

118TH CONGRESS
1ST SESSION

S. 352

To require the Secretary of Transportation to carry out a highway formula modernization study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

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

A BILL

To require the Secretary of Transportation to carry out a highway formula modernization study, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Highway Formula
5 Modernization Act of 2023”.

6 **SEC. 2. HIGHWAY FORMULA MODERNIZATION STUDY.**

7 (a) IN GENERAL.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation (referred to in this section as the “Secretary”), in

1 consultation with State departments of transportation and
 2 representatives of local governments (including metropoli-
 3 tan planning organizations), shall conduct a highway for-
 4 mula modernization study to assess the method and data
 5 used to apportion Federal-aid highway funds under sub-
 6 sections (b) and (c) of section 104 of title 23, United
 7 States Code, and issue recommendations relating to that
 8 method and data.

9 (b) ASSESSMENT.—The highway formula moderniza-
 10 tion study required under subsection (a) shall include an
 11 assessment of, based on the latest available data, whether
 12 the apportionment method described in that subsection re-
 13 sults in—

14 (1) an equitable distribution of funds based on
 15 the estimated tax payments attributable to—

16 (A) highway users in the State that are
 17 paid into the Highway Trust Fund; and

18 (B) individuals in the State that are paid
 19 to the Treasury, based on contributions to the
 20 Highway Trust Fund from the general fund of
 21 the Treasury; and

22 (2) the achievement of the goals described in
 23 section 101(b)(3) of title 23, United States Code.

24 (c) CONSIDERATIONS.—In the assessment under sub-
 25 section (b), the Secretary shall consider the following:

1 (1) The factors described in sections 104(b),
2 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23,
3 United States Code, as in effect on the date of en-
4 actment of SAFETEA-LU (Public Law 109–59;
5 119 Stat. 1144).

6 (2) The availability and accuracy of data nec-
7 essary to calculate formula apportionments under
8 the factors described in paragraph (1).

9 (3) The measures established under section 150
10 of title 23, United States Code, and whether those
11 measures are appropriate for consideration as for-
12 mula apportionment factors.

13 (4) Any other factors that the Secretary deter-
14 mines are appropriate.

15 (d) RECOMMENDATIONS.—The Secretary, in con-
16 sultation with State departments of transportation and
17 representatives of local governments (including metropoli-
18 tan planning organizations), shall develop recommenda-
19 tions on a new apportionment method, including—

20 (1) the factors recommended to be included in
21 the new apportionment method;

22 (2) the weighting recommended to be applied to
23 the factors recommended under paragraph (1); and

24 (3) any other recommendations to ensure that
25 the new apportionment method best achieves an eq-

1 uitable distribution of funds described under sub-
2 section (b)(1) and the goals described in subsection
3 (b)(2).

4 (e) REPORTS TO CONGRESS.—

5 (1) INTERIM REPORTS.—Not less frequently
6 than annually during the period during which the
7 Secretary is carrying out the study under subsection
8 (a), the Secretary shall submit to Congress an in-
9 terim report on the progress of the study.

10 (2) FINAL REPORT.—On completion of the
11 study under subsection (a), the Secretary shall sub-
12 mit to Congress a final report on the results of the
13 study, including the recommendations under sub-
14 section (d).

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