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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES of Missouri (for himself and Mr. RODNEY DAVIS of Illinois) introduced the following bill; which was referred to the Committee on

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation Advanced through Reform,
6 Technology, and Efficient Review Act 2.0” or the
7 “STARTER Act 2.0”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—EXTENSION OF SURFACE TRANSPORTATION
PROGRAMS

- Sec. 1001. Extension of Federal surface transportation programs.
- Sec. 1002. Extension of highway trust fund expenditure authority.
- Sec. 1003. Extension of highway-related taxes.
- Sec. 1004. Additional contract authority.
- Sec. 1005. Tax-exempt financing for qualified highway or surface freight transfer facilities.
- Sec. 1006. Effective date.

DIVISION B—SURFACE TRANSPORTATION

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Nationally significant freight and highway projects.
- Sec. 1102. Better utilizing investments to leverage development (BUILD) transportation discretionary grants.
- Sec. 1103. National highway freight program.
- Sec. 1104. Truck parking safety improvement.
- Sec. 1105. Temporary Federal share for Federal-aid highway projects.
- Sec. 1106. Consolidated funding program.
- Sec. 1107. Bridge rebuilding programs.
- Sec. 1108. Increased flexibility for bridge bundling projects.
- Sec. 1109. Off-system bridge set-aside.
- Sec. 1110. Establishment of ROUTES and NETT entities.

Subtitle B—Acceleration of Project Delivery

- Sec. 1201. Environmental reviews for major projects.
- Sec. 1202. Efficient environmental reviews for project decisionmaking.
- Sec. 1203. Application of categorical exclusions for transportation projects.
- Sec. 1204. Air quality and conformity.
- Sec. 1205. Agreements relating to use of and access to rights-of-way Interstate System.
- Sec. 1206. Permits for dredged or fill material.
- Sec. 1207. Pilot program on use of innovative practices for environmental reviews.
- Sec. 1208. Major projects threshold.
- Sec. 1209. Adding previously approved projects to the transportation improvement program.

TITLE II—INNOVATIVE PROJECT FINANCE

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 temporary loan relief due to the COVID–19 pandemic.

TITLE III—PUBLIC TRANSPORTATION

- Sec. 3001. Short title.
- Sec. 3002. Urbanized area formula grants.
- Sec. 3003. Fixed guideway capital investment grants.
- Sec. 3004. Enhanced mobility of seniors and individuals with disabilities.
- Sec. 3005. Formula grants for rural areas.
- Sec. 3006. Non-emergency medical transportation.
- Sec. 3007. Technical assistance and workforce development.
- Sec. 3008. General provisions.
- Sec. 3009. Apportionments.
- Sec. 3010. Grants for bus and bus facilities.
- Sec. 3011. Elimination of apportionments based on high density State factors.
- Sec. 3012. Innovative mobility and technology deployment grants.
- Sec. 3013. Expedited project delivery for capital investment grants.

TITLE IV—HIGHWAY TRAFFIC SAFETY

- Sec. 4001. Funding and grant requirements.
- Sec. 4002. Highway safety research and development.
- Sec. 4003. National priority safety programs.
- Sec. 4004. National priority safety program grant eligibility.

TITLE V—MOTOR CARRIER SAFETY

- Sec. 5001. Funding and grant requirements.
- Sec. 5002. Compliance, safety, and accountability reform.
- Sec. 5003. Entry-level driver training regulations.
- Sec. 5004. Trucking industry workforce development.
- Sec. 5005. Hours of service requirements for agricultural operations.

TITLE VI—INNOVATION

- Sec. 6001. Advanced transportation technologies program.
- Sec. 6002. Connected vehicle deployment pilot program.
- Sec. 6003. Automated driving system demonstration program.
- Sec. 6004. Accelerated implementation and deployment of advanced digital construction management systems.
- Sec. 6005. Innovative project delivery methods.
- Sec. 6006. Surface transportation system funding alternatives.
- Sec. 6007. Surface transportation system road usage charge national pilot program.
- Sec. 6008. Implementation of per-mile road usage charge for Federal vehicles.

TITLE VII—RESILIENCY

- Sec. 7001. Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) grant program.
- Sec. 7002. National highway performance program.
- Sec. 7003. Resilience in federal-aid highway programs.
- Sec. 7004. Resiliency in transit.
- Sec. 7005. Highway emergency relief and resiliency.
- Sec. 7006. Highway resiliency incentives.
- Sec. 7007. Guidance on inundated and submerged roads.
- Sec. 7008. Guidance on evacuation routes.
- Sec. 7009. Definitions.
- Sec. 7010. University transportation centers.
- Sec. 7011. Pre-disaster hazard mitigation pilot program.

TITLE VIII—FREIGHT RAIL MANUFACTURING

Sec. 8001. Short title.

Sec. 8002. Requirements for railroad freight cars entering service in the United States.

Sec. 8003. Regulations; penalties.

Sec. 8004. Country specified.

Sec. 8005. Definitions.

1 **DIVISION A—EXTENSION OF**
2 **SURFACE TRANSPORTATION**
3 **PROGRAMS**

4 **SEC. 1001. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
5 **TATION PROGRAMS.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 this Act, the requirements, authorities, conditions, eligi-
8 bilities, limitations, and other provisions authorized under
9 the covered laws, which would otherwise expire on or cease
10 to apply after September 30, 2021, are incorporated by
11 reference and shall continue in effect through September
12 30, 2026.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) HIGHWAY TRUST FUND.—

15 (A) HIGHWAY ACCOUNT.—There is author-
16 ized to be appropriated from the Highway Ac-
17 ount for each of fiscal years 2022 through
18 2026, for each program with respect to which
19 amounts are authorized to be appropriated from
20 such account for fiscal year 2021, an amount
21 equal to 132 percent of the amount authorized
22 for appropriation with respect to the program

1 from such account under the covered laws for
2 fiscal year 2021.

3 (B) MASS TRANSIT ACCOUNT.—There is
4 authorized to be appropriated from the Mass
5 Transit Account for each of fiscal years 2022
6 through 2026, for each program with respect to
7 which amounts are authorized to be appro-
8 priated from such account for fiscal year 2021,
9 an amount equal to the amount authorized for
10 appropriation with respect to the program from
11 such account under the covered laws for fiscal
12 year 2021.

13 (2) GENERAL FUND.—There is authorized to be
14 appropriated for each of fiscal years 2022 through
15 2026, for each program with respect to which
16 amounts are authorized to be appropriated for fiscal
17 year 2021 from an account other than the Highway
18 Account or the Mass Transit Account under the ti-
19 tles specified in subsection (e)(1)(A), an amount
20 equal to the amount authorized for appropriation
21 with respect to the program under such titles for fis-
22 cal year 2021.

23 (c) USE OF FUNDS.—Subject to section 1004(b),
24 amounts authorized to be appropriated for each of fiscal
25 years 2022 through 2026 with respect to a program under

1 subsection (b) shall be distributed, administered, limited,
2 and made available for obligation in the same manner as
3 amounts authorized to be appropriated with respect to the
4 program for fiscal year 2021 under the covered laws.

5 (d) OBLIGATION LIMITATION.—Subject to section
6 1004(d), a program for which amounts are authorized to
7 be appropriated under subsection (b)(1) shall be subject
8 to a limitation on obligations for each of fiscal years 2022
9 through 2026 in the same amount and in the same man-
10 ner as the limitation applicable with respect to the pro-
11 gram for fiscal year 2021.

12 (e) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) COVERED LAWS.—The term “covered laws”
15 means the following:

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

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

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

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

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

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

7 (G) Title I, part A of title II, title III, title
8 IV, title V, and title VI of the Intermodal Sur-
9 face Transportation Efficiency Act of 1991
10 (Public Law 102–240).

11 (H) Title 23, United States Code.

12 (I) Subtitle IV of Title 40, United States
13 Code.

14 (J) Sections 116, 117, 330, and 5505 and
15 chapters 53, 303, 311, 313, 701, and 702 of
16 title 49, United States Code.

17 (2) HIGHWAY ACCOUNT.—The term “Highway
18 Account” means the portion of the Highway Trust
19 Fund that is not the Mass Transit Account.

20 (3) MASS TRANSIT ACCOUNT.—The term “Mass
21 Transit Account” means the portion of the Highway
22 Trust Fund established under section 9503(e)(1) of
23 the Internal Revenue Code of 1986.

24 (f) DISADVANTAGED BUSINESS ENTERPRISES.—

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

3 (A) SMALL BUSINESS CONCERN.—

4 (i) IN GENERAL.—The term “small
5 business concern” means a small business
6 concern (as the term is used in section 3
7 of the Small Business Act (15 U.S.C.
8 632)).

9 (ii) EXCLUSIONS.—The term “small
10 business concern” does not include any
11 concern or group of concerns controlled by
12 the same socially and economically dis-
13 advantaged individual or individuals that
14 have average annual gross receipts during
15 the preceding 5 fiscal years in excess of
16 \$26,290,000, as adjusted annually by the
17 Secretary for inflation.

18 (B) SOCIALLY AND ECONOMICALLY DIS-
19 ADVANTAGED INDIVIDUALS.—The term “so-
20 cially and economically disadvantaged individ-
21 uals” has the meaning given the term in section
22 8(d) of the Small Business Act (15 U.S.C.
23 637(d)) and relevant subcontracting regulations
24 issued pursuant to such Act, except that women
25 shall be presumed to be socially and economi-

1 cally disadvantaged individuals for purposes of
2 this subsection.

3 (2) AMOUNTS FOR SMALL BUSINESS CON-
4 CERNS.—Except to the extent that the Secretary de-
5 termines otherwise, not less than 10 percent of the
6 amounts made available for any program under ti-
7 tles I, II, and III of this Act and section 403 of title
8 23, United States Code, shall be expended through
9 small business concerns owned and controlled by so-
10 cially and economically disadvantaged individuals.

11 (3) ANNUAL LISTING OF DISADVANTAGED BUSI-
12 NESS ENTERPRISES.—Each State shall annually—

13 (A) survey and compile a list of the small
14 business concerns referred to in paragraph (2)
15 in the State, including the location of the small
16 business concerns in the State, and publish
17 such list on a public website; and

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

21 (i) women;

22 (ii) socially and economically dis-
23 advantaged individuals (other than
24 women); and

1 (iii) individuals who are women and
2 are otherwise socially and economically dis-
3 advantaged individuals.

4 (4) UNIFORM CERTIFICATION.—

5 (A) IN GENERAL.—The Secretary shall es-
6 tablish minimum uniform criteria for use by
7 State governments in certifying whether a con-
8 cern qualifies as a small business concern for
9 the purpose of this subsection.

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

- 14 (i) on-site visits;
15 (ii) personal interviews with personnel;
16 (iii) issuance or inspection of licenses;
17 (iv) analyses of stock ownership;
18 (v) listings of equipment;
19 (vi) analyses of bonding capacity;
20 (vii) listings of work completed;
21 (viii) examination of the resumes of
22 principal owners;
23 (ix) analyses of financial capacity; and
24 (x) analyses of the type of work pre-
25 ferred.

1 (5) REPORTING.—The Secretary shall establish
2 minimum requirements for use by State govern-
3 ments in reporting to the Secretary—

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

7 (B) such other information as the Sec-
8 retary determines to be appropriate for the
9 proper monitoring of the disadvantaged busi-
10 ness enterprise program.

11 (6) COMPLIANCE WITH COURT ORDERS.—Noth-
12 ing in this subsection limits the eligibility of an indi-
13 vidual or entity to receive funds made available
14 under titles I, II, and III of this Act and section 403
15 of title 23, United States Code, if the entity or per-
16 son is prevented, in whole or in part, from complying
17 with paragraph (2) because a Federal court issues a
18 final order in which the court finds that a require-
19 ment or the implementation of paragraph (2) is un-
20 constitutional.

21 **SEC. 1002. EXTENSION OF HIGHWAY TRUST FUND EXPENDI-**
22 **TURE AUTHORITY.**

23 Section 9503 of the Internal Revenue Code of 1986
24 is amended—

1 (a) by striking “October 1, 2021” in subsections
2 (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1,
3 2026”; and

4 (b) by striking “Continuing Appropriations Act, 2021
5 and Other Extensions Act” in subsections (e)(1) and
6 (e)(3) and inserting “STARTER Act 2.0”.

7 **SEC. 1003. EXTENSION OF HIGHWAY-RELATED TAXES.**

8 (a) IN GENERAL.—

9 (1) Each of the following provisions of the In-
10 ternal Revenue Code of 1986 is amended by striking
11 “September 30, 2022” and inserting “September
12 30, 2026”:

13 (A) Section 4041(a)(1)(C)(iii)(I).

14 (B) Section 4041(m)(1)(B).

15 (C) Section 4081(d)(1).

16 (2) Each of the following provisions of such
17 Code is amended by striking “October 1, 2022” and
18 inserting “October 1, 2026”:

19 (A) Section 4041(m)(1)(A).

20 (B) Section 4051(e).

21 (C) Section 4071(d).

22 (D) Section 4081(d)(3).

23 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
24 HEAVY VEHICLES.—Each of the following provisions of

1 the Internal Revenue Code of 1986 is amended by striking
2 “2023” each place it appears and inserting “2026”:

3 (1) Section 4481(f).

4 (2) Subsections (c)(4) and (d) of section 4482.

5 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
6 of the Internal Revenue Code of 1986 is amended—

7 (1) by striking “October 1, 2022” each place it
8 appears and inserting “October 1, 2026”;

9 (2) by striking “March 31, 2023” each place it
10 appears and inserting “March 31, 2026”; and

11 (3) by striking “January 1, 2023” and insert-
12 ing “January 1, 2026”.

13 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

14 (1) Section 4221(a) of the Internal Revenue
15 Code of 1986 is amended by striking “October 1,
16 2022” and inserting “October 1, 2026”.

17 (2) Section 4483(i) of such Code is amended by
18 striking “October 1, 2023” and inserting “October
19 1, 2026”.

20 (e) EXTENSION OF TRANSFERS OF CERTAIN
21 TAXES.—

22 (1) IN GENERAL.—Section 9503 of the Internal
23 Revenue Code of 1986 is amended—

24 (A) in subsection (b)—

1 (i) by striking “October 1, 2022”
2 each place it appears in paragraphs (1)
3 and (2) and inserting “October 1, 2026”;

4 (ii) by striking “OCTOBER 1, 2022” in
5 the heading of paragraph (2) and inserting
6 “OCTOBER 1, 2026”;

7 (iii) by striking “September 30,
8 2022” in paragraph (2) and inserting
9 “September 30, 2026”; and

10 (iv) by striking “July 1, 2023” in
11 paragraph (2) and inserting “July 1,
12 2026”; and

13 (B) in subsection (c)(2), by striking “July
14 1, 2023” and inserting “July 1, 2026”.

15 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
16 TRANSFERS.—

17 (A) IN GENERAL.—Paragraphs (3)(A)(i)
18 and (4)(A) of section 9503(c) of such Code are
19 each amended by striking “October 1, 2022”
20 and inserting “October 1, 2026”.

21 (B) CONFORMING AMENDMENTS TO LAND
22 AND WATER CONSERVATION FUND.—Section
23 200310 of title 54, United States Code, is
24 amended—

1 (i) by striking “October 1, 2023”
2 each place it appears and inserting “Octo-
3 ber 1, 2026”; and

4 (ii) by striking “October 1, 2022” and
5 inserting “October 1, 2026”.

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2021.

8 **SEC. 1004. ADDITIONAL CONTRACT AUTHORITY.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, for each of fiscal years 2022 through 2026,
11 any excess amount authorized to be appropriated from the
12 Highway Account or the Mass Transit Account shall be
13 distributed as described in subsection (b).

14 (b) ADJUSTMENT TO CORE ACCOUNT PROGRAMS.—
15 For each fiscal year in which an excess amount as de-
16 scribed in subsection (a) is authorized to be appropriated
17 from the Highway Account or the Mass Transit Account,
18 the Secretary shall—

19 (1) under section 1001 of this Act make avail-
20 able for core account programs authorized from such
21 account an amount equal to the amount authorized
22 for such programs for fiscal year 2021;

23 (2) under this section, make available an addi-
24 tional amount for such programs equal to the excess

1 amount authorized to be appropriated as described
2 in subsection (a); and

3 (3) distribute the additional amount under
4 paragraph (2) to each of such core account pro-
5 grams in accordance with subsection (c).

6 (c) DISTRIBUTION OF ADJUSTMENT AMONG CORE
7 ACCOUNT PROGRAMS.—

8 (1) IN GENERAL.—In making an adjustment
9 for core account programs authorized from the
10 Highway Account or the Mass Transit Account for
11 a fiscal year under subsection (b), the Secretary
12 shall—

13 (A) determine the ratio that—

14 (i) the amount authorized to be ap-
15 propriated for a core account program
16 from the account for fiscal year 2021;
17 bears to

18 (ii) the total amount authorized to be
19 appropriated for such fiscal year for all
20 core account programs under such account;

21 (B) multiply the ratio determined under
22 subparagraph (A) by the amount of the adjust-
23 ment under subsection (b)(2); and

24 (C) adjust the amount that the Secretary
25 would otherwise have allocated for the core ac-

1 count program for the fiscal year by the
2 amount calculated under subparagraph (B).

3 (2) FORMULA PROGRAMS.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), for a program for which funds are
6 distributed by formula, the Secretary shall add
7 the adjustment to the amount authorized for
8 the program but for this section and make
9 available the adjusted program amount for such
10 program in accordance with such formula.

11 (B) EXCEPTION.—In making the adjust-
12 ment under subparagraph (A), the Secretary
13 shall exclude subsections (b)(4), (b)(5)(D), and
14 (b)(6) of section 104 of title 23, United States
15 Code, from the formula calculations.

16 (3) AVAILABILITY FOR OBLIGATION.—Adjusted
17 amounts under this subsection shall be available for
18 obligation and administered in the same manner as
19 other amounts made available for the program for
20 which the amount is adjusted.

21 (4) SPECIAL RULE.—

22 (A) ADJUSTMENT.—In making an adjust-
23 ment under subsection (c)(1) for an allocation,
24 reservation, or set-aside from an amount au-
25 thorized from the Highway Account or Mass

1 Transit Account referred to in subparagraph
2 (B), the Secretary shall—

3 (i) determine the ratio that—

4 (I) the amount authorized to be
5 appropriated for the allocation, res-
6 ervation, or set-aside from the account
7 for fiscal year 2021; bears to

8 (II) the total amount authorized
9 to be appropriated for such fiscal year
10 for all core account programs under
11 such account;

12 (ii) multiply the ratio determined
13 under clause (i) by the amount of the ad-
14 justment determined under subsection
15 (b)(2); and

16 (iii) adjust the amount that the Sec-
17 retary would have allocated for the alloca-
18 tion, reservation, or set-aside for the fiscal
19 year but for this section by the amount
20 calculated under clause (ii).

21 (B) ALLOCATIONS, RESERVATIONS, AND
22 SET-ASIDES.—The allocations, reservations, and
23 set-asides referred to in subparagraph (A)
24 are—

1 (i) the amount reserved for a fiscal
2 year under section 133(h)(1)(A);

3 (ii) the amount set aside for a fiscal
4 year for the National Highway Freight
5 Program under section 104(b)(5);

6 (iii) supplemental funds reserved for a
7 fiscal year for the National Highway Per-
8 formance Program under section
9 104(h)(1); and

10 (iv) supplemental funds reserved for a
11 fiscal year for the surface transportation
12 block grant program under section
13 104(h)(2).

14 (d) REVISION TO OBLIGATION LIMITATIONS.—If the
15 Secretary makes an adjustment under subsection (b) for
16 a fiscal year to an amount subject to a limitation on obli-
17 gations imposed by any other provision of law—

18 (1) such limitation on obligations for such fiscal
19 year shall be revised by an amount equal to such ad-
20 justment; and

21 (2) the Secretary shall distribute such limita-
22 tion on obligations, as revised under paragraph (1),
23 in accordance with such provisions.

24 (e) DEFINITIONS.—In this section, the following defi-
25 nitions apply—

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

4 (2) MASS TRANSIT ACCOUNT.—The term “Mass
5 Transit Account” means the Mass Transit Account
6 of the Highway Trust Fund established under sec-
7 tion 9503(e)(1) of the Internal Revenue Code of
8 1986.

9 (3) CORE ACCOUNT PROGRAMS.—The term
10 “core account programs” means—

11 (A) the National Highway Performance
12 Program under section 119 of title 23, United
13 States Code;

14 (B) the Surface Transportation Block
15 Grant Program under section 133 of title 23,
16 United States Code;

17 (C) the Highway Safety Improvement Pro-
18 gram under section 148 of title 23, United
19 States Code;

20 (D) the National Highway Freight Pro-
21 gram under section 167 of title 23, United
22 States Code; and

23 (E) the Formula Grants for Rural Areas
24 Program under section 5311 of title 49, United
25 States Code.

1 (4) **EXCESS AMOUNT.**—The term “excess
2 amount” means—

3 (A) the amount authorized to be appro-
4 priated for a fiscal year from the Highway Ac-
5 count or the Mass Transit Account; minus

6 (B) the amount authorized to be appro-
7 priated for fiscal year 2021 from such account.

8 **SEC. 1005. TAX-EXEMPT FINANCING FOR QUALIFIED HIGH-**
9 **WAY OR SURFACE FREIGHT TRANSFER FA-**
10 **CILITIES.**

11 Section 142(m)(2)(A) of the Internal Revenue Code
12 of 1986 is amended by striking “\$15,000,000,000” and
13 inserting “\$45,000,000,000”.

14 **SEC. 1006. EFFECTIVE DATE.**

15 This Act and the amendments made by this Act shall
16 take effect on October 1, 2021.

1 **DIVISION B—SURFACE**
2 **TRANSPORTATION**
3 **TITLE I—FEDERAL-AID**
4 **HIGHWAYS**
5 **Subtitle A—Authorizations and**
6 **Programs**

7 **SEC. 1101. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
8 **WAY PROJECTS.**

9 There are authorized to be appropriated out of the
10 Highway Trust Fund (other than the Mass Transit Ac-
11 count) for the nationally significant freight and highway
12 projects program under section 117 of title 23, United
13 States Code, such sums as may be necessary for each of
14 fiscal years 2022 through 2026.

15 **SEC. 1102. BETTER UTILIZING INVESTMENTS TO LEVERAGE**
16 **DEVELOPMENT (BUILD) TRANSPORTATION**
17 **DISCRETIONARY GRANTS.**

18 (a) IN GENERAL.—Chapter 55 of title 49, United
19 States Code, is amended by inserting after section 5502
20 the following:

21 **“§ 5503. BUILD grant program**

22 “(a) ESTABLISHMENT.—The Secretary of Transpor-
23 tation shall establish a discretionary grant program, to be
24 known as the ‘Better Utilizing Investment to Leverage
25 Development Transportation Grant Program’ or the

1 BUILD grant program, to be administered by the Sec-
2 retary.

3 “(b) PURPOSE.—Under the BUILD grant program,
4 the Secretary may award grants, on a competitive basis,
5 for eligible projects that will have a projects that encour-
6 age economic viability of the Nation, a metropolitan area,
7 or a region.

8 “(c) ELIGIBLE APPLICANTS.—Applicants eligible for
9 funding under this section are—

10 “(1) States;

11 “(2) local governments;

12 “(3) Tribal governments;

13 “(4) transit agencies;

14 “(5) port authorities;

15 “(6) metropolitan planning organizations;

16 “(7) political subdivisions of State or local gov-
17 ernments;

18 “(8) Federal land management agencies; and

19 “(9) multi-State or multi-jurisdictional groups
20 applying through a single lead applicant.

21 “(d) ELIGIBLE PROJECTS.—Projects eligible for a
22 grant under this section are the following:

23 “(1) Highway or bridge projects eligible under
24 title 23 (including bicycle and pedestrian related
25 projects).

1 “(2) Public transportation projects eligible
2 under chapter 53.

3 “(3) Passenger and freight rail transportation
4 projects.

5 “(4) Port infrastructure investments.

6 “(5) Intermodal projects.

7 “(6) Projects investing in surface transpor-
8 tation facilities that are located on tribal land and
9 for which title or maintenance responsibility is vest-
10 ed in the Federal Government.

11 “(7) Activities related to—

12 “(A) the planning, preparation, or design
13 of a single surface transportation project; or

14 “(B) regional transportation investment
15 planning, including transportation planning
16 that is coordinated with interdisciplinary factors
17 including housing development, economic com-
18 petitiveness, network connectivity, stormwater
19 and other infrastructure investments, or that
20 addresses future risks and vulnerabilities, in-
21 cluding extreme weather and climate change.

22 “(e) GEOGRAPHIC DISTRIBUTION.—

23 “(1) **EQUITABLE DISTRIBUTION.**—In awarding
24 grants under this section, the Secretary shall take
25 measures to ensure an equitable geographic distribu-

1 tion of funds and a balance in addressing the needs
2 of urban and rural communities and the investment
3 in a variety of transportation modes.

4 “(2) RURAL AND URBAN PROJECTS.—Of the
5 funds awarded under this heading, not less than 40
6 percent shall be awarded as urban awards and rural
7 awards, respectively.

8 “(3) LIMITATION BY STATE.—Not more than
9 25 percent of the funds made available to carry out
10 this section may be awarded to projects in a single
11 State.

12 “(f) GRANT PROGRAM SOLICITATION AND AWARD.—
13 In administering the BUILD grant program, the Sec-
14 retary shall—

15 “(1) solicit from eligible entities grant applica-
16 tions for eligible projects in accordance with this sec-
17 tion not later than 60 days after funds are made
18 available to carry out this section; and

19 “(2) announce grants for eligible projects in ac-
20 cordance with this section not later than 1 year from
21 the date on which such applications are due.

22 “(g) PLANNING GRANTS.—The Secretary may use up
23 to 10 percent of the funds made available to carry out
24 this section to fund the activities specified in subsection
25 (d)(7). Selection criteria for such activities may include

1 a preference for projects located in a qualified opportunity
2 zone, as such term is defined in section 1400Z–1 of the
3 Internal Revenue Code of 1986.

4 “(h) APPLICATION EVALUATION AND SCORING PROC-
5 ESS.—The Secretary shall describe in each Notice of
6 Funding Opportunity for awards under this section a
7 quantitative, merit-based process for evaluating eligible
8 applications. The process shall include detailed informa-
9 tion on how selection criteria will be evaluated.

10 “(i) FEDERAL SHARE.—

11 “(1) IN GENERAL.—The Federal share of the
12 costs for a project for which funds are awarded
13 under this section shall not exceed 80 percent.

14 “(2) EXCEPTION FOR RURAL AREAS.—The Sec-
15 retary may provide a Federal share of up to 100
16 percent for a project in a rural area.

17 “(3) PRIORITY.—In establishing grant program
18 criteria pursuant to subsection (h), the Secretary
19 shall include priority for projects that require a
20 smaller Federal share.

21 “(j) DAVIS-BACON REQUIREMENT.—Projects con-
22 ducted using funds provided under this section shall com-
23 ply with the requirements of subchapter IV of chapter 31
24 of title 40 (commonly known as the Davis-Bacon Act).

25 “(k) ADMINISTRATIVE EXPENSES.—

1 “(1) IN GENERAL.—The Secretary may use up
2 to 2.5 percent of the funds made available each year
3 to carry out this section to administer grants under
4 this program.

5 “(2) AVAILABILITY.—The funds made available
6 under paragraph (1) shall remain available until ex-
7 pended.

8 “(1) TIFIA AND RRIF SUBSIDY AND ADMINISTRA-
9 TIVE COSTS.—The Secretary may use up to 10 percent
10 of the funds made available to carry out this section to
11 pay the subsidy and administrative costs of projects eligi-
12 ble for Federal credit assistance under chapter 6 of title
13 23, United States Code, or title V of the Railroad Revital-
14 ization and Regulatory Reform Act of 1976 (45 U.S.C.
15 821 et seq.) if the Secretary finds that the use of the funds
16 would advance the purposes of this section.

17 “(m) TRANSFER AUTHORITY.—Funds authorized
18 under this section may be transferred within the Depart-
19 ment of Transportation and, except as otherwise provided
20 in this section, administered in accordance with the re-
21 quirements of title 23 or 49 of the United States Code
22 applicable to the agency to which the funds are transferred
23 and any other requirements applicable to the project.

24 “(n) AUTHORIZATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to the Secretary to carry out this sec-
3 tion \$1,000,000,000 for each of fiscal years 2022
4 through 2026.

5 “(2) AVAILABILITY.—Funds authorized under
6 this subsection—

7 “(A) shall be available for obligation on
8 October 1 of the fiscal year for which they are
9 authorized; and

10 “(B) except as specified in subsection (I),
11 shall remain available for obligation for a period
12 of 2 years after the year for which such funds
13 are authorized.

14 “(o) PERFORMANCE MANAGEMENT.—The Secretary
15 may collect performance data on projects assisted with
16 awards under this section, under terms and conditions
17 prescribed by the Secretary.

18 “(p) DEFINITIONS.—In this section:

19 “(1) RURAL.—The term ‘rural’ means any area
20 that is not an urbanized area.

21 “(2) STATE.—The term ‘State’ means any of
22 the 50 States, the District of Columbia, and Puerto
23 Rico.

24 “(3) URBAN.—The term ‘urban’ means an ur-
25 banized area, as designated by the Bureau of the

1 Census, that has a population greater than 200,000
2 according to the most recent decennial Census.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 55 of title 49, United States Code, is amended by in-
5 serting after section 5502 the following:

“5503. BUILD grant program”.

6 **SEC. 1103. NATIONAL HIGHWAY FREIGHT PROGRAM.**

7 There are authorized to be appropriated out of the
8 Highway Trust Fund (other than the Mass Transit Ac-
9 count) for the national highway freight program under
10 section 167 of title 23, United States Code, such sums
11 as may be necessary for each of fiscal years 2022 through
12 2026.

13 **SEC. 1104. TRUCK PARKING SAFETY IMPROVEMENT.**

14 (a) PARKING FOR COMMERCIAL VEHICLES.—Chapter
15 1 of title 23, United States Code, is amended by adding
16 at the end the following:

17 **“§ 171. Truck parking safety improvement**

18 “(a) GRANT AUTHORITY.—The Secretary shall pro-
19 vide grants under this section, on a competitive basis, for
20 projects to provide parking for commercial motor vehicles
21 on Federal-aid highways or on a facility with reasonable
22 access to—

23 “(1) a Federal-aid highway; or

24 “(2) a freight facility.

1 “(b) APPLICATIONS.—To be eligible for a grant
2 under this subsection, an entity shall submit to the Sec-
3 retary an application at such time and in such manner
4 as the Secretary may require.

5 “(c) APPLICATION CONTENTS.—An application
6 under subsection (b) shall contain—

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

8 “(2) any other information that the Secretary
9 may require.

10 “(d) ELIGIBLE ENTITIES.—The following entities
11 shall be eligible to receive amounts under this section:

12 “(1) A State.

13 “(2) A public agency carrying out responsibil-
14 ities relating to commercial motor vehicle parking.

15 “(3) A metropolitan planning organization.

16 “(4) A unit of local government.

17 “(e) ELIGIBLE PROJECTS.—

18 “(1) IN GENERAL.—An entity may use funds
19 provided under this section only for projects de-
20 scribed in paragraph (2) that are located—

21 “(A) on a Federal-aid highway; or

22 “(B) on a facility with reasonable access
23 to—

24 “(i) a Federal-aid highway; or

25 “(ii) a freight facility.

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

3 “(A) construct safety rest areas (as such
4 term is defined in section 120(c)) that include
5 parking for commercial motor vehicles;

6 “(B) construct commercial motor vehicle
7 parking facilities—

8 “(i) adjacent to private commercial
9 truck stops and travel plazas;

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

14 “(iii) at existing facilities, including
15 inspection and weigh stations and park-
16 and-ride locations; and

17 “(C) convert existing weigh stations and
18 rest areas to facilities for the exclusive use of
19 commercial motor vehicle parking.

20 “(f) ELIGIBLE ACTIVITIES.—

21 “(1) IN GENERAL.—Entities may use alloca-
22 tions under this subsection for the following activi-
23 ties of an eligible project:

24 “(A) Development phase activities, includ-
25 ing planning, feasibility analysis, benefit-cost

1 analysis, environmental review, preliminary en-
2 gineering and design work, and other
3 preconstruction activities.

4 “(B) Construction, reconstruction, rehabili-
5 tation, acquisition of real property, environ-
6 mental mitigation, construction contingencies,
7 acquisition of equipment, and operational im-
8 provements directly related to expanding com-
9 mercial motor vehicle parking.

10 “(2) LIMITATION.—An entity may not use more
11 than 10 percent of a grant under this subsection for
12 activities described in paragraph (1)(A).

13 “(g) PRIORITY.—In making grants under this sub-
14 section, the Secretary shall give priority to entities that—

15 “(1) demonstrate a safety need for commercial
16 motor vehicle parking capacity in the corridor in
17 which the project described under subsection (e)(1)
18 is proposed to be carried out;

19 “(2) have consulted with affected State and
20 local governments, trucking organizations, and pri-
21 vate providers of commercial motor vehicle parking;

22 “(3) demonstrate that the project described
23 under subsection (e)(1) will likely—

24 “(A) increase commercial motor vehicle
25 parking capacity;

1 “(B) facilitate the efficient movement of
2 freight; and

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

5 “(4) demonstrate the ability to provide for the
6 maintenance and operation cost necessary to keep
7 the facility available for use after completion of con-
8 struction.

9 “(h) FEDERAL SHARE.—Notwithstanding any other
10 provision of law, the Federal share for a project carried
11 out under this subsection shall be 90 percent.

12 “(i) TREATMENT OF FUNDS.—Notwithstanding sec-
13 tion 126, funds made available under this subsection shall
14 remain available until expended and shall not be transfer-
15 able.

16 “(j) PROHIBITION ON CHARGING FEES.—To be eligi-
17 ble for a grant under this section, an entity shall agree
18 that no fees will be charged for a commercial motor vehicle
19 to access and park at any part of the facility constructed
20 with funds made available under this subsection.

21 “(k) NOTIFICATION OF CONGRESS.—Not less than 3
22 days before making a grant for a project under this sec-
23 tion, the Secretary shall notify, in writing, the Committee
24 on Transportation and Infrastructure of the House of
25 Representatives, the Committee on Environment and Pub-

1 lic Works of the Senate, and the Committee on Commerce,
2 Science, and Transportation of the Senate of the—

3 “(1) the amount of each proposed grant to be
4 made under this subsection;

5 “(2) evaluation and justification for the project
6 selection.

7 “(1) SURVEY AND COMPARATIVE ASSESSMENT.—

8 “(1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this subsection, and
10 every 2 years thereafter, the Secretary, in consulta-
11 tion with appropriate State motor carrier safety per-
12 sonnel and State departments of transportation,
13 shall submit to the Committee on Transportation
14 and Infrastructure of the House of Representatives,
15 the Committee on Environment and Public Works of
16 the Senate, and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 that—

19 “(A) evaluates the capability of the States
20 to provide adequate parking and rest facilities
21 for commercial motor vehicles engaged in inter-
22 state transportation;

23 “(B) evaluates the effectiveness of the
24 projects funded under this subsection in im-
25 proving access to truck parking;

1 “(C) evaluates the ability of entities receiv-
2 ing a grant under this subsection to sustain the
3 operation of parking facilities constructed with
4 funds provided under this subsection; and

5 “(D) reports on the progress being made
6 to provide adequate commercial motor vehicle
7 parking facilities in the State.

8 “(2) RESULTS.—The Secretary shall make the
9 report under paragraph (1) available to the public
10 on the website of the Department of Transportation.

11 “(m) TREATMENT OF PROJECTS.—Notwithstanding
12 any other provision of law, a project carried out under this
13 section shall be treated as if the project is located on a
14 Federal-aid highway under this chapter.

15 “(n) COMMERCIAL MOTOR VEHICLE DEFINED.—In
16 this section, the term ‘commercial motor vehicle’ has the
17 meaning given such term in section 31132 of title 49.

18 “(o) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated such sums as are nec-
20 essary to carry out this section.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by add-
23 ing after the item relating to section 171 the following:

“171. Truck parking safety improvement.”.

1 **SEC. 1105. TEMPORARY FEDERAL SHARE FOR FEDERAL-AID**
2 **HIGHWAY PROJECTS.**

3 Notwithstanding any other provision of law, the Fed-
4 eral share of the cost of a project under title 23, United
5 States Code, for which amounts are made available during
6 fiscal year 2022 and 2023 may be up to 100 percent, at
7 the discretion of the Secretary of Transportation.

8 **SEC. 1106. CONSOLIDATED FUNDING PROGRAM.**

9 (a) IN GENERAL.—Chapter 1 of title 23, United
10 States Code, is further amended by adding at the end the
11 following:

12 **“§ 172. Consolidated funding program**

13 “(a) IN GENERAL.—Not later than 6 months after
14 the date of enactment of this section, the Secretary shall
15 establish a pilot program to allow up to 5 States to receive
16 the base apportionment for the State in a lump sum, to
17 be obligated and expended in accordance with this section.

18 “(b) CRITERIA.—The Secretary shall develop criteria
19 for selection of a State to receive a block grant under this
20 Act, including requiring that recipient States—

21 “(1) meet minimum levels for the condition of
22 pavement established by the Secretary under section
23 150(c)(3);

24 “(2) meet minimum levels for the condition for
25 bridges on the National Highway System as de-
26 scribed in section 119(f)(2);

1 “(3) uses a performance-based approach to
2 transportation planning and programming for state-
3 wide and metropolitan planning areas to meet the
4 requirements of sections 134, 135, and 150; and

5 “(4) meet recertification requirements for State
6 asset management plans for the National Highway
7 System as described in section 119(e).

8 “(c) APPLICATIONS.—

9 “(1) REQUEST.—Not later than 6 months after
10 the date of enactment of this section, the Secretary
11 shall request applications in accordance with para-
12 graph (2).

13 “(2) CONTENTS.—An application submitted
14 under this paragraph shall include a plan on how the
15 State and each affected metropolitan planning orga-
16 nization shall continue to meet, or make significant
17 progress toward meeting, performance measures and
18 standards under section 150(c) of title 23, United
19 States Code.

20 “(d) USE OF BLOCK GRANT FUNDS.—

21 “(1) ELIGIBILITIES.—Funds made available to
22 a State under this program shall be eligible for use
23 for any project eligible under—

24 “(A) the national highway performance
25 program under section 119;

1 “(B) the surface transportation block
2 grant program under section 133;

3 “(C) the highway safety improvement pro-
4 gram under section 148;

5 “(D) the congestion mitigation and air
6 quality improvement program under section
7 149; and

8 “(E) for metropolitan planning under sec-
9 tion 134; or

10 “(F) the national highway freight program
11 under section 167.

12 “(2) ALLOCATION OF FUNDS.—Of the total
13 amount of funds provided under this section in a fis-
14 cal year for projects described in paragraph (1)—

15 “(A) 25 percent of funds shall be obli-
16 gated, in proportion to the relative shares of the
17 population of the State—

18 “(i) to urbanized areas of the State
19 with an urbanized area population of over
20 200,000;

21 “(ii) to areas of the State other than
22 urban areas with a population greater than
23 5,000; and

24 “(iii) to other areas of the State; and

1 “(B) for any funds that are not obligated
2 under subparagraph (A), such funds may be ob-
3 ligated in any area of the State.

4 “(e) BLOCK GRANT SELECTION.—

5 “(1) ISSUANCE.—The Secretary shall provide
6 grants under this section beginning with fiscal year
7 2022.

8 “(2) OBLIGATION AUTHORITY.—Nothing in this
9 section shall be construed to increase an obligation
10 limitation applied to funds made available under this
11 section.

12 “(3) SUBSEQUENT FISCAL YEARS.—Subject to
13 subsection (g)(2), the Secretary shall continue to ap-
14 portion block grants to the awarded States.

15 “(4) SUNSET.—The authority to provide grants
16 under this section shall cease on the last day of fis-
17 cal year 2026.

18 “(f) SUPPLEMENTAL FUNDS.—Funds reserved under
19 section 104(h) shall be treated as if apportioned in lump
20 sum under this section, and shall be in addition to
21 amounts apportioned under this section.

22 “(g) PROGRESS REPORT.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the first fiscal year in which funds are provided
25 under this section, any State receiving funds shall

1 submit to the Secretary a progress report on meet-
2 ing, or making significant progress toward meeting,
3 performance measures and standards under section
4 150(c).

5 “(2) GUIDANCE.—Not later than 1 year after
6 the initial funds are provided under this section, the
7 Secretary shall promulgate guidance to lump sum
8 recipients on requirements for submitting a progress
9 report under paragraph (1).

10 “(3) REVIEW.—If the Secretary finds that a
11 State that received funds under this section did not
12 meet, or achieve significant progress (as defined by
13 the Secretary) toward target achievement of, all per-
14 formance targets set in the report required under
15 paragraph (1), the Secretary may not provide funds
16 to such State under the program in the following fis-
17 cal year or 6 months after determination that the
18 State failed to meet, or make significant progress to-
19 ward target achievement, whichever is later.

20 “(4) TRANSMISSION TO CONGRESS.—Not later
21 than 30 days after which the Secretary receives a re-
22 port from a State under paragraph (1), the Sec-
23 retary shall transmit the progress report to the
24 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 Environment and Public Works of the Senate.

3 “(h) TREATMENT OF LAW.—Notwithstanding any
4 other provision of law, projects funded under this section
5 shall be treated as projects on a Federal-aid highway
6 under this chapter.

7 “(i) DEFINITION OF BASE APPORTIONMENT.—In
8 this section, the term ‘base apportionment’ has the mean-
9 ing given the term in section 104(i).”.

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

“172. Consolidated funding program.”.

13 **SEC. 1107. BRIDGE REBUILDING PROGRAMS.**

14 (a) LARGE BRIDGES INVESTMENT PROGRAM.—

15 (1) ESTABLISHMENT.—The Secretary of Trans-
16 portation shall establish a competitive grant pro-
17 gram (referred to in this subsection as the “Pro-
18 gram”) to award grants to eligible entities for high-
19 way bridge replacement and rehabilitation projects.

20 (2) ELIGIBLE ENTITIES.—

21 (A) IN GENERAL.—The Secretary may
22 make a grant under the Program to—

23 (i) a State or a group of States; or

24 (ii) a Federal land management agen-
25 cy.

1 (B) APPLICATIONS.—To be eligible for a
2 grant under the Program, an entity specified in
3 subparagraph (A) shall submit to the Secretary
4 an application in such form, at such time, and
5 containing such information as the Secretary
6 determines is appropriate.

7 (3) ELIGIBLE PROJECTS.—The Secretary may
8 award a grant under the Program only for a high-
9 way bridge replacement or rehabilitation project that
10 is—

11 (A) for a large bridge that does not cross
12 an international border; and

13 (B) carried out on—

14 (i) the National Highway System; or

15 (ii) the National Highway Freight
16 Network established under section 167 of
17 title 23, United States Code.

18 (4) ELIGIBLE PROJECT COSTS.—A grant re-
19 ceived for a project under this subsection may be
20 used for—

21 (A) development phase activities, including
22 planning, feasibility analysis, revenue fore-
23 casting, environmental review, preliminary engi-
24 neering and design work, and other
25 preconstruction activities; and

1 (B) replacement, rehabilitation, acquisition
2 of real property (including land related to the
3 project and improvements to the land), environ-
4 mental mitigation, construction contingencies,
5 and operational improvements directly related
6 to implementing electronic tolling.

7 (5) SELECTION CRITERIA.—In selecting eligible
8 projects to receive grants under the Program, the
9 Secretary shall consider the extent to which a
10 project, relative to other projects submitted in re-
11 sponse to a Notice of Funding Opportunity—

12 (A) serves a significant number of users;

13 (B) utilizes non-Federal contributions;

14 (C) utilizes nontraditional financing, inno-
15 vative design and construction techniques, or
16 innovative technologies;

17 (D) spans at least 1 border between 2
18 States;

19 (E) rehabilitates or replaces a large bridge
20 that—

21 (i) is classified as in poor condition;

22 (ii) is load posted; or

23 (iii) does not meet current geometric
24 design standards;

25 (F) will improve resiliency; and

1 (G) facilitates transfer of bridge ownership
2 from the Federal government to a non-Federal
3 entity.

4 (6) ELECTRONIC TOLLING.—Any toll facility lo-
5 cated on a bridge receiving a grant under this sub-
6 section shall, upon completion of the project funded
7 with such grant—

8 (A) utilize only electronic toll collection;
9 and

10 (B) implement technologies or business
11 practices that provide for the regional inter-
12 operability of electronic toll collection programs,
13 to the extent practicable.

14 (7) FEDERAL SHARE.—

15 (A) IN GENERAL.—A grant under the Pro-
16 gram shall not exceed 50 percent of the cost of
17 a project. Subject to the limitation in subpara-
18 graph (B), Federal assistance other than a
19 grant under the Program may be used for the
20 remainder of the cost of the project.

21 (B) MAXIMUM FEDERAL INVOLVEMENT.—
22 The total Federal assistance provided for a
23 project receiving a grant under the Program
24 shall not exceed 80 percent of the cost of a
25 project.

1 (C) FEDERAL LAND MANAGEMENT AGEN-
2 CIES.—Notwithstanding any other provision of
3 law, any Federal funds other than those made
4 available under title 23 or title 49, United
5 States Code, may be used to pay the non-Fed-
6 eral share of the cost of a project carried out
7 by a Federal land management agency with a
8 grant under the Program.

9 (8) APPROPRIATIONS.—

10 (A) IN GENERAL.—Out of any funds in the
11 Treasury not otherwise appropriated, the Sec-
12 retary of the Treasury shall transfer to the Sec-
13 retary to carry out this subsection
14 \$4,600,000,000 for each of fiscal years 2022
15 through 2026. Such funds shall remain avail-
16 able for a period of 3 fiscal years following the
17 fiscal year for which the amounts are trans-
18 ferred by the Secretary of the Treasury.

19 (B) RECEIPT AND ACCEPTANCE.—The
20 Secretary shall be entitled to receive, shall ac-
21 cept, and shall use to carry out this subsection
22 the funds transferred under subparagraph (A),
23 without further appropriation.

24 (9) ADMINISTRATIVE EXPENSES.—The Sec-
25 retary may use not more than 2 percent of the

1 amounts made available for the Program for each
2 fiscal year to pay the administrative expenses of the
3 Program.

4 (10) APPLICABILITY OF TITLE 23, UNITED
5 STATES CODE.—Funds made available under para-
6 graph (8) shall be administered as if apportioned
7 under chapter I of title 23, United States Code.

8 (11) DEFINITIONS.—In this subsection, the fol-
9 lowing definitions apply:

10 (A) LARGE BRIDGE.—The term “large
11 bridge” means a bridge—

12 (i) with total deck area of 400,000
13 square feet or more; or

14 (ii) with a main span of 500 feet or
15 more.

16 (B) STATE.—The term “State” means any
17 of the 50 States, the District of Columbia, or
18 Puerto Rico.

19 (b) COMMUNITY RURAL BRIDGE PROGRAM.—

20 (1) ESTABLISHMENT.—The Secretary of Trans-
21 portation shall establish a community rural bridge
22 program (referred to in this subsection as the “Pro-
23 gram”) to provide funding to States for off-system
24 bridge replacement and rehabilitation.

1 (2) PURPOSES.—The purposes of the Program
2 are to provide immediate funding to help—

3 (A) replace and rehabilitate off-system
4 bridges, many of which provide vital connec-
5 tions to rural communities;

6 (B) reduce risk, by bringing these bridges
7 into a state of good repair; and

8 (C) facilitate the transfer of bridge owner-
9 ship from the Federal government to non-Fed-
10 eral entities.

11 (3) DISTRIBUTION OF FUNDS.—

12 (A) IN GENERAL.—The Secretary of
13 Transportation shall distribute funds made
14 available to carry out the Program for each fis-
15 cal year as follows:

16 (i) One-half of the funds made avail-
17 able for each fiscal year shall be distrib-
18 uted to each State by the proportion that
19 the total deck area of off-system bridges in
20 each State bears to the total deck area of
21 off-system bridges in all States.

22 (ii) One-half of the funds made avail-
23 able for each fiscal year shall be distrib-
24 uted to each State by the proportion that
25 the total deck area of off-system bridges

1 classified as in poor condition in each
2 State bears to the total deck area of off-
3 system bridges classified as in poor condi-
4 tion in all States.

5 (B) DECK AREA CALCULATION.—In dis-
6 tributing funds under this paragraph, the Sec-
7 retary shall calculate the total deck area of off-
8 system bridges and total area of off-system
9 bridges classified as in poor condition based on
10 the National Bridge Inventory as of the end of
11 the preceding calendar year.

12 (4) ELIGIBLE PROJECTS.—Funds apportioned
13 under paragraph (3) shall only be used by a State
14 for projects that—

15 (A) replace or rehabilitate off-system
16 bridges; and

17 (B) are bundled as one project with at
18 least 1 other similar bridge project.

19 (5) ELIGIBLE PROJECT COSTS.—Funds appor-
20 tioned under this subsection may be used for—

21 (A) development phase activities, including
22 planning, feasibility analysis, revenue fore-
23 casting, environmental review, preliminary engi-
24 neering and design work, and other
25 preconstruction activities; and

1 (B) replacement, rehabilitation, acquisition
2 of real property (including land related to the
3 project and improvements to the land), environ-
4 mental mitigation, and construction contin-
5 gencies.

6 (6) APPROPRIATIONS.—

7 (A) IN GENERAL.—Out of any funds in the
8 Treasury not otherwise appropriated, the Sec-
9 retary of the Treasury shall transfer to the Sec-
10 retary to carry out this subsection
11 \$6,000,000,000 for each of fiscal years 2022
12 and 2023. Such funds shall remain available for
13 a period of 3 fiscal years following the fiscal
14 year for which the amounts are transferred by
15 the Secretary of the Treasury.

16 (B) RECEIPT AND ACCEPTANCE.—The
17 Secretary shall be entitled to receive, shall ac-
18 cept, and shall use to carry out this subsection
19 the funds transferred under subparagraph (A),
20 without further appropriation.

21 (7) APPLICABILITY OF TITLE 23, UNITED
22 STATES CODE.—Funds made available under para-
23 graph (6) shall be administered as if apportioned
24 under chapter 1 of title 23, United States Code.

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

3 (A) OFF-SYSTEM BRIDGE.—The term “off-
4 system bridge” means a highway bridge located
5 on a public road, other than a bridge on a Fed-
6 eral-aid highway.

7 (B) STATE.—The term “State” means any
8 of the 50 States, the District of Columbia, or
9 Puerto Rico.

10 **SEC. 1108. INCREASED FLEXIBILITY FOR BRIDGE BUN-**
11 **DLING PROJECTS.**

12 Section 144(j) of title 23, United States Code is
13 amended—

14 (1) by striking paragraph (5); and

15 (2) by redesignating paragraph (6) as para-
16 graph (5).

17 **SEC. 1109. OFF-SYSTEM BRIDGE SET-ASIDE.**

18 Section 133(f) of title 23, United States Code, is
19 amended—

20 (1) by striking paragraph (1) and inserting the
21 following:

22 “(1) DEFINITIONS.—In this subsection, the fol-
23 lowing definitions apply:

24 “(A) OFF-SYSTEM BRIDGE.—The term
25 ‘off-system bridge’ means a highway bridge lo-

1 cated on a public road, other than a bridge on
2 a Federal-aid highway.

3 “(B) OFF-SYSTEM LOW WATER CROSS-
4 ING.—The term ‘offsystem low water crossing’
5 means a low water crossing (as defined by the
6 Secretary) located on a public road, other than
7 a low water crossing on a Federal-aid high-
8 way.”;

9 (2) in paragraph (2), by striking subparagraph
10 (A) and inserting the following:

11 “(A) SET-ASIDE.—

12 “(i) IN GENERAL.—Of the amounts
13 apportioned to a State for fiscal year 2013
14 and each fiscal year thereafter under this
15 section, the State shall obligate for activi-
16 ties described in clause (ii) an amount that
17 is not less than 15 percent of the amount
18 of funds apportioned to the State for the
19 highway bridge program for fiscal year
20 2009, except that amounts allocated under
21 subsection (d) shall not be obligated to
22 carry out this subsection.

23 “(ii) ACTIVITIES DESCRIBED.—The
24 activities referred to in clause (i) are—

1 “(I) replacement, rehabilitation,
2 preservation, protection, or inspection
3 and evaluation of off-system bridges;
4 and

5 “(II) replacement of an off-sys-
6 tem low water crossing with a
7 bridge.”; and

8 (3) in paragraph (3), in the matter preceding
9 subparagraph (A)—

10 (A) by striking “replacement of a bridge or
11 rehabilitation of a bridge” and inserting “re-
12 placement of a bridge, rehabilitation of a
13 bridge, or replacement of a low water crossing
14 with a bridge,”;

15 (B) by inserting “and” after “is non-
16 controversial,”; and

17 (C) by striking“ and is determined by the
18 Secretary upon completion to be no longer a de-
19 ficient bridge”.

20 **SEC. 1110. ESTABLISHMENT OF ROUTES AND NETT ENTI-**
21 **TIES.**

22 Section 102 of title 49, United States Code, is
23 amended—

24 (1) by redesignating subsection (h) as sub-
25 section (j); and

1 (2) by inserting after subsection (g) the fol-
2 lowing:

3 “(h) RURAL OPPORTUNITIES TO USE TRANSPOR-
4 TATION FOR ECONOMIC SUCCESS COUNCIL.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) COUNCIL.—The term ‘Council’ means
7 the Rural Opportunities to Use Transportation
8 for Economic Success Council.

9 “(B) OFFICE.—The term ‘Office’ means
10 the Office of Rural Economic Investment.

11 “(2) ESTABLISHMENT.—There is established in
12 the Department of Transportation an internal coun-
13 cil to be known as the Rural Opportunities to Use
14 Transportation for Economic Success Council or the
15 ROUTES Council.

16 “(3) DUTIES.—The Council shall carry out the
17 following duties:

18 “(A) Coordinate rural-related funding pro-
19 grams and assistance among the modal admin-
20 istrations of the Department.

21 “(B) Educate rural communities about ap-
22 plicable Department discretionary grants, de-
23 velop effective methods to evaluate rural
24 projects in discretionary grant programs, and

1 communicate such methods through program
2 guidance.

3 “(C) Collect input from knowledgeable en-
4 tities and the public on the benefits of rural
5 transportation projects, the technical and finan-
6 cial assistance required for constructing and op-
7 erating rural transportation infrastructure and
8 services, and barriers and opportunities to
9 funding these rural projects.

10 “(D) Evaluate data on rural transportation
11 challenges and determine methods to align the
12 Department’s discretionary funding and financ-
13 ing opportunities with the needs of rural com-
14 munities for meeting national transportation
15 goals.

16 “(4) MEMBERSHIP.—The Council shall consist
17 of the following members of the Department or their
18 designees:

19 “(A) The Under Secretary of Transpor-
20 tation for Policy, who shall serve as the Chair
21 of the Council.

22 “(B) The General Counsel.

23 “(C) The Chief Financial Officer and As-
24 sistant Secretary for Budget and Programs.

1 “(D) The Assistant Secretary for Research
2 and Technology.

3 “(E) The Administrators of the—
4 “(i) Federal Aviation Administration;
5 “(ii) Federal Highway Administration;
6 “(iii) Federal Railroad Administra-
7 tion;
8 “(iv) Federal Transit Administration;
9 and
10 “(v) Maritime Administration.

11 “(F) Other members the Secretary may
12 designate.

13 “(5) COUNCIL MEETINGS.—The Council shall
14 meet at least bimonthly.

15 “(6) REPORT TO CONGRESS.—The Council shall
16 submit annually a report on the safety, condition,
17 and usage of rural transportation infrastructure in
18 the United States to the Committee on Transpor-
19 tation and Infrastructure of the House of Represent-
20 atives, the Committee on Environment and Public
21 Works of the Senate, and the Committee on Com-
22 merce, Science, and Transportation of the Senate.

23 “(7) OFFICE OF RURAL ECONOMIC INVEST-
24 MENT.—

1 “(A) IN GENERAL.—There is established in
2 the Department an Office of Rural Economic
3 Investment, which shall report to the Under
4 Secretary of Transportation for Policy. The
5 Secretary shall appoint a Director of the Office
6 of Rural Economic Investment.

7 “(B) MISSION AND GOALS.—The mission
8 and goals of the Office shall be to coordinate
9 with other offices and agencies within the De-
10 partment and with other Federal agencies—

11 “(i) to ensure that the unique needs
12 and attributes of rural transportation, in-
13 volving all modes, are fully addressed dur-
14 ing the development and implementation of
15 transportation policies, programs, and ac-
16 tivities within the Department;

17 “(ii) to improve coordination of Fed-
18 eral transportation policies, programs, and
19 activities within the Department in a man-
20 ner that expands economic development in
21 rural communities and regions, and to pro-
22 vide recommendations for improvement;

23 “(iii) to improve Federal transpor-
24 tation infrastructure investment in rural
25 communities, including by providing rec-

1 ommendations for changes in formula
2 funds or other existing funding distribution
3 patterns;

4 “ (iv) to use innovation and research
5 to resolve local and regional transportation
6 challenges faced by rural communities;

7 “ (v) to promote and improve planning
8 and coordination among rural areas to
9 maximize the unique competitive advantage
10 in those areas while avoiding duplicative
11 Federal, State, and local investments; and

12 “ (vi) to ensure that all rural commu-
13 nities lacking resources receive proactive
14 outreach, education, and technical assist-
15 ance to improve access to Federal trans-
16 portation programs.

17 “(C) DUTIES OF THE OFFICE.—The Direc-
18 tor of the Office shall—

19 “(i) support the Council and the ac-
20 tivities of the Council;

21 “(ii) provide information and outreach
22 to rural communities concerning the avail-
23 ability and eligibility requirements of par-
24 ticipating in programs of the Department;

1 “(iii) help rural communities identify
2 transportation investments needed to en-
3 sure continued economic growth;

4 “(iv) serve as a resource for assisting
5 rural communities with respect to Federal
6 transportation programs;

7 “(v) ensure and coordinate a routine
8 rural consultation on the development of
9 policies, programs, and activities of the
10 Department;

11 “(vi) serve as an advocate within the
12 Department on behalf of rural commu-
13 nities; and

14 “(vii) work in consultation with the
15 Secretary of Agriculture, the Secretary of
16 Health and Human Services, the Secretary
17 of Commerce, the Federal Communications
18 Commission, and other Federal agencies,
19 as the Secretary determines to be appro-
20 priate, in carrying out the responsibilities
21 of the Office.

22 “(D) APPLICABILITY.—In carrying out the
23 mission and goals of the Office under subpara-
24 graph (B) and the duties of the Office under
25 subparagraph (A), the Director shall consider

1 as ‘rural’ any area considered to be a rural area
2 under any Federal transportation program of
3 the Department.

4 “(i) NONTRADITIONAL AND EMERGING TRANSPOR-
5 TATION TECHNOLOGY COUNCIL.—

6 “(1) ESTABLISHMENT.—There is established in
7 the Department of Transportation an internal coun-
8 cil to be known as the Nontraditional and Emerging
9 Transportation Technology Council or the NETT
10 Council.

11 “(2) MISSION.—The mission of the Council
12 shall be to identify and resolve jurisdictional and
13 regulatory gaps that impede innovation in, and im-
14 plementation of, nontraditional and emerging trans-
15 portation technologies, approaches, and projects that
16 seek to improve safety, alleviate congestion, expand
17 access and mobility for rural and urban consumers
18 of all economic backgrounds, and enable a more effi-
19 cient flow of commercial goods.

20 “(3) DUTIES.—The NETT Council shall iden-
21 tify and resolve jurisdictional and regulatory gaps
22 associated with nontraditional and emerging trans-
23 portation projects pending before the Department,
24 including with respect to—

25 “(A) safety oversight;

1 “(B) environmental review; and

2 “(C) funding and financing issues.

3 “(4) MEMBERSHIP.—The membership of the
4 NETT Council shall include—

5 “(A) the Under Secretary of Transpor-
6 tation for Policy, who shall serve as the Chair
7 of the Council;

8 “(B) Administrators or designees of the
9 operating Administrations of the Department;
10 and

11 “(C) other members the Secretary may
12 designate, to include heads of offices within the
13 Office of the Secretary of Transportation.

14 “(5) COUNCIL MEETINGS.—The Council shall
15 hold meetings as needed at the Secretary’s discre-
16 tion.”.

17 **Subtitle B—Acceleration of Project**
18 **Delivery**

19 **SEC. 1201. ENVIRONMENTAL REVIEWS FOR MAJOR**
20 **PROJECTS.**

21 Section 139 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (3)(B) by striking “proc-
25 ess for and completion of any environmental

1 permit” and inserting “process and schedule,
2 including a timetable for and completion of any
3 environmental permit”;

4 (B) By redesignating paragraphs (5)
5 through (8) as paragraphs (9) through (11);

6 (C) by redesignating paragraphs (2)
7 through (4) as paragraphs (4) through (6);

8 (D) by inserting after paragraph (1) the
9 following:

10 “(2) AUTHORIZATION.—The term ‘authoriza-
11 tion’ means an environmental license, permit, ap-
12 proval, finding, or other administrative decision re-
13 lated to an environmental review process that is re-
14 quired under Federal law to site, construct, or re-
15 construct a project.

16 “(3) ENVIRONMENTAL DOCUMENT.—The term
17 ‘environmental document’ means an environmental
18 assessment, finding of no significant impact, notice
19 of intent, environmental impact statement, or record
20 of decision under the National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.).”; and

22 (E) by inserting after paragraph (6), as re-
23 designated, the following:

24 “(7) MAJOR PROJECT.—The term ‘major
25 project’ means a project for which—

1 “(A) multiple permits, approvals, reviews,
2 or studies are required under a Federal law
3 other than the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.);

5 “(B) the project sponsor has identified the
6 reasonable availability of funds sufficient to
7 complete the project;

8 “(C) the project is not a covered project,
9 as such term is defined in section 41001 of the
10 FAST Act (42 U.S.C. 4370m); and

11 “(D) the head of the lead agency has de-
12 termined that—

13 “(i) an environmental impact state-
14 ment is required; or

15 “(ii) an environmental assessment is
16 required, and the project sponsor requests
17 that the project be treated as a major
18 project.”.

19 (2) in subsection (b)(1)—

20 (A) by inserting “, including major
21 projects,” after “all projects”; and

22 (B) by inserting “, at the request of a
23 project sponsor” after “be applied”;

24 (3) in subsection (c)—

25 (A) in paragraph (6)—

1 (i) in subparagraph (B) by striking
2 “and” at the end;

3 (ii) in subparagraph (C) by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) to calculate annually the average
9 time taken by the lead agency to complete all
10 environmental documents for each project dur-
11 ing the previous fiscal year.”; and

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

13 “(7) PROCESS IMPROVEMENTS FOR
14 PROJECTS.—

15 “(A) IN GENERAL.—The Secretary shall
16 review existing practices, procedures, pro-
17 grammatic agreements, and applicable laws to
18 identify potential changes that would facilitate
19 an efficient environmental review process for
20 projects.

21 “(B) CONSULTATION.—In conducting the
22 review required by subparagraph (A), the Sec-
23 retary shall consult, as appropriate, with the
24 heads of other Federal agencies that participate
25 in the environmental review process.

1 “(C) REPORT.—Not later than 2 years
2 after the date of enactment of the STARTER
3 Act 2.0, Secretary shall submit to the Com-
4 mittee on Environment and Public works of the
5 Senate and the Committee on Transportation
6 and Infrastructure of the House of Representa-
7 tives a report that includes—

8 “(i) the results of the review required
9 by subparagraph (A); and

10 “(ii) an analysis of whether additional
11 resources would help the Secretary meet
12 the requirements applicable to the projects
13 under this section.”;

14 (4) in subsection (d)—

15 (A) in paragraph (8)—

16 (i) in the heading, by striking
17 “NEPA” and inserting “ENVIRON-
18 MENTAL”;

19 (ii) by amending subparagraph (A) to
20 read as follows:

21 “(A) IN GENERAL.—Except as inconsistent
22 with paragraph (7), and except as provided in
23 subparagraph (D), to the maximum extent
24 practicable and consistent with Federal law, all
25 Federal authorizations and reviews for a project

1 shall rely on a single environmental document
2 for each type of environmental document pre-
3 pared under the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.) under the
5 leadership of the lead agency.”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) EXCEPTION.—The lead agency may
9 waive the application of subparagraph (A) with
10 respect to a project if—

11 “(i) the project sponsor requests that
12 agencies issue separate environmental doc-
13 uments;

14 “(ii) the obligations of a cooperating
15 agency or participating agency under the
16 National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) have al-
18 ready been satisfied with respect to such
19 project; or

20 “(iii) the lead agency determines that
21 such application would not facilitate com-
22 pletion of the environmental review process
23 for such project within the timeline estab-
24 lished under paragraph (10).”; and

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

1 “(10) TIMELY AUTHORIZATIONS FOR MAJOR
2 PROJECTS.—

3 “(A) DEADLINE.—Except as provided in
4 subparagraph (C), notwithstanding any other
5 provision of law, all authorization decisions nec-
6 essary for the construction of a major project
7 shall be completed by not later than 90 days
8 after the date of the issuance of a record of de-
9 cision for the major project.

10 “(B) REQUIRED LEVEL OF DETAIL.—The
11 final environmental impact statement for a
12 major project shall include an adequate level of
13 detail to inform decisions necessary for the role
14 of the participating agencies in the environ-
15 mental review process.

16 “(C) EXTENSION OF DEADLINE.—Not
17 later than 180 days after the date of enactment
18 of the STARTER Act 2.0, the Secretary shall
19 establish procedures for a lead agency to extend
20 a deadline under subparagraph (A) in cases in
21 which—

22 “(i) Federal law prohibits the lead
23 agency or another agency from issuing an
24 approval or permit within the period de-
25 scribed in such subparagraph;

1 “(ii) such an extension is requested by
2 the project sponsor; or

3 “(iii) such extension would facilitate
4 the completion of the environmental review
5 and authorization process of the major
6 project.”;

7 (5) in subsection (g)—

8 (A) in paragraph (1)(B)—

9 (i) by amending clause (ii)(IV) to read
10 as follows:

11 “(IV) the overall time required
12 by an agency to conduct an environ-
13 mental review and make decisions
14 under applicable Federal law relating
15 to a project (including the issuance or
16 denial of a permit or license) and the
17 cost of the project;”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(iii) MAJOR PROJECT SCHEDULE.—
21 To the maximum extent practicable and
22 consistent with applicable Federal law, in
23 the case of a major project, the lead agen-
24 cy shall develop, in consultation with the
25 project sponsor, a schedule for the major

1 project that is consistent with an agency
2 average of not more than 2 years for the
3 completion of the environmental review
4 process for major projects. The time period
5 measured, as applicable—

6 “(I) in the case of a project that
7 requires an environmental impact
8 statement, begins on the date of pub-
9 lication of a notice of intent to pre-
10 pare an environmental impact state-
11 ment and ends on the date of publica-
12 tion of a record of decision; or

13 “(II) in the case of a project
14 which does not require an environ-
15 mental impact statement, begins on
16 the date of that the decision is made
17 to prepare an environmental assess-
18 ment and ends on the date of issuance
19 of a finding of no significant impact.”;

20 (B) by redesignating subparagraph (E) as
21 subparagraph (F); and

22 (C) by inserting after subparagraph (D)
23 the following:

24 “(E) FAILURE TO MEET DEADLINE.—If a
25 Federal cooperating agency fails to meet a

1 deadline established under subparagraph
2 (D)(ii)(I)—

3 “(i) not later than 30 days after the
4 date such agency failed to meet such dead-
5 line, such agency shall submit to the Sec-
6 retary a report on why the deadline was
7 not met; and

8 “(ii) not later than 30 days after the
9 date on which a report is submitted under
10 clause (i), the Secretary shall—

11 “(I) transmit to the Committee
12 on Environment and Public Works of
13 the Senate and the Committee on
14 Transportation and Infrastructure of
15 the House of Representatives a copy
16 of such report; and

17 “(II) make such report available
18 to the public on the website of such
19 agency.”; and

20 (6) By adding at the end the following:

21 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
22 PROJECTS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of the STARTER Act

1 2.0, the Secretary shall establish a performance ac-
2 countability system to track each major project.

3 “(2) REQUIREMENTS.—The performance ac-
4 countability system required under paragraph (1)
5 shall, for each major project, track—

6 “(A) the environmental review process for
7 such project, including the project schedule re-
8 quired by subsection (g)(1)(B)(iii);

9 “(B) whether the lead agency, cooperating
10 agencies, and participating agencies are meet-
11 ing such schedule; and

12 “(C) the time taken to complete the envi-
13 ronmental review process.

14 “(q) DEVELOPMENT OF CATEGORICAL EXCLU-
15 SIONS.—

16 “(1) IN GENERAL.—Not later than 60 days
17 after the date of enactment of this subsection, the
18 Secretary shall—

19 “(A) in consultation with the agencies de-
20 scribed in paragraph (2), identify the categor-
21 ical exclusions established by the Federal High-
22 way Administration that would accelerate deliv-
23 ery of a project if such categorical exclusions
24 were available to such agencies;

1 “(B) collect existing documentation and
2 substantiating information on the categorical
3 exclusions described in subparagraph (A); and

4 “(C) provide to each agency described in
5 paragraph (2) a list of the categorical exclu-
6 sions identified under subparagraph (A) and
7 the documentation and substantiating informa-
8 tion collected under subparagraph (B).

9 “(2) AGENCIES DESCRIBED.—The following
10 agencies are described in this paragraph:

11 “(A) The Departments of—

12 “(i) the Interior;

13 “(ii) Commerce;

14 “(iii) Agriculture;

15 “(iv) Energy; and

16 “(v) Defense, including the United
17 States Army Corps of Engineers.

18 “(B) Any other Federal agency that has
19 participated in an environmental review process
20 for a major project, as determined by the Sec-
21 retary.

22 “(3) ADOPTION OF CATEGORICAL EXCLU-
23 SIONS.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date on which the Secretary provides

1 the list under paragraph (1)(C), an agency de-
2 scribed in paragraph (2) shall publish a notice
3 of proposed rulemaking to propose any categor-
4 ical exclusions from the list applicable to the
5 agency, subject to the condition that the cat-
6 egorical exclusion identified under paragraph
7 (1)(A) meets the criteria for a categorical exclu-
8 sion under section 102 of the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.).

11 “(B) PUBLIC COMMENT.—In a notice of
12 proposed rulemaking under subparagraph (A),
13 the applicable agency shall solicit comments on
14 whether any of the proposed new categorical ex-
15 clusions meet the criteria for a categorical ex-
16 clusion under section 1508.4 of title 40, Code
17 of Federal Regulations (or successor regula-
18 tions).”.

19 **SEC. 1202. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
20 **PROJECT DECISIONMAKING.**

21 (a) AMENDMENTS.—Title I of the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4332) is amended—

23 (1) in section 102(2)(C), by inserting “subject
24 to section 106,” before “include”; and

25 (2) by adding at the end the following:

1 **“SEC. 106. PROCEDURES FOR DETERMINATIONS.**

2 “(a) ENVIRONMENTAL IMPACT STATEMENTS.—

3 “(1) REQUEST FOR PUBLIC COMMENT.—Each
4 notice of intent to prepare an environmental impact
5 statement under section 102 shall include a request
6 for public comment on potential alternatives or im-
7 pacts and on relevant information, studies, or anal-
8 yses with respect to the proposed Federal action.

9 “(2) SPONSOR PREPARATION.—A lead agency
10 may allow a project sponsor to prepare an environ-
11 mental impact statement, if such agency provides
12 such sponsor with appropriate guidance and assists
13 in the preparation. The lead agency shall independ-
14 ently evaluate the environmental impact statement
15 before adopting it, and shall take responsibility for
16 the contents upon adoption.

17 “(3) DEADLINE.—Each environmental impact
18 statement shall be completed not later than 2 years
19 after the date of publication of the notice of intent
20 to prepare such environmental impact statement is
21 issued unless the lead agency approves a delay in
22 writing and establishes a new timeline that provides
23 only so much additional time as is necessary to com-
24 plete such environmental impact statement. The lead
25 agency may only approve such a delay if such delay

1 is necessary to complete the environmental impact
2 statement.

3 “(4) STATEMENT OF PURPOSE AND NEED.—
4 Each environmental impact statement shall include a
5 statement of purpose and need that briefly summa-
6 rizes the underlying purpose and need for the pro-
7 posed agency action. In a case where the agency is
8 reviewing an application for authorization, such
9 statement shall focus on the goals of the applicant
10 and the agency’s authority.

11 “(5) ESTIMATED TOTAL COST.—The cover
12 sheet for each environmental impact statement shall
13 include a statement of the estimated total cost of
14 preparing such environmental impact statement, in-
15 cluding the costs of agency full-time equivalent per-
16 sonnel hours, contractor costs, and other direct
17 costs.

18 “(6) WORD LIMIT.—A statement of environ-
19 mental impact may not exceed 75,000 words un-
20 less—

21 “(A) the proposal is of unusual scope or
22 complexity; or

23 “(B) the lead agency approves a longer
24 statement in writing and establishes a new
25 word limit.

1 “(b) ENVIRONMENTAL ASSESSMENTS.—

2 “(1) SPONSOR PREPARATION.—A lead agency
3 may allow a project sponsor to prepare an environ-
4 mental assessment, if such agency provides such
5 sponsor with appropriate guidance and assists in the
6 preparation. The lead agency shall independently
7 evaluate the environmental assessment before adopt-
8 ing it, and shall take responsibility for the contents
9 upon adoption.

10 “(2) WORD LIMIT.—An environmental assess-
11 ment may not exceed 37,500 words, excluding ap-
12 pendices, unless the lead agency approves a longer
13 statement in writing and establishes a new word
14 limit.

15 “(3) DEADLINE.—Environmental assessments
16 required by section 102 shall be completed not later
17 than 1 year after the date on which the decision to
18 prepare such environmental assessment is made un-
19 less the lead agency approves a delay in writing and
20 establishes a new timeline that provides only so
21 much additional time as is necessary to complete
22 such environmental assessment.

23 “(c) REVIEW FOR APPLICATION OF SECTION 102.—
24 In reviewing a Federal action to determine the appropriate
25 review under section 102:

1 “(1) REQUIREMENTS FOR A COOPERATING
2 AGENCY.—A cooperating agency shall submit any
3 comments within a time period specified by the lead
4 agency and limit such comments to matters on
5 which such agency has jurisdiction by law or special
6 expertise with respect to an environmental issue.

7 “(2) DEFINITION OF SIGNIFICANCE.—In deter-
8 mining whether the effects of a proposed Federal ac-
9 tion are significant, a Federal official shall only con-
10 sider the reasonably foreseeable effects with a rea-
11 sonably close causal relationship to the action being
12 considered and may not consider cumulative effects.

13 “(d) CATEGORICAL EXCLUSIONS.—Not later than 90
14 days after the date of enactment of this section, the Coun-
15 cil on Environmental Quality shall establish procedures for
16 a Federal agency to adopt a categorical exclusion estab-
17 lished by another Federal agency.

18 “(e) JUDICIAL REVIEW.—No agency action taken
19 under parts 1500 through 1508 of title 40, Code of Fed-
20 eral Regulations, (or any successor regulations) may be
21 subject to judicial review before the issuance of a record
22 of decision or other final agency decision.

23 “(f) INJUNCTIVE RELIEF.—A violation of this Act
24 shall not constitute the basis for injunctive relief.

25 “(g) DEFINITIONS.—In this section:

1 “(1) CATEGORICAL EXCLUSION.—The term
2 ‘categorical exclusion’ means a category of actions
3 which a Federal agency has determined do not
4 under usual circumstances have a significant effect
5 on the human environment for the purposes of this
6 Act.

7 “(2) COOPERATING AGENCY.—The term ‘co-
8 operating agency’ has the meaning given such term
9 in section 139 of title 23, United States Code.

10 “(3) ENVIRONMENTAL ASSESSMENT.—The
11 term ‘environmental assessment’ means an environ-
12 mental assessment prepared under section 102.

13 “(4) ENVIRONMENTAL IMPACT STATEMENT.—
14 The term ‘environmental impact statement’ means
15 an environmental impact statement prepared under
16 section 102.

17 “(5) LEAD AGENCY.—The term ‘lead agency’
18 has the meaning given such term in section 139 of
19 title 23, United States Code.

20 “(6) REASONABLY FORESEEABLE.—The term
21 ‘reasonably foreseeable’ means sufficiently likely to
22 occur such that a person of ordinary prudence would
23 take such occurrence into account in reaching a de-
24 cision.

1 “(7) SPECIAL EXPERTISE.—The term ‘special
2 expertise’ means statutory responsibility, agency
3 mission, or related program experience.”.

4 (b) REGULATORY CHANGES.—

5 (1) CONTROVERSY AS A FACTOR IN DETER-
6 MINING SIGNIFICANCE.—The Council on Environ-
7 mental Quality shall, not later than 90 days after
8 the date of enactment of this Act, issue regulations
9 to remove consideration of the level of controversy
10 with respect to a determination regarding whether a
11 proposed Federal action is significant as such term
12 is used in section 102 of the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4332).

14 (2) ALTERNATIVES OUTSIDE OF AGENCY JURIS-
15 DICTION.—The Council on Environmental Quality
16 shall, not later than 120 days after the date of en-
17 actment of this Act, issue regulations to remove any
18 requirement that a lead agency consider alternatives
19 not within the jurisdiction of such agency unless
20 such consideration is necessary for agency decision-
21 making under section 102 of the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4332).

1 **SEC. 1203. APPLICATION OF CATEGORICAL EXCLUSIONS**
2 **FOR TRANSPORTATION PROJECTS.**

3 (a) IN GENERAL.—Section 304 of title 49, United
4 States Code, is amended—

5 (1) in the section heading by striking
6 “**multimodal**” and inserting “**transportation**”;
7

8 (2) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “Department of Trans-
11 portation operating administration or sec-
12 retarial office” and inserting “Federal
13 agency”;

14 (ii) by striking “lead authority” and
15 inserting “lead agency”; and

16 (iii) by striking “multimodal”;

17 (B) by amending paragraph (2) to read as
18 follows:

19 “(2) LEAD AGENCY.—The term ‘lead agency’
20 means a Federal agency, or State agency that has
21 been delegated authority under the National Envi-
22 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
23 seq.), that has the lead responsibility for compliance
24 with such Act with respect to a proposed project.”;
25 and

1 (C) by amending paragraph (3) to read as
2 follows:

3 “(3) PROJECT.—The term ‘project’ has the
4 meaning given such term in section 139(a) of title
5 23.”;

6 (3) in subsection (b) by striking “multimodal”;

7 (4) in subsection (c)—

8 (A) in the heading by striking
9 “MULTIMODAL”;

10 (B) by striking “multimodal project, a lead
11 authority” and inserting “project, a lead agen-
12 cy”;

13 (C) by striking “procedures of a cooper-
14 ating authority for a proposed multimodal
15 project” and inserting “procedures of any other
16 Federal agency for a proposed project”;

17 (D) in paragraph (1)—

18 (i) by striking “lead authority makes
19 a determination, with the concurrence of
20 the cooperating authority” and inserting
21 “the Federal agency proposing to apply the
22 categorical exclusion makes a determina-
23 tion, after consultation with the other Fed-
24 eral agencies”;

1 (ii) in subparagraph (A) by striking
2 “multimodal”; and

3 (iii) in subparagraph (B) by striking
4 the semicolon and inserting “; and”;
5 (E) in paragraph (2)—

6 (i) by striking “lead authority” and
7 inserting “lead agency proposing to apply
8 the categorical exclusion”; and

9 (ii) by striking “of the cooperating au-
10 thority or procedures under that Act; and”
11 and inserting “or procedures of the other
12 Federal agency under that Act.”; and

13 (F) by striking paragraph (3); and

14 (5) in subsection (d) by striking “multimodal”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 3 of title 49, United States Code, is amended by strik-
17 ing the item relating to section 304 and inserting the fol-
18 lowing:

“304. Application of categorical exclusions for transportation projects.”.

19 **SEC. 1204. AIR QUALITY AND CONFORMITY.**

20 (a) SEPARATING REQUIREMENTS APPLICABLE TO
21 PROJECTS.—Section 176(e)(2) of the Clean Air Act (42
22 U.S.C. 7506(e)(2)) is amended—

23 (1) by striking “(2) Any transportation” and
24 inserting “(2)(A) Any transportation”;

1 (2) by striking “any transportation plan, pro-
2 gram or project unless such plan, program or
3 project” and inserting “any transportation plan or
4 program unless such plan or program”;

5 (3) by striking “(A) no transportation” and in-
6 serting “(i) no transportation”;

7 (4) by striking “(B) no metropolitan” and in-
8 serting “(ii) no metropolitan”;

9 (5) by striking “(C) a transportation project
10 may be adopted or approved by a metropolitan plan-
11 ning organization or any recipient of funds des-
12 ignated under title 23, United States Code, chapter
13 53 of title 49, United States Code, or found in con-
14 formity by a metropolitan planning organization or
15 approved, accepted, or funded by the Department of
16 Transportation only if it meets either the require-
17 ments of subparagraph (D)” and inserting the fol-
18 lowing:

19 “(B) Except as provided in this section, no Federal
20 agency may approve, accept, or fund any transportation
21 project unless such project has been found to conform to
22 any applicable implementation plan in effect under this
23 Act. A transportation project may be found in conformity
24 by the Department of Transportation only if it meets ei-
25 ther the requirements of subparagraph (C)”;

1 (6) by adjusting the margins of clauses (i), (ii),
2 and (iii) of subparagraph (B), as redesignated, 2
3 ems to the left; and

4 (7) by striking “(D) Any project not referred to
5 in subparagraph (C)” and inserting the following:

6 “(C) Any project not referred to in subparagraph
7 (B)”.

8 (b) CONFORMITY DETERMINATIONS PRIOR TO CON-
9 STRUCTION OF TRANSPORTATION PROJECTS.—Paragraph
10 (2) of section 176(c) of the Clean Air Act (42 U.S.C.
11 7506(c)), as amended by subsection (a), is further amend-
12 ed by adding at the end the following new subparagraph:

13 “(F) The conformity determinations required by this
14 section with respect to transportation projects shall be co-
15 ordinated with the transportation planning process under
16 sections 134 and 135 of title 23, United States Code, and
17 with the environmental review process required under the
18 National Environmental Policy Act of 1969 and other ap-
19 plicable laws, in accordance with the following require-
20 ments:

21 “(i) The Secretary of Transportation shall
22 make its conformity determination for a transpor-
23 tation project prior to initiation of construction of
24 the project.

1 “(ii) The Secretary of Transportation shall in-
2 clude the transportation project in the plan or pro-
3 gram developed pursuant to title 23 or chapter 53
4 of title 49, United States Code, as applicable, before
5 the Secretary of Transportation makes a conformity
6 determination for the project.

7 “(iii) The Secretary of Transportation shall—
8 “(I) ensure that any environmental docu-
9 ment prepared for the project under the Na-
10 tional Environmental Policy Act of 1969 (42
11 U.S.C. 4332 et seq.) discloses the need for a
12 transportation conformity determination and
13 evaluates consistency with conformity require-
14 ments; and

15 “(II) condition any approval issued by the
16 Secretary in the environmental review process
17 on satisfying conformity requirements prior to
18 construction.”.

19 (c) TECHNICAL CORRECTION TO MARGINS.—The
20 margins of paragraphs (5) through (10) of section 176(c)
21 of the Clean Air Act (42 U.S.C. 7506(c)) are amended
22 by moving such margins 2 ems to the left.

23 (d) APPLICABILITY.—Section 176(c)(5) of the Clean
24 Air Act (42 U.S.C. 7506(c)(5)), as amended by subsection
25 (c), is further amended—

1 (1) by redesignating subparagraphs (A) and
2 (B) as clauses (i) and (ii), respectively;

3 (2) by striking “(5) APPLICABILITY.—This sub-
4 section” and inserting “(5) APPLICABILITY.—(A)
5 This subsection”; and

6 (3) by adding at the end the following new sub-
7 paragraph:

8 “(B) If a new national ambient air quality standard
9 is promulgated for an air pollutant under section 109, the
10 requirements of this section apply only with respect to
11 most recently promulgated standard.”.

12 (e) PROGRAMMATIC CONFORMITY DETERMINA-
13 TIONS.—Section 176(c) of the Clean Air Act (42 U.S.C.
14 7506(c)), as amended, is amended by adding at the end
15 the following new paragraph:

16 “(11) PROGRAMMATIC CONFORMITY DETERMINA-
17 TIONS.—

18 “(A) IN GENERAL.—The Secretary of Trans-
19 portation—

20 “(i) shall, to the maximum extent prac-
21 ticable, use programmatic conformity deter-
22 minations to streamline the process for satis-
23 fying transportation conformity requirements
24 under this subsection; and

1 “(ii) may issue a programmatic conformity
2 determination, in consultation with the Admin-
3 istrator, on a nationwide, statewide, metropoli-
4 tan, or other geographic basis.

5 “(B) REGULATIONS.—

6 “(i) REQUIREMENT.—Not later than 180
7 days after the date of enactment of this para-
8 graph, the Secretary of Transportation shall
9 issue regulations implementing this paragraph.

10 “(ii) CONTENTS.— The regulations re-
11 quired by clause (i) shall include procedures for
12 making programmatic conformity determina-
13 tions for—

14 “(I) projects in marginal nonattain-
15 ment areas;

16 “(II) projects that are not exempt
17 from conformity requirements, but would
18 have individually and cumulatively minor
19 effects on the applicable area’s ability pol-
20 lutants; and

21 “(III) projects located in areas in
22 which the ambient levels of the applicable
23 pollutant are substantially lower than the
24 level required by the applicable national
25 ambient air quality standard, such that an

1 exceedance of that standard is determined
2 Secretary to be unlikely to occur.

3 “(C) DEFINITION.—In this paragraph, the term
4 ‘programmatic conformity determination’ includes
5 any conformity determination that applies to a cat-
6 egory of transportation plans, programs, or
7 projects.”.

8 **SEC. 1205. AGREEMENTS RELATING TO USE OF AND AC-**
9 **CESS TO RIGHTS-OF-WAY INTERSTATE SYS-**
10 **TEM.**

11 Section 111 of title 23, United States Code, is
12 amended by striking subsection (e) and inserting the fol-
13 lowing:

14 “(e) JUSTIFICATION REPORTS.—

15 “(1) IN GENERAL.—Upon request of a State,
16 the Secretary shall enter into a written agreement
17 with the State that assigns the full responsibility of
18 the Secretary to the State for granting any approv-
19 als required under subsection (a) for changes in
20 points of access to, or exits from, the Interstate Sys-
21 tem (including new or modified freeway-to-crossroad
22 interchanges inside a transportation management
23 area designated or identified under section 5303(k)
24 of title 49).

1 “(2) CONDITIONS.—In entering into a written
2 agreement under paragraph (1), the Secretary shall
3 include appropriate conditions to ensure that the re-
4 sponsibilities assigned are carried out in a manner
5 consistent with maintaining a safe and efficient
6 Interstate System.”.

7 **SEC. 1206. PERMITS FOR DREDGED OR FILL MATERIAL.**

8 Section 404 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1344) is amended—

10 (1) in subsection (f)(1)—

11 (A) in subparagraph (C) by striking “, or
12 the maintenance of drainage ditches”;

13 (B) by redesignating subparagraphs (D),
14 (E), and (F) as subparagraphs (E), (F), and
15 (G), respectively; and

16 (C) by inserting after subparagraph (C)
17 the following:

18 “(D) activities involving maintenance, repair or
19 construction of roadside ditches, including emer-
20 gency activities, temporary fills, and changes in the
21 character, scope, or size of the original fill design to
22 meet current design and safety standards, provided
23 they that do not result in significant alterations to
24 flow or circulation, and maintain to the maximum

1 extent practicable, the course, condition, capacity,
2 and location of open waters;” and

3 (2) in subsection (s)(3) by striking “acton” and
4 inserting “action”.

5 **SEC. 1207. PILOT PROGRAM ON USE OF INNOVATIVE PRAC-**
6 **TICES FOR ENVIRONMENTAL REVIEWS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The environmental review process for trans-
9 portation infrastructure projects is complex and ineff-
10 ficient, resulting in delays and increased costs of de-
11 livery of needed improvements to our transportation
12 system.

13 (2) It is in the national interest to promote
14 truly innovative approaches that have the potential
15 to yield positive environmental and transportation
16 outcomes more quickly and efficiently, with greater
17 transparency and responsiveness to all stakeholders.

18 (b) ESTABLISHMENT.—The Secretary of Transpor-
19 tation shall establish a pilot program to promote the use
20 of innovative practices in carrying out environmental re-
21 views for transportation projects, including innovative
22 practices that—

23 (1) integrate environmental planning or other
24 techniques involving consideration of multiple re-
25 sources on a watershed or ecosystem scale;

1 (2) enhance environmental mitigation and en-
2 hancement measures that will result in a substantial
3 improvement over existing conditions in an eco-
4 system or watershed;

5 (3) use innovative technologies that enable more
6 effective public participation in decision-making, in-
7 cluding use of visualization, animation, and other
8 advanced methods for depicting alternatives; and

9 (4) focus on environmental and transportation
10 outcomes rather than processes.

11 (c) FLEXIBILITIES.—In carrying out the pilot pro-
12 gram established under subsection (b), the Secretary, in
13 concurrence with the affected agency may waive, with re-
14 spect to an eligible project, any requirement under Federal
15 law, regulation, or order, if the Secretary and such agen-
16 cies find that waiving the requirement is reasonably ex-
17 pected to—

18 (1) promote the development of innovative prac-
19 tices for the environmental review process, as de-
20 scribed in paragraphs (1) through (4) of subsection
21 (b);

22 (2) enable the more efficient delivery of needed
23 improvements to the transportation system; and

24 (3) result in achieving the conservation goals of
25 relevant statutes.

1 (d) ELIGIBILITY.—In carrying out the pilot program
2 established under subsection (b), the Secretary may not
3 select more than 15 eligible projects each year to partici-
4 pate in the program.

5 (e) APPLICATION PROCESS.—

6 (1) IN GENERAL.—The Secretary and the af-
7 fected agency shall be jointly responsible for review-
8 ing and approving applications for participation in
9 the program, as set forth in this subsection.

10 (2) APPLICATION.—The applicant shall submit
11 a written application, in a form prescribed by the
12 Secretary, requesting use of one or more innovative
13 practices in the environmental review process for the
14 project or proposal and identifying any flexibilities
15 needed to carry out those innovative practices.

16 (3) WRITTEN RECOMMENDATION.—If the Sec-
17 retary recommends approval of the application, the
18 Secretary shall submit a written recommendation to
19 the affected agency for review. The Secretary's rec-
20 ommendation may include modifications to the appli-
21 cant's proposal.

22 (4) APPROVAL OR DENIAL OF APPLICATION.—
23 The affected agency shall approve or deny the appli-
24 cation, or approve the application with conditions.

1 (5) COMMUNICATION OF DECISION.—Upon the
2 final approval decision by the Secretary and affected
3 agency, the Secretary shall communicate the decision
4 in writing to the project sponsor, the affected State
5 (if not the project sponsor), and each affected agen-
6 cy, and shall post the decision on the agency’s public
7 website, and publish the decision in the Federal Reg-
8 ister. The Secretary’s notice shall identify, with
9 specificity, each federal requirement that has been
10 waived or otherwise modified. This decision shall be
11 final.

12 (f) IMPLEMENTATION.—Upon publication of the deci-
13 sion in the Federal Register pursuant to subsection (e)(4),
14 the Secretary may initiate the proposal or the environ-
15 mental review process for the project. Each federal agency
16 with responsibility for review, consultation, approval, or
17 other role in the environmental review process for the
18 project or proposal shall proceed in accordance with the
19 decision.

20 (g) TERMINATION.—

21 (1) IN GENERAL.—The Secretary or any af-
22 fected agency may terminate the participation of a
23 project in the pilot program under this section if the
24 Secretary or affected agency determines that—

1 (A) the conditions for participation (as set
2 forth in the application approval decision) have
3 not been met; and

4 (B) termination is in the public interest.

5 (2) NOTICE.—Before terminating a project’s
6 participation under paragraph (1), the Secretary
7 shall give the project sponsor (and the State, if the
8 State is not the sponsor) written notice and a period
9 of at least 30 days to address the concerns.

10 (h) REPORTING.—

11 (1) ANNUAL REPORT.—The Secretary, in con-
12 sultation with the affected agency, shall annually
13 submit to the Committee on Transportation and In-
14 frastructure of the House of Representatives and the
15 Committee on Environment and Public Works of the
16 Senate a report on each eligible project participating
17 in the program.

18 (2) CONTENTS.—The annual report under
19 paragraph (1) shall—

20 (A) identify each eligible project;

21 (B) provide a status update on the envi-
22 ronmental review process for such project; and

23 (C) summarize any lessons learned from
24 the use of innovative practices authorized under
25 the pilot program.

1 (i) SUNSET.—The pilot program established under
2 subsection (b) shall terminate on the date that is 5 years
3 after the date of enactment of this Act.

4 (j) DEFINITIONS.—In this section:

5 (1) AFFECTED AGENCY.—The term “affected
6 agency” means a Federal agency or agencies, other
7 than the Department of Transportation, with an ap-
8 proval or consultation role that would be affected if
9 the flexibilities described in subsection (c) are used.

10 (2) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means any State department of transportation.

12 (3) ELIGIBLE PROJECT.—The term “eligible
13 project” includes—

14 (A) any project (as such term is defined in
15 section 139(a)(6) of title 23, United States
16 Code) for which the environmental review proc-
17 ess has not been initiated for such project; and

18 (B) any proposal to meet paragraphs (1)
19 through (4) of subsection (c).

20 **SEC. 1208. MAJOR PROJECTS THRESHOLD.**

21 (a) IN GENERAL.—Section 106 of title 23, United
22 States Code, is amended—

23 (1) in subsection (h)(1) by striking
24 “\$500,000,000” and inserting “\$1,000,000,000, in-
25 creased by the Secretary as necessary,”;

1 (2) by striking subsection (i); and

2 (3) by redesignating subsection (j) as sub-
3 section (i).

4 (b) CONFORMING AMENDMENTS.—Section 139(h) of
5 title 23, United States Code, is amended—

6 (1) in paragraph (7)(B)(i)(I) by striking “or
7 (i)”; and

8 (2) by amending paragraph (8) to read as fol-
9 lows:

10 “(8) EXPEDIENT DECISIONS AND REVIEWS.—

11 To ensure that Federal environmental decisions and
12 reviews are expeditiously made, adequate resources
13 made available under this title shall be devoted to
14 ensuring that applicable environmental reviews
15 under the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.) are completed on an
17 expeditious basis and that the shortest existing ap-
18 plicable process under that Act is implemented, not
19 to exceed 2 years.”.

20 **SEC. 1209. ADDING PREVIOUSLY APPROVED PROJECTS TO**
21 **THE TRANSPORTATION IMPROVEMENT PRO-**
22 **GRAM.**

23 (a) METROPOLITAN TRANSPORTATION PLANNING.—

24 Section 134(j)(1) of title 23, United States Code, is
25 amended by adding at the end the following:

1 “(E) EXCEPTION.—Notwithstanding any
2 other provision of law, the amendment of an ap-
3 proved TIP to add a project or an identified
4 phase of a project does not require public re-
5 view and comment if the added project or the
6 identified phase—

7 “(i) was in the approved TIP that im-
8 mediately preceded the current TIP; and

9 “(ii) is unchanged from the project or
10 the identified phase in that preceding
11 TIP.”.

12 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
13 TATION PLANNING.—Section 135(g) of title 23, United
14 States Code, is amended—

15 (1) by redesignating paragraph (9) as para-
16 graph (10); and

17 (2) by inserting after paragraph (8) the fol-
18 lowing:

19 “(9) EXCEPTION.—Notwithstanding any other
20 provision of law, the amendment of an approved TIP
21 to add a project or an identified phase of a project
22 does not require public review and comment if the
23 added project or the identified phase—

24 “(A) was in the approved transportation
25 improvement program that immediately pre-

1 ceded the transportation improvement program
2 in effect on the date of such proposed amend-
3 ment; and

4 “(B) is unchanged from the project or the
5 identified phase in that preceding transpor-
6 tation improvement program.”.

7 **TITLE II—INNOVATIVE PROJECT** 8 **FINANCE**

9 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE** 10 **AND INNOVATION ACT OF 1998 TEMPORARY** 11 **LOAN RELIEF DUE TO THE COVID-19 PAN-** 12 **DEMIC.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE BORROWER.—The term “eligible
15 borrower” means a recipient of an eligible loan ad-
16 ministered by the National Surface Transportation
17 and Innovative Finance Bureau.

18 (2) ELIGIBLE LOAN.—The term “eligible loan”
19 means a loan provided on or before the date of en-
20 actment of this Act under a program described in
21 subparagraph (A) or (B) of section 116(d)(1) of title
22 49, United States Code.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Transportation.

25 (b) INTEREST RATE RESET.—

1 (1) IN GENERAL.—If, at any time after the
2 date of execution of an eligible loan, the eligible bor-
3 rower of such eligible loan is unable to generate suf-
4 ficient revenues from the dedicated revenue source
5 as a result of the COVID–19 pandemic and is un-
6 able to pay the scheduled repayments of principal
7 and interest on such eligible loan—

8 (A) the eligible borrower may submit to
9 the Secretary a request to reset the interest
10 rate of the eligible loan in such manner and
11 containing such information as the Secretary
12 may require; and

13 (B) the Secretary—

14 (i) in accordance with such criteria as
15 the Secretary may establish under sub-
16 section (d), shall determine whether the el-
17 igible borrower is unable to generate suffi-
18 cient revenues as a result of the COVID–
19 19 pandemic; and

20 (ii) if a positive determination is made
21 under clause (i), may reset the interest
22 rate of such eligible loan (including
23 through amendment of such eligible loan)
24 to a lower interest rate equal to not less
25 than the yield on United States Treasury

1 securities of a similar maturity to the ma-
2 turity of the eligible loan on the date of the
3 reset, in accordance with this section.

4 (2) APPLICABILITY.—A lower interest rate pro-
5 vided for an eligible loan pursuant to paragraph
6 (1)(B)(ii) shall apply until the final maturity date of
7 the eligible loan.

8 (c) OTHER LOAN MODIFICATIONS.—With respect to
9 an eligible borrower described in subsection (b)(1), the
10 Secretary, in carrying out subparagraph (B) of such sub-
11 section, may—

12 (1) allow, for a maximum aggregate period of
13 not more than 5 years, an obligor to add unpaid
14 principal and interest to the outstanding balance of
15 the loan, subject to the requirements under section
16 502(j)(3)(B) of the Railroad Revitalization and Reg-
17 ulatory Reform Act of 1976 (45 U.S.C.
18 822(j)(3)(B)) or section 603(c)(3)(B) of title 23,
19 United States Code, as applicable; and

20 (2) extend any applicable disbursement period
21 established under an agreement for credit assistance
22 made pursuant to section 502 of the Railroad Revi-
23 talization and Regulatory Reform Act of 1976 (45
24 U.S.C. 822) or section 603 of title 23, United States
25 Code, as applicable.

1 (d) CRITERIA.—

2 (1) IN GENERAL.—To be eligible to receive a
3 lower interest rate or other loan modification under
4 this section, an eligible borrower shall achieve com-
5 pliance with such criteria as the Secretary may es-
6 tablish, in accordance with paragraph (2).

7 (2) FACTORS FOR CONSIDERATION.—In estab-
8 lishing criteria for purposes of paragraph (1), the
9 Secretary may take into consideration such factors
10 as the Secretary determines to be relevant, including
11 achieving the objectives of—

12 (A) maintaining the operation of a project
13 carried out by an eligible borrower in a disaster,
14 emergency, or other extenuating circumstance;

15 (B) mitigating the financial impact on an
16 eligible borrower of a disaster, emergency, or
17 other extenuating circumstance; and

18 (C) protecting the interests of the Federal
19 Government in critical infrastructure.

20 (e) EFFECTIVE PERIOD.—

21 (1) IN GENERAL.—The authority of the Sec-
22 retary to reset interest rates pursuant to this section
23 shall terminate on September 30, 2022.

24 (2) EFFECT OF SUBSECTION.—Nothing in this
25 subsection affects any eligible loan that is modified

1 pursuant to this section on or before September 30,
2 2022.

3 **TITLE III—PUBLIC** 4 **TRANSPORTATION**

5 **SEC. 3001. SHORT TITLE.**

6 This title may be cited as the “Federal Public Trans-
7 portation Act of 2021”.

8 **SEC. 3002. URBANIZED AREA FORMULA GRANTS.**

9 (a) **IMPACTS OF SERVICE REDUCTIONS.**—Section
10 5307(c)(1) is amended—

11 (1) by redesignating subparagraphs (J) and (K)
12 as subparagraphs (K) and (L), respectively; and

13 (2) by inserting after subparagraph (I) the fol-
14 lowing:

15 “(J) in any case in which a project will re-
16 sult in a service reduction that impacts an area
17 of persistent poverty, consider whether third
18 party contractors can offer options for con-
19 tinuing the service, provided that such options
20 do not negatively impact the salaries or benefits
21 of employees currently providing the service;”.

22 (b) **TARGETED REVIEW.**—Section 5307(f)(2) of title
23 49, United States Code, is amended—

24 (1) by striking “At least once every 3 years”
25 and inserting the following:

1 “(A) IN GENERAL.—At least once every 3
2 years, except as provided for under subpara-
3 graph (B)”;

4 (2) by adding at the end the following:

5 “(B) TARGETED REVIEW FOR HIGH-PER-
6 FORMING RECIPIENTS.—In the case of a recipi-
7 ent under this section for which no action under
8 paragraph (3) has been found to be necessary
9 for 6 or more consecutive years, the triennial
10 review shall be a targeted review, as determined
11 by the Secretary, to ascertain whether there is,
12 with respect to the performance of a program
13 under this section—

14 “(i) any outstanding or unresolved
15 finding from prior reviews;

16 “(ii) evidence of noncompliance with
17 an applicable statutory or administrative
18 requirement under this chapter; or

19 “(iii) any material change since the
20 most recent triennial review that the Sec-
21 retary determines risks the recipient’s com-
22 pliance with respect to such performance.”.

1 **SEC. 3003. FIXED GUIDEWAY CAPITAL INVESTMENT**
2 **GRANTS.**

3 Section 5309 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (7)—

7 (i) in subparagraph (A) by striking

8 “\$100,000,000” and inserting

9 “\$200,000,000”; and

10 (ii) in subparagraph (B) by striking

11 “\$300,000,000” and inserting

12 “\$400,000,000”; and

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

14 “(8) RURAL START PROJECT.—The term ‘rural
15 start project’ means a new transit capital project
16 that is not in an urbanized area for which—

17 “(A) the Federal assistance provided or to
18 be provided under this section is less than
19 \$80,000,000; and

20 “(B) the total estimated net capital cost is
21 less than \$150,000,000.”;

22 (2) in subsection (b)(1) by striking “or small
23 start projects” and inserting “, small start projects,
24 or rural start projects”;

1 (3) in subsection (c)(1) by striking “small start
2 projects” and inserting “, small start projects, rural
3 start projects”; and

4 (4) in subsection (h)—

5 (A) in the heading by striking “SMALL
6 START PROJECTS” and inserting “SMALL
7 START PROJECTS AND RURAL START
8 PROJECTS”;

9 (B) in paragraph (1) by striking “small
10 start project” and inserting “small start project
11 or rural start project”;

12 (C) in paragraph (2)(A) by striking “small
13 starts project” and inserting “small start
14 project or rural start project”;

15 (D) in paragraph (3) by striking “small
16 start project” and inserting “small start project
17 or rural start project”; and

18 (E) in paragraph (6)(A) by striking “small
19 start project” and inserting “small start project
20 or rural start project”.

21 **SEC. 3004. ENHANCED MOBILITY OF SENIORS AND INDIVID-**
22 **UALS WITH DISABILITIES.**

23 Section 5310 of title 49, United States Code, is
24 amended—

1 (1) in subsection (b)(2) by striking “(A)
2 AMOUNT AVAILABLE” and all that follows through
3 “A recipient of a grant under” and inserting “A re-
4 cipient of a grant under”;

5 (2) in subsection (c)(2) by adding at the end
6 the following:

7 “(E) REALLOCATION.—Amounts appor-
8 tioned under section 5310(c)(1)(A) may be re-
9 allocated to projects in areas other than urban-
10 ized areas.”;

11 (3) by striking paragraphs (1) and (2) of sub-
12 section (d) and inserting the following:

13 “(1) CAPITAL PROJECTS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), a grant awarded under this
16 section for a capital project shall be 80 percent
17 of the net costs of the project, as determined by
18 the Secretary.

19 “(B) EXCEPTION.—A State described in
20 section 120(b) of title 23 shall receive a Federal
21 Government share of the net costs in accord-
22 ance with the formula under such section.

23 “(2) OPERATING ASSISTANCE.—

24 “(A) IN GENERAL.—Except as provided by
25 subparagraph (B), a grant awarded under this

1 section for a operating assistance may not ex-
2 ceed an amount equal to 50 percent of the net
3 operating costs of the project, as determined by
4 the Secretary.

5 “(B) EXCEPTION.—A state described in
6 section 120(b) of title 23 shall receive a Federal
7 Government share of the net costs that is equal
8 to 62.5 percent of the Federal Government
9 share provided for under paragraph (1)(B).”;
10 and

11 (4) by striking subsection (e)(1) and inserting
12 the following:

13 “(1) IN GENERAL.—To the extent the Secretary
14 determines appropriate, the requirements of—

15 “(A) section 5307 shall apply to recipients
16 of grants made in urbanized areas under this
17 subsection; and

18 “(B) section 5311 shall apply to recipients
19 of grants made in rural areas under this sub-
20 section.”.

21 **SEC. 3005. FORMULA GRANTS FOR RURAL AREAS.**

22 Section 5311(g) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (1) by adding at the end the
25 following:

1 “(C) PROJECTS IN QUALIFIED OPPOR-
2 TUNITY ZONES, MEDICALLY UNDERSERVED
3 AREAS, OR AREAS WITH A MEDICALLY UNDER-
4 SERVED POPULATION.—A grant awarded under
5 this section for a capital project in a qualified
6 opportunity zone, a medically underserved area,
7 or areas with a medically underserved popu-
8 lation shall be for 90 percent of the net costs
9 of the project, as determined by the Sec-
10 retary.”;

11 (2) in paragraph (2) by adding at the end the
12 following:

13 “(C) PROJECTS IN QUALIFIED OPPOR-
14 TUNITY ZONES, MEDICALLY UNDERSERVED
15 AREAS, OR AREAS WITH A MEDICALLY UNDER-
16 SERVED POPULATION.—A grant awarded under
17 this section for a capital project in a qualified
18 opportunity zone, a medically underserved area,
19 or an area with a medically underserved popu-
20 lation shall be for 62.5 percent of the Federal
21 Government share provided for under para-
22 graph (1)(B).”;

23 (3) by adding at the end the following:

24 “(6) DEFINITIONS.—In this subsection:

1 “(A) QUALIFIED OPPORTUNITY ZONE.—
2 The term ‘qualified opportunity zone’ has the
3 meaning given such term section 1400Z-1 of
4 the Internal Revenue Code of 1986.

5 “(B) MEDICALLY UNDERSERVED AREAS;
6 AN AREA WITH A MEDICALLY UNDERSERVED
7 POPULATION.—The term ‘medically under-
8 served areas’ or ‘an area with a medically un-
9 derserved population’ means an area or popu-
10 lations that are designated as medically under-
11 served by the Secretary of Health and Human
12 Services pursuant to section 330(b)(3) of the
13 Public Health Service Act (42 U.S.C.
14 254b(b)(3)).”.

15 **SEC. 3006. NON-EMERGENCY MEDICAL TRANSPORTATION.**

16 (a) RESEARCH PROJECT ELIGIBILITY.—Section
17 5312(c)(2) of title 49, United States Code, is amended—

18 (1) in subparagraph (M), by striking “or” at
19 the end;

20 (2) by redesignating subparagraph (N) as sub-
21 paragraph (O); and

22 (3) by inserting after subparagraph (M) the fol-
23 lowing:

24 “(N) access to hospitals and healthcare
25 providers in areas underserved by transit or

1 with limited public transportation options, as
2 determined by the Secretary; or”.

3 (b) INNOVATION AND DEVELOPMENT PROJECT ELI-
4 GIBILITY.—Section 5312(d)(2) of title 49, United States
5 Code, is amended—

6 (1) in subparagraph (G), by striking “or” at
7 the end;

8 (2) by redesignating subparagraph (H) as sub-
9 paragraph (I); and

10 (3) by inserting after subparagraph (G) the fol-
11 lowing:

12 “(H) public transportation projects that
13 improve health care access and outcomes; or”.

14 (c) DEMONSTRATION, DEPLOYMENT, AND EVALUA-
15 TION PROJECT ELIGIBILITY.—Section 5312(e)(3) of title
16 49, United States Code, is amended—

17 (1) in subparagraph (B), by striking “or” at
18 the end;

19 (2) in subparagraph (C), by striking the period
20 and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(D) the deployment of public transpor-
23 tation projects or practices that—

24 “(i) achieve measurable improvements
25 in transportation access to health care for

1 medically underserved areas or popu-
2 lations, as designated by the Health Re-
3 sources and Services Administration pursu-
4 ant to section 330(b)(3) of the Public
5 Health Service Act (42 U.S.C.
6 254b(b)(3));

7 “(ii) implement transportation strate-
8 gies for addressing significant health needs
9 as identified by a community health needs
10 assessment pursuant to the requirements
11 of section 501(r)(3)(A) of the Internal
12 Revenue Code of 1986; or

13 “(iii) eliminate or reduce transpor-
14 tation barriers to accessing health care
15 that are identified and prioritized in the
16 coordinated public transit-human services
17 transportation plan described in section
18 5310(e)(2)(A).”.

19 **SEC. 3007. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
20 **VELOPMENT.**

21 (a) IN GENERAL.—Section 5314(a) of title 49,
22 Unites States Code, is amended—

23 (1) in paragraph (2)—

24 (A) in subparagraph (H) by striking “and”
25 at the end;

1 (B) by redesignating subparagraph (I) as
2 subparagraph (J); and

3 (C) by inserting after subparagraph (H)
4 the following:

5 “(I) provide innovation and capacity-build-
6 ing to rural and tribal public transportation re-
7 cipients but that do not duplicate the activities
8 of sections 5311(b) or 5312; and”;

9 (2) by adding at the end the following:

10 “(5) AVAILABILITY OF AMOUNTS.—Of the
11 amounts made available to carry out this section
12 under section 5338(c), such sums as necessary shall
13 be available to carry out activities described in para-
14 graph (2)(I).”.

15 (b) AVAILABILITY OF AMOUNTS.— Section
16 5314(c)(4)(A) of title 49, United States Code, is amended
17 by inserting “5311,” after “5307,”.

18 **SEC. 3008. GENERAL PROVISIONS.**

19 (a) REASONABLE ACCESS TO PUBLIC TRANSPOR-
20 TATION FACILITIES.—Section 5323 of title 49, United
21 States Code, is amended by striking subsection (r) and
22 inserting the following:

23 “(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-
24 TATION FACILITIES.—

1 “(1) IN GENERAL.—A recipient of assistance
2 under this chapter may not deny reasonable access
3 for a private or charter transportation operator to
4 federally funded public transportation facilities, in-
5 cluding intermodal facilities, park and ride lots, and
6 bus-only highway lanes. In determining reasonable
7 access, capacity requirements of the recipient of as-
8 sistance and the extent to which access would be
9 detrimental or beneficial to existing public transpor-
10 tation services must be considered. A recipient shall
11 respond to any request for reasonable access within
12 90 days of the receipt of the request.

13 “(2) RESPONSE TO REQUEST.—

14 “(A) IN GENERAL.—If a recipient of as-
15 sistance under this chapter fails to respond to
16 a request within the 90-day period described in
17 paragraph (1), the operator may seek assist-
18 ance from the Secretary to obtain a response.

19 “(B) DENIAL OF ACCESS.—If a recipient
20 of assistance under this chapter denies access
21 to a private intercity or charter transportation
22 operator based on the reasonable access stand-
23 ards provided in paragraph (1), the recipient
24 shall provide, in writing, the reasons for the de-
25 nial.”.

1 (b) WAIVERS AND DEFERRALS; ADMINISTRATIVE
2 OPTION.—Section 5323 of title 49, United States Code,
3 is further amended by striking subsection (t) and inserting
4 the following:

5 “(t) WAIVERS AND DEFERRALS; ADMINISTRATIVE
6 OPTION.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, the Secretary shall have the author-
9 ity to waive, exempt, defer, or establish a simplified
10 level of compliance for recipients of assistance under
11 this chapter that operate 10 or fewer vehicles in
12 service, or that receive financial assistance under
13 both sections 5307 and 5311 of this chapter.

14 “(2) GUIDANCE REQUIRED.—Not later than
15 180 days of enactment of the Federal Public Trans-
16 portation Act of 2021, the Secretary shall publish
17 guidance for recipients of assistance under this
18 chapter that operate 10 or fewer buses in service or
19 that receive financial assistance under both of sec-
20 tions 5307 and 5311 concerning—

21 “(A) which specific requirements may be
22 considered for waivers, exemptions, deferrals, or
23 simplified levels of compliance by recipients of
24 assistance described in paragraph (1);

1 “(B) the process by which recipients of as-
2 sistance described in paragraph (1) may request
3 such waivers, exemptions, deferrals, or sim-
4 plified levels of compliance;

5 “(C) the criteria by which the Secretary
6 shall evaluate and act upon such requests;

7 “(D) the terms and conditions the Sec-
8 retary shall attach to any waiver, exemption,
9 deferral or simplified level of compliance that is
10 awarded under paragraph (1);

11 “(E) actions the Secretary may take if a
12 recipient fails to comply the terms and condi-
13 tions attached to a waiver, exemption, deferral,
14 or simplified level of compliance that has been
15 awarded under paragraph (1); and

16 “(F) the circumstances under which the
17 Secretary may use this paragraph to award a
18 waiver, exemption, deferral or simplified level of
19 compliance to a recipient of assistance under
20 this chapter and described in this paragraph.

21 “(3) MAINTAIN SAFETY.—The Secretary shall
22 not take any action under this subsection that would
23 degrade safety to lives or property.

24 “(4) REPORT.—The Secretary shall submit to
25 the Committee of Banking, Housing, and Urban Af-

1 fairs of the Senate and the Committee of Transpor-
2 tation and Infrastructure of the House of Represent-
3 atives an annual report detailing the requests and
4 actions that have been taken under this subsection
5 in the preceding 12 months.”.

6 (c) THRESHOLD FOR THE SALE OF TRANSIT VEHI-
7 CLES AFTER SERVICE LIFE.—Section 5323 of title 49,
8 United States Code, is further amended by adding at the
9 end the following:

10 “(w) THRESHOLD FOR THE SALE OF TRANSIT VEHI-
11 CLES AFTER SERVICE LIFE.—Notwithstanding any other
12 provision of law, for programs under this chapter the
13 threshold amount for transit vehicles after the service life
14 is reached shall be 20 percent of the original acquisition
15 cost of the purchased equipment. For transit vehicles sold
16 for an amount above such amount, the threshold amount
17 shall be retained by the transit agency upon sale of the
18 asset for use by the transit agency for the purpose or oper-
19 ating or capital expenditures, and the remainder shall be
20 remitted to the Secretary and shall be deposited into the
21 Mass Transit Account of the Highway Trust Fund. If
22 such a vehicle is sold for an amount below or equal to
23 the threshold amount, the transit agency shall retain all
24 funds from the sale.”.

1 **SEC. 3009. APPORTIONMENTS.**

2 Section 5336(h)(3) of title 49, United States Code,
3 is amended to read as follows:

4 “(3) of amount not apportioned under para-
5 graphs (1) and (2), 3 percent shall be apportioned
6 to urbanized areas with populations of less than
7 200,000 in accordance with subsection (i);”.

8 **SEC. 3010. GRANTS FOR BUS AND BUS FACILITIES.**

9 Section 5339 of title 49, United States Code is
10 amended—

11 (1) in subsection (a)(5) by striking subpara-
12 graph (A) and inserting the following:

13 “(A) NATIONAL DISTRIBUTION.—For each
14 of fiscal years 2022 through 2026, each State
15 shall be allocated 0.6 percent of the amount
16 made available under section 5338(a)(2)(L) and
17 each territory shall be allocated 0.15 percent of
18 such amount.”;

19 (2) in subsection (b)(5) by striking “10” and
20 inserting “20”; and

21 (3) in subsection (c)—

22 (A) in paragraph (1)(E)—

23 (i) in clause (i) by striking “; or” and
24 inserting a semicolon;

25 (ii) in clause (ii) by striking the semi-
26 colon and inserting “; or”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) with respect to projects in rural
4 areas, any passenger vehicle that is
5 equipped with any technology, including
6 compressed natural gas and liquefied nat-
7 ural gas that reduces energy consumption
8 or harmful emissions, including direct car-
9 bon emissions, when compared to a diesel
10 powered vehicle;”;

11 (B) in paragraph (3)(A) by striking “re-
12 quirements of section 5307” and inserting the
13 following: “requirements of—

14 “(i) for eligible recipients of grants
15 made in urbanized areas, section 5307;
16 and

17 “(ii) for eligible recipients of grants
18 made in rural areas, section 5311.”; and

19 (C) by adding at the end the following:

20 “(8) DISTRIBUTION OF GRANT FUNDS.—Of the
21 funds allocated under section 5338(a)(2)(M) for no
22 or low emission grants under section 5339(c), not
23 less than 10 percent of the amounts shall be distrib-
24 uted to projects in rural areas.”.

1 **SEC. 3011. ELIMINATION OF APPORTIONMENTS BASED ON**
2 **HIGH DENSITY STATE FACTORS.**

3 (a) IN GENERAL.—Section 5340 of title 49, United
4 States Code, is amended—

5 (1) in subsection (b) by striking “and sub-
6 section (d)”;

7 (2) by striking subsection (d).

8 (b) TECHNICAL CORRECTIONS.—Section 5340 of title
9 49, United States Code, is amended—

10 (1) in subsection (b) by striking
11 “5338(b)(2)(N)” and inserting “5338(a)(2)(N)”;
12 and

13 (2) in subsection (c)(1) by striking “subsection
14 (b)(1)” and inserting “subsection (b)”.

15 **SEC. 3012. INNOVATIVE MOBILITY AND TECHNOLOGY DE-**
16 **PLOYMENT GRANTS.**

17 (a) IN GENERAL.—Chapter 53 of title 49, United
18 States Code, is amended by inserting after section 5312
19 the following:

20 **“§ 5313. Innovative mobility and technology deploy-**
21 **ment grants**

22 “(a) AUTHORITY.—The Secretary shall establish an
23 innovative mobility and technology deployment grants pro-
24 gram to award grants to entities described in subsection
25 (b) to assist in financing of public transportation projects
26 that—

1 “(1) allow for the integration of mobility serv-
2 ices or technologies in public transportation services,
3 including traveler information, trip planning infor-
4 mation, new or expanded reservation capabilities, in-
5 tegrated payment solutions, fare automation, or de-
6 livery designs to improve options in public transpor-
7 tation;

8 “(2) advance first-mile, last-mile, late night, or
9 low density services that connect riders to public
10 transportation, including—

11 “(A) microtransit;

12 “(B) commuter busing; or

13 “(C) commuter highway vehicles;

14 “(3) advance on demand complementary para-
15 transit services;

16 “(4) provide accessibility and connectivity for
17 rural areas not being adequately served by public
18 transportation, as determined by the Secretary;

19 “(5) expand high-performing public transpor-
20 tation business models that increase access to public
21 transportation; or

22 “(6) provide any other transit service that the
23 Secretary determines appropriate to meet the pur-
24 poses of this section.

1 “(b) ELIGIBLE ENTITIES.—To be eligible for a grant
2 under this section, an entity shall be—

3 “(1) a State or local government; or

4 “(2) a publicly owned operator of public trans-
5 portation.

6 “(c) APPLICATION.—To be eligible to receive a grant
7 under this section, an entity described in subsection (b)
8 shall submit to the Secretary an application in such form
9 and contain such information as the Secretary may re-
10 quire.

11 “(d) RULEMAKING.—The Secretary shall—

12 “(1) issue such regulations as are necessary to
13 carry out this section, and publish such regulations
14 in the Federal Register, not later than 270 days
15 after the date of enactment of this section; and

16 “(2) in issuing such regulations, solicit and re-
17 ceive comments from stakeholders not later than
18 180 days after the date of enactment of this section.

19 “(e) GRANT REQUIREMENTS.—The Secretary may
20 approve modified grant requirements for projects carried
21 out using a grant under this section.

22 “(f) LIMITATIONS.—

23 “(1) PERIOD OF GRANT.—A grant under this
24 section shall be for a 3-year period beginning on the

1 date on which the first payment of any amount
2 under the grant is provided to an eligible entity.

3 “(2) RURAL GRANT MINIMUM.—The Secretary
4 shall award not less than 20 percent of the total
5 amounts made available to carry out this section to
6 support activities described under subsection (a) in
7 rural areas.

8 “(3) GOVERNMENT SHARE OF COSTS.—The
9 Federal share of the total project cost of a project
10 carried out under this section may not exceed 80
11 percent.

12 “(4) ALLOCATION.—Of the amounts authorized
13 to be appropriated to carry out this section for each
14 fiscal year, not more than 20 percent may be award-
15 ed under subsection (a) to a single entity.

16 “(g) BEST PRACTICES.—The Secretary shall annu-
17 ally collect from, review, and disseminate to public trans-
18 portation agencies findings or best practices from projects
19 funded under this section.

20 “(h) DEFINITIONS.—In this section:

21 “(1) COMMUTER HIGHWAY VEHICLE.—The
22 term ‘commuter highway vehicle’ has the meaning
23 given such term in section 132(f)(5)(B) of the Inter-
24 nal Revenue Code of 1986.

1 **TITLE IV—HIGHWAY TRAFFIC**
2 **SAFETY**

3 **SEC. 4001. FUNDING AND GRANT REQUIREMENTS.**

4 The funds provided for programs under chapter 4 of
5 title 23, United States Code, and chapter 303 of title 49,
6 United States Code, shall be subject to the following re-
7 quirements, as applicable:

8 (1) **APPLICABILITY OF TITLE 23.**—Except as
9 otherwise provided in chapter 4 of title 23, United
10 States Code, and chapter 303 of title 49, United
11 States Code, amounts made available under sub-
12 section (a) for fiscal years 2022 through 2026 shall
13 be available for obligation in the same manner as if
14 such funds were apportioned under chapter 1 of title
15 23, United States Code.

16 (2) **STATE MATCHING REQUIREMENTS.**—If a
17 grant awarded under chapter 4 of title 23, United
18 States Code, requires a State to share in the cost,
19 the aggregate of all expenditures for highway safety
20 activities made during a fiscal year by the State and
21 its political subdivisions (exclusive of Federal funds)
22 for carrying out the grant (other than planning and
23 administration) shall be available for the purpose of
24 crediting the State during such fiscal year for the
25 non-Federal share of the cost of any other project

1 carried out under chapter 4 of title 23, United
2 States Code (other than planning or administration),
3 without regard to whether such expenditures were
4 made in connection with such project.

5 (3) GRANT APPLICATION AND DEADLINE.—To
6 receive a grant under chapter 4 of title 23, United
7 States Code, a State shall submit an application,
8 and the Secretary shall establish a single deadline
9 for such applications to enable the award of grants
10 early in the next fiscal year.

11 (4) PROHIBITION ON OTHER USES.—Except as
12 otherwise provided in chapter 4 of title 23, United
13 States Code, and chapter 303 of title 49, United
14 States Code, the amounts made available from the
15 Highway Trust Fund (other than the Mass Transit
16 Account) for a program under such chapters—

17 (A) shall only be used to carry out such
18 program; and

19 (B) may not be used by States or local
20 governments for construction purposes.

21 **SEC. 4002. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
22 **MENT.**

23 (a) IN GENERAL.—Section 403 of title 23, United
24 States Code, is amended—

1 (1) in subsection (h) by striking paragraph (2)
2 and inserting the following:

3 “(2) FUNDING.—The Secretary shall obligate
4 such sums as are necessary for each of fiscal years
5 2022 through 2024 from the funds made available
6 to carry out this section to conduct the research de-
7 scribed in paragraph (1).”; and

8 (2) by adding at the end the following:

9 “(k) DRUG-IMPAIRED DRIVING PREVENTION PILOT
10 PROGRAM.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of the STARTER Act 2.0, the
13 Secretary shall establish a pilot program to create,
14 and study the effects of, a public awareness cam-
15 paign to reduce instances of driving while under the
16 influence of prescription and over-the-counter medi-
17 cations.

18 “(2) LOCATIONS.—The Secretary shall imple-
19 ment the pilot program in States that are, or a re-
20 gion that is, most affected by the opioid epidemic, as
21 measured by the most recent opioid-involved over-
22 dose deaths per 10,000 persons, as reported by the
23 Centers for Disease Control and Prevention.

24 “(3) SUNSET.—The authority of the Secretary
25 under paragraph (1) shall terminate on the date

1 that is 2 years after the date on which the pilot pro-
2 gram is established pursuant to paragraph (1).

3 “(4) REPORT.—Not later than 1 year after the
4 date of termination of the pilot program described in
5 paragraph (3), the Secretary shall submit to the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate a report on the results of the study of the effects
10 of the public awareness and enforcement campaign.

11 “(1) RESEARCH AND TRAINING ON MARIJUANA DE-
12 TECTION.—

13 “(1) IN GENERAL.—The Administrator of the
14 National Highway Traffic Safety Administration
15 shall carry out a collaborative research effort to
16 study the effect that marijuana use has on driving
17 and research ways to detect and reduce incidences of
18 driving under the influence of marijuana.

19 “(2) REPORTS.—The Administrator shall sub-
20 mit to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives an annual report that—

24 “(A) describes the progress made in car-
25 rying out the collaborative research effort; and

1 “(B) includes an accounting for the use of
2 Federal funds obligated or expended in carrying
3 out such effort.”.

4 (b) STUDY OF ILLEGAL PASSING OF SCHOOL
5 BUSES.—Section 403 of title 23, United States Code, is
6 further amended by adding at the end the following:

7 “(m) STUDY OF ILLEGAL PASSING OF SCHOOL
8 BUSES.—

9 “(1) IN GENERAL.—The Comptroller General of
10 the Unites States shall conduct a study on illegal
11 passing of school buses by motor vehicles.

12 “(2) STUDY ELEMENTS.—In completing the
13 study under paragraph (1), the Comptroller General
14 shall compile and examine the following issues re-
15 lated to illegal passing of school buses:

16 “(A) Description of illegal passing laws in
17 each State relating to school buses.

18 “(B) Identification of laws that may affect
19 or intersect with illegal school bus passing laws.

20 “(C) Description of how each State en-
21 forces such laws.

22 “(D) Evaluation of methods that each
23 State uses to review, document, and report to
24 law enforcement school bus stop-arm violations
25 and illegal school bus passing.

1 “(E) Review of driver education materials.

2 “(F) Identification of best practices relat-
3 ing to the most effective approaches to address
4 illegal passing of school buses.

5 “(3) REPORT.—Not later than 2 years after the
6 date of enactment of the STARTER Act 2.0 the
7 Comptroller General shall submit to the Committee
8 on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report
11 on the results of the study under paragraph (1).

12 “(n) PUBLIC SAFETY MEDIA PROGRAMS.—

13 “(1) CHILD HEATSTROKE.—Not later than 1
14 year after the date of enactment of the STARTER
15 Act 2.0, the Secretary shall establish and implement
16 a public safety messaging program to educate the
17 public and reduce heatstroke related deaths of chil-
18 dren in unattended vehicles.

19 “(2) ILLEGAL PASSING OF SCHOOL BUSES.—
20 Not later than 18 months after the date of enact-
21 ment of this subsection, the Secretary shall establish
22 and implement a public safety messaging program to
23 educate the public and reduce the illegal passing of
24 school buses.”.

1 **SEC. 4003. NATIONAL PRIORITY SAFETY PROGRAMS.**

2 Section 405(a)(9)(A) of title 23, United States Code,
3 is amended by striking “date of enactment of the FAST
4 Act” and inserting “date of enactment of the STARTER
5 Act 2.0”.

6 **SEC. 4004. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
7 **ELIGIBILITY.**

8 Section 4010 of the FAST Act (23 U.S.C. 405 note)
9 is amended—

10 (1) by striking “the date on which the Sec-
11 retary awards” and inserting “each occurrence of
12 the Secretary awarding”; and

13 (2) by striking “a publicly available Internet
14 Web site of the Department” and inserting “the
15 website of the Department”.

16 **TITLE V—MOTOR CARRIER**
17 **SAFETY**

18 **SEC. 5001. FUNDING AND GRANT REQUIREMENTS.**

19 The funds provided for programs under chapter 311
20 of title 49, United States Code, shall be subject to the
21 following requirements:

22 (1) **APPLICABILITY OF TITLE 23.**—Except as
23 otherwise provided in chapter 311 of title 49, United
24 States Code, amounts made available under sub-
25 section (a) for fiscal years 2022 through 2026 shall
26 be available for obligation in the same manner as if

1 such funds were apportioned under chapter 1 of title
2 23, United States Code.

3 (2) STATE MATCHING REQUIREMENTS.—If a
4 grant awarded under chapter 311 of title 49, United
5 States Code, requires a State to share in the cost,
6 the aggregate of all expenditures for highway safety
7 activities made during a fiscal year by the State and
8 its political subdivisions (exclusive of Federal funds)
9 for carrying out the grant (other than planning and
10 administration) shall be available for the purpose of
11 crediting the State during such fiscal year for the
12 non-Federal share of the cost of any other project
13 carried out under chapter 311 of title 49, United
14 States Code (other than planning or administration),
15 without regard to whether such expenditures were
16 made in connection with such project.

17 (3) GRANT APPLICATION AND DEADLINE.—To
18 receive a grant under chapter 311 of title 49, United
19 States Code, a State shall submit an application,
20 and the Secretary shall establish a single deadline
21 for such applications to enable the award of grants
22 early in the next fiscal year.

23 (4) PROHIBITION ON OTHER USES.—Except as
24 otherwise provided in chapter 311 of title 49, United
25 States Code, the amounts made available from the

1 Highway Trust Fund (other than the Mass Transit
2 Account) for a program under such chapters—

3 (A) shall only be used to carry out such
4 program; and

5 (B) may not be used by States or local
6 governments for construction purposes.

7 **SEC. 5002. COMPLIANCE, SAFETY, AND ACCOUNTABILITY**
8 **REFORM.**

9 (a) MOTOR CARRIER SAFETY GRANTS.—

10 (1) IN GENERAL.—

11 (A) SELECTION STANDARD.—For any ap-
12 plicable legal requirement with respect to a cov-
13 ered entity contracting with a covered motor
14 carrier for the shipment of goods or household
15 goods, the covered entity shall be considered
16 reasonable and prudent in the selection of such
17 motor carrier if the covered entity verifies, not
18 later than the date of shipment and not earlier
19 than 45 days before the date of shipment, that
20 the covered motor carrier—

21 (i) is registered under section 13902
22 of title 49, United States Code, as a motor
23 carrier or household goods motor carrier;

1 (ii) has at least the minimum insur-
2 ance coverage required by Federal and
3 State law; and

4 (iii) is not determined unfit to operate
5 safely commercial motor vehicles under
6 section 31144 of title 49, United States
7 Code, or otherwise ordered to discontinue
8 operations by the Federal Motor Carrier
9 Safety Administration (including not re-
10 newing a Department of Transportation
11 registration number) or a State.

12 (B) SUNSET.—The standard established
13 under subparagraph (A) shall sunset on the ef-
14 fective date of a regulation issued pursuant to
15 paragraph (3).

16 (2) REVOCATION OF REGISTRATION.—Section
17 31144(a) of title 49, United States Code, is amend-
18 ed—

19 (A) in paragraph (3) by striking “and”;

20 (B) in paragraph (4) by striking the period
21 and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(5) prescribe by regulation a process for revok-
24 ing the registration of an owner or operator deter-

1 mined unfit to operate safely a commercial motor ve-
2 hicle under this section.”.

3 (3) RULEMAKING.—

4 (A) IN GENERAL.—Not later than 18
5 months after the date of enactment of this Act,
6 the Secretary of Transportation shall—

7 (i) update and revise the regulations
8 issued pursuant to subsection (b) of sec-
9 tion 31144 of title 49, United States Code,
10 to include the requirements of paragraph
11 (1); and

12 (ii) issue such regulations as are nec-
13 essary to carry out section 31144(a)(5) of
14 title 49, United States Code, as added by
15 this Act.

16 (B) FACTORS FOR AN UNSATISFACTORY
17 RATING.—The regulations updated under sub-
18 paragraph (A)(i) shall provide a procedure for
19 the Secretary to determine if a motor carrier is
20 not fit to operate a commercial motor vehicle in
21 or affecting interstate commerce in accordance
22 with section 31144 of title 49, United States
23 Code.

1 (4) SAVINGS CLAUSE.—Nothing in this section
2 shall be construed to preempt or supercede any
3 State law or regulation relating to drayage.

4 (5) DEFINITIONS.—In this section:

5 (A) COVERED ENTITY.—The term “cov-
6 ered entity” means a person acting as—

7 (i) a shipper or cosignee of goods, ex-
8 cept that such term does not mean a per-
9 son acting as an individual shipper (as
10 such term is defined in section 13103 of
11 title 49, United States Code);

12 (ii) a broker, a freight forwarder, or a
13 household goods freight forwarder (as such
14 terms are defined in section 13102 of title
15 49, United States Code);

16 (iii) an ocean transportation inter-
17 mediary (as such term is defined in section
18 40102 of title 46, United States Code),
19 when arranging for inland transportation
20 as part of an international through move-
21 ment involving ocean transportation be-
22 tween the United States and a foreign
23 port;

24 (iv) an indirect air carrier holding a
25 Standard Security Program approved by

1 the Transportation Security Administra-
2 tion only to the extent that the indirect air
3 carrier is engaging in the activities as an
4 air carrier defined in paragraph (2) or (3)
5 of section 40102 of title 49, United States
6 Code;

7 (v) a customs broker licensed in ac-
8 cordance with section 111.2 of title 19,
9 Code of Federal Regulations, only to the
10 extent that the customs broker is engaging
11 in a movement under a customs bond or in
12 a transaction involving customs business,
13 as defined by section 111.1 of title 19,
14 Code of Federal Regulations; or

15 (vi) a motor carrier registered under
16 chapter 139 of title 49, United States
17 Code.

18 (B) COVERED MOTOR CARRIER.—The term
19 “covered motor carrier” means a motor carrier
20 or a household goods motor carrier (as such
21 terms are defined in section 13102 of title 49,
22 United States Code) that is subject to Federal
23 motor carrier financial responsibility and safety
24 regulations.

1 (C) HOUSEHOLD GOODS.—The term
2 “household goods” has the meaning given such
3 term in section 13102 of title 49, United States
4 Code.

5 (b) REMOTE AUDIT.—Section 31144 of title 49,
6 United States Code, is amended by adding at the end the
7 following:

8 “(j) REMOTE AUDITS.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish a pilot program to conduct remote compliance
11 reviews under subpart A of part 385 of title 49,
12 Code of Federal Regulations, to assign a safety rat-
13 ing for commercial motor carriers.

14 “(2) CONTENTS.—In conducting the pilot pro-
15 gram, the Secretary shall—

16 “(A) use the same standards that would
17 otherwise be applicable to commercial motor
18 carriers;

19 “(B) apply the procedures of part 385 of
20 title 49, Code of Federal Regulations, including
21 the safety fitness rating methodology under ap-
22 pendix B, prior to assigning a safety rating
23 under such pilot program;

1 “(C) assign safety ratings regardless of
2 whether an on-site review of activities has taken
3 place; and

4 “(D) leverage all available technology to
5 access information and records.

6 “(3) ELIGIBLE PARTICIPANTS.—

7 “(A) IN GENERAL.—Motor carriers that
8 are eligible to participate in the pilot program
9 under this subsection shall—

10 “(i) voluntarily agree to participate in
11 such pilot program; and

12 “(ii) be able to opt-out of participa-
13 tion in such pilot program at any time.

14 “(B) PROHIBITION ON PARTICIPATION.—
15 Motor carriers that transport hazardous mate-
16 rials or passengers shall be prohibited from par-
17 ticipating in the pilot program under this sec-
18 tion.

19 “(4) AUTHORIZED AGENTS.—Remote compli-
20 ance reviews conducted under the pilot program
21 under this section may be conducted by—

22 “(A) Federal Motor Carrier Safety Admin-
23 istration personnel;

1 “(B) State commercial motor vehicle au-
2 thorities that meet acceptable standards set
3 forth by the Secretary; or

4 “(C) private contractors that meet accept-
5 able standards set forth by the Secretary.

6 “(5) AVAILABILITY OF SAFETY RATINGS.—
7 Safety ratings determined under the pilot program
8 under this subsection may not be released publicly
9 by the Secretary or by any authorized agent de-
10 scribed in paragraph (4) that is participating in the
11 pilot program under this subsection.”.

12 **SEC. 5003. ENTRY-LEVEL DRIVER TRAINING REGULATIONS.**

13 (a) IN GENERAL.—Not later than February 7, 2023,
14 the Secretary of Transportation shall implement the min-
15 imum training requirements for entry-level commercial
16 motor vehicle operators published in the final rule issued
17 by the Federal Motor Carrier Safety Administration on
18 December 8, 2016, titled “Minimum Training Require-
19 ments for Entry-Level Commercial Motor Vehicle Opera-
20 tors” (81 Fed. Reg. 88732).

21 (b) TRAINING PROVIDER REGISTRY DEPLOYMENT.—
22 Not later than October 1, 2022, the Federal Motor Carrier
23 Safety Administration shall deploy the training provider
24 registry referenced in the final regulation issued by the
25 Administration on December 8, 2016, titled “Minimum

1 Training Requirements for Entry-Level Commercial
2 Motor Vehicle Operators” (81 Fed. Reg. 88732) to allow
3 training providers to sign up prior to the implementation
4 date described in subsection (a).

5 (c) REPORT TO CONGRESS.—Not later than Feb-
6 ruary 7, 2022, and every 90 days thereafter until the im-
7 plementation of the requirements described in subsection
8 (a), the Secretary of Transportation shall submit to the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate a report
12 describing—

13 (1) the status of the training provider registry
14 described in subsection (b); and

15 (2) the Federal and State efforts to implement
16 the final rule described in subsection (a).

17 (d) REPORT ON NONCOMPLIANCE.—Not later than
18 45 days after the date on which compliance with the final
19 rule described in subsection (a) is required under such
20 subsection, the Secretary of Transportation shall submit
21 to the Committee on Transportation and Infrastructure
22 of the House of Representatives and the Committee on
23 Commerce, Science, and Transportation of the Senate a
24 report containing a list of all States in substantial non-
25 compliance with such final rule.

1 **SEC. 5004. TRUCKING INDUSTRY WORKFORCE DEVELOP-**
2 **MENT.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPRENTICE.—The term “apprentice”
5 means an employee under the age of 21 who holds
6 a commercial driver’s license required to operate a
7 class of vehicles described in part 383 of title 49,
8 Code of Federal Regulations, and any successor reg-
9 ulations.

10 (2) COMMERCIAL DRIVER’S LICENSE.—The
11 term “commercial driver’s license” has the meaning
12 given the term in section 31301 of title 49, United
13 States Code.

14 (3) COMMERCIAL MOTOR VEHICLE.—The term
15 “commercial motor vehicle” means a commercial
16 motor vehicle that meets the definition under para-
17 graph (1) or (4) of the definition of the term “com-
18 mercial motor vehicle” in section 390.5 of title 49,
19 Code of Federal Regulations (as in effect on the
20 date of enactment of this Act).

21 (4) DRIVING TIME.—The term “driving time”
22 has the meaning given the term in section 395.2 of
23 title 49, Code of Federal Regulations (as in effect on
24 the date of enactment of this Act).

1 (5) EMPLOYEE.—The term “employee” has the
2 meaning given such term in section 31132 of title
3 49, United States Code.

4 (6) EMPLOYER.—The term “employer” has the
5 meaning given such term in section 31132 of title
6 49, United States Code.

7 (7) EXPERIENCED DRIVER.—The term “experi-
8 enced driver” means an individual who—

9 (A) is not less than 21 years of age;

10 (B) has held a commercial driver’s license
11 for the 2-year period ending on the date on
12 which the individual serves as an experienced
13 driver under subsection (c)(3)(B);

14 (C) has had no preventable accidents re-
15 portable to the Department of Transportation
16 or pointed moving violations during the 1-year
17 period ending on the date on which the indi-
18 vidual serves as an experienced driver under
19 subsection (c)(3)(B); and

20 (D) has a minimum of 2 years of experi-
21 ence driving a commercial motor vehicle in
22 interstate commerce.

23 (8) ON-DUTY TIME.—The term “on-duty time”
24 has the meaning given the term in section 395.2 of

1 title 49, Code of Federal Regulations (as in effect on
2 the date of enactment of this Act).

3 (9) POINTED MOVING VIOLATION.—The term
4 “pointed moving violation” means a violation that
5 results in points being added to the license of a driv-
6 er, or a similar comparable violation, as determined
7 by the Secretary.

8 (10) SECRETARY.—The term “Secretary”
9 means the Secretary of Transportation.

10 (b) APPRENTICE.—An apprentice may—

11 (1) drive a commercial motor vehicle in inter-
12 state commerce while taking part in the 120-hour
13 probationary period under subsection (c)(1) or the
14 280-hour probationary period under subsection
15 (c)(2), pursuant to an apprenticeship program estab-
16 lished by an employer in accordance with this sec-
17 tion; and

18 (2) drive a commercial motor vehicle in inter-
19 state commerce after the apprentice completes an
20 apprenticeship program described in paragraph (1).

21 (c) APPRENTICESHIP PROGRAM.—An apprenticeship
22 program referred to in subsection (b) is a program that
23 consists of the following requirements:

24 (1) 120-HOUR PROBATIONARY PERIOD.—

1 (A) IN GENERAL.—The apprentice shall
2 complete 120 hours of on-duty time, of which
3 not less than 80 hours are driving time in a
4 commercial motor vehicle.

5 (B) PERFORMANCE BENCHMARKS.—In
6 order to complete the 120-hour probationary
7 period under subparagraph (A), an employer
8 shall determine that the apprentice is com-
9 petent in each of the following areas:

- 10 (i) Interstate, city traffic, rural 2-
11 lane, and evening driving.
12 (ii) Safety awareness.
13 (iii) Speed and space management.
14 (iv) Lane control.
15 (v) Mirror scanning.
16 (vi) Right and left turns.
17 (vii) Logging and complying with
18 rules relating to hours of service.

19 (2) 280-HOUR PROBATIONARY PERIOD.—

20 (A) IN GENERAL.—After completing the
21 120-hour probationary period under paragraph
22 (1), the apprentice shall complete 280 hours of
23 on-duty time, of which not less than 160 hours
24 are driving time in a commercial motor vehicle.

1 (B) PERFORMANCE BENCHMARKS.—In
2 order to complete the 280-hour probationary
3 period under subparagraph (A), an employer
4 shall determine that the apprentice is com-
5 petent in each of the following areas:

6 (i) Backing and maneuvering in close
7 quarters.

8 (ii) Pre-trip inspections.

9 (iii) Fueling procedures.

10 (iv) Weighing loads, weight distribu-
11 tion, and sliding tandems.

12 (v) Coupling and uncoupling proce-
13 dures.

14 (vi) Trip planning, truck routes, map
15 reading, navigation, and permits.

16 (3) RESTRICTIONS FOR 120-HOUR AND 280-
17 HOUR PROBATIONARY PERIODS.—During the 120-
18 hour probationary period under paragraph (1) and
19 the 280-hour probationary period under paragraph
20 (2)—

21 (A) the apprentice may only drive a com-
22 mercial motor vehicle that has—

23 (i) automatic manual or automatic
24 transmissions;

1 (ii) active braking collision mitigation
2 systems;

3 (iii) forward-facing video event cap-
4 ture; and

5 (iv) governed speeds of 65 miles per
6 hour at the pedal and 65 miles per hour
7 under adaptive cruise control; and

8 (B) the apprentice shall be accompanied in
9 the cab of the commercial motor vehicle by an
10 experienced driver.

11 (4) RECORDS RETENTION.—The employer shall
12 maintain records, in a manner required by the Sec-
13 retary, relating to the satisfaction of the require-
14 ments of paragraphs (1)(B) and (2)(B) by the ap-
15 prentice.

16 (5) REPORTABLE INCIDENTS.—If the appren-
17 tice is involved in a preventable accident reportable
18 to the Department of Transportation or a pointed
19 moving violation while driving a commercial motor
20 vehicle as part of an apprenticeship program de-
21 scribed in this subsection, the apprentice shall un-
22 dergo remediation and additional training until the
23 apprentice can demonstrate, to the satisfaction of
24 the employer, competence in each of the performance

1 benchmarks described in paragraphs (1)(B) and
2 (2)(B).

3 (6) COMPLETION OF PROGRAM.—The appren-
4 tice shall be considered to have completed the ap-
5 prenticeship program on the date on which the ap-
6 prentice completes the 280-hour probationary period
7 under paragraph (2).

8 (7) MINIMUM REQUIREMENTS.—

9 (A) IN GENERAL.—Nothing in this section
10 prevents an employer from imposing additional
11 requirements on an apprentice taking part in
12 an apprenticeship program established pursuant
13 to this section.

14 (B) TECHNOLOGIES.—Nothing in this sec-
15 tion prevents an employer from requiring or in-
16 stalling additional technologies in a commercial
17 motor vehicle in addition to the technologies de-
18 scribed in paragraph (3)(A).

19 (d) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall promul-
21 gate regulations to implement this section.

22 (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
23 ing in this section exempts an apprentice from any re-
24 quirement to hold a commercial driver's license in order
25 to operate a commercial motor vehicle.

1 (f) **EMPLOYER RESPONSIBILITY.**—An employer shall
2 not knowingly allow, require, permit, or authorize a driver
3 under the age of 21 to operate a commercial motor vehicle
4 in interstate commerce unless the driver is participating
5 in or has completed an apprenticeship program that meets
6 the requirements of subsection (c).

7 **SEC. 5005. HOURS OF SERVICE REQUIREMENTS FOR AGRI-**
8 **CULTURAL OPERATIONS.**

9 Section 229 of the Motor Carrier Safety Improve-
10 ment Act of 1999 (49 U.S.C. 31136 note) is amended—

11 (1) in subsection (a)(1)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “during planting and harvest
14 periods, as determined by each State,”; and

15 (B) by amending subparagraph (A) to read
16 as follows:

17 “(A) drivers transporting agricultural com-
18 modities within a 150 air-mile radius from—

19 “(i) the source of the agricultural
20 commodities; or

21 “(ii) the destination of the agricul-
22 tural commodities;”; and

23 (2) in subsection (e)(8)—

1 (A) by striking “during the planting and
2 harvesting seasons within each State, as deter-
3 mined by the State,”; and

4 (B) by striking “at any time of the year”.

5 **TITLE VI—INNOVATION**

6 **SEC. 6001. ADVANCED TRANSPORTATION TECHNOLOGIES** 7 **PROGRAM.**

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

11 **“§ 520. Advanced transportation technologies pro-** 12 **gram**

13 “(a) IN GENERAL.—The Secretary of Transportation
14 shall establish a program to provide grants to eligible enti-
15 ties to deploy, install, and operate advanced transportation
16 technologies to improve safety, efficiency, system perform-
17 ance, mobility, intermodal connectivity, and infrastructure
18 return on investment.

19 “(b) CRITERIA.—In carrying out the program under
20 subsection (a), the Secretary shall develop criteria for se-
21 lection of an eligible entity to receive a grant, including
22 how the proposed deployment of technology—

23 “(1) reduces costs and improves return on in-
24 vestments (including through the optimization of ex-
25 isting transportation capacity);

1 “(2) delivers environmental benefits by alle-
2 viating congestion and streamlining traffic flow;

3 “(3) measures and improves the operational
4 performance of the applicable transportation net-
5 work;

6 “(4) reduces the number and severity of traffic
7 accidents and increases driver, passenger, and pedes-
8 trian safety;

9 “(5) collects, disseminates, and uses informa-
10 tion on real-time traffic, work zone, weather, transit,
11 paratransit, parking, and other transportation-re-
12 lated information to improve mobility, reduce con-
13 gestion, and provide for more efficient, accessible,
14 and integrated transportation and transportation
15 services;

16 “(6) monitors transportation assets to improve
17 infrastructure management, reduce maintenance
18 costs, prioritize investment decisions, and ensure a
19 state of good repair;

20 “(7) delivers economic benefits by reducing
21 delays, improving system performance, and providing
22 for the efficient and reliable movement of goods and
23 services; or

1 “(8) accelerates the deployment of vehicle-to-ve-
2 hicle, vehicle-to-infrastructure, autonomous vehicles,
3 and other technologies.

4 “(c) APPLICATIONS.—An application submitted for a
5 project to be carried out by a grant under this program
6 shall include the following:

7 “(1) A plan to deploy and provide for the long-
8 term operation and maintenance of advanced trans-
9 portation technologies to improve safety, efficiency,
10 system performance, and return on investment.

11 “(2) Objectives for quantifiable system perform-
12 ance improvements, such as—

13 “(A) reducing traffic-related accidents,
14 congestion, and costs;

15 “(B) optimizing system efficiency; and

16 “(C) improving access to transportation
17 services.

18 “(3) Quantifiable safety, mobility, and environ-
19 mental benefit projections such as data-driven esti-
20 mates of how the project proposes to improve the
21 applicable transportation system efficiency and how
22 such project proposes to reduce traffic congestion.

23 “(4) A plan for any partnerships with private
24 sector entities or public agencies, including
25 multimodal and multijurisdictional entities, research

1 institutions, organizations representing transpor-
2 tation and technology leaders, or other transpor-
3 tation stakeholders.

4 “(5) A plan to leverage and optimize existing
5 local and regional advanced transportation tech-
6 nology investments.

7 “(d) GRANT SELECTION.—

8 “(1) GRANT AWARDS.—Each fiscal year for
9 which funding is made available under this section,
10 the Secretary shall award grants to not less than 5
11 and not more than 10 eligible entities.

12 “(2) GEOGRAPHIC DIVERSITY.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), in awarding a grant under this sec-
15 tion, the Secretary shall ensure, to the extent
16 practicable, that grant recipients represent di-
17 verse geographic areas of the United States, in-
18 cluding urban areas and rural areas.

19 “(B) RURAL SET-ASIDE.—Not less than 20
20 percent of the amounts made available to carry
21 out this section shall be reserved for projects
22 serving rural areas, to the extent there are suf-
23 ficient eligible applications.

24 “(3) TECHNOLOGY DIVERSITY.—In awarding a
25 grant under this section, the Secretary shall ensure,

1 to the extent practicable, that grant recipients rep-
2 resent a variety of technology solutions.

3 “(e) USE OF GRANT FUNDS.—A grant recipient may
4 use funds awarded under this section to deploy advanced
5 transportation technologies, including—

6 “(1) advanced traveler information systems;

7 “(2) advanced transportation management tech-
8 nologies;

9 “(3) advanced transportation technologies to
10 improve emergency evacuation and response by Fed-
11 eral, State, and local authorities;

12 “(4) infrastructure maintenance, monitoring,
13 and condition assessment;

14 “(5) advanced public transportation systems;

15 “(6) transportation system performance data
16 collection, analysis, and dissemination systems;

17 “(7) advanced safety systems, such as systems
18 using cellular technology, vehicle-to-vehicle, vehicle-
19 to-pedestrian, and vehicle-to-infrastructure commu-
20 nications, technologies associated with autonomous
21 vehicles, and other collision avoidance technologies;

22 “(8) integration of intelligent transportation
23 systems with the Smart Grid and other energy dis-
24 tribution and charging systems;

25 “(9) integrated corridor management systems;

1 “(10) advanced parking reservation or variable
2 pricing systems;

3 “(11) electronic pricing, toll collection, and pay-
4 ment systems;

5 “(12) technology that enhances high occupancy
6 vehicle toll lanes, cordon pricing, or congestion pric-
7 ing;

8 “(13) advanced mobility and access tech-
9 nologies, such as dynamic ridesharing and informa-
10 tion systems to support human services for elderly
11 and disabled individuals;

12 “(14) technology that collects and maintains
13 automated driving system safety data and data anal-
14 ysis tools;

15 “(15) cybersecurity protection measures and ac-
16 tivities to protect against cybersecurity threats; or

17 “(16) advanced vulnerable road user safety in-
18 formation systems.

19 “(f) REPORT TO SECRETARY.—

20 “(1) IN GENERAL.—The Secretary shall ensure
21 that a recipient of a grant under this section sub-
22 mits, not later than 1 year after the recipient re-
23 ceives a grant and annually thereafter, a report to
24 the Secretary that describes—

1 “(A) deployment and operational costs of
2 the project compared to the benefits and sav-
3 ings the project provides; and

4 “(B) how the project has met the original
5 expectations projected in the deployment plan
6 submitted with the application, such as—

7 “(i) data on how the project has
8 helped reduce traffic accidents, congestion,
9 costs, and other benefits of the deployed
10 systems;

11 “(ii) data on the effect of measuring
12 and improving transportation system per-
13 formance through the deployment of ad-
14 vanced transportation technologies;

15 “(iii) the effectiveness of providing
16 real-time integrated traffic, transit, and
17 multimodal transportation information to
18 the public to make informed travel deci-
19 sions; and

20 “(iv) lessons learned and rec-
21 ommendations for future deployment strat-
22 egies to optimize transportation mobility,
23 efficiency, and multimodal system perform-
24 ance.

25 “(2) REPORT CONSISTENCY.—

1 “(A) ADMINISTRATION.—The Secretary
2 shall provide grant recipients with methods and
3 techniques to support consistent data collection
4 across grant recipients and may update such
5 methods and techniques as appropriate.

6 “(B) UPDATE.—The Secretary shall pro-
7 vide grant recipients notice of an update de-
8 scribed in subparagraph (A) not less than 90
9 days before carrying out such update.

10 “(g) REPORT.—Not later than 2 years after the date
11 of enactment of this section, and once every 2 years there-
12 after, the Secretary shall make available to the public on
13 the website of the Department of Transportation an up-
14 dated report that describes the effectiveness of grant re-
15 cipients in meeting projected deployment plans including
16 data described in subsection (f) on how the program has—

17 “(1) reduced traffic-related fatalities and inju-
18 ries;

19 “(2) reduced traffic congestion and improved
20 travel time reliability;

21 “(3) reduced transportation-related emissions;

22 “(4) optimized multimodal system performance;

23 “(5) improved access to transportation alter-
24 natives;

1 “(6) provided the public with access to real-time
2 integrated traffic, transit, and multimodal transpor-
3 tation information to make informed travel deci-
4 sions;

5 “(7) provided cost savings to transportation
6 agencies, businesses, and the traveling public; or

7 “(8) provided other benefits to transportation
8 users and the general public.

9 “(h) PENALTY.—The Secretary may terminate a
10 grant provided under this section and deobligate funds
11 provided by such grant if—

12 “(1) the Secretary determines from a report
13 submitted pursuant to subsection (f) that a recipient
14 of such grant is not carrying out the requirements
15 of the grant; and

16 “(2) the Secretary provides written notice to
17 the Committees on Transportation and Infrastruc-
18 ture and Science, Space, and Technology of the
19 House of Representatives and the Committees on
20 Environment and Public Works and Commerce,
21 Science, and Transportation of the Senate 60 days
22 prior to deobligating funds under this subsection.

23 “(i) FUNDING.—Of the amounts provided to carry
24 out this section, the Secretary may set aside \$2,000,000

1 each fiscal year for program reporting, evaluation, and ad-
2 ministrative costs related to this section.

3 “(j) FEDERAL SHARE.—The Federal share of the
4 cost of a project for which a grant is awarded under this
5 subsection shall not exceed 50 percent of the cost of the
6 project.

7 “(k) EXPENSES FOR GRANT RECIPIENTS.—A grant
8 recipient under this section may use not more than 5 per-
9 cent of the funds awarded each fiscal year to such recipi-
10 ent to carry out planning and reporting requirements.

11 “(l) GRANT FLEXIBILITY.—

12 “(1) IN GENERAL.—If, by August 1 of each fis-
13 cal year, the Secretary determines that there are not
14 enough grant applications that meet the require-
15 ments described in subsection (c) to carry out this
16 section for a fiscal year, the Secretary shall transfer
17 to the programs specified in paragraph (2)—

18 “(A) any of the funds reserved for the fis-
19 cal year under subsection (i) that the Secretary
20 has not yet awarded under this section; and

21 “(B) an amount of obligation limitation
22 equal to the amount of funds that the Secretary
23 transfers under subparagraph (A).

24 “(2) PROGRAMS.—The programs referred to in
25 paragraph (1) are—

1 “(A) the programs under sections 503(b)
2 and 503(c); and

3 “(B) the programs under sections 512
4 through 518.

5 “(3) DISTRIBUTION.—Any transfer of funds
6 and obligation limitation under paragraph (1) shall
7 be divided among the programs referred to in that
8 paragraph in the same proportions as the Secretary
9 originally reserved funding from the programs for
10 the fiscal year under subsection (i).

11 “(m) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) ADVANCED TRANSPORTATION TECH-
14 NOLOGIES.—The term ‘advanced transportation
15 technologies’ means technologies that improve the ef-
16 ficiency, safety, or state of good repair of surface
17 transportation systems, including intelligent trans-
18 portation systems.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State or local government or a po-
22 litical subdivision of a State or local govern-
23 ment;

24 “(B) a transit agency;

25 “(C) a metropolitan planning organization;

1 “(D) a multijurisdictional group; or

2 “(E) a consortia of research institutions or
3 academic institutions.

4 “(3) MULTIJURISDICTIONAL GROUP.—The term
5 ‘multijurisdictional group’ means any combination of
6 State governments, local governments, metropolitan
7 planning organizations, transit agencies, or other po-
8 litical subdivisions of a State for which each member
9 of the group—

10 “(A) has signed a written agreement to
11 implement a project carried out under this sec-
12 tion across jurisdictional boundaries; and

13 “(B) is an eligible entity under this sec-
14 tion.

15 “(4) SMART GRID.—The term ‘Smart Grid’
16 means a system that provides for any of the smart
17 grid functions set forth in section 1306(d) of the
18 Energy Independence and Security Act of 2007 (42
19 U.S.C. 17386(d)).”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 5 of title 23, United States Code, is amended by add-
22 ing at the end the following new item:

“520. Advanced transportation technologies program.”.

23 (c) CONFORMING AMENDMENT.—Chapter 5 of title
24 23, United States Code, is amended by striking section
25 503(c)(4).

1 **SEC. 6002. CONNECTED VEHICLE DEPLOYMENT PILOT PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 521. Connected vehicle deployment pilot program**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary of Transpor-
9 tation shall establish a connected vehicle deployment
10 pilot program to make grants, on a competitive
11 basis, to spur operational deployments to meet the
12 transportation needs of eligible entities through the
13 use of the best available and emerging intelligent
14 transportation systems.

15 “(2) GOALS.—The goals of the program shall
16 be to—

17 “(A) spur connected vehicle technology de-
18 ployment through wirelessly connected vehicles
19 that interact with a connected environment, in-
20 cluding mobile devices, infrastructure, and
21 other elements;

22 “(B) realize safety, mobility, and environ-
23 mental impacts through operational deploy-
24 ments;

25 “(C) capture and use new forms of con-
26 nected vehicle and mobile device data to support

1 improved surface transportation system per-
2 formance and enhanced performance-based
3 management;

4 “(D) encourage partnerships of multiple
5 stakeholders (including private companies,
6 State and local agencies, transit agencies, com-
7 mercial vehicle operators, freight shippers, and
8 transportation network companies);

9 “(E) deploy applications using data cap-
10 tured from multiple sources (including vehicles,
11 mobile devices, and infrastructure) across all
12 elements of the surface transportation system
13 (including transit, highway, arterial highways,
14 parking facilities, and toll highways); and

15 “(F) support deployment sites that create
16 foundations for future expanded and enhanced
17 deployments.

18 “(b) GRANT AMOUNT.—Each grant made under this
19 section shall be in an amount that is at least \$10,000,000.

20 “(c) ELIGIBLE ENTITIES.—The Secretary may make
21 a grant under this section to any of the following entities:

22 “(1) A State.

23 “(2) A transit agency.

1 “(3) A metropolitan planning organization that
2 serves an urbanized area with a population of more
3 than 200,000 individuals.

4 “(4) A unit of local government.

5 “(5) A political subdivision of a State or local
6 government.

7 “(6) A special purpose district or public author-
8 ity with a transportation function, including a port
9 authority.

10 “(7) A multijurisdictional group (as defined
11 under section 520).

12 “(8) A consortia of research institutions or aca-
13 demic institutions.

14 “(d) ELIGIBLE PROJECTS.—A grant recipient may
15 use funds awarded under this section for a project that
16 deploys connected vehicle applications and technologies,
17 including—

18 “(1) advanced safety systems, such as systems
19 using cellular technology, vehicle-to-vehicle and vehi-
20 cle-to-infrastructure communications, technologies
21 associated with autonomous vehicles, and other colli-
22 sion avoidance technologies;

23 “(2) integration of intelligent transportation
24 systems with the Smart Grid and other energy dis-
25 tribution and charging systems;

1 “(3) electronic pricing and payment systems;

2 “(4) advanced mobility and access technologies,
3 such as dynamic ridesharing and information sys-
4 tems to support human services for elderly and dis-
5 abled individuals; and

6 “(5) any deployment concept eligible, before the
7 date of enactment of this section, under the con-
8 nected vehicle pilot deployment program carried out
9 by the Department of Transportation.

10 “(e) USE OF FUNDS.—Grant amounts received for
11 a project under this section may be used for—

12 “(1) activities in the development phase, includ-
13 ing planning, feasibility analysis, revenue fore-
14 casting, environmental review process (as defined
15 under section 139), preliminary engineering and de-
16 sign work, and other preconstruction activities;

17 “(2) construction, reconstruction, rehabilitation,
18 acquisition of real property (including land related
19 to the project and improvements to the land), envi-
20 ronmental mitigation, construction contingencies, ac-
21 quisition of equipment, and operational improvement
22 directly related to improving system performance;

23 “(3) providing incentives to attract driver par-
24 ticipation; and

1 “(4) purchasing and installing any connected
2 vehicle equipment (including vehicle applications,
3 roadside units, and back-office equipment).

4 “(f) APPLICATIONS.—

5 “(1) IN GENERAL.—To be eligible for a grant
6 under this section, an entity described under sub-
7 section (c) shall submit to the Secretary an applica-
8 tion in such form, at such time, and containing such
9 information as the Secretary determines is appro-
10 priate, including—

11 “(A) a plan to deploy and provide for the
12 long-term operation and maintenance of con-
13 nected vehicle technologies to improve safety,
14 efficiency, and system performance;

15 “(B) objectives to improve and measure
16 system performance in 1 or more of—

17 “(i) system productivity;

18 “(ii) mobility, including impact on
19 freight movements;

20 “(iii) livability and accessibility of
21 goods, services, and activities;

22 “(iv) environment and fuel use; and

23 “(v) traveler and system safety, in-
24 cluding advising individuals of potentially
25 unsafe conditions and mitigating the im-

1 pact of events that may cause vehicle acci-
2 dents; and

3 “(C) a plan for partnering with private
4 sector entities or public agencies, including
5 multimodal and multijurisdictional entities, re-
6 search institutions, organizations representing
7 transportation and technology leaders, or other
8 transportation stakeholders.

9 “(2) CRITERIA.—When evaluating applications
10 under this section, the Secretary may not require
11 that a pilot deployment under the program be based
12 on research carried out or funded by the Depart-
13 ment of Transportation.

14 “(g) GRANT SELECTION.—

15 “(1) GRANT AWARDS.—Not later than 1 year
16 after the date of enactment of this section, and each
17 fiscal year thereafter, the Secretary shall award
18 grants to not less than 3 and not more than 5 eligi-
19 ble entities described in subsection (c).

20 “(2) GEOGRAPHIC DIVERSITY.—In awarding a
21 grant under this section, the Secretary shall ensure,
22 to the extent practicable, that grant recipients rep-
23 resent diverse geographic areas of the United States,
24 including urban areas and rural areas.

1 “(h) GRANT MANAGEMENT.—In carrying out the
2 grant program under this section, the Secretary shall—

3 “(1) emphasize project sustainability and long-
4 term funding goals;

5 “(2) create a noncompetitive environment and
6 encourage collaboration among project sites;

7 “(3) balance the privacy of users and secure op-
8 erations of pilot projects, while maintaining the abil-
9 ity to measure performance factors; and

10 “(4) be wary of technological maturity of con-
11 nected vehicle applications and impact of long-term
12 viability of non-deployment ready applications.

13 “(i) SMART GRID DEFINED.—In this section, the
14 term ‘Smart Grid’ means a system that provides for any
15 of the smart grid functions set forth in section 1306(d)
16 of the Energy Independence and Security Act of 2007 (42
17 U.S.C. 17386(d)).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 5 of title 23, United States Code, is further amended
20 by adding at the end the following new item:

“521. Connected vehicle deployment pilot program.”.

21 **SEC. 6003. AUTOMATED DRIVING SYSTEM DEMONSTRATION**
22 **PROGRAM.**

23 (a) IN GENERAL.—Chapter 5 of title 23, United
24 States Code, is further amended by adding at the end the
25 following:

1 **“§ 522. Automated driving system demonstration pro-**
2 **gram**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall establish an automated driving system
6 demonstration program to make grants, on a com-
7 petitive basis, to eligible entities to—

8 “(A) test the safe integration of automated
9 driving system technologies into the on-road
10 transportation system of the United States and
11 demonstrate how challenges to the safe integra-
12 tion of such technologies can be addressed;

13 “(B) ensure significant data gathering and
14 sharing of project data to identify—

15 “(i) a baseline of safety metrics need-
16 ed to characterize the safety risk of inte-
17 grating automated driving system tech-
18 nologies into the transportation system;
19 and

20 “(ii) a baseline of roadway character-
21 istics needed for the safe and efficient op-
22 eration of automated driving system tech-
23 nologies; and

24 “(C) encourage collaboration and partner-
25 ships of multiple stakeholders to carry out sub-
26 paragraphs (A) and (B).

1 “(b) ELIGIBLE ENTITIES.—The Secretary may make
2 a grant under this section to the following:

3 “(1) A State.

4 “(2) A transit agency.

5 “(3) A metropolitan planning organization that
6 serves an urbanized area with a population of more
7 than 200,000 individuals.

8 “(4) A unit of local government.

9 “(5) A political subdivision of a State or local
10 government.

11 “(6) A special purpose district or public author-
12 ity with a transportation function, including a port
13 authority.

14 “(7) A public academic institution, public re-
15 search institution or a consortia of research institu-
16 tions or academic institutions.

17 “(8) A multijurisdictional group (as such term
18 is defined in section 520).

19 “(c) APPLICATIONS.—To be eligible for a grant under
20 this section, an entity described under subsection (b) shall
21 submit to the Secretary an application in such form, at
22 such time, and containing such information as the Sec-
23 retary determines is appropriate.

24 “(d) ELIGIBLE USES.—

1 “(1) IN GENERAL.—A grant recipient may use
2 funds awarded under this section to demonstrate
3 automated driving system technologies, including—

4 “(A) advanced safety systems, such as sys-
5 tems using cellular technology, vehicle-to-vehicle
6 and vehicle-to-infrastructure communications,
7 technologies associated with autonomous vehi-
8 cles, and other collision avoidance technologies;

9 “(B) innovative mobility solutions that in-
10 volve deployment of automated vehicles;

11 “(C) automated driving systems that en-
12 hance safety and mobility for elderly and dis-
13 abled individuals;

14 “(D) demonstration of shared interoper-
15 able fleet of automated vehicles;

16 “(E) demonstration and validation of ex-
17 changes of data that can support the safe, effi-
18 cient, and secure interoperable integration of
19 automated driving systems;

20 “(F) any technology associated with auto-
21 mated driving systems; and

22 “(G) any deployment concept eligible under
23 the automated driving system demonstration
24 grant program carried out by the Department

1 of Transportation before the date of enactment
2 of this section.

3 “(2) ADDITIONAL USES.—A grant recipient
4 may use funds awarded under this section for infra-
5 structure needs, including capital expenses and
6 maintenance activities, necessary to the proper and
7 safe operation of the automated driving system tech-
8 nology.

9 “(e) GRANT SELECTION.—

10 “(1) GRANT AWARDS.—The Secretary may
11 award grants to not less than 8 and not more than
12 10 eligible entities described under subsection (b) in
13 a fiscal year.

14 “(2) GEOGRAPHIC DIVERSITY.—

15 “(A) IN GENERAL.—In awarding a grant
16 under this section, the Secretary shall ensure,
17 to the maximum extent practicable, that grant
18 recipients represent diverse geographic areas of
19 the United States, including urban areas and
20 rural areas.

21 “(B) RURAL SET-ASIDE.—Not less than 20
22 percent of the amounts made available to carry
23 out this section shall be reserved for projects
24 serving rural areas, to the extent there are suf-
25 ficient eligible applications for such projects.

1 “(f) DEMONSTRATION REQUIREMENTS.—The Sec-
2 retary shall ensure that any project carried out with funds
3 provided under this section shall—

4 “(1) carry out research and development of
5 automated driving system technologies of Level 3 or
6 greater, as such term is defined under subsection
7 (h);

8 “(2) include physical and fully operational dem-
9 onstrations;

10 “(3) include gathering and sharing of all rel-
11 evant data with the Department of Transportation
12 and the relevant State transportation agencies; and

13 “(4) address scalability to be applicable across
14 the United States to similar road environments.

15 “(g) REPORT.—Not later than 1 year after the date
16 on which a grant recipient receives a grant under this sec-
17 tion, and annually thereafter until such grant is expended,
18 the recipient shall submit to the Secretary and to the
19 transportation agency of the State in which the project
20 takes place, a report that describes—

21 “(1) lessons learned and how the demonstration
22 has met project objectives;

23 “(2) a summary of any complications experi-
24 enced with the project, including complications re-

1 lated to pedestrians, infrastructure, and other vehi-
2 cles;

3 “(3) how to use the results of the project to
4 help the public interact and better understand the
5 operations of automated driving system technologies;
6 and

7 “(4) recommendations for improving roadway
8 characteristics needed for the safe and efficient oper-
9 ation of automated driving system technologies with-
10 in the State or jurisdiction in which the project took
11 place.

12 “(h) GUIDANCE REQUIRED.—Not later than 120
13 days after the date of enactment of this section, the Sec-
14 retary shall issue guidance defining the term ‘Level 3 or
15 greater’ by considering industry best practices and stand-
16 ards, including the definition found within ‘Taxonomy and
17 Definitions for Terms Related to Driving Automation Sys-
18 tems for On-Road Motor Vehicles’ published by SAE
19 International on June 15, 2018 (J3016__201806), or sub-
20 sequent versions.

21 “(i) AUTOMATED DRIVING SYSTEM TECHNOLOGIES
22 DEFINED.—In this section, the term ‘automated driving
23 system technologies’ means the hardware and software
24 that are collectively capable of performing the entire dy-
25 namic driving task on a sustained basis, regardless of

1 whether such capability is limited to a specific operational
2 design domain.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 5 of title 23, United States Code, is further amended
5 by adding at the end the following new item:

“522. Automated driving system demonstration program.”.

6 (c) PREPARING ROADWAYS FOR AUTOMATED VEHI-
7 CLES.—Section 133(b) of title 23, United States Code, is
8 amended by adding at the end the following:

9 “(16) Capital and maintenance expenses for in-
10 frastructure improvements to ensure the proper and
11 safe operation of automated driving system tech-
12 nologies for which a demonstration project was car-
13 ried out under section 522.”.

14 **SEC. 6004. ACCELERATED IMPLEMENTATION AND DEPLOY-**
15 **MENT OF ADVANCED DIGITAL CONSTRUC-**
16 **TION MANAGEMENT SYSTEMS.**

17 (a) IN GENERAL.—Section 503(c) of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(4) ACCELERATED IMPLEMENTATION AND DE-
21 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION
22 MANAGEMENT SYSTEMS.—

23 “(A) IN GENERAL.—Not later than 6
24 months after the date of enactment of this
25 paragraph, the Secretary of Transportation

1 shall establish and implement an advanced dig-
2 ital construction management system program
3 under the technology and innovation deploy-
4 ment program established under paragraph (1)
5 and implemented pursuant to paragraph (2)
6 to—

7 “(i) deploy advanced digital construc-
8 tion management systems that enable the
9 use of digital technologies on construction
10 sites by contractors and leverage the use of
11 such technologies, including state-of-the-
12 art automated and connected machinery
13 and optimized routing software that allows
14 individuals to perform tasks faster, safer,
15 more accurately, and with minimal super-
16 vision;

17 “(ii) accelerate State adoption of ad-
18 vanced digital construction management
19 systems applied throughout the design, en-
20 gineering, construction, and operations
21 phases of a construction project that—

22 “(I) maximize interoperability
23 with other systems, products, tools, or
24 applications;

25 “(II) increase productivity;

1 “(III) manage complexity of a
2 construction project;

3 “(IV) reduce project delays and
4 cost overruns; and

5 “(V) enhance safety of individ-
6 uals involved and quality of a con-
7 struction project;

8 “(iii) share information among stake-
9 holders through reduced reliance on paper
10 to manage construction processes and
11 deliverables, including blueprints, design
12 drawings, procurement and supply-chain
13 orders, equipment logs, daily progress re-
14 ports, and punch lists;

15 “(iv) develop and deploy best practices
16 for use in advanced digital construction
17 management systems;

18 “(v) increase the adoption and deploy-
19 ment of technology by States and units of
20 local government that enables entities car-
21 rying out construction projects to—

22 “(I) integrate the adoption of ad-
23 vanced digital construction manage-
24 ment systems and technologies in con-
25 tracts; and

1 “(II) weigh the cost of
2 digitization and technology in setting
3 project budgets;

4 “(vi) implement technology training
5 and workforce development to build the ca-
6 pabilities of entities carrying out construc-
7 tion projects that enables States and units
8 of local government to—

9 “(I) better manage projects using
10 advanced digital construction manage-
11 ment technologies; and

12 “(II) properly measure and re-
13 ward technology adoption across con-
14 struction projects carried out by the
15 State or unit of local government;

16 “(vii) develop guidance to assist
17 States in updating regulations of such
18 States to allow entities carrying out con-
19 struction projects to—

20 “(I) report data relating to the
21 project in digital formats; and

22 “(II) fully capture the efficiencies
23 and benefits of advanced digital con-
24 struction management systems and
25 related technologies;

1 “(viii) reduce the environmental foot-
2 print of construction projects by using ad-
3 vanced digital construction management
4 systems to eliminate traffic congestion
5 through more efficient projects; and

6 “(ix) enhance worker and roadway
7 user safety.

8 “(B) FUNDING.—The Secretary shall obli-
9 gate for each of fiscal years 2022 through 2026
10 from funds made available to carry out this
11 subsection such funds as may be necessary to
12 carry out this paragraph.

13 “(C) PUBLICATION.—

14 “(i) IN GENERAL.—At least once
15 every 2 years, the Secretary shall issue and
16 make available to the public on the website
17 of the Department of Transportation a re-
18 port on—

19 “(I) progress made in the imple-
20 mentation of advanced digital con-
21 struction management systems by
22 States; and

23 “(II) the costs and benefits of
24 the deployment of technology and in-

1 novations resulting from the program
2 established under this paragraph.

3 “(ii) INCLUSIONS.—The report re-
4 quired under clause (i) may include an
5 analysis of—

6 “(I) Federal, State, and local
7 cost savings;

8 “(II) project delivery time im-
9 provements;

10 “(III) traffic congestion impacts;
11 and

12 “(IV) safety improvements for
13 roadway users and construction work-
14 ers.

15 “(D) ADVANCED DIGITAL CONSTRUCTION
16 MANAGEMENT SYSTEMS DEFINED.—In this
17 paragraph, the term ‘advanced digital construc-
18 tion management systems’ means commercially-
19 proven digital technologies and processes for
20 the management of construction and engineer-
21 ing activities, including—

22 “(i) systems for infrastructure plan-
23 ning, coordination, construction, mainte-
24 nance, modernization and management;
25 and

1 “(ii) asset management systems for
2 machines, site equipment, and personnel.”.

3 (b) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of this Act, the Secretary shall
5 submit to the Committee on Environment and Public
6 Works of the Senate and the Committee on Transpor-
7 tation and Infrastructure of the House of Representatives
8 a report that includes—

9 (1) a description of—

10 (A) the status of the program carried out
11 under section 503(c)(4) of title 23, United
12 States Code, and any other use of advanced
13 digital construction management systems in
14 each State; and

15 (B) the progress of each State toward ac-
16 celerating the adoption of advanced digital con-
17 struction management systems; and

18 (2) an analysis of the savings in project delivery
19 time and project costs that can be achieved through
20 the use of advanced digital construction manage-
21 ment systems.

22 **SEC. 6005. INNOVATIVE PROJECT DELIVERY METHODS.**

23 Section 120(c)(3) of title 23, United States Code, is
24 amended—

25 (1) in subparagraph (B)—

1 (A) in clause (v) by striking “or” at the
2 end;

3 (B) in clause (vi) by striking the period
4 and inserting “; or” ; and

5 (C) by inserting at the end the following:

6 “(vii) advanced digital construction
7 management systems as defined in section
8 503(e)(4).”; and

9 (2) in subparagraph (C)(i) by striking “10 per-
10 cent” and inserting “25 percent”.

11 **SEC. 6006. SURFACE TRANSPORTATION SYSTEM FUNDING**
12 **ALTERNATIVES.**

13 Section 6020 of the FAST Act (23 U.S.C. 503 note)
14 is amended—

15 (1) in subsection (a)—

16 (A) by striking “States” and inserting
17 “States or groups of States”; and

18 (B) by inserting “to motor fuel and diesel
19 taxes” after “alternative revenue mechanisms”;

20 (2) by striking subsection (b) and inserting the
21 following:

22 “(b) APPLICATION.—

23 “(1) IN GENERAL.—To be eligible for a grant
24 under this section, a State or group of States shall
25 submit to the Secretary an application in such form

1 and containing such information as the Secretary
2 shall require, including—

3 “(A) for any State or group of States that
4 has received a grant to carry out a program
5 under this section, how such State or group of
6 States will use the grant to build on any such
7 program;

8 “(B) how the State or group of States will
9 collect and analyze data on—

10 “(i) lowering the administrative cost
11 to collect revenue;

12 “(ii) user experience with and accept-
13 ance of a user-based alternative revenue
14 mechanism;

15 “(iii) impacts on rural and urban
16 users;

17 “(iv) potential revenue generation;
18 and

19 “(v) revenue collection compliance
20 strategies; and

21 “(C) for any State or group of States that
22 has not received a grant to carry out a program
23 under this section, how the State or group of
24 States—

1 “(i) will avoid redundancies with any
2 other pilot programs for user-based alter-
3 native revenue mechanisms carried out by
4 the applicant; and

5 “(ii) plans to use best practices from
6 any such pilot programs in structuring the
7 program for which such funds are pro-
8 vided.

9 “(2) APPLICATION GUIDANCE.—Not later than
10 30 days after the date of enactment of the START-
11 ER Act 2.0, the Secretary shall publish online guid-
12 ance on submission of an application for the pro-
13 gram.”;

14 (3) in subsection (c)—

15 (A) by striking paragraph (1) and insert-
16 ing the following:

17 “(1) To test the design, acceptance, equity, and
18 implementation of user-based alternative revenue
19 mechanisms, including among—

20 “(A) differing income groups;

21 “(B) various geographic areas;

22 “(C) rural and urban drivers; and

23 “(D) unique design requirements for cer-
24 tain motor vehicles, including motorcycles.”;

25 and

1 (B) in paragraph (5) by striking “To mini-
2 mize the administrative cost” and inserting “To
3 quantify and minimize the administrative
4 costs”;

5 (4) in subsection (d)(1)(B) by inserting “and
6 the safety of data collection” before the semicolon;

7 (5) in subsection (e) by striking “shall” and in-
8 serting “may”;

9 (6) by striking subsection (g) and inserting the
10 following:

11 “(g) FEDERAL SHARE.—The Federal share of the
12 cost of an activity carried out under this section may not
13 exceed—

14 “(1) 80 percent of the total cost of an activity
15 that involves 2 or more States; and

16 “(2) 80 percent of the total cost of any activity
17 not described in paragraph (1).”;

18 (7) in subsection (h)(2) by striking “lessons
19 learned” and inserting “recommendations”; and

20 (8) by striking subsections (j) and (k) and in-
21 serting the following:

22 “(j) FUNDING.—Of the funds authorized to carry out
23 section 503(b) of title 23, United States Code, the Sec-
24 retary shall reserve such sums as may be necessary to
25 carry out this section.

1 “(k) PLANNING GRANTS.—

2 “(1) PLANNING, PREPARATION, DESIGN.—Of
3 the funds authorized to carry out this section, the
4 Secretary may award grants in amounts not to ex-
5 ceed 10 percent of such funds to States or groups
6 of States for the planning, preparation, or design of
7 projects eligible for funding under this section.

8 “(2) ELIGIBLE USES.—A State or group of
9 States receiving funding under this subsection may
10 use the funds for planning, preparation, or design of
11 an implementable pilot project, as well as the exam-
12 ination of issues related to data and privacy, cyber-
13 security, and the financial analysis of urban and
14 rural impacts of a project.

15 “(3) MAXIMUM AMOUNT.—A grant under this
16 subsection shall not exceed \$1,000,000.

17 “(4) ELIGIBILITY REQUIREMENT.—To be eligi-
18 ble to receive funds under this subsection, an State
19 or group of States shall describe to the Secretary
20 how the State or group of States—

21 “(A) will avoid redundancies with any
22 other pilot programs for user-based alternative
23 revenue mechanisms carried out by the appli-
24 cant; and

1 “(B) plans to use best practices from any
2 such pilot programs in structuring the program
3 for which such funds are provided.

4 “(1) GRANT FLEXIBILITY.—

5 “(1) IN GENERAL.—If there are not enough
6 grant applications that meet the requirements of this
7 section for a fiscal year, the Secretary may transfer
8 to the program under section 503(b) of title 23,
9 United States Code, to remain available until ex-
10 pended—

11 “(A) any of the funds reserved for the fis-
12 cal year under subsection (j) that the Secretary
13 has not yet awarded under this section; and

14 “(B) an amount of obligation limitation
15 equal to the amount of funds that the Secretary
16 transfers under this subsection.

17 “(2) NOTIFICATION.—If, by August 1 of each
18 fiscal year, the Secretary determines that there are
19 not enough grant applications that meet the require-
20 ments of this section for a fiscal year, the Secretary
21 shall submit a written notification of the intent to
22 transfer funds under this subsection to the Com-
23 mittee on Appropriations and the Committee on
24 Transportation and Infrastructure of the House of
25 Representatives and the Committee on Appropria-

1 tions and the Committee on Environment and Public
2 Works of the Senate.

3 “(3) AUTHORIZATION OF TRANSFER.—The Sec-
4 retary shall carry out the transfer described in para-
5 graph (1) if the committees described in paragraph
6 (2) provide written authorization to the Secretary
7 for such transfer not later than 30 days after receiv-
8 ing a notification under paragraph (2).”.

9 **SEC. 6007. SURFACE TRANSPORTATION SYSTEM ROAD**
10 **USAGE CHARGE NATIONAL PILOT PROGRAM.**

11 (a) ESTABLISHMENT.—Not later than 60 days after
12 the date of enactment of this Act, the Secretary of Trans-
13 portation, in consultation with the Secretary of the Treas-
14 ury, shall establish a pilot program (referred to in this
15 section as the “Pilot Program”) to demonstrate implemen-
16 tation of a national per-mile road usage charge.

17 (b) OBJECTIVES.—In establishing the Pilot Program,
18 the Secretary of Transportation and the Secretary of the
19 Treasury shall carry out the following objectives:

20 (1) Test the design, acceptance, implementa-
21 tion, and financial sustainability of a national per-
22 mile road usage charge.

23 (2) Collect and report data on the differential
24 effects of a national per-mile road usage charge and

1 the Federal motor fuels tax between urban and rural
2 drivers.

3 (3) Collect and report data on the interoper-
4 ability of road usage charge collection between
5 States.

6 (4) Create and implement a national public
7 awareness campaign to increase public awareness re-
8 garding a national per-mile user fee, including dis-
9 tributing information related to the pilot program
10 carried out under this section and information from
11 the State surface transportation system funding
12 pilot program under section 6020 of the FAST Act
13 (23 U.S.C. 503 note).

14 (5) Address the need for additional revenue for
15 surface transportation infrastructure and a national
16 per-mile user fee.

17 (6) Provide recommendations regarding adop-
18 tion and implementation of a national per-mile road
19 usage charge and a recommendation for the amount
20 of the national per-mile road usage charge.

21 (c) SURFACE TRANSPORTATION SYSTEM ROAD
22 USAGE CHARGE ADVISORY BOARD.—

23 (1) IN GENERAL.—In carrying out the Pilot
24 Program, the Secretary of Transportation shall es-

1 establish a surface transportation system road usage
2 charge advisory board to—

3 (A) advance and implement the objectives
4 under subsection (b); and

5 (B) develop the recommendations and re-
6 port under subsection (j)(1).

7 (2) MEMBERS.—The advisory board established
8 under paragraph (1) shall, at a minimum, be com-
9 posed of a total of 15 representatives of the fol-
10 lowing entities, to be appointed by the Secretary:

11 (A) State departments of transportation or
12 State transportation commissions.

13 (B) Local transportation agencies located
14 within a transportation management area (as
15 identified or designated under section 134(k) of
16 title 23, United States Code).

17 (C) Any public or nonprofit entity that
18 carried out a surface transportation system
19 funding alternatives pilot project under section
20 6020 of the FAST Act (23 U.S.C. 503 note).

21 (D) Owners and operators of toll facilities.

22 (E) Fleet operators of commercial motor
23 vehicles.

24 (F) Academic experts on surface transpor-
25 tation.

1 (G) Private sector technology companies.

2 (H) Automobile manufacturers.

3 (I) Other members as designated by the
4 Secretary.

5 (3) APPLICATION OF LAW.—The Federal Advi-
6 sory Committee Act (5 U.S.C. App.) shall not apply
7 to the advisory board established under paragraph
8 (1).

9 (d) PROGRAM REQUIREMENTS.—In carrying out the
10 Pilot Program, the Secretary of Transportation, in con-
11 sultation with the Secretary of the Treasury, shall—

12 (1) establish appropriate methods for reporting
13 vehicle miles traveled under the program;

14 (2) solicit volunteer participants from all 50
15 states and the District of Columbia;

16 (3) ensure an appropriate geographic distribu-
17 tion by population among volunteer participants;

18 (4) enter into agreements, as practicable, with
19 owners of passenger and commercial motor vehicle
20 fleets or law enforcement motorcycle fleets for the
21 collection and sharing of anonymized data through-
22 out the pilot program;

23 (5) enter into agreements with entities of the
24 passenger motor vehicle industry, motorcycle indus-
25 try, and commercial vehicle industry to develop a

1 technology standard for onboard units used to report
2 vehicle miles traveled; and

3 (6) use components of and information from
4 the State pilots under section 6020 of the FAST Act
5 (23 U.S.C. 503 note), as applicable.

6 (e) METHODS.—In establishing a method for col-
7 lecting information on vehicle miles traveled under the
8 Pilot Program, the Secretary of Transportation shall con-
9 sider the following:

10 (1) Third-party on-board diagnostic system-II
11 devices.

12 (2) Smart phone applications.

13 (3) Solicitation of voluntary reporting by volun-
14 teer participants.

15 (4) Solicitation of voluntary reporting by car in-
16 surance companies.

17 (5) Solicitation of voluntary reporting through
18 State departments of motor vehicles.

19 (6) Any other method that the Secretary of
20 Transportation considers appropriate.

21 (f) PRIVACY OF PARTICIPANTS.—Not later than 30
22 days after establishing the Pilot Program, the Secretary
23 of Transportation, in consultation with the Secretary of
24 the Treasury, shall issue policies to—

1 (1) protect the privacy and security of volunteer
2 participants and their vehicles; and

3 (2) secure the data provided by volunteer par-
4 ticipants.

5 (g) CALCULATION OF PER-MILE ROAD USAGE
6 CHARGE.—For the purposes of the Pilot Program, the
7 Secretary of the Treasury shall establish on an annual
8 basis—

9 (1) for motor vehicles that are not commercial
10 motor vehicles, a per mile road usage charge that is
11 equivalent to the annual gas tax revenues collected
12 pursuant to section 4081 of the Internal Revenue
13 Code of 1986 divided by the total vehicle miles trav-
14 eled by such motor vehicles; and

15 (2) for commercial motor vehicles, a per mile
16 road usage charge equivalent to the annual diesel
17 tax revenues collected pursuant to section 4041 of
18 the Internal Revenue Code of 1986 divided by the
19 total vehicle miles traveled by medium and heavy-
20 duty trucks.

21 (h) REVENUE COLLECTION.—

22 (1) IN GENERAL.—The Secretary of the Treas-
23 ury, in coordination with the Secretary of Transpor-
24 tation, may establish a mechanism to collect a per-

1 mile road usage charge from volunteer participants
2 under the Pilot Program that—

3 (A) may be adjusted as needed to address
4 technical challenges; and

5 (B) may allow third-party vendors to col-
6 lect the payments and submit such payments to
7 the Secretary of the Treasury.

8 (2) LIMITATION ON REVENUE COLLECTED.—
9 Any revenue collected under this section shall not be
10 considered a toll under section 301 of title 23,
11 United States Code.

12 (3) HIGHWAY TRUST FUND.—Notwithstanding
13 any other provision of law, the Secretary of the
14 Treasury shall ensure that any revenue collected
15 under this section is deposited into the Highway
16 Trust Fund.

17 (i) REFUND.—The Secretary of the Treasury shall
18 annually calculate and issue an equivalent refund to volun-
19 teer participants for any otherwise applicable Federal
20 motor fuel taxes under sections 4041 and 4081 of the In-
21 ternal Revenue Code of 1986.

22 (j) REPORTS.—

23 (1) ADVISORY BOARD.—Not later than 1 year
24 after the date on which the surface transportation
25 system road usage charge advisory board is estab-

1 lished under subsection (c), such board shall submit
2 to the Secretary of Transportation a report on the
3 progress of the Pilot Program in meeting the objec-
4 tives described in subsection (b).

5 (2) REPORT TO CONGRESS.—Not later than 1
6 year after the date on which volunteer participants
7 begin participating in the Pilot Program, and each
8 year thereafter, the Secretary of Transportation and
9 the Secretary of the Treasury shall submit to the
10 Committee on Transportation and Infrastructure
11 and the Committee on Ways and Means of the
12 House of Representatives and the Committee on En-
13 vironment and Public Works and the Committee on
14 Finance of the Senate a report on the Pilot Pro-
15 gram, including the report and recommendations
16 submitted to the Secretary under paragraph (1).

17 (k) DEFINITIONS.—In this section:

18 (1) COMMERCIAL MOTOR VEHICLE.—The term
19 “commercial motor vehicle” has the meaning given
20 the term in section 31101 of title 49, United States
21 Code.

22 (2) HIGHWAY TRUST FUND.—The term “High-
23 way Trust Fund” means the Highway Trust Fund
24 established under section 9503 of the Internal Rev-
25 enue Code of 1986.

1 (3) VOLUNTEER PARTICIPANT.—The term “vol-
2 unteer participant” means—

3 (A) the individual owner of a passenger
4 motor vehicle or commercial motor vehicle who
5 volunteers to participate in the Pilot Program;
6 and

7 (B) the owner of a fleet of commercial
8 motor vehicles or passenger motor vehicles who
9 volunteers to participate in the Pilot Program.

10 **SEC. 6008. IMPLEMENTATION OF PER-MILE ROAD USAGE**
11 **CHARGE FOR FEDERAL VEHICLES.**

12 Not later than October 1, 2026, the Secretary of
13 Transportation shall issue such regulations as are nec-
14 essary to—

15 (1) establish and implement a per-mile road
16 charge for all vehicles owned and operated by the
17 Federal Government, at a rate determined by the
18 Secretary; and

19 (2) provide for reimbursement for annual gas
20 tax revenues paid on behalf of such vehicles.

1 **TITLE VII—RESILIENCY**

2 **SEC. 7001. PROMOTING RESILIENT OPERATIONS FOR**
3 **TRANSFORMATIVE, EFFICIENT, AND COST-**
4 **SAVING TRANSPORTATION (PROTECT) GRANT**
5 **PROGRAM.**

6 (a) IN GENERAL.—Chapter 1 of title 23, United
7 States Code, as amended by this Act, is further amended
8 by adding at the end the following:

9 **“§ 173. Promoting Resilient Operations for Trans-**
10 **formative, Efficient, and Cost-Saving**
11 **Transportation (PROTECT) grant pro-**
12 **gram**

13 “(a) DEFINITIONS.—In this section:

14 “(1) EMERGENCY EVENT.—The term ‘emer-

15 gency event’ means—

16 “(A) a natural disaster or catastrophic

17 failure or an imminent natural disaster or cata-

18 strophic failure resulting in an emergency de-

19 clared by the Governor of the State in which

20 the disaster or failure occurred or will occur; or

21 “(B) an event for which the President de-

22 clares a major disaster or emergency under sec-

23 tion 401 or 501, respectively, of the Robert T.

24 Stafford Disaster Relief and Emergency Assist-

25 ance Act (42 U.S.C. 5170 and 5191).

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

4 “(A) is owned, operated, or maintained by
5 a Federal, State, Indian Tribe, or local govern-
6 ment or a private entity;

7 “(B) is used—

8 “(i) to transport the public away from
9 emergency events; or

10 “(ii) to transport emergency respond-
11 ers and recovery resources; and

12 “(C) is designated by the eligible entity
13 with jurisdiction over the area in which the
14 route is located for the purposes described in
15 subparagraph (B).

16 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
17 has the meaning given such term in section
18 207(m)(1).

19 “(4) PROGRAM.—The term ‘program’ means
20 the grant program established under subsection
21 (b)(1).

22 “(5) RESILIENCE IMPROVEMENT.—The term
23 ‘resilience improvement’ means the use of materials
24 or structural or nonstructural techniques, including
25 natural infrastructure—

1 “(A) that allow a project—

2 “(i) to better anticipate, prepare for,
3 and adapt to changing conditions and to
4 withstand and respond to disruptions; or

5 “(ii) to be better able to continue to
6 serve the primary function of the project
7 during and after emergency events for the
8 expected life of the project; or

9 “(B) that—

10 “(i) reduce the cost, magnitude, and
11 duration of the effects of emergency events
12 on a project; or

13 “(ii) have the absorptive capacity,
14 adaptive capacity, and recoverability to de-
15 crease project vulnerability to emergency
16 events.

17 “(b) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a grant program, to be known as the ‘Promoting
20 Resilient Operations for Transformative, Efficient,
21 and Cost-saving Transportation grant program’ or
22 the ‘PROTECT grant program’.

23 “(2) PURPOSE.—The purpose of the program is
24 to provide grants for resilience improvements
25 through—

1 “(A) formula funding distributed to States;

2 “(B) competitive planning grants to enable
3 communities to assess vulnerabilities to emer-
4 gency events, and plan infrastructure improve-
5 ments and emergency response strategies to ad-
6 dress such vulnerabilities; and

7 “(C) competitive resilience improvement
8 grants to protect—

9 “(i) infrastructure assets by making
10 the assets more resilient to current and fu-
11 ture weather events and natural disasters,
12 including severe storms, flooding, tornados,
13 drought, levee and dam failures, wildfire,
14 landslides, sea level rise, extreme weather
15 (including extreme temperature), and
16 earthquakes;

17 “(ii) communities through resilience
18 improvements and strategies that allow for
19 the continued operation or rapid recovery
20 of surface transportation systems that—

21 “(I) serve critical local, regional,
22 and national needs, including evacu-
23 ation routes; and

24 “(II) provide access or service to
25 hospitals and other medical or emer-

1 agency service facilities, major employ-
2 ers, critical manufacturing centers,
3 ports and intermodal facilities, utili-
4 ties, and Federal facilities;

5 “(iii) coastal infrastructure, such as a
6 tide gate, that is at long-term risk to sea
7 level rise; and

8 “(iv) natural infrastructure that pro-
9 tects and enhances surface transportation
10 assets while improving ecosystem condi-
11 tions, including culverts that ensure ade-
12 quate flows in rivers and estuarine sys-
13 tems.

14 “(c) FORMULA AWARDS.—

15 “(1) DISTRIBUTION OF FUNDS TO STATES.—

16 “(A) IN GENERAL.—For each fiscal year,
17 the Secretary shall distribute among the States
18 the amounts made available to carry out this
19 subsection for that fiscal year in accordance
20 with subparagraph (B).

21 “(B) DISTRIBUTION.—The amount for
22 each State shall be determined by multiplying
23 the total amount made available to carry out
24 this subsection for the applicable fiscal year by
25 the ratio that—

1 “(i) the total base apportionment for
2 the State under section 104(c); bears to

3 “(ii) the total base apportionments for
4 all States under section 104(c).

5 “(2) ELIGIBLE ACTIVITIES.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), a State shall use funds made
8 available under paragraph (1) to carry out ac-
9 tivities eligible under subparagraph (A), (B), or
10 (C) of subsection (d)(4).

11 “(B) PLANNING SET-ASIDE.—Of the
12 amounts made available to each State under
13 paragraph (1) for each fiscal year, not less than
14 2 percent shall be for activities described in
15 subsection (d)(3).

16 “(3) REQUIREMENTS.—

17 “(A) PROJECTS IN CERTAIN AREAS.—If a
18 project under this subsection is carried out, in
19 whole or in part, within a base floodplain, the
20 State shall—

21 “(i) identify the base floodplain in
22 which the project is to be located and dis-
23 close that information to the Secretary;
24 and

1 “(ii) indicate to the Secretary whether
2 the State plans to implement 1 or more
3 components of the risk mitigation plan
4 under section 322 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5165) with respect to
7 the area.

8 “(B) ELIGIBILITIES.—A State shall use
9 funds made available under paragraph (1) for—

10 “(i) a highway project eligible for as-
11 sistance under this title;

12 “(ii) a public transportation facility or
13 service eligible for assistance under chapter
14 53 of title 49; or

15 “(iii) a facility or service for intercity
16 rail passenger transportation (as defined in
17 section 24102 of title 49).

18 “(C) SYSTEM RESILIENCE.—A project car-
19 ried out by a State with funds made available
20 under this subsection may include, consistent
21 with State hazard mitigation plans, the use of
22 natural infrastructure or the construction or
23 modification of storm surge, flood protection, or
24 aquatic ecosystem restoration elements that are

1 functionally connected to a transportation im-
2 provement, such as—

3 “(i) increasing marsh health and total
4 area adjacent to a highway right-of-way to
5 promote additional flood storage;

6 “(ii) upgrades to and installation of
7 culverts designed to withstand 100-year
8 flood events;

9 “(iii) upgrades to and installation of
10 tide gates to protect highways; and

11 “(iv) upgrades to and installation of
12 flood gates to protect tunnel entrances.

13 “(D) FEDERAL COST SHARE.—

14 “(i) IN GENERAL.—Except as pro-
15 vided in subsection (f)(1), the Federal
16 share of the cost of a project carried out
17 using funds made available under para-
18 graph (1) shall not exceed 80 percent of
19 the total cost of the project.

20 “(ii) NON-FEDERAL SHARE.—A State
21 may use Federal funds other than Federal
22 funds made available under this subsection
23 to meet the non-Federal cost share re-
24 quirement for a project under this sub-
25 section.

1 “(E) ELIGIBLE PROJECT COSTS.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), eligible project costs
4 for activities carried out by a State with
5 funds made available under paragraph (1)
6 may include the costs of—

7 “(I) development phase activities,
8 including planning, feasibility anal-
9 ysis, revenue forecasting, environ-
10 mental review, preliminary engineer-
11 ing and design work, and other
12 preconstruction activities; and

13 “(II) construction, reconstruc-
14 tion, rehabilitation, and acquisition of
15 real property (including land related
16 to the project and improvements to
17 land), environmental mitigation, con-
18 struction contingencies, acquisition of
19 equipment directly related to improv-
20 ing system performance, and oper-
21 ational improvements.

22 “(ii) ELIGIBLE PLANNING COSTS.—In
23 the case of a planning activity described in
24 subsection (d)(3) that is carried out by a
25 State with funds made available under

1 paragraph (1), eligible costs may include
2 development phase activities, including
3 planning, feasibility analysis, revenue fore-
4 casting, environmental review, preliminary
5 engineering and design work, other
6 preconstruction activities, and other activi-
7 ties consistent with carrying out the pur-
8 poses of subsection (d)(3).

9 “(F) LIMITATIONS.—In carrying out this
10 subsection, a State—

11 “(i) may use not more than 25 per-
12 cent of the amounts made available under
13 this subsection for the construction of new
14 capacity so long as such inclusion is cost-
15 effective and is directly related to the un-
16 derlying project; and

17 “(ii) may use not more than 10 per-
18 cent of the amounts made available under
19 this subsection for activities described in
20 subparagraph (E)(i)(I).

21 “(d) COMPETITIVE AWARDS.—

22 “(1) IN GENERAL.—In addition to funds dis-
23 tributed to States under subsection (c)(1), the Sec-
24 retary shall provide grants on a competitive basis

1 under this subsection to eligible entities described in
2 paragraph (2).

3 “(2) ELIGIBLE ENTITIES.—The Secretary may
4 make a grant under this subsection to any of the fol-
5 lowing:

6 “(A) A State or political subdivision of a
7 State.

8 “(B) A metropolitan planning organiza-
9 tion.

10 “(C) A unit of local government.

11 “(D) A special purpose district or public
12 authority with a transportation function, includ-
13 ing a port authority.

14 “(E) An Indian tribe.

15 “(F) A Federal land management agency
16 that applies jointly with a State or group of
17 States.

18 “(G) A multi-State or multijurisdictional
19 group of entities described in subparagraphs
20 (A) through (F).

21 “(3) PLANNING GRANTS.—Using funds made
22 available for purposes under this subsection, the
23 Secretary shall provide planning grants to eligible
24 entities for the purpose of—

1 “(A) in the case of a State or metropolitan
2 planning organization, developing a resilience
3 improvement plan under subsection (f)(2);

4 “(B) resilience planning, predesign, design,
5 or the development of data tools to simulate
6 transportation disruption scenarios, including
7 vulnerability assessments;

8 “(C) technical capacity building by the eli-
9 gible entity to facilitate the ability of the eligi-
10 ble entity to assess the vulnerabilities of the in-
11 frastructure assets and community response
12 strategies of the eligible entity under current
13 conditions and a range of potential future con-
14 ditions; or

15 “(D) evacuation planning and preparation.

16 “(4) RESILIENCE GRANTS.—

17 “(A) RESILIENCE IMPROVEMENT
18 GRANTS.—

19 “(i) IN GENERAL.—Using funds made
20 available for purposes under this sub-
21 section, the Secretary shall provide resil-
22 ience improvement grants to eligible enti-
23 ties to carry out 1 or more eligible activi-
24 ties under clause (ii).

25 “(ii) ELIGIBLE ACTIVITIES.—

1 “(I) IN GENERAL.—An eligible
2 entity may use a resilience improve-
3 ment grant under this subparagraph
4 for 1 or more construction activities
5 to enable an existing surface transpor-
6 tation infrastructure asset to with-
7 stand or reduce the costs and impact
8 of 1 or more elements of an emer-
9 gency event, or to increase the resil-
10 ience of surface transportation infra-
11 structure from the costs and impacts
12 of changing conditions, such as sea
13 level rise, flooding, extreme weather
14 events, and other natural disasters.

15 “(II) INCLUSIONS.—An activity
16 eligible to be carried out under this
17 subparagraph includes—

18 “(aa) resurfacing, restora-
19 tion, rehabilitation, reconstruc-
20 tion, replacement, improvement,
21 or realignment of an existing sur-
22 face transportation facility eligi-
23 ble for assistance under this title;

24 “(bb) the incorporation of
25 natural infrastructure;

1 “(cc) the upgrade of an ex-
2 existing surface transportation fa-
3 cility to meet or exceed Federal
4 Highway Administration ap-
5 proved design standards;

6 “(dd) the installation of
7 mitigation measures that prevent
8 the intrusion of floodwaters into
9 surface transportation systems;

10 “(ee) strengthening systems
11 that remove rainwater from sur-
12 face transportation facilities;

13 “(ff) a resilience project that
14 addresses identified
15 vulnerabilities described in the
16 resilience improvement plan of
17 the eligible entity, if applicable;

18 “(gg) relocating roadways in
19 a base floodplain to higher
20 ground above projected flood ele-
21 vation levels, or away from slide
22 prone areas;

23 “(hh) stabilizing slide areas
24 or slopes;

25 “(ii) installing riprap;

1 “(jj) lengthening or raising
2 bridges to increase waterway
3 openings, including to respond to
4 extreme weather;

5 “(kk) deepening channels to
6 prevent flooding;

7 “(ll) increasing the size or
8 number of drainage structures;

9 “(mm) installing seismic ret-
10 rofits on bridges;

11 “(nn) adding scour protec-
12 tion at bridges;

13 “(oo) adding scour, stream
14 stability, coastal, and other hy-
15 draulic countermeasures, includ-
16 ing spur dikes; and

17 “(pp) any other protective
18 features, including natural infra-
19 structure, as determined by the
20 Secretary.

21 “(iii) PRIORITY.—The Secretary shall
22 prioritize a resilience improvement grant to
23 an eligible entity if—

24 “(I) the Secretary determines—

1 “(aa) the benefits of the eli-
2 gible activity proposed to be car-
3 ried out by the eligible entity ex-
4 ceed the costs of the activity; and

5 “(bb) there is a need to ad-
6 dress the vulnerabilities of infra-
7 structure assets of the eligible
8 entity with a high risk of, and
9 impacts associated with, failure
10 due to the impacts of emergency
11 events or changing conditions,
12 such as sea level rise and in-
13 creased flood risk; or

14 “(II) the eligible activity pro-
15 posed to be carried out by the eligible
16 entity is included in the applicable re-
17 silience improvement plan under sub-
18 section (f)(2).

19 “(B) COMMUNITY RESILIENCE AND EVAC-
20 UATION ROUTE GRANTS.—

21 “(i) IN GENERAL.—Using funds made
22 available for purposes under this sub-
23 section, the Secretary shall provide com-
24 munity resilience and evacuation route

1 grants to eligible entities to carry out 1 or
2 more eligible activities under clause (ii).

3 “(ii) ELIGIBLE ACTIVITIES.—An eligi-
4 ble entity may use a community resilience
5 and evacuation route grant under this sub-
6 paragraph for 1 or more projects that
7 strengthen and protect evacuation routes
8 that are essential for providing and sup-
9 porting evacuations caused by emergency
10 events, including a project that—

11 “(I) is an eligible activity under
12 subparagraph (A)(ii), if such eligible
13 activity will improve an evacuation
14 route;

15 “(II) ensures the ability of the
16 evacuation route to provide safe pas-
17 sage during an evacuation and re-
18 duces the risk of damage to evacu-
19 ation routes as a result of future
20 emergency events, including restoring
21 or replacing existing evacuation routes
22 that are in poor condition or not de-
23 signed to meet the anticipated de-
24 mand during an emergency event, and

1 including steps to protect routes from
2 mud, rock, or other debris slides;

3 “(III) if the Secretary determines
4 that existing evacuation routes are not
5 sufficient to adequately facilitate evac-
6 uations, including the transportation
7 of emergency responders and recovery
8 resources, expands the capacity of
9 evacuation routes to swiftly and safely
10 accommodate evacuations, including
11 installation of—

12 “(aa) communications and
13 intelligent transportation system
14 equipment and infrastructure;

15 “(bb) counterflow measures;
16 or

17 “(cc) shoulders;

18 “(IV) is for the construction of—

19 “(aa) new or redundant
20 evacuation routes, if the Sec-
21 retary determines that existing
22 evacuation routes are not suffi-
23 cient to adequately facilitate
24 evacuations, including the trans-

1 portation of emergency respond-
2 ers and recovery resources; or

3 “*(bb)* sheltering facilities
4 that are functionally connected to
5 an eligible project;

6 “*(V)* is for the acquisition of
7 evacuation route or traffic incident
8 management equipment, vehicles, or
9 signage; or

10 “*(VI)* will ensure access or serv-
11 ice to critical destinations, including
12 hospitals and other medical or emer-
13 gency service facilities, major employ-
14 ers, critical manufacturing centers,
15 ports and intermodal facilities, utili-
16 ties, and Federal facilities.

17 “*(iii)* **PRIORITY.**—The Secretary shall
18 prioritize community resilience and evacu-
19 ation route grants under this subpara-
20 graph for eligible activities that are cost-ef-
21 fective, as determined by the Secretary,
22 taking into account—

23 “*(I)* current and future
24 vulnerabilities to an evacuation route
25 due to future occurrence or recurrence

1 of emergency events that are likely to
2 occur in the geographic area in which
3 the evacuation route is located; and

4 “(II) projected changes in devel-
5 opment patterns, demographics, and
6 extreme weather events based on the
7 best available evidence and analysis.

8 “(iv) CONSULTATION.—In providing
9 grants for community resilience and evacu-
10 ation routes under this subparagraph, the
11 Secretary shall consult with the Adminis-
12 trator of the Federal Emergency Manage-
13 ment Agency, who shall provide technical
14 assistance to the Secretary and to eligible
15 entities.

16 “(C) AT-RISK COASTAL INFRASTRUCTURE
17 GRANTS.—

18 “(i) DEFINITION OF COASTAL
19 STATE.—In this subparagraph, the term
20 ‘coastal State’ means—

21 “(I) a State in, or bordering on,
22 the Atlantic, Pacific, or Arctic Ocean,
23 the Gulf of Mexico, the Long Island
24 Sound, or 1 or more of the Great
25 Lakes;

1 “(II) the United States Virgin Is-
2 lands;

3 “(III) Guam;

4 “(IV) American Samoa;

5 “(V) the Commonwealth of the
6 Northern Mariana Islands; and

7 “(VI) Puerto Rico.

8 “(ii) GRANTS.—Using funds made
9 available for purposes under this sub-
10 section, the Secretary shall provide at-risk
11 coastal infrastructure grants to eligible en-
12 tities in coastal States to carry out 1 or
13 more eligible activities under clause (iii).

14 “(iii) ELIGIBLE ACTIVITIES.—An eli-
15 gible entity may use an at-risk coastal in-
16 frastructure grant under this subpara-
17 graph for strengthening, stabilizing, hard-
18 ening, elevating, relocating, or otherwise
19 enhancing the resilience of highway and
20 non-rail infrastructure, including bridges,
21 roads, pedestrian walkways, and bicycle
22 lanes, and associated infrastructure (such
23 as culverts and tide gates) that are subject
24 to, or face increased long-term future risks
25 of, an emergency event or changing condi-

1 tions, including coastal flooding, coastal
2 erosion, wave action, storm surge, or sea
3 level rise, in order to improve transpor-
4 tation and public safety and to reduce
5 costs by avoiding larger future mainte-
6 nance or rebuilding costs.

7 “(iv) CRITERIA.—The Secretary shall
8 provide at-risk coastal infrastructure
9 grants under this subparagraph for a
10 project—

11 “(I) that addresses the risks
12 from a current or future weather
13 event or natural disaster, including
14 coastal flooding, coastal erosion, wave
15 action, storm surge, or sea level rise;
16 and

17 “(II) that reduces long-term in-
18 frastructure costs by avoiding larger
19 future maintenance or rebuilding
20 costs.

21 “(v) COASTAL BENEFITS.—In addi-
22 tion to the criteria under clause (iv), for
23 the purpose of providing at-risk coastal in-
24 frastructure grants under this subpara-

1 graph, the Secretary shall evaluate the ex-
2 tent to which a project will provide—

3 “(I) access to coastal homes,
4 businesses, communities, and other
5 critical infrastructure, including ac-
6 cess by first responders and other
7 emergency personnel; or

8 “(II) access to a designated evac-
9 uation route.

10 “(5) GRANT REQUIREMENTS.—

11 “(A) SOLICITATIONS FOR GRANTS.—In
12 providing grants under this subsection, the Sec-
13 retary shall conduct a transparent and competi-
14 tive national solicitation process to select eligi-
15 ble projects to receive grants under paragraph
16 (3) and subparagraphs (A), (B), and (C) of
17 paragraph (4).

18 “(B) APPLICATIONS.—

19 “(i) IN GENERAL.—To be eligible to
20 receive a grant under paragraph (3) or
21 subparagraph (A), (B), or (C) of para-
22 graph (4), an eligible entity shall submit to
23 the Secretary an application in such form,
24 at such time, and containing such informa-

1 tion as the Secretary determines to be nec-
2 essary.

3 “(ii) PROJECTS IN CERTAIN AREAS.—
4 If a project is proposed to be carried out
5 by the eligible entity, in whole or in part,
6 within a base floodplain, the eligible entity
7 shall—

8 “(I) as part of the application,
9 identify the floodplain in which the
10 project is to be located and disclose
11 that information to the Secretary; and

12 “(II) indicate in the application
13 whether, if selected, the eligible entity
14 will implement 1 or more components
15 of the risk mitigation plan under sec-
16 tion 322 of the Robert T. Stafford
17 Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5165) with re-
19 spect to the area.

20 “(C) ELIGIBILITIES.—The Secretary may
21 make a grant under paragraph (3) or subpara-
22 graph (A), (B), or (C) of paragraph (4) only
23 for—

24 “(i) a highway project eligible for as-
25 sistance under this title;

1 “(ii) a public transportation facility or
2 service eligible for assistance under chapter
3 53 of title 49; or

4 “(iii) a facility or service for intercity
5 rail passenger transportation (as defined in
6 section 24102 of title 49).

7 “(D) SYSTEM RESILIENCE.—A project for
8 which a grant is provided under paragraph (3)
9 or subparagraph (A), (B), or (C) of paragraph
10 (4) may include the use of natural infrastruc-
11 ture or the construction or modification of
12 storm surge, flood protection, or aquatic eco-
13 system restoration elements that the Secretary
14 determines are functionally connected to a
15 transportation improvement, such as—

16 “(i) increasing marsh health and total
17 area adjacent to a highway right-of-way to
18 promote additional flood storage;

19 “(ii) upgrades to and installation of
20 culverts designed to withstand 100-year
21 flood events;

22 “(iii) upgrades to and installation of
23 tide gates to protect highways; and

24 “(iv) upgrades to and installation of
25 flood gates to protect tunnel entrances.

1 “(E) FEDERAL COST SHARE.—

2 “(i) PLANNING GRANT.—The Federal
3 share of the cost of a planning activity car-
4 ried out using a planning grant under
5 paragraph (3) shall be 100 percent.

6 “(ii) RESILIENCE GRANTS.—

7 “(I) IN GENERAL.—Except as
8 provided in subclause (II) and sub-
9 section (f)(1), the Federal share of
10 the cost of a project carried out using
11 a grant under subparagraph (A), (B),
12 or (C) of paragraph (4) shall not ex-
13 ceed 80 percent of the total cost of
14 the project.

15 “(II) TRIBAL PROJECTS.—On
16 the determination of the Secretary,
17 the Federal share of the cost of a
18 project carried out using a grant
19 under subparagraph (A), (B), or (C)
20 of paragraph (4) by an Indian tribe
21 may be up to 100 percent.

22 “(iii) NON-FEDERAL SHARE.—The eli-
23 gible entity may use Federal funds other
24 than Federal funds provided under this
25 subsection to meet the non-Federal cost

1 share requirement for a project carried out
2 with a grant under this subsection.

3 “(F) ELIGIBLE PROJECT COSTS.—

4 “(i) RESILIENCE GRANT PROJECTS.—
5 Eligible project costs for activities funded
6 with a grant under subparagraph (A), (B),
7 or (C) of paragraph (4) may include the
8 costs of—

9 “(I) development phase activities,
10 including planning, feasibility anal-
11 ysis, revenue forecasting, environ-
12 mental review, preliminary engineer-
13 ing and design work, and other
14 preconstruction activities; and

15 “(II) construction, reconstruc-
16 tion, rehabilitation, and acquisition of
17 real property (including land related
18 to the project and improvements to
19 land), environmental mitigation, con-
20 struction contingencies, acquisition of
21 equipment directly related to improv-
22 ing system performance, and oper-
23 ational improvements.

24 “(ii) PLANNING GRANTS.—Eligible
25 project costs for activities funded with a

1 grant under paragraph (3) may include the
2 costs of development phase activities, in-
3 cluding planning, feasibility analysis, rev-
4 enue forecasting, environmental review,
5 preliminary engineering and design work,
6 other preconstruction activities, and other
7 activities consistent with carrying out the
8 purposes of that paragraph.

9 “(G) LIMITATIONS.—An eligible entity
10 that receives a grant under subparagraph (A),
11 (B), or (C) of paragraph (4)—

12 “(i) may use not more than 25 per-
13 cent of the amount of the grant for the
14 construction of new capacity so long as
15 such inclusion is cost-effective and is di-
16 rectly related to the underlying project;
17 and

18 “(ii) may use not more than 10 per-
19 cent of the amount of the grant for activi-
20 ties described in subparagraph (F)(i)(I).

21 “(H) DISTRIBUTION OF GRANTS.—

22 “(i) IN GENERAL.—Subject to the
23 availability of funds, an eligible entity may
24 request and the Secretary may distribute
25 funds for a grant under this subsection on

1 a multi-year basis, as the Secretary deter-
2 mines to be necessary.

3 “(ii) RURAL SET-ASIDE.—Of the
4 amounts made available to carry out this
5 subsection for each fiscal year, the Sec-
6 retary shall use not less than 25 percent
7 for grants for projects located in areas
8 that are outside an urbanized area with a
9 population of over 200,000.

10 “(iii) TRIBAL SET-ASIDE.—Of the
11 amounts made available to carry out this
12 subsection for each fiscal year, the Sec-
13 retary shall use not less than 2 percent for
14 grants to Indian tribes.

15 “(iv) REALLOCATION.—For any fiscal
16 year, if the Secretary determines that the
17 amount described in clause (ii) or (iii) will
18 not be fully utilized for the grant described
19 in that clause, the Secretary may reallocate
20 the unutilized funds to provide grants to
21 other eligible entities under this subsection.

22 “(e) CONSULTATION.—In carrying out the program,
23 the Secretary shall—

24 “(1) consult with the Assistant Secretary of the
25 Army for Civil Works, the Administrator of the En-

1 vironmental Protection Agency, the Secretary of the
2 Interior, and the Secretary of Commerce; and

3 “(2) solicit technical support from the Adminis-
4 trator of the Federal Emergency Management Agen-
5 cy.

6 “(f) RESILIENCE IMPROVEMENT PLAN AND LOWER
7 NON-FEDERAL SHARE.—

8 “(1) FEDERAL SHARE REDUCTIONS.—

9 “(A) IN GENERAL.—A State that receives
10 funds under subsection (c) or an eligible entity
11 that receives a grant under subsection (d) shall
12 have the non-Federal share of a project carried
13 out with the funds or grant, as applicable, re-
14 duced by an amount described in subparagraph
15 (B) if the State or eligible entity meets the ap-
16 plicable requirements under that subparagraph.

17 “(B) AMOUNT OF REDUCTIONS.—

18 “(i) RESILIENCE IMPROVEMENT
19 PLAN.—Subject to clause (iii), the amount
20 of the non-Federal share of the costs of a
21 project carried out with funds under sub-
22 section (c) or a grant under subsection (d)
23 shall be reduced by 7 percentage points
24 if—

1 “(I) in the case of a State or an
2 eligible entity that is a State or a
3 metropolitan planning organization,
4 the State or eligible entity has—

5 “(aa) developed a resilience
6 improvement plan in accordance
7 with this subsection; and

8 “(bb) prioritized the project
9 on that resilience improvement
10 plan; and

11 “(II) in the case of an eligible en-
12 tity not described in subclause (I), the
13 eligible entity is located in a State or
14 an area served by a metropolitan
15 planning organization that has—

16 “(aa) developed a resilience
17 improvement plan in accordance
18 with this subsection; and

19 “(bb) prioritized the project
20 on that resilience improvement
21 plan.

22 “(ii) INCORPORATION OF RESILIENCE
23 IMPROVEMENT PLAN IN OTHER PLAN-
24 NING.—Subject to clause (iii), the amount
25 of the non-Federal share of the cost of a

1 project carried out with funds under sub-
2 section (c) or a grant under subsection (d)
3 shall be reduced by 3 percentage points
4 if—

5 “(I) in the case of a State or an
6 eligible entity that is a State or a
7 metropolitan planning organization,
8 the resilience improvement plan devel-
9 oped in accordance with this sub-
10 section has been incorporated into the
11 metropolitan transportation plan
12 under section 134 or the long-range
13 statewide transportation plan under
14 section 135, as applicable; and

15 “(II) in the case of an eligible en-
16 tity not described in subclause (I), the
17 eligible entity is located in a State or
18 an area served by a metropolitan
19 planning organization that incor-
20 porated a resilience improvement plan
21 into the metropolitan transportation
22 plan under section 134 or the long-
23 range statewide transportation plan
24 under section 135, as applicable.

25 “(iii) LIMITATIONS.—

1 “(I) MAXIMUM REDUCTION.—A
2 State or eligible entity may not receive
3 a reduction under this paragraph of
4 more than 10 percentage points for
5 any single project carried out with
6 funds under subsection (c) or a grant
7 under subsection (d).

8 “(II) NO NEGATIVE NON-FED-
9 ERAL SHARE.—A reduction under this
10 paragraph shall not reduce the non-
11 Federal share of the costs of a project
12 carried out with funds under sub-
13 section (c) or a grant under sub-
14 section (d) to an amount that is less
15 than zero.

16 “(2) PLAN CONTENTS.—A resilience improve-
17 ment plan referred to in paragraph (1)—

18 “(A) shall be for the immediate and long-
19 range planning activities and investments of the
20 State or metropolitan planning organization
21 with respect to resilience;

22 “(B) shall demonstrate a systemic ap-
23 proach to transportation system resilience and
24 be consistent with and complementary of the
25 State and local mitigation plans required under

1 section 322 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42
3 U.S.C. 5165);

4 “(C) shall—

5 “(i) include a risk-based assessment
6 of vulnerabilities of transportation assets
7 and systems to current and future extreme
8 weather events and natural disasters, in-
9 cluding severe storms, flooding, tornados,
10 drought, levee and dam failures, wildfire,
11 landslides, sea level rise, extreme weather
12 events, including extreme temperatures,
13 and earthquakes;

14 “(ii) designate evacuation routes and
15 strategies, including multimodal facilities,
16 designated with consideration for individ-
17 uals without access to personal vehicles;

18 “(iii) plan for response to anticipated
19 emergency events, including plans for the
20 mobility of—

21 “(I) emergency response per-
22 sonnel and equipment; and

23 “(II) access to emergency serv-
24 ices, including for vulnerable or dis-
25 advantaged populations;

1 “(iv) describe the resilience improve-
2 ment policies, including strategies, land-use
3 and zoning changes, investments in natural
4 infrastructure, or performance measures
5 that will inform the transportation invest-
6 ment decisions of the State or metropolitan
7 planning organization with the goal of in-
8 creasing resilience;

9 “(v) include an investment plan
10 that—

11 “(I) includes a list of priority
12 projects; and

13 “(II) describes how funds pro-
14 vided by a grant under the program
15 would be invested and matched, which
16 shall not be subject to fiscal con-
17 straint requirements; and

18 “(vi) use science and data and indi-
19 cate the source of data and methodologies;
20 and

21 “(D) shall, as appropriate—

22 “(i) include a description of how the
23 plan will improve the ability of the State or
24 metropolitan planning organization—

1 “(I) to respond promptly to the
2 impacts of weather events and natural
3 disasters; and

4 “(II) to be prepared for changing
5 conditions, such as sea level rise and
6 increased flood risk;

7 “(ii) describe the codes, standards,
8 and regulatory framework, if any, adopted
9 and enforced to ensure resilience improve-
10 ments within the impacted area of pro-
11 posed projects included in the resilience
12 improvement plan;

13 “(iii) consider the benefits of com-
14 bining hard infrastructure assets, and nat-
15 ural infrastructure, through coordinated
16 efforts by the Federal Government and the
17 States;

18 “(iv) assess the resilience of other
19 community assets, including buildings and
20 housing, emergency management assets,
21 and energy, water, and communication in-
22 frastructure;

23 “(v) use a long-term planning period;
24 and

1 “(vi) include such other information
2 as the eligible entity considers appropriate.

3 “(3) NO NEW PLANNING REQUIREMENTS.—
4 Nothing in this section requires a metropolitan plan-
5 ning organization or a State to develop a resilience
6 improvement plan or to include a resilience improve-
7 ment plan under the metropolitan transportation
8 plan under section 134 or the long-range statewide
9 transportation plan under section 135, as applicable,
10 of the metropolitan planning organization or State.

11 “(g) MONITORING.—

12 “(1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this section, the Sec-
14 retary, in consultation with the officials described in
15 subsection (e), shall—

16 “(A) establish, for the purpose of evalu-
17 ating the effectiveness and impacts of projects
18 carried out under the program—

19 “(i) subject to paragraph (2), trans-
20 portation and any other metrics as the
21 Secretary determines to be necessary; and

22 “(ii) procedures for monitoring and
23 evaluating projects based on those metrics;
24 and

1 “(B) select a representative sample of
2 projects to evaluate based on the metrics and
3 procedures established under subparagraph (A).

4 “(2) NOTICE.—Before adopting any metrics de-
5 scribed in paragraph (1), the Secretary shall—

6 “(A) publish the proposed metrics in the
7 Federal Register; and

8 “(B) provide to the public an opportunity
9 for comment on the proposed metrics.

10 “(h) REPORTS.—

11 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not
12 later than 1 year after the date on which a project
13 carried out under the program is completed, the en-
14 tity that carried out the project shall submit to the
15 Secretary a report on the results of the project and
16 the use of the funds received under the program.

17 “(2) REPORTS TO CONGRESS.—

18 “(A) ANNUAL REPORTS.—The Secretary
19 shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Rep-
21 resentatives and the Committee on Environ-
22 ment and Public Works of the Senate, and pub-
23 lish on the website of the Department of Trans-
24 portation, an annual report that describes the

1 implementation of the program during the pre-
2 ceding calendar year, including—

3 “(i) each project for which a grant
4 was provided under the program;

5 “(ii) information relating to project
6 applications received;

7 “(iii) the manner in which the con-
8 sultation requirements were implemented
9 under this section;

10 “(iv) recommendations to improve the
11 administration of the program, including
12 whether assistance from additional or
13 fewer agencies to carry out the program is
14 appropriate;

15 “(v) the period required to disburse
16 grant funds to recipients based on applica-
17 ble Federal coordination requirements; and

18 “(vi) a list of facilities that repeatedly
19 require repair or reconstruction due to
20 emergency events.

21 “(B) FINAL REPORT.—Not later than 5
22 years after the date of enactment of the
23 STARTER Act 2.0, the Secretary shall submit
24 to Congress a report that includes the results of
25 the reports submitted under subparagraph (A).

1 The Secretary shall use not more than 5 per-
2 cent of the amounts made available to carry out
3 the program for each fiscal year for the costs
4 of administering the program, including moni-
5 toring and evaluation under subsection (g).

6 “(C) CONSULTATION.—In developing guid-
7 ance and regulations, and in providing grants
8 for under this section, the Secretary shall con-
9 sult with the Administrator of the Federal
10 Emergency Management Agency, who shall pro-
11 vide technical assistance to the Secretary and to
12 eligible entities.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, as amended by this
15 Act, is further amended by adding at the end the fol-
16 lowing:

 “173. Promoting Resilient Operations for Transformative, Efficient, and Cost-
 saving Transportation (PROTECT) grant program.”.

17 **SEC. 7002. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

18 Section 119 of title 23, United States Code, is
19 amended—

20 (1) in subsection (b)—

21 (A) in paragraph (2) by striking “and” at
22 the end;

23 (B) in paragraph (3) by striking the period
24 at the end and inserting “; and”; and

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

2 “(4) to provide support for measures to in-
3 crease the resiliency of Federal-aid highways and
4 bridges on and off the National Highway System to
5 mitigate the impacts of sea level rise, extreme weath-
6 er events, flooding, or other natural disasters.”; and

7 (2) by adding at the end the following:

8 “(k) PROTECTIVE FEATURES.—

9 “(1) IN GENERAL.—A State may use not more
10 than 15 percent of the funds apportioned to the
11 State under section 104(b)(1) for each fiscal year
12 for 1 or more protective features on a Federal-aid
13 highway or bridge off the National Highway System,
14 if the protective feature is designed to mitigate the
15 risk of recurring damage, or the cost of future re-
16 pairs, from extreme weather events, flooding, or
17 other natural disasters.

18 “(2) PROTECTIVE FEATURES DESCRIBED.—A
19 protective feature referred to in paragraph (1) may
20 include—

21 “(A) raising roadway grades;

22 “(B) relocating roadways in a base flood-
23 plain to higher ground above projected flood
24 elevation levels or away from slide prone areas;

25 “(C) stabilizing slide areas;

1 “(D) stabilizing slopes;

2 “(E) installing riprap;

3 “(F) lengthening or raising bridges to in-
4 crease waterway openings;

5 “(G) deepening channels to prevent flood-
6 ing;

7 “(H) increasing the size or number of
8 drainage structures;

9 “(I) replacing culverts with bridges or
10 upsizing culverts;

11 “(J) repairing or maintaining tide gates;

12 “(K) installing seismic retrofits on bridges;

13 “(L) adding scour protection at bridges;

14 “(M) adding scour, stream stability, coast-
15 al, or other hydraulic countermeasures, includ-
16 ing spur dikes;

17 “(N) the use of natural infrastructure to
18 mitigate the risk of recurring damage or the
19 cost of future repair from extreme weather
20 events, flooding, or other natural disasters; and

21 “(O) any other features that mitigate the
22 risk of recurring damage or the cost of future
23 repair as a result of extreme weather events,
24 flooding, or other natural disasters, as deter-
25 mined by the Secretary.

1 “(ii) is created by human design, en-
2 gineering, and construction to emulate or
3 act in concert with natural processes; or

4 “(iii) involves the use of plants, soils,
5 and other natural features, including
6 through the creation, restoration, or pres-
7 ervation of vegetated areas using materials
8 appropriate to the region to manage
9 stormwater and runoff, to attenuate flood-
10 ing and storm surges, and for other related
11 purposes.

12 “(B) INCLUSION.—The term ‘natural in-
13 frastructure’ includes green infrastructure and
14 nature-based solutions.”; and

15 (4) by inserting after paragraph (23), as so re-
16 designated, the following:

17 “(24) RESILIENCE.—The term ‘resilience’, with
18 respect to a project, means a project with the ability
19 to anticipate, prepare for, or adapt to conditions or
20 withstand, respond to, or recover rapidly from dis-
21 ruptions, including the ability—

22 “(A) to—

23 “(i) resist hazards or withstand im-
24 pacts from weather events and natural dis-
25 asters; or

1 “(ii) reduce the magnitude or dura-
2 tion of impacts of a disruptive weather
3 event or natural disaster on a project; and
4 “(B) to have the absorptive capacity,
5 adaptive capacity, and recoverability to decrease
6 project vulnerability to weather events or other
7 natural disasters.”.

8 (b) NATIONAL HIGHWAY PERFORMANCE PRO-
9 GRAM.—Section 119(d)(2) of title 23, United States Code,
10 is amended by adding at the end the following:

11 “(Q) Improving the resilience of projects
12 funded under this section, including through
13 the use of natural infrastructure.”

14 (c) SURFACE TRANSPORTATION BLOCK GRANT PRO-
15 GRAM.—Section 133(b) of title 23, United States Code,
16 is amended by adding at the end the following:

17 “(16) Projects to improve the resilience of a
18 transportation facility, including through the use of
19 natural infrastructure, otherwise eligible for assist-
20 ance under this section.”.

21 (d) TRIBAL TRANSPORTATION PROGRAM.—Section
22 202(a)(1)(A) of title 23, United States Code, is amend-
23 ed—

24 (1) in clause (vii) by striking “; and” and in-
25 serting a semicolon;

1 (2) by redesignating clause (viii) as clause (ix);

2 and

3 (3) by inserting after clause (vii) the following:

4 “(viii) projects to improve the resil-
5 ience of a tribal transportation facility, in-
6 cluding through the use of natural infra-
7 structure; and”.

8 (e) FEDERAL LANDS TRANSPORTATION PROGRAM.—

9 Section 203(a)(1)(A) of title 23, United States Code, is
10 amended—

11 (1) in clause (vi) by striking “; and” and insert-
12 ing a semicolon;

13 (2) by redesignating clause (vii) as clause (viii);

14 and

15 (3) by inserting after clause (vi) the following:

16 “(vii) projects to improve the resil-
17 ience of a tribal transportation facility, in-
18 cluding through the use of natural infra-
19 structure; and”.

20 (f) FEDERAL LANDS ACCESS PROGRAM.—Section

21 204(a)(1)(A) of title 23, United States Code, is amend-
22 ed—

23 (1) in clause (v) by striking “; and” and insert-
24 ing a semicolon;

1 (2) by redesignating clause (vi) as clause (vii);

2 and

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

4 “(vi) projects to improve the resilience
5 of a tribal transportation facility, including
6 through the use of natural infrastructure;
7 and”.

8 **SEC. 7004. RESILIENCY IN TRANSIT.**

9 Section 5324 of title 49, United States Code, is
10 amended by—

11 (1) striking “and” at the end of subsection

12 (b)(1);

13 (2) striking the period at the end of subsection

14 (b)(2)(B) and inserting “; and”; and

15 (3) by adding at the end of subsection (b) the
16 following new paragraph:

17 “(3) mitigation projects and activities that the
18 Secretary determines are cost effective and which
19 substantially reduce the risk of, or increase resilience
20 to, future damage, hardship, or loss, related to
21 equipment and facilities of a public transportation
22 system operating in the United States or on an In-
23 dian reservation that the Secretary determines is in
24 danger of suffering serious damage, or has suffered
25 serious damage, as a result of an emergency.”.

1 **SEC. 7005. HIGHWAY EMERGENCY RELIEF AND RESIL-**
2 **IENCY.**

3 (a) IN GENERAL.—Section 125 of title 23, United
4 States Code, is amended—

5 (1) in subsection (a)(1), by inserting “wildfire,
6 sea level rise,” after “severe storm”;

7 (2) by striking subsection (b) and inserting the
8 following:

9 “(b) RESTRICTION ON ELIGIBILITY.—Funds under
10 this section shall not be used for the repair or reconstruc-
11 tion of a bridge that has been permanently closed to all
12 vehicular traffic by a Federal, State, Tribal, or local offi-
13 cial because of imminent danger of collapse due to a struc-
14 tural deficiency or physical deterioration.”; and

15 (3) in subsection (d)—

16 (A) in paragraph (2)(A)—

17 (i) by striking the period at the end
18 and inserting “; and”;

19 (ii) by striking “a facility that meets
20 the current” and inserting the following:

21 “a facility that—

22 “(i) meets the current”; and

23 (iii) by adding at the end the fol-
24 lowing:

25 “(ii) incorporates economically justifi-
26 able improvements designed and dem-

1 onstrated to mitigate and reduce the risk
2 of recurring damage from extreme weather
3 events, flooding, or other natural disas-
4 ters.”;

5 (B) by redesignating paragraphs (3)
6 through (5) as paragraphs (4) through (6), re-
7 spectively; and

8 (C) by inserting after paragraph (2) the
9 following:

10 “(3) PROTECTIVE FEATURES.—

11 “(A) IN GENERAL.—The cost of an im-
12 provement that is part of a project under this
13 section shall be an eligible expense under this
14 section if the improvement is a protective fea-
15 ture that is designed and demonstrated to miti-
16 gate and reduce the risk of recurring damage,
17 or the cost of future repair, from extreme
18 weather events, flooding, or other natural disas-
19 ters.

20 “(B) PROTECTIVE FEATURES DE-
21 SCRIBED.—A protective feature referred to in
22 subparagraph (A) may include—

23 “(i) raising roadway grades;

24 “(ii) relocating roadways in a base
25 floodplain to higher ground above projected

- 1 flood elevation levels or away from slide
2 prone areas;
- 3 “(iii) stabilizing slide areas;
- 4 “(iv) stabilizing slopes;
- 5 “(v) installing riprap;
- 6 “(vi) lengthening or raising bridges to
7 increase waterway openings;
- 8 “(vii) deepening channels to prevent
9 flooding;
- 10 “(viii) increasing the size or number
11 of drainage structures;
- 12 “(ix) replacing culverts with bridges
13 or upsizing culverts;
- 14 “(x) repairing or maintaining tide
15 gates;
- 16 “(xi) installing seismic retrofits on
17 bridges;
- 18 “(xii) adding scour protection at
19 bridges;
- 20 “(xiii) adding scour, stream stability,
21 coastal, and other hydraulic counter-
22 measures, including spur dikes;
- 23 “(xiv) the use of natural infrastruc-
24 ture to mitigate the risk of recurring dam-
25 age or the cost of future repair from ex-

1 treme weather events, flooding, or other
2 natural disasters; and

3 “(xv) any other features that mitigate
4 the risk of recurring damage or the cost of
5 future repair as a result of extreme weath-
6 er events, flooding, or other natural disas-
7 ters, as determined by the Secretary.”.

8 (b) EMERGENCY RELIEF PROJECTS.—

9 (1) DEFINITION OF EMERGENCY RELIEF
10 PROJECT.—In this section, the term “emergency re-
11 lief project” means a project carried out under the
12 emergency relief program under section 125 of title
13 23, United States Code.

14 (2) IMPROVING THE EMERGENCY RELIEF PRO-
15 GRAM.—Not later than 90 days after the date of en-
16 actment of this Act, the Secretary shall—

17 (A) revise the emergency relief manual of
18 the Federal Highway Administration—

19 (i) to include and reflect the definition
20 of the term “resilience” (as defined in sec-
21 tion 101(a) of title 23, United States
22 Code);

23 (ii) to ensure resilience measures are
24 cost effective and substantially reduce the
25 risk of, or increase resilience to, future

1 damage, hardship, loss, or suffering in any
2 area affected by a major disaster or emer-
3 gency declared by the President under sec-
4 tion 401 of the Robert T. Stafford Dis-
5 aster Relief and Emergency Assistance Act
6 (42 U.S.C. 5170);

7 (iii) to identify procedures that States
8 may use to incorporate resilience into
9 emergency relief projects; and

10 (iv) to encourage the use of Complete
11 Streets design principles and consideration
12 of access for moderate and low-income
13 families impacted by a major disaster or
14 emergency declared by the President under
15 section 401 of the Robert T. Stafford Dis-
16 aster Relief and Emergency Assistance Act
17 (42 U.S.C. 5170);

18 (B) develop best practices for improving
19 the use of resilience in—

20 (i) the emergency relief program
21 under section 125 of title 23, United
22 States Code; and

23 (ii) emergency relief efforts;

24 (C) provide to division offices of the Fed-
25 eral Highway Administration and State depart-

1 ments of transportation information on the best
2 practices developed under paragraph (2); and

3 (D) develop and implement a process to
4 track—

5 (i) the consideration of resilience as
6 part of the emergency relief program under
7 section 125 of title 23, United States
8 Code; and

9 (ii) the measurement of risk reduction
10 and costs of emergency relief projects.

11 (3) CONSULTATION.—In carrying out actions
12 pursuant to paragraph (2), the Secretary shall con-
13 sult with the Administrator of the Federal Emer-
14 gency Management Agency to ensure resiliency guid-
15 ance and activities are consistent with and do not
16 conflict with other resiliency and mitigation activities
17 and priorities.

18 **SEC. 7006. HIGHWAY RESILIENCY INCENTIVES.**

19 Section 120(e) of title 23, United States Code, is
20 amended by adding at the end the following:

21 “(4) PROTECTIVE FEATURES.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other provision of law, the Federal share pay-
24 able for the cost of a protective feature on a
25 Federal-aid highway or bridge project under

1 this title may be up to 100 percent, at the dis-
2 cretion of the State, if the protective feature is
3 an improvement designed and demonstrated to
4 mitigate and reduce the risk of recurring dam-
5 age, or the cost of future repair, from extreme
6 weather events, flooding, or other natural disas-
7 ters.

8 “(B) PROTECTIVE FEATURES DE-
9 SCRIBED.—A protective feature referred to in
10 subparagraph (A) may include—

11 “(i) raising roadway grades;

12 “(ii) relocating roadways in a base
13 floodplain to higher ground above projected
14 flood elevation levels or away from slide
15 prone areas;

16 “(iii) stabilizing slide areas;

17 “(iv) stabilizing slopes;

18 “(v) installing riprap;

19 “(vi) lengthening or raising bridges to
20 increase waterway openings;

21 “(vii) deepening channels to prevent
22 flooding;

23 “(viii) increasing the size or number
24 of drainage structures;

1 “(ix) replacing culverts with bridges
2 or upsizing culverts;

3 “(x) repairing or maintaining tide
4 gates;

5 “(xi) installing seismic retrofits on
6 bridges;

7 “(xii) adding scour protection at
8 bridges;

9 “(xiii) adding scour, stream stability,
10 coastal, and other hydraulic counter-
11 measures, including spur dikes;

12 “(xiv) the use of natural infrastruc-
13 ture to mitigate and reduce the risk of re-
14 curring damage or the cost of future repair
15 from extreme weather events, flooding, or
16 other natural disasters; and

17 “(xv) any other features that mitigate
18 and reduce the risk of recurring damage or
19 the cost of future repair as a result of ex-
20 treme weather events, flooding, or other
21 natural disasters, as determined by the
22 Secretary.”.

1 **SEC. 7007. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 Upon the issuance of guidance pursuant to section
4 1228 of the Disaster Recovery Reform Act of 2018 (Public
5 Law 115–254), the Administrator of the Federal Highway
6 Administration, in consultation with the Administrator of
7 the Federal Emergency Management Agency, shall review
8 such guidance and issue guidance regarding repair, res-
9 toration, and replacement of inundated and submerged
10 roads damaged or destroyed by a major disaster declared
11 pursuant to the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5121 et seq.) with
13 respect to roads eligible for assistance under Federal
14 Highway Administration programs.

15 **SEC. 7008. GUIDANCE ON EVACUATION ROUTES.**

16 (a) IN GENERAL.—

17 (1) GUIDANCE.—The Administrator of the Fed-
18 eral Highway Administration, in coordination with
19 the Administrator of the Federal Emergency Man-
20 agement Agency and consistent with guidance issued
21 by the Federal Emergency Management Agency pur-
22 suant to section 1209 of the Disaster Recovery Re-
23 form Act of 2018 (Public Law 115–254), shall re-
24 vise existing guidance or issue new guidance as ap-
25 propriate for State, local, and Indian Tribal govern-

1 ments regarding the design, construction, mainte-
2 nance, and repair of evacuation routes.

3 (2) CONSIDERATIONS.—In revising or issuing
4 guidance under subsection (a)(1), the Administrator
5 of the Federal Highway Administration shall con-
6 sider—

7 (A) methods that assist evacuation routes
8 to—

9 (i) withstand likely risks to viability,
10 including flammability and hydrostatic
11 forces;

12 (ii) improve durability, strength (in-
13 cluding the ability to withstand tensile
14 stresses and compressive stresses), and
15 sustainability; and

16 (iii) provide for long-term cost sav-
17 ings;

18 (B) the ability of evacuation routes to ef-
19 fectively manage contraflow operations;

20 (C) for evacuation routes on public lands,
21 the viewpoints of the applicable Federal land
22 management agency regarding emergency oper-
23 ations, sustainability, and resource protection;
24 and

1 (D) such other items the Administrator of
2 the Federal Highway Administration considers
3 appropriate.

4 (3) REPORT.—In the case in which the Admin-
5 istrator of the Federal Highway Administration, in
6 consultation with the Administrator of the Federal
7 Emergency Management Agency, concludes existing
8 guidance addresses the considerations in paragraph
9 (2), the Administrator of the Federal Highway Ad-
10 ministration shall submit to the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives, the Committee on Environment and
13 Public Works of the Senate, and the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate a detailed report describing how existing guid-
16 ance addresses such considerations.

17 (b) STUDY.—The Administrator of the Federal High-
18 way Administration, in coordination with the Adminis-
19 trator of the Federal Emergency Management Agency and
20 State, local, territorial, and Indian Tribal governments,
21 shall—

22 (1) conduct a study of the adequacy of available
23 evacuation routes to accommodate the flow of evac-
24 uees; and

1 (2) submit recommendations to Congress on
2 how to help with anticipated evacuation route flow,
3 based on the study conducted under paragraph (1).

4 **SEC. 7009. DEFINITIONS.**

5 Section 101(a) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (4)(A) by inserting “assessing
8 resilience,” after “surveying,”; and

9 (2) by adding at the end the following:

10 “(35) RESILIENCE.—Unless otherwise specified,
11 the term ‘resilience’, with respect to a project, means
12 a project with the ability to anticipate, prepare for,
13 or adapt to conditions or mitigate against, with-
14 stand, respond to, or recover rapidly from, interrup-
15 tions, including the ability—

16 “(A) to resist hazards, mitigate against,
17 reduce costs associated with, or withstand im-
18 pacts from, weather events and natural disas-
19 ters; or

20 “(B) to have the absorptive capacity,
21 adaptive capacity, and recoverability to decrease
22 project vulnerability to weather events or other
23 natural disasters.”.

1 **SEC. 7010. UNIVERSITY TRANSPORTATION CENTERS.**

2 Section 5505 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a)(2)—

5 (A) in subparagraph (B) by striking “and”
6 at the end;

7 (B) in subparagraph (C) by striking the
8 period at the end and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(D) to consider the ability to anticipate,
11 prepare for, or adapt to conditions or with-
12 stand, increase resiliency to, reduce costs re-
13 lated to, respond to, or recover rapidly from,
14 disruptions resulting from extreme weather
15 events and natural disasters.”;

16 (2) in subsection (b)(4)(A) by striking “re-
17 search priorities identified in chapter 65.” and in-
18 serting the following: “following research priorities:

19 “(i) Improving the mobility of people
20 and goods.

21 “(ii) Reducing congestion.

22 “(iii) Promoting safety.

23 “(iv) Improving the durability and ex-
24 tending the life of transportation infra-
25 structure and the existing transportation
26 system.

1 “(v) Improving the ability to antici-
2 pate, prepare for, or adapt to conditions or
3 withstand, respond to, or recover rapidly
4 from, disruptions resulting from extreme
5 weather events and natural disasters.”;
6 and

7 (3) in subsection (c)(4)—

8 (A) in subparagraph (C) by adding at the
9 end the following: “In awarding grants under
10 this section, the Secretary shall also select not
11 less than 1 grant recipient with each of the fol-
12 lowing focus areas:

13 “(i) Improving the ability to antici-
14 pate, prepare for, or adapt to conditions or
15 withstand, increase resiliency to, reduce
16 costs related to, respond to, or recover rap-
17 idly from disruptions resulting from ex-
18 treme weather events and natural disas-
19 ters.

20 “(ii) Developing innovative road de-
21 signs, materials, and restoration strategies
22 to better enhance the durability and struc-
23 tural integrity of roads and subgrade soils
24 that may become inundated during ex-
25 treme weather events.

1 “(iii) Enhancing the viability and du-
2 rability of evacuation routes, including
3 ways to effectively manage contraflow op-
4 erations to minimize casualties.”; and
5 (B) by adding at the end the following:

6 “(D) CONSIDERATIONS FOR SELECTED IN-
7 STITUTIONS.—

8 “(i) IN GENERAL.—Tier 1 transpor-
9 tation centers awarded a grant under this
10 paragraph with a focus area described in
11 subparagraph (C) shall consider the fol-
12 lowing areas for research:

13 “(I) Developing new materials
14 and improving the performance and
15 resiliency of existing materials for the
16 construction of roads, bridges, rail,
17 and related transportation infrastruc-
18 ture.

19 “(II) Reducing local, State, Fed-
20 eral, and Tribal costs associated with
21 natural disasters and severe weather.

22 “(III) Innovative technologies
23 and approaches to pre-mitigate
24 against severe weather.

1 “(IV) The durability of roadways
2 and subgrade with respect to flamma-
3 bility and hydrostatic forces.

4 “(V) Strategies to mitigate the
5 costs associated with vulnerabilities in
6 Federal evacuation routes, with re-
7 spect to overcrowding and inundation.

8 “(ii) ACTIVITIES.—A tier 1 transpor-
9 tation center receiving a grant under this
10 section with a focus area described in sub-
11 paragraph (C) may—

12 “(I) establish best practices;

13 “(II) develop modeling tools; and

14 “(III) carry out other activities
15 and develop technology that addresses
16 the planning considerations described
17 in clause (i).”.

18 **SEC. 7011. PRE-DISASTER HAZARD MITIGATION PILOT PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—Section 125 of title 23, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 “(h) PRE-DISASTER HAZARD MITIGATION PILOT
24 PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a pre-disaster mitigation program for the pur-
3 pose of mitigating future hazards posed to Federal-
4 aid highways.

5 “(2) DISTRIBUTION OF FUNDS.—Every 6
6 months, the Secretary shall total the amount of
7 funds made available to each State, territory, Tribe,
8 or other eligible entity under the emergency relief
9 program during the preceding 6 months and remit
10 an additional 5 percent from the Highway Trust
11 Fund to such State, territory, Tribe, or other eligible
12 entity for eligible activities described in paragraph
13 (3).

14 “(3) ELIGIBLE ACTIVITIES.—Funds made avail-
15 able under paragraph (2) shall be used for mitiga-
16 tion projects and activities that the Secretary deter-
17 mines are cost effective and which substantially re-
18 duce the risk of, or increase resilience to, future
19 damage as a result of natural disasters, such as by
20 flood, hurricane, tidal wave, earthquake, wildfire, se-
21 vere storm, or landslide by upgrading existing assets
22 to meet or exceed design standards adopted by the
23 Federal Highway Administration by means of the
24 following:

25 “(A) Relocating or elevating roadways.

1 “(B) Increasing the size or number of
2 drainage structures, including culverts.

3 “(C) Installing mitigation measures to pre-
4 vent the impairment of transportation assets as
5 a result of the intrusion of floodwaters.

6 “(D) Improving bridges to expand water
7 capacity and prevent flooding.

8 “(E) Deepening channels to prevent asset
9 inundation and improve drainage.

10 “(F) improving strength of natural fea-
11 tures adjacent to highway right-of-way to pro-
12 mote additional flood storage.

13 “(G) Installing or upgrading tide gates
14 and flood gates.

15 “(H) Stabilizing slide areas or slopes.

16 “(I) Installing seismic retrofits for bridges.

17 “(J) Adding scour protection at bridges.

18 “(K) Adding scour, stream stability, coast-
19 al, or other hydraulic countermeasures, includ-
20 ing riprap.

21 “(L) Installing intelligent transportation
22 system equipment to monitor infrastructure
23 quality.

24 “(M) Any other protective features as de-
25 termined by the Secretary.

1 “(4) REPORT.—The Secretary shall submit to
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives, the Committee on
4 Environment and Public Works of the Senate, and
5 the Committee on Commerce, Science, and Trans-
6 portation of the Senate an annual report detailing—

7 “(A) a description of the activities carried
8 out under the pilot program;

9 “(B) an evaluation of the effectiveness of
10 the pilot program in meeting purposes described
11 in paragraph (1); and

12 “(C) policy recommendations to improve
13 the effectiveness of the pre-disaster mitigation
14 pilot program.”.

15 (b) SUNSET.—The amendments made by this section
16 shall be repealed on the date that is 5 years after the date
17 of enactment of this Act.

18 **TITLE VIII—FREIGHT RAIL**

19 **MANUFACTURING**

20 **SEC. 8001. SHORT TITLE.**

21 This title may be cited as the “A Future for Freight
22 Rail Manufacturing Act of 2021” or the “AFFRM Act
23 of 2021”.

1 **SEC. 8002. REQUIREMENTS FOR RAILROAD FREIGHT CARS**
2 **ENTERING SERVICE IN THE UNITED STATES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, any Association of Amer-
5 ican Railroads (in this title referred to as “AAR”) ap-
6 proved railroad freight car manufactured on or after such
7 date may operate on the United States rail interchange
8 system only if—

9 (1) the railroad freight car is manufactured or
10 assembled or substantially transformed by a quali-
11 fied builder in a qualified facility;

12 (2) none of the sensitive technology located on
13 the railroad freight car, including components nec-
14 essary to the functionality of the sensitive tech-
15 nology, originates or is sourced from a country spec-
16 ified in section 8004 or a State-Owned Enterprise;
17 and

18 (3) none of the content of the railroad freight
19 car that originates from a country specified in sec-
20 tion 8004 or a State-Owned Enterprise has been de-
21 termined by a recognized court or administrative
22 agency of competent jurisdiction and legal authority
23 to have violated or infringed valid U.S. intellectual
24 property rights of another including such a finding
25 by a Federal district court under the Patent Act or

1 the U.S. International Trade Commission under sec-
2 tion 337 of the Tariff Act of 1930.

3 (b) CONTENT.—

4 (1) IN GENERAL.—Any Railroad Freight Car
5 Manufacturer and AAR approved railroad freight
6 car manufactured on or after such date may operate
7 on the United States rail interchange system only if
8 the railroad freight car has a content percentage
9 that originates from a country specified in section
10 8004 or a State-Owned Enterprise of—

11 (A) beginning on the date of enactment of
12 this Act, not more than 20 percent; and

13 (B) beginning on the date that is 24
14 months after the date of enactment of this Act,
15 not more than 15 percent.

16 (2) APPLICATION OF LAW.—The content per-
17 centages specified in this section apply notwith-
18 standing any conflict with the provisions of chapter
19 4 of the Agreement between the United States of
20 American, the United Mexican States, and Canada
21 (Dec. 13, 2019).

22 **SEC. 8003. REGULATIONS; PENALTIES.**

23 (a) REGULATIONS REQUIRED.—Not later than 1 year
24 after the date of enactment of this Act, the Secretary of
25 Transportation shall issue such regulations as are nec-

1 essary to carry out this Act, including for the monitoring,
2 enforcement, and sensitive technology requirements of this
3 title.

4 (b) COMPLIANCE.—A Railroad Freight Car Manufac-
5 turer will certify such manufacturer is meeting the re-
6 quirements of this Act and noncompliant railroad freight
7 cars may not be registered under the AAR Umler system.

8 (c) CIVIL PENALTIES.—Any railroad freight car
9 manufacturer that has manufactured a railroad freight
10 car for the North American Interchange system that the
11 Secretary of Transportation determines, after written no-
12 tice and an opportunity for a hearing, has violated this
13 Act is liable to the United States Government for a civil
14 penalty of at least \$150,000 but not more than \$500,000
15 for each violation for each such railroad freight car and
16 thereafter barred from release of such railroad freight car
17 for operation on the North American Interchange system.
18 The noncompliant railroad freight car may re-enter service
19 upon re-certification from the railroad freight car manu-
20 facturer after paying the civil penalty and meeting compli-
21 ance of this title.

22 **SEC. 8004. COUNTRY SPECIFIED.**

23 A country specified in this section is a country that—

24 (1) is identified by the Department of Com-
25 merce as a nonmarket economy country (as defined

1 in section 771(18) of the Tariff Act of 1930 (19
2 U.S.C. 1677(18))) as of the date of enactment of
3 this Act; and

4 (2)(A) was identified by the United States
5 Trade Representative in the most recent report re-
6 quired by section 182 of the Trade Act of 1974 (19
7 U.S.C. 2242) as a priority watch country or watch
8 country; or

9 (B) is subject to monitoring by the Trade Rep-
10 resentative under section 306 of the Trade Act of
11 1974 (19 U.S.C. 2416).

12 **SEC. 8005. DEFINITIONS.**

13 In this title:

14 (1) **CONTENT.**—The term “content” means the
15 net cost of the railroad freight car less the cost of
16 sensitive technology.

17 (2) **CONTROL.**—The term “control” means the
18 power, whether direct or indirect and whether or not
19 exercised, through the ownership of a majority or a
20 dominant minority of the total outstanding voting
21 interest in an entity, representation on the board of
22 directors of an entity, proxy voting on the board of
23 directors of an entity, a special share in the entity,
24 a contractual arrangement with the entity, a formal
25 or informal arrangement to act in concert with an

1 entity, or any other means, to determine, direct,
2 make decisions, or cause decisions to be made for
3 the entity.

4 (3) COST OF SENSITIVE TECHNOLOGY.—The
5 term “cost of sensitive technology” means the aggregate
6 cost of the sensitive technology located on the
7 railroad freight car.

8 (4) NET COST.—The term “net cost” means
9 the net cost as defined in chapter 4 of the United
10 States–Mexico–Canada Free Trade Agreement or
11 any subsequent free trade agreement between the
12 United States, Mexico, and Canada.

13 (5) ORIGINATE; ORIGINATING.—The terms
14 “originate” and “originating” mean the country or
15 origin of a part, component, subassembly or finished
16 product as defined in chapter 4 of the United
17 States–Mexico–Canada Free Trade Agreement or any
18 subsequent free trade agreement between the United
19 States, Mexico, and Canada.

20 (6) QUALIFIED FACILITY.—The term “qualified
21 facility” means a facility that is not under the control
22 of a State-Owned Enterprise.

23 (7) QUALIFIED RAILROAD FREIGHT CAR BUILD-
24 ER.—The term “qualified railroad freight rail car

1 builder” means a builder that is not under the con-
2 trol of a State-Owned Enterprise.

3 (8) RAILCAR COMPONENT SUPPLIER.—The
4 term “railcar component supplier” means an enter-
5 prise that supplies railroad freight car components
6 for the manufacturing of railroad freight cars.

7 (9) RAILROAD FREIGHT CAR.—The term “rail-
8 road freight car” means a car designed to carry
9 freight, or railroad personnel, by rail and includes—

- 10 (A) box car;
- 11 (B) refrigerator car;
- 12 (C) ventilator car;
- 13 (D) stack car or intermodal well;
- 14 (E) gondola car;
- 15 (F) hopper car;
- 16 (G) auto rack car;
- 17 (H) flat car;
- 18 (I) special car;
- 19 (J) caboose car;
- 20 (K) tank car; and
- 21 (L) yard car.

22 (10) RAILROAD FREIGHT CAR MANUFAC-
23 Turer.—The term “railroad freight rail car manu-
24 facturer” is defined as a builder of railroad freight

1 rail cars as defined in the definition of railroad
2 freight car.

3 (11) SENSITIVE TECHNOLOGY.—The term
4 “sensitive technology” means any device embedded
5 with electronics, software, sensors, or other
6 connectivity, except those freight rail parts as de-
7 fined as “safety-critical” in section 236.903 of title
8 49, Code of Federal Regulations, or any successor
9 regulations, that enables the device to connect, col-
10 lect, or exchange data, including—

11 (A) onboard telematics;

12 (B) remote monitoring software;

13 (C) firmware;

14 (D) analytics;

15 (E) GPS satellite and cellular location
16 tracking systems;

17 (F) event status sensors;

18 (G) predictive component condition and
19 performance monitoring sensors; and

20 (H) similar sensitive technologies embed-
21 ded into freight railcar components and sub-
22 assemblies.

23 (12) STATE-OWNED ENTERPRISE.—The term
24 “state-owned enterprise” means—

1 (A) an entity that is owned by or under
2 the control of a national, provincial, or local
3 government of a country or an agency of such
4 government of a country as described in section
5 8004; or

6 (B) an individual acting under the direc-
7 tion or control of a government or agency de-
8 scribed in subparagraph (A).

9 (13) **SUBSTANTIALLY TRANSFORMED.**—The
10 term “substantially transformed” means a compo-
11 nent undergoes an applicable change in tariff classi-
12 fication as a result of the manufacturing process as
13 outlined in chapter 4 and related Annexes of the
14 United States-Mexico-Canada Free Trade Agree-
15 ment or any subsequent free trade agreement be-
16 tween the United States, Mexico, and Canada.