL WEBSTER,
Ranking Member,
Subcommittee on Economic Development, Public Buildings, and Emergency Management.

ERIC A. "RICK" CRAWFORD,
Ranking Member,
Subcommittee on Railroads, Pipelines, and Hazardous Materials.

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