

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction 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 Reauthorization Act of 2021”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

## 2

## TITLE I—FEDERAL-AID HIGHWAYS

## Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Definitions.
- Sec. 1104. Apportionment.
- Sec. 1105. National highway performance program.
- Sec. 1106. Emergency relief.
- Sec. 1107. Federal share payable.
- Sec. 1108. Railway-highway grade crossings.
- Sec. 1109. Surface transportation block grant program.
- Sec. 1110. Nationally significant freight and highway projects.
- Sec. 1111. Highway safety improvement program.
- Sec. 1112. Federal lands transportation program.
- Sec. 1113. Federal lands access program.
- Sec. 1114. National highway freight program.
- Sec. 1115. Congestion mitigation and air quality improvement program.
- Sec. 1116. Alaska Highway.
- Sec. 1117. Toll roads, bridges, tunnels, and ferries.
- Sec. 1118. Bridge investment program.
- Sec. 1119. Safe routes to school.
- Sec. 1120. Highway use tax evasion projects.
- Sec. 1121. Construction of ferry boats and ferry terminal facilities.
- Sec. 1122. Vulnerable road user research.
- Sec. 1123. Wildlife crossing safety.
- Sec. 1124. Consolidation of programs.
- Sec. 1125. State freight advisory committees.
- Sec. 1126. Territorial and Puerto Rico highway program.
- Sec. 1127. Nationally significant Federal lands and Tribal projects program.
- Sec. 1128. Tribal high priority projects program.
- Sec. 1129. Standards.
- Sec. 1130. Public transportation.
- Sec. 1131. Rural opportunities to use transportation for economic success council.
- Sec. 1132. Reservation of certain funds.
- Sec. 1133. Rural surface transportation grant program.
- Sec. 1134. Bicycle transportation and pedestrian walkways.
- Sec. 1135. Recreational trails program.
- Sec. 1136. Updates to Manual on Uniform Traffic Control Devices.

## Subtitle B—Planning and Performance Management

- Sec. 1201. Transportation planning.
- Sec. 1202. Fiscal constraint on long-range transportation plans.
- Sec. 1203. State human capital plans.
- Sec. 1204. Prioritization process pilot program.
- Sec. 1205. National goals and performance management measures.
- Sec. 1206. Travel demand data and modeling.
- Sec. 1207. Increasing safe and accessible transportation options.

## Subtitle C—Project Delivery and Process Improvement

- Sec. 1301. Codification of One Federal Decision.
- Sec. 1302. Work zone process reviews.

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- Sec. 1303. Transportation management plans.
- Sec. 1304. Intelligent transportation systems.
- Sec. 1305. Alternative contracting methods.
- Sec. 1306. Flexibility for projects.
- Sec. 1307. Improved Federal-State stewardship and oversight agreements.
- Sec. 1308. Geomatic data.
- Sec. 1309. Evaluation of projects within an operational right-of-way.
- Sec. 1310. Preliminary engineering.
- Sec. 1311. Efficient implementation of NEPA for Federal land management projects.
- Sec. 1312. National Environmental Policy Act of 1969 reporting program.
- Sec. 1313. Surface transportation project delivery program written agreements.
- Sec. 1314. State assumption of responsibility for categorical exclusions.
- Sec. 1315. Early utility relocation prior to transportation project environmental review.
- Sec. 1316. Streamlining of section 4(f) reviews.
- Sec. 1317. Categorical exclusion for projects of limited Federal assistance.
- Sec. 1318. Certain gathering lines located on Federal land and Indian land.

## Subtitle D—Climate Change

- Sec. 1401. Grants for charging and fueling infrastructure.
- Sec. 1402. Reduction of truck emissions at port facilities.
- Sec. 1403. Carbon reduction program.
- Sec. 1404. Congestion relief program.
- Sec. 1405. Freight plans.
- Sec. 1406. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
- Sec. 1407. Healthy Streets program.

## Subtitle E—Miscellaneous

- Sec. 1501. Additional deposits into Highway Trust Fund.
- Sec. 1502. Stopping threats on pedestrians.
- Sec. 1503. Transfer and sale of toll credits.
- Sec. 1504. Forest Service Legacy Roads and Trails Remediation Program.
- Sec. 1505. Disaster relief mobilization study.
- Sec. 1506. Appalachian Regional Commission.
- Sec. 1507. Denali Commission transfers of funds.
- Sec. 1508. Requirements for transportation projects carried out through public-private partnerships.
- Sec. 1509. Reconnecting communities pilot program.
- Sec. 1510. Cybersecurity tool; cyber coordinator.
- Sec. 1511. Report on emerging alternative fuel vehicles and infrastructure.
- Sec. 1512. Nonhighway recreational fuel study.
- Sec. 1513. Buy America.
- Sec. 1514. High priority corridors on the National Highway System.
- Sec. 1515. Interstate weight limits.
- Sec. 1516. Report on air quality improvements.
- Sec. 1517. Roadside highway safety hardware.
- Sec. 1518. Permeable pavements study.
- Sec. 1519. Emergency relief projects.
- Sec. 1520. Study on stormwater best management practices.
- Sec. 1521. Stormwater best management practices reports.
- Sec. 1522. Invasive plant elimination program.
- Sec. 1523. Over-the-road bus tolling equity.

- Sec. 1524. Bridge terminology.
- Sec. 1525. Study of impacts on roads from self-driving vehicles.
- Sec. 1526. Technical corrections.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND  
INNOVATION

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

- Sec. 3001. Strategic innovation for revenue collection.
- Sec. 3002. National motor vehicle per-mile user fee pilot.
- Sec. 3003. Performance management data support program.
- Sec. 3004. Data integration pilot program.
- Sec. 3005. Emerging technology research pilot program.
- Sec. 3006. Research and technology development and deployment.
- Sec. 3007. Workforce development, training, and education.
- Sec. 3008. Wildlife-vehicle collision research.
- Sec. 3009. Transportation Resilience and Adaptation Centers of Excellence.
- Sec. 3010. Transportation access pilot program.

TITLE IV—INDIAN AFFAIRS

- Sec. 4001. Definition of Secretary.
- Sec. 4002. Environmental reviews for certain tribal transportation facilities.
- Sec. 4003. Programmatic agreements for tribal categorical exclusions.
- Sec. 4004. Use of certain tribal transportation funds.
- Sec. 4005. Bureau of Indian Affairs road maintenance program.
- Sec. 4006. Study of road maintenance on Indian land.
- Sec. 4007. Maintenance of certain Indian reservation roads.
- Sec. 4008. Tribal transportation safety needs.
- Sec. 4009. Office of Tribal Government Affairs.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”  
4 means the Department of Transportation.

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of Transportation.

**7 SEC. 3. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act take  
9 effect on October 1, 2021.

1                   **TITLE I—FEDERAL-AID**  
2                                   **HIGHWAYS**  
3           **Subtitle A—Authorizations and**  
4                                   **Programs**

5 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) **IN GENERAL.**—The following amounts are au-  
7 thORIZED to be appropriated out of the Highway Trust  
8 Fund (other than the Mass Transit Account):

9                   (1) **FEDERAL-AID HIGHWAY PROGRAM.**—For  
10 the national highway performance program under  
11 section 119 of title 23, United States Code, the sur-  
12 face transportation block grant program under sec-  
13 tion 133 of that title, the highway safety improve-  
14 ment program under section 148 of that title, the  
15 congestion mitigation and air quality improvement  
16 program under section 149 of that title, the national  
17 highway freight program under section 167 of that  
18 title, the carbon reduction program under section  
19 175 of that title, to carry out subsection (c) of the  
20 PROTECT program under section 176 of that title,  
21 and to carry out section 134 of that title—

22                                   (A) \$52,488,065,375 for fiscal year 2022;

23                                   (B) \$53,537,826,683 for fiscal year 2023;

24                                   (C) \$54,608,583,217 for fiscal year 2024;

1 (D) \$55,700,754,881 for fiscal year 2025;

2 and

3 (E) \$56,814,769,844 for fiscal year 2026.

4 (2) TRANSPORTATION INFRASTRUCTURE FI-  
5 NANCE AND INNOVATION PROGRAM.—For credit as-  
6 sistance under the transportation infrastructure fi-  
7 nance and innovation program under chapter 6 of  
8 title 23, United States Code, \$250,000,000 for each  
9 of fiscal years 2022 through 2026.

10 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-  
11 TATION PROGRAMS.—

12 (A) TRIBAL TRANSPORTATION PRO-  
13 GRAM.—For the tribal transportation program  
14 under section 202 of title 23, United States  
15 Code—

16 (i) \$578,460,000 for fiscal year 2022;

17 (ii) \$589,960,000 for fiscal year 2023;

18 (iii) \$602,460,000 for fiscal year  
19 2024;

20 (iv) \$612,960,000 for fiscal year  
21 2025; and

22 (v) \$627,960,000 for fiscal year 2026.

23 (B) FEDERAL LANDS TRANSPORTATION  
24 PROGRAM.—

1 (i) IN GENERAL.—For the Federal  
2 lands transportation program under sec-  
3 tion 203 of title 23, United States Code—

4 (I) \$421,965,000 for fiscal year  
5 2022;

6 (II) \$429,965,000 for fiscal year  
7 2023;

8 (III) \$438,965,000 for fiscal year  
9 2024;

10 (IV) \$447,965,000 for fiscal year  
11 2025; and

12 (V) \$455,965,000 for fiscal year  
13 2026.

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

17 (I) the amount for the National  
18 Park Service is—

19 (aa) \$361,965,000 for fiscal  
20 year 2022;

21 (bb) \$368,965,000 for fiscal  
22 year 2023;

23 (cc) \$376,965,000 for fiscal  
24 year 2024;

1 (dd) \$384,965,000 for fiscal  
2 year 2025; and

3 (ee) \$391,965,000 for fiscal  
4 year 2026;

5 (II) the amount for the United  
6 States Fish and Wildlife Service is  
7 \$36,000,000 for each of fiscal years  
8 2022 through 2026; and

9 (III) the amount for the Forest  
10 Service is—

11 (aa) \$24,000,000 for fiscal  
12 year 2022;

13 (bb) \$25,000,000 for fiscal  
14 year 2023;

15 (cc) \$26,000,000 for fiscal  
16 year 2024;

17 (dd) \$27,000,000 for fiscal  
18 year 2025; and

19 (ee) \$28,000,000 for fiscal  
20 year 2026.

21 (C) FEDERAL LANDS ACCESS PROGRAM.—

22 For the Federal lands access program under  
23 section 204 of title 23, United States Code—

24 (i) \$285,975,000 for fiscal year 2022;

25 (ii) \$291,975,000 for fiscal year 2023;



1 (iii) \$296,975,000 for fiscal year  
2 2024;

3 (iv) \$303,975,000 for fiscal year  
4 2025; and

5 (v) \$308,975,000 for fiscal year 2026.

6 (4) TERRITORIAL AND PUERTO RICO HIGHWAY  
7 PROGRAM.—For the territorial and Puerto Rico  
8 highway program under section 165 of title 23,  
9 United States Code—

10 (A) \$219,000,000 for fiscal year 2022;

11 (B) \$224,000,000 for fiscal year 2023;

12 (C) \$228,000,000 for fiscal year 2024;

13 (D) \$232,500,000 for fiscal year 2025;

14 and

15 (E) \$237,000,000 for fiscal year 2026.

16 (5) NATIONALLY SIGNIFICANT FREIGHT AND  
17 HIGHWAY PROJECTS.—For nationally significant  
18 freight and highway projects under section 117 of  
19 title 23, United States Code—

20 (A) \$1,000,000,000 for fiscal year 2022;

21 (B) \$1,000,000,000 for fiscal year 2023;

22 (C) \$1,000,000,000 for fiscal year 2024;

23 (D) \$900,000,000 for fiscal year 2025;

24 and

25 (E) \$900,000,000 for fiscal year 2026.

1 (b) OTHER PROGRAMS.—

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

5 (A) BRIDGE INVESTMENT PROGRAM.—To  
6 carry out the bridge investment program under  
7 section 124 of title 23, United States Code—

8 (i) \$600,000,000 for fiscal year 2022;

9 (ii) \$640,000,000 for fiscal year 2023;

10 (iii) \$650,000,000 for fiscal year  
11 2024;

12 (iv) \$675,000,000 for fiscal year  
13 2025; and

14 (v) \$700,000,000 for fiscal year 2026.

15 (B) CONGESTION RELIEF PROGRAM.—To  
16 carry out the congestion relief program under  
17 section 129(d) of title 23, United States Code,  
18 \$50,000,000 for each of fiscal years 2022  
19 through 2026.

20 (C) CHARGING AND FUELING INFRASTRUC-  
21 TURE GRANTS.—To carry out section 151(f) of  
22 title 23, United States Code, \$500,000,000 for  
23 each of fiscal years 2022 through 2026.

24 (D) RURAL SURFACE TRANSPORTATION  
25 GRANT PROGRAM.—To carry out the rural sur-

1 face transportation grant program under sec-  
2 tion 173 of title 23, United States Code—

3 (i) \$300,000,000 for fiscal year 2022;

4 (ii) \$350,000,000 for fiscal year 2023;

5 (iii) \$400,000,000 for fiscal year  
6 2024;

7 (iv) \$450,000,000 for fiscal year  
8 2025; and

9 (v) \$500,000,000 for fiscal year 2026.

10 (E) PROTECT GRANTS.—

11 (i) IN GENERAL.—To carry out sub-  
12 section (d) of the PROTECT program  
13 under section 176 of title 23, United  
14 States Code, for each of fiscal years 2022  
15 through 2026—

16 (I) \$250,000,000 for fiscal year  
17 2022;

18 (II) \$250,000,000 for fiscal year  
19 2023;

20 (III) \$300,000,000 for fiscal year  
21 2024;

22 (IV) \$300,000,000 for fiscal year  
23 2025; and

24 (V) \$300,000,000 for fiscal year  
25 2026.

1 (ii) ALLOCATION.—Of the amounts  
2 made available under clause (i)—

3 (I) for planning grants under  
4 paragraph (3) of that subsection—

5 (aa) \$25,000,000 for fiscal  
6 year 2022;

7 (bb) \$25,000,000 for fiscal  
8 year 2023;

9 (cc) \$30,000,000 for fiscal  
10 year 2024;

11 (dd) \$30,000,000 for fiscal  
12 year 2025; and

13 (ee) \$30,000,000 for fiscal  
14 year 2026;

15 (II) for resilience improvement  
16 grants under paragraph (4)(A) of that  
17 subsection—

18 (aa) \$175,000,000 for fiscal  
19 year 2022;

20 (bb) \$175,000,000 for fiscal  
21 year 2023;

22 (cc) \$210,000,000 for fiscal  
23 year 2024;

24 (dd) \$210,000,000 for fiscal  
25 year 2025; and

1 (ee) \$210,000,000 for fiscal  
2 year 2026;

3 (III) for community resilience  
4 and evacuation route grants under  
5 paragraph (4)(B) of that subsection—

6 (aa) \$25,000,000 for fiscal  
7 year 2022;

8 (bb) \$25,000,000 for fiscal  
9 year 2023;

10 (cc) \$30,000,000 for fiscal  
11 year 2024;

12 (dd) \$30,000,000 for fiscal  
13 year 2025; and

14 (ee) \$30,000,000 for fiscal  
15 year 2026; and

16 (IV) for at-risk coastal infra-  
17 structure grants under paragraph  
18 (4)(C) of that subsection—

19 (aa) \$25,000,000 for fiscal  
20 year 2022;

21 (bb) \$25,000,000 for fiscal  
22 year 2023;

23 (cc) \$30,000,000 for fiscal  
24 year 2024;

1 (dd) \$30,000,000 for fiscal  
2 year 2025; and

3 (ee) \$30,000,000 for fiscal  
4 year 2026.

5 (F) REDUCTION OF TRUCK EMISSIONS AT  
6 PORT FACILITIES.—

7 (i) IN GENERAL.—To carry out the  
8 reduction of truck emissions at port facili-  
9 ties under section 1402, \$50,000,000 for  
10 each of fiscal years 2022 through 2026.

11 (ii) TREATMENT.—Amounts made  
12 available under clause (i) shall be available  
13 for obligation in the same manner as if  
14 those amounts were apportioned under  
15 chapter 1 of title 23, United States Code.

16 (G) NATIONALLY SIGNIFICANT FEDERAL  
17 LANDS AND TRIBAL PROJECTS.—

18 (i) IN GENERAL.—To carry out the  
19 nationally significant Federal lands and  
20 tribal projects program under section 1123  
21 of the FAST Act (23 U.S.C. 201 note;  
22 Public Law 114–94), \$55,000,000 for each  
23 of fiscal years 2022 through 2026.

24 (ii) TREATMENT.—Amounts made  
25 available under clause (i) shall be available

1 for obligation in the same manner as if  
2 those amounts were apportioned under  
3 chapter 1 of title 23, United States Code.

4 (2) GENERAL FUND.—

5 (A) BRIDGE INVESTMENT PROGRAM.—

6 (i) IN GENERAL.—In addition to  
7 amounts made available under paragraph  
8 (1)(A), there are authorized to be appro-  
9 priated to carry out the bridge investment  
10 program under section 124 of title 23,  
11 United States Code—

12 (I) \$600,000,000 for fiscal year  
13 2022;

14 (II) \$640,000,000 for fiscal year  
15 2023;

16 (III) \$650,000,000 for fiscal year  
17 2024;

18 (IV) \$675,000,000 for fiscal year  
19 2025; and

20 (V) \$700,000,000 for fiscal year  
21 2026.

22 (ii) ALLOCATION.—Amounts made  
23 available under clause (i) shall be allocated  
24 in the same manner as if made available  
25 under paragraph (1)(A).

1           (B) **NATIONALLY SIGNIFICANT FEDERAL**  
2 **LANDS AND TRIBAL PROJECTS PROGRAM.**—In  
3 addition to amounts made available under para-  
4 graph (1)(J), there is authorized to be appro-  
5 priated to carry out section 1123 of the FAST  
6 Act (23 U.S.C. 201 note; Public Law 114–94)  
7 \$300,000,000 for each of fiscal years 2022  
8 through 2026.

9           (C) **HEALTHY STREETS PROGRAM.**—There  
10 is authorized to be appropriated to carry out  
11 the Healthy Streets program under section  
12 1407 \$100,000,000 for each of fiscal years  
13 2022 through 2026.

14           (D) **TRANSPORTATION RESILIENCE AND**  
15 **ADAPTATION CENTERS OF EXCELLENCE.**—  
16 There is authorized to be appropriated to carry  
17 out section 520 of title 23, United States Code,  
18 \$100,000,000 for each of fiscal years 2022  
19 through 2026.

20           (E) **OPEN CHALLENGE AND RESEARCH**  
21 **PROPOSAL PILOT PROGRAM.**—There is author-  
22 ized to be appropriated to carry out the open  
23 challenge and research proposal pilot program  
24 under section 3006(e) \$15,000,000 for each of  
25 fiscal years 2022 through 2026.



1 (c) RESEARCH, TECHNOLOGY, AND EDUCATION AU-  
2 THORIZATIONS.—

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

6 (A) HIGHWAY RESEARCH AND DEVELOP-  
7 MENT PROGRAM.—To carry out section 503(b)  
8 of title 23, United States Code, \$147,000,000  
9 for each of fiscal years 2022 through 2026.

10 (B) TECHNOLOGY AND INNOVATION DE-  
11 PLOYMENT PROGRAM.—To carry out section  
12 503(c) of title 23, United States Code,  
13 \$110,000,000 for each of fiscal years 2022  
14 through 2026.

15 (C) TRAINING AND EDUCATION.—To carry  
16 out section 504 of title 23, United States  
17 Code—

18 (i) \$25,000,000 for fiscal year 2022;

19 (ii) \$25,250,000 for fiscal year 2023;

20 (iii) \$25,500,000 for fiscal year 2024;

21 (iv) \$25,750,000 for fiscal year 2025;

22 and

23 (v) \$26,000,000 for fiscal year 2026.

24 (D) INTELLIGENT TRANSPORTATION SYS-  
25 TEMS PROGRAM.—To carry out sections 512

1 through 518 of title 23, United States Code,  
2 \$110,000,000 for each of fiscal years 2022  
3 through 2026.

4 (E) UNIVERSITY TRANSPORTATION CEN-  
5 TERS PROGRAM.—To carry out section 5505 of  
6 title 49, United States Code—

7 (i) \$80,000,000 for fiscal year 2022;

8 (ii) \$80,500,000 for fiscal year 2023;

9 (iii) \$81,000,000 for fiscal year 2024;

10 (iv) \$81,500,000 for fiscal year 2025;

11 and

12 (v) \$82,000,000 for fiscal year 2026.

13 (F) BUREAU OF TRANSPORTATION STATIS-  
14 TICS.—To carry out chapter 63 of title 49,  
15 United States Code—

16 (i) \$26,000,000 for fiscal year 2022;

17 (ii) \$26,250,000 for fiscal year 2023;

18 (iii) \$26,500,000 for fiscal year 2024;

19 (iv) \$26,750,000 for fiscal year 2025;

20 and

21 (v) \$27,000,000 for fiscal year 2026.

22 (2) ADMINISTRATION.—The Federal Highway  
23 Administration shall—

1 (A) administer the programs described in  
2 subparagraphs (A), (B), and (C) of paragraph  
3 (1); and

4 (B) in consultation with relevant modal ad-  
5 ministrations, administer the programs de-  
6 scribed in paragraph (1)(D).

7 (3) APPLICABILITY OF TITLE 23, UNITED  
8 STATES CODE.—Amounts authorized to be appro-  
9 priated by paragraph (1) shall—

10 (A) be available for obligation in the same  
11 manner as if those funds were apportioned  
12 under chapter 1 of title 23, United States Code,  
13 except that the Federal share of the cost of a  
14 project or activity carried out using those funds  
15 shall be 80 percent, unless otherwise expressly  
16 provided by this Act (including the amendments  
17 by this Act) or otherwise determined by the  
18 Secretary; and

19 (B) remain available until expended and  
20 not be transferable, except as otherwise pro-  
21 vided by this Act.

22 (d) PILOT PROGRAMS.—The following amounts are  
23 authorized to be appropriated out of the Highway Trust  
24 Fund (other than the Mass Transit Account):

1 (1) WILDLIFE CROSSINGS PILOT PROGRAM.—

2 For the wildlife crossings pilot program under sec-  
3 tion 171 of title 23, United States Code—

4 (A) \$60,000,000 for fiscal year 2022;

5 (B) \$65,000,000 for fiscal year 2023;

6 (C) \$70,000,000 for fiscal year 2024;

7 (D) \$75,000,000 for fiscal year 2025; and

8 (E) \$80,000,000 for fiscal year 2026.

9 (2) PRIORITIZATION PROCESS PILOT PRO-  
10 GRAM.—

11 (A) IN GENERAL.—For the prioritization  
12 process pilot program under section 1204,  
13 \$10,000,000 for each of fiscal years 2022  
14 through 2026.

15 (B) TREATMENT.—Amounts made avail-  
16 able under subparagraph (A) shall be available  
17 for obligation in the same manner as if those  
18 amounts were apportioned under chapter 1 of  
19 title 23, United States Code.

20 (3) RECONNECTING COMMUNITIES PILOT PRO-  
21 GRAM.—

22 (A) PLANNING GRANTS.—For planning  
23 grants under the reconnecting communities  
24 pilot program under section 1509(e),

1           \$30,000,000 for each of fiscal years 2022  
2           through 2026.

3           (B) CAPITAL CONSTRUCTION GRANTS.—

4           For capital construction grants under the re-  
5           connecting communities pilot program under  
6           section 1509(d)—

7                   (i) \$65,000,000 for fiscal year 2022;

8                   (ii) \$68,000,000 for fiscal year 2023;

9                   (iii) \$70,000,000 for fiscal year 2024;

10                  (iv) \$72,000,000 for fiscal year 2025;

11                  and

12                  (v) \$75,000,000 for fiscal year 2026.

13           (C) TREATMENT.—Amounts made avail-  
14           able under subparagraph (A) or (B) shall be  
15           available for obligation in the same manner as  
16           if those amounts were apportioned under chap-  
17           ter 1 of title 23, United States Code, except  
18           that those amounts shall remain available until  
19           expended.

20           (e) DISADVANTAGED BUSINESS ENTERPRISES.—

21                   (1) FINDINGS.—Congress finds that—

22                           (A) while significant progress has occurred  
23                           due to the establishment of the disadvantaged  
24                           business enterprise program, discrimination and  
25                           related barriers continue to pose significant ob-

1           stacles for minority- and women-owned busi-  
2           nesses seeking to do business in Federally as-  
3           sisted surface transportation markets across the  
4           United States;

5           (B) the continuing barriers described in  
6           subparagraph (A) merit the continuation of the  
7           disadvantaged business enterprise program;

8           (C) Congress has received and reviewed  
9           testimony and documentation of race and gen-  
10          der discrimination from numerous sources, in-  
11          cluding congressional hearings and roundtables,  
12          scientific reports, reports issued by public and  
13          private agencies, news stories, reports of dis-  
14          crimination by organizations and individuals,  
15          and discrimination lawsuits, which show that  
16          race- and gender-neutral efforts alone are insuf-  
17          ficient to address the problem;

18          (D) the testimony and documentation de-  
19          scribed in subparagraph (C) demonstrate that  
20          discrimination across the United States poses a  
21          barrier to full and fair participation in surface  
22          transportation-related businesses of women  
23          business owners and minority business owners  
24          and has impacted firm development and many

1 aspects of surface transportation-related busi-  
2 ness in the public and private markets; and

3 (E) the testimony and documentation de-  
4 scribed in subparagraph (C) provide a strong  
5 basis that there is a compelling need for the  
6 continuation of the disadvantaged business en-  
7 terprise program to address race and gender  
8 discrimination in surface transportation-related  
9 business.

10 (2) DEFINITIONS.—In this subsection:

11 (A) SMALL BUSINESS CONCERN.—

12 (i) IN GENERAL.—The term “small  
13 business concern” means a small business  
14 concern (as the term is used in section 3  
15 of the Small Business Act (15 U.S.C.  
16 632)).

17 (ii) EXCLUSIONS.—The term “small  
18 business concern” does not include any  
19 concern or group of concerns controlled by  
20 the same socially and economically dis-  
21 advantaged individual or individuals that  
22 have average annual gross receipts during  
23 the preceding 3 fiscal years in excess of  
24 \$25,790,000, as adjusted annually by the  
25 Secretary for inflation.





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

4 (i) women;

5 (ii) socially and economically dis-  
6 advantaged individuals (other than  
7 women); and

8 (iii) individuals who are women and  
9 are otherwise socially and economically dis-  
10 advantaged individuals.

11 (5) UNIFORM CERTIFICATION.—

12 (A) IN GENERAL.—The Secretary shall es-  
13 tablish minimum uniform criteria for use by  
14 State governments in certifying whether a con-  
15 cern qualifies as a small business concern for  
16 the purpose of this subsection.

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

21 (i) on-site visits;

22 (ii) personal interviews with personnel;

23 (iii) issuance or inspection of licenses;

24 (iv) analyses of stock ownership;

25 (v) listings of equipment;

- 1 (vi) analyses of bonding capacity;  
2 (vii) listings of work completed;  
3 (viii) examination of the resumes of  
4 principal owners;  
5 (ix) analyses of financial capacity; and  
6 (x) analyses of the type of work pre-  
7 ferred.

8 (6) REPORTING.—The Secretary shall establish  
9 minimum requirements for use by State govern-  
10 ments in reporting to the Secretary—

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

14 (B) such other information as the Sec-  
15 retary determines to be appropriate for the  
16 proper monitoring of the disadvantaged busi-  
17 ness enterprise program.

18 (7) COMPLIANCE WITH COURT ORDERS.—Noth-  
19 ing in this subsection limits the eligibility of an indi-  
20 vidual or entity to receive funds made available  
21 under this Act and section 403 of title 23, United  
22 States Code, if the entity or person is prevented, in  
23 whole or in part, from complying with paragraph (3)  
24 because a Federal court issues a final order in which

1 the court finds that a requirement or the implemen-  
2 tation of paragraph (3) is unconstitutional.

3 (8) SENSE OF CONGRESS ON PROMPT PAYMENT  
4 OF DBE SUBCONTRACTORS.—It is the sense of Con-  
5 gress that—

6 (A) the Secretary should take additional  
7 steps to ensure that recipients comply with sec-  
8 tion 26.29 of title 49, Code of Federal Regula-  
9 tions (the disadvantaged business enterprises  
10 prompt payment rule), or any corresponding  
11 regulation, in awarding Federally funded trans-  
12 portation contracts under laws and regulations  
13 administered by the Secretary; and

14 (B) such additional steps should include  
15 increasing the ability of the Department to  
16 track and keep records of complaints and to  
17 make that information publicly available.

18 **SEC. 1102. OBLIGATION CEILING.**

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

23 (1) \$57,673,430,072 for fiscal year 2022;

24 (2) \$58,864,510,674 for fiscal year 2023;

25 (3) \$60,095,782,888 for fiscal year 2024;

1 (4) \$61,214,170,545 for fiscal year 2025; and

2 (5) \$62,457,105,821 for fiscal year 2026.

3 (b) EXCEPTIONS.—The limitations under subsection

4 (a) shall not apply to obligations under or for—

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

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

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

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

14 (5) subsections (b) and (c) of section 149 of the  
15 Surface Transportation and Uniform Relocation As-  
16 sistance Act of 1987 (101 Stat. 198);

17 (6) sections 1103 through 1108 of the Inter-  
18 modal Surface Transportation Efficiency Act of  
19 1991 (105 Stat. 2027);

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

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

1           (9) Federal-aid highway programs for which ob-  
2           ligation authority was made available under the  
3           Transportation Equity Act for the 21st Century  
4           (112 Stat. 107) or subsequent Acts for multiple  
5           years or to remain available until expended, but only  
6           to the extent that the obligation authority has not  
7           lapsed or been used;

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

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

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

22          (13) section 119 of title 23, United States Code  
23          (as in effect for fiscal years 2016 through 2021, but  
24          only in an amount equal to \$639,000,000 for each  
25          of those fiscal years); and

1 (14) section 119 of title 23, United States Code  
2 (but, for fiscal years 2022 through 2026, only in an  
3 amount equal to \$639,000,000 for each of those fis-  
4 cal years).

5 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—  
6 For each of fiscal years 2022 through 2026, the Sec-  
7 retary—

8 (1) shall not distribute obligation authority pro-  
9 vided by subsection (a) for the fiscal year for—

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

13 (B) amounts authorized for the Bureau of  
14 Transportation Statistics;

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

18 (A) made available from the Highway  
19 Trust Fund (other than the Mass Transit Ac-  
20 count) for Federal-aid highway and highway  
21 safety construction programs for previous fiscal  
22 years the funds for which are allocated by the  
23 Secretary (or apportioned by the Secretary  
24 under section 175, 176(c), 202, or 204 of title  
25 23, United States Code); and

1 (B) for which obligation authority was pro-  
2 vided in a previous fiscal year;

3 (3) shall determine the proportion that—

4 (A) the obligation authority provided by  
5 subsection (a) for the fiscal year, less the aggre-  
6 gate of amounts not distributed under para-  
7 graphs (1) and (2) of this subsection; bears to

8 (B) the total of the sums authorized to be  
9 appropriated for the Federal-aid highway and  
10 highway safety construction programs (other  
11 than sums authorized to be appropriated for  
12 provisions of law described in paragraphs (1)  
13 through (13) of subsection (b) and sums au-  
14 thorized to be appropriated for section 119 of  
15 title 23, United States Code, equal to the  
16 amount referred to in subsection (b)(14) for the  
17 fiscal year), less the aggregate of the amounts  
18 not distributed under paragraphs (1) and (2) of  
19 this subsection;

20 (4) shall distribute the obligation authority pro-  
21 vided by subsection (a), less the aggregate amounts  
22 not distributed under paragraphs (1) and (2), for  
23 each of the programs (other than programs to which  
24 paragraph (1) applies) that are allocated by the Sec-  
25 retary under this Act and title 23, United States

1 Code, or apportioned by the Secretary under section  
2 175, 176(c), 202, or 204 of that title, by multi-  
3 plying—

4 (A) the proportion determined under para-  
5 graph (3); by

6 (B) the amounts authorized to be appro-  
7 priated for each such program for the fiscal  
8 year; and

9 (5) shall distribute the obligation authority pro-  
10 vided by subsection (a), less the aggregate amounts  
11 not distributed under paragraphs (1) and (2) and  
12 the amounts distributed under paragraph (4), for  
13 Federal-aid highway and highway safety construc-  
14 tion programs that are apportioned by the Secretary  
15 under title 23, United States Code (other than the  
16 amounts apportioned for the national highway per-  
17 formance program in section 119 of title 23, United  
18 States Code, that are exempt from the limitation  
19 under subsection (b)(14) and the amounts appor-  
20 tioned under sections 175, 176(c), 202, and 204 of  
21 that title) in the proportion that—

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



1 (B) the total of the amounts authorized to  
2 be appropriated for the programs that are ap-  
3 portioned under title 23, United States Code, to  
4 all States for the fiscal year.

5 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
6 THORITY.—Notwithstanding subsection (c), the Secretary  
7 shall, after August 1 of each of fiscal years 2022 through  
8 2026—

9 (1) revise a distribution of the obligation au-  
10 thority made available under subsection (c) if an  
11 amount distributed cannot be obligated during that  
12 fiscal year; and

13 (2) redistribute sufficient amounts to those  
14 States able to obligate amounts in addition to those  
15 previously distributed during that fiscal year, giving  
16 priority to those States having large unobligated bal-  
17 ances of funds apportioned under sections 144 (as in  
18 effect on the day before the date of enactment of  
19 MAP-21 (Public Law 112-141; 126 Stat. 405)) and  
20 104 of title 23, United States Code.

21 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO  
22 TRANSPORTATION RESEARCH PROGRAMS.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), obligation limitations imposed by sub-  
25 section (a) shall apply to contract authority for

1 transportation research programs carried out under  
2 chapter 5 of title 23, United States Code.

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

5 (A) remain available for a period of 4 fis-  
6 cal years; and

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

11 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED  
12 FUNDS.—

13 (1) IN GENERAL.—Not later than 30 days after  
14 the date of distribution of obligation authority under  
15 subsection (c) for each of fiscal years 2022 through  
16 2026, the Secretary shall distribute to the States  
17 any funds (excluding funds authorized for the pro-  
18 gram under section 202 of title 23, United States  
19 Code) that—

20 (A) are authorized to be appropriated for  
21 the fiscal year for Federal-aid highway pro-  
22 grams; and

23 (B) the Secretary determines will not be  
24 allocated to the States (or will not be appor-  
25 tioned to the States under sections 175, 176(c),

1 and 204 of title 23, United States Code), and  
2 will not be available for obligation, for the fiscal  
3 year because of the imposition of any obligation  
4 limitation for the fiscal year.

5 (2) **RATIO.**—Funds shall be distributed under  
6 paragraph (1) in the same proportion as the dis-  
7 tribution of obligation authority under subsection  
8 (c)(5).

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

13 **SEC. 1103. DEFINITIONS.**

14 Section 101(a) of title 23, United States Code, is  
15 amended—

16 (1) in paragraph (4)—

17 (A) in subparagraph (A), by inserting “as-  
18 sessing resilience,” after “surveying,”;

19 (B) in subparagraph (G), by striking  
20 “and” at the end;

21 (C) by redesignating subparagraph (H) as  
22 subparagraph (I); and

23 (D) by inserting after subparagraph (G)  
24 the following:

1                   “(H) improvements that reduce the num-  
2                   ber of wildlife-vehicle collisions, such as wildlife  
3                   crossing structures; and”;

4                   (2) by redesignating paragraphs (17) through  
5                   (34) as paragraphs (18), (19), (20), (21), (22), (23),  
6                   (25), (26), (27), (28), (29), (30), (31), (32), (33),  
7                   (34), (35), and (36), respectively;

8                   (3) by inserting after paragraph (16) the fol-  
9                   lowing:

10                   “(17) NATURAL INFRASTRUCTURE.—The term  
11                   ‘natural infrastructure’ means infrastructure that  
12                   uses, restores, or emulates natural ecological proc-  
13                   esses and—

14                   “(A) is created through the action of nat-  
15                   ural physical, geological, biological, and chem-  
16                   ical processes over time;

17                   “(B) is created by human design, engineer-  
18                   ing, and construction to emulate or act in con-  
19                   cert with natural processes; or

20                   “(C) involves the use of plants, soils, and  
21                   other natural features, including through the  
22                   creation, restoration, or preservation of vege-  
23                   tated areas using materials appropriate to the  
24                   region to manage stormwater and runoff, to at-

1           tenuate flooding and storm surges, and for  
2           other related purposes.”;

3           (4) by inserting after paragraph (23) (as so re-  
4           designated) the following:

5           “(24) RESILIENCE.—The term ‘resilience’, with  
6           respect to a project, means a project with the ability  
7           to anticipate, prepare for, or adapt to conditions or  
8           withstand, respond to, or recover rapidly from dis-  
9           ruptions, including the ability—

10           “(A)(i) to resist hazards or withstand im-  
11           pacts from weather events and natural disas-  
12           ters; or

13           “(ii) to reduce the magnitude, duration, or  
14           impact of a disruptive weather event or natural  
15           disaster to a project; and

16           “(B) to have the absorptive capacity,  
17           adaptive capacity, and recoverability to decrease  
18           project vulnerability to weather events or other  
19           natural disasters.”; and

20           (5) in subparagraph (A) of paragraph (32) (as  
21           so redesignated)—

22           (A) by striking the period at the end and  
23           inserting “; and”;

24           (B) by striking “through the implementa-  
25           tion” and inserting the following: “through—

1 “(i) the implementation”; and

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

3 “(ii) the consideration of incor-  
4 porating natural infrastructure.”.

5 **SEC. 1104. APPORTIONMENT.**

6 (a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)  
7 of title 23, United States Code, is amended by striking  
8 subparagraphs (A) through (E) and inserting the fol-  
9 lowing:

10 “(A) \$490,964,697 for fiscal year 2022;

11 “(B) \$500,783,991 for fiscal year 2023;

12 “(C) \$510,799,671 for fiscal year 2024;

13 “(D) \$521,015,664 for fiscal year 2025;

14 and

15 “(E) \$531,435,977 for fiscal year 2026.”.

16 (b) DIVISION AMONG PROGRAMS OF STATE  
17 SHARE.—Section 104(b) of title 23, United States Code,  
18 is amended in subsection (b)—

19 (1) in the matter preceding paragraph (1), by  
20 inserting “the carbon reduction program under sec-  
21 tion 175, to carry out subsection (c) of the PRO-  
22 TECT program under section 176,” before “and to  
23 carry out section 134”;

24 (2) in paragraph (1), by striking “63.7 per-  
25 cent” and inserting “59.0771195921461 percent”;

1           (3) in paragraph (2), by striking “29.3 per-  
2 cent” and inserting “28.7402203421251 percent”;

3           (4) in paragraph (3), by striking “7 percent”  
4 and inserting “6.70605141316253 percent”;

5           (5) by striking paragraph (4) and inserting the  
6 following:

7           “(4) CONGESTION MITIGATION AND AIR QUAL-  
8 ITY IMPROVEMENT PROGRAM.—

9           “(A) IN GENERAL.—For the congestion  
10 mitigation and air quality improvement pro-  
11 gram, an amount determined for the State  
12 under subparagraphs (B) and (C).

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

16                   “(i) \$2,536,490,803 for fiscal year  
17 2022;

18                   “(ii) \$2,587,220,620 for fiscal year  
19 2023;

20                   “(iii) \$2,638,965,032 for fiscal year  
21 2024;

22                   “(iv) \$2,691,744,332 for fiscal year  
23 2025; and

24                   “(v) \$2,745,579,213 for fiscal year  
25 2026.

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

7                   “(i) the amount apportioned to the  
8                   State for the congestion mitigation and air  
9                   quality improvement program for fiscal  
10                  year 2020; bears to

11                   “(ii) the total amount of funds appor-  
12                   tioned to all States for that program for  
13                   fiscal year 2020.”;

14           (6) in paragraph (5), by striking subparagraph  
15           (B) and inserting the following:

16                   “(B) TOTAL AMOUNT.—The total amount  
17                   set aside for the national highway freight pro-  
18                   gram for all States shall be—

19                   “(i) \$1,373,932,519 for fiscal year  
20                   2022;

21                   “(ii) \$1,401,411,169 for fiscal year  
22                   2023;

23                   “(iii) \$1,429,439,392 for fiscal year  
24                   2024;



1                   “(iv) \$1,458,028,180 for fiscal year  
2                   2025; and

3                   “(v) \$1,487,188,740 for fiscal year  
4                   2026.”; and

5                   (7) by striking paragraph (6) and inserting the  
6                   following:

7                   “(6) METROPOLITAN PLANNING.—

8                   “(A) IN GENERAL.—To carry out section  
9                   134, an amount determined for the State under  
10                  subparagraphs (B) and (C).

11                  “(B) TOTAL AMOUNT.—The total amount  
12                  for metropolitan planning for all States shall  
13                  be—

14                  “(i) \$ 438,121,139 for fiscal year  
15                  2022;

16                  “(ii) \$446,883,562 for fiscal year  
17                  2023;

18                  “(iii) \$455,821,233 for fiscal year  
19                  2024;

20                  “(iv) \$464,937,657 for fiscal year  
21                  2025; and

22                  “(v) \$474,236,409 for fiscal year  
23                  2026.

24                  “(C) STATE SHARE.—For each fiscal year,  
25                  the Secretary shall distribute among the States

1 the total amount to carry out section 134 under  
2 subparagraph (B) so that each State receives  
3 an amount equal to the proportion that—

4 “(i) the amount apportioned to the  
5 State to carry out section 134 for fiscal  
6 year 2020; bears to

7 “(ii) the total amount of funds appor-  
8 tioned to all States to carry out section  
9 134 for fiscal year 2020.

10 “(7) CARBON REDUCTION PROGRAM.—For the  
11 carbon reduction program under section 175,  
12 2.56266964565637 percent of the amount remaining  
13 after distributing amounts under paragraphs (4),  
14 (5), and (6).

15 “(8) PROTECT FORMULA PROGRAM.—To  
16 carry out subsection (c) of the PROTECT program  
17 under section 176, 2.91393900690991 percent of  
18 the amount remaining after distributing amounts  
19 under paragraphs (4), (5), and (6).”.

20 (c) CALCULATION OF AMOUNTS.—Section 104(e) of  
21 title 23, United States Code, is amended—

22 (1) in paragraph (1)—

23 (A) in the matter preceding subparagraph  
24 (A), by striking “each of fiscal years 2016

1 through 2020” and inserting “fiscal year 2022  
2 and each fiscal year thereafter”;

3 (B) in subparagraph (A)—

4 (i) by striking clause (i) and inserting  
5 the following:

6 “(i) the base apportionment; by”; and

7 (ii) in clause (ii)(I), by striking “fiscal  
8 year 2015” and inserting “fiscal year  
9 2021”; and

10 (C) by striking subparagraph (B) and in-  
11 sserting the following:

12 “(B) GUARANTEED AMOUNTS.—The initial  
13 amounts resulting from the calculation under  
14 subparagraph (A) shall be adjusted to ensure  
15 that each State receives an aggregate appor-  
16 tionment that is—

17 “(i) equal to at least 95 percent of the  
18 estimated tax payments paid into the  
19 Highway Trust Fund (other than the Mass  
20 Transit Account) in the most recent fiscal  
21 year for which data are available that  
22 are—

23 “(I) attributable to highway  
24 users in the State; and

1                   “(II) associated with taxes in ef-  
2                   fect on July 1, 2019, and only up to  
3                   the rate those taxes were in effect on  
4                   that date;

5                   “(ii) at least 2 percent greater than  
6                   the apportionment that the State received  
7                   for fiscal year 2021; and

8                   “(iii) at least 1 percent greater than  
9                   the apportionment that the State received  
10                  for the previous fiscal year.”; and

11                  (2) in paragraph (2)—

12                   (A) by striking “fiscal years 2016 through  
13                   2020” and inserting “fiscal year 2022 and each  
14                   fiscal year thereafter”; and

15                   (B) by inserting “the carbon reduction  
16                   program under section 175, to carry out sub-  
17                   section (c) of the PROTECT program under  
18                   section 176,” before “and to carry out section  
19                   134”.

20                  (d) SUPPLEMENTAL FUNDS.—Section 104 of title  
21                  23, United States Code, is amended by striking subsection  
22                  (h).

23                  (e) BASE APPORTIONMENT DEFINED.—Section 104  
24                  of title 23, United States Code, is amended—

1 (1) by redesignating subsection (i) as subsection  
2 (h); and

3 (2) in subsection (h) (as so redesignated)—

4 (A) by striking “means” in the matter pre-  
5 ceding paragraph (1) and all that follows  
6 through “the combined amount” in paragraph  
7 (1) and inserting “means the combined  
8 amount”;

9 (B) by striking “and to carry out section  
10 134; minus” and inserting “the carbon reduc-  
11 tion program under section 175, to carry out  
12 subsection (c) of the PROTECT program under  
13 section 176, and to carry out section 134.”; and

14 (C) by striking paragraph (2).

15 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

16 Section 119 of title 23, United States Code, is  
17 amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2), by striking “and” at  
20 the end;

21 (B) in paragraph (3), by striking the pe-  
22 riod at the end and inserting “; and”; and

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

24 “(4) to provide support for measures to in-  
25 crease the resiliency of the National Highway Sys-

1       tem to mitigate the cost of damages from sea level  
2       rise, extreme weather events, flooding, or other nat-  
3       ural disasters.”;

4           (2) in subsection (d)(2), by adding at the end  
5       the following:

6           “(Q) Undergrounding public utility infra-  
7       structure carried out in conjunction with a  
8       project otherwise eligible under this section.

9           “(R) Resiliency improvements on the Na-  
10      tional Highway System, including protective  
11      features described in subsection (k)(2).

12          “(S) Implement measures to protect seg-  
13      ments of the National Highway System from  
14      cybersecurity threats.”;

15          (3) in subsection (e)(4)(D), by striking “anal-  
16      ysis” and inserting “analyses, both of which shall  
17      take into consideration extreme weather and resil-  
18      ience”; and

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

20      “(k) PROTECTIVE FEATURES.—

21          “(1) IN GENERAL.—A State may use not more  
22      than 15 percent of the funds apportioned to the  
23      State under section 104(b)(1) for each fiscal year  
24      for 1 or more protective features on a Federal-aid  
25      highway or bridge not on the National Highway Sys-

1       tem, if the protective feature is designed to mitigate  
2       the risk of recurring damage or the cost of future  
3       repairs from extreme weather events, flooding, or  
4       other natural disasters.

5               “(2) PROTECTIVE FEATURES DESCRIBED.—A  
6       protective feature referred to in paragraph (1) in-  
7       cludes—

8               “(A) raising roadway grades;

9               “(B) relocating roadways in a base flood-  
10       plain to higher ground above projected flood  
11       elevation levels or away from slide prone areas;

12              “(C) stabilizing slide areas;

13              “(D) stabilizing slopes;

14              “(E) lengthening or raising bridges to in-  
15       crease waterway openings;

16              “(F) increasing the size or number of  
17       drainage structures;

18              “(G) replacing culverts with bridges or  
19       upsizing culverts;

20              “(H) installing seismic retrofits on bridges;

21              “(I) adding scour protection at bridges, in-  
22       stalling riprap, or adding other scour, stream  
23       stability, coastal, or other hydraulic counter-  
24       measures, including spur dikes; and

1           “(J) the use of natural infrastructure to  
2           mitigate the risk of recurring damage or the  
3           cost of future repair from extreme weather  
4           events, flooding, or other natural disasters.

5           “(3) SAVINGS PROVISION.—Nothing in this sub-  
6           section limits the ability of a State to carry out a  
7           project otherwise eligible under subsection (d) using  
8           funds apportioned under section 104(b)(1).”.

9   **SEC. 1106. EMERGENCY RELIEF.**

10          Section 125 of title 23, United States Code, is  
11   amended—

12           (1) in subsection (a)(1), by inserting “wildfire,”  
13          after “severe storm,”;

14           (2) by striking subsection (b) and inserting the  
15          following:

16          “(b) RESTRICTION ON ELIGIBILITY.—Funds under  
17          this section shall not be used for the repair or reconstruc-  
18          tion of a bridge that has been permanently closed to all  
19          vehicular traffic by the State or responsible local official  
20          because of imminent danger of collapse due to a structural  
21          deficiency or physical deterioration.”; and

22           (3) in subsection (d)—

23           (A) in paragraph (2)(A)—

24           (i) by striking the period at the end  
25          and inserting “; and”



1 (ii) by striking “a facility that meets  
2 the current” and inserting the following:

3 “a facility that—

4 “(i) meets the current”; and

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

7 “(ii) incorporates economically justifi-  
8 able improvements that will mitigate the  
9 risk of recurring damage from extreme  
10 weather, flooding, and other natural disas-  
11 ters.”;

12 (B) by redesignating paragraph (3) as  
13 paragraph (4); and

14 (C) by inserting after paragraph (2) the  
15 following:

16 “(3) PROTECTIVE FEATURES.—

17 “(A) IN GENERAL.—The cost of an im-  
18 provement that is part of a project under this  
19 section shall be an eligible expense under this  
20 section if the improvement is a protective fea-  
21 ture that will mitigate the risk of recurring  
22 damage or the cost of future repair from ex-  
23 treme weather, flooding, and other natural dis-  
24 asters.

1                   “(B) PROTECTIVE FEATURES DE-  
2                   SCRIBED.—A protective feature referred to in  
3                   subparagraph (A) includes—

4                   “(i) raising roadway grades;

5                   “(ii) relocating roadways in a flood-  
6                   plain to higher ground above projected  
7                   flood elevation levels or away from slide  
8                   prone areas;

9                   “(iii) stabilizing slide areas;

10                  “(iv) stabilizing slopes;

11                  “(v) lengthening or raising bridges to  
12                  increase waterway openings;

13                  “(vi) increasing the size or number of  
14                  drainage structures;

15                  “(vii) replacing culverts with bridges  
16                  or upsizing culverts;

17                  “(viii) installing seismic retrofits on  
18                  bridges;

19                  “(ix) adding scour protection at  
20                  bridges, installing riprap, or adding other  
21                  scour, stream stability, coastal, or other  
22                  hydraulic countermeasures, including spur  
23                  dikes; and

24                  “(x) the use of natural infrastructure  
25                  to mitigate the risk of recurring damage or

1 the cost of future repair from extreme  
2 weather, flooding, and other natural disas-  
3 ters.”.

4 **SEC. 1107. FEDERAL SHARE PAYABLE.**

5 Section 120 of title 23, United States Code, is  
6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1), in the first sentence,  
9 by inserting “vehicle-to-infrastructure commu-  
10 nication equipment,” after “breakaway utility  
11 poles,”;

12 (B) in subparagraph (3)(B)—

13 (i) in clause (v), by striking “or” at  
14 the end;

15 (ii) by redesignating clause (vi) as  
16 clause (vii); and

17 (iii) by inserting after clause (v) the  
18 following:

19 “(vi) contractual provisions that pro-  
20 vide safety contingency funds to incor-  
21 porate safety enhancements to work zones  
22 prior to or during roadway construction ac-  
23 tivities; or”;

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

1           “(4) POOLED FUNDING.—Notwithstanding any  
2 other provision of law, the Secretary may waive the  
3 non-Federal share of the cost of a project or activity  
4 under section 502(b)(6) that is carried out with  
5 amounts apportioned under section 104(b)(2) after  
6 considering appropriate factors, including whether—

7           “(A) decreasing or eliminating the non-  
8 Federal share would best serve the interests of  
9 the Federal-aid highway program; and

10           “(B) the project or activity addresses na-  
11 tional or regional high priority research, devel-  
12 opment, and technology transfer problems in a  
13 manner that would benefit multiple States or  
14 metropolitan planning organizations.”;

15           (2) in subsection (e)—

16           (A) in paragraph (1), by striking “180  
17 days” and inserting “270 days”; and

18           (B) in paragraph (4), by striking “perma-  
19 nent”; and

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

21           “(1) FEDERAL SHARE FLEXIBILITY PILOT PRO-  
22 GRAM.—

23           “(1) ESTABLISHMENT.—Not later than 180  
24 days after the date of enactment of the Surface  
25 Transportation Reauthorization Act of 2021, the

1 Secretary shall establish a pilot program (referred to  
2 in this subsection as the ‘pilot program’) to give  
3 States additional flexibility with respect to the Fed-  
4 eral requirements under this section.

5 “(2) PROGRAM.—

6 “(A) IN GENERAL.—Notwithstanding any  
7 other provision of law, a State participating in  
8 the pilot program (referred to in this subsection  
9 as a ‘participating State’) may determine the  
10 Federal share on a project, multiple-project, or  
11 program basis for projects under any of the fol-  
12 lowing:

13 “(i) The national highway perform-  
14 ance program under section 119.

15 “(ii) The surface transportation block  
16 grant program under section 133.

17 “(iii) The highway safety improve-  
18 ment program under section 148.

19 “(iv) The congestion mitigation and  
20 air quality improvement program under  
21 section 149.

22 “(v) The national highway freight  
23 program under section 167.

24 “(B) REQUIREMENTS.—

1                   “(i) MAXIMUM FEDERAL SHARE.—  
2                   Subject to clause (iii), the Federal share of  
3                   the cost of an individual project carried out  
4                   under a program described in subpara-  
5                   graph (A) by a participating State and to  
6                   which the participating State is applying  
7                   the Federal share requirements under the  
8                   pilot program may be up to 100 percent.

9                   “(ii) MINIMUM FEDERAL SHARE.—No  
10                  individual project carried out under a pro-  
11                  gram described in subparagraph (A) by a  
12                  participating State and to which the par-  
13                  ticipating State is applying the Federal  
14                  share requirements under the pilot pro-  
15                  gram shall have a Federal share of 0 per-  
16                  cent.

17                  “(iii) DETERMINATION.—The average  
18                  annual Federal share of the total cost of  
19                  all projects authorized under a program  
20                  described in subparagraph (A) to which a  
21                  participating State is applying the Federal  
22                  share requirements under the pilot pro-  
23                  gram shall be not more than the average  
24                  of the maximum Federal share of those

1 projects if those projects were not carried  
2 out under the pilot program.

3 “(C) SELECTION.—

4 “(i) APPLICATION.—A State seeking  
5 to be a participating State shall—

6 “(I) submit to the Secretary an  
7 application in such form, at such  
8 time, and containing such information  
9 as the Secretary may require; and

10 “(II) have in place adequate fi-  
11 nancial controls to allow the State to  
12 determine the average annual Federal  
13 share requirements under the pilot  
14 program.

15 “(ii) REQUIREMENT.—For each of fis-  
16 cal years 2022 through 2026, the Sec-  
17 retary shall select not more than 10 States  
18 to be participating States.”.

19 **SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

20 (a) IN GENERAL.—Section 130(e) of title 23, United  
21 States Code, is amended—

22 (1) in the heading, by striking “PROTECTIVE  
23 DEVICES” and inserting “RAILWAY-HIGHWAY  
24 GRADE CROSSINGS”; and

25 (2) in paragraph (1)—

1 (A) in subparagraph (A), by striking “and  
2 the installation of protective devices at railway-  
3 highway crossings” in the matter preceding  
4 clause (i) and all that follows through “2020.”  
5 in clause (v) and inserting the following: “, the  
6 installation of protective devices at railway-  
7 highway crossings, the replacement of function-  
8 ally obsolete warning devices, and as described  
9 in subparagraph (B), not less than  
10 \$245,000,000 for each of fiscal years 2022  
11 through 2026.”; and

12 (B) by striking subparagraph (B) and in-  
13 serting the following:

14 “(B) REDUCING TRESPASSING FATALITIES  
15 AND INJURIES.—A State may use funds set  
16 aside under subparagraph (A) for projects to  
17 reduce pedestrian fatalities and injuries from  
18 trespassing at grade crossings.”.

19 (b) FEDERAL SHARE.—Section 130(f)(3) of title 23,  
20 United States Code, is amended by striking “90 percent”  
21 and inserting “100 percent”.

22 (c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING  
23 CLOSURES.—Section 130(i)(3)(B) of title 23, United  
24 States Code, is amended by striking “\$7,500” and insert-  
25 ing “\$100,000”.



1 (d) GAO STUDY.—Not later than 3 years after the  
2 date of enactment of this Act, the Comptroller General  
3 of the United States shall submit to Congress a report  
4 that includes an analysis of the effectiveness of the rail-  
5 way-highway crossings program under section 130 of title  
6 23, United States Code.

7 (e) SENSE OF CONGRESS RELATING TO TRESPASSER  
8 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the  
9 sense of Congress that the Department should, where fea-  
10 sible, coordinate departmental efforts to prevent or reduce  
11 trespasser deaths along railroad rights-of-way and at or  
12 near railway-highway crossings.

13 **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PRO-**  
14 **GRAM.**

15 (a) IN GENERAL.—Section 133 of title 23, United  
16 States Code, is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (B)—

20 (I) by adding “or” at the end;

21 (II) by striking “facilities eligi-  
22 ble” and inserting the following: “fa-  
23 cilities—

24 “(i) that are eligible”; and

1 (III) by adding at the end the  
2 following:

3 “(ii) that are privately or majority-  
4 privately owned, but that the Secretary de-  
5 termines provide a substantial public  
6 transportation benefit or otherwise meet  
7 the foremost needs of the surface transpor-  
8 tation system described in section  
9 101(b)(3)(D);”;

10 (ii) in subparagraph (E), by striking  
11 “and” at the end;

12 (iii) in subparagraph (F), by striking  
13 the period at the end and inserting “;  
14 and”; and

15 (iv) by adding at the end the fol-  
16 lowing:

17 “(G) wildlife crossing structures.”;

18 (B) in paragraph (3), by inserting  
19 “148(a)(4)(B)(xvii),” after “119(g),”;

20 (C) by redesignating paragraphs (4)  
21 through (15) as paragraphs (5), (6), (7), (8),  
22 (9), (10), (11), (12), (13), (20), (21), and (22),  
23 respectively;

24 (D) in paragraph (5) (as so redesignated),  
25 by striking “railway-highway grade crossings”

1 and inserting “projects eligible under section  
2 130 and installation of safety barriers and nets  
3 on bridges”;

4 (E) in paragraph (7) (as so redesign-  
5 nated)—

6 (i) by inserting “including the mainte-  
7 nance and restoration of existing rec-  
8 reational trails,” after “section 206”; and

9 (ii) by striking “the safe routes to  
10 school program under section 1404 of  
11 SAFETEA–LU (23 U.S.C. 402 note)” and  
12 inserting “the safe routes to school pro-  
13 gram under section 208”;

14 (F) by inserting after paragraph (13) (as  
15 so redesignated) the following:

16 “(14) Projects and strategies designed to re-  
17 duce the number of wildlife-vehicle collisions, includ-  
18 ing project-related planning, design, construction,  
19 monitoring, and preventative maintenance.

20 “(15) The installation of electric vehicle charg-  
21 ing infrastructure and vehicle-to-grid infrastructure.

22 “(16) The installation and deployment of cur-  
23 rent and emerging intelligent transportation tech-  
24 nologies, including the ability of vehicles to commu-

1       nicate with infrastructure, buildings, and other road  
2       users.

3           “(17) Planning and construction of projects  
4       that facilitate intermodal connections between  
5       emerging transportation technologies, such as mag-  
6       netic levitation and hyperloop.

7           “(18) Protective features, including natural in-  
8       frastructure, to enhance the resilience of a transpor-  
9       tation facility otherwise eligible for assistance under  
10      this section.

11          “(19) Measures to protect a transportation fa-  
12      cility otherwise eligible for assistance under this sec-  
13      tion from cybersecurity threats.”; and

14           (G) by adding at the end the following:

15          “(23) Rural barge landing, dock, and water-  
16      front infrastructure projects in accordance with sub-  
17      section (j).

18          “(24) Projects to enhance travel and tourism.”;

19          (2) in subsection (c)—

20           (A) in paragraph (2), by striking “para-  
21      graphs (4) through (11)” and inserting “para-  
22      graphs (5) through (15) and paragraph (23)”;

23           (B) in paragraph (3), by striking “and” at  
24      the end;

1 (C) by redesignating paragraph (4) as  
2 paragraph (5); and

3 (D) by inserting after paragraph (3) the  
4 following:

5 “(4) for a bridge project for the replacement of  
6 a low water crossing (as defined by the Secretary)  
7 with a bridge; and”;

8 (3) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-  
11 graph (A), by striking “reservation” and  
12 inserting “set aside”; and

13 (ii) in subparagraph (A)—

14 (I) in the matter preceding clause  
15 (i), by striking “the percentage speci-  
16 fied in paragraph (6) for a fiscal  
17 year” and inserting “55 percent for  
18 each of fiscal years 2022 through  
19 2026”; and

20 (II) by striking clauses (ii) and  
21 (iii) and inserting the following:

22 “(ii) in urbanized areas of the State  
23 with an urbanized area population of not  
24 less than 50,000 and not more than  
25 200,000;

1                   “(iii) in urban areas of the State with  
2                   a population not less than 5,000 and not  
3                   more than 49,999; and

4                   “(iv) in other areas of the State with  
5                   a population less than 5,000; and”;

6                   (B) by striking paragraph (3) and insert-  
7                   ing the following:

8                   “(3) LOCAL CONSULTATION.—

9                   “(A) CONSULTATION WITH METROPOLITAN  
10                  PLANNING ORGANIZATIONS.—For purposes of  
11                  clause (ii) of paragraph (1)(A), a State shall—

12                  “(i) establish a process to consult with  
13                  all metropolitan planning organizations in  
14                  the State that represent an urbanized area  
15                  described in that clause; and

16                  “(ii) describe how funds allocated for  
17                  areas described in that clause will be allo-  
18                  cated equitably among the applicable ur-  
19                  banized areas during the period of fiscal  
20                  years 2022 through 2026.

21                  “(B) CONSULTATION WITH REGIONAL  
22                  TRANSPORTATION PLANNING ORGANIZA-  
23                  TIONS.—For purposes of clauses (iii) and (iv)  
24                  of paragraph (1)(A), before obligating funding  
25                  attributed to an area with a population less

1 than 50,000, a State shall consult with the re-  
2 gional transportation planning organizations  
3 that represent the area, if any.”; and

4 (C) by striking paragraph (6);

5 (4) in subsection (e)(1), in the matter preceding  
6 subparagraph (A), by striking “fiscal years 2016  
7 through 2020” and inserting “fiscal years 2022  
8 through 2026”;

9 (5) in subsection (f)—

10 (A) in paragraph (1)—

11 (i) by inserting “or low water crossing  
12 (as defined by the Secretary)” after “a  
13 highway bridge”; and

14 (ii) by inserting “or low water cross-  
15 ing (as defined by the Secretary)” after  
16 “other than a bridge”;

17 (B) in paragraph (2)(A)—

18 (i) by striking “activities described in  
19 subsection (b)(2) for off-system bridges”  
20 and inserting “activities described in para-  
21 graphs (1)(A) and (10) of subsection (b)  
22 for off-system bridges, projects and activi-  
23 ties described in subsection (b)(1)(A) for  
24 the replacement of low water crossings  
25 with bridges, and projects and activities

1 described in subsection (b)(10) for low  
2 water crossings (as defined by the Sec-  
3 retary),”; and

4 (ii) by striking “15 percent” and in-  
5 serting “20 percent”; and

6 (C) in paragraph (3), in the matter pre-  
7 ceding subparagraph (A)—

8 (i) by striking “bridge or rehabilita-  
9 tion of a bridge” and inserting “bridge, re-  
10 habilitation of a bridge, or replacement of  
11 a low water crossing (as defined by the  
12 Secretary) with a bridge”; and

13 (ii) by inserting “or, in the case of a  
14 replacement of a low water crossing with a  
15 bridge, is determined by the Secretary on  
16 completion to have improved the safety of  
17 the location” after “no longer a deficient  
18 bridge”;

19 (6) in subsection (g)—

20 (A) in the subsection heading, by striking  
21 “LESS THAN 5,000” and inserting “LESS  
22 THAN 50,000”; and

23 (B) by striking paragraph (1) and insert-  
24 ing the following:



1           “(1) IN GENERAL.—Notwithstanding subsection  
2           (c), and except as provided in paragraph (2), up to  
3           15 percent of the amounts required to be obligated  
4           by a State under clauses (iii) and (iv) of subsection  
5           (d)(1)(A) for each fiscal year may be obligated on—

6                   “(A) roads functionally classified as rural  
7                   minor collectors or local roads; or

8                   “(B) on critical rural freight corridors des-  
9                   ignated under section 167(e).”; and

10           (7) by adding at the end the following:

11           “(j) RURAL BARGE LANDING, DOCK, AND WATER-  
12 FRONT INFRASTRUCTURE PROJECTS.—

13                   “(1) IN GENERAL.—A State may use not more  
14                   than 5 percent of the funds apportioned to the State  
15                   under section 104(b)(2) for eligible rural barge land-  
16                   ing, dock, and waterfront infrastructure projects de-  
17                   scribed in paragraph (2).

18                   “(2) ELIGIBLE PROJECTS.—An eligible rural  
19                   barge landing, dock, or waterfront infrastructure  
20                   project referred to in paragraph (1) is a project for  
21                   the planning, designing, engineering, or construction  
22                   of a barge landing, dock, or other waterfront infra-  
23                   structure in a rural community or a Native village  
24                   (as defined in section 3 of the Alaska Native Claims  
25                   Settlement Act (43 U.S.C. 1602))—

1                   “(A) that is off the road system; and

2                   “(B) for which the Secretary determines  
3                   there is a lack of adequate infrastructure.

4                   “(k) PROJECTS IN RURAL AREAS.—

5                   “(1) SET ASIDE.—Notwithstanding subsection  
6                   (c), in addition to the activities described in sub-  
7                   section (b), of the amounts apportioned to a State  
8                   for each fiscal year to carry out this section, not  
9                   more than 15 percent may be—

10                   “(A) used on eligible projects under sub-  
11                   section (b) or maintenance activities on roads  
12                   functionally classified as rural minor collectors  
13                   or local roads, ice roads, or seasonal roads; or

14                   “(B) transferred to—

15                   “(i) the Appalachian Highway System  
16                   Program under 14501 of title 40; or

17                   “(ii) the Denali access system pro-  
18                   gram under section 309 of the Denali  
19                   Commission Act of 1998 (42 U.S.C. 3121  
20                   note; Public Law 105–277).

21                   “(2) SAVINGS CLAUSE.—Amounts allocated  
22                   under subsection (d) shall not be used to carry out  
23                   this subsection, except at the request of the applica-  
24                   ble metropolitan planning organization.”.

25                   (b) SET-ASIDE.—

1           (1) IN GENERAL.—Section 133(h) of title 23,  
2           United States Code, is amended—

3                   (A) in paragraph (1)—

4                           (i) in the heading, by striking “RES-  
5                           ERVATION OF FUNDS” and inserting “IN  
6                           GENERAL”; and

7                           (ii) in the matter preceding subpara-  
8                           graph (A), by striking “for each fiscal  
9                           year” and all that follows through “and”  
10                          at the end of subparagraph (A)(ii) and in-  
11                          serting the following: “for fiscal year 2022  
12                          and each fiscal year thereafter—

13                          “(A) the Secretary shall set aside an  
14                          amount equal to 10 percent to carry out this  
15                          subsection; and”;

16                          (B) by striking paragraph (2) and insert-  
17                          ing the following:

18                          “(2) ALLOCATION WITHIN A STATE.—

19                           “(A) IN GENERAL.—Except as provided in  
20                           subparagraph (B), funds set aside for a State  
21                           under paragraph (1) shall be obligated within  
22                           that State in the manner described in sub-  
23                           section (d), except that, for purposes of this  
24                           paragraph (after funds are made available  
25                           under paragraph (5))—

1                   “(i) for fiscal year 2022 and each fis-  
2                   cal year thereafter, the percentage referred  
3                   to in paragraph (1)(A) of that subsection  
4                   shall be deemed to be 59 percent; and

5                   “(ii) paragraph (3) of subsection (d)  
6                   shall not apply.

7                   “(B) LOCAL CONTROL.—A State may allo-  
8                   cate up to 100 percent of the funds referred to  
9                   in subparagraph (A)(i) if—

10                   “(i) the State submits to the Sec-  
11                   retary a plan that describes—

12                   “(I) how funds will be allocated  
13                   to counties, metropolitan planning or-  
14                   ganizations, regional transportation  
15                   planning organizations as described in  
16                   section 135(m), or local governments;

17                   “(II) how the entities described  
18                   in subclause (I) will carry out a com-  
19                   petitive process to select projects for  
20                   funding and report selected projects  
21                   to the State;

22                   “(III) the legal, financial, and  
23                   technical capacity of the entities de-  
24                   scribed in subclause (I);

1                   “(IV) how input was gathered  
2                   from the entities described in sub-  
3                   clause (I) to ensure those entities will  
4                   be able to comply with the require-  
5                   ments of this subsection; and

6                   “(V) how the State will comply  
7                   with paragraph (8); and

8                   “(ii) the Secretary approves the plan  
9                   submitted under clause (i).”;

10                  (C) by striking paragraph (3) and insert-  
11                  ing the following:

12                  “(3) ELIGIBLE PROJECTS.—Funds set aside  
13                  under this subsection may be obligated for—

14                         “(A) projects or activities described in sec-  
15                         tion 101(a)(29) or 213, as those provisions  
16                         were in effect on the day before the date of en-  
17                         actment of the FAST Act (Public Law 114–94;  
18                         129 Stat. 1312);

19                         “(B) projects and activities under the safe  
20                         routes to school program under section 208;  
21                         and

22                         “(C) activities in furtherance of a vulner-  
23                         able road user safety assessment (as defined in  
24                         section 148(a)).”;

25                         (D) in paragraph (4)—

1 (i) by striking subparagraph (A);

2 (ii) by redesignating subparagraph

3 (B) as subparagraph (A);

4 (iii) in subparagraph (A) (as so redesi-  
5 gnated)—

6 (I) by redesignating clauses (vii)

7 and (viii) as clauses (viii) and (ix), re-  
8 spectively;

9 (II) by inserting after clause (vi)

10 the following:

11 “(vii) a metropolitan planning organi-  
12 zation that serves an urbanized area with  
13 a population of 200,000 or fewer;”;

14 (III) in clause (viii) (as so redesi-  
15 gnated), by striking “responsible”  
16 and all that follows through “pro-  
17 grams; and” and inserting a semi-  
18 colon;

19 (IV) in clause (ix) (as so redesi-  
20 gnated)—

21 (aa) by inserting “that  
22 serves an urbanized area with a  
23 population of over 200,000” after  
24 “metropolitan planning organiza-  
25 tion”; and

1 (bb) by striking the period  
2 at the end and inserting “; and”;  
3 and

4 (V) by adding at the end the fol-  
5 lowing:

6 “(x) a State, at the request of an enti-  
7 ty described in clauses (i) through (ix).”;  
8 and

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(B) COMPETITIVE PROCESS.—A State or  
12 metropolitan planning organization required to  
13 obligate funds in accordance with paragraph (2)  
14 shall develop a competitive process to allow eli-  
15 gible entities to submit projects for funding  
16 that achieve the objectives of this subsection.

17 “(C) SELECTION.—A metropolitan plan-  
18 ning organization for an area described in sub-  
19 section (d)(1)(A)(i) shall select projects under  
20 the competitive process described in subpara-  
21 graph (B) in consultation with the relevant  
22 State.

23 “(D) PRIORITIZATION.—The competitive  
24 process described in subparagraph (B) shall in-  
25 clude prioritization of project location and im-

1 pact in high-need areas as defined by the State,  
2 such as low-income, transit-dependent, rural, or  
3 other areas.”;

4 (E) in paragraph (5)(A), by striking “re-  
5 served under this section” and inserting “set  
6 aside under this subsection”;

7 (F) in paragraph (6)—

8 (i) in subparagraph (B), by striking  
9 “reserved” and inserting “set aside”; and

10 (ii) by adding at the end the fol-  
11 lowing:

12 “(C) IMPROVING ACCESSIBILITY AND EFFI-  
13 CIENCY.—

14 “(i) IN GENERAL.—A State may use  
15 an amount equal to not more than 5 per-  
16 cent of the funds set aside for the State  
17 under this subsection, after allocating  
18 funds in accordance with paragraph  
19 (2)(A), to improve the ability of applicants  
20 to access funding for projects under this  
21 subsection in an efficient and expeditious  
22 manner by providing—

23 “(I) to applicants for projects  
24 under this subsection application as-  
25 sistance, technical assistance, and as-



1                   sistance in reducing the period of time  
2                   between the selection of the project  
3                   and the obligation of funds for the  
4                   project; and

5                   “(II) funding for 1 or more full-  
6                   time State employee positions to ad-  
7                   minister this subsection.

8                   “(ii) USE OF FUNDS.—Amounts used  
9                   under clause (i) may be expended—

10                   “(I) directly by the State; or

11                   “(II) through contracts with  
12                   State agencies, private entities, or  
13                   nonprofit entities.”;

14                   (G) by redesignating paragraph (7) as  
15                   paragraph (8);

16                   (H) by inserting after paragraph (6) the  
17                   following:

18                   “(7) FEDERAL SHARE.—

19                   “(A) REQUIRED AGGREGATE NON-FED-  
20                   ERAL SHARE.—The average annual non-Federal  
21                   share of the total cost of all projects for which  
22                   funds are obligated under this subsection in a  
23                   State for a fiscal year shall be not less than the  
24                   average non-Federal share of the cost of the  
25                   projects that would otherwise apply.

1           “(B) FLEXIBLE FINANCING.—Subject to  
2 subparagraph (A), notwithstanding section  
3 120—

4           “(i) funds made available to carry out  
5 section 148 may be credited toward the  
6 non-Federal share of the costs of a project  
7 under this subsection if the project—

8           “(I) is an eligible project de-  
9 scribed in section 148(e)(1); and

10           “(II) is consistent with the State  
11 strategic highway safety plan (as de-  
12 fined in section 148(a));

13           “(ii) the non-Federal share for a  
14 project under this subsection may be cal-  
15 culated on a project, multiple-project, or  
16 program basis; and

17           “(iii) the Federal share of the cost of  
18 an individual project in this section may be  
19 up to 100 percent.

20           “(C) REQUIREMENT.—Subparagraph (B)  
21 shall only apply to a State if the State has ade-  
22 quate financial controls, as certified by the Sec-  
23 retary, to account for the average annual non-  
24 Federal share under this paragraph.”; and

1 (I) in subparagraph (A) of paragraph (8)  
2 (as so redesignated)—

3 (i) in the matter preceding clause (i),  
4 by striking “describes” and inserting “in-  
5 cludes”; and

6 (ii) by striking clause (ii) and insert-  
7 ing the following:

8 “(ii) a list of each project selected for  
9 funding for each fiscal year, including, for  
10 each project—

11 “(I) the fiscal year during which  
12 the project was selected;

13 “(II) the fiscal year in which the  
14 project is anticipated to be funded;

15 “(III) the recipient;

16 “(IV) the location, including the  
17 congressional district;

18 “(V) the type;

19 “(VI) the cost; and

20 “(VII) a brief description.”.

21 (2) STATE TRANSFERABILITY.—Section  
22 126(b)(2) of title 23, United States Code, is amend-  
23 ed—

24 (A) by striking the period at the end and  
25 inserting “; and”;

1 (B) by striking “reserved for a State under  
2 section 133(h) for a fiscal year may” and in-  
3 serting the following: “set aside for a State  
4 under section 133(h) for a fiscal year—

5 “(A) may”; and

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

7 “(B) may only be transferred if the Sec-  
8 retary certifies that the State—

9 “(i) held a competition in compliance  
10 with the guidance issued to carry out sec-  
11 tion 133(h) and provided sufficient time  
12 for applicants to apply;

13 “(ii) offered to each eligible entity,  
14 and provided on request of an eligible enti-  
15 ty, technical assistance; and

16 “(iii) demonstrates that there were  
17 not sufficiently suitable applications from  
18 eligible entities to use the funds to be  
19 transferred.”.

20 **SEC. 1110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
21 **WAY PROJECTS.**

22 (a) IN GENERAL.—Section 117 of title 23, United  
23 States Code, is amended—

24 (1) in subsection (a)(2)—

1 (A) in subparagraph (A), by inserting “in  
2 and across rural and urban areas” after “peo-  
3 ple”; and

4 (B) in subparagraph (F), by inserting “,  
5 including highways that support movement of  
6 energy equipment” after “security”;

7 (2) in subsection (b), by adding at the end the  
8 following:

9 “(3) GRANT ADMINISTRATION.—The Secretary  
10 may—

11 “(A) retain not more than a total of 2 per-  
12 cent of the funds made available to carry out  
13 this section for the National Surface Transpor-  
14 tation and Innovative Finance Bureau to review  
15 applications for grants under this section; and

16 “(B) transfer portions of the funds re-  
17 tained under subparagraph (A) to the relevant  
18 Administrators to fund the award and oversight  
19 of grants provided under this section.”;

20 (3) in subsection (d)—

21 (A) in paragraph (1)(A)—

22 (i) in clause (iii)(II), by striking “or”  
23 at the end;

24 (ii) in clause (iv), by striking “and” at  
25 the end; and

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

3 “(v) a wildlife crossing project;

4 “(vi) a surface transportation infra-  
5 structure project that—

6 “(I) is located within the bound-  
7 aries of or functionally connected to  
8 an international border crossing area  
9 in the United States;

10 “(II) improves a transportation  
11 facility owned by a Federal, State, or  
12 local government entity; and

13 “(III) increases throughput effi-  
14 ciency of the border crossing described  
15 in subclause (I), including—

16 “(aa) a project to add lanes;

17 “(bb) a project to add tech-  
18 nology; and

19 “(cc) other surface transpor-  
20 tation improvements; or

21 “(vii) a project for a marine highway  
22 corridor designated by the Secretary under  
23 section 55601(c) of title 46 (including an  
24 inland waterway corridor), if the Secretary  
25 determines that the project—

1                   “(I) is functionally connected to  
2                   the National Highway Freight Net-  
3                   work; and

4                   “(II) is likely to reduce on-road  
5                   mobile source emissions; and”;

6                   (B) in paragraph (2)(A), in the matter  
7                   preceding clause (i)—

8                   (i) by striking “\$500,000,000” and  
9                   inserting “30 percent”; and

10                  (ii) by striking “fiscal years 2016  
11                  through 2020, in the aggregate,” and in-  
12                  serting “each of fiscal years 2022 through  
13                  2026”; and

14                  (4) in subsection (e)—

15                  (A) in paragraph (1), by striking “10 per-  
16                  cent” and inserting “not less than 15 percent”;

17                  (B) in paragraph (3)—

18                  (i) in subparagraph (A), by striking  
19                  “and” at the end;

20                  (ii) in subparagraph (B), by striking  
21                  the period at the end and inserting “;  
22                  and”;

23                  (iii) by adding at the end the fol-  
24                  lowing:

1           “(C) the effect of the proposed project on  
2           safety on freight corridors with significant haz-  
3           ards, such as high winds, heavy snowfall, flood-  
4           ing, rockslides, mudslides, wildfire, wildlife  
5           crossing onto the roadway, or steep grades.”;  
6           and

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

8           “(4) REQUIREMENT.—Of the amounts reserved  
9           under paragraph (1), not less than 30 percent shall  
10          be used for projects in rural areas (as defined in  
11          subsection (i)(3)).”;

12          (5) in subsection (h)—

13           (A) in paragraph (2), by striking “and” at  
14          the end;

15           (B) in paragraph (3), by striking the pe-  
16          riod at the end and inserting “; and”; and

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

18          “(4) enhancement of freight resilience to nat-  
19          ural hazards or disasters, including high winds,  
20          heavy snowfall, flooding, rockslides, mudslides, wild-  
21          fire, wildlife crossing onto the roadway, or steep  
22          grades.”;

23          (6) in subsection (i)(2), by striking “other  
24          grants under this section” and inserting “grants  
25          under subsection (e)”;



1 (7) in subsection (j)—

2 (A) by striking the subsection designation  
3 and heading and all that follows through “The  
4 Federal share” in paragraph (1) and inserting  
5 the following:

6 “(j) FEDERAL ASSISTANCE.—

7 “(1) FEDERAL SHARE.—

8 “(A) IN GENERAL.—Except as provided in  
9 subparagraph (B) or for a grant under sub-  
10 section (q), the Federal share”;

11 (B) in paragraph (1), by adding at the end  
12 the following:

13 “(B) SMALL PROJECTS.—In the case of a  
14 project described in subsection (e)(1), the Fed-  
15 eral share of the cost of the project shall be 80  
16 percent.”; and

17 (C) in paragraph (2)—

18 (i) by striking “Federal assistance  
19 other” and inserting “Except for grants  
20 under subsection (q), Federal assistance  
21 other”; and

22 (ii) by striking “except that the total  
23 Federal” and inserting the following: “ex-  
24 cept that—

1           “(A) for a State with a population density  
2           of not more than 80 persons per square mile of  
3           land area, based on the 2010 census, the max-  
4           imum share of the total Federal assistance pro-  
5           vided for a project receiving a grant under this  
6           section shall be the applicable share under sec-  
7           tion 120(b); and

8           “(B) for a State not described in subpara-  
9           graph (A), the total Federal”;

10          (8) by redesignating subsections (k) through  
11          (n) as subsections (l), (m), (n), and (p), respectively;

12          (9) by inserting after subsection (j) the fol-  
13          lowing:

14          “(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

15                 “(1) IN GENERAL.—Notwithstanding any other  
16                 provision of law and subject to approval by the Sec-  
17                 retary under paragraph (2)(B), in the case of any  
18                 grant for a project under this section, during the pe-  
19                 riod beginning on the date on which the grant recipi-  
20                 ent is selected and ending on the date on which the  
21                 grant agreement is signed—

22                         “(A) the grant recipient may obligate and  
23                         expend non-Federal funds with respect to the  
24                         project for which the grant is provided; and

1           “(B) any non-Federal funds obligated or  
2           expended in accordance with subparagraph (A)  
3           shall be credited toward the non-Federal cost  
4           share for the project for which the grant is pro-  
5           vided.

6           “(2) REQUIREMENTS.—

7           “(A) APPLICATION.—In order to obligate  
8           and expend non-Federal funds under paragraph  
9           (1), the grant recipient shall submit to the Sec-  
10          retary a request to obligate and expend non-  
11          Federal funds under that paragraph, includ-  
12          ing—

13                   “(i) a description of the activities the  
14                   grant recipient intends to fund;

15                   “(ii) a justification for advancing the  
16                   activities described in clause (i), including  
17                   an assessment of the effects to the project  
18                   scope, schedule, and budget if the request  
19                   is not approved; and

20                   “(iii) the level of risk of the activities  
21                   described in clause (i).

22           “(B) APPROVAL.—The Secretary shall ap-  
23          prove or disapprove each request submitted  
24          under subparagraph (A).

1           “(C) COMPLIANCE WITH APPLICABLE RE-  
2           QUIREMENTS.—Any non-Federal funds obli-  
3           gated or expended under paragraph (1) shall  
4           comply with all applicable requirements, includ-  
5           ing any requirements included in the grant  
6           agreement.

7           “(3) EFFECT.—The obligation or expenditure  
8           of any non-Federal funds in accordance with this  
9           subsection shall not—

10           “(A) affect the signing of a grant agree-  
11           ment or other applicable grant procedures with  
12           respect to the applicable grant;

13           “(B) create an obligation on the part of  
14           the Federal Government to repay any non-Fed-  
15           eral funds if the grant agreement is not signed;  
16           or

17           “(C) affect the ability of the recipient of  
18           the grant to obligate or expend non-Federal  
19           funds to meet the non-Federal cost share for  
20           the project for which the grant is provided after  
21           the period described in paragraph (1).”;

22           (10) by inserting after subsection (n) (as so re-  
23           designated) the following:

24           “(o) APPLICANT NOTIFICATION.—

1           “(1) IN GENERAL.—Not later than 60 days  
2 after the date on which a grant recipient for a  
3 project under this section is selected, the Secretary  
4 shall provide to each eligible applicant not selected  
5 for that grant a written notification that the eligible  
6 applicant was not selected.

7           “(2) INCLUSION.—A written notification under  
8 paragraph (1) shall include an offer for a written or  
9 telephonic debrief by the Secretary that will pro-  
10 vide—

11                   “(A) detail on the evaluation of the appli-  
12 cation of the eligible applicant; and

13                   “(B) an explanation of and guidance on  
14 the reasons the application was not selected for  
15 a grant under this section.

16           “(3) RESPONSE.—

17                   “(A) IN GENERAL.—Not later than 30  
18 days after the eligible applicant receives a writ-  
19 ten notification under paragraph (1), if the eli-  
20 gible applicant opts to receive a debrief de-  
21 scribed in paragraph (2), the eligible applicant  
22 shall notify the Secretary that the eligible appli-  
23 cant is requesting a debrief.

24                   “(B) DEBRIEF.—If the eligible applicant  
25 submits a request for a debrief under subpara-

1 graph (A), the Secretary shall provide the de-  
2 brief by not later than 60 days after the date  
3 on which the Secretary receives the request for  
4 a debrief.”; and

5 (11) by striking subsection (p) (as so redesign-  
6 nated) and inserting the following:

7 “(p) REPORTS.—

8 “(1) ANNUAL REPORT.—

9 “(A) IN GENERAL.—Notwithstanding any  
10 other provision of law, not later than 30 days  
11 after the date on which the Secretary selects a  
12 project for funding under this section, the Sec-  
13 retary shall submit to the Committee on Envi-  
14 ronment and Public Works of the Senate and  
15 the Committee on Transportation and Infra-  
16 structure of the House of Representatives a re-  
17 port that describes the reasons for selecting the  
18 project, based on any criteria established by the  
19 Secretary in accordance with this section.

20 “(B) INCLUSIONS.—The report submitted  
21 under subparagraph (A) shall specify each cri-  
22 terion established by the Secretary that the  
23 project meets.

24 “(C) AVAILABILITY.—The Secretary shall  
25 make available on the website of the Depart-

1           ment of Transportation the report submitted  
2           under subparagraph (A).

3           “(D) APPLICABILITY.—This paragraph ap-  
4           plies to all projects described in subparagraph  
5           (A) that the Secretary selects on or after Janu-  
6           ary 1, 2021.

7           “(2) COMPTROLLER GENERAL.—

8           “(A) ASSESSMENT.—The Comptroller Gen-  
9           eral of the United States shall conduct an as-  
10          sessment of the establishment, solicitation, se-  
11          lection, and justification process with respect to  
12          the funding of projects under this section.

13          “(B) REPORT.—Not later than 1 year  
14          after the date of enactment of the Surface  
15          Transportation Reauthorization Act of 2021  
16          and annually thereafter, the Comptroller Gen-  
17          eral of the United States shall submit to the  
18          Committee on Environment and Public Works  
19          of the Senate and the Committee on Transpor-  
20          tation and Infrastructure of the House of Rep-  
21          resentatives a report that describes, for each  
22          project selected to receive funding under this  
23          section—

24                  “(i) the process by which each project  
25                  was selected;

1                   “(ii) the factors that went into the se-  
2                   lection of each project; and

3                   “(iii) the justification for the selection  
4                   of each project based on any criteria estab-  
5                   lished by the Secretary in accordance with  
6                   this section.

7                   “(3) INSPECTOR GENERAL.—Not later than 1  
8                   year after the date of enactment of the Surface  
9                   Transportation Reauthorization Act of 2021 and an-  
10                  nually thereafter, the Inspector General of the De-  
11                  partment of Transportation shall—

12                  “(A) conduct an assessment of the estab-  
13                  lishment, solicitation, selection, and justification  
14                  process with respect to the funding of projects  
15                  under this section; and

16                  “(B) submit to the Committee on Environ-  
17                  ment and Public Works of the Senate and the  
18                  Committee on Transportation and Infrastruc-  
19                  ture of the House of Representatives a final re-  
20                  port that describes the findings of the Inspector  
21                  General of the Department of Transportation  
22                  with respect to the assessment conducted under  
23                  subparagraph (A).

24                  “(q) STATE INCENTIVES PILOT PROGRAM.—



1           “(1) ESTABLISHMENT.—There is established a  
2 pilot program to award grants to eligible applicants  
3 for projects eligible for grants under this section (re-  
4 ferred to in this subsection as the ‘pilot program’).

5           “(2) PRIORITY.—In awarding grants under the  
6 pilot program, the Secretary shall give priority to an  
7 application that offers a greater non-Federal share  
8 of the cost of a project relative to other applications  
9 under the pilot program.

10           “(3) FEDERAL SHARE.—

11           “(A) IN GENERAL.—Notwithstanding any  
12 other provision of law, the Federal share of the  
13 cost of a project assisted with a grant under the  
14 pilot program may not exceed 50 percent.

15           “(B) NO FEDERAL INVOLVEMENT.—

16           “(i) IN GENERAL.—For grants award-  
17 ed under the pilot program, except as pro-  
18 vided in clause (ii), an eligible applicant  
19 may not use Federal assistance to satisfy  
20 the non-Federal share of the cost under  
21 subparagraph (A).

22           “(ii) EXCEPTION.—An eligible appli-  
23 cant may use funds from a secured loan  
24 (as defined in section 601(a)) to satisfy the  
25 non-Federal share of the cost under sub-

1 paragraph (A) if the loan is repayable from  
2 non-Federal funds.

3 “(4) RESERVATION.—

4 “(A) IN GENERAL.—Of the amounts made  
5 available to provide grants under this section,  
6 the Secretary shall reserve for each fiscal year  
7 \$150,000,000 to provide grants under the pilot  
8 program.

9 “(B) UNUTILIZED AMOUNTS.—In any fis-  
10 cal year during which applications under this  
11 subsection are insufficient to effect an award or  
12 allocation of the entire amount reserved under  
13 subparagraph (A), the Secretary shall use the  
14 unutilized amounts to provide other grants  
15 under this section.

16 “(5) SET-ASIDES.—

17 “(A) SMALL PROJECTS.—

18 “(i) IN GENERAL.—Of the amounts  
19 reserved under paragraph (4)(A), the Sec-  
20 retary shall reserve for each fiscal year not  
21 less than 10 percent for projects eligible  
22 for a grant under subsection (e).

23 “(ii) REQUIREMENT.—For a grant  
24 awarded from the amount reserved under  
25 clause (i)—

1                   “(I) the requirements of sub-  
2                   section (e) shall apply; and

3                   “(II) the requirements of sub-  
4                   section (g) shall not apply.

5                   “(B) RURAL PROJECTS.—

6                   “(i) IN GENERAL.—Of the amounts  
7                   reserved under paragraph (4)(A), the Sec-  
8                   retary shall reserve for each fiscal year not  
9                   less than 25 percent for projects eligible  
10                  for a grant under subsection (i).

11                  “(ii) REQUIREMENT.—For a grant  
12                  awarded from the amount reserved under  
13                  clause (i), the requirements of subsection  
14                  (i) shall apply.

15                  “(6) REPORT TO CONGRESS.—Not later than 2  
16                  years after the date of enactment of this subsection,  
17                  the Secretary shall submit to the Committee on En-  
18                  vironment and Public Works of the Senate and the  
19                  Committee on Transportation and Infrastructure of  
20                  the House of Representatives a report that describes  
21                  the administration of the pilot program, including—

22                  “(A) the number, types, and locations of  
23                  eligible applicants that have applied for grants  
24                  under the pilot program;

1           “(B) the number, types, and locations of  
2 grant recipients under the pilot program;

3           “(C) an assessment of whether implemen-  
4 tation of the pilot program has incentivized eli-  
5 gible applicants to offer a greater non-Federal  
6 share for grants under the pilot program; and

7           “(D) any recommendations for modifica-  
8 tions to the pilot program.”.

9       (b) EFFICIENT USE OF NON-FEDERAL FUNDS.—

10           (1) IN GENERAL.—Notwithstanding any other  
11 provision of law, in the case of a grant described in  
12 paragraph (2), section 117(k) of title 23, United  
13 States Code, shall apply to the grant as if the grant  
14 was a grant provided under that section.

15           (2) GRANT DESCRIBED.—A grant referred to in  
16 paragraph (1) is a grant that is—

17           (A) provided under a competitive discre-  
18 tionary grant program administered by the  
19 Federal Highway Administration;

20           (B) for a project eligible under title 23,  
21 United States Code; and

22           (C) in an amount greater than \$5,000,000.

23 **SEC. 1111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

24           (a) IN GENERAL.—Section 148 of title 23, United  
25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (4)(B)—

3 (i) in clause (i), by inserting “that  
4 provides for the safety of all road users, as  
5 appropriate, including a multimodal round-  
6 about” after “improvement”;

7 (ii) in clause (vi), by inserting “or a  
8 grade separation project” after “devices”;

9 (iii) by striking clause (viii) and in-  
10 sserting the following:

11 “(viii) Construction or installation of  
12 features, measures, and road designs to  
13 calm traffic and reduce vehicle speeds.”;

14 (iv) by striking clause (xxvi) and in-  
15 sserting the following:

16 “(xxvi) Installation or upgrades of  
17 traffic control devices for pedestrians and  
18 bicyclists, including pedestrian hybrid bea-  
19 cons and the addition of bicycle movement  
20 phases to traffic signals.”; and

21 (v) by striking clauses (xxvii) and  
22 (xxviii) and inserting the following:

23 “(xxvii) Roadway improvements that  
24 provide separation between pedestrians and  
25 motor vehicles or between bicyclists and

1 motor vehicles, including medians, pedes-  
2 trian crossing islands, protected bike lanes,  
3 and protected intersection features.

4 “(xxviii) A pedestrian security feature  
5 designed to slow or stop a motor vehicle.

6 “(xxix) A physical infrastructure safe-  
7 ty project not described in clauses (i)  
8 through (xxviii).”;

9 (B) by redesignating paragraphs (9)  
10 through (12) as paragraphs (10), (12), (13),  
11 and (14), respectively;

12 (C) by inserting after paragraph (8) the  
13 following:

14 “(9) SAFE SYSTEM APPROACH.—The term ‘safe  
15 system approach’ means a roadway design—

16 “(A) that emphasizes minimizing the risk  
17 of injury or fatality to road users; and

18 “(B) that—

19 “(i) takes into consideration the possi-  
20 bility and likelihood of human error;

21 “(ii) accommodates human injury tol-  
22 erance by taking into consideration likely  
23 accident types, resulting impact forces, and  
24 the ability of the human body to withstand  
25 impact forces; and

1                   “(iii) takes into consideration vulner-  
2                   able road users.”;

3                   (D) by inserting after paragraph (10) (as  
4                   so redesignated) the following:

5                   “(11) SPECIFIED SAFETY PROJECT.—

6                   “(A) IN GENERAL.—The term ‘specified  
7                   safety project’ means a project carried out for  
8                   the purpose of safety under any other section of  
9                   this title that is consistent with the State stra-  
10                  tegic highway safety plan.

11                  “(B) INCLUSION.—The term ‘specified  
12                  safety project’ includes a project that—

13                         “(i) promotes public awareness and  
14                         informs the public regarding highway safe-  
15                         ty matters (including safety for motorcy-  
16                         clists, bicyclists, pedestrians, individuals  
17                         with disabilities, and other road users);

18                         “(ii) facilitates enforcement of traffic  
19                         safety laws;

20                         “(iii) provides infrastructure and in-  
21                         frastructure-related equipment to support  
22                         emergency services;

23                         “(iv) conducts safety-related research  
24                         to evaluate experimental safety counter-  
25                         measures or equipment; or

1                   “(v) supports safe routes to school  
2                   noninfrastructure-related activities de-  
3                   scribed in section 208(g)(2).”;

4                   (E) in paragraph (13) (as so redesign-  
5                   nated)—

6                   (i) by redesignating subparagraphs  
7                   (G), (H), and (I) as subparagraphs (H),  
8                   (I), and (J), respectively; and

9                   (ii) by inserting after subparagraph  
10                  (F) the following;

11                  “(G) includes a vulnerable road user safety  
12                  assessment;”;

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

14                  “(15) VULNERABLE ROAD USER.—The term  
15                  ‘vulnerable road user’ means a nonmotorist—

16                  “(A) with a fatality analysis reporting sys-  
17                  tem person attribute code that is included in  
18                  the definition of the term ‘number of non-mo-  
19                  torized fatalities’ in section 490.205 of title 23,  
20                  Code of Federal Regulations (or successor regu-  
21                  lations); or

22                  “(B) described in the term ‘number of  
23                  non-motorized serious injuries’ in that section.

24                  “(16) VULNERABLE ROAD USER SAFETY AS-  
25                  SESSMENT.—The term ‘vulnerable road user safety



1 assessment’ means an assessment of the safety per-  
2 formance of the State with respect to vulnerable  
3 road users and the plan of the State to improve the  
4 safety of vulnerable road users as described in sub-  
5 section (1).”;

6 (2) in subsection (c)—

7 (A) in paragraph (1)(A), by striking “sub-  
8 sections (a)(11)” and inserting “subsections  
9 (a)(13)”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (A)(vi), by insert-  
12 ing “and to differentiate the safety data  
13 for vulnerable road users, including  
14 bicyclists, motorcycleists, and pedestrians,  
15 from other road users” after “crashes”;

16 (ii) in subparagraph (B)(i), by strik-  
17 ing “(including motorcycleists), bicyclists,  
18 pedestrians,” and inserting “, vulnerable  
19 road users (including motorcycleists,  
20 bicyclists, pedestrians),”; and

21 (iii) in subparagraph (D)—

22 (I) in clause (iv), by striking  
23 “and” at the end;

1 (II) in clause (v), by striking the  
2 semicolon at the end and inserting “;  
3 and”; and

4 (III) by adding at the end the  
5 following:

6 “(vi) improves the ability of the State  
7 to differentiate the fatalities and serious  
8 injuries of vulnerable road users, including  
9 bicyclists, motorcyclists, and pedestrians,  
10 from other road users;”;

11 (3) in subsection (d)(2)(B)(i), by striking “sub-  
12 section (a)(11)” and inserting “subsection (a)(13)”;

13 (4) in subsection (e), by adding at the end the  
14 following:

15 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-  
16 TY PROJECTS.—

17 “(A) IN GENERAL.—To advance the imple-  
18 mentation of a State strategic highway safety  
19 plan, a State may use not more than 10 percent  
20 of the amounts apportioned to the State under  
21 section 104(b)(3) for a fiscal year to carry out  
22 specified safety projects.

23 “(B) RULE OF CONSTRUCTION.—Nothing  
24 in this paragraph requires a State to revise any

1 State process, plan, or program in effect on the  
2 date of enactment of this paragraph.

3 “(C) EFFECT OF PARAGRAPH.—

4 “(i) REQUIREMENTS.—A project car-  
5 ried out under this paragraph shall be sub-  
6 ject to all requirements under this section  
7 that apply to a highway safety improve-  
8 ment project.

9 “(ii) OTHER APPORTIONED PRO-  
10 GRAMS.—Nothing in this paragraph pro-  
11 hibits the use of funds made available  
12 under other provisions of this title for a  
13 specified safety project that is a noninfra-  
14 structure project.”;

15 (5) in subsection (g), by adding at the end the  
16 following:

17 “(3) VULNERABLE ROAD USER SAFETY.—If the  
18 total annual fatalities of vulnerable road users in a  
19 State represents not less than 15 percent of the  
20 total annual crash fatalities in the State, that State  
21 shall be required to obligate not less than 15 percent  
22 of the amounts apportioned to the State under sec-  
23 tion 104(b)(3) for the following fiscal year for high-  
24 way safety improvement projects to address the safe-  
25 ty of vulnerable road users.”; and

1 (6) by adding at the end the following:

2 “(1) VULNERABLE ROAD USER SAFETY ASSESS-  
3 MENT.—

4 “(1) IN GENERAL.—Not later than 2 years  
5 after the date of enactment of this subsection, each  
6 State shall complete a vulnerable road user safety  
7 assessment.

8 “(2) CONTENTS.—A vulnerable road user safety  
9 assessment under paragraph (1) shall include—

10 “(A) a quantitative analysis of vulnerable  
11 road user fatalities and serious injuries that—

12 “(i) includes data such as location,  
13 roadway functional classification, design  
14 speed, speed limit, and time of day;

15 “(ii) considers the demographics of  
16 the locations of fatalities and serious inju-  
17 ries, including race, ethnicity, income, and  
18 age; and

19 “(iii) based on the data, identifies  
20 areas as ‘high-risk’ to vulnerable road  
21 users; and

22 “(B) a program of projects or strategies to  
23 reduce safety risks to vulnerable road users in  
24 areas identified as high-risk under subpara-  
25 graph (A)(iii).

1           “(3) USE OF DATA.—In carrying out a vulner-  
2           able road user safety assessment under paragraph  
3           (1), a State shall use data from the most recent 5-  
4           year period for which data is available.

5           “(4) REQUIREMENTS.—In carrying out a vul-  
6           nerable road user safety assessment under para-  
7           graph (1), a State shall—

8                   “(A) take into consideration a safe system  
9                   approach; and

10                   “(B) consult with local governments, met-  
11                   ropolitan planning organizations, and regional  
12                   transportation planning organizations that rep-  
13                   resent a high-risk area identified under para-  
14                   graph (2)(A)(iii).

15           “(5) UPDATE.—A State shall update the vul-  
16           nerable road user safety assessment of the State in  
17           accordance with the updates required to the State  
18           strategic highway safety plan under subsection (d).

19           “(6) REQUIREMENT FOR TRANSPORTATION SYS-  
20           TEM ACCESS.—The program of projects developed  
21           under paragraph (2)(B) may not degrade transpor-  
22           tation system access for vulnerable road users.

23           “(7) GUIDANCE.—

24                   “(A) IN GENERAL.—Not later than 1 year  
25                   after the date of enactment of this subsection,

1           the Secretary shall develop guidance for States  
2           to carry out this subsection.

3                   “(B) CONSULTATION.—In developing the  
4           guidance under this paragraph, the Secretary  
5           shall consult with the States and relevant safety  
6           stakeholders.”.

7           (b) HIGH-RISK RURAL ROADS.—

8                   (1) STUDY.—Not later than 2 years after the  
9           date of enactment of this Act, the Secretary shall  
10          update the study under section 1112(b)(1) of MAP–  
11          21 (23 U.S.C. 148 note; Public Law 112–141).

12                   (2) PUBLICATION OF REPORT.—Not later than  
13          2 years after the date of enactment of this Act, the  
14          Secretary shall publish on the website of the Depart-  
15          ment of Transportation an update to the report de-  
16          scribed in section 1112(b)(2) of MAP–21 (23 U.S.C.  
17          148 note; Public Law 112–141).

18                   (3) BEST PRACTICES MANUAL.—Not later than  
19          180 days after the date on which the report is pub-  
20          lished under paragraph (2), the Secretary shall up-  
21          date the best practices manual described in section  
22          1112(b)(3) of MAP–21 (23 U.S.C. 148 note; Public  
23          Law 112–141).

1 **SEC. 1112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 Section 203(a) of title 23, United States Code, is  
3 amended—

4 (1) in paragraph (1)(D), by striking  
5 “\$10,000,000” and inserting “\$20,000,000”; and

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

7 “(6) NATIVE PLANT MATERIALS.—In carrying  
8 out an activity described in paragraph (1), the entity  
9 carrying out the activity shall consider, to the max-  
10 imum extent practicable—

11 “(A) the use of locally adapted native plant  
12 materials; and

13 “(B) designs that minimize runoff and  
14 heat generation.”.

15 **SEC. 1113. FEDERAL LANDS ACCESS PROGRAM.**

16 (a) FEDERAL SHARE.—Section 201 of title 23,  
17 United States Code, is amended—

18 (1) in subsection (b)(7)(B), by striking “deter-  
19 mined in accordance with section 120”, and insert-  
20 ing “be up to 100 percent”; and

21 (2) in subsection (c)(8)(A), by striking “5 per-  
22 cent” and inserting “20 percent”.

23 (b) FEDERAL LANDS ACCESS PROGRAM.—Section  
24 204(a) of title 23, United States Code, is amended—

25 (1) in paragraph (1)(A)—

1 (A) in the matter preceding clause (i), by  
2 inserting “context-sensitive solutions,” after  
3 “restoration,”;

4 (B) in clause (i), by inserting “, including  
5 interpretive panels in or adjacent to those  
6 areas” after “areas”;

7 (C) in clause (v), by striking “and” at the  
8 end;

9 (D) by redesignating clause (vi) as clause  
10 (ix); and

11 (E) by inserting after clause (v) the fol-  
12 lowing:

13 “(vi) contextual wayfinding markers;

14 “(vii) landscaping;

15 “(viii) cooperative mitigation of visual  
16 blight, including screening or removal;  
17 and”;

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

19 “(6) NATIVE PLANT MATERIALS.—In carrying  
20 out an activity described in paragraph (1), the Sec-  
21 retary shall ensure that the entity carrying out the  
22 activity considers, to the maximum extent prac-  
23 ticable—

24 “(A) the use of locally adapted native plant  
25 materials; and



1                   “(B) designs that minimize runoff and  
2                   heat generation.”.

3 **SEC. 1114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

4           Section 167 of title 23, United States Code, is  
5 amended—

6           (1) in subsection (e)—

7                   (A) in paragraph (2), by striking “150  
8                   miles” and inserting “300 miles”; and

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

10           “(3) RURAL STATES.—Notwithstanding para-  
11           graph (2), a State with a population per square mile  
12           of area that is less than the national average, based  
13           on the 2010 census, may designate as critical rural  
14           freight corridors a maximum of 600 miles of high-  
15           way or 25 percent of the primary highway freight  
16           system mileage in the State, whichever is greater.”;

17           (2) in subsection (f)(4), by striking “75 miles”  
18           and inserting “150 miles”; and

19           (3) in subsection (i)(5)(B)—

20                   (A) in the matter preceding clause (i), by  
21                   striking “10 percent” and inserting “30 per-  
22                   cent”;

23                   (B) in clause (i), by striking “and” at the  
24                   end;

1 (C) in clause (ii), by striking the period at  
2 the end and inserting a semicolon; and

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

4 “(iii) for the modernization or reha-  
5 bilitation of a lock and dam, if the Sec-  
6 retary determines that the project—

7 “(I) is functionally connected to  
8 the National Highway Freight Net-  
9 work; and

10 “(II) is likely to reduce on-road  
11 mobile source emissions; and

12 “(iv) on a marine highway corridor,  
13 connector, or crossing designated by the  
14 Secretary under section 55601(c) of title  
15 46 (including an inland waterway corridor,  
16 connector, or crossing), if the Secretary de-  
17 termines that the project—

18 “(I) is functionally connected to  
19 the National Highway Freight Net-  
20 work; and

21 “(II) is likely to reduce on-road  
22 mobile source emissions.”.

1 **SEC. 1115. CONGESTION MITIGATION AND AIR QUALITY IM-**  
2 **PROVEMENT PROGRAM.**

3 Section 149 of title 23, United States Code, is  
4 amended—

5 (1) in subsection (b)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “subsection (d)” and inserting “sub-  
8 sections (d) and (m)(1)(B)(ii)”

9 (B) in paragraph (7), by inserting “shared  
10 micromobility (including bikesharing and shared  
11 scooter systems),” after “carsharing,”;

12 (C) in paragraph (8)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause  
15 (i), by inserting “replacements or” be-  
16 fore “retrofits”;

17 (II) by striking clause (i) and in-  
18 serting the following:

19 “(i) verified technologies (as defined  
20 in section 791 of the Energy Policy Act of  
21 2005 (42 U.S.C. 16131)) for motor vehi-  
22 cles (as defined in section 216 of the Clean  
23 Air Act (42 U.S.C. 7550)); or”; and

24 (III) in clause (ii)(II), by striking  
25 “or” at the end; and

1 (ii) in subparagraph (B), by inserting

2 “replacements or” before “retrofits”; and

3 (iii) by adding at the end the fol-

4 lowing:

5 “(C) the purchase of medium- or heavy-

6 duty zero emission vehicles and related charging

7 equipment;”;

8 (D) in paragraph (9), by striking the pe-

9 riod at the end and inserting a semicolon; and

10 (E) by adding at the end the following:

11 “(10) if the project is for the modernization or

12 rehabilitation of a lock and dam that—

13 “(A) is functionally connected to the Fed-

14 eral-aid highway system; and

15 “(B) the Secretary determines is likely to

16 contribute to the attainment or maintenance of

17 a national ambient air quality standard; or

18 “(11) if the project is on a marine highway cor-

19 ridor, connector, or crossing designated by the Sec-

20 retary under section 55601(e) of title 46 (including

21 an inland waterway corridor, connector, or crossing)

22 that—

23 “(A) is functionally connected to the Fed-

24 eral-aid highway system; and

1           “(B) the Secretary determines is likely to  
2           contribute to the attainment or maintenance of  
3           a national ambient air quality standard.”;

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

6           “(4) LOCKS AND DAMS; MARINE HIGHWAYS.—  
7           For each fiscal year, a State may not obligate more  
8           than 10 percent of the funds apportioned to the  
9           State under section 104(b)(4) for projects described  
10          in paragraphs (10) and (11) of subsection (b).”;

11          (3) in subsection (f)(4)(A), by inserting “and  
12          nonroad vehicles and nonroad engines used in con-  
13          struction projects or port-related freight operations”  
14          after “motor vehicles”;

15          (4) in subsection (g)—

16                  (A) in paragraph (1)(B)—

17                          (i) in the subparagraph heading, by  
18                          inserting “REPLACEMENT OR” before  
19                          “RETROFIT”;

20                          (ii) by striking “The term ‘diesel ret-  
21                          rofit’” and inserting “The term ‘diesel re-  
22                          placement or retrofit’”; and

23                          (iii) by inserting “or retrofit” after  
24                          “replacement”;

1 (B) in paragraph (2), in the matter pre-  
2 ceding subparagraph (A), by inserting “replac-  
3 ment or” before “retrofit”; and

4 (C) in paragraph (3), by inserting “re-  
5 placements or” before “retrofits”;

6 (5) in subsection (k)(1), by striking “that re-  
7 duce such fine particulate matter emissions in such  
8 area, including diesel retrofits.” and inserting  
9 “that—

10 “(A) reduce such fine particulate matter  
11 emissions in such area, including diesel replace-  
12 ments or retrofits; and

13 “(B) to the extent practicable, prioritize  
14 benefits to minority populations or low-income  
15 populations living in, or immediately adjacent  
16 to, such area.”;

17 (6) in subsection (l), by adding at the following:

18 “(3) ASSISTANCE TO METROPOLITAN PLANNING  
19 ORGANIZATIONS.—

20 “(A) IN GENERAL.—On the request of a  
21 metropolitan planning organization, the Sec-  
22 retary may assist the metropolitan planning or-  
23 ganization tracking progress made in minority  
24 or low-income populations as part of a perform-  
25 ance plan under this subsection.

1           “(B) SAVINGS PROVISION.—Nothing in  
2 this paragraph provides the Secretary the au-  
3 thority—

4           “(i) to change the performance meas-  
5 ures under section 150(c)(5) or the per-  
6 formance targets established under section  
7 134(h)(2) or 150(d); or

8           “(ii) to establish any other Federal re-  
9 quirement.”; and

10           (7) by striking subsection (m) and inserting the  
11 following:

12           “(m) OPERATING ASSISTANCE.—

13           “(1) IN GENERAL.—A State may obligate funds  
14 apportioned under section 104(b)(4) in an area of  
15 the State that is otherwise eligible for obligations of  
16 such funds for operating costs—

17           “(A) under chapter 53 of title 49; or

18           “(B) on—

19           “(i) a system for which CMAQ fund-  
20 ing was eligible, made available, obligated,  
21 or expended in fiscal year 2012; or

22           “(ii) a State-supported Amtrak route  
23 with a valid cost-sharing agreement under  
24 section 209 of the Passenger Rail Invest-  
25 ment and Improvement Act of 2008 (49

1 U.S.C. 24101 note; Public Law 110–432)  
2 and no current nonattainment areas under  
3 subsection (d).

4 “(2) NO TIME LIMITATION.—Operating assist-  
5 ance provided under paragraph (1) shall have no im-  
6 posed time limitation if the operating assistance is  
7 for—

8 “(A) a route described in subparagraph  
9 (B)(ii) of that paragraph; or

10 “(B) a transit system that is located in—

11 “(i) a non-urbanized area; or

12 “(ii) an urbanized area with a popu-  
13 lation of 200,000 or fewer.”.

14 **SEC. 1116. ALASKA HIGHWAY.**

15 Section 218 of title 23, United States Code, is  
16 amended to read as follows:

17 **“§ 218. Alaska Highway**

18 “(a) Recognizing the benefits that will accrue to the  
19 State of Alaska and to the United States from the recon-  
20 struction of the Alaska Highway from the Alaskan border  
21 at Beaver Creek, Yukon Territory, to Haines Junction in  
22 Canada and the Haines Cutoff Highway from Haines  
23 Junction in Canada to Haines, Alaska, the Secretary may  
24 provide for the necessary reconstruction of the highway  
25 using funds awarded through an applicable competitive



1 grant program, if the highway meets all applicable eligi-  
2 bility requirements for the program, except for the specific  
3 requirements established by the agreement for the Alaska  
4 Highway Project between the Government of the United  
5 States and the Government of Canada. In addition to the  
6 funds described in the previous sentence, notwithstanding  
7 any other provision of law and on agreement with the  
8 State of Alaska, the Secretary is authorized to expend on  
9 such highway or the Alaska Marine Highway System any  
10 Federal-aid highway funds apportioned to the State of  
11 Alaska under this title at a Federal share of 100 per cen-  
12 tum. No expenditures shall be made for the construction  
13 of the portion of such highways that are in Canada unless  
14 an agreement is in place between the Government of Can-  
15 ada and the Government of the United States (including  
16 an agreement in existence on the date of enactment of the  
17 Surface Transportation Reauthorization Act of 2021) that  
18 provides, in part, that the Canadian Government—

19           “(1) will provide, without participation of funds  
20           authorized under this title, all necessary right-of-way  
21           for the reconstruction of such highways;

22           “(2) will not impose any highway toll, or permit  
23           any such toll to be charged for the use of such high-  
24           ways by vehicles or persons;

1           “(3) will not levy or assess, directly or indi-  
2           rectly, any fee, tax, or other charge for the use of  
3           such highways by vehicles or persons from the  
4           United States that does not apply equally to vehicles  
5           or persons of Canada;

6           “(4) will continue to grant reciprocal recogni-  
7           tion of vehicle registration and driver’s licenses in  
8           accordance with agreements between the United  
9           States and Canada; and

10           “(5) will maintain such highways after their  
11           completion in proper condition adequately to serve  
12           the needs of present and future traffic.

13           “(b) The survey and construction work undertaken  
14           in Canada pursuant to this section shall be under the gen-  
15           eral supervision of the Secretary.

16           “(c) For purposes of this section, the term ‘Alaska  
17           Marine Highway System’ includes all existing or planned  
18           transportation facilities and equipment in Alaska, includ-  
19           ing the lease, purchase, or construction of vessels, termi-  
20           nals, docks, floats, ramps, staging areas, parking lots,  
21           bridges and approaches thereto, and necessary roads.”.

22           **SEC. 1117. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

23           (a) IN GENERAL.—Section 129(c) of title 23, United  
24           States Code, is amended in the matter preceding para-  
25           graph (1) by striking “the construction of ferry boats and

1 ferry terminal facilities, whether toll or free,” and insert-  
2 ing “the construction of ferry boats and ferry terminal fa-  
3 cilities (including ferry maintenance facilities), whether  
4 toll or free, and the procurement of transit vehicles used  
5 exclusively as an integral part of an intermodal ferry  
6 trip,”.

7 (b) DIESEL FUEL FERRY VESSELS.—

8 (1) IN GENERAL.—Notwithstanding section  
9 147(b), in the case of a project to replace or retrofit  
10 a diesel fuel ferry vessel that provides substantial  
11 emissions reductions, the Federal share of the cost  
12 of the project may be up to 85 percent, as deter-  
13 mined by the State.

14 (2) SUNSET.—The authority provided by para-  
15 graph (1) shall terminate on September 30, 2025.

16 **SEC. 1118. BRIDGE INVESTMENT PROGRAM.**

17 (a) IN GENERAL.—Chapter 1 of title 23, United  
18 States Code, is amended by inserting after section 123 the  
19 following:

20 **“§ 124. Bridge investment program**

21 **“(a) DEFINITIONS.—**In this section:

22 **“(1) ELIGIBLE PROJECT.—**

23 **“(A) IN GENERAL.—**The term ‘eligible  
24 project’ means a project to replace, rehabilitate,  
25 preserve, or protect 1 or more bridges on the

1 National Bridge Inventory under section  
2 144(b).

3 “(B) INCLUSIONS.—The term ‘eligible  
4 project’ includes—

5 “(i) a bundle of projects described in  
6 subparagraph (A), regardless of whether  
7 the bundle of projects meets the require-  
8 ments of section 144(j)(5); and

9 “(ii) a project to replace or rehabili-  
10 tate culverts for the purpose of improving  
11 flood control and improved habitat  
12 connectivity for aquatic species.

13 “(2) LARGE PROJECT.—The term ‘large  
14 project’ means an eligible project with total eligible  
15 project costs of greater than \$100,000,000.

16 “(3) PROGRAM.—The term ‘program’ means  
17 the bridge investment program established by sub-  
18 section (b)(1).

19 “(b) ESTABLISHMENT OF BRIDGE INVESTMENT PRO-  
20 GRAM.—

21 “(1) IN GENERAL.—There is established a  
22 bridge investment program to provide financial as-  
23 sistance for eligible projects under this section.

24 “(2) GOALS.—The goals of the program shall  
25 be—

1           “(A) to improve the safety, efficiency, and  
2 reliability of the movement of people and freight  
3 over bridges;

4           “(B) to improve the condition of bridges in  
5 the United States by reducing—

6           “(i) the number of bridges—

7               “(I) in poor condition; or

8               “(II) in fair condition and at risk  
9 of falling into poor condition within  
10 the next 3 years;

11           “(ii) the total person miles traveled  
12 over bridges—

13               “(I) in poor condition; or

14               “(II) in fair condition and at risk  
15 of falling into poor condition within  
16 the next 3 years;

17           “(iii) the number of bridges that—

18               “(I) do not meet current geo-  
19 metric design standards; or

20               “(II) cannot meet the load and  
21 traffic requirements typical of the re-  
22 gional transportation network; and

23           “(iv) the total person miles traveled  
24 over bridges that—

1                   “(I) do not meet current geo-  
2                   metric design standards; or

3                   “(II) cannot meet the load and  
4                   traffic requirements typical of the re-  
5                   gional transportation network; and

6                   “(C) to provide financial assistance that  
7                   leverages and encourages non-Federal contribu-  
8                   tions from sponsors and stakeholders involved  
9                   in the planning, design, and construction of eli-  
10                  gible projects.

11               “(c) GRANT AUTHORITY.—

12                   “(1) IN GENERAL.—In carrying out the pro-  
13                  gram, the Secretary may award grants, on a com-  
14                  petitive basis, in accordance with this section.

15                   “(2) GRANT AMOUNTS.—Except as otherwise  
16                  provided, a grant under the program shall be—

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

19                   “(i) adequate to fully fund the project  
20                  (in combination with other financial re-  
21                  sources identified in the application); and

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

23                   “(B) in the case of any other eligible  
24                  project, in an amount that is—

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

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

5                   “(3) MAXIMUM AMOUNT.—Except as otherwise  
6                   provided, for an eligible project receiving assistance  
7                   under the program, the amount of assistance pro-  
8                   vided by the Secretary under this section, as a share  
9                   of eligible project costs, shall be—

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

12                   “(B) in the case of any other eligible  
13                   project, not more than 80 percent.

14                   “(4) FEDERAL SHARE.—

15                   “(A) MAXIMUM FEDERAL INVOLVE-  
16                   MENT.—Federal assistance other than a grant  
17                   under the program may be used to satisfy the  
18                   non-Federal share of the cost of a project for  
19                   which a grant is made, except that the total  
20                   Federal assistance provided for a project receiv-  
21                   ing a grant under the program may not exceed  
22                   the Federal share for the project under section  
23                   120.

1           “(B) OFF-SYSTEM BRIDGES.—In the case  
2 of an eligible project for an off-system bridge  
3 (as defined in section 133(f)(1))—

4           “(i) Federal assistance other than a  
5 grant under the program may be used to  
6 satisfy the non-Federal share of the cost of  
7 a project; and

8           “(ii) notwithstanding subparagraph  
9 (A), the total Federal assistance provided  
10 for the project shall not exceed 90 percent  
11 of the total eligible project costs.

12           “(C) FEDERAL LAND MANAGEMENT AGEN-  
13 CIES AND TRIBAL GOVERNMENTS.—Notwith-  
14 standing any other provision of law, Federal  
15 funds other than Federal funds made available  
16 under this section may be used to pay the re-  
17 maining share of the cost of a project under the  
18 program by a Federal land management agency  
19 or a Tribal government or consortium of Tribal  
20 governments.

21           “(5) CONSIDERATIONS.—

22           “(A) IN GENERAL.—In awarding grants  
23 under the program, the Secretary shall con-  
24 sider—



1                   “(i) in the case of a large project, the  
2 ratings assigned under subsection  
3 (g)(5)(A);

4                   “(ii) in the case of an eligible project  
5 other than a large project, the quality rat-  
6 ing assigned under subsection (f)(3)(A)(ii);

7                   “(iii) the average daily person and  
8 freight throughput supported by the eligi-  
9 ble project;

10                  “(iv) the number and percentage of  
11 bridges within the same State as the eligi-  
12 ble project that are in poor condition;

13                  “(v) the extent to which the eligible  
14 project demonstrates cost savings by bun-  
15 dling multiple bridge projects;

16                  “(vi) in the case of an eligible project  
17 of a Federal land management agency, the  
18 extent to which the grant would reduce a  
19 Federal liability or Federal infrastructure  
20 maintenance backlog;

21                  “(vii) geographic diversity among  
22 grant recipients, including the need for a  
23 balance between the needs of rural and  
24 urban communities; and

1 “(viii) the extent to which a bridge  
2 that would be assisted with a grant—

3 “(I) is, without that assistance—

4 “(aa) at risk of falling into  
5 or remaining in poor condition;  
6 or

7 “(bb) in fair condition and  
8 at risk of falling into poor condi-  
9 tion within the next 3 years;

10 “(II) does not meet current geo-  
11 metric design standards based on—

12 “(aa) the current use of the  
13 bridge; or

14 “(bb) load and traffic re-  
15 quirements typical of the regional  
16 corridor or local network in  
17 which the bridge is located; or

18 “(III) does not meet current seis-  
19 mic design standards.

20 “(B) REQUIREMENT.—The Secretary  
21 shall—

22 “(i) give priority to an application for  
23 an eligible project that is located within a  
24 State for which—



1 evaluation under subsection (f)(3) or  
2 (g)(4).

3 “(6) CULVERT LIMITATION.—Not more than 5  
4 percent of the amounts made available for each fis-  
5 cal year for grants under the program may be used  
6 for eligible projects that consist solely of culvert re-  
7 placement or rehabilitation.

8 “(d) ELIGIBLE ENTITY.—The Secretary may make  
9 a grant under the program to any of the following:

10 “(1) A State or a group of States.

11 “(2) A metropolitan planning organization that  
12 serves an urbanized area (as designated by the Bu-  
13 reau of the Census) with a population of over  
14 200,000.

15 “(3) A unit of local government or a group of  
16 local governments.

17 “(4) A political subdivision of a State or local  
18 government.

19 “(5) A special purpose district or public author-  
20 ity with a transportation function.

21 “(6) A Federal land management agency.

22 “(7) A Tribal government or a consortium of  
23 Tribal governments.

24 “(8) A multistate or multijurisdictional group  
25 of entities described in paragraphs (1) through (7).

1       “(e) ELIGIBLE PROJECT REQUIREMENTS.—The Sec-  
2 retary may make a grant under the program only to an  
3 eligible entity for an eligible project that—

4               “(1) in the case of a large project, the Sec-  
5 retary recommends for funding in the annual report  
6 on funding recommendations under subsection  
7 (g)(6);

8               “(2) is reasonably expected to begin construc-  
9 tion not later than 18 months after the date on  
10 which funds are obligated for the project; and

11               “(3) is based on the results of preliminary engi-  
12 neering.

13       “(f) COMPETITIVE PROCESS AND EVALUATION OF  
14 ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

15               “(1) COMPETITIVE PROCESS.—

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

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

1           gible projects other than large projects;  
2           and

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

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

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

13                           “(ii) enable applicants to use data  
14           from the National Bridge Inventory under  
15           section 144(b) to populate templates de-  
16           scribed in clause (i), as applicable.

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

21                   “(3) EVALUATION.—

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

1                   “(i) conduct an evaluation of each eli-  
2                   gible project for which an application is re-  
3                   ceived under this subsection; and

4                   “(ii) assign a quality rating to the eli-  
5                   gible project on the basis of the evaluation  
6                   under clause (i).

7                   “(B) REQUIREMENTS.—In carrying out an  
8                   evaluation under subparagraph (A), the Sec-  
9                   retary shall—

10                   “(i) consider information on project  
11                   benefits submitted by the applicant using  
12                   the template developed under paragraph  
13                   (1)(B)(i), including whether the project  
14                   will generate, as determined by the Sec-  
15                   retary—

16                   “(I) costs avoided by the preven-  
17                   tion of closure or reduced use of the  
18                   bridge to be improved by the project;

19                   “(II) in the case of a bundle of  
20                   projects, benefits from executing the  
21                   projects as a bundle compared to as  
22                   individual projects;

23                   “(III) safety benefits, including  
24                   the reduction of accidents and related  
25                   costs;

1                   “(IV) person and freight mobility  
2 benefits, including congestion reduc-  
3 tion and reliability improvements;

4                   “(V) national or regional eco-  
5 nomic benefits;

6                   “(VI) benefits from long-term re-  
7 siliency to extreme weather events,  
8 flooding, or other natural disasters;

9                   “(VII) benefits from protection  
10 (as described in section 133(b)(10)),  
11 including improving seismic or scour  
12 protection;

13                   “(VIII) environmental benefits,  
14 including wildlife connectivity;

15                   “(IX) benefits to nonvehicular  
16 and public transportation users;

17                   “(X) benefits of using—

18                    “(aa) innovative design and  
19 construction techniques; or

20                    “(bb) innovative tech-  
21 nologies; or

22                   “(XI) reductions in maintenance  
23 costs, including, in the case of a feder-  
24 ally-owned bridge, cost savings to the  
25 Federal budget; and



1                   “(ii) consider whether and the extent  
2                   to which the benefits, including the bene-  
3                   fits described in clause (i), are more likely  
4                   than not to outweigh the total project  
5                   costs.

6           “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-  
7   NUAL REPORT FOR LARGE PROJECTS.—

8                   “(1) IN GENERAL.—The Secretary shall estab-  
9                   lish an annual date by which an eligible entity sub-  
10                  mitting an application for a large project shall sub-  
11                  mit to the Secretary such information as the Sec-  
12                  retary may require, including information described  
13                  in paragraph (2), in order for a large project to be  
14                  considered for a recommendation by the Secretary  
15                  for funding in the next annual report under para-  
16                  graph (6).

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

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

21                         “(B) information sufficient for the Sec-  
22                         retary to determine that—

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

1                   “(ii) there is a reasonable likelihood  
2                   that the large project will continue to meet  
3                   the requirements under this section.

4                   “(3) DETERMINATION; NOTICE.—On making a  
5                   determination that information submitted to the  
6                   Secretary under paragraph (1) is sufficient, the Sec-  
7                   retary shall provide a written notice of that deter-  
8                   mination to—

9                   “(A) the eligible entity that submitted the  
10                  application;

11                  “(B) the Committee on Environment and  
12                  Public Works of the Senate; and

13                  “(C) the Committee on Transportation and  
14                  Infrastructure of the House of Representatives.

15                  “(4) EVALUATION.—The Secretary may rec-  
16                  ommend a large project for funding in the annual  
17                  report under paragraph (6) only if the Secretary  
18                  evaluates the proposed project and determines that  
19                  the project is justified because the project—

20                  “(A) addresses a need to improve the con-  
21                  dition of the bridge, as determined by the Sec-  
22                  retary, consistent with the goals of the program  
23                  under subsection (b)(2);

24                  “(B) will generate, as determined by the  
25                  Secretary—

1                   “(i) costs avoided by the prevention of  
2                   closure or reduced use of the bridge to be  
3                   improved by the project;

4                   “(ii) in the case of a bundle of  
5                   projects, benefits from executing the  
6                   projects as a bundle compared to as indi-  
7                   vidual projects;

8                   “(iii) safety benefits, including the re-  
9                   duction of accidents and related costs;

10                  “(iv) person and freight mobility bene-  
11                  fits, including congestion reduction and re-  
12                  liability improvements;

13                  “(v) national or regional economic  
14                  benefits;

15                  “(vi) benefits from long-term resil-  
16                  iency to extreme weather events, flooding,  
17                  or other natural disasters;

18                  “(vii) benefits from protection (as de-  
19                  scribed in section 133(b)(10)), including  
20                  improving seismic or scour protection;

21                  “(viii) environmental benefits, includ-  
22                  ing wildlife connectivity;

23                  “(ix) benefits to nonvehicular and  
24                  public transportation users;

25                  “(x) benefits of using—

1                   “(I) innovative design and con-  
2                   struction techniques; or

3                   “(II) innovative technologies; or  
4                   “(xi) reductions in maintenance costs,  
5                   including, in the case of a federally-owned  
6                   bridge, cost savings to the Federal budget;

7                   “(C) is cost effective based on an analysis  
8                   of whether the benefits and avoided costs de-  
9                   scribed in subparagraph (B) are expected to  
10                  outweigh the project costs;

11                  “(D) is supported by other Federal or non-  
12                  Federal financial commitments or revenues ade-  
13                  quate to fund ongoing maintenance and preser-  
14                  vation; and

15                  “(E) is consistent with the objectives of an  
16                  applicable asset management plan of the project  
17                  sponsor, including a State asset management  
18                  plan under section 119(e) in the case of a  
19                  project on the National Highway System that is  
20                  sponsored by a State.

21                  “(5) RATINGS.—

22                  “(A) IN GENERAL.—The Secretary shall  
23                  develop a methodology to evaluate and rate a  
24                  large project on a 5-point scale (the points of



1 anticipated to be available to carry out this  
2 subsection in the next fiscal year;

3 “(ii) the evaluation under paragraph  
4 (4) and ratings under paragraph (5) for  
5 each project referred to in clause (i);

6 “(iii) the grant amounts that the Sec-  
7 retary recommends providing to large  
8 projects in the next fiscal year, including—

9 “(I) scheduled payments under  
10 previously signed multiyear grant  
11 agreements under subsection (j);

12 “(II) payments for new grant  
13 agreements, including single-year  
14 grant agreements and multiyear grant  
15 agreements; and

16 “(III) a description of how  
17 amounts anticipated to be available  
18 for the program from the Highway  
19 Trust Fund for that fiscal year will be  
20 distributed; and

21 “(iv) for each project for which the  
22 Secretary recommends a new multiyear  
23 grant agreement under subsection (j), the  
24 proposed payout schedule for the project.

25 “(B) LIMITATIONS.—

1           “(i) IN GENERAL.—The Secretary  
2 shall not recommend in an annual report  
3 under this paragraph a new multiyear  
4 grant agreement provided from funds from  
5 the Highway Trust Fund unless the Sec-  
6 retary determines that the project can be  
7 completed using funds that are anticipated  
8 to be available from the Highway Trust  
9 Fund in future fiscal years.

10           “(ii) GENERAL FUND PROJECTS.—  
11 The Secretary—

12           “(I) may recommend for funding  
13 in an annual report under this para-  
14 graph a large project using funds  
15 from the general fund of the Treas-  
16 ury; but

17           “(II) shall not execute a grant  
18 agreement for that project unless—

19           “(aa) funds other than from  
20 the Highway Trust Fund have  
21 been made available for the  
22 project; and

23           “(bb) the Secretary deter-  
24 mines that the project can be  
25 completed using funds other than

1 from the Highway Trust Fund  
2 that are anticipated to be avail-  
3 able in future fiscal years.

4 “(C) CONSIDERATIONS.—In selecting  
5 projects to recommend for funding in the an-  
6 nual report under this paragraph, the Secretary  
7 shall—

8 “(i) consider the amount of funds  
9 available in future fiscal years for  
10 multiyear grant agreements as described in  
11 subparagraph (B); and

12 “(ii) assume the availability of funds  
13 in future fiscal years for multiyear grant  
14 agreements that extend beyond the period  
15 of authorization based on the amount  
16 made available for large projects under the  
17 program in the last fiscal year of the pe-  
18 riod of authorization.

19 “(D) PROJECT DIVERSITY.—In selecting  
20 projects to recommend for funding in the an-  
21 nual report under this paragraph, the Secretary  
22 shall ensure diversity among projects rec-  
23 ommended based on—

24 “(i) the amount of the grant re-  
25 quested; and



1                   “(ii) grants for an eligible project for  
2                   1 bridge compared to an eligible project  
3                   that is a bundle of projects.

4           “(h) ELIGIBLE PROJECT COSTS.—A grant received  
5 for an eligible project under the program may be used  
6 for—

7           “(1) development phase activities, including  
8           planning, feasibility analysis, revenue forecasting,  
9           environmental review, preliminary engineering and  
10          design work, and other preconstruction activities;

11          “(2) construction, reconstruction, rehabilitation,  
12          acquisition of real property (including land related  
13          to the project and improvements to the land), envi-  
14          ronmental mitigation, construction contingencies, ac-  
15          quisition of equipment, and operational improve-  
16          ments directly related to improving system perform-  
17          ance; and

18          “(3) expenses related to the protection (as de-  
19          scribed in section 133(b)(10)) of a bridge, including  
20          seismic or scour protection.

21          “(i) TIFIA PROGRAM.—On the request of an eligible  
22          entity carrying out an eligible project, the Secretary may  
23          use amounts awarded to the entity to pay subsidy and ad-  
24          ministrative costs necessary to provide to the entity Fed-

1 eral credit assistance under chapter 6 with respect to the  
2 eligible project for which the grant was awarded.

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

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

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

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

15 “(B) establish the maximum amount of  
16 Federal financial assistance for the project in  
17 accordance with paragraphs (3) and (4) of sub-  
18 section (c);

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

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

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

8           “(3) SPECIAL FINANCIAL RULES.—

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

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

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

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

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

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

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

15                   “(4) ADVANCE PAYMENT.—Notwithstanding  
16                   any other provision of law, an eligible entity carrying  
17                   out a large project under a multiyear grant agree-  
18                   ment—

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

1           “(B) if the eligible entity uses funds as de-  
2           scribed in subparagraph (A), the funds used  
3           shall be reimbursed from the amount made  
4           available under the multiyear grant agreement  
5           for the project.

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

8           “(1) IN GENERAL.—The Secretary may pay to  
9           an applicant all eligible project costs under the pro-  
10          gram, including costs for an activity for an eligible  
11          project incurred prior to the date on which the  
12          project receives funding under the program if—

13                 “(A) before the applicant carries out the  
14                 activity, the Secretary approves through a letter  
15                 to the applicant the activity in the same man-  
16                 ner as the Secretary approves other activities as  
17                 eligible under the program;

18                 “(B) a record of decision, a finding of no  
19                 significant impact, or a categorical exclusion  
20                 under the National Environmental Policy Act of  
21                 1969 (42 U.S.C. 4321 et seq.) has been issued  
22                 for the eligible project; and

23                 “(C) the activity is carried out without  
24                 Federal assistance and in accordance with all  
25                 applicable procedures and requirements.

1           “(2) INTEREST AND OTHER FINANCING  
2 COSTS.—

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

15           “(B) CERTIFICATION.—The applicant shall  
16 certify to the Secretary that the applicant has  
17 shown reasonable diligence in seeking the most  
18 favorable financing terms under subparagraph  
19 (A).

20           “(3) NO OBLIGATION OR INFLUENCE ON REC-  
21 OMMENDATIONS.—An approval by the Secretary  
22 under paragraph (1)(A) shall not—

23           “(A) constitute an obligation of the Fed-  
24 eral Government; or

1           “(B) alter or influence any evaluation  
2           under subsection (f)(3)(A)(i) or (g)(4) or any  
3           recommendation by the Secretary for funding  
4           under the program.

5           “(1) FEDERALLY-OWNED BRIDGES.—

6           “(1) DIVESTITURE CONSIDERATION.—In the  
7           case of a bridge owned by a Federal land manage-  
8           ment agency for which that agency applies for a  
9           grant under the program, the agency—

10           “(A) shall consider options to divest the  
11           bridge to a State or local entity after comple-  
12           tion of the project; and

13           “(B) may apply jointly with the State or  
14           local entity to which the bridge may be divested.

15           “(2) TREATMENT.—Notwithstanding any other  
16           provision of law, section 129 shall apply to a bridge  
17           that was previously owned by a Federal land man-  
18           agement agency and has been transferred to a non-  
19           Federal entity under paragraph (1) in the same  
20           manner as if the bridge was never federally owned.

21           “(m) CONGRESSIONAL NOTIFICATION.—Not later  
22           than 30 days before making a grant for an eligible project  
23           under the program, the Secretary shall submit to the Com-  
24           mittee on Transportation and Infrastructure of the House  
25           of Representatives and the Committee on Environment

1 and Public Works of the Senate a written notification of  
2 the proposed grant that includes—

3 “(1) an evaluation and justification for the eli-  
4 gible project; and

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

6 “(n) REPORTS.—

7 “(1) ANNUAL REPORT.—Not later than August  
8 1 of each fiscal year, the Secretary shall make avail-  
9 able on the website of the Department of Transpor-  
10 tation an annual report that lists each eligible  
11 project for which a grant has been provided under  
12 the program during the fiscal year.

13 “(2) GAO ASSESSMENT AND REPORT.—Not  
14 later than 3 years after the date of enactment of the  
15 Surface Transportation Reauthorization Act of  
16 2021, the Comptroller General of the United States  
17 shall—

18 “(A) conduct an assessment of the admin-  
19 istrative establishment, solicitation, selection,  
20 and justification process with respect to the  
21 funding of grants under the program; and

22 “(B) submit to the Committee on Trans-  
23 portation and Infrastructure of the House of  
24 Representatives and the Committee on Environ-



1           ment and Public Works of the Senate a report  
2           that describes—

3                   “(i) the adequacy and fairness of the  
4                   process under which each eligible project  
5                   that received a grant under the program  
6                   was selected; and

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

9           “(o) LIMITATION.—

10                   “(1) LARGE PROJECTS.—Of the amounts made  
11                   available out of the Highway Trust Fund (other  
12                   than the Mass Transit Account) to carry out this  
13                   section for each of fiscal years 2022 through 2026,  
14                   not less than 50 percent, in aggregate, shall be used  
15                   for large projects.

16                   “(2) UNUTILIZED AMOUNTS.—If, in fiscal year  
17                   2026, the Secretary determines that grants under  
18                   the program will not allow for the requirement under  
19                   paragraph (1) to be met, the Secretary shall use the  
20                   unutilized amounts to make other grants under the  
21                   program during that fiscal year.

22           “(p) TRIBAL TRANSPORTATION FACILITY BRIDGE  
23 SET ASIDE.—

24                   “(1) IN GENERAL.—Of the amounts made  
25                   available from the Highway Trust Fund (other than

1 the Mass Transit Account) for a fiscal year to carry  
2 out this section, the Secretary shall use, to carry out  
3 section 202(d)—

4 “(A) \$16,000,000 for fiscal year 2022;

5 “(B) \$18,000,000 for fiscal year 2023;

6 “(C) \$20,000,000 for fiscal year 2024;

7 “(D) \$22,000,000 for fiscal year 2025;

8 and

9 “(E) \$24,000,000 for fiscal year 2026.

10 “(2) TREATMENT.—For purposes of section  
11 201, funds made available for section 202(d) under  
12 paragraph (1) shall be considered to be part of the  
13 tribal transportation program.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-  
15 ter 1 of title 23, United States Code, is amended by insert-  
16 ing after the item relating to section 123 the following:

“124. Bridge investment program.”.

17 **SEC. 1119. SAFE ROUTES TO SCHOOL.**

18 (a) IN GENERAL.—Chapter 2 of title 23, United  
19 States Code, is amended by inserting after section 207 the  
20 following:

21 **“§ 208. Safe routes to school**

22 “(a) DEFINITIONS.—In this section:

23 “(1) IN THE VICINITY OF SCHOOLS.—The term  
24 ‘in the vicinity of schools’, with respect to a school,

1 means the approximately 2-mile area within bicy-  
2 cling and walking distance of the school.

3 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—

4 The term ‘primary, middle, and high schools’ means  
5 schools providing education from kindergarten  
6 through 12th grade.

7 “(b) ESTABLISHMENT.—Subject to the requirements  
8 of this section, the Secretary shall establish and carry out  
9 a safe routes to school program for the benefit of children  
10 in primary, middle, and high schools.

11 “(c) PURPOSES.—The purposes of the program es-  
12 tablished under subsection (b) shall be—

13 “(1) to enable and encourage children, includ-  
14 ing those with disabilities, to walk and bicycle to  
15 school;

16 “(2) to make bicycling and walking to school a  
17 safer and more appealing transportation alternative,  
18 thereby encouraging a healthy and active lifestyle  
19 from an early age; and

20 “(3) to facilitate the planning, development,  
21 and implementation of projects and activities that  
22 will improve safety and reduce traffic, fuel consump-  
23 tion, and air pollution in the vicinity of schools.

24 “(d) APPORTIONMENT OF FUNDS.—

1           “(1) IN GENERAL.—Subject to paragraphs (2),  
2           (3), and (4), amounts made available to carry out  
3           this section for a fiscal year shall be apportioned  
4           among the States so that each State receives the  
5           amount equal to the proportion that—

6                   “(A) the total student enrollment in pri-  
7                   mary, middle, and high schools in each State;  
8                   bears to

9                   “(B) the total student enrollment in pri-  
10                  mary, middle, and high schools in all States.

11           “(2) MINIMUM APPORTIONMENT.—No State  
12           shall receive an apportionment under this section for  
13           a fiscal year of less than \$1,000,000.

14           “(3) SET-ASIDE FOR ADMINISTRATIVE EX-  
15           PENSES.—Before apportioning under this subsection  
16           amounts made available to carry out this section for  
17           a fiscal year, the Secretary shall set aside not more  
18           than \$3,000,000 of those amounts for the adminis-  
19           trative expenses of the Secretary in carrying out this  
20           section.

21           “(4) DETERMINATION OF STUDENT ENROLL-  
22           MENTS.—Determinations under this subsection re-  
23           lating to student enrollments shall be made by the  
24           Secretary.

1       “(e) ADMINISTRATION OF AMOUNTS.—Amounts ap-  
2       portioned to a State under this section shall be adminis-  
3       tered by the State department of transportation.

4       “(f) ELIGIBLE RECIPIENTS.—Amounts apportioned  
5       to a State under this section shall be used by the State  
6       to provide financial assistance to State, local, Tribal, and  
7       regional agencies, including nonprofit organizations, that  
8       demonstrate an ability to meet the requirements of this  
9       section.

10       “(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

11               “(1) INFRASTRUCTURE-RELATED PROJECTS.—

12                       “(A) IN GENERAL.—Amounts apportioned  
13                       to a State under this section may be used for  
14                       the planning, design, and construction of infra-  
15                       structure-related projects that will substantially  
16                       improve the ability of students to walk and bi-  
17                       cycle to school, including sidewalk improve-  
18                       ments, traffic calming and speed reduction im-  
19                       provements, pedestrian and bicycle crossing im-  
20                       provements, on-street bicycle facilities, off-street  
21                       bicycle and pedestrian facilities, secure bicycle  
22                       parking facilities, and traffic diversion improve-  
23                       ments in the vicinity of schools.

24                       “(B) LOCATION OF PROJECTS.—Infra-  
25                       structure-related projects under subparagraph

1 (A) may be carried out on any public road or  
2 any bicycle or pedestrian pathway or trail in the  
3 vicinity of schools.

4 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-  
5 TIES.—

6 “(A) IN GENERAL.—In addition to projects  
7 described in paragraph (1), amounts appor-  
8 tioned to a State under this section may be  
9 used for noninfrastructure-related activities to  
10 encourage walking and bicycling to school, in-  
11 cluding public awareness campaigns and out-  
12 reach to press and community leaders, traffic  
13 education and enforcement in the vicinity of  
14 schools, student sessions on bicycle and pedes-  
15 trian safety, health, and environment, and fund-  
16 ing for training, volunteers, and managers of  
17 safe routes to school programs.

18 “(B) ALLOCATION.—Not less than 10 per-  
19 cent and not more than 30 percent of the  
20 amount apportioned to a State under this sec-  
21 tion for a fiscal year shall be used for noninfra-  
22 structure-related activities under this para-  
23 graph.

24 “(3) SAFE ROUTES TO SCHOOL COORDI-  
25 NATOR.—Each State shall use a sufficient amount of

1 the apportionment of the State for each fiscal year  
2 to fund a full-time position of coordinator of the safe  
3 routes to school program of the State.

4 “(h) CLEARINGHOUSE.—

5 “(1) IN GENERAL.—The Secretary shall make  
6 grants to a national nonprofit organization engaged  
7 in promoting safe routes to schools—

8 “(A) to operate a national safe routes to  
9 school clearinghouse;

10 “(B) to develop information and edu-  
11 cational programs on safe routes to school; and

12 “(C) to provide technical assistance and  
13 disseminate techniques and strategies used for  
14 successful safe routes to school programs.

15 “(2) FUNDING.—The Secretary shall carry out  
16 this subsection using amounts set aside for adminis-  
17 trative expenses under subsection (d)(3).

18 “(i) TREATMENT OF PROJECTS.—Notwithstanding  
19 any other provision of law, a project assisted under this  
20 section shall be treated as a project on a Federal-aid high-  
21 way under chapter 1.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) The analysis for chapter 2 of title 23,  
24 United States Code, is amended by inserting after  
25 the item relating to section 207 the following:

“208. Safe routes to school.”.

1           (2) Section 1404 of SAFETEA–LU (23 U.S.C.  
2           402 note; Public Law 109–59) is repealed.

3           (3) The table of contents in section 1(b) of  
4           SAFETEA–LU (Public Law 109–59; 119 Stat.  
5           1144) is amended by striking the item relating to  
6           section 1404.

7   **SEC. 1120. HIGHWAY USE TAX EVASION PROJECTS.**

8           Section 143(b)(2)(A) of title 23, United States Code,  
9           is amended by striking “fiscal years 2016 through 2020”  
10          and inserting “fiscal years 2022 through 2026”.

11   **SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY**  
12                                   **TERMINAL FACILITIES.**

13          Section 147 of title 23, United States Code, is  
14          amended by striking subsection (h) and inserting the fol-  
15          lowing:

16          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17          are authorized to be appropriated out of the Highway  
18          Trust Fund (other than the Mass Transit Account) to  
19          carry out this section—

20                 “(1) \$110,000,000 for fiscal year 2022;

21                 “(2) \$112,000,000 for fiscal year 2023;

22                 “(3) \$114,000,000 for fiscal year 2024;

23                 “(4) \$116,000,000 for fiscal year 2025; and

24                 “(5) \$118,000,000 for fiscal year 2026.”.



1 **SEC. 1122. VULNERABLE ROAD USER RESEARCH.**

2 (a) DEFINITIONS.—In this subsection:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Secretary, acting through the Ad-  
5 ministrator of the Federal Highway Administration.

6 (2) VULNERABLE ROAD USER.—The term “vul-  
7 nerable road user” has the meaning given the term  
8 in section 148(a) of title 23, United States Code.

9 (b) ESTABLISHMENT OF RESEARCH PLAN.—The Ad-  
10 ministrator shall establish a research plan to prioritize re-  
11 search on roadway designs, the development of safety  
12 countermeasures to minimize fatalities and serious inju-  
13 ries to vulnerable road users, and the promotion of bicy-  
14 cling and walking, including research relating to—

15 (1) roadway safety improvements, including  
16 traffic calming techniques and vulnerable road user  
17 accommodations appropriate in a suburban arterial  
18 context;

19 (2) the impacts of traffic speeds, and access to  
20 low-traffic stress corridors, on safety and rates of bi-  
21 cycling and walking;

22 (3) tools to evaluate the impact of transpor-  
23 tation improvements on projected rates and safety of  
24 bicycling and walking; and

25 (4) other research areas to be determined by  
26 the Administrator.

1 (c) VULNERABLE ROAD USER ASSESSMENTS.—The  
2 Administrator shall—

3 (1) review each vulnerable road user safety as-  
4 sessment submitted by a State under section 148(l)  
5 of title 23, United States Code, and other relevant  
6 sources of data to determine what, if any, standard  
7 definitions and methods should be developed through  
8 guidance to enable a State to collect pedestrian in-  
9 jury and fatality data; and

10 (2) in the first progress update under sub-  
11 section (d)(2), provide—

12 (A) the results of the determination de-  
13 scribed in paragraph (1); and

14 (B) the recommendations of the Secretary  
15 with respect to the collection and reporting of  
16 data on the safety of vulnerable road users.

17 (d) SUBMISSION; PUBLICATION.—

18 (1) SUBMISSION OF PLAN.—Not later than 180  
19 days after the date of enactment of this Act, the Ad-  
20 ministrator shall submit to the Committee on Envi-  
21 ronment and Public Works of the Senate and the  
22 Committee on Transportation and Infrastructure of  
23 the House of Representatives the research plan de-  
24 scribed in subsection (b).

1           (2) PROGRESS UPDATES.—Not later than 2  
2           years after the date of enactment of this Act, and  
3           biannually thereafter, the Administrator shall submit  
4           to the Committees described in paragraph (1)—

5                   (A) updates on the progress and findings  
6                   of the research conducted pursuant to the plan  
7                   described in subsection (b); and

8                   (B) in the first submission under this  
9                   paragraph, the results and recommendations  
10                  described in subsection (c)(2).

11 **SEC. 1123. WILDLIFE CROSSING SAFETY.**

12           (a) DECLARATION OF POLICY.—Section  
13 101(b)(3)(D) of title 23, United States Code, is amended,  
14 in the matter preceding clause (i), by inserting “resilient,”  
15 after “efficient,”.

16           (b) WILDLIFE CROSSINGS PILOT PROGRAM.—

17                   (1) IN GENERAL.—Chapter 1 of title 23, United  
18                   States Code, is amended by adding at the end the  
19                   following:

20 **“§ 171. Wildlife crossings pilot program**

21                   “(a) FINDING.—Congress finds that greater adoption  
22                   of wildlife-vehicle collision safety countermeasures is in the  
23                   public interest because—

24                           “(1) according to the report of the Federal  
25                           Highway Administration entitled ‘Wildlife-Vehicle

1 Collision Reduction Study’, there are more than  
2 1,000,000 wildlife-vehicle collisions every year;

3 “(2) wildlife-vehicle collisions—

4 “(A) present a danger to—

5 “(i) human safety; and

6 “(ii) wildlife survival; and

7 “(B) represent a persistent concern that  
8 results in tens of thousands of serious injuries  
9 and hundreds of fatalities on the roadways of  
10 the United States; and

11 “(3) the total annual cost associated with wild-  
12 life-vehicle collisions has been estimated to be  
13 \$8,388,000,000; and

14 “(4) wildlife-vehicle collisions are a major  
15 threat to the survival of species, including birds, rep-  
16 tiles, mammals, and amphibians.

17 “(b) ESTABLISHMENT.—The Secretary shall estab-  
18 lish a competitive wildlife crossings pilot program (re-  
19 ferred to in this section as the ‘pilot program’) to provide  
20 grants for projects that seek to achieve—

21 “(1) a reduction in the number of wildlife-vehi-  
22 cle collisions; and

23 “(2) in carrying out the purpose described in  
24 paragraph (1), improved habitat connectivity for ter-  
25 restrial and aquatic species.

1           “(c) ELIGIBLE ENTITIES.—An entity eligible to apply  
2 for a grant under the pilot program is—

3           “(1) a State highway agency, or an equivalent  
4 of that agency;

5           “(2) a metropolitan planning organization (as  
6 defined in section 134(b));

7           “(3) a unit of local government;

8           “(4) a regional transportation authority;

9           “(5) a special purpose district or public author-  
10 ity with a transportation function, including a port  
11 authority;

12           “(6) an Indian tribe (as defined in section  
13 207(m)(1)), including a Native village and a Native  
14 Corporation (as those terms are defined in section 3  
15 of the Alaska Native Claims Settlement Act (43  
16 U.S.C. 1602));

17           “(7) a Federal land management agency; or

18           “(8) a group of any of the entities described in  
19 paragraphs (1) through (7).

20           “(d) APPLICATIONS.—

21           “(1) IN GENERAL.—To be eligible to receive a  
22 grant under the pilot program, an eligible entity  
23 shall submit to the Secretary an application at such  
24 time, in such manner, and containing such informa-  
25 tion as the Secretary may require.

1           “(2) REQUIREMENT.—If an application under  
2 paragraph (1) is submitted by an eligible entity  
3 other than an eligible entity described in paragraph  
4 (1) or (7) of subsection (c), the application shall in-  
5 clude documentation that the State highway agency,  
6 or an equivalent of that agency, of the State in  
7 which the eligible entity is located was consulted  
8 during the development of the application.

9           “(3) GUIDANCE.—To enhance consideration of  
10 current and reliable data, eligible entities may obtain  
11 guidance from an agency in the State with jurisdic-  
12 tion over fish and wildlife.

13           “(e) CONSIDERATIONS.—In selecting grant recipients  
14 under the pilot program, the Secretary shall take into con-  
15 sideration the following:

16           “(1) Primarily, the extent to which the pro-  
17 posed project of an eligible entity is likely to protect  
18 motorists and wildlife by reducing the number of  
19 wildlife-vehicle collisions and improve habitat  
20 connectivity for terrestrial and aquatic species.

21           “(2) Secondly, the extent to which the pro-  
22 posed project of an eligible entity is likely to accom-  
23 plish the following:

24           “(A) Leveraging Federal investment by en-  
25 couraging non-Federal contributions to the

1 project, including projects from public-private  
2 partnerships.

3 “(B) Supporting local economic develop-  
4 ment and improvement of visitation opportuni-  
5 ties.

6 “(C) Incorporation of innovative tech-  
7 nologies, including advanced design techniques  
8 and other strategies to enhance efficiency and  
9 effectiveness in reducing wildlife-vehicle colli-  
10 sions and improving habitat connectivity for  
11 terrestrial and aquatic species.

12 “(D) Provision of educational and outreach  
13 opportunities.

14 “(E) Monitoring and research to evaluate,  
15 compare effectiveness of, and identify best prac-  
16 tices in, selected projects.

17 “(F) Any other criteria relevant to reduc-  
18 ing the number of wildlife-vehicle collisions and  
19 improving habitat connectivity for terrestrial  
20 and aquatic species, as the Secretary deter-  
21 mines to be appropriate, subject to the condi-  
22 tion that the implementation of the pilot pro-  
23 gram shall not be delayed in the absence of ac-  
24 tion by the Secretary to identify additional cri-  
25 teria under this subparagraph.

1 “(f) USE OF FUNDS.—

2 “(1) IN GENERAL.—The Secretary shall ensure  
3 that a grant received under the pilot program is  
4 used for a project to reduce wildlife-vehicle collisions.

5 “(2) GRANT ADMINISTRATION.—

6 “(A) IN GENERAL.—A grant received  
7 under the pilot program shall be administered  
8 by—

9 “(i) in the case of a grant to a Fed-  
10 eral land management agency or an Indian  
11 tribe (as defined in section 207(m)(1), in-  
12 cluding a Native village and a Native Cor-  
13 poration (as those terms are defined in  
14 section 3 of the Alaska Native Claims Set-  
15 tlement Act (43 U.S.C. 1602))), the Fed-  
16 eral Highway Administration, through an  
17 agreement; and

18 “(ii) in the case of a grant to an eligi-  
19 ble entity other than an eligible entity de-  
20 scribed in clause (i), the State highway  
21 agency, or an equivalent of that agency,  
22 for the State in which the project is to be  
23 carried out.

24 “(B) PARTNERSHIPS.—



1           “(i) IN GENERAL.—A grant received  
2           under the pilot program may be used to  
3           provide funds to eligible partners of the  
4           project for which the grant was received  
5           described in clause (ii), in accordance with  
6           the terms of the project agreement.

7           “(ii) ELIGIBLE PARTNERS DE-  
8           SCRIBED.—The eligible partners referred  
9           to in clause (i) include—

10                   “(I) a metropolitan planning or-  
11                   ganization (as defined in section  
12                   134(b));

13                   “(II) a unit of local government;

14                   “(III) a regional transportation  
15                   authority;

16                   “(IV) a special purpose district  
17                   or public authority with a transpor-  
18                   tation function, including a port au-  
19                   thority;

20                   “(V) an Indian tribe (as defined  
21                   in section 207(m)(1)), including a Na-  
22                   tive village and a Native Corporation  
23                   (as those terms are defined in section  
24                   3 of the Alaska Native Claims Settle-  
25                   ment Act (43 U.S.C. 1602));

1                   “(VI) a Federal land manage-  
2                   ment agency;

3                   “(VII) a foundation, nongovern-  
4                   mental organization, or institution of  
5                   higher education;

6                   “(VIII) a Federal, Tribal, re-  
7                   gional, or State government entity;  
8                   and

9                   “(IX) a group of any of the enti-  
10                  ties described in subclauses (I)  
11                  through (VIII).

12                  “(3) COMPLIANCE.—An eligible entity that re-  
13                  ceives a grant under the pilot program and enters  
14                  into a partnership described in paragraph (2) shall  
15                  establish measures to verify that an eligible partner  
16                  that receives funds from the grant complies with the  
17                  conditions of the pilot program in using those funds.

18                  “(g) REQUIREMENT.—The Secretary shall ensure  
19                  that not less than 60 percent of the amounts made avail-  
20                  able for grants under the pilot program each fiscal year  
21                  are for projects located in rural areas.

22                  “(h) ANNUAL REPORT TO CONGRESS.—

23                  “(1) IN GENERAL.—Not later than December  
24                  31 of each calendar year, the Secretary shall submit  
25                  to Congress, and make publicly available, a report

1 describing the activities under the pilot program for  
2 the fiscal year that ends during that calendar year.

3 “(2) CONTENTS.—The report under paragraph  
4 (1) shall include—

5 “(A) a detailed description of the activities  
6 carried out under the pilot program;

7 “(B) an evaluation of the effectiveness of  
8 the pilot program in meeting the purposes de-  
9 scribed in subsection (b); and

10 “(C) policy recommendations to improve  
11 the effectiveness of the pilot program.”.

12 (2) CLERICAL AMENDMENT.—The analysis for  
13 chapter 1 of title 23, United States Code, is amend-  
14 ed by inserting after the item relating to section 170  
15 the following:

“171. Wildlife crossings pilot program.”.

16 (c) WILDLIFE VEHICLE COLLISION REDUCTION AND  
17 HABITAT CONNECTIVITY IMPROVEMENT.—

18 (1) IN GENERAL.—Chapter 1 of title 23, United  
19 States Code (as amended by subsection (b)(1)), is  
20 amended by adding at the end the following:

21 **“§ 172. Wildlife-vehicle collision reduction and habi-  
22 tat connectivity improvement**

23 “(a) STUDY.—

24 “(1) IN GENERAL.—The Secretary shall con-  
25 duct a study (referred to in this subsection as the

1 ‘study’) of the state, as of the date of the study, of  
2 the practice of methods to reduce collisions between  
3 motorists and wildlife (referred to in this section as  
4 ‘wildlife-vehicle collisions’).

5 “(2) CONTENTS.—

6 “(A) AREAS OF STUDY.—The study  
7 shall—

8 “(i) update and expand on, as appro-  
9 priate—

10 “(I) the report entitled ‘Wildlife  
11 Vehicle Collision Reduction Study:  
12 2008 Report to Congress’; and

13 “(II) the document entitled  
14 ‘Wildlife Vehicle Collision Reduction  
15 Study: Best Practices Manual’ and  
16 dated October 2008; and

17 “(ii) include—

18 “(I) an assessment, as of the  
19 date of the study, of—

20 “(aa) the causes of wildlife-  
21 vehicle collisions;

22 “(bb) the impact of wildlife-  
23 vehicle collisions on motorists  
24 and wildlife; and

1                   “(cc) the impacts of roads  
2                   and traffic on habitat  
3                   connectivity for terrestrial and  
4                   aquatic species; and

5                   “(II) solutions and best practices  
6                   for—

7                   “(aa) reducing wildlife-vehi-  
8                   cle collisions; and

9                   “(bb) improving habitat  
10                  connectivity for terrestrial and  
11                  aquatic species.

12                  “(B) METHODS.—In carrying out the  
13                  study, the Secretary shall—

14                  “(i) conduct a thorough review of re-  
15                  search and data relating to—

16                  “(I) wildlife-vehicle collisions; and

17                  “(II) habitat fragmentation that  
18                  results from transportation infrastruc-  
19                  ture;

20                  “(ii) survey current practices of the  
21                  Department of Transportation and State  
22                  departments of transportation to reduce  
23                  wildlife-vehicle collisions; and

24                  “(iii) consult with—



167

1 Species Act of 1973 (16 U.S.C.  
2 1531 et seq.);

3 “(bb) species identified by  
4 States as species of greatest con-  
5 servation need;

6 “(cc) species identified in  
7 State wildlife plans; and

8 “(dd) medium and small ter-  
9 restrial and aquatic species;

10 “(ii) an economic evaluation of the  
11 costs and benefits of installing highway in-  
12 frastructure and other measures to miti-  
13 gate damage to terrestrial and aquatic spe-  
14 cies, including the effect on jobs, property  
15 values, and economic growth to society, ad-  
16 jacent communities, and landowners;

17 “(iii) recommendations for preventing  
18 wildlife-vehicle collisions, including rec-  
19 ommended best practices, funding re-  
20 sources, or other recommendations for ad-  
21 dressing wildlife-vehicle collisions; and

22 “(iv) guidance, developed in consulta-  
23 tion with Federal land management agen-  
24 cies and State departments of transpor-  
25 tation, State fish and wildlife agencies, and

1 Tribal governments that agree to partici-  
2 pate, for developing, for each State that  
3 agrees to participate, a voluntary joint  
4 statewide transportation and wildlife action  
5 plan—

6 “(I) to address wildlife-vehicle  
7 collisions; and

8 “(II) to improve habitat  
9 connectivity for terrestrial and aquatic  
10 species.

11 “(b) WORKFORCE DEVELOPMENT AND TECHNICAL  
12 TRAINING.—

13 “(1) IN GENERAL.—Not later than 3 years  
14 after the date of enactment of the Surface Transpor-  
15 tation Reauthorization Act of 2021, the Secretary  
16 shall, based on the study conducted under subsection  
17 (a), develop a series of in-person and online work-  
18 force development and technical training courses—

19 “(A) to reduce wildlife-vehicle collisions;  
20 and

21 “(B) to improve habitat connectivity for  
22 terrestrial and aquatic species.

23 “(2) AVAILABILITY.—The Secretary shall—



1           “(A) make the series of courses developed  
2           under paragraph (1) available for transpor-  
3           tation and fish and wildlife professionals; and

4           “(B) update the series of courses not less  
5           frequently than once every 2 years.

6           “(c) STANDARDIZATION OF WILDLIFE COLLISION  
7           AND CARCASS DATA.—

8           “(1) STANDARDIZED METHODOLOGY.—

9           “(A) IN GENERAL.—The Secretary, acting  
10           through the Administrator of the Federal High-  
11           way Administration (referred to in this sub-  
12           section as the ‘Secretary’), shall develop a qual-  
13           ity standardized methodology for collecting and  
14           reporting spatially accurate wildlife collision  
15           and carcass data for the National Highway Sys-  
16           tem, considering the practicability of the meth-  
17           odology with respect to technology and cost.

18           “(B) METHODOLOGY.—In developing the  
19           standardized methodology under subparagraph  
20           (A), the Secretary shall—

21           “(i) survey existing methodologies and  
22           sources of data collection, including the  
23           Fatality Analysis Reporting System, the  
24           General Estimates System of the National

1 Automotive Sampling System, and the  
2 Highway Safety Information System; and

3 “(ii) to the extent practicable, identify  
4 and correct limitations of those existing  
5 methodologies and sources of data collec-  
6 tion.

7 “(C) CONSULTATION.—In developing the  
8 standardized methodology under subparagraph  
9 (A), the Secretary shall consult with—

10 “(i) the Secretary of the Interior;

11 “(ii) the Secretary of Agriculture, act-  
12 ing through the Chief of the Forest Serv-  
13 ice;

14 “(iii) Tribal, State, and local trans-  
15 portation and wildlife authorities;

16 “(iv) metropolitan planning organiza-  
17 tions (as defined in section 134(b));

18 “(v) members of the American Asso-  
19 ciation of State Highway Transportation  
20 Officials;

21 “(vi) members of the Association of  
22 Fish and Wildlife Agencies;

23 “(vii) experts in the field of wildlife-  
24 vehicle collisions;

1 “(viii) nongovernmental organizations;

2 and

3 “(ix) other interested stakeholders, as

4 appropriate.

5 “(2) STANDARDIZED NATIONAL DATA SYSTEM

6 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

7 The Secretary shall—

8 “(A) develop a template for State imple-

9 mentation of a standardized national wildlife

10 collision and carcass data system for the Na-

11 tional Highway System that is based on the

12 standardized methodology developed under

13 paragraph (1); and

14 “(B) encourage the voluntary implementa-

15 tion of the template developed under subpara-

16 graph (A).

17 “(3) REPORTS.—

18 “(A) METHODOLOGY.—The Secretary shall

19 submit to Congress a report describing the

20 standardized methodology developed under

21 paragraph (1) not later than the later of—

22 “(i) the date that is 18 months after

23 the date of enactment of the Surface

24 Transportation Reauthorization Act of

25 2021; and

1                   “(ii) the date that is 180 days after  
2                   the date on which the Secretary completes  
3                   the development of the standardized meth-  
4                   odology.

5                   “(B) IMPLEMENTATION.—Not later than 4  
6                   years after the date of enactment of the Surface  
7                   Transportation Reauthorization Act of 2021,  
8                   the Secretary shall submit to Congress a report  
9                   describing—

10                   “(i) the status of the voluntary imple-  
11                   mentation of the standardized methodology  
12                   developed under paragraph (1) and the  
13                   template developed under paragraph  
14                   (2)(A);

15                   “(ii) whether the implementation of  
16                   the standardized methodology developed  
17                   under paragraph (1) and the template de-  
18                   veloped under paragraph (2)(A) has im-  
19                   pacted efforts by States, units of local gov-  
20                   ernment, and other entities—

21                   “(I) to reduce the number of  
22                   wildlife-vehicle collisions; and

23                   “(II) to improve habitat  
24                   connectivity;



1                   dangered Species Act of 1973 (16 U.S.C.  
2                   1531 et seq.);

3                   “(ii) species identified by a State as  
4                   species of greatest conservation need;

5                   “(iii) species identified in State wild-  
6                   life plans; and

7                   “(iv) medium and small terrestrial  
8                   and aquatic species; and

9                   “(C) habitat connectivity values for terres-  
10                  trial and aquatic species and the barrier effect  
11                  of the highway on the movements and migra-  
12                  tions of those species.”.

13                  (2) CLERICAL AMENDMENT.—The analysis for  
14                  chapter 1 of title 23, United States Code (as amend-  
15                  ed by subsection (b)(2)) is amended by inserting  
16                  after the item relating to section 171 the following:

                  “172. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

17                  (d) WILDLIFE CROSSINGS STANDARDS.—Section  
18                  109(c)(2) of title 23, United States Code, is amended—

19                   (1) in subparagraph (E), by striking “and” at  
20                   the end;

21                   (2) by redesignating subparagraph (F) as sub-  
22                   paragraph (G); and

23                   (3) by inserting after subparagraph (E) the fol-  
24                   lowing:



1           “(6) determine if the replacement or rehabilita-  
2           tion of bridges and tunnels should include measures  
3           to enable safe and unimpeded movement for terres-  
4           trial and aquatic species.”; and

5           (3) in subsection (i), by adding at the end the  
6           following:

7           “(3) REQUIREMENT.—The first revision under  
8           paragraph (2) after the date of enactment of the  
9           Surface Transportation Reauthorization Act of 2021  
10          shall include techniques to assess passage of aquatic  
11          and terrestrial species and habitat restoration poten-  
12          tial.”.

13 **SEC. 1124. CONSOLIDATION OF PROGRAMS.**

14          Section 1519(a) of MAP-21 (Public Law 112-141;  
15          126 Stat. 574; 129 Stat. 1423) is amended, in the matter  
16          preceding paragraph (1), by striking “fiscal years 2016  
17          through 2020” and inserting “fiscal years 2022 through  
18          2026”.

19 **SEC. 1125. STATE FREIGHT ADVISORY COMMITTEES.**

20          Section 70201 of title 49, United States Code, is  
21          amended—

22          (1) in subsection (a), by striking “representa-  
23          tives of ports, freight railroads,” and all that follows  
24          through the period at the end and inserting the fol-  
25          lowing: “representatives of—



- 1           “(1) ports, if applicable;  
2           “(2) freight railroads, if applicable;  
3           “(3) shippers;  
4           “(4) carriers;  
5           “(5) freight-related associations;  
6           “(6) third-party logistics providers;  
7           “(7) the freight industry workforce;  
8           “(8) the transportation department of the  
9       State;  
10          “(9) metropolitan planning organizations;  
11          “(10) local governments;  
12          “(11) the environmental protection department  
13       of the State, if applicable;  
14          “(12) the air resources board of the State, if  
15       applicable; and  
16          “(13) economic development agencies of the  
17       State.”;  
18          (2) in subsection (b)(5), by striking “70202.”  
19       and inserting “70202, including by providing advice  
20       regarding the development of the freight investment  
21       plan.”;  
22          (3) by redesignating subsection (b) as sub-  
23       section (c); and  
24          (4) by inserting after subsection (a) the fol-  
25       lowing:

1 “(b) QUALIFICATIONS.—Each member of a freight  
2 advisory committee established under subsection (a) shall  
3 have qualifications sufficient to serve on a freight advisory  
4 committee, including, as applicable—

5 “(1) general business and financial experience;

6 “(2) experience or qualifications in the areas of  
7 freight transportation and logistics;

8 “(3) experience in transportation planning;

9 “(4) experience representing employees of the  
10 freight industry; or

11 “(5) experience representing a State, local gov-  
12 ernment, or metropolitan planning organization.”.

13 **SEC. 1126. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**  
14 **GRAM.**

15 Section 165 of title 23, United States Code, is  
16 amended—

17 (1) in subsection (a), by striking paragraphs  
18 (1) and (2) and inserting the following:

19 “(1) for the Puerto Rico highway program  
20 under subsection (b)—

21 “(A) \$173,010,000 shall be for fiscal year  
22 2022;

23 “(B) \$176,960,000 shall be for fiscal year  
24 2023;

1                   “(C) \$180,120,000 shall be for fiscal year  
2                   2024;

3                   “(D) \$183,675,000 shall be for fiscal year  
4                   2025; and

5                   “(E) \$187,230,000 shall be for fiscal year  
6                   2026; and

7                   “(2) for the territorial highway program under  
8                   subsection (c)—

9                   “(A) \$45,990,000 shall be for fiscal year  
10                  2022;

11                  “(B) \$47,040,000 shall be for fiscal year  
12                  2023;

13                  “(C) \$47,880,000 shall be for fiscal year  
14                  2024;

15                  “(D) \$48,825,000 shall be for fiscal year  
16                  2025; and

17                  “(E) \$49,770,000 shall be for fiscal year  
18                  2026.”;

19                  (2) in subsection (b)(2)(C)(iii), by inserting  
20                  “and preventative maintenance on the National  
21                  Highway System” after “chapter 1”; and

22                  (3) in subsection (c)(7), by striking “para-  
23                  graphs (1) through (4) of section 133(c) and section  
24                  133(b)(12)” and inserting “paragraphs (1), (2), (3),  
25                  and (5) of section 133(c) and section 133(b)(13)”.

1 **SEC. 1127. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**  
2 **TRIBAL PROJECTS PROGRAM.**

3 Section 1123 of the FAST Act (23 U.S.C. 201 note;  
4 Public Law 114–94) is amended—

5 (1) in subsection (c)(3), by striking  
6 “\$25,000,000” and all that follows through the pe-  
7 riod at the end and inserting “\$12,500,000.”;

8 (2) in subsection (g)—

9 (A) by striking the subsection designation  
10 and heading and all that follows through “The  
11 Federal” in paragraph (1) and inserting the fol-  
12 lowing:

13 “(g) COST SHARE.—

14 “(1) FEDERAL SHARE.—

15 “(A) IN GENERAL.—Except as provided in  
16 subparagraph (B), the Federal”;

17 (B) in paragraph (1), by adding at the end  
18 the following:

19 “(B) TRIBAL PROJECTS.—In the case of a  
20 project on a tribal transportation facility (as de-  
21 fined in section 101(a) of title 23, United  
22 States Code), the Federal share of the cost of  
23 the project shall be 100 percent.”; and

24 (C) in paragraph (2), by striking “other  
25 than those made available under title 23 or title  
26 49, United States Code,”; and

1           (3) by striking subsection (h) and inserting the  
2 following:

3           “(h) USE OF FUNDS.—

4                 “(1) IN GENERAL.—For each fiscal year, of the  
5 amounts made available to carry out this section—

6                         “(A) 50 percent shall be used for eligible  
7 projects on Federal lands transportation facili-  
8 ties and Federal lands access transportation fa-  
9 cilities (as those terms are defined in section  
10 101(a) of title 23, United States Code); and

11                         “(B) 50 percent shall be used for eligible  
12 projects on tribal transportation facilities (as  
13 defined in section 101(a) of title 23, United  
14 States Code).

15                 “(2) REQUIREMENT.—Not less than 1 eligible  
16 project carried out using the amount described in  
17 paragraph (1)(A) shall be in a unit of the National  
18 Park System with not less than 3,000,000 annual  
19 visitors.

20                 “(3) AVAILABILITY.—Amounts made available  
21 under to carry out this section shall remain available  
22 for a period of 3 fiscal years following the fiscal year  
23 for which the amounts are appropriated.”.

1 **SEC. 1128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

2 Section 1123(h) of MAP-21 (23 U.S.C. 202 note;  
3 Public Law 112-141) is amended—

4 (1) by redesignating paragraph (2) as para-  
5 graph (3);

6 (2) in paragraph (3) (as so redesignated), in  
7 the matter preceding subparagraph (A), by striking  
8 “paragraph (1)” and inserting “paragraphs (1) and  
9 (2)”; and

10 (3) by striking the subsection designation and  
11 heading and all that follows through the period at  
12 the end of paragraph (1) and inserting the following:

13 “(h) FUNDING.—

14 “(1) SET-ASIDE.—For each of fiscal years 2022  
15 through 2026, of the amounts made available to  
16 carry out the tribal transportation program under  
17 section 202 of title 23, United States Code, for that  
18 fiscal year, the Secretary shall use \$9,000,000 to  
19 carry out the program.

20 “(2) AUTHORIZATION OF APPROPRIATIONS.—In  
21 addition to amounts made available under paragraph  
22 (1), there is authorized to be appropriated  
23 \$30,000,000 out of the general fund of the Treasury  
24 to carry out the program for each of fiscal years  
25 2022 through 2026.”.

1 **SEC. 1129. STANDARDS.**

2 Section 109 of title 23, United States Code, is  
3 amended—

4 (1) in subsection (d)—

5 (A) by striking “(d) On any” and inserting  
6 the following:

7 “(d) MANUAL ON UNIFORM TRAFFIC CONTROL DE-  
8 VICES.—

9 “(1) IN GENERAL.—On any”;

10 (B) in paragraph (1) (as so designated), by  
11 striking “promote the safe” and inserting “pro-  
12 mote the safety, inclusion, and mobility of all  
13 users”; and

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

15 “(2) UPDATES.—Not later than 18 months  
16 after the date of enactment of the Surface Transpor-  
17 tation Reauthorization Act of 2021 and not less fre-  
18 quently than every 3 years thereafter, the Secretary  
19 shall update the Manual on Uniform Traffic Control  
20 Devices.”;

21 (2) in subsection (o)—

22 (A) by striking “Projects” and inserting:

23 “(A) IN GENERAL.—Projects”; and

24 (B) by inserting at the end the following:

25 “(B) LOCAL JURISDICTIONS.—Notwith-  
26 standing subparagraph (A), a local jurisdiction

1           may use a roadway design guide recognized by  
2           the Federal Highway Administration and  
3           adopted by the local jurisdiction that is dif-  
4           ferent from the roadway design guide used by  
5           the State in which the local jurisdiction is lo-  
6           cated for the design of projects on all roadways  
7           under the ownership of the local jurisdiction  
8           (other than a highway on the National Highway  
9           System) for which the local jurisdiction is the  
10          project sponsor, provided that the design com-  
11          plies with all other applicable Federal laws.”;  
12          and

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

14          “(s) ELECTRIC VEHICLE CHARGING STATIONS.—

15                 “(1) STANDARDS.—Electric vehicle charging in-  
16                 frastructure installed using funds provided under  
17                 this title shall provide, at a minimum—

18                         “(A) non-proprietary charging connectors  
19                         that meet applicable industry safety standards;  
20                         and

21                         “(B) open access to payment methods that  
22                         are available to all members of the public to en-  
23                         sure secure, convenient, and equal access to the  
24                         electric vehicle charging infrastructure that



1           shall not be limited by membership to a par-  
2           ticular payment provider.

3           “(2) TREATMENT OF PROJECTS.—Notwith-  
4           standing any other provision of law, a project to in-  
5           stall electric vehicle charging infrastructure using  
6           funds provided under this title shall be treated as if  
7           the project is located on a Federal-aid highway.”.

8   **SEC. 1130. PUBLIC TRANSPORTATION.**

9           (a) IN GENERAL.—Section 142(a) of title 23, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing:

12           “(3) BUS CORRIDORS.—In addition to the  
13          projects described in paragraphs (1) and (2), the  
14          Secretary may approve payment from sums appor-  
15          tioned under paragraph (2) or (7) of section 104(b)  
16          for carrying out a capital project for the construc-  
17          tion of a bus rapid transit corridor or dedicated bus  
18          lanes, including the construction or installation of—

19                   “(A) traffic signaling and prioritization  
20                   systems;

21                   “(B) redesigned intersections that are nec-  
22                   essary for the establishment of a bus rapid  
23                   transit corridor;

24                   “(C) on-street stations;

25                   “(D) fare collection systems;

1                   “(E) information and wayfinding systems;  
2                   and  
3                   “(F) depots.”.

4           (b) **TECHNICAL CORRECTION.**—Section 142 of title  
5 23, United States Code, is amended by striking subsection  
6 (i).

7 **SEC. 1131. RURAL OPPORTUNITIES TO USE TRANSPOR-**  
8                   **TATION FOR ECONOMIC SUCCESS COUNCIL.**

9           (a) **DEFINITIONS.**—In this section:

10                   (1) **COUNCIL.**—The term “Council” means the  
11 Rural Opportunities to Use Transportation for Eco-  
12 nomic Success Council, or the ROUTES Council, es-  
13 tablished under subsection (b).

14                   (2) **DISADVANTAGED RURAL COMMUNITY.**—The  
15 term “disadvantaged rural community” means a  
16 community—

17                           (A) in a rural area; and

18                           (B) the annual median household income  
19 of which is less than 80 percent of the annual  
20 median household income of the State in which  
21 the community is located.

22                   (3) **DISCRETIONARY FUNDING AND FINANCING**  
23 **PROGRAMS.**—The term “discretionary funding and  
24 financing programs” means—

1 (A) the programs described in section  
2 116(d)(1) of title 49, United States Code; and

3 (B) any other program of the Department,  
4 as determined by the Secretary.

5 (4) INDIAN TRIBE.—The term “Indian Tribe”  
6 has the meaning given the term in section 4 of the  
7 Indian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 5304).

9 (5) RURAL AREA.—The term “rural area”  
10 means an area that is outside an urbanized area  
11 with a population of over 200,000.

12 (b) ESTABLISHMENT.—The Secretary shall establish  
13 in the Department a council, to be known as the “Rural  
14 Opportunities to Use Transportation for Economic Suc-  
15 cess Council”, or the “ROUTES Council”, to coordinate  
16 with—

17 (1) modal administrations and offices of the  
18 Department; and

19 (2) other Federal agencies, as appropriate—

20 (A) to ensure that the unique transpor-  
21 tation needs and attributes of rural areas, In-  
22 dian Tribes, and disadvantaged rural commu-  
23 nities are fully addressed during the develop-  
24 ment and implementation of programs, policies,  
25 and activities of the Department;

1 (B) to increase coordination of programs,  
2 policies, and activities of the Department in a  
3 manner that improves and expands transpor-  
4 tation infrastructure in order to further eco-  
5 nomic development in, and the quality of life of,  
6 rural areas, Indian Tribes, and disadvantaged  
7 rural communities; and

8 (C) to provide rural areas, Indian Tribes,  
9 and disadvantaged rural communities with  
10 proactive outreach—

11 (i) to improve access to discretionary  
12 funding and financing programs; and

13 (ii) to facilitate timely resolution on  
14 environmental reviews for complex or high-  
15 priority projects.

16 (c) MEMBERSHIP; CHAIRPERSON.—The Council shall  
17 be composed of—

18 (1) the Deputy Secretary of Transportation,  
19 who shall serve as the chairperson of the Council;

20 (2) the Under Secretary of Transportation for  
21 Policy;

22 (3) the General Counsel of the Department;

23 (4) the Chief Financial Officer and Assistant  
24 Secretary for Budget and Programs;

1           (5) the Assistant Secretary for Research and  
2           Technology;

3           (6) the Assistant Secretary for Transportation  
4           Policy;

5           (7) the Deputy Assistant Secretary for Tribal  
6           Government Affairs;

7           (8) the Administrator of each of—

8                 (A) the Federal Highway Administration;

9                 (B) the Federal Railroad Administration;

10           and

11                 (C) the Federal Transit Administration;

12           and

13           (9) such other individuals, who shall serve as  
14           at-large members, as the Secretary may designate.

15           (d) DUTIES.—The Council shall—

16                 (1) educate and provide technical assistance to  
17                 rural areas, Indian Tribes, and disadvantaged rural  
18                 communities with respect to discretionary funding  
19                 and financing programs;

20                 (2) carry out research and utilize innovative ap-  
21                 proaches to resolve the transportation challenges  
22                 faced by rural areas, Indian Tribes, and disadvan-  
23                 taged rural communities;

24                 (3) gather input from knowledgeable entities  
25                 and the public relating to—

1 (A) the benefits of transportation projects  
2 to rural areas, Indian Tribes, and disadvan-  
3 tagged rural communities; and

4 (B) the barriers to advancing those  
5 projects; and

6 (4) perform such other duties, as determined by  
7 the Secretary.

8 (e) **ADDITIONAL STAFFING.**—The Secretary shall en-  
9 sure the Council has adequate staff support to carry out  
10 the duties of the Council under subsection (d).

11 (f) **REPORT.**—The Council shall submit to the Com-  
12 mittee on Environment and Public Works of the Senate  
13 and the Committee on Transportation and Infrastructure  
14 of the House of Representatives an annual report that de-  
15 scribes the activities carried out by the Council under sub-  
16 section (d).

17 **SEC. 1132. RESERVATION OF CERTAIN FUNDS.**

18 (a) **OPEN CONTAINER REQUIREMENTS.**—Section  
19 154(c)(2) of title 23, United States Code, is amended—

20 (1) in the paragraph heading, by striking  
21 “2012” and inserting “2022”;

22 (2) by striking subparagraph (A) and inserting  
23 the following:

24 “(A) **RESERVATION OF FUNDS.**—

1                   “(i) IN GENERAL.—On October 1,  
2                   2021, and each October 1 thereafter, in  
3                   the case of a State described in clause (ii),  
4                   the Secretary shall reserve an amount  
5                   equal to 2.5 percent of the funds to be ap-  
6                   portioned to the State on that date under  
7                   each of paragraphs (1) and (2) of section  
8                   104(b) until the State certifies to the Sec-  
9                   retary the means by which the State will  
10                  use those reserved funds in accordance  
11                  with subparagraphs (A) and (B) of para-  
12                  graph (1), and paragraph (3).

13                  “(ii) STATES DESCRIBED.—A State  
14                  referred to in clause (i) is a State—

15                         “(I) that has not enacted or is  
16                         not enforcing an open container law  
17                         described in subsection (b); and

18                         “(II) for which the Secretary de-  
19                         termined for the prior fiscal year that  
20                         the State had not enacted or was not  
21                         enforcing an open container law de-  
22                         scribed in subsection (b).”; and

23                  (3) in subparagraph (B), in the matter pre-  
24                  ceding clause (i), by striking “subparagraph (A)”  
25                  and inserting “subparagraph (A)(i)”.

1 (b) REPEAT INTOXICATED DRIVER LAWS.—Section  
2 164(b)(2) of title 23, United States Code, is amended—

3 (1) in the paragraph heading, by striking  
4 “2012” and inserting “2022”;

5 (2) by striking subparagraph (A) and inserting  
6 the following:

7 “(A) RESERVATION OF FUNDS.—

8 “(i) IN GENERAL.—On October 1,  
9 2021, and each October 1 thereafter, in  
10 the case of a State described in clause (ii),  
11 the Secretary shall reserve an amount  
12 equal to 2.5 percent of the funds to be ap-  
13 portioned to the State on that date under  
14 each of paragraphs (1) and (2) of section  
15 104(b) until the State certifies to the Sec-  
16 retary the means by which the State will  
17 use those reserved funds in accordance  
18 with subparagraphs (A) and (B) of para-  
19 graph (1), and paragraph (3).

20 “(ii) STATES DESCRIBED.—A State  
21 referred to in clause (i) is a State—

22 “(I) that has not enacted or is  
23 not enforcing a repeat intoxicated  
24 driver law; and



1                   “(II) for which the Secretary de-  
2                   termined for the prior fiscal year that  
3                   the State had not enacted or was not  
4                   enforcing a repeat intoxicated driver  
5                   law.”; and

6                   (3) in subparagraph (B), in the matter pre-  
7                   ceding clause (i), by striking “subparagraph (A)”  
8                   and inserting “subparagraph (A)(i)”.

9   **SEC. 1133. RURAL SURFACE TRANSPORTATION GRANT PRO-**  
10                   **GRAM.**

11           (a) IN GENERAL.—Chapter 1 of title 23, United  
12 States Code (as amended by section 1123(c)(1)), is  
13 amended by adding at the end the following:

14   **“§ 173. Rural surface transportation grant program**

15           “(a) DEFINITIONS.—In this section:

16                   “(1) PROGRAM.—The term ‘program’ means  
17                   the program established under subsection (b)(1).

18                   “(2) RURAL AREA.—The term ‘rural area’  
19                   means an area that is outside an urbanized area  
20                   with a population of over 200,000.

21           “(b) ESTABLISHMENT.—

22                   “(1) IN GENERAL.—The Secretary shall estab-  
23                   lish a rural surface transportation grant program to  
24                   provide grants, on a competitive basis, to eligible en-

1           tities to improve and expand the surface transpor-  
2           tation infrastructure in rural areas.

3           “(2) GOALS.—The goals of the program shall  
4           be—

5                   “(A) to increase connectivity;

6                   “(B) to improve the safety and reliability  
7           of the movement of people and freight; and

8                   “(C) to generate regional economic growth  
9           and improve quality of life.

10          “(c) ELIGIBLE ENTITIES.—The Secretary may make  
11 a grant under the program to—

12                   “(1) a State;

13                   “(2) a regional transportation planning organi-  
14           zation;

15                   “(3) a unit of local government;

16                   “(4) a Tribal government or a consortium of  
17           Tribal governments; and

18                   “(5) a multijurisdictional group of entities de-  
19           scribed in paragraphs (1) through (4).

20          “(d) APPLICATIONS.—To be eligible to receive a  
21 grant under the program, an eligible entity shall submit  
22 to the Secretary an application in such form, at such time,  
23 and containing such information as the Secretary may re-  
24 quire.

25          “(e) ELIGIBLE PROJECTS.—

1           “(1) IN GENERAL.—Except as provided in para-  
2 graph (2), the Secretary may make a grant under  
3 the program only for a project that is—

4           “(A) a highway, bridge, or tunnel project  
5 eligible under section 119(d);

6           “(B) a highway, bridge, or tunnel project  
7 eligible under section 133(b);

8           “(C) a project eligible under section  
9 202(a);

10          “(D) a highway freight project eligible  
11 under section 167(h)(5);

12          “(E) a highway safety improvement  
13 project, including a project to improve a high  
14 risk rural road (as those terms are defined in  
15 section 148(a));

16          “(F) a project on a publicly-owned high-  
17 way or bridge that provides or increases access  
18 to an agricultural, commercial, energy, or inter-  
19 modal facility that supports the economy of a  
20 rural area; or

21          “(G) a project to develop, establish, or  
22 maintain an integrated mobility management  
23 system, a transportation demand management  
24 system, or on-demand mobility services.

25          “(2) BUNDLING OF ELIGIBLE PROJECTS.—

1           “(A) IN GENERAL.—An eligible entity may  
2 bundle 2 or more similar eligible projects under  
3 the program that are—

4           “(i) included as a bundled project in  
5 a statewide transportation improvement  
6 program under section 135; and

7           “(ii) awarded to a single contractor or  
8 consultant pursuant to a contract for engi-  
9 neering and design or construction between  
10 the contractor and the eligible entity.

11           “(B) ITEMIZATION.—Notwithstanding any  
12 other provision of law (including regulations), a  
13 bundling of eligible projects under this para-  
14 graph may be considered to be a single project,  
15 including for purposes of section 135.

16           “(f) ELIGIBLE PROJECT COSTS.—An eligible entity  
17 may use funds from a grant under the program for—

18           “(1) development phase activities, including  
19 planning, feasibility analysis, revenue forecasting,  
20 environmental review, preliminary engineering and  
21 design work, and other preconstruction activities;  
22 and

23           “(2) construction, reconstruction, rehabilitation,  
24 acquisition of real property (including land related  
25 to the project and improvements to the land), envi-

1       ronmental mitigation, construction contingencies, ac-  
2       quisition of equipment, and operational improve-  
3       ments.

4       “(g) PROJECT REQUIREMENTS.—The Secretary may  
5       provide a grant under the program to an eligible project  
6       only if the Secretary determines that the project—

7               “(1) will generate regional economic, mobility,  
8       or safety benefits;

9               “(2) will be cost effective;

10              “(3) will contribute to the accomplishment of 1  
11       or more of the national goals under section 150;

12              “(4) is based on the results of preliminary engi-  
13       neering; and

14              “(5) is reasonably expected to begin construc-  
15       tion not later than 18 months after the date of obli-  
16       gation of funds for the project.

17       “(h) ADDITIONAL CONSIDERATIONS.—In providing  
18       grants under the program, the Secretary shall consider the  
19       extent to which an eligible project will—

20              “(1) improve the state of good repair of existing  
21       highway, bridge, and tunnel facilities;

22              “(2) increase the capacity or connectivity of the  
23       surface transportation system and improve mobility  
24       for residents of rural areas;

1           “(3) address economic development and job cre-  
2           ation challenges, including energy sector job losses  
3           in energy communities as identified in the report re-  
4           leased in April 2021 by the interagency working  
5           group established by section 218 of Executive Order  
6           14008 (86 Fed. Reg. 7628 (February 1, 2021));

7           “(4) enhance recreational and tourism opportu-  
8           nities by providing access to Federal land, national  
9           parks, national forests, national recreation areas, na-  
10          tional wildlife refuges, wilderness areas, or State  
11          parks;

12          “(5) contribute to geographic diversity among  
13          grant recipients;

14          “(6) utilize innovative project delivery ap-  
15          proaches or incorporate transportation technologies;

16          “(7) coordinate with projects to address  
17          broadband infrastructure needs; or

18          “(8) improve access to emergency care, essen-  
19          tial services, healthcare providers, or drug and alco-  
20          hol treatment and rehabilitation resources.

21          “(i) GRANT AMOUNT.—Except as provided in sub-  
22          section (k)(1), a grant under the program shall be in an  
23          amount that is not less than \$25,000,000.

24          “(j) FEDERAL SHARE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2 graph (2), the Federal share of the cost of a project  
3 carried out with a grant under the program may not  
4 exceed 80 percent.

5           “(2) FEDERAL SHARE FOR CERTAIN  
6 PROJECTS.—The Federal share of the cost of an eli-  
7 gible project that furthers the completion of a des-  
8 ignated segment of the Appalachian Development  
9 Highway System under section 14501 of title 40, or  
10 addresses a surface transportation infrastructure  
11 need identified for the Denali access system program  
12 under section 309 of the Denali Commission Act of  
13 1998 (42 U.S.C. 3121 note; Public Law 105–277)  
14 shall be up to 100 percent, as determined by the  
15 State.

16           “(3) USE OF OTHER FEDERAL ASSISTANCE.—  
17 Federal assistance other than a grant under the pro-  
18 gram may be used to satisfy the non-Federal share  
19 of the cost of a project carried out with a grant  
20 under the program.

21           “(k) SET ASIDES.—

22           “(1) SMALL PROJECTS.—The Secretary shall  
23 use not more than 10 percent of the amounts made  
24 available for the program for each fiscal year to pro-

1       vide grants for eligible projects in an amount that  
2       is less than \$25,000,000.

3               “(2) APPALACHIAN DEVELOPMENT HIGHWAY  
4       SYSTEM.—The Secretary shall reserve 25 percent of  
5       the amounts made available for the program for  
6       each fiscal year for eligible projects that further the  
7       completion of designated routes of the Appalachian  
8       Development Highway System under section 14501  
9       of title 40.

10              “(3) EXCESS FUNDING.—In any fiscal year in  
11       which qualified applications for grants under this  
12       subsection do not allow for the amounts reserved  
13       under paragraphs (1) or (2) to be fully utilized, the  
14       Secretary shall use the unutilized amounts to make  
15       other grants under this section.

16              “(1) CONGRESSIONAL REVIEW.—

17              “(1) NOTIFICATION.—Not less than 60 days be-  
18       fore providing a grant under the program, the Sec-  
19       retary shall submit to the Committee on Environ-  
20       ment and Public Works of the Senate and the Com-  
21       mittee on Transportation and Infrastructure of the  
22       House of Representatives—

23                      “(A) a list of all applications determined to  
24                      be eligible for a grant by the Secretary;



1           “(B) each application proposed to be se-  
2           lected for a grant, including a justification for  
3           the selection; and

4           “(C) proposed grant amounts.

5           “(2) COMMITTEE REVIEW.—Before the last day  
6           of the 60-day period described in paragraph (1),  
7           each Committee described in paragraph (1) shall re-  
8           view the list of proposed projects submitted by the  
9           Secretary.

10          “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-  
11          retary may not make a grant or any other obligation  
12          or commitment to fund a project under the program  
13          if a joint resolution is enacted disapproving funding  
14          for the project before the last day of the 60-day pe-  
15          riod described in paragraph (1).

16          “(m) TRANSPARENCY.—

17          “(1) IN GENERAL.—Not later than 30 days  
18          after providing a grant for a project under the pro-  
19          gram, the Secretary shall provide to all applicants,  
20          and publish on the website of the Department of  
21          Transportation, the information described in sub-  
22          section (l)(1).

23          “(2) BRIEFING.—The Secretary shall provide,  
24          on the request of an eligible entity, the opportunity  
25          to receive a briefing to explain any reasons the eligi-

1 ble entity was not selected to receive a grant under  
2 the program.

3 “(n) REPORTS.—

4 “(1) ANNUAL REPORT.—The Secretary shall  
5 make available on the website of the Department of  
6 Transportation at the end of each fiscal year an an-  
7 nual report that lists each project for which a grant  
8 has been provided under the program during that  
9 fiscal year.

10 “(2) COMPTROLLER GENERAL.—

11 “(A) ASSESSMENT.—The Comptroller Gen-  
12 eral of the United States shall conduct an as-  
13 sessment of the administrative establishment,  
14 solicitation, selection, and justification process  
15 with respect to the awarding of grants under  
16 the program for each fiscal year.

17 “(B) REPORT.—Each fiscal year, the  
18 Comptroller General shall submit to the Com-  
19 mittee on Environment and Public Works of the  
20 Senate and the Committee on Transportation  
21 and Infrastructure of the House of Representa-  
22 tives a report that describes, for the fiscal  
23 year—

1                   “(i) the adequacy and fairness of the  
2                   process by which each project was selected,  
3                   if applicable; and

4                   “(ii) the justification and criteria used  
5                   for the selection of each project, if applica-  
6                   ble.”.

7           (b) CLERICAL AMENDMENT.—The analysis for chap-  
8   ter 1 of title 23, United States Code (as amended by sec-  
9   tion (1123(c)(2)), is amended by inserting after the item  
10 relating to section 172 the following:

“173. Rural surface transportation grant program.”.

11 **SEC. 1134. BICYCLE TRANSPORTATION AND PEDESTRIAN**  
12 **WALKWAYS.**

13       Section 217 of title 23, United States Code, is  
14 amended—

15           (1) in subsection (a)—

16                   (A) by striking “pedestrian walkways and  
17                   bicycle” and inserting “pedestrian walkways  
18                   and bicycle and shared micromobility”; and

19                   (B) by striking “safe bicycle use” and in-  
20                   serting “safe access for bicyclists and pedes-  
21                   trians”;

22           (2) in subsection (d), by striking “a position”  
23           and inserting “up to 2 positions”;

1           (3) in subsection (e), by striking “bicycles”  
2           each place it appears and inserting “pedestrians or  
3           bicyclists”;

4           (4) in subsection (f), by striking “and a bicy-  
5           cle” and inserting “or a bicycle or shared micro-  
6           mobility”; and

7           (5) in subsection (j), by striking paragraph (2)  
8           and inserting the following:

9           “(2) ELECTRIC BICYCLE.—

10           “(A) IN GENERAL.—The term ‘electric bi-  
11           cycle’ means a bicycle—

12           “(i) equipped with fully operable ped-  
13           als, a saddle or seat for the rider, and an  
14           electric motor of less than 750 watts;

15           “(ii) that can safely share a bicycle  
16           transportation facility with other users of  
17           such facility; and

18           “(iii) that is a class 1 electric bicycle,  
19           class 2 electric bicycle, or class 3 electric  
20           bicycle.

21           “(B) CLASSES OF ELECTRIC BICYCLES.—

22           “(i) CLASS 1 ELECTRIC BICYCLE.—  
23           For purposes of subparagraph (A)(iii), the  
24           term ‘class 1 electric bicycle’ means an

1 electric bicycle, other than a class 3 elec-  
2 tric bicycle, equipped with a motor that—

3 “(I) provides assistance only  
4 when the rider is pedaling; and

5 “(II) ceases to provide assistance  
6 when the speed of the bicycle reaches  
7 or exceeds 20 miles per hour.

8 “(ii) CLASS 2 ELECTRIC BICYCLE.—  
9 For purposes of subparagraph (A)(iii), the  
10 term ‘class 2 electric bicycle’ means an  
11 electric bicycle equipped with a motor  
12 that—

13 “(I) may be used exclusively to  
14 propel the bicycle; and

15 “(II) is not capable of providing  
16 assistance when the speed of the bicy-  
17 cle reaches or exceeds 20 miles per  
18 hour.

19 “(iii) CLASS 3 ELECTRIC BICYCLE.—  
20 For purposes of subparagraph (A)(iii), the  
21 term ‘class 3 electric bicycle’ means an  
22 electric bicycle equipped with a motor  
23 that—

24 “(I) provides assistance only  
25 when the rider is pedaling; and

1                                   “(II) ceases to provide assistance  
2                                   when the speed of the bicycle reaches  
3                                   or exceeds 28 miles per hour.”.

4 **SEC. 1135. RECREATIONAL TRAILS PROGRAM.**

5       Section 206 of title 23, United States Code, is  
6 amended by adding at the end the following:

7       “(j) USE OF OTHER APPORTIONED FUNDS.—Funds  
8 apportioned to a State under section 104(b) that are obli-  
9 gated for a recreational trail or a related project shall be  
10 administered as if the funds were made available to carry  
11 out this section.”.

12 **SEC. 1136. UPDATES TO MANUAL ON UNIFORM TRAFFIC**  
13 **CONTROL DEVICES.**

14       In carrying out the first update to the Manual on  
15 Uniform Traffic Control Devices under section 109(d)(2)  
16 of title 23, United States Code, to the greatest extent  
17 practicable, the Secretary shall include updates necessary  
18 to provide for—

19                   (1) the protection of vulnerable road users (as  
20                   defined in section 148(a) of title 23, United States  
21                   Code);

22                   (2) supporting the safe testing of automated ve-  
23                   hicle technology and any preparation necessary for  
24                   the safe integration of automated vehicles onto pub-  
25                   lic streets;

1           (3) appropriate use of variable message signs to  
2 enhance public safety;

3           (4) the minimum retroreflectivity of traffic con-  
4 trol devices and pavement markings; and

5           (5) any additional recommendations made by  
6 the National Committee on Uniform Traffic Control  
7 Devices that have not been incorporated into the  
8 Manual on Uniform Traffic Control Devices.

9           **Subtitle B—Planning and**  
10           **Performance Management**

11 **SEC. 1201. TRANSPORTATION PLANNING.**

12           (a) METROPOLITAN TRANSPORTATION PLANNING.—  
13 Section 134 of title 23, United States Code, is amended—

14           (1) in subsection (d)—

15           (A) in paragraph (3), by adding at the end  
16 the following:

17           “(D) CONSIDERATIONS.—In designating  
18 officials or representatives under paragraph (2)  
19 for the first time, subject to the bylaws or ena-  
20 bling statute of the metropolitan planning orga-  
21 nization, the metropolitan planning organization  
22 shall consider the equitable and proportional  
23 representation of the population of the metro-  
24 politan planning area.”; and

25           (B) in paragraph (7)—

1 (i) by striking “an existing metropoli-  
2 tan planning area” and inserting “an ur-  
3 banized area (as defined by the Bureau of  
4 the Census)”; and

5 (ii) by striking “the existing metro-  
6 politan planning area” and inserting “the  
7 area”;

8 (2) in subsection (g)—

9 (A) in paragraph (1), by striking “a met-  
10ropolitan area” and inserting “an urbanized  
11area (as defined by the Bureau of the Census)”;  
12 and

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

14 “(4) COORDINATION BETWEEN MPOS.—If  
15 more than 1 metropolitan planning organization is  
16 designated within an urbanized area (as defined by  
17 the Bureau of the Census) under subsection (d)(7),  
18 the metropolitan planning organizations designated  
19 within the area shall ensure, to the maximum extent  
20 practicable, the consistency of any data used in the  
21 planning process, including information used in fore-  
22 casting travel demand.

23 “(5) SAVINGS CLAUSE.—Nothing in this sub-  
24 section requires metropolitan planning organizations  
25 designated within a single urbanized area to jointly



1 develop planning documents, including a unified  
2 long-range transportation plan or unified TIP.”; and

3 (3) in subsection (i)(6), by adding at the end  
4 the following:

5 “(D) USE OF TECHNOLOGY.—A metropoli-  
6 tan planning organization may use social media  
7 and other web-based tools—

8 “(i) to further encourage public par-  
9 ticipation; and

10 “(ii) to solicit public feedback during  
11 the transportation planning process.”.

12 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-  
13 TATION PLANNING.—Section 135(f)(3) of title 23, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing:

16 “(C) USE OF TECHNOLOGY.—A State may  
17 use social media and other web-based tools—

18 “(i) to further encourage public par-  
19 ticipation; and

20 “(ii) to solicit public feedback during  
21 the transportation planning process.”.

22 **SEC. 1202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**  
23 **PORTATION PLANS.**

24 Not later than 1 year after the date of enactment  
25 of this Act, the Secretary shall amend section

1 450.324(f)(11)(v) of title 23, Code of Federal Regulations,  
2 to ensure that the outer years of a metropolitan transpor-  
3 tation plan are defined as “beyond the first 4 years”.

4 **SEC. 1203. STATE HUMAN CAPITAL PLANS.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United  
6 States Code (as amended by section 1133(a)), is amended  
7 by adding at the end the following:

8 **“§ 174. State human capital plans**

9 “(a) IN GENERAL.—Not later than 18 months after  
10 the date of enactment of this section, the Secretary shall  
11 encourage each State to develop a voluntary plan, to be  
12 known as a ‘human capital plan’, that provides for the  
13 immediate and long-term personnel and workforce needs  
14 of the State with respect to the capacity of the State to  
15 deliver transportation and public infrastructure eligible  
16 under this title.

17 “(b) PLAN CONTENTS.—

18 “(1) IN GENERAL.—A human capital plan de-  
19 veloped by a State under subsection (a) shall, to the  
20 maximum extent practicable, take into consider-  
21 ation—

22 “(A) significant transportation workforce  
23 trends, needs, issues, and challenges with re-  
24 spect to the State;

1           “(B) the human capital policies, strategies,  
2           and performance measures that will guide the  
3           transportation-related workforce investment de-  
4           cisions of the State;

5           “(C) coordination with educational institu-  
6           tions, industry, organized labor, workforce  
7           boards, and other agencies or organizations to  
8           address the human capital transportation needs  
9           of the State;

10          “(D) a workforce planning strategy that  
11          identifies current and future human capital  
12          needs, including the knowledge, skills, and abili-  
13          ties needed to recruit and retain skilled workers  
14          in the transportation industry;

15          “(E) a human capital management strat-  
16          egy that is aligned with the transportation mis-  
17          sion, goals, and organizational objectives of the  
18          State;

19          “(F) an implementation system for work-  
20          force goals focused on addressing continuity of  
21          leadership and knowledge sharing across the  
22          State;

23          “(G) an implementation system that ad-  
24          dresses workforce competency gaps, particularly  
25          in mission-critical occupations;

1           “(H) in the case of public-private partner-  
2           ships or other alternative project delivery meth-  
3           ods to carry out the transportation program of  
4           the State, a description of workforce needs—

5                   “(i) to ensure that the transportation  
6                   mission, goals, and organizational objec-  
7                   tives of the State are fully carried out; and

8                   “(ii) to ensure that procurement  
9                   methods provide the best public value;

10           “(I) a system for analyzing and evaluating  
11           the performance of the State department of  
12           transportation with respect to all aspects of  
13           human capital management policies, programs,  
14           and activities; and

15           “(J) the manner in which the plan will im-  
16           prove the ability of the State to meet the na-  
17           tional policy in support of performance manage-  
18           ment established under section 150.

19           “(2) PLANNING PERIOD.—If a State develops a  
20           human capital plan under subsection (a), the plan  
21           shall address a 5-year forecast period.

22           “(c) PLAN UPDATES.—If a State develops a human  
23           capital plan under subsection (a), the State shall update  
24           the plan not less frequently than once every 5 years.

25           “(d) RELATIONSHIP TO LONG-RANGE PLAN.—

1           “(1) IN GENERAL.—Subject to paragraph (2), a  
2           human capital plan developed by a State under sub-  
3           section (a) may be developed separately from, or in-  
4           corporated into, the long-range statewide transpor-  
5           tation plan required under section 135.

6           “(2) EFFECT OF SECTION.—Nothing in this  
7           section requires a State, or authorizes the Secretary  
8           to require a State, to incorporate a human capital  
9           plan into the long-range statewide transportation  
10          plan required under section 135.

11          “(e) PUBLIC AVAILABILITY.—Each State that devel-  
12          ops a human capital plan under subsection (a) shall make  
13          a copy of the plan available to the public in a user-friendly  
14          format on the website of the State department of transpor-  
15          tation.

16          “(f) SAVINGS PROVISION.—Nothing in this section  
17          prevents a State from carrying out transportation work-  
18          force planning—

19                  “(1) not described in this section; or

20                  “(2) not in accordance with this section.”.

21          (b) CLERICAL AMENDMENT.—The analysis for chap-  
22          ter 1 of title 23, United States Code (as amended by sec-  
23          tion 1133(b)), is amended by inserting after the item re-  
24          lating to section 173 the following:

“174. State human capital plans.”.

1 **SEC. 1204. PRIORITIZATION PROCESS PILOT PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
4 ty” means—

5 (A) a metropolitan planning organization  
6 that serves an area with a population of over  
7 200,000; and

8 (B) a State.

9 (2) METROPOLITAN PLANNING ORGANIZA-  
10 TION.—The term “metropolitan planning organiza-  
11 tion” has the meaning given the term in section  
12 134(b) of title 23, United States Code.

13 (3) PRIORITIZATION PROCESS PILOT PRO-  
14 GRAM.—The term “prioritization process pilot pro-  
15 gram” means the pilot program established under  
16 subsection (b)(1).

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary shall estab-  
19 lish, and solicit applications for a prioritization pro-  
20 cess pilot program.

21 (2) PURPOSE.—The purpose of the  
22 prioritization process pilot program shall be to sup-  
23 port data-driven approaches to planning that, on  
24 completion, can be evaluated for public benefit.

25 (c) PILOT PROGRAM ADMINISTRATION.—



1 (iii) public support;

2 (C) use the scores assigned under subpara-  
3 graph (B) to guide project selection in the de-  
4 velopment of the transportation plan and trans-  
5 portation improvement program; and

6 (D) ensure that the public—

7 (i) has opportunities to provide public  
8 comment on projects before decisions are  
9 made on the transportation plan and the  
10 transportation improvement program; and

11 (ii) has access to clear reasons why  
12 each project or strategy was selected or not  
13 selected.

14 (2) REQUIREMENTS.—An eligible entity that re-  
15 ceives a grant under the prioritization process pilot  
16 program shall use the funds as described in each of  
17 the following, as applicable:

18 (A) METROPOLITAN TRANSPORTATION  
19 PLANNING.—In the case of a metropolitan plan-  
20 ning organization that serves an area with a  
21 population of over 200,000, the entity shall—

22 (i) develop and implement a publicly  
23 accessible, transparent prioritization proe-  
24 cess for the selection of projects for inclu-  
25 sion on the transportation plan for the



1 metropolitan planning area under section  
2 134(i) of title 23, United States Code, and  
3 section 5303(i) of title 49, United States  
4 Code, which shall—

5 (I) include criteria identified by  
6 the metropolitan planning organiza-  
7 tion, which may be weighted to reflect  
8 the priority objectives developed under  
9 paragraph (1)(A), that the metropoli-  
10 tan planning organization has deter-  
11 mined support—

12 (aa) factors described in sec-  
13 tion 134(h) of title 23, United  
14 States Code, and section 5303(h)  
15 of title 49, United States Code;

16 (bb) targets for national  
17 performance measures under sec-  
18 tion 150(b) of title 23, United  
19 States Code;

20 (cc) applicable transpor-  
21 tation goals in the metropolitan  
22 planning area or State set by the  
23 applicable transportation agency;  
24 and

1 (dd) priority objectives de-  
2 veloped under paragraph (1)(A);

3 (II) evaluate the outcomes for  
4 each proposed project on the basis of  
5 the benefits of the proposed project  
6 with respect to each of the criteria de-  
7 scribed in subclause (I) relative to the  
8 cost of the proposed project; and

9 (III) use the evaluation under  
10 subclause (II) to create a ranked list  
11 of proposed projects; and

12 (ii) with respect to the priority list  
13 under section 134(j)(2)(A) of title 23 and  
14 section 5303(j)(2)(A) of title 49, United  
15 States Code, include projects according to  
16 the rank of the project under clause  
17 (i)(III), except as provided in subpara-  
18 graph (D).

19 (B) STATEWIDE TRANSPORTATION PLAN-  
20 NING.—In the case of a State, the State shall—

21 (i) develop and implement a publicly  
22 accessible, transparent process for the se-  
23 lection of projects for inclusion on the  
24 long-range statewide transportation plan

1 under section 135(f) of title 23, United  
2 States Code, which shall—

3 (I) include criteria identified by  
4 the State, which may be weighted to  
5 reflect statewide priorities, that the  
6 State has determined support—

7 (aa) factors described in sec-  
8 tion 135(d) of title 23, United  
9 States Code, and section 5304(d)  
10 of title 49, United States Code;

11 (bb) national transportation  
12 goals under section 150(b) of  
13 title 23, United States Code;

14 (cc) applicable transpor-  
15 tation goals in the State; and

16 (dd) the priority objectives  
17 developed under paragraph  
18 (1)(A);

19 (II) evaluate the outcomes for  
20 each proposed project on the basis of  
21 the benefits of the proposed project  
22 with respect to each of the criteria de-  
23 scribed in subclause (I) relative to the  
24 cost of the proposed project; and

1 (III) use the evaluation under  
2 subclause (II) to create a ranked list  
3 of proposed projects; and  
4 (ii) with respect to the statewide  
5 transportation improvement program  
6 under section 135(g) of title 23, United  
7 States Code, and section 5304(g) of title  
8 49, United States Code, include projects  
9 according to the rank of the project under  
10 clause (i)(III), except as provided in sub-  
11 paragraph (D).

12 (C) ADDITIONAL TRANSPORTATION PLAN-  
13 NING.—If the eligible entity has implemented,  
14 and has in effect, the requirements under sub-  
15 paragraph (A) or (B), as applicable, the eligible  
16 entity may use any remaining funds from a  
17 grant provided under the pilot program for any  
18 transportation planning purpose.

19 (D) EXCEPTIONS TO PRIORITY RANKING.—  
20 In the case of any project that the eligible enti-  
21 ty chooses to include or not include in the  
22 transportation improvement program under sec-  
23 tion 134(j) of title 23, United States Code, or  
24 the statewide transportation improvement pro-  
25 gram under section 135(g) of title 23, United

1 States Code, as applicable, in a manner that is  
2 contrary to the priority ranking for that project  
3 established under subparagraph (A)(i)(III) or  
4 (B)(i)(III), the eligible entity shall make pub-  
5 licly available an explanation for the decision,  
6 including—

7 (i) a review of public comments re-  
8 garding the project;

9 (ii) an evaluation of public support for  
10 the project;

11 (iii) an assessment of geographic bal-  
12 ance of projects of the eligible entity; and

13 (iv) the number of projects of the eli-  
14 gible entity in economically distressed  
15 areas.

16 (3) MAXIMUM AMOUNT.—The maximum  
17 amount of a grant under the prioritization process  
18 pilot program is \$2,000,000.

19 (d) APPLICATIONS.—To be eligible to participate in  
20 the prioritization process pilot program, an eligible entity  
21 shall submit to the Secretary an application at such time,  
22 in such manner, and containing such information as the  
23 Secretary may require.

1 **SEC. 1205. NATIONAL GOALS AND PERFORMANCE MANAGE-**  
2 **MENT MEASURES.**

3 Section 150 of title 23, United States Code, is  
4 amended—

5 (1) in subsection (b)(6), by striking “protecting  
6 and enhancing the natural environment.” and insert-  
7 ing “protecting, enhancing, and mitigating impacts  
8 on the natural environment, supporting the reduc-  
9 tion of carbon dioxide emissions from on-road high-  
10 way sources, and improving the resilience of the  
11 transportation system.”;

12 (2) in subsection (c)—

13 (A) in paragraph (1), by striking “Not  
14 later” and inserting “Except as provided in  
15 paragraph (7), not later”;

16 (B) in paragraph (2), in the matter pre-  
17 ceding subparagraph (A), by striking “In car-  
18 rying out” and inserting “Except as provided in  
19 paragraph (7), in carrying out”; and

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

21 “(7) GREENHOUSE GAS EMISSIONS.—

22 “(A) DEVELOPMENT OF DATA ELE-  
23 MENTS.—

24 “(i) IN GENERAL.—Not later than 1  
25 year after the date of enactment of the  
26 Surface Transportation Reauthorization

1 Act of 2021, the Secretary shall, in con-  
2 sultation with the Administrator of the En-  
3 vironmental Protection Agency, promulgate  
4 a rulemaking that establishes the data ele-  
5 ments necessary for States to estimate car-  
6 bon dioxide emissions from on-road high-  
7 way sources.

8 “(ii) ADMINISTRATION.—In carrying  
9 out clause (i), the Secretary shall comply  
10 with subparagraphs (A) and (B) of para-  
11 graph (2).

12 “(B) DEVELOPMENT OF PERFORMANCE  
13 MEASURES.—

14 “(i) IN GENERAL.—Not later than 1  
15 year after the date on which the Secretary  
16 promulgates the rulemaking required  
17 under subparagraph (A)(i), the Secretary  
18 shall, in consultation with State depart-  
19 ments of transportation, metropolitan  
20 planning organizations, and other stake-  
21 holders, promulgate a rulemaking that es-  
22 tablishes measures for States to support  
23 the reduction in carbon dioxide emissions  
24 from on-road highway sources.

1                   “(ii) ADMINISTRATION.—In carrying  
2                   out clause (i), the Secretary shall comply  
3                   with paragraph (2).”;

4                   (3) in subsection (d)—

5                   (A) in paragraph (1), by striking “Not  
6                   later” and inserting “Except as provided in  
7                   paragraph (2), not later”;

8                   (B) by redesignating paragraph (2) as  
9                   paragraph (3); and

10                  (C) by inserting after paragraph (1) the  
11                  following:

12                  “(2) GREENHOUSE GAS EMISSIONS.—Not later  
13                  than 1 year after the date on which the Secretary  
14                  promulgates the rulemaking required under sub-  
15                  section (c)(7)(B)(i), each State shall set performance  
16                  targets that reflect the measures identified in sub-  
17                  section (c)(7).”;

18                  (4) in subsection (e), in the matter preceding  
19                  paragraph (1), by striking “Not later” and all that  
20                  follows through “a report” and inserting the fol-  
21                  lowing “A State shall submit to the Secretary a bi-  
22                  ennial report”; and

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

24                  “(f) EXEMPTIONS FOR LOW POPULATION DENSITY  
25                  STATES.—



1           “(1) IN GENERAL.—On the election of and in  
2           consultation with a State, the Secretary shall grant  
3           an exemption from 1 or more of the requirements  
4           described in paragraph (2)(A) if the State—

5                   “(A) is included on the list of eligible  
6           States under paragraph (5) for the applicable  
7           performance period; and

8                   “(B) submits to the Secretary a written  
9           notice of the election in accordance with para-  
10          graph (4)(A).

11          “(2) REQUIREMENTS DESCRIBED.—

12                   “(A) STATE REQUIREMENTS.—The re-  
13          quirements referred to in paragraph (1) from  
14          which a State may elect to use an exemption  
15          under that paragraph are—

16                           “(i) the requirements established  
17                           under subclauses (IV) and (V) of sub-  
18                           section (c)(3)(A)(ii);

19                           “(ii) the requirements established  
20                           under subsection (c)(5)(A);

21                           “(iii) the requirements established  
22                           under subsection (c)(6);

23                           “(iv) the requirements established  
24                           under subsection (c)(7); and

1           “(v) targeting, data, reporting, or ad-  
2           ministrative requirements established  
3           under subsection (d) or (e) that are related  
4           to a requirement described in clauses (i)  
5           through (iv) to which the State elects to  
6           use an exemption.

7           “(B) METROPOLITAN PLANNING ORGANI-  
8           ZATION REQUIREMENTS.—A metropolitan plan-  
9           ning organization with a metropolitan planning  
10          area that is located entirely within a State that  
11          elects to use an exemption under paragraph (1)  
12          shall be exempt from the requirements under  
13          section 134(h)(2)(B) that relate to each re-  
14          quirement described in subparagraph (A) for  
15          which the State has elected to use an exemp-  
16          tion.

17          “(3) TERM.—An exemption under paragraph  
18          (1)—

19                 “(A) shall be in effect until the date that  
20                 is 4 years after the date on which the perform-  
21                 ance period promulgated by the Secretary under  
22                 subsection (d) that is in effect at the time the  
23                 exemption is applied ends; and

24                 “(B) may be renewed by a State for an ad-  
25                 ditional 4-year term at the end of each perform-



1                   cant performance issues on the sur-  
2                   face transportation system of the  
3                   State with respect to each require-  
4                   ment identified under subclause (I);  
5                   and

6                   “(ii) may submit with the written no-  
7                   tice under clause (i) any other information  
8                   or materials that the State determines to  
9                   be appropriate.

10                  “(B) SPECIAL RULE.—Notwithstanding  
11                  the deadline described in subparagraph (A), a  
12                  State on the list of eligible States described in  
13                  paragraph (5) may submit a notice under that  
14                  subparagraph at any time before September 1,  
15                  2022.

16                  “(5) ELIGIBLE STATES.—

17                   “(A) IN GENERAL.—Not later than 60  
18                   days after the date of enactment of this sub-  
19                   section, the Secretary shall publish a list of  
20                   States that may elect to receive an exemption  
21                   from a requirement described in paragraph  
22                   (2)(A).

23                   “(B) INCLUSION.—The Secretary shall in-  
24                   clude on the list under subparagraph (A) each  
25                   State that—

1           “(i)(I) has a population per square  
2           mile of area that is less than the average  
3           population per square mile of area of the  
4           United States, based on the latest available  
5           data from the Bureau of the Census;

6           “(II) does not contain an urbanized  
7           area with a population of more than  
8           200,000, based on the latest available data  
9           from the Bureau of the Census; or

10           “(III) has no repeated delays or other  
11           persistent impediments to travel reliability  
12           on the portions of the National Highway  
13           System within the State that the Secretary  
14           determines to be excessive; or

15           “(ii)(I) has a population density of  
16           less than 15 persons per square mile of  
17           area, based on the latest available data  
18           from the Bureau of the Census; or

19           “(II) does not contain an urbanized  
20           area with a population of more than  
21           200,000, based on the latest available data  
22           from the Bureau of the Census.

23           “(C) UPDATES REQUIRED.—The Secretary  
24           shall publish a revised list under subparagraph  
25           (A) not later than September 1 of the calendar

1 year that is 2 years before the calendar year in  
2 which the next performance period promulgated  
3 by the Secretary under subsection (d) begins.

4 “(6) NATIONAL REPORTING.—

5 “(A) ELIGIBLE STATES.—Not later than  
6 180 days after the date on which the Secretary  
7 publishes or revises the list of eligible States  
8 under paragraph (5), for each State included on  
9 that list, the Secretary shall submit to the Com-  
10 mittee on Environment and Public Works of the  
11 Senate and the Committee on Transportation  
12 and Infrastructure of the House of Representa-  
13 tives a report that describes the status of traffic  
14 congestion, travel reliability, truck travel reli-  
15 ability, and any other relevant performance  
16 metrics on the portions of the National High-  
17 way System within the State, including any  
18 delays or impediments that the Secretary deter-  
19 mines to be excessive.

20 “(B) EXEMPT STATES.—For each State  
21 that elects to use an exemption under para-  
22 graph (1), for each performance period promul-  
23 gated by the Secretary under subsection (d),  
24 the Secretary shall—

1                   “(i) submit to the Committee on Envi-  
2                   ronment and Public Works of the Senate  
3                   and the Committee on Transportation and  
4                   Infrastructure of the House of Representa-  
5                   tives a report on the results of perform-  
6                   ance measures for all exemptions applied  
7                   to the State under this subsection; and

8                   “(ii) make publicly available as part of  
9                   the State performance dashboard on the  
10                  website of the Department of Transpor-  
11                  tation information with respect to the per-  
12                  formance of the State with respect to any  
13                  requirements from which the State is ex-  
14                  empt under that exemption.”.

15 **SEC. 1206. TRAVEL DEMAND DATA AND MODELING.**

16           (a) DEFINITION OF METROPOLITAN PLANNING OR-  
17           GANIZATION.—In this section, the term “metropolitan  
18           planning organization” has the meaning given the term  
19           in section 134(b) of title 23, United States Code.

20           (b) STUDY.—

21           (1) IN GENERAL.—Not later than 2 years after  
22           the date of enactment of this Act, and not less fre-  
23           quently than once every 5 years thereafter, the Sec-  
24           retary shall carry out a study that—

1 (A) gathers travel data and travel demand  
2 forecasts from a representative sample of States  
3 and metropolitan planning organizations;

4 (B) uses the data and forecasts gathered  
5 under subparagraph (A) to compare travel de-  
6 mand forecasts with the observed data, includ-  
7 ing—

8 (i) traffic counts;

9 (ii) travel mode share and public tran-  
10 sit ridership; and

11 (iii) vehicle occupancy measures; and

12 (C) uses the information described in sub-  
13 paragraphs (A) and (B)—

14 (i) to develop best practices or guid-  
15 ance for States and metropolitan planning  
16 organizations to use in forecasting travel  
17 demand for future investments in transpor-  
18 tation improvements;

19 (ii) to evaluate the impact of trans-  
20 portation investments, including new road-  
21 way capacity, on travel behavior and travel  
22 demand, including public transportation  
23 ridership, induced highway travel, and con-  
24 gestion;



1 (iii) to support more accurate travel  
2 demand forecasting by States and metro-  
3 politan planning organizations; and

4 (iv) to enhance the capacity of States  
5 and metropolitan planning organizations—

6 (I) to forecast travel demand;

7 and

8 (II) to track observed travel be-  
9 havior responses, including induced  
10 travel, to changes in transportation  
11 capacity, pricing, and land use pat-  
12 terns.

13 (2) SECRETARIAL SUPPORT.—The Secretary  
14 shall seek opportunities to support the transpor-  
15 tation planning processes under sections 134 and  
16 135 of title 23, United States Code, through the  
17 provision of data to States and metropolitan plan-  
18 ning organizations to improve the quality of plans,  
19 models, and forecasts described in this subsection.

20 (3) EVALUATION TOOL.—The Secretary shall  
21 develop a publicly available multimodal web-based  
22 tool for the purpose of enabling States and metro-  
23 politan planning organizations to evaluate the effect  
24 of investments in highway and public transportation  
25 projects on the use and conditions of all transpor-

1 tation assets within the State or area served by the  
2 metropolitan planning organization, as applicable.

3 **SEC. 1207. INCREASING SAFE AND ACCESSIBLE TRANSPOR-**  
4 **TATION OPTIONS.**

5 (a) DEFINITION OF COMPLETE STREETS STAND-  
6 ARDS OR POLICIES.—In this section, the term “Complete  
7 Streets standards or policies” means standards or policies  
8 that ensure the safe and adequate accommodation of all  
9 users of the transportation system, including pedestrians,  
10 bicyclists, public transportation users, children, older indi-  
11 viduals, individuals with disabilities, motorists, and freight  
12 vehicles.

13 (b) FUNDING REQUIREMENT.—Notwithstanding any  
14 other provision of law, each State and metropolitan plan-  
15 ning organization shall use to carry out 1 or more activi-  
16 ties described in subsection (c)—

17 (1) in the case of a State, not less than 2.5 per-  
18 cent of the amounts made available to the State to  
19 carry out section 505 of title 23, United States  
20 Code; and

21 (2) in the case of a metropolitan planning orga-  
22 nization, not less than 2.5 percent of the amounts  
23 made available to the metropolitan planning organi-  
24 zation under section 104(d) of title 23, United  
25 States Code.

1           (c) ACTIVITIES DESCRIBED.—An activity referred to  
2 in subsection (b) is an activity to increase safe and acces-  
3 sible options for multiple travel modes for people of all  
4 ages and abilities, which, if permissible under applicable  
5 State and local laws, may include—

6           (1) adoption of Complete Streets standards or  
7 policies;

8           (2) development of a Complete Streets  
9 prioritization plan that identifies a specific list of  
10 Complete Streets projects to improve the safety, mo-  
11 bility, or accessibility of a street;

12           (3) development of transportation plans—

13           (A) to create a network of active transpor-  
14 tation facilities, including sidewalks, bikeways,  
15 or pedestrian and bicycle trails, to connect  
16 neighborhoods with destinations such as work-  
17 places, schools, residences, businesses, recre-  
18 ation areas, healthcare and child care services,  
19 or other community activity centers;

20           (B) to integrate active transportation fa-  
21 cilities with public transportation service or im-  
22 prove access to public transportation;

23           (C) to create multiuse active transpor-  
24 tation infrastructure facilities, including bike-

1           ways or pedestrian and bicycle trails, that make  
2           connections within or between communities;

3                   (D) to increase public transportation rider-  
4           ship; and

5                   (E) to improve the safety of bicyclists and  
6           pedestrians;

7           (4) regional and megaregional planning to ad-  
8           dress travel demand and capacity constraints  
9           through alternatives to new highway capacity, in-  
10          cluding through intercity passenger rail; and

11           (5) development of transportation plans and  
12          policies that support transit-oriented development.

13          (d) FEDERAL SHARE.—The Federal share of the cost  
14 of an activity carried out under this section shall be 80  
15 percent, unless the Secretary determines that the interests  
16 of the Federal-aid highway program would be best served  
17 by decreasing or eliminating the non-Federal share.

18          (e) STATE FLEXIBILITY.—A State or metropolitan  
19 planning organization, with the approval of the Secretary,  
20 may opt out of the requirements of this section if the State  
21 or metropolitan planning organization demonstrates to the  
22 Secretary, by not later than 30 days before the Secretary  
23 apportions funds for a fiscal year under section 104, that  
24 the State or metropolitan planning organization—

1 (1) has Complete Streets standards and policies  
2 in place; and

3 (2) has developed an up-to-date Complete  
4 Streets prioritization plan as described in subsection  
5 (c)(2).

## 6 **Subtitle C—Project Delivery and** 7 **Process Improvement**

### 8 **SEC. 1301. CODIFICATION OF ONE FEDERAL DECISION.**

9 (a) IN GENERAL.—Section 139 of title 23, United  
10 States Code, is amended—

11 (1) in the section heading, by striking “**deci-**  
12 **sionmaking**” and inserting “**decisionmaking**  
13 **and One Federal Decision**”;

14 (2) in subsection (a)—

15 (A) by redesignating paragraphs (2)  
16 through (8) as paragraphs (4), (5), (6), (8),  
17 (9), (10), and (11), respectively;

18 (B) by inserting after paragraph (1) the  
19 following:

20 “(2) AUTHORIZATION.—The term ‘authoriza-  
21 tion’ means any environmental license, permit, ap-  
22 proval, finding, or other administrative decision re-  
23 lated to the environmental review process that is re-  
24 quired under Federal law to site, construct, or re-  
25 construct a project.

1           “(3) ENVIRONMENTAL DOCUMENT.—The term  
2           ‘environmental document’ includes an environmental  
3           assessment, finding of no significant impact, notice  
4           of intent, environmental impact statement, or record  
5           of decision under the National Environmental Policy  
6           Act of 1969 (42 U.S.C. 4321 et seq.).”;

7           (C) in subparagraph (B) of paragraph (5)  
8           (as so redesignated), by striking “process for  
9           and completion of any environmental permit”  
10          and inserting “process and schedule, including  
11          a timetable for and completion of any environ-  
12          mental permit”; and

13          (D) by inserting after paragraph (6) (as so  
14          redesignated) the following:

15          “(7) MAJOR PROJECT.—

16                 “(A) IN GENERAL.—The term ‘major  
17                 project’ means a project for which—

18                         “(i) multiple permits, approvals, re-  
19                         views, or studies are required under a Fed-  
20                         eral law other than the National Environ-  
21                         mental Policy Act of 1969 (42 U.S.C.  
22                         4321 et seq.);

23                         “(ii) the project sponsor has identified  
24                         the reasonable availability of funds suffi-  
25                         cient to complete the project;

1           “(iii) the project is not a covered  
2           project (as defined in section 41001 of the  
3           FAST Act (42 U.S.C. 4370m)); and

4           “(iv)(I) the head of the lead agency  
5           has determined that an environmental im-  
6           pact statement is required; or

7           “(II) the head of the lead agency has  
8           determined that an environmental assess-  
9           ment is required, and the project sponsor  
10          requests that the project be treated as a  
11          major project.

12          “(B) CLARIFICATION.—In this section, the  
13          term ‘major project’ does not have the same  
14          meaning as the term ‘major project’ as de-  
15          scribed in section 106(h).”;

16          (3) in subsection (b)(1)—

17                 (A) by inserting “, including major  
18                 projects,” after “all projects”; and

19                 (B) by inserting “as requested by a project  
20                 sponsor and” after “applied,”;

21          (4) in subsection (c)—

22                 (A) in paragraph (6)—

23                         (i) in subparagraph (B), by striking  
24                         “and” at the end;

1 (ii) in subparagraph (C), by striking  
2 the period at the end and inserting “;  
3 and”; and

4 (iii) by adding at the end the fol-  
5 lowing:

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

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

11 “(7) PROCESS IMPROVEMENTS FOR  
12 PROJECTS.—

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

15 “(i) existing practices, procedures,  
16 rules, regulations, and applicable laws to  
17 identify impediments to meeting the re-  
18 quirements applicable to projects under  
19 this section; and

20 “(ii) best practices, programmatic  
21 agreements, and potential changes to inter-  
22 nal departmental procedures that would fa-  
23 cilitate an efficient environmental review  
24 process for projects.



1           “(B) CONSULTATION.—In conducting the  
2 review under subparagraph (A), the Secretary  
3 shall consult, as appropriate, with the heads of  
4 other Federal agencies that participate in the  
5 environmental review process.

6           “(C) REPORT.—Not later than 2 years  
7 after the date of enactment of the Surface  
8 Transportation Reauthorization Act of 2021,  
9 the Secretary shall submit to the Committee on  
10 Environment and Public Works of the Senate  
11 and the Committee on Transportation and In-  
12 frastructure of the House of Representatives a  
13 report that includes—

14                   “(i) the results of the review under  
15 subparagraph (A); and

16                   “(ii) an analysis of whether additional  
17 funding would help the Secretary meet the  
18 requirements applicable to projects under  
19 this section.”;

20           (5) in subsection (d)—

21                   (A) in paragraph (8)—

22                           (i) in the paragraph heading, by strik-  
23 ing “NEPA” and inserting “ENVIRON-  
24 MENTAL”;

25                           (ii) in subparagraph (A)—

1 (I) by inserting “and except as  
2 provided in subparagraph (D)” after  
3 “paragraph (7)”;

4 (II) by striking “permits” and in-  
5 serting “authorizations”; and

6 (III) by striking “single environ-  
7 ment document” and inserting “single  
8 environmental document for each kind  
9 of environmental document”;

10 (iii) in subparagraph (B)(i)—

11 (I) by striking “an environmental  
12 document” and inserting “environ-  
13 mental documents”; and

14 (II) by striking “permits issued”  
15 and inserting “authorizations”; and

16 (iv) by adding at the end the fol-  
17 lowing:

18 “(D) EXCEPTIONS.—The lead agency may  
19 waive the application of subparagraph (A) with  
20 respect to a project if—

21 “(i) the project sponsor requests that  
22 agencies issue separate environmental doc-  
23 uments;

24 “(ii) the obligations of a cooperating  
25 agency or participating agency under the

1 National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.) have al-  
3 ready been satisfied with respect to the  
4 project; or

5 “(iii) the lead agency determines that  
6 reliance on a single environmental docu-  
7 ment (as described in subparagraph (A))  
8 would not facilitate timely completion of  
9 the environmental review process for the  
10 project.”; and

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

12 “(10) TIMELY AUTHORIZATIONS FOR MAJOR  
13 PROJECTS.—

14 “(A) DEADLINE.—Except as provided in  
15 subparagraph (C), all authorization decisions  
16 necessary for the construction of a major  
17 project shall be completed by not later than 90  
18 days after the date of the issuance of a record  
19 of decision for the major project.

20 “(B) DETAIL.—The final environmental  
21 impact statement for a major project shall in-  
22 clude an adequate level of detail to inform deci-  
23 sions necessary for the role of the participating  
24 agencies in the environmental review process.

1                   “(C) EXTENSION OF DEADLINE.—The  
2 head of the lead agency may extend the dead-  
3 line under subparagraph (A) if—

4                   “(i) Federal law prohibits the lead  
5 agency or another agency from issuing an  
6 approval or permit within the period de-  
7 scribed in that subparagraph;

8                   “(ii) the project sponsor requests that  
9 the permit or approval follow a different  
10 timeline; or

11                   “(iii) an extension would facilitate  
12 completion of the environmental review and  
13 authorization process of the major  
14 project.”;

15                   (6) in subsection (g)(1)—

16                   (A) in subparagraph (B)—

17                   (i) in clause (ii)(IV), by striking  
18 “schedule for and cost of” and inserting  
19 “time required by an agency to conduct an  
20 environmental review and make decisions  
21 under applicable Federal law relating to a  
22 project (including the issuance or denial of  
23 a permit or license) and the cost of”; and

24                   (ii) by adding at the end the fol-  
25 lowing:

1                   “(iii) MAJOR PROJECT SCHEDULE.—

2                   To the maximum extent practicable and  
3                   consistent with applicable Federal law, in  
4                   the case of a major project, the lead agen-  
5                   cy shall develop, in concurrence with the  
6                   project sponsor, a schedule for the major  
7                   project that is consistent with an agency  
8                   average of not more than 2 years for the  
9                   completion of the environmental review  
10                  process for major projects, as measured  
11                  from, as applicable—

12                   “(I) the date of publication of a  
13                   notice of intent to prepare an environ-  
14                   mental impact statement to the record  
15                   of decision; or

16                   “(II) the date on which the head  
17                   of the lead agency determines that an  
18                   environmental assessment is required  
19                   to a finding of no significant impact.”;

20                   (B) by striking subparagraph (D) and in-  
21                   serting the following:

22                   “(D) MODIFICATION.—

23                   “(i) IN GENERAL.—Except as pro-  
24                   vided in clause (ii), the lead agency may

1 lengthen or shorten a schedule established  
2 under subparagraph (B) for good cause.

3 “(ii) EXCEPTIONS.—

4 “(I) MAJOR PROJECTS.—In the  
5 case of a major project, the lead agen-  
6 cy may lengthen a schedule under  
7 clause (i) for a cooperating Federal  
8 agency by not more than 1 year after  
9 the latest deadline established for the  
10 major project by the lead agency.

11 “(II) SHORTENED SCHED-  
12 ULES.—The lead agency may not  
13 shorten a schedule under clause (i) if  
14 doing so would impair the ability of a  
15 cooperating Federal agency to conduct  
16 necessary analyses or otherwise carry  
17 out relevant obligations of the Federal  
18 agency for the project.”;

19 (C) by redesignating subparagraph (E) as  
20 subparagraph (F); and

21 (D) by inserting after subparagraph (D)  
22 the following:

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

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

3 “(i) the cooperating Federal agency  
4 shall submit to the Secretary a report that  
5 describes the reasons why the deadline was  
6 not met; and

7 “(ii) the Secretary shall—

8 “(I) transmit to the Committee  
9 on Environment and Public Works of  
10 the Senate and the Committee on  
11 Transportation and Infrastructure of  
12 the House of Representatives a copy  
13 of the report under clause (i); and

14 “(II) make the report under  
15 clause (i) publicly available on the  
16 internet.”;

17 (7) in subsection (n), by adding at the end the  
18 following:

19 “(3) LENGTH OF ENVIRONMENTAL DOCU-  
20 MENT.—

21 “(A) IN GENERAL.—Notwithstanding any  
22 other provision of law and except as provided in  
23 subparagraph (B), to the maximum extent  
24 practicable, the text of the items described in  
25 paragraphs (4) through (6) of section

1 1502.10(a) of title 40, Code of Federal Regula-  
2 tions (or successor regulations), of an environ-  
3 mental impact statement for a project shall be  
4 200 pages or fewer.

5 “(B) EXEMPTION.—An environmental im-  
6 pact statement for a project may exceed 200  
7 pages, if the lead agency establishes a new page  
8 limit for the environmental impact statement  
9 for that project.”; and

10 (8) by adding at the end the following:

11 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR  
12 PROJECTS.—

13 “(1) IN GENERAL.—The Secretary shall estab-  
14 lish a performance accountability system to track  
15 each major project.

16 “(2) REQUIREMENTS.—The performance ac-  
17 countability system under paragraph (1) shall, for  
18 each major project, track, at a minimum—

19 “(A) the environmental review process for  
20 the major project, including the project sched-  
21 ule;

22 “(B) whether the lead agency, cooperating  
23 agencies, and participating agencies are meet-  
24 ing the schedule established for the environ-  
25 mental review process; and



1                   “(C) the time taken to complete the envi-  
2                   ronmental review process.

3           “(q) DEVELOPMENT OF CATEGORICAL EXCLU-  
4           SIONS.—

5                   “(1) IN GENERAL.—Not later than 60 days  
6                   after the date of enactment of this subsection, and  
7                   every 4 years thereafter, the Secretary shall—

8                           “(A) in consultation with the agencies de-  
9                           scribed in paragraph (2), identify the categor-  
10                          ical exclusions described in section 771.117 of  
11                          title 23, Code of Federal Regulations (or suc-  
12                          cessor regulations), that would accelerate deliv-  
13                          ery of a project if those categorical exclusions  
14                          were available to those agencies;

15                           “(B) collect existing documentation and  
16                          substantiating information on the categorical  
17                          exclusions described in subparagraph (A); and

18                           “(C) provide to each agency described in  
19                          paragraph (2)—

20                                   “(i) a list of the categorical exclusions  
21                                   identified under subparagraph (A); and

22                                   “(ii) the documentation and substan-  
23                                   tiating information under subparagraph  
24                                   (B).

1           “(2) AGENCIES DESCRIBED.—The agencies re-  
2           ferred to in paragraph (1) are—

3                   “(A) the Department of the Interior;

4                   “(B) the Department of the Army;

5                   “(C) the Department of Commerce;

6                   “(D) the Department of Agriculture;

7                   “(E) the Department of Energy;

8                   “(F) the Department of Defense; and

9                   “(G) any other Federal agency that has  
10           participated in an environmental review process  
11           for a project, as determined by the Secretary.

12           “(3) ADOPTION OF CATEGORICAL EXCLU-  
13           SIONS.—

14                   “(A) IN GENERAL.—Not later than 1 year  
15           after the date on which the Secretary provides  
16           a list under paragraph (1)(C), an agency de-  
17           scribed in paragraph (2) shall publish a notice  
18           of proposed rulemaking to propose any categor-  
19           ical exclusions from the list applicable to the  
20           agency, subject to the condition that the cat-  
21           egorical exclusion identified under paragraph  
22           (1)(A) meets the criteria for a categorical exclu-  
23           sion under section 1501.4 of title 40, Code of  
24           Federal Regulations (or successor regulations).

1           “(B) PUBLIC COMMENT.—In a notice of  
2           proposed rulemaking under subparagraph (A),  
3           the applicable agency may solicit comments on  
4           whether any of the proposed new categorical ex-  
5           clusions meet the criteria for a categorical ex-  
6           clusion under section 1501.4 of title 40, Code  
7           of Federal Regulations (or successor regula-  
8           tions).”.

9           (b) CLERICAL AMENDMENT.—The analysis for chap-  
10          ter 1 of title 23, United States Code, is amended by strik-  
11          ing the item relating to section 139 and inserting the fol-  
12          lowing:

          “139. Efficient environmental reviews for project decisionmaking and One Fed-  
          eral Decision.”.

13          **SEC. 1302. WORK ZONE PROCESS REVIEWS.**

14          The Secretary shall amend section 630.1008(e) of  
15          title 23, Code of Federal Regulations, to ensure that the  
16          work zone process review under that subsection is required  
17          not more frequently than once every 5 years.

18          **SEC. 1303. TRANSPORTATION MANAGEMENT PLANS.**

19          (a) IN GENERAL.—The Secretary shall amend sec-  
20          tion 630.1010(e) of title 23, Code of Federal Regulations,  
21          to ensure that only a project described in that subsection  
22          with a lane closure for 3 or more consecutive days shall  
23          be considered to be a significant project for purposes of  
24          that section.

1 (b) NON-INTERSTATE PROJECTS.—Notwithstanding  
2 any other provision of law, a State shall not be required  
3 to develop or implement a transportation management  
4 plan (as described in section 630.1012 of title 23, Code  
5 of Federal Regulations (or successor regulations)) for a  
6 highway project not on the Interstate System if the project  
7 requires not more than 3 consecutive days of lane closures.

8 **SEC. 1304. INTELLIGENT TRANSPORTATION SYSTEMS.**

9 (a) IN GENERAL.—The Secretary shall develop guid-  
10 ance for using existing flexibilities with respect to the sys-  
11 tems engineering analysis described in part 940 of title  
12 23, Code of Federal Regulations (or successor regula-  
13 tions).

14 (b) IMPLEMENTATION.—The Secretary shall ensure  
15 that any guidance developed under subsection (a)—

16 (1) clearly identifies criteria for low-risk and ex-  
17 empt intelligent transportation systems projects,  
18 with a goal of minimizing unnecessary delay or pa-  
19 perwork burden;

20 (2) is consistently implemented by the Depart-  
21 ment nationwide; and

22 (3) is disseminated to Federal-aid recipients.

23 (c) SAVINGS PROVISION.—Nothing in this section  
24 prevents the Secretary from amending part 940 of title

1 23, Code of Federal Regulations (or successor regula-  
2 tions), to reduce State administrative burdens.

3 **SEC. 1305. ALTERNATIVE CONTRACTING METHODS.**

4 (a) ALTERNATIVE CONTRACTING METHODS FOR  
5 FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL  
6 GOVERNMENTS.—Section 201 of title 23, United States  
7 Code, is amended by adding at the end the following:

8 “(f) ALTERNATIVE CONTRACTING METHODS.—

9 “(1) IN GENERAL.—Notwithstanding any other  
10 provision of law (including the Federal Acquisition  
11 Regulation), a contracting method available to a  
12 State under this title may be used by the Secretary,  
13 on behalf of—

14 “(A) a Federal land management agency,  
15 in using any funds pursuant to section 203,  
16 204, or 308;

17 “(B) a Federal land management agency,  
18 in using any funds pursuant to section 1535 of  
19 title 31 for any of the eligible uses described in  
20 sections 203(a)(1) and 204(a)(1) and para-  
21 graphs (1) and (2) of section 308(a); or

22 “(C) a Tribal government, in using funds  
23 pursuant to section 202(b)(7)(D).

1           “(2) METHODS DESCRIBED.—The contracting  
2 methods referred to in paragraph (1) shall include,  
3 at a minimum—

4           “(A) project bundling;

5           “(B) bridge bundling;

6           “(C) design-build contracting;

7           “(D) 2-phase contracting;

8           “(E) long-term concession agreements; and

9           “(F) any method tested, or that could be  
10 tested, under an experimental program relating  
11 to contracting methods carried out by the Sec-  
12 retary.

13           “(3) EFFECT.—Nothing in this subsection—

14           “(A) affects the application of the Federal  
15 share for the project carried out with a con-  
16 tracting method under this subsection; or

17           “(B) modifies the point of obligation of  
18 Federal salaries and expenses.”.

19           (b) COOPERATION WITH FEDERAL AND STATE  
20 AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of  
21 title 23, United States Code, is amended by adding at the  
22 end the following:

23           “(4) ALTERNATIVE CONTRACTING METHODS.—

24           “(A) IN GENERAL.—Notwithstanding any  
25 other provision of law (including the Federal

1 Acquisition Regulation), in performing services  
2 under paragraph (1), the Secretary may use  
3 any contracting method available to a State  
4 under this title.

5 “(B) METHODS DESCRIBED.—The con-  
6 tracting methods referred to in subparagraph  
7 (A) shall include, at a minimum—

8 “(i) project bundling;

9 “(ii) bridge bundling;

10 “(iii) design-build contracting;

11 “(iv) 2-phase contracting;

12 “(v) long-term concession agreements;

13 and

14 “(vi) any method tested, or that could  
15 be tested, under an experimental program  
16 relating to contracting methods carried out  
17 by the Secretary.”.

18 (c) USE OF ALTERNATIVE CONTRACTING METH-  
19 ODS.—In carrying out an alternative contracting method  
20 under section 201(f) or 308(a)(4) of title 23, United  
21 States Code, the Secretary shall—

22 (1) in consultation with the applicable Federal  
23 land management agencies, establish clear proce-  
24 dures that are—

1 (A) applicable to the alternative con-  
2 tracting method; and

3 (B) to the maximum extent practicable,  
4 consistent with the requirements applicable to  
5 Federal procurement transactions;

6 (2) solicit input on the use of the alternative  
7 contracting method from the affected industry prior  
8 to using the method; and

9 (3) analyze and prepare an evaluation of the  
10 use of the alternative contracting method.

11 **SEC. 1306. FLEXIBILITY FOR PROJECTS.**

12 Section 1420 of the FAST Act (23 U.S.C. 101 note;  
13 Public Law 114–94) is amended—

14 (1) in subsection (a), by striking “and on re-  
15 quest by a State, the Secretary may” in the matter  
16 preceding paragraph (1) and all that follows through  
17 the period at the end of paragraph (2) and inserting  
18 the following: “, on request by a State, and if in the  
19 public interest (as determined by the Secretary), the  
20 Secretary shall exercise all existing flexibilities  
21 under—

22 “(1) the requirements of title 23, United States  
23 Code; and

24 “(2) other requirements administered by the  
25 Secretary, in whole or in part.”; and



1           (2) in subsection (b)(2)(A), by inserting “(in-  
2           cluding regulations)” after “environmental law”.

3 **SEC. 1307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**  
4 **OVERSIGHT AGREEMENTS.**

5           (a) DEFINITION OF TEMPLATE.—In this section, the  
6 term “template” means a template created by the Sec-  
7 retary for Federal-State stewardship and oversight agree-  
8 ments that—

9           (1) includes all standard terms found in stew-  
10 ardship and oversight agreements, including any  
11 terms in an attachment to the agreement;

12           (2) is developed in accordance with section 106  
13 of title 23, United States Code, or any other applica-  
14 ble authority; and

15           (3) may be developed with consideration of rel-  
16 evant regulations, guidance, or policies.

17           (b) REQUEST FOR COMMENT.—

18           (1) IN GENERAL.—Not later than 60 days after  
19 the date of enactment of this Act, the Secretary  
20 shall publish in the Federal Register the template  
21 and a notice requesting public comment on ways to  
22 improve the template.

23           (2) COMMENT PERIOD.—The Secretary shall  
24 provide a period of not less than 60 days for public  
25 comment on the notice under paragraph (1).

1           (3) CERTAIN ISSUES.—The notice under para-  
2           graph (1) shall allow comment on any aspect of the  
3           template and shall specifically request public com-  
4           ment on—

5                   (A) whether the template should be revised  
6           to delete standard terms requiring approval by  
7           the Secretary of the policies, procedures, proc-  
8           esses, or manuals of the States, or other State  
9           actions, if Federal law (including regulations)  
10          does not specifically require an approval;

11                   (B) opportunities to modify the template to  
12          allow adjustments to the review schedules for  
13          State practices or actions, including through  
14          risk-based approaches, program reviews, process  
15          reviews, or other means; and

16                   (C) any other matters that the Secretary  
17          determines to be appropriate.

18          (c) NOTICE OF ACTION; UPDATES.—

19                   (1) IN GENERAL.—Not later than 1 year after  
20          the date of enactment of this Act, after considering  
21          the comments received in response to the Federal  
22          Register notice under subsection (b), the Secretary  
23          shall publish in the Federal Register a notice that—

1 (A) describes any proposed changes to be  
2 made, and any alternatives to such changes, to  
3 the template;

4 (B) addresses comments in response to  
5 which changes were not made to the template;  
6 and

7 (C) prescribes a schedule and a plan to  
8 execute a process for implementing the changes  
9 referred to in subparagraph (A).

10 (2) APPROVAL REQUIREMENTS.—In addressing  
11 comments under paragraph (1)(B), the Secretary  
12 shall include an explanation of the basis for retain-  
13 ing any requirement for approval of State policies,  
14 procedures, processes, or manuals, or other State ac-  
15 tions, if Federal law (including regulations) does not  
16 specifically require the approval.

17 (3) IMPLEMENTATION.—

18 (A) IN GENERAL.—Not later than 60 days  
19 after the date on which the notice under para-  
20 graph (1) is published, the Secretary shall make  
21 changes to the template in accordance with—

22 (i) the changes described in the notice  
23 under paragraph (1)(A); and

24 (ii) the schedule and plan described in  
25 the notice under paragraph (1)(C).

1           (B) UPDATES.—Not later than 1 year  
2           after the date on which the revised template  
3           under subparagraph (A) is published, the Sec-  
4           retary shall update existing agreements with  
5           States according to the template updated under  
6           subparagraph (A).

7           (d) INCLUSION OF NON-STANDARD TERMS.—Noth-  
8           ing in this section precludes the inclusion in a Federal-  
9           State stewardship and oversight agreement of non-stand-  
10          ard terms to address a State-specific matter, including  
11          risk-based stewardship and Department oversight involve-  
12          ment in individual projects of division interest.

13          (e) COMPLIANCE WITH NON-STATUTORY TERMS.—

14           (1) IN GENERAL.—The Secretary shall not en-  
15          force or otherwise require a State to comply with ap-  
16          proval requirements that are not required by Federal  
17          law (including regulations) in a Federal-State stew-  
18          ardship and oversight agreement.

19           (2) APPROVAL AUTHORITY.—Notwithstanding  
20          any other provision of law, the Secretary shall not  
21          assert approval authority over any matter in a Fed-  
22          eral-State stewardship and oversight agreement re-  
23          served to States.

24          (f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of  
25          title 23, United States Code, is amended—

1 (1) by striking “annual”;

2 (2) by striking “The Secretary” and inserting  
3 the following:

4 “(A) IN GENERAL.—The Secretary”; and

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

6 “(B) FREQUENCY.—

7 “(i) IN GENERAL.—Except as pro-  
8 vided in clauses (ii) and (iii), the Secretary  
9 shall carry out a review under subpara-  
10 graph (A) not less frequently than once  
11 every 2 years.

12 “(ii) CONSULTATION WITH STATE.—  
13 The Secretary, after consultation with a  
14 State, may make a determination to carry  
15 out a review under subparagraph (A) for  
16 that State less frequently than provided  
17 under clause (i).

18 “(iii) CAUSE.—If the Secretary deter-  
19 mines that there is a specific reason to re-  
20 quire a review more frequently than pro-  
21 vided under clause (i) with respect to a  
22 State, the Secretary may carry out a re-  
23 view more frequently than provided under  
24 that clause.”.

1 **SEC. 1308. GEOMATIC DATA.**

2 (a) IN GENERAL.—The Secretary shall develop guid-  
3 ance for the acceptance and use of information obtained  
4 from a non-Federal entity through geomatic techniques,  
5 including remote sensing and land surveying, cartography,  
6 geographic information systems, global navigation satellite  
7 systems, photogrammetry, or other remote means.

8 (b) CONSIDERATIONS.—In carrying out this section,  
9 the Secretary shall ensure that acceptance or use of infor-  
10 mation described in subsection (a) meets the data quality  
11 and operational requirements of the Secretary.

12 (c) PUBLIC COMMENT.—Before issuing any final  
13 guidance under subsection (a), the Secretary shall provide  
14 to the public—

15 (1) notice of the proposed guidance; and

16 (2) an opportunity to comment on the proposed  
17 guidance.

18 (d) SAVINGS CLAUSE.—Nothing in this section—

19 (1) requires the Secretary to accept or use in-  
20 formation that the Secretary determines does not  
21 meet the guidance developed under this section; or

22 (2) changes the current statutory or regulatory  
23 requirements of the Department.

1 **SEC. 1309. EVALUATION OF PROJECTS WITHIN AN OPER-**  
2 **ATIONAL RIGHT-OF-WAY.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 331. Evaluation of projects within an operational**  
7 **right-of-way**

8 “(a) DEFINITIONS.—

9 “(1) ELIGIBLE PROJECT OR ACTIVITY.—

10 “(A) IN GENERAL.—In this section, the  
11 term ‘eligible project or activity’ means a  
12 project or activity within an existing operational  
13 right-of-way (as defined in section  
14 771.117(c)(22) of title 23, Code of Federal  
15 Regulations (or successor regulations))—

16 “(i)(I) eligible for assistance under  
17 this title; or

18 “(II) administered as if made avail-  
19 able under this title;

20 “(ii) that is—

21 “(I) a preventive maintenance,  
22 preservation, or highway safety im-  
23 provement project (as defined in sec-  
24 tion 148(a)); or

1                   “(II) a new turn lane that the  
2                   State advises in writing to the Sec-  
3                   retary would assist public safety; and  
4                   “(iii) that—

5                   “(I) is classified as a categorical  
6                   exclusion under section 771.117 of  
7                   title 23, Code of Federal Regulations  
8                   (or successor regulations); or

9                   “(II) if the project or activity  
10                  does not receive assistance described  
11                  in clause (i) would be considered a  
12                  categorical exclusion if the project or  
13                  activity received assistance described  
14                  in clause (i).

15                  “(B) EXCLUSION.—The term ‘eligible  
16                  project or activity’ does not include a project to  
17                  create a new travel lane.

18                  “(2) PRELIMINARY EVALUATION.—The term  
19                  ‘preliminary evaluation’, with respect to an applica-  
20                  tion described in subsection (b)(1), means an evalua-  
21                  tion that is customary or practicable for the relevant  
22                  agency to complete within a 45-day period for simi-  
23                  lar applications.

24                  “(3) RELEVANT AGENCY.—The term ‘relevant  
25                  agency’ means a Federal agency, other than the



1 Federal Highway Administration, with responsibility  
2 for review of an application from a State for a per-  
3 mit, approval, or jurisdictional determination for an  
4 eligible project or activity.

5 “(b) ACTION REQUIRED.—

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 not later than 45 days after the date of receipt of  
8 an application by a State for a permit, approval, or  
9 jurisdictional determination for an eligible project or  
10 activity, the head of the relevant agency shall—

11 “(A) make at least a preliminary evalua-  
12 tion of the application; and

13 “(B) notify the State of the results of the  
14 preliminary evaluation under subparagraph (A).

15 “(2) EXTENSION.—The head of the relevant  
16 agency may extend the review period under para-  
17 graph (1) by not more than 30 days if the head of  
18 the relevant agency provides to the State written no-  
19 tice that includes an explanation of the need for the  
20 extension.

21 “(3) FAILURE TO ACT.—If the head of the rel-  
22 evant agency fails to meet a deadline under para-  
23 graph (1) or (2), as applicable, the head of the rel-  
24 evant agency shall—

1           “(A) not later than 30 days after the date  
2           of the missed deadline, submit to the State, the  
3           Committee on Environment and Public Works  
4           of the Senate, and the Committee on Transpor-  
5           tation and Infrastructure of the House of Rep-  
6           resentatives a report that describes why the  
7           deadline was missed; and

8           “(B) not later than 14 days after the date  
9           on which a report is submitted under subpara-  
10          graph (A), make publicly available, including on  
11          the internet, a copy of that report.”.

12          (b) CLERICAL AMENDMENT.—The analysis for chap-  
13          ter 3 of title 23, United States Code, is amended by add-  
14          ing at the end the following:

“331. Evaluation of projects within an operational right-of-way.”.

15          **SEC. 1310. PRELIMINARY ENGINEERING.**

16          (a) IN GENERAL.—Section 102 of title 23, United  
17          States Code, is amended—

18                  (1) by striking subsection (b); and

19                  (2) in subsection (a), in the second sentence, by  
20          striking “Nothing in this subsection” and inserting  
21          the following:

22          “(b) SAVINGS PROVISION.—Nothing in this section”.

23          (b) CONFORMING AMENDMENT.—Section 144(j) of  
24          title 23, United States Code, is amended by striking para-  
25          graph (6).

1 **SEC. 1311. EFFICIENT IMPLEMENTATION OF NEPA FOR**  
2 **FEDERAL LAND MANAGEMENT PROJECTS.**

3 Section 203 of title 23, United States Code, is  
4 amended by adding at the end the following:

5 “(e) EFFICIENT IMPLEMENTATION OF NEPA.—

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

7 “(A) ENVIRONMENTAL DOCUMENT.—The  
8 term ‘environmental document’ means an envi-  
9 ronmental impact statement, environmental as-  
10 sessment, categorical exclusion, or other docu-  
11 ment prepared under the National Environ-  
12 mental Policy Act of 1969 (42 U.S.C. 4321 et  
13 seq.).

14 “(B) PROJECT.—The term ‘project’ means  
15 a highway project, public transportation capital  
16 project, or multimodal project that—

17 “(i) receives funds under this title;  
18 and

19 “(ii) is authorized under this section  
20 or section 204.

21 “(C) PROJECT SPONSOR.—The term  
22 ‘project sponsor’ means the Federal land man-  
23 agement agency that seeks or receives funds  
24 under this title for a project.

25 “(2) ENVIRONMENTAL REVIEW TO BE COM-  
26 PLETED BY FEDERAL HIGHWAY ADMINISTRATION.—

1       The Federal Highway Administration may prepare  
2       an environmental document pursuant to the imple-  
3       menting procedures of the Federal Highway Admin-  
4       istration to comply with the requirements of the Na-  
5       tional Environmental Policy Act of 1969 (42 U.S.C.  
6       4321 et seq.) if requested by a project sponsor.

7               “(3) FEDERAL LAND MANAGEMENT AGENCIES  
8       ADOPTION OF EXISTING ENVIRONMENTAL REVIEW  
9       DOCUMENTS.—

10               “(A) IN GENERAL.—To the maximum ex-  
11       tent practicable, if the Federal Highway Admin-  
12       istration prepares an environmental document  
13       pursuant to paragraph (2), that environmental  
14       document shall address all areas of analysis re-  
15       quired by a Federal land management agency.

16               “(B) INDEPENDENT EVALUATION.—Not-  
17       withstanding any other provision of law, a Fed-  
18       eral land management agency shall not be re-  
19       quired to conduct an independent evaluation to  
20       determine the adequacy of an environmental  
21       document prepared by the Federal Highway  
22       Administration pursuant to paragraph (2).

23               “(C) USE OF SAME DOCUMENT.—In au-  
24       thorizing or implementing a project, a Federal  
25       land management agency may use an environ-

1           mental document previously prepared by the  
2           Federal Highway Administration for a project  
3           addressing the same or substantially the same  
4           action to the same extent that the Federal land  
5           management agency could adopt or use a docu-  
6           ment previously prepared by another Federal  
7           agency.

8           “(4) APPLICATION BY FEDERAL LAND MANAGE-  
9           MENT AGENCIES OF CATEGORICAL EXCLUSIONS ES-  
10          TABLISHED BY FEDERAL HIGHWAY ADMINISTRA-  
11          TION.—In carrying out requirements under the Na-  
12          tional Environmental Policy Act of 1969 (42 U.S.C.  
13          4321 et seq.) for a project, the project sponsor may  
14          use categorical exclusions designated under that Act  
15          in the implementing regulations of the Federal  
16          Highway Administration, subject to the conditions  
17          that—

18                 “(A) the project sponsor makes a deter-  
19                 mination, in consultation with the Federal  
20                 Highway Administration, that the categorical  
21                 exclusion applies to the project;

22                 “(B) the project satisfies the conditions for  
23                 a categorical exclusion under the National Envi-  
24                 ronmental Policy Act of 1969 (42 U.S.C. 4321  
25                 et seq.); and

1           “(C) the use of the categorical exclusion  
2           does not otherwise conflict with the imple-  
3           menting regulations of the project sponsor, ex-  
4           cept any list of the project sponsor that des-  
5           ignates categorical exclusions.

6           “(5) MITIGATION COMMITMENTS.—The Sec-  
7           retary shall assist the Federal land management  
8           agency with all design and mitigation commitments  
9           made jointly by the Secretary and the project spon-  
10          sor in any environmental document prepared by the  
11          Secretary in accordance with this subsection.”.

12 **SEC. 1312. NATIONAL ENVIRONMENTAL POLICY ACT OF**  
13                                   **1969 REPORTING PROGRAM.**

14          (a) IN GENERAL.—Chapter 1 of title 23, United  
15          States Code, is amended by inserting after section 156 the  
16          following:

17 **“§ 157. National Environmental Policy Act of 1969 re-**  
18                                   **porting program**

19          “(a) DEFINITIONS.—In this section:

20               “(1) CATEGORICAL EXCLUSION.—The term  
21               ‘categorical exclusion’ has the meaning given the  
22               term in section 771.117(c) of title 23, Code of Fed-  
23               eral Regulations (or a successor regulation).

24               “(2) DOCUMENTED CATEGORICAL EXCLU-  
25               SION.—The term ‘documented categorical exclusion’

1 has the meaning given the term in section  
2 771.117(d) of title 23, Code of Federal Regulations  
3 (or a successor regulation).

4 “(3) ENVIRONMENTAL ASSESSMENT.—The  
5 term ‘environmental assessment’ has the meaning  
6 given the term in section 1508.1 of title 40, Code of  
7 Federal Regulations (or a successor regulation).

8 “(4) ENVIRONMENTAL IMPACT STATEMENT.—  
9 The term ‘environmental impact statement’ means a  
10 detailed statement required under section 102(2)(C)  
11 of the National Environmental Policy Act of 1969  
12 (42 U.S.C. 4332(2)(C)).

13 “(5) FEDERAL AGENCY.—The term ‘Federal  
14 agency’ includes a State that has assumed responsi-  
15 bility under section 327.

16 “(6) NEPA PROCESS.—The term ‘NEPA proc-  
17 ess’ means the entirety of the development and docu-  
18 mentation of the analysis required under the Na-  
19 tional Environmental Policy Act of 1969 (42 U.S.C.  
20 4321 et seq.), including the assessment and analysis  
21 of any impacts, alternatives, and mitigation of a pro-  
22 posed action, and any interagency participation and  
23 public involvement required to be carried out before  
24 the Secretary undertakes a proposed action.

1           “(7) PROPOSED ACTION.—The term ‘proposed  
2           action’ means an action (within the meaning of the  
3           National Environmental Policy Act of 1969 (42  
4           U.S.C. 4321 et seq.)) under this title that the Sec-  
5           retary proposes to carry out.

6           “(8) SECRETARY.—The term ‘Secretary’ in-  
7           cludes the governor or head of an applicable State  
8           agency of a State that has assumed responsibility  
9           under section 327.

10          “(b) REPORT ON NEPA DATA.—

11           “(1) IN GENERAL.—The Secretary shall carry  
12           out a process to track, and annually submit to the  
13           Committee on Environment and Public Works of the  
14           Senate and the Committee on Transportation and  
15           Infrastructure of the House of Representatives a re-  
16           port containing, the information described in para-  
17           graph (3).

18           “(2) TIME TO COMPLETE.—For purposes of  
19           paragraph (2), the NEPA process—

20           “(A) for an environmental impact state-  
21           ment—

22           “(i) begins on the date on which the  
23           Notice of Intent is published in the Fed-  
24           eral Register; and



1                   “(ii) ends on the date on which the  
2                   Secretary issues a record of decision, in-  
3                   cluding, if necessary, a revised record of  
4                   decision; and

5                   “(B) for an environmental assessment—

6                   “(i) begins on the date on which the  
7                   Secretary makes a determination to pre-  
8                   pare an environmental assessment; and

9                   “(ii) ends on the date on which the  
10                  Secretary issues a finding of no significant  
11                  impact.

12                  “(3) INFORMATION DESCRIBED.—The informa-  
13                  tion referred to in paragraph (1) is, with respect to  
14                  the Department of Transportation—

15                  “(A) the number of proposed actions for  
16                  which a categorical exclusion was issued during  
17                  the reporting period;

18                  “(B) the number of proposed actions for  
19                  which a documented categorical exclusion was  
20                  issued by the Department of Transportation  
21                  during the reporting period;

22                  “(C) the number of proposed actions pend-  
23                  ing on the date on which the report is sub-  
24                  mitted for which the issuance of a categorical

1 exclusion by the Department of Transportation  
2 is pending;

3 “(D) the number of proposed actions for  
4 which an environmental assessment was issued  
5 by the Department of Transportation during  
6 the reporting period;

7 “(E) the length of time the Department of  
8 Transportation took to complete each environ-  
9 mental assessment described in subparagraph  
10 (D);

11 “(F) the number of proposed actions pend-  
12 ing on the date on which the report is sub-  
13 mitted for which an environmental assessment  
14 is being drafted by the Department of Trans-  
15 portation;

16 “(G) the number of proposed actions for  
17 which an environmental impact statement was  
18 completed by the Department of Transportation  
19 during the reporting period;

20 “(H) the length of time that the Depart-  
21 ment of Transportation took to complete each  
22 environmental impact statement described in  
23 subparagraph (G);

24 “(I) the number of proposed actions pend-  
25 ing on the date on which the report is sub-

1           mitted for which an environmental impact  
2           statement is being drafted; and

3           “(J) for the proposed actions reported  
4           under subparagraphs (F) and (I), the percent-  
5           age of those proposed actions for which—

6                   “(i) funding has been identified; and

7                   “(ii) all other Federal, State, and  
8           local activities that are required to allow  
9           the proposed action to proceed are com-  
10          pleted.”.

11          (b) CLERICAL AMENDMENT.—The analysis for chap-  
12   ter 1 of title 23, United States Code, is amended by insert-  
13   ing after the item relating to section 156 the following:

          “157. National Environmental Policy Act of 1969 reporting program.”.

14   **SEC. 1313. SURFACE TRANSPORTATION PROJECT DELIV-**  
15                   **ERY PROGRAM WRITTEN AGREEMENTS.**

16          Section 327 of title 23, United States Code, is  
17   amended—

18           (1) in subsection (a)(2)(G), by inserting “, in-  
19           cluding the payment of fees awarded under section  
20           2412 of title 28” before the period at the end;

21           (2) in subsection (c)—

22                   (A) by striking paragraph (5) and insert-  
23           ing the following:

24                   “(5) except as provided under paragraph (7),  
25           have a term of not more than 5 years;”;

1 (B) in paragraph (6), by striking the pe-  
2 riod at the end and inserting “; and”; and

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

4 “(7) for any State that has participated in a  
5 program under this section (or under a predecessor  
6 program) for at least 10 years, have a term of 10  
7 years.”;

8 (3) in subsection (g)(1)—

9 (A) in subparagraph (B), by striking  
10 “and” at the end;

11 (B) in subparagraph (C), by striking “an-  
12 nual”;

13 (C) by redesignating subparagraph (C) as  
14 subparagraph (D); and

15 (D) by inserting after subparagraph (B)  
16 the following:

17 “(C) in the case of an agreement period of  
18 greater than 5 years pursuant to subsection  
19 (c)(7), conduct an audit covering the first 5  
20 years of the agreement period; and”; and

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

22 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—  
23 A State agency that is assigned a responsibility under an  
24 agreement under this section shall be deemed to be an  
25 agency for the purposes of section 2412 of title 28.”.

1 **SEC. 1314. STATE ASSUMPTION OF RESPONSIBILITY FOR**  
2 **CATEGORICAL EXCLUSIONS.**

3 Section 326(c)(3) of title 23, United States Code, is  
4 amended—

5 (1) by striking subparagraph (A) and inserting  
6 the following:

7 “(A) except as provided under subpara-  
8 graph (C), shall have a term of not more than  
9 3 years;”;

10 (2) in subparagraph (B), by striking the period  
11 at the end and inserting “; and”; and

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

13 “(C) shall have a term of 5 years, in the  
14 case of a State that has assumed the responsi-  
15 bility for categorical exclusions under this sec-  
16 tion for not fewer than 10 years.”.

17 **SEC. 1315. EARLY UTILITY RELOCATION PRIOR TO TRANS-**  
18 **PORTATION PROJECT ENVIRONMENTAL RE-**  
19 **VIEW.**

20 Section 123 of title 23, United States Code, is  
21 amended to read as follows:

22 **“§ 123. Relocation of utility facilities**

23 “(a) DEFINITIONS.—In this section:

24 “(1) COST OF RELOCATION.—The term ‘cost of  
25 relocation’ includes the entire amount paid by a util-  
26 ity properly attributable to the relocation of a utility

1 facility, minus any increase in the value of the new  
2 facility and any salvage value derived from the old  
3 facility.

4 “(2) EARLY UTILITY RELOCATION PROJECT.—  
5 The term ‘early utility relocation project’ means util-  
6 ity relocation activities identified by the State for  
7 performance before completion of the environmental  
8 review process for the transportation project.

9 “(3) ENVIRONMENTAL REVIEW PROCESS.—The  
10 term ‘environmental review process’ has the meaning  
11 given the term in section 139(a).

12 “(4) TRANSPORTATION PROJECT.—The term  
13 ‘transportation project’ means a project.

14 “(5) UTILITY FACILITY.—The term ‘utility fa-  
15 cility’ means any privately, publicly, or cooperatively  
16 owned line, facility, or system for producing, trans-  
17 mitting, or distributing communications, power, elec-  
18 tricity, light, heat, gas, oil, crude products, water,  
19 steam, waste, stormwater not connected with high-  
20 way drainage, or any other similar commodity, in-  
21 cluding any fire or police signal system or street  
22 lighting system, that directly or indirectly serves the  
23 public.

24 “(6) UTILITY RELOCATION ACTIVITY.—The  
25 term ‘utility relocation activity’ means an activity

1 necessary for the relocation of a utility facility, in-  
2 cluding preliminary and final design, surveys, real  
3 property acquisition, materials acquisition, and con-  
4 struction.

5 “(b) REIMBURSEMENT TO STATES.—

6 “(1) IN GENERAL.—If a State pays for the cost  
7 of relocation of a utility facility necessitated by the  
8 construction of a transportation project, Federal  
9 funds may be used to reimburse the State for the  
10 cost of relocation in the same proportion as Federal  
11 funds are expended on the transportation project.

12 “(2) LIMITATION.—Federal funds shall not be  
13 used to reimburse a State under this section if the  
14 payment to the utility—

15 “(A) violates the law of the State; or

16 “(B) violates a legal contract between the  
17 utility and the State.

18 “(3) REQUIREMENT.—A reimbursement under  
19 paragraph (1) shall be made only if the State dem-  
20 onstrates to the satisfaction of the Secretary that  
21 the State paid the cost of the utility relocation activ-  
22 ity from funds of the State with respect to transpor-  
23 tation projects for which Federal funds are obligated  
24 subsequent to April 16, 1958, for work, including  
25 utility relocation activities.

1           “(4) REIMBURSEMENT ELIGIBILITY FOR EARLY  
2 RELOCATION PRIOR TO TRANSPORTATION PROJECT  
3 ENVIRONMENTAL REVIEW PROCESS.—

4           “(A) IN GENERAL.—In addition to the re-  
5 quirements under paragraphs (1) through (3), a  
6 State may carry out, at the expense of the  
7 State, an early utility relocation project for a  
8 transportation project before completion of the  
9 environmental review process for the transpor-  
10 tation project.

11           “(B) REQUIREMENTS FOR REIMBURSE-  
12 MENT.—Funds apportioned to a State under  
13 this title may be used to pay the costs incurred  
14 by the State for an early utility relocation  
15 project only if the State demonstrates to the  
16 Secretary, and the Secretary finds that—

17           “(i) the early utility relocation project  
18 is necessary to accommodate a transpor-  
19 tation project;

20           “(ii) the State provides adequate doc-  
21 umentation to the Secretary of eligible  
22 costs incurred by the State for the early  
23 utility relocation project;

24           “(iii) before the commencement of the  
25 utility relocation activities, an environ-



1 mental review process was completed for  
2 the early utility relocation project that re-  
3 sulted in a finding that the early utility re-  
4 location project—

5 “(I) would not result in signifi-  
6 cant adverse environmental impacts;  
7 and

8 “(II) would comply with other  
9 applicable Federal environmental re-  
10 quirements;

11 “(iv) the early utility relocation  
12 project did not influence—

13 “(I) the environmental review  
14 process for the transportation project;

15 “(II) the decision relating to the  
16 need to construct the transportation  
17 project; or

18 “(III) the selection of the trans-  
19 portation project design or location;

20 “(v) the early utility relocation project  
21 complies with all applicable provisions of  
22 law, including regulations issued pursuant  
23 to this title;

24 “(vi) the early utility relocation  
25 project follows applicable financial proce-

1           dures and requirements, including docu-  
2           mentation of eligible costs and the require-  
3           ments under section 109(l), but not includ-  
4           ing requirements applicable to authoriza-  
5           tion and obligation of Federal funds;

6           “(vii) the transportation project for  
7           which the early utility relocation project  
8           was necessitated was included in the appli-  
9           cable transportation improvement program  
10          under section 134 or 135;

11          “(viii) before the cost incurred by a  
12          State is approved for Federal participation,  
13          environmental compliance pursuant to the  
14          National Environmental Policy Act of  
15          1969 (42 U.S.C. 4321 et seq.) has been  
16          completed for the transportation project  
17          for which the early utility relocation  
18          project was necessitated; and

19          “(ix) the transportation project that  
20          necessitated the utility relocation activity is  
21          approved for construction.

22          “(C) SAVINGS PROVISION.—Nothing in  
23          this paragraph affects other eligibility require-  
24          ments or authorities for Federal participation

1 in payment of costs incurred for utility reloca-  
2 tion activities.”.

3 **SEC. 1316. STREAMLINING OF SECTION 4(F) REVIEWS.**

4 Section 138(a) of title 23, United States Code, is  
5 amended—

6 (1) in the fourth sentence, by striking “In car-  
7 rying out” and inserting the following:

8 “(4) STUDIES.—In carrying out”;

9 (2) in the third sentence—

10 (A) by striking “such land, and (2) such  
11 program” and inserting the following: “the  
12 land; and

13 “(B) the program”;

14 (B) by striking “unless (1) there is” and  
15 inserting the following: “unless—

16 “(A) there is”; and

17 (C) by striking “After the” and inserting  
18 the following:

19 “(3) REQUIREMENT.—After the”;

20 (3) in the second sentence—

21 (A) by striking “The Secretary of Trans-  
22 portation” and inserting the following:

23 “(2) COOPERATION AND CONSULTATION.—

24 “(A) IN GENERAL.—The Secretary”; and

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

1 “(B) TIMELINE FOR APPROVALS.—

2 “(i) IN GENERAL.—The Secretary  
3 shall—

4 “(I) provide an evaluation under  
5 this section to the Secretaries de-  
6 scribed in subparagraph (A); and

7 “(II) provide a period of 30 days  
8 for receipt of comments.

9 “(ii) ASSUMED ACCEPTANCE.—If the  
10 Secretary does not receive comments by 15  
11 days after the deadline under clause  
12 (i)(II), the Secretary shall assume a lack  
13 of objection and proceed with the action.

14 “(C) EFFECT.—Nothing in subparagraph  
15 (B) affects the requirements under—

16 “(i) subsections (b) through (f); or

17 “(ii) the consultation process under  
18 section 306108 of title 54.”; and

19 (4) in the first sentence, by striking “It is de-  
20 clared to be” and inserting the following:

21 “(1) IN GENERAL.—It is”.

22 **SEC. 1317. CATEGORICAL EXCLUSION FOR PROJECTS OF**  
23 **LIMITED FEDERAL ASSISTANCE.**

24 Section 1317(1) of MAP-21 (23 U.S.C. 109 note;  
25 Public Law 112-141) is amended—

1           (1) in subparagraph (A), by striking  
2           “\$5,000,000” and inserting “\$6,000,000”; and

3           (2) in subparagraph (B), by striking  
4           “\$30,000,000” and inserting “\$35,000,000”.

5 **SEC. 1318. CERTAIN GATHERING LINES LOCATED ON FED-**  
6 **ERAL LAND AND INDIAN LAND.**

7 (a) DEFINITIONS.—In this section:

8           (1) FEDERAL LAND.—

9           (A) IN GENERAL.—The term “Federal  
10           land” means land the title to which is held by  
11           the United States.

12           (B) EXCLUSIONS.—The term “Federal  
13           land” does not include—

14                   (i) a unit of the National Park Sys-  
15                   tem;

16                   (ii) a unit of the National Wildlife  
17                   Refuge System;

18                   (iii) a component of the National Wil-  
19                   derness Preservation System;

20                   (iv) a wilderness study area within the  
21                   National Forest System; or

22                   (v) Indian land.

23           (2) GATHERING LINE AND ASSOCIATED FIELD  
24           COMPRESSION OR PUMPING UNIT.—

1 (A) IN GENERAL.—The term “gathering  
2 line and associated field compression or pump-  
3 ing unit” means—

4 (i) a pipeline that is installed to trans-  
5 port oil, natural gas and related constitu-  
6 ents, or produced water from 1 or more  
7 wells drilled and completed to produce oil  
8 or gas; and

9 (ii) if necessary, 1 or more compres-  
10 sors or pumps to raise the pressure of the  
11 transported oil, natural gas and related  
12 constituents, or produced water to higher  
13 pressures necessary to enable the oil, nat-  
14 ural gas and related constituents, or pro-  
15 duced water to flow into pipelines and  
16 other facilities.

17 (B) INCLUSIONS.—The term “gathering  
18 line and associated field compression or pump-  
19 ing unit” includes a pipeline or associated com-  
20 pression or pumping unit that is installed to  
21 transport oil or natural gas from a processing  
22 plant to a common carrier pipeline or facility.

23 (C) EXCLUSIONS.—The term “gathering  
24 line and associated field compression or pump-

1           ing unit” does not include a common carrier  
2           pipeline.

3           (3) INDIAN LAND.—The term “Indian land”  
4           means land the title to which is held by—

5                   (A) the United States in trust for an In-  
6           dian Tribe or an individual Indian; or

7                   (B) an Indian Tribe or an individual In-  
8           dian subject to a restriction by the United  
9           States against alienation.

10           (4) PRODUCED WATER.—The term “produced  
11           water” means water produced from an oil or gas  
12           well bore that is not a fluid prepared at, or trans-  
13           ported to, the well site to resolve a specific oil or gas  
14           well bore or reservoir condition.

15           (5) SECRETARY.—The term “Secretary” means  
16           the Secretary of the Interior.

17           (b) CERTAIN GATHERING LINES.—

18                   (1) IN GENERAL.—Subject to paragraph (2),  
19           the issuance of a sundry notice or right-of-way for  
20           a gathering line and associated field compression or  
21           pumping unit that is located on Federal land or In-  
22           dian land and that services any oil or gas well may  
23           be considered by the Secretary to be an action that  
24           is categorically excluded (as defined in section  
25           1508.1 of title 40, Code of Federal Regulations (as

1 in effect on the date of enactment of this Act)) for  
2 purposes of the National Environmental Policy Act  
3 of 1969 (42 U.S.C. 4321 et seq.) if the gathering  
4 line and associated field compression or pumping  
5 unit—

6 (A) are within a field or unit for which an  
7 approved land use plan or an environmental  
8 document prepared pursuant to the National  
9 Environmental Policy Act of 1969 (42 U.S.C.  
10 4321 et seq.) analyzed transportation of oil,  
11 natural gas, or produced water from 1 or more  
12 oil or gas wells in the field or unit as a reason-  
13 ably foreseeable activity;

14 (B) are located adjacent to or within—

15 (i) any existing disturbed area; or  
16 (ii) an existing corridor for a right-of-  
17 way; and

18 (C) would reduce—

19 (i) in the case of a gathering line and  
20 associated field compression or pumping  
21 unit transporting methane, the total quan-  
22 tity of methane that would otherwise be  
23 vented, flared, or unintentionally emitted  
24 from the field or unit; or





1                   5123(e)) (commonly known as the “Indian  
2                   Reorganization Act”);

3                   (B) under section 306108 of title 54,  
4                   United States Code; or

5                   (C) under any other Federal law (including  
6                   regulations) relating to Tribal consent for  
7                   rights-of-way across Indian land; or

8                   (2) makes the National Environmental Policy  
9                   Act of 1969 (42 U.S.C. 4321 et seq.) applicable to  
10                  land to which that Act otherwise would not apply.

## 11                  **Subtitle D—Climate Change**

### 12                  **SEC. 1401. GRANTS FOR CHARGING AND FUELING INFRA-** 13                  **STRUCTURE.**

14                  (a) PURPOSE.—The purpose of this section is to es-  
15                  tablish a grant program to strategically deploy publicly ac-  
16                  cessible electric vehicle charging infrastructure, hydrogen  
17                  fueling infrastructure, propane fueling infrastructure, and  
18                  natural gas fueling infrastructure along designated alter-  
19                  native fuel corridors or in certain other locations that will  
20                  be accessible to all drivers of electric vehicles, hydrogen  
21                  vehicles, propane vehicles, and natural gas vehicles.

22                  (b) GRANT PROGRAM.—Section 151 of title 23,  
23                  United States Code, is amended—

24                         (1) in subsection (a)—

1 (A) by striking “Not later than 1 year  
2 after the date of enactment of the FAST Act,  
3 the Secretary shall” and inserting “The Sec-  
4 retary shall periodically”; and

5 (B) by striking “to improve the mobility”  
6 and inserting “to support changes in the trans-  
7 portation sector that help achieve a reduction in  
8 greenhouse gas emissions and improve the mo-  
9 bility”;

10 (2) in subsection (b)(2), by inserting “pre-  
11 viously designated by the Federal Highway Adminis-  
12 tration or” before “designated by”;

13 (3) by striking subsection (d) and inserting the  
14 following:

15 “(d) REDESIGNATION.—

16 “(1) INITIAL REDESIGNATION.—Not later than  
17 180 days after the date of enactment of the Surface  
18 Transportation Reauthorization Act of 2021, the  
19 Secretary shall update and redesignate the corridors  
20 under subsection (a).

21 “(2) SUBSEQUENT REDESIGNATION.—The Sec-  
22 retary shall establish a recurring process to regularly  
23 update and redesignate the corridors under sub-  
24 section (a).”;

25 (4) in subsection (e)—

1 (A) in paragraph (1), by striking “and” at  
2 the end;

3 (B) in paragraph (2)—

4 (i) by striking “establishes an aspira-  
5 tional goal of achieving” and inserting “de-  
6 scribes efforts, including through funds  
7 awarded through the grant program under  
8 subsection (f), that will aid efforts to  
9 achieve”; and

10 (ii) by striking “by the end of fiscal  
11 year 2020.” and inserting “; and”; and

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

13 “(3) summarizes best practices and provides  
14 guidance, developed through consultation with the  
15 Secretary of Energy, for project development of elec-  
16 tric vehicle charging infrastructure, hydrogen fueling  
17 infrastructure, propane fueling infrastructure and  
18 natural gas fueling infrastructure at the State, Trib-  
19 al, and local level to allow for the predictable deploy-  
20 ment of that infrastructure.”; and

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

22 “(f) GRANT PROGRAM.—

23 “(1) DEFINITION OF PRIVATE ENTITY.—In this  
24 subsection, the term ‘private entity’ means an entity  
25 that is not a unit of government, including a cor-

1       poration, partnership, company, or nonprofit organi-  
2       zation.

3           “(2) ESTABLISHMENT.—Not later than 1 year  
4       after the date of enactment of the Surface Transpor-  
5       tation Reauthorization Act of 2021, the Secretary  
6       shall establish a grant program to award grants to  
7       eligible entities to carry out the activities described  
8       in paragraph (6).

9           “(3) ELIGIBLE ENTITIES.—An entity eligible to  
10       receive a grant under this subsection is—

11           “(A) a State or political subdivision of a  
12       State;

13           “(B) a metropolitan planning organization;

14           “(C) a unit of local government;

15           “(D) a special purpose district or public  
16       authority with a transportation function, includ-  
17       ing a port authority;

18           “(E) an Indian tribe (as defined in section  
19       4 of the Indian Self-Determination and Edu-  
20       cation Assistance Act (25 U.S.C. 5304));

21           “(F) a territory of the United States;

22           “(G) an authority, agency, or instrumen-  
23       tality of, or an entity owned by, 1 or more enti-  
24       ties described in subparagraphs (A) through  
25       (F); or



1 fuel providers, metropolitan planning orga-  
2 nizations, States, Indian tribes, and units  
3 of local governments, fleet owners, fleet  
4 managers, fuel station owners and opera-  
5 tors, labor organizations, infrastructure  
6 construction and component parts sup-  
7 pliers, and multi-State and regional enti-  
8 ties)—

9 “(I) to foster enhanced, coordi-  
10 nated, public-private or private invest-  
11 ment in electric vehicle charging infra-  
12 structure, hydrogen fueling infrastruc-  
13 ture, propane fueling infrastructure,  
14 or natural gas fueling infrastructure;

15 “(II) to expand deployment of  
16 electric vehicle charging infrastruc-  
17 ture, hydrogen fueling infrastructure,  
18 propane fueling infrastructure, or nat-  
19 ural gas fueling infrastructure;

20 “(III) to protect personal privacy  
21 and ensure cybersecurity; and

22 “(IV) to ensure that a properly  
23 trained workforce is available to con-  
24 struct and install electric vehicle  
25 charging infrastructure, hydrogen

1 fueling infrastructure, propane fueling  
2 infrastructure, or natural gas fueling  
3 infrastructure;

4 “(iii) the location of the station or  
5 fueling site, such as consideration of—

6 “(I) the availability of onsite  
7 amenities for vehicle operators, such  
8 as restrooms or food facilities;

9 “(II) access in compliance with  
10 the Americans with Disabilities Act of  
11 1990 (42 U.S.C. 12101 et seq.);

12 “(III) height and fueling capacity  
13 requirements for facilities that charge  
14 or refuel large vehicles, such as semi-  
15 trailer trucks; and

16 “(IV) appropriate distribution to  
17 avoid redundancy and fill charging or  
18 fueling gaps;

19 “(iv) infrastructure installation that  
20 can be responsive to technology advance-  
21 ments, such as accommodating autono-  
22 mous vehicles, vehicle-to-grid technology,  
23 and future charging methods; and

24 “(v) the long-term operation and  
25 maintenance of the electric vehicle charg-



1           ing infrastructure, hydrogen fueling infra-  
2           structure, propane fueling infrastructure,  
3           or natural gas fueling infrastructure, to  
4           avoid stranded assets and protect the in-  
5           vestment of public funds in that infrastruc-  
6           ture; and

7           “(B) an assessment of the estimated emis-  
8           sions that will be reduced through the use of  
9           electric vehicle charging infrastructure, hydro-  
10          gen fueling infrastructure, propane fueling in-  
11          frastructure, or natural gas fueling infrastruc-  
12          ture, which shall be conducted using the Alter-  
13          native Fuel Life-Cycle Environmental and Eco-  
14          nomic Transportation (AFLEET) tool devel-  
15          oped by Argonne National Laboratory (or a  
16          successor tool).

17          “(5) CONSIDERATIONS.—In selecting eligible  
18          entities to receive a grant under this subsection, the  
19          Secretary shall—

20                 “(A) consider the extent to which the ap-  
21                 plication of the eligible entity would—

22                         “(i) improve alternative fueling cor-  
23                         ridor networks by—



1 significantly impair existing electric vehicle  
2 charging infrastructure, hydrogen fueling  
3 infrastructure, propane fueling infrastruc-  
4 ture, or natural gas fueling infrastructure  
5 providers;

6 “(v) provide access to electric vehicle  
7 charging infrastructure, hydrogen fueling  
8 infrastructure, propane fueling infrastruc-  
9 ture, or natural gas fueling infrastructure  
10 in areas with a current or forecasted need;  
11 and

12 “(vi) deploy electric vehicle charging  
13 infrastructure, hydrogen fueling infrastruc-  
14 ture, propane fueling infrastructure, or  
15 natural gas fueling infrastructure for  
16 medium- and heavy-duty vehicles (includ-  
17 ing along the National Highway Freight  
18 Network established under section 167(c))  
19 and in proximity to intermodal transfer  
20 stations;

21 “(B) ensure, to the maximum extent prac-  
22 ticable, geographic diversity among grant recipi-  
23 ents to ensure that electric vehicle charging in-  
24 frastructure, hydrogen fueling infrastructure,  
25 propane fueling infrastructure, or natural gas

1 fueling infrastructure is available throughout  
2 the United States;

3 “(C) consider whether the private entity  
4 that the eligible entity contracts with under  
5 paragraph (6)—

6 “(i) submits to the Secretary the most  
7 recent year of audited financial statements;  
8 and

9 “(ii) has experience in installing and  
10 operating electric vehicle charging infra-  
11 structure, hydrogen fueling infrastructure,  
12 propane fueling infrastructure, or natural  
13 gas fueling infrastructure; and

14 “(D) consider whether, to the maximum  
15 extent practicable, the eligible entity and the  
16 private entity that the eligible entity contracts  
17 with under paragraph (6) enter into an agree-  
18 ment—

19 “(i) to operate and maintain publicly  
20 available electric vehicle charging infra-  
21 structure, hydrogen fueling infrastructure,  
22 propane fueling infrastructure, or natural  
23 gas infrastructure; and

1                   “(ii) that provides a remedy and an  
2                   opportunity to cure if the requirements de-  
3                   scribed in clause (i) are not met.

4                   “(6) USE OF FUNDS.—

5                   “(A) IN GENERAL.—An eligible entity re-  
6                   ceiving a grant under this subsection shall only  
7                   use the funds in accordance with this paragraph  
8                   to contract with a private entity for acquisition  
9                   and installation of publicly accessible electric  
10                  vehicle charging infrastructure, hydrogen fuel-  
11                  ing infrastructure, propane fueling infrastruc-  
12                  ture, or natural gas fueling infrastructure that  
13                  is directly related to the charging or fueling of  
14                  a vehicle.

15                  “(B) LOCATION OF INFRASTRUCTURE.—  
16                  Any publicly accessible electric vehicle charging  
17                  infrastructure, hydrogen fueling infrastructure,  
18                  propane fueling infrastructure, or natural gas  
19                  fueling infrastructure acquired and installed  
20                  with a grant under this subsection shall be lo-  
21                  cated along an alternative fuel corridor des-  
22                  ignated under this section, on the condition that  
23                  any affected Indian tribes are consulted before  
24                  the designation.

25                  “(C) OPERATING ASSISTANCE.—

1                   “(i) IN GENERAL.—Subject to clauses  
2                   (ii) and (iii), an eligible entity that receives  
3                   a grant under this subsection may use a  
4                   portion of the funds to provide to a private  
5                   entity operating assistance for the first 5  
6                   years of operations after the installation of  
7                   publicly available electric vehicle charging  
8                   infrastructure, hydrogen fueling infrastruc-  
9                   ture, propane fueling infrastructure, or  
10                  natural gas fueling infrastructure while the  
11                  facility transitions to independent system  
12                  operations.

13                  “(ii) INCLUSIONS.—Operating assist-  
14                  ance under this subparagraph shall be lim-  
15                  ited to costs allocable to operating and  
16                  maintaining the electric vehicle charging  
17                  infrastructure, hydrogen fueling infrastruc-  
18                  ture, propane fueling infrastructure, or  
19                  natural gas fueling infrastructure and  
20                  service.

21                  “(iii) LIMITATION.—Operating assist-  
22                  ance under this subparagraph may not ex-  
23                  ceed the amount of a contract under sub-  
24                  paragraph (A) to acquire and install pub-  
25                  licly accessible electric vehicle charging in-



1                   ture, or natural gas fueling infrastruc-  
2                   ture.

3                   “(iii) LIMITATION ON AMOUNT.—The  
4                   amount of funds used to acquire and in-  
5                   stall traffic control devices under clause (i)  
6                   may not exceed the amount of a contract  
7                   under subparagraph (A) to acquire and in-  
8                   stall publicly accessible charging or fueling  
9                   infrastructure.

10                  “(iv) NO NEW AUTHORITY CRE-  
11                  ATED.—Nothing in this subparagraph au-  
12                  thorizes an eligible entity that receives a  
13                  grant under this subsection to acquire and  
14                  install traffic control devices if the entity is  
15                  not otherwise authorized to do so.

16                  “(E) REVENUE.—

17                  “(i) IN GENERAL.—An eligible entity  
18                  receiving a grant under this subsection and  
19                  a private entity referred to in subpara-  
20                  graph (A) may enter into a cost-sharing  
21                  agreement under which the private entity  
22                  submits to the eligible entity a portion of  
23                  the revenue from the electric vehicle charg-  
24                  ing infrastructure, hydrogen fueling infra-



1 structure, propane fueling infrastructure,  
2 or natural gas fueling infrastructure.

3 “(ii) USES OF REVENUE.—An eligible  
4 entity that receives revenue from a cost-  
5 sharing agreement under clause (i) may  
6 only use that revenue for a project that is  
7 eligible under this title.

8 “(7) CERTAIN FUELS.—The use of grants for  
9 propane fueling infrastructure under this subsection  
10 shall be limited to infrastructure for medium- and  
11 heavy-duty vehicles.

12 “(8) COMMUNITY GRANTS.—

13 “(A) IN GENERAL.—Notwithstanding  
14 paragraphs (4), (5), and (6), the Secretary  
15 shall reserve 50 percent of the amounts made  
16 available each fiscal year to carry out this sec-  
17 tion to provide grants to eligible entities in ac-  
18 cordance with this paragraph.

19 “(B) APPLICATIONS.—To be eligible to re-  
20 ceive a grant under this paragraph, an eligible  
21 entity shall submit to the Secretary an applica-  
22 tion at such time, in such manner, and con-  
23 taining such information as the Secretary may  
24 require.

1                   “(C) ELIGIBLE ENTITIES.—An entity eligi-  
2                   ble to receive a grant under this paragraph is—

3                   “ (i) an entity described in paragraph  
4                   (3); and

5                   “ (ii) a State or local authority with  
6                   ownership of publicly accessible transpor-  
7                   tation facilities.

8                   “(D) ELIGIBLE PROJECTS.—The Secretary  
9                   may provide a grant under this paragraph for  
10                  a project that is expected to reduce greenhouse  
11                  gas emissions and to expand or fill gaps in ac-  
12                  cess to publicly accessible electric vehicle charg-  
13                  ing infrastructure, hydrogen fueling infrastruc-  
14                  ture, propane fueling infrastructure, or natural  
15                  gas fueling infrastructure, including—

16                  “ (i) development phase activities, in-  
17                  cluding planning, feasibility analysis, rev-  
18                  enue forecasting, environmental review,  
19                  preliminary engineering and design work,  
20                  and other preconstruction activities; and

21                  “ (ii) the acquisition and installation of  
22                  electric vehicle charging infrastructure, hy-  
23                  drogen fueling infrastructure, propane  
24                  fueling infrastructure, or natural gas fuel-  
25                  ing infrastructure that is directly related to

1 the charging or fueling of a vehicle, includ-  
2 ing any related construction or reconstruc-  
3 tion and the acquisition of real property di-  
4 rectly related to the project, such as loca-  
5 tions described in subparagraph (E), to ex-  
6 pand access to electric vehicle charging in-  
7 frastructure, hydrogen fueling infrastruc-  
8 ture, propane fueling infrastructure, or  
9 natural gas fueling infrastructure.

10 “(E) PROJECT LOCATIONS.—A project re-  
11 ceiving a grant under this paragraph may be lo-  
12 cated on any public road or in other publicly ac-  
13 cessible locations, such as parking facilities at  
14 public buildings, public schools, and public  
15 parks, or in publicly accessible parking facilities  
16 owned or managed by a private entity.

17 “(F) PRIORITY.—In providing grants  
18 under this paragraph, the Secretary shall give  
19 priority to projects that expand access to elec-  
20 tric vehicle charging infrastructure, hydrogen  
21 fueling infrastructure, propane fueling infra-  
22 structure, or natural gas fueling infrastructure  
23 within—

24 “(i) rural areas;

1                   “(ii) low- and moderate-income neigh-  
2                   borhoods; and

3                   “(iii) communities with a low ratio of  
4                   private parking spaces to households or a  
5                   high ratio of multiunit dwellings to single  
6                   family homes, as determined by the Sec-  
7                   retary.

8                   “(G) ADDITIONAL CONSIDERATIONS.—In  
9                   providing grants under this paragraph, the Sec-  
10                  retary shall consider the extent to which the  
11                  project—

12                  “(i) contributes to geographic diver-  
13                  sity among eligible entities, including  
14                  achieving a balance between urban and  
15                  rural communities; and

16                  “(ii) meets current or anticipated  
17                  market demands for charging or fueling in-  
18                  frastructure, including faster charging  
19                  speeds with high-powered capabilities nec-  
20                  essary to minimize the time to charge or  
21                  refuel current and anticipated vehicles.

22                  “(H) PARTNERING WITH PRIVATE ENTI-  
23                  TIES.—An eligible entity that receives a grant  
24                  under this paragraph may use the grant funds  
25                  to contract with a private entity for the acquisi-

1           tion, construction, installation, maintenance, or  
2           operation of electric vehicle charging infrastruc-  
3           ture, hydrogen fueling infrastructure, propane  
4           fueling infrastructure, or natural gas fueling in-  
5           frastructure that is directly related to the  
6           charging or fueling of a vehicle.

7           “(I) MAXIMUM GRANT AMOUNT.—The  
8           amount of a grant under this paragraph shall  
9           not be more than \$15,000,000.

10          “(J) TECHNICAL ASSISTANCE.—Of the  
11          amounts reserved under subparagraph (A), the  
12          Secretary may use not more than 1 percent to  
13          provide technical assistance to eligible entities.

14          “(K) ADDITIONAL ACTIVITIES.—The re-  
15          cipient of a grant under this paragraph may  
16          use not more than 5 percent of the grant funds  
17          on educational and community engagement ac-  
18          tivities to develop and implement education pro-  
19          grams through partnerships with schools, com-  
20          munity organizations, and vehicle dealerships to  
21          support the use of zero-emission vehicles and  
22          associated infrastructure.

23          “(9) REQUIREMENTS.—

24          “(A) PROJECT TREATMENT.—Notwith-  
25          standing any other provision of law, any project

1 funded by a grant under this subsection shall  
2 be treated as a project on a Federal-aid high-  
3 way under this chapter.

4 “(B) SIGNS.—Any traffic control device or  
5 on-premises sign acquired, installed, or operated  
6 with a grant under this subsection shall comply  
7 with—

8 “(i) the Manual on Uniform Traffic  
9 Control Devices, if located in the right-of-  
10 way; and

11 “(ii) other provisions of Federal,  
12 State, and local law, as applicable.

13 “(10) FEDERAL SHARE.—

14 “(A) IN GENERAL.—The Federal share of  
15 the cost of a project carried out with a grant  
16 under this subsection shall not exceed 80 per-  
17 cent of the total project cost.

18 “(B) RESPONSIBILITY OF PRIVATE ENTI-  
19 TY.—As a condition of contracting with an eli-  
20 gible entity under paragraph (6) or (8), a pri-  
21 vate entity shall agree to pay the share of the  
22 cost of a project carried out with a grant under  
23 this subsection that is not paid by the Federal  
24 Government under subparagraph (A).

1           “(11) REPORT.—Not later than 3 years after  
2           the date of enactment of this subsection, the Sec-  
3           retary shall submit to the Committee on Environ-  
4           ment and Public Works of the Senate and the Com-  
5           mittee on Transportation and Infrastructure of the  
6           House of Representatives and make publicly avail-  
7           able a report on the progress and implementation of  
8           this subsection.”.

9   **SEC. 1402. REDUCTION OF TRUCK EMISSIONS AT PORT FA-**  
10                           **CILITIES.**

11           (a) ESTABLISHMENT OF PROGRAM.—

12                   (1) IN GENERAL.—The Secretary shall establish  
13           a program to reduce idling at port facilities, under  
14           which the Secretary shall—

15                           (A) study how ports and intermodal port  
16           transfer facilities would benefit from increased  
17           opportunities to reduce emissions at ports, in-  
18           cluding through the electrification of port oper-  
19           ations;

20                           (B) study emerging technologies and strat-  
21           egies that may help reduce port-related emis-  
22           sions from idling trucks; and

23                           (C) coordinate and provide funding to test,  
24           evaluate, and deploy projects that reduce port-  
25           related emissions from idling trucks, including

1 through the advancement of port electrification  
2 and improvements in efficiency, focusing on  
3 port operations, including heavy-duty commer-  
4 cial vehicles, and other related projects.

5 (2) CONSULTATION.—In carrying out the pro-  
6 gram under this subsection, the Secretary may con-  
7 sult with the Secretary of Energy and the Adminis-  
8 trator of the Environmental Protection Agency.

9 (b) GRANTS.—

10 (1) IN GENERAL.—In carrying out subsection  
11 (a)(1)(C), the Secretary shall award grants to fund  
12 projects that reduce emissions at ports, including  
13 through the advancement of port electrification.

14 (2) COST SHARE.—A grant awarded under  
15 paragraph (1) shall not exceed 80 percent of the  
16 total cost of the project funded by the grant.

17 (3) COORDINATION.—In carrying out the grant  
18 program under this subsection, the Secretary shall—

19 (A) to the maximum extent practicable, le-  
20 verage existing resources and programs of the  
21 Department and other relevant Federal agen-  
22 cies; and

23 (B) coordinate with other Federal agen-  
24 cies, as the Secretary determines to be appro-  
25 priate.



1 (4) APPLICATION; SELECTION.—

2 (A) APPLICATION.—The Secretary shall  
3 solicit applications for grants under paragraph  
4 (1) at such time, in such manner, and con-  
5 taining such information as the Secretary deter-  
6 mines to be necessary.

7 (B) SELECTION.—The Secretary shall  
8 make grants under paragraph (1) by not later  
9 than April 1 of each fiscal year for which fund-  
10 ing is made available.

11 (5) REQUIREMENT.—Notwithstanding any  
12 other provision of law, any project funded by a grant  
13 under this subsection shall be treated as a project on  
14 a Federal-aid highway under chapter 1 of title 23,  
15 United States Code.

16 (c) REPORT.—Not later than 1 year after the date  
17 on which all of the projects funded with a grant under  
18 subsection (b) are completed, the Secretary shall submit  
19 to Congress a report that includes—

20 (1) the findings of the studies described in sub-  
21 paragraphs (A) and (B) of subsection (a)(1);

22 (2) the results of the projects that received a  
23 grant under subsection (b);

1           (3) any recommendations for workforce develop-  
2           ment and training opportunities with respect to port  
3           electrification; and

4           (4) any policy recommendations based on the  
5           findings and results described in paragraphs (1) and  
6           (2).

7   **SEC. 1403. CARBON REDUCTION PROGRAM.**

8           (a) IN GENERAL.—Chapter 1 of title 23, United  
9           States Code (as amended by section 1203(a)), is amended  
10          by adding at the end the following:

11   **“§ 175. Carbon reduction program**

12          “(a) DEFINITIONS.—In this section:

13               “(1) METROPOLITAN PLANNING ORGANIZATION;  
14               URBANIZED AREA.—The terms ‘metropolitan plan-  
15               ning organization’ and ‘urbanized area’ have the  
16               meaning given those terms in section 134(b).

17               “(2) TRANSPORTATION EMISSIONS.—The term  
18               ‘transportation emissions’ means carbon dioxide  
19               emissions from on-road highway sources of those  
20               emissions within a State.

21               “(3) TRANSPORTATION MANAGEMENT AREA.—  
22               The term ‘transportation management area’ means  
23               a transportation management area identified or des-  
24               ignated by the Secretary under section 134(k)(1).

1       “(b) ESTABLISHMENT.—The Secretary shall estab-  
2 lish a carbon reduction program to reduce transportation  
3 emissions.

4       “(c) ELIGIBLE PROJECTS.—

5           “(1) IN GENERAL.—Subject to paragraph (2),  
6 funds apportioned to a State under section  
7 104(b)(7) may be obligated for projects to support  
8 the reduction of transportation emissions, includ-  
9 ing—

10           “(A) a project described in section  
11 149(b)(4) to establish or operate a traffic moni-  
12 toring, management, and control facility or pro-  
13 gram, including advanced truck stop electrifica-  
14 tion systems;

15           “(B) a public transportation project that is  
16 eligible for assistance under section 142;

17           “(C) a project described in section  
18 101(a)(29) (as in effect on the day before the  
19 date of enactment of the FAST Act (Public  
20 Law 114–94; 129 Stat. 1312)), including the  
21 construction, planning, and design of on-road  
22 and off-road trail facilities for pedestrians,  
23 bicyclists, and other nonmotorized forms of  
24 transportation;

1           “(D) a project described in section  
2           503(c)(4)(E) for advanced transportation and  
3           congestion management technologies;

4           “(E) a project for the deployment of infra-  
5           structure-based intelligent transportation sys-  
6           tems capital improvements and the installation  
7           of vehicle-to-infrastructure communications  
8           equipment;

9           “(F) a project to replace street lighting  
10          and traffic control devices with energy-efficient  
11          alternatives;

12          “(G) the development of a carbon reduc-  
13          tion strategy in accordance with subsection (d);

14          “(H) a project or strategy that is designed  
15          to support congestion pricing, shifting transpor-  
16          tation demand to nonpeak hours or other trans-  
17          portation modes, increasing vehicle occupancy  
18          rates, or otherwise reducing demand for roads,  
19          including electronic toll collection, and travel  
20          demand management strategies and programs;

21          “(I) efforts to reduce the environmental  
22          and community impacts of freight movement;

23          “(J) a project to support deployment of al-  
24          ternative fuel vehicles, including—

1                   “(i) the acquisition, installation, or  
2                   operation of publicly accessible electric ve-  
3                   hicle charging infrastructure or hydrogen,  
4                   natural gas, or propane vehicle fueling in-  
5                   frastructure; and

6                   “(ii) the purchase or lease of zero-  
7                   emission construction equipment and vehi-  
8                   cles, including the acquisition, construc-  
9                   tion, or leasing of required supporting fa-  
10                  cilities;

11                  “(K) a project described in section  
12                  149(b)(8) for a diesel engine retrofit;

13                  “(L) a project described in section  
14                  149(b)(5) that does not result in the construc-  
15                  tion of new capacity; and

16                  “(M) a project that reduces transportation  
17                  emissions at port facilities, including through  
18                  the advancement of port electrification.

19                  “(2) FLEXIBILITY.—In addition to the eligible  
20                  projects under paragraph (1), a State may use funds  
21                  apportioned under section 104(b)(7) for a project el-  
22                  igible under section 133(b) if the Secretary certifies  
23                  that the State has demonstrated a reduction in  
24                  transportation emissions—

1                   “(A) as estimated on a per capita basis;

2                   and

3                   “(B) as estimated on a per unit of eco-

4                   nomic output basis.

5                   “(d) CARBON REDUCTION STRATEGY.—

6                   “(1) IN GENERAL.—Not later than 2 years

7                   after the date of enactment of the Surface Transpor-

8                   tation Reauthorization Act of 2021, a State, in con-

9                   sultation with any metropolitan planning organiza-

10                  tion designated within the State, shall develop a car-

11                  bon reduction strategy in accordance with this sub-

12                  section.

13                  “(2) REQUIREMENTS.—The carbon reduction

14                  strategy of a State developed under paragraph (1)

15                  shall—

16                         “(A) support efforts to reduce transpor-

17                         tation emissions;

18                         “(B) identify projects and strategies to re-

19                         duce transportation emissions, which may in-

20                         clude projects and strategies for safe, reliable,

21                         and cost-effective options—

22                                 “(i) to reduce traffic congestion by fa-

23                                 cilitating the use of alternatives to single-

24                                 occupant vehicle trips, including public

25                                 transportation facilities, pedestrian facili-

1 ties, bicycle facilities, and shared or pooled  
2 vehicle trips within the State or an area  
3 served by the applicable metropolitan plan-  
4 ning organization, if any;

5 “(ii) to facilitate the use of vehicles or  
6 modes of travel that result in lower trans-  
7 portation emissions per person-mile trav-  
8 eled as compared to existing vehicles and  
9 modes; and

10 “(iii) to facilitate approaches to the  
11 construction of transportation assets that  
12 result in lower transportation emissions as  
13 compared to existing approaches;

14 “(C) support the achievement of targets  
15 for the reduction of transportation emissions of  
16 the State consistent with subsection (d)(2) of  
17 section 150;

18 “(D) at the discretion of the State, quan-  
19 tify the total carbon emissions from the produc-  
20 tion, transport, and use of materials used in the  
21 construction of transportation facilities within  
22 the State; and

23 “(E) be appropriate to the population den-  
24 sity and context of the State, including any

1 metropolitan planning organization designated  
2 within the State.

3 “(3) UPDATES.—The carbon reduction strategy  
4 of a State developed under paragraph (1) shall be  
5 updated not less frequently than once every 4 years.

6 “(4) REVIEW.—Not later than 90 days after  
7 the date on which a State submits a request for the  
8 approval of a carbon reduction strategy developed by  
9 the State under paragraph (1), the Secretary shall—

10 “(A) review the process used to develop the  
11 carbon reduction strategy; and

12 “(B)(i) certify that the carbon reduction  
13 strategy meets the requirements of paragraph  
14 (2); or

15 “(ii) deny certification of the carbon reduc-  
16 tion strategy and specify the actions necessary  
17 for the State to take to correct the deficiencies  
18 in the process of the State in developing the  
19 carbon reduction strategy.

20 “(5) TECHNICAL ASSISTANCE.—At the request  
21 of a State, the Secretary shall provide technical as-  
22 sistance in the development of the carbon reduction  
23 strategy under paragraph (1).

24 “(6) FLEXIBILITY.—The Secretary may allow a  
25 State that is exempted under subsection (f) of sec-



1       tion 150 from the requirements of that section to  
2       also be exempt from the requirement to develop a  
3       carbon reduction strategy under paragraph (1).

4       “(e) SUBALLOCATION.—

5             “(1) IN GENERAL.—For each fiscal year, of the  
6       funds apportioned to the State under section  
7       104(b)(7)—

8             “(A) 65 percent shall be obligated, in pro-  
9       portion to their relative shares of the population  
10       of the State—

11             “(i) in urbanized areas of the State  
12       with an urbanized area population of more  
13       than 200,000;

14             “(ii) in urbanized areas of the State  
15       with an urbanized population of not less  
16       than 50,000 and not more than 200,000;

17             “(iii) in urban areas of the State with  
18       a population of not less than 5,000 and  
19       not more than 49,999; and

20             “(iv) in other areas of the State with  
21       a population of less than 5,000; and

22             “(B) the remainder may be obligated in  
23       any area of the State.

24             “(2) METROPOLITAN AREAS.—Funds attributed  
25       to an urbanized area under paragraph (1)(A)(i) may

1 be obligated in the metropolitan area established  
2 under section 134 that encompasses the urbanized  
3 area.

4 “(3) DISTRIBUTION AMONG URBANIZED AREAS  
5 OF OVER 50,000 POPULATION.—

6 “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), the amounts that a State is  
8 required to obligate under clauses (i) and (ii) of  
9 paragraph (1)(A) shall be obligated in urban-  
10 ized areas described in those clauses based on  
11 the relative population of the areas.

12 “(B) OTHER FACTORS.—The State may  
13 obligate the funds described in subparagraph  
14 (A) based on other factors if—

15 “(i) the State and the relevant metro-  
16 politan planning organizations jointly apply  
17 to the Secretary for the permission to base  
18 the obligation on other factors; and

19 “(ii) the Secretary grants the request.

20 “(4) COORDINATION IN URBANIZED AREAS.—

21 Before obligating funds for an eligible project under  
22 subsection (c) in an urbanized area that is not a  
23 transportation management area, a State shall co-  
24 ordinate with any metropolitan planning organiza-  
25 tion that represents the urbanized area prior to de-

1       termining which activities should be carried out  
2       under the project.

3               “(5) CONSULTATION IN RURAL AREAS.—Before  
4       obligating funds for an eligible project under sub-  
5       section (c) in a rural area, a State shall consult with  
6       any regional transportation planning organization or  
7       metropolitan planning organization that represents  
8       the rural area prior to determining which activities  
9       should be carried out under the project.

10              “(6) OBLIGATION AUTHORITY.—

11                      “(A) IN GENERAL.—A State that is re-  
12       quired to obligate in an urbanized area with an  
13       urbanized area population of 50,000 or more  
14       under this subsection funds apportioned to the  
15       State under section 104(b)(7) shall make avail-  
16       able during the period of fiscal years 2022  
17       through 2026 an amount of obligation authority  
18       distributed to the State for Federal-aid high-  
19       ways and highway safety construction programs  
20       for use in the area that is equal to the amount  
21       obtained by multiplying—

22                              “(i) the aggregate amount of funds  
23       that the State is required to obligate in the  
24       area under this subsection during the pe-  
25       riod; and

1 “(ii) the ratio that—

2 “(I) the aggregate amount of ob-  
3 ligation authority distributed to the  
4 State for Federal-aid highways and  
5 highway safety construction programs  
6 during the period; bears to

7 “(II) the total of the sums appor-  
8 tioned to the State for Federal-aid  
9 highways and highway safety con-  
10 struction programs (excluding sums  
11 not subject to an obligation limitation)  
12 during the period.

13 “(B) JOINT RESPONSIBILITY.—Each  
14 State, each affected metropolitan planning or-  
15 ganization, and the Secretary shall jointly en-  
16 sure compliance with subparagraph (A).

17 “(f) FEDERAL SHARE.—The Federal share of the  
18 cost of a project carried out using funds under subpara-  
19 graph (A) shall be determined in accordance with section  
20 120.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 1 of title 23, United States Code (as amended by sec-  
23 tion 1203(b)) is amended by inserting after the item relat-  
24 ing to section 174 the following:

“175. Carbon reduction program.”.

1 **SEC. 1404. CONGESTION RELIEF PROGRAM.**

2 (a) IN GENERAL.—Section 129 of title 23, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 “(d) CONGESTION RELIEF PROGRAM.—

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

7 “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
8 ble entity’ means—

9 “(i) a State, for the purpose of car-  
10 rying out a project in an urbanized area  
11 with a population of more than 1,000,000;  
12 and

13 “(ii) a metropolitan planning organi-  
14 zation, city, or municipality, for the pur-  
15 pose of carrying out a project in an urban-  
16 ized area with a population of more than  
17 1,000,000.

18 “(B) INTEGRATED CONGESTION MANAGE-  
19 MENT SYSTEM.—The term ‘integrated conges-  
20 tion management system’ means a system for  
21 the integration of management and operations  
22 of a regional transportation system that in-  
23 cludes, at a minimum, traffic incident manage-  
24 ment, work zone management, traffic signal  
25 timing, managed lanes, real-time traveler infor-  
26 mation, and active traffic management, in order

1 to maximize the capacity of all facilities and  
2 modes across the applicable region.

3 “(C) PROGRAM.—The term ‘program’  
4 means the congestion relief program established  
5 under paragraph (2).

6 “(2) ESTABLISHMENT.—The Secretary shall es-  
7 tablish a congestion relief program to provide discre-  
8 tionary grants to eligible entities to advance innova-  
9 tive, integrated, and multimodal solutions to conges-  
10 tion relief in the most congested metropolitan areas  
11 of the United States.

12 “(3) PROGRAM GOALS.—The goals of the pro-  
13 gram are to reduce highway congestion, reduce eco-  
14 nomic and environmental costs associated with that  
15 congestion, including transportation emissions, and  
16 optimize existing highway capacity and usage of  
17 highway and transit systems through—

18 “(A) improving intermodal integration with  
19 highways, highway operations, and highway  
20 performance;

21 “(B) reducing or shifting highway users to  
22 off-peak travel times or to nonhighway travel  
23 modes during peak travel times; and

24 “(C) pricing of, or based on, as applica-  
25 ble—

1 “(i) parking;

2 “(ii) use of roadways, including in  
3 designated geographic zones; or

4 “(iii) congestion.

5 “(4) ELIGIBLE PROJECTS.—Funds from a  
6 grant under the program may be used for a project  
7 or an integrated collection of projects, including  
8 planning, design, implementation, and construction  
9 activities, to achieve the program goals under para-  
10 graph (3), including—

11 “(A) deployment and operation of an inte-  
12 grated congestion management system;

13 “(B) deployment and operation of a system  
14 that implements or enforces high occupancy ve-  
15 hicle toll lanes, cordon pricing, parking pricing,  
16 or congestion pricing;

17 “(C) deployment and operation of mobility  
18 services, including establishing account-based fi-  
19 nancial systems, commuter buses, commuter  
20 vans, express operations, paratransit, and on-  
21 demand microtransit; and

22 “(D) incentive programs that encourage  
23 travelers to carpool, use nonhighway travel  
24 modes during peak period, or travel during  
25 nonpeak periods.

1 “(5) APPLICATION; SELECTION.—

2 “(A) APPLICATION.—To be eligible to re-  
3 ceive a grant under the program, an eligible en-  
4 tity shall submit to the Secretary an application  
5 at such time, in such manner, and containing  
6 such information as the Secretary may require.

7 “(B) PRIORITY.—In providing grants  
8 under the program, the Secretary shall give pri-  
9 ority to projects in urbanized areas that are ex-  
10 perencing a high degree of recurrent conges-  
11 tion.

12 “(C) FEDERAL SHARE.—The Federal  
13 share of the cost of a project carried out with  
14 a grant under the program shall not exceed 80  
15 percent of the total project cost.

16 “(D) MINIMUM AWARD.—A grant provided  
17 under the program shall be not less than  
18 \$10,000,000.

19 “(6) USE OF TOLLING.—

20 “(A) IN GENERAL.—Notwithstanding sub-  
21 section (a)(1) and section 301 and subject to  
22 subparagraphs (B) and (C), the Secretary shall  
23 allow the use of tolls on the Interstate System  
24 as part of a project carried out with a grant  
25 under the program.



1           “(B) REQUIREMENTS.—The Secretary  
2           may only approve the use of tolls under sub-  
3           paragraph (A) if—

4                   “(i) the eligible entity has authority  
5                   under State, and if applicable, local, law to  
6                   assess the applicable toll;

7                   “(ii) the maximum toll rate for any  
8                   vehicle class is not greater than the prod-  
9                   uct obtained by multiplying—

10                           “(I) the toll rate for any other  
11                           vehicle class; and

12                                   “(II) 5;

13                           “(iii) the toll rates are not charged or  
14                           varied on the basis of State residency;

15                           “(iv) the Secretary determines that  
16                           the use of tolls will enable the eligible enti-  
17                           ty to achieve the program goals under  
18                           paragraph (3) without a significant impact  
19                           to safety or mobility within the urbanized  
20                           area in which the project is located; and

21                           “(v) the use of toll revenues complies  
22                           with subsection (a)(3).

23           “(C) LIMITATION.—The Secretary may not  
24           approve the use of tolls on the Interstate Sys-

1           tem under the program in more than 10 urban-  
2           ized areas.

3           “(7) FINANCIAL EFFECTS ON LOW-INCOME  
4           DRIVERS.—A project under the program—

5                   “(A) shall include, if appropriate, an anal-  
6                   ysis of the potential effects of the project on  
7                   low-income drivers; and

8                   “(B) may include mitigation measures to  
9                   deal with any potential adverse financial effects  
10                  on low-income drivers.”.

11          (b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN  
12          TOLL FACILITIES.—Section 129(a) of title 23, United  
13          States Code, is amended—

14                  (1) by redesignating paragraph (10) as para-  
15                  graph (11); and

16                  (2) by inserting after paragraph (9) the fol-  
17                  lowing:

18                          “(10) HIGH OCCUPANCY VEHICLE USE OF CER-  
19                          TAIN TOLL FACILITIES.—Notwithstanding section  
20                          102(a), in the case of a toll facility that is on the  
21                          Interstate System and that is constructed or con-  
22                          verted after the date of enactment of the Surface  
23                          Transportation Reauthorization Act of 2021, the  
24                          public authority with jurisdiction over the toll facil-  
25                          ity shall allow high occupancy vehicles, transit, and

1       paratransit vehicles to use the facility at a discount  
2       rate or without charge, unless the public authority,  
3       in consultation with the Secretary, determines that  
4       the number of those vehicles using the facility re-  
5       duces the travel time reliability of the facility.”.

6       **SEC. 1405. FREIGHT PLANS.**

7       (a) NATIONAL AND STATE FREIGHT PLANS.—

8               (1) NATIONAL FREIGHT STRATEGIC PLAN.—

9       Section 70102(b) of title 49, United States Code, is  
10       amended—

11               (A) in paragraph (10), by striking “and”  
12               at the end;

13               (B) in paragraph (11), by striking the pe-  
14               riod at the end and inserting a semicolon; and

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

16               “(12) possible strategies to increase the resil-  
17               ience of the freight system, including the ability to  
18               anticipate, prepare for, or adapt to conditions, or  
19               withstand, respond to, or recover rapidly from dis-  
20               ruptions, including extreme weather and natural dis-  
21               asters;

22               “(13) strategies to promote United States eco-  
23               nomic growth and international competitiveness; and

24               “(14) strategies to reduce local air pollution  
25               from freight movement, stormwater runoff, and wild-

1 life habitat loss resulting from freight facilities,  
2 freight vehicles, or freight activity.”.

3 (2) STATE FREIGHT PLANS.—Section 70202 of  
4 title 49, United States Code, is amended—

5 (A) in subsection (b)—

6 (i) in paragraph (9), by striking  
7 “and” at the end;

8 (ii) by redesignating paragraph (10)  
9 as paragraph (12); and

10 (iii) by inserting after paragraph (9)  
11 the following:

12 “(10) the most recent commercial motor vehicle  
13 parking facilities assessment conducted under sub-  
14 section (f);

15 “(11) strategies and goals to decrease—

16 “(A) the severity of impacts of extreme  
17 weather and natural disasters on freight mobil-  
18 ity;

19 “(B) the impacts of freight movement on  
20 local air pollution;

21 “(C) the impacts of freight movement on  
22 flooding and stormwater runoff; and

23 “(D) the impacts of freight movement on  
24 wildlife habitat loss; and”;

1 (B) by redesignating subsection (e) as sub-  
2 section (h); and

3 (C) by inserting after subsection (d) the  
4 following:

5 “(e) PRIORITY.—Each State freight plan under this  
6 section shall include a requirement that the State, in car-  
7 rying out activities under the State freight plan—

8 “(1) enhance reliability or redundancy of  
9 freight transportation; or

10 “(2) incorporate the ability to rapidly restore  
11 access and reliability of freight transportation.

12 “(f) COMMERCIAL MOTOR VEHICLE PARKING FA-  
13 CILITIES ASSESSMENTS.—As part of the development or  
14 updating, as applicable, of the State freight plan under  
15 this section, each State that receives funding under section  
16 167 of title 23, in consultation with relevant State motor  
17 carrier safety personnel, shall conduct an assessment of—

18 “(1) the capability of the State, together with  
19 the private sector in the State, to provide adequate  
20 parking facilities and rest facilities for commercial  
21 motor vehicles engaged in interstate transportation;

22 “(2) the volume of commercial motor vehicle  
23 traffic in the State; and

24 “(3) whether there are any areas within the  
25 State that have a shortage of adequate commercial

1 motor vehicle parking facilities, including an analysis  
2 (economic or otherwise, as the State determines to  
3 be appropriate) of the underlying causes of any such  
4 shortages.

5 “(g) APPROVAL.—

6 “(1) IN GENERAL.—The Secretary of Transpor-  
7 tation shall approve a State freight plan described in  
8 subsection (a) if the plan achieves compliance with  
9 the requirements of this section.

10 “(2) SAVINGS PROVISION.—Nothing in this sub-  
11 section establishes new procedural requirements for  
12 the approval of a State freight plan described in  
13 subsection (a).”.

14 (b) STUDIES.—For the purpose of facilitating the in-  
15 tegration of intelligent transportation systems into the  
16 freight transportation network powered by electricity, the  
17 Secretary, acting through the Administrator of the Fed-  
18 eral Highway Administration, shall conduct a study relat-  
19 ing to—

20 (1) preparing to supply power to applicable  
21 electrical freight infrastructure; and

22 (2) safely integrating freight into intelligent  
23 transportation systems.

1 **SEC. 1406. PROMOTING RESILIENT OPERATIONS FOR**  
2 **TRANSFORMATIVE, EFFICIENT, AND COST-**  
3 **SAVING TRANSPORTATION (PROTECT) PRO-**  
4 **GRAM.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United  
6 States Code (as amended by section 1403(a)), is amended  
7 by adding at the end the following:

8 **“§ 176. Promoting Resilient Operations for Trans-**  
9 **formative, Efficient, and Cost-saving**  
10 **Transportation (PROTECT) program**

11 “(a) DEFINITIONS.—In this section:

12 “(1) EMERGENCY EVENT.—The term ‘emer-

13 gency event’ means a natural disaster or cata-

14 strophic failure resulting in—

15 “(A) an emergency declared by the Gov-

16 ernor of the State in which the disaster or fail-

17 ure occurred; or

18 “(B) an emergency or disaster declared by

19 the President.

20 “(2) EVACUATION ROUTE.—The term ‘evacu-

21 ation route’ means a transportation route or system

22 that—

23 “(A) is owned, operated, or maintained by

24 a Federal, State, Tribal, or local government;

25 “(B) is used—

1                   “(i) to transport the public away from  
2                   emergency events; or

3                   “(ii) to transport emergency respond-  
4                   ers and recovery resources; and

5                   “(C) is designated by the eligible entity  
6                   with jurisdiction over the area in which the  
7                   route is located for the purposes described in  
8                   subparagraph (B).

9                   “(3) PROGRAM.—The term ‘program’ means  
10                  the program established under subsection (b)(1).

11                  “(4) RESILIENCE IMPROVEMENT.—The term  
12                  ‘resilience improvement’ means the use of materials  
13                  or structural or nonstructural techniques, including  
14                  natural infrastructure—

15                         “(A) that allow a project—

16                                 “(i) to better anticipate, prepare for,  
17                                 and adapt to changing conditions and to  
18                                 withstand and respond to disruptions; and

19                                 “(ii) to be better able to continue to  
20                                 serve the primary function of the project  
21                                 during and after weather events and nat-  
22                                 ural disasters for the expected life of the  
23                                 project; or

24                                 “(B) that—



1                   “(i) reduce the magnitude and dura-  
2                   tion of impacts of current and future  
3                   weather events and natural disasters to a  
4                   project; or

5                   “(ii) have the absorptive capacity,  
6                   adaptive capacity, and recoverability to de-  
7                   crease project vulnerability to current and  
8                   future weather events or natural disasters.

9                   “(b) ESTABLISHMENT.—

10                   “(1) IN GENERAL.—The Secretary shall estab-  
11                   lish a program, to be known as the ‘Promoting Re-  
12                   silient Operations for Transformative, Efficient, and  
13                   Cost-saving Transportation program’ or the ‘PRO-  
14                   TECT program’.

15                   “(2) PURPOSE.—The purpose of the program is  
16                   to provide grants for resilience improvements  
17                   through—

18                   “(A) formula funding distributed to States  
19                   to carry out subsection (c);

20                   “(B) competitive planning grants to enable  
21                   communities to assess vulnerabilities to current  
22                   and future weather events and natural disasters  
23                   and changing conditions, including sea level  
24                   rise, and plan transportation improvements and

1 emergency response strategies to address those  
2 vulnerabilities; and

3 “(C) competitive resilience improvement  
4 grants to protect—

5 “(i) surface transportation assets by  
6 making the assets more resilient to current  
7 and future weather events and natural dis-  
8 asters, such as severe storms, flooding,  
9 drought, levee and dam failures, wildfire,  
10 rockslides, mudslides, sea level rise, ex-  
11 treme weather, including extreme tempera-  
12 ture, and earthquakes;

13 “(ii) communities through resilience  
14 improvements and strategies that allow for  
15 the continued operation or rapid recovery  
16 of surface transportation systems that—

17 “(I) serve critical local, regional,  
18 and national needs, including evacu-  
19 ation routes; and

20 “(II) provide access or service to  
21 hospitals and other medical or emer-  
22 gency service facilities, major employ-  
23 ers, critical manufacturing centers,  
24 ports and intermodal facilities, utili-  
25 ties, and Federal facilities;

1                   “(iii) coastal infrastructure, such as a  
2                   tide gate to protect highways, that is at  
3                   long-term risk to sea level rise; and

4                   “(iv) natural infrastructure that pro-  
5                   tects and enhances surface transportation  
6                   assets while improving ecosystem condi-  
7                   tions, including culverts that ensure ade-  
8                   quate flows in rivers and estuarine sys-  
9                   tems.

10           “(c) ELIGIBLE ACTIVITIES FOR APPORTIONED  
11 FUNDING.—

12                   “(1) IN GENERAL.—Except as provided in para-  
13                   graph (2), funds apportioned to the State under sec-  
14                   tion 104(b)(8) shall be obligated for activities eligi-  
15                   ble under subparagraph (A), (B), or (C) of sub-  
16                   section (d)(4).

17                   “(2) PLANNING SET-ASIDE.—Of the funds ap-  
18                   portioned to a State under section 104(b)(8) for  
19                   each fiscal year, not less than 2 percent shall be for  
20                   activities described in subsection (d)(3).

21                   “(3) REQUIREMENTS.—

22                   “(A) PROJECTS IN CERTAIN AREAS.—If a  
23                   project under this subsection is carried out, in  
24                   whole or in part, within a base floodplain, the  
25                   State shall—



1 “(III) aids transportation.

2 “(C) SYSTEM RESILIENCE.—A project car-  
3 ried out by a State with funds apportioned to  
4 the State under section 104(b)(8) may include  
5 the use of natural infrastructure or the con-  
6 struction or modification of storm surge, flood  
7 protection, or aquatic ecosystem restoration ele-  
8 ments that are functionally connected to a  
9 transportation improvement, such as—

10 “(i) increasing marsh health and total  
11 area adjacent to a highway right-of-way to  
12 promote additional flood storage;

13 “(ii) upgrades to and installing of cul-  
14 verts designed to withstand 100-year flood  
15 events;

16 “(iii) upgrades to and installation of  
17 tide gates to protect highways; and

18 “(iv) upgrades to and installation of  
19 flood gates to protect tunnel entrances.

20 “(D) FEDERAL COST SHARE.—

21 “(i) IN GENERAL.—Except as pro-  
22 vided in subsection (e)(1), the Federal  
23 share of the cost of a project carried out  
24 using funds apportioned to the State under

1 section 104(b)(8) shall not exceed 80 per-  
2 cent of the total project cost.

3 “(ii) NON-FEDERAL SHARE.—A State  
4 may use Federal funds other than Federal  
5 funds apportioned to the State under sec-  
6 tion 104(b)(8) to meet the non-Federal  
7 cost share requirement for a project under  
8 this subsection.

9 “(E) ELIGIBLE PROJECT COSTS.—

10 “(i) IN GENERAL.—Except as pro-  
11 vided in clause (ii), eligible project costs  
12 for activities carried out by a State with  
13 funds apportioned to the State under sec-  
14 tion 104(b)(8) may include the costs of—

15 “(I) development phase activities,  
16 including planning, feasibility anal-  
17 ysis, revenue forecasting, environ-  
18 mental review, preliminary engineer-  
19 ing and design work, and other  
20 preconstruction activities; and

21 “(II) construction, reconstruc-  
22 tion, rehabilitation, and acquisition of  
23 real property (including land related  
24 to the project and improvements to  
25 land), environmental mitigation, con-

1 construction contingencies, acquisition of  
2 equipment directly related to improv-  
3 ing system performance, and oper-  
4 ational improvements.

5 “(ii) ELIGIBLE PLANNING COSTS.—In  
6 the case of a planning activity described in  
7 subsection (d)(3) that is carried out by a  
8 State with funds apportioned to the State  
9 under section 104(b)(8), eligible costs may  
10 include development phase activities, in-  
11 cluding planning, feasibility analysis, rev-  
12 enue forecasting, environmental review,  
13 preliminary engineering and design work,  
14 other preconstruction activities, and other  
15 activities consistent with carrying out the  
16 purposes of subsection (d)(3).

17 “(F) LIMITATIONS.—A State—

18 “(i) may use not more than 40 per-  
19 cent of the amounts apportioned to the  
20 State under section 104(b)(8) for the con-  
21 struction of new capacity; and

22 “(ii) may use not more than 10 per-  
23 cent of the amounts apportioned to the  
24 State under section 104(b)(8) for activities  
25 described in subparagraph (E)(i)(I).

1 “(d) COMPETITIVE AWARDS.—

2 “(1) IN GENERAL.—In addition to funds appor-  
3 tioned to States under section 104(b)(8) to carry out  
4 activities under subsection (c), the Secretary shall  
5 provide grants on a competitive basis under this sub-  
6 section to eligible entities described in paragraph  
7 (2).

8 “(2) ELIGIBLE ENTITIES.—Except as provided  
9 in paragraph (4)(C), the Secretary may make a  
10 grant under this subsection to any of the following:

11 “(A) A State or political subdivision of a  
12 State.

13 “(B) A metropolitan planning organiza-  
14 tion.

15 “(C) A unit of local government.

16 “(D) A special purpose district or public  
17 authority with a transportation function, includ-  
18 ing a port authority.

19 “(E) An Indian tribe (as defined in section  
20 207(m)(1)).

21 “(F) A Federal land management agency  
22 that applies jointly with a State or group of  
23 States.



1           “(G) A multi-State or multijurisdictional  
2           group of entities described in subparagraphs  
3           (A) through (F).

4           “(3) PLANNING GRANTS.—Using funds made  
5           available under this subsection, the Secretary shall  
6           provide planning grants to eligible entities for the  
7           purpose of—

8           “(A) in the case of a State or metropolitan  
9           planning organization, developing a resilience  
10          improvement plan under subsection (e)(2);

11          “(B) resilience planning, predesign, design,  
12          or the development of data tools to simulate  
13          transportation disruption scenarios, including  
14          vulnerability assessments;

15          “(C) technical capacity building by the eli-  
16          gible entity to facilitate the ability of the eligi-  
17          ble entity to assess the vulnerabilities of the  
18          surface transportation assets and community  
19          response strategies of the eligible entity under  
20          current conditions and a range of potential fu-  
21          ture conditions; or

22          “(D) evacuation planning and preparation.

23          “(4) RESILIENCE GRANTS.—

24          “(A)           RESILIENCE           IMPROVEMENT  
25          GRANTS.—

1                   “(i) IN GENERAL.—Using funds made  
2 available under this subsection, the Sec-  
3 retary shall provide resilience improvement  
4 grants to eligible entities to carry out 1 or  
5 more eligible activities under clause (ii).

6                   “(ii) ELIGIBLE ACTIVITIES.—

7                   “(I) IN GENERAL.—An eligible  
8 entity may use a resilience improve-  
9 ment grant under this subparagraph  
10 for 1 or more construction activities  
11 to enable an existing surface transpor-  
12 tation asset to withstand 1 or more  
13 elements of a weather event or natural  
14 disaster, or to increase the resilience  
15 of surface transportation infrastruc-  
16 ture from the impacts of changing  
17 conditions, such as sea level rise,  
18 flooding, extreme weather events, and  
19 other natural disasters.

20                   “(II) INCLUSIONS.—An activity  
21 eligible to be carried out under this  
22 subparagraph includes—

23                   “(aa) resurfacing, restora-  
24 tion, rehabilitation, reconstruc-  
25 tion, replacement, improvement,

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1 or realignment of an existing sur-  
2 face transportation facility eligi-  
3 ble for assistance under this title;

4 “(bb) the incorporation of  
5 natural infrastructure;

6 “(cc) the upgrade of an ex-  
7 isting surface transportation fa-  
8 cility to meet or exceed Federal  
9 Highway Administration ap-  
10 proved design standards;

11 “(dd) the installation of  
12 mitigation measures that prevent  
13 the intrusion of floodwaters into  
14 surface transportation systems;

15 “(ee) strengthening systems  
16 that remove rainwater from sur-  
17 face transportation facilities;

18 “(ff) a resilience project that  
19 addresses identified  
20 vulnerabilities described in the  
21 resilience improvement plan of  
22 the eligible entity, if applicable;

23 “(gg) relocating roadways in  
24 a base floodplain to higher  
25 ground above projected flood ele-

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1 vation levels, or away from slide  
2 prone areas;  
3 “(hh) stabilizing slide areas  
4 or slopes;  
5 “(ii) installing riprap;  
6 “(jj) lengthening or raising  
7 bridges to increase waterway  
8 openings, including to respond to  
9 extreme weather;  
10 “(kk) increasing the size or  
11 number of drainage structures;  
12 “(ll) installing seismic retro-  
13 fits on bridges;  
14 “(mm) adding scour protec-  
15 tion at bridges;  
16 “(nn) adding scour, stream  
17 stability, coastal, and other hy-  
18 draulic countermeasures, includ-  
19 ing spur dikes; and  
20 “(oo) any other protective  
21 features, including natural infra-  
22 structure, as determined by the  
23 Secretary.



1                   “(i) IN GENERAL.—Using funds made  
2 available under this subsection, the Sec-  
3 retary shall provide community resilience  
4 and evacuation route grants to eligible en-  
5 tities to carry out 1 or more eligible activi-  
6 ties under clause (ii).

7                   “(ii) ELIGIBLE ACTIVITIES.—An eligi-  
8 ble entity may use a community resilience  
9 and evacuation route grant under this sub-  
10 paragraph for 1 or more projects that  
11 strengthen and protect evacuation routes  
12 that are essential for providing and sup-  
13 porting evacuations caused by emergency  
14 events, including a project that—

15                   “(I) is an eligible activity under  
16 subparagraph (A)(ii), if that eligible  
17 activity will improve an evacuation  
18 route;

19                   “(II) ensures the ability of the  
20 evacuation route to provide safe pas-  
21 sage during an evacuation and re-  
22 duces the risk of damage to evacu-  
23 ation routes as a result of future  
24 emergency events, including restoring  
25 or replacing existing evacuation routes

1 that are in poor condition or not de-  
2 signed to meet the anticipated de-  
3 mand during an emergency event, and  
4 including steps to protect routes from  
5 mud, rock, or other debris slides;

6 “(III) if the eligible entity noti-  
7 fies the Secretary that existing evacu-  
8 ation routes are not sufficient to ade-  
9 quately facilitate evacuations, includ-  
10 ing the transportation of emergency  
11 responders and recovery resources, ex-  
12 pands the capacity of evacuation  
13 routes to swiftly and safely accommo-  
14 date evacuations, including installa-  
15 tion of—

16 “(aa) communications and  
17 intelligent transportation system  
18 equipment and infrastructure;

19 “(bb) counterflow measures;

20 or

21 “(cc) shoulders;

22 “(IV) is for the construction of  
23 new or redundant evacuation routes,  
24 if the eligible entity notifies the Sec-  
25 retary that existing evacuation routes

1 are not sufficient to adequately facili-  
2 tate evacuations, including the trans-  
3 portation of emergency responders  
4 and recovery resources;

5 “(V) is for the acquisition of  
6 evacuation route or traffic incident  
7 management equipment or signage; or

8 “(VI) will ensure access or serv-  
9 ice to critical destinations, including  
10 hospitals and other medical or emer-  
11 gency service facilities, major employ-  
12 ers, critical manufacturing centers,  
13 ports and intermodal facilities, utili-  
14 ties, and Federal facilities.

15 “(iii) PRIORITY.—The Secretary shall  
16 prioritize community resilience and evacu-  
17 ation route grants under this subpara-  
18 graph for eligible activities that are cost-ef-  
19 fective, as determined by the Secretary,  
20 taking into account—

21 “(I) current and future  
22 vulnerabilities to an evacuation route  
23 due to future occurrence or recurrence  
24 of emergency events that are likely to



1 occur in the geographic area in which  
2 the evacuation route is located; and

3 “(II) projected changes in devel-  
4 opment patterns, demographics, and  
5 extreme weather events based on the  
6 best available evidence and analysis.

7 “(iv) CONSULTATION.—In providing  
8 grants for community resilience and evacu-  
9 ation routes under this subparagraph, the  
10 Secretary may consult with the Adminis-  
11 trator of the Federal Emergency Manage-  
12 ment Agency, who may provide technical  
13 assistance to the Secretary and to eligible  
14 entities.

15 “(C) AT-RISK COASTAL INFRASTRUCTURE  
16 GRANTS.—

17 “(i) DEFINITION OF ELIGIBLE ENTI-  
18 TY.—In this subparagraph, the term ‘eligi-  
19 ble entity’ means any of the following:

20 “(I) A State (including the  
21 United States Virgin Islands, Guam,  
22 American Samoa, and the Common-  
23 wealth of the Northern Mariana Is-  
24 lands) in, or bordering on, the Atlan-  
25 tic, Pacific, or Arctic Ocean, the Gulf

1 of Mexico, Long Island Sound, or 1 or  
2 more of the Great Lakes.

3 “(II) A political subdivision of a  
4 State described in subclause (I).

5 “(III) A metropolitan planning  
6 organization in a State described in  
7 subclause (I).

8 “(IV) A unit of local government  
9 in a State described in subclause (I).

10 “(V) A special purpose district or  
11 public authority with a transportation  
12 function, including a port authority,  
13 in a State described in subclause (I).

14 “(VI) An Indian tribe in a State  
15 described in subclause (I).

16 “(VII) A Federal land manage-  
17 ment agency that applies jointly with  
18 a State or group of States described  
19 in subclause (I).

20 “(VIII) A multi-State or multi-  
21 jurisdictional group of entities de-  
22 scribed in subclauses (I) through  
23 (VII).

24 “(ii) GRANTS.—Using funds made  
25 available under this subsection, the Sec-

1           retary shall provide at-risk coastal infra-  
2           structure grants to eligible entities to carry  
3           out 1 or more eligible activities under  
4           clause (iii).

5           “(iii) ELIGIBLE ACTIVITIES.—An eli-  
6           gible entity may use an at-risk coastal in-  
7           frastructure grant under this subpara-  
8           graph for strengthening, stabilizing, hard-  
9           ening, elevating, relocating, or otherwise  
10          enhancing the resilience of highway and  
11          non-rail infrastructure, including bridges,  
12          roads, pedestrian walkways, and bicycle  
13          lanes, and associated infrastructure, such  
14          as culverts and tide gates to protect high-  
15          ways, that are subject to, or face increased  
16          long-term future risks of, a weather event,  
17          a natural disaster, or changing conditions,  
18          including coastal flooding, coastal erosion,  
19          wave action, storm surge, or sea level rise,  
20          in order to improve transportation and  
21          public safety and to reduce costs by avoid-  
22          ing larger future maintenance or rebuild-  
23          ing costs.

24          “(iv) CRITERIA.—The Secretary shall  
25          provide at-risk coastal infrastructure

1 grants under this subparagraph for a  
2 project—

3 “(I) that addresses the risks  
4 from a current or future weather  
5 event or natural disaster, including  
6 coastal flooding, coastal erosion, wave  
7 action, storm surge, or sea level  
8 change; and

9 “(II) that reduces long-term in-  
10 frastructure costs by avoiding larger  
11 future maintenance or rebuilding  
12 costs.

13 “(v) COASTAL BENEFITS.—In addi-  
14 tion to the criteria under clause (iv), for  
15 the purpose of providing at-risk coastal in-  
16 frastructure grants under this subpara-  
17 graph, the Secretary shall evaluate the ex-  
18 tent to which a project will provide—

19 “(I) access to coastal homes,  
20 businesses, communities, and other  
21 critical infrastructure, including ac-  
22 cess by first responders and other  
23 emergency personnel; or

24 “(II) access to a designated evac-  
25 uation route.

1 “(5) GRANT REQUIREMENTS.—

2 “(A) SOLICITATIONS FOR GRANTS.—In  
3 providing grants under this subsection, the Sec-  
4 retary shall conduct a transparent and competi-  
5 tive national solicitation process to select eligi-  
6 ble projects to receive grants under paragraph  
7 (3) and subparagraphs (A), (B), and (C) of  
8 paragraph (4).

9 “(B) APPLICATIONS.—

10 “(i) IN GENERAL.—To be eligible to  
11 receive a grant under paragraph (3) or  
12 subparagraph (A), (B), or (C) of para-  
13 graph (4), an eligible entity shall submit to  
14 the Secretary an application in such form,  
15 at such time, and containing such informa-  
16 tion as the Secretary determines to be nec-  
17 essary.

18 “(ii) PROJECTS IN CERTAIN AREAS.—  
19 If a project is proposed to be carried out  
20 by the eligible entity, in whole or in part,  
21 within a base floodplain, the eligible entity  
22 shall—

23 “(I) as part of the application,  
24 identify the floodplain in which the

1 project is to be located and disclose  
2 that information to the Secretary; and

3 “(II) indicate in the application  
4 whether, if selected, the eligible entity  
5 will implement 1 or more components  
6 of the risk mitigation plan under sec-  
7 tion 322 of the Robert T. Stafford  
8 Disaster Relief and Emergency Assist-  
9 ance Act (42 U.S.C. 5165) with re-  
10 spect to the area.

11 “(C) ELIGIBILITIES.—The Secretary may  
12 make a grant under paragraph (3) or subpara-  
13 graph (A), (B), or (C) of paragraph (4) only  
14 for—

15 “(i) a highway project eligible for as-  
16 sistance under this title;

17 “(ii) a public transportation facility or  
18 service eligible for assistance under chapter  
19 53 of title 49;

20 “(iii) a facility or service for intercity  
21 rail passenger transportation (as defined in  
22 section 24102 of title 49); or

23 “(iv) a port facility, including a facil-  
24 ity that—

1                   “(I) connects a port to other  
2                   modes of transportation;

3                   “(II) improves the efficiency of  
4                   evacuations and disaster relief; or

5                   “(III) aids transportation.

6                   “(D) SYSTEM RESILIENCE.—A project for  
7                   which a grant is provided under paragraph (3)  
8                   or subparagraph (A), (B), or (C) of paragraph  
9                   (4) may include the use of natural infrastruc-  
10                  ture or the construction or modification of  
11                  storm surge, flood protection, or aquatic eco-  
12                  system restoration elements that the Secretary  
13                  determines are functionally connected to a  
14                  transportation improvement, such as—

15                   “(i) increasing marsh health and total  
16                   area adjacent to a highway right-of-way to  
17                   promote additional flood storage;

18                   “(ii) upgrades to and installing of cul-  
19                   verts designed to withstand 100-year flood  
20                   events;

21                   “(iii) upgrades to and installation of  
22                   tide gates to protect highways; and

23                   “(iv) upgrades to and installation of  
24                   flood gates to protect tunnel entrances.

25                   “(E) FEDERAL COST SHARE.—

1                   “(i) PLANNING GRANT.—The Federal  
2 share of the cost of a planning activity car-  
3 ried out using a planning grant under  
4 paragraph (3) shall be 100 percent.

5                   “(ii) RESILIENCE GRANTS.—

6                   “(I) IN GENERAL.—Except as  
7 provided in subclause (II) and sub-  
8 section (e)(1), the Federal share of  
9 the cost of a project carried out using  
10 a grant under subparagraph (A), (B),  
11 or (C) of paragraph (4) shall not ex-  
12 ceed 80 percent of the total project  
13 cost.

14                   “(II) TRIBAL PROJECTS.—On  
15 the determination of the Secretary,  
16 the Federal share of the cost of a  
17 project carried out using a grant  
18 under subparagraph (A), (B), or (C)  
19 of paragraph (4) by an Indian tribe  
20 (as defined in section 207(m)(1)) may  
21 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.—

10 “(i) IN GENERAL.—An eligible entity  
11 that receives a grant under subparagraph  
12 (A), (B), or (C) of paragraph (4)—

13 “(I) may use not more than 40  
14 percent of the amount of the grant for  
15 the construction of new capacity; and

16 “(II) may use not more than 10  
17 percent of the amount of the grant for  
18 activities described in subparagraph  
19 (F)(i)(I).

20 “(ii) LIMIT ON CERTAIN ACTIVI-  
21 TIES.—For each fiscal year, not more than  
22 25 percent of the total amount provided  
23 under this subsection may be used for  
24 projects described in subparagraph (C)(iii).

25 “(H) DISTRIBUTION OF GRANTS.—

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1           “(i) IN GENERAL.—Subject to the  
2           availability of funds, an eligible entity may  
3           request and the Secretary may distribute  
4           funds for a grant under this subsection on  
5           a multiyear basis, as the Secretary deter-  
6           mines to be necessary.

7           “(ii) RURAL SET-ASIDE.—Of the  
8           amounts made available to carry out this  
9           subsection for each fiscal year, the Sec-  
10          retary shall use not less than 25 percent  
11          for grants for projects located in areas  
12          that are outside an urbanized area with a  
13          population of over 200,000.

14          “(iii) TRIBAL SET-ASIDE.—Of the  
15          amounts made available to carry out this  
16          subsection for each fiscal year, the Sec-  
17          retary shall use not less than 2 percent for  
18          grants to Indian tribes (as defined in sec-  
19          tion 207(m)(1)).

20          “(iv) REALLOCATION.—For any fiscal  
21          year, if the Secretary determines that the  
22          amount described in clause (ii) or (iii) will  
23          not be fully utilized for the grant described  
24          in that clause, the Secretary may reallocate

1           the unutilized funds to provide grants to  
2           other eligible entities under this subsection.

3           “(6) CONSULTATION.—In carrying out this sub-  
4           section, the Secretary shall—

5           “(A) consult with the Assistant Secretary  
6           of the Army for Civil Works, the Administrator  
7           of the Environmental Protection Agency, the  
8           Secretary of the Interior, and the Secretary of  
9           Commerce; and

10           “(B) solicit technical support from the Ad-  
11           ministrator of the Federal Emergency Manage-  
12           ment Agency.

13           “(e) RESILIENCE IMPROVEMENT PLAN AND LOWER  
14           NON-FEDERAL SHARE.—

15           “(1) FEDERAL SHARE REDUCTIONS.—

16           “(A) IN GENERAL.—A State that receives  
17           funds apportioned to the State under section  
18           104(b)(8) or an eligible entity that receives a  
19           grant under subsection (d) shall have the non-  
20           Federal share of a project carried out with the  
21           funds or grant, as applicable, reduced by an  
22           amount described in subparagraph (B) if the  
23           State or eligible entity meets the applicable re-  
24           quirements under that subparagraph.

25           “(B) AMOUNT OF REDUCTIONS.—

1                   “(i) RESILIENCE IMPROVEMENT  
2 PLAN.—Subject to clause (iii), the amount  
3 of the non-Federal share of the costs of a  
4 project carried out with funds apportioned  
5 to a State under section 104(b)(8) or a  
6 grant under subsection (d) shall be re-  
7 duced by 7 percentage points if—

8                   “(I) in the case of a State or an  
9 eligible entity that is a State or a  
10 metropolitan planning organization,  
11 the State or eligible entity has—

12                   “(aa) developed a resilience  
13 improvement plan in accordance  
14 with this subsection; and

15                   “(bb) prioritized the project  
16 on that resilience improvement  
17 plan; and

18                   “(II) in the case of an eligible en-  
19 tity not described in subclause (I), the  
20 eligible entity is located in a State or  
21 an area served by a metropolitan  
22 planning organization that has—

23                   “(aa) developed a resilience  
24 improvement plan in accordance  
25 with this subsection; and

1                   “(bb) prioritized the project  
2                   on that resilience improvement  
3                   plan.

4                   “(ii) INCORPORATION OF RESILIENCE  
5                   IMPROVEMENT PLAN IN OTHER PLAN-  
6                   NING.—Subject to clause (iii), the amount  
7                   of the non-Federal share of the cost of a  
8                   project carried out with funds under sub-  
9                   section (c) or a grant under subsection (d)  
10                  shall be reduced by 3 percentage points  
11                  if—

12                  “(I) in the case of a State or an  
13                  eligible entity that is a State or a  
14                  metropolitan planning organization,  
15                  the resilience improvement plan devel-  
16                  oped in accordance with this sub-  
17                  section has been incorporated into the  
18                  metropolitan transportation plan  
19                  under section 134 or the long-range  
20                  statewide transportation plan under  
21                  section 135, as applicable; and

22                  “(II) in the case of an eligible en-  
23                  tity not described in subclause (I), the  
24                  eligible entity is located in a State or  
25                  an area served by a metropolitan

1 planning organization that incor-  
2 porated a resilience improvement plan  
3 into the metropolitan transportation  
4 plan under section 134 or the long-  
5 range statewide transportation plan  
6 under section 135, as applicable.

7 “(iii) LIMITATIONS.—

8 “(I) MAXIMUM REDUCTION.—A  
9 State or eligible entity may not receive  
10 a reduction under this paragraph of  
11 more than 10 percentage points for  
12 any single project carried out with  
13 funds under subsection (c) or a grant  
14 under subsection (d).

15 “(II) NO NEGATIVE NON-FED-  
16 ERAL SHARE.—A reduction under this  
17 paragraph shall not reduce the non-  
18 Federal share of the costs of a project  
19 carried out with funds under sub-  
20 section (c) or a grant under sub-  
21 section (d) to an amount that is less  
22 than zero.

23 “(2) PLAN CONTENTS.—A resilience improve-  
24 ment plan referred to in paragraph (1)—

1           “(A) shall be for the immediate and long-  
2 range planning activities and investments of the  
3 State or metropolitan planning organization  
4 with respect to resilience of the surface trans-  
5 portation system within the boundaries of the  
6 State or metropolitan planning organization, as  
7 applicable;

8           “(B) shall demonstrate a systemic ap-  
9 proach to surface transportation system resil-  
10 ience and be consistent with and complementary  
11 of the State and local mitigation plans required  
12 under section 322 of the Robert T. Stafford  
13 Disaster Relief and Emergency Assistance Act  
14 (42 U.S.C. 5165);

15           “(C) shall include a risk-based assessment  
16 of vulnerabilities of transportation assets and  
17 systems to current and future weather events  
18 and natural disasters, such as severe storms,  
19 flooding, drought, levee and dam failures, wild-  
20 fire, rockslides, mudslides, sea level rise, ex-  
21 treme weather, including extreme temperatures,  
22 and earthquakes;

23           “(D) may—

24                   “(i) designate evacuation routes and  
25 strategies, including multimodal facilities,



1 designated with consideration for individ-  
2 uals without access to personal vehicles;

3 “(ii) plan for response to anticipated  
4 emergencies, including plans for the mobil-  
5 ity of—

6 “(I) emergency response per-  
7 sonnel and equipment; and

8 “(II) access to emergency serv-  
9 ices, including for vulnerable or dis-  
10 advantaged populations;

11 “(iii) describe the resilience improve-  
12 ment policies, including strategies, land-use  
13 and zoning changes, investments in natural  
14 infrastructure, or performance measures  
15 that will inform the transportation invest-  
16 ment decisions of the State or metropolitan  
17 planning organization with the goal of in-  
18 creasing resilience;

19 “(iv) include an investment plan  
20 that—

21 “(I) includes a list of priority  
22 projects; and

23 “(II) describes how funds appor-  
24 tioned to the State under section  
25 104(b)(8) or provided by a grant

1 under the program would be invested  
2 and matched, which shall not be sub-  
3 ject to fiscal constraint requirements;  
4 and

5 “(v) use science and data and indicate  
6 the source of data and methodologies; and  
7 “(E) shall, as appropriate—

8 “(i) include a description of how the  
9 plan will improve the ability of the State or  
10 metropolitan planning organization—

11 “(I) to respond promptly to the  
12 impacts of weather events and natural  
13 disasters; and

14 “(II) to be prepared for changing  
15 conditions, such as sea level rise and  
16 increased flood risk;

17 “(ii) describe the codes, standards,  
18 and regulatory framework, if any, adopted  
19 and enforced to ensure resilience improve-  
20 ments within the impacted area of pro-  
21 posed projects included in the resilience  
22 improvement plan;

23 “(iii) consider the benefits of com-  
24 bining hard surface transportation assets,  
25 and natural infrastructure, through coordi-

1 nated efforts by the Federal Government  
2 and the States;

3 “(iv) assess the resilience of other  
4 community assets, including buildings and  
5 housing, emergency management assets,  
6 and energy, water, and communication in-  
7 frastructure;

8 “(v) use a long-term planning period;  
9 and

10 “(vi) include such other information  
11 as the State or metropolitan planning or-  
12 ganization considers appropriate.

13 “(3) NO NEW PLANNING REQUIREMENTS.—  
14 Nothing in this section requires a metropolitan plan-  
15 ning organization or a State to develop a resilience  
16 improvement plan or to include a resilience improve-  
17 ment plan under the metropolitan transportation  
18 plan under section 134 or the long-range statewide  
19 transportation plan under section 135, as applicable,  
20 of the metropolitan planning organization or State.

21 “(f) MONITORING.—

22 “(1) IN GENERAL.—Not later than 18 months  
23 after the date of enactment of this section, the Sec-  
24 retary shall—

1           “(A) establish, for the purpose of evalu-  
2           ating the effectiveness and impacts of projects  
3           carried out with a grant under subsection (d)—

4                   “(i) subject to paragraph (2), trans-  
5                   portation and any other metrics as the  
6                   Secretary determines to be necessary; and

7                   “(ii) procedures for monitoring and  
8                   evaluating projects based on those metrics;  
9                   and

10           “(B) select a representative sample of  
11           projects to evaluate based on the metrics and  
12           procedures established under subparagraph (A).

13           “(2) NOTICE.—Before adopting any metrics de-  
14           scribed in paragraph (1), the Secretary shall—

15                   “(A) publish the proposed metrics in the  
16                   Federal Register; and

17                   “(B) provide to the public an opportunity  
18                   for comment on the proposed metrics.

19           “(g) REPORTS.—

20                   “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not  
21                   later than 1 year after the date on which a project  
22                   carried out with a grant under subsection (d) is  
23                   completed, the eligible entity that carried out the  
24                   project shall submit to the Secretary a report on the

1 results of the project and the use of the funds  
2 awarded.

3 “(2) REPORTS TO CONGRESS.—

4 “(A) ANNUAL REPORTS.—The Secretary  
5 shall submit to the Committee on Environment  
6 and Public Works of the Senate and the Com-  
7 mittee on Transportation and Infrastructure of  
8 the House of Representatives, and publish on  
9 the website of the Department of Transpor-  
10 tation, an annual report that describes the im-  
11 plementation of the program during the pre-  
12 ceding calendar year, including—

13 “(i) each project for which a grant  
14 was provided under subsection (d);

15 “(ii) information relating to project  
16 applications received;

17 “(iii) the manner in which the con-  
18 sultation requirements were implemented  
19 under subsection (d);

20 “(iv) recommendations to improve the  
21 administration of subsection (d), including  
22 whether assistance from additional or  
23 fewer agencies to carry out the program is  
24 appropriate;

1                   “(v) the period required to disburse  
2                   grant funds to eligible entities based on  
3                   applicable Federal coordination require-  
4                   ments; and

5                   “(vi) a list of facilities that repeatedly  
6                   require repair or reconstruction due to  
7                   emergency events.

8                   “(B) FINAL REPORT.—Not later than 5  
9                   years after the date of enactment of the Surface  
10                  Transportation Reauthorization Act of 2021,  
11                  the Secretary shall submit to Congress a report  
12                  that includes the results of the reports sub-  
13                  mitted under subparagraph (A).

14                  “(h) ADMINISTRATIVE EXPENSES.—The Secretary  
15                  shall use not more than 5 percent of the amounts made  
16                  available to carry out the program for each fiscal year for  
17                  the costs of administering the program, including moni-  
18                  toring and evaluation under subsection (f).”.

19                  (b) CLERICAL AMENDMENT.—The analysis for chap-  
20                  ter 1 of title 23, United States Code (as amended by sec-  
21                  tion 1403(b)), is amended by inserting after the item re-  
22                  lating to section 175 the following:

                  “176. Promoting Resilient Operations for Transformative, Efficient, and Cost-  
                  saving Transportation (PROTECT) program.”.

23   **SEC. 1407. HEALTHY STREETS PROGRAM.**

24                  (a) DEFINITIONS.—In this section:

1           (1) COMMUNITY OF COLOR.—The term “com-  
2           munity of color” means, in a State, a census block  
3           group for which the aggregate percentage of resi-  
4           dents who identify as Black, African-American,  
5           American Indian, Alaska Native, Native Hawaiian,  
6           Asian, Pacific Islander, Hispanic, Latino, other  
7           nonwhite race, or linguistically isolated is—

8                   (A) not less than 50 percent; or

9                   (B) significantly higher, as determined by  
10           the Secretary, than the State average.

11           (2) COOL PAVEMENT.—The term “cool pave-  
12           ment” means a pavement with reflective surfaces  
13           with higher albedo to decrease the surface tempera-  
14           ture of that pavement.

15           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
16           ty” means—

17                   (A) a State;

18                   (B) a metropolitan planning organization;

19                   (C) a unit of local government;

20                   (D) a Tribal government; and

21                   (E) a nonprofit organization working in co-  
22           ordination with an entity described in subpara-  
23           graphs (A) through (D).

24           (4) LOW-INCOME COMMUNITY.—The term “low-  
25           income community” means a census block group in

1       which not less than 30 percent of the population  
2       lives below the poverty line (as defined in section  
3       673 of the Community Services Block Grant Act (42  
4       U.S.C. 9902)).

5           (5) POROUS PAVEMENT.—The term “porous  
6       pavement” means a paved surface with a higher  
7       than normal percentage of air voids to allow water  
8       to pass through the surface and infiltrate into the  
9       subsoil.

10          (6) PROGRAM.—The term “program” means  
11       the Healthy Streets program established under sub-  
12       section (b).

13          (7) STATE.—The term “State” has the mean-  
14       ing given the term in section 101(a) of title 23,  
15       United States Code.

16          (8) TRIBAL GOVERNMENT.—The term “Tribal  
17       government” means the recognized governing body  
18       of any Indian or Alaska Native tribe, band, nation,  
19       pueblo, village, community, component band, or com-  
20       ponent reservation, individually identified (including  
21       parenthetically) in the list published most recently as  
22       of the date of enactment of this Act pursuant to sec-  
23       tion 104 of the Federally Recognized Indian Tribe  
24       List Act of 1994 (25 U.S.C. 5131).



1 (b) ESTABLISHMENT.—The Secretary shall establish  
2 a discretionary grant program, to be known as the  
3 “Healthy Streets program”, to provide grants to eligible  
4 entities—

5 (1) to deploy cool pavements and porous pave-  
6 ments; and

7 (2) to expand tree cover.

8 (c) GOALS.—The goals of the program are—

9 (1) to mitigate urban heat islands;

10 (2) to improve air quality; and

11 (3) to reduce—

12 (A) the extent of impervious surfaces;

13 (B) stormwater runoff and flood risks; and

14 (C) heat impacts to infrastructure and  
15 road users.

16 (d) APPLICATION.—

17 (1) IN GENERAL.—To be eligible to receive a  
18 grant under the program, an eligible entity shall  
19 submit to the Secretary an application at such time,  
20 in such manner, and containing such information as  
21 the Secretary may require.

22 (2) REQUIREMENTS.—The application sub-  
23 mitted by an eligible entity under paragraph (1)  
24 shall include a description of—

1 (A) how the eligible entity would use the  
2 grant funds; and

3 (B) the contribution that the projects in-  
4 tended to be carried out with grant funds would  
5 make to improving the safety, health outcomes,  
6 natural environment, and quality of life in low-  
7 income communities and communities of color.

8 (e) USE OF FUNDS.—An eligible entity that receives  
9 a grant under the program may use the grant funds for  
10 1 or more of the following activities:

11 (1) Conducting an assessment of urban heat is-  
12 lands to identify hot spot areas of extreme heat or  
13 elevated air pollution.

14 (2) Conducting a comprehensive tree canopy as-  
15 sessment, which shall assess the current tree loca-  
16 tions and canopy, including—

17 (A) an inventory of the location, species,  
18 condition, and health of existing tree canopies  
19 and trees on public facilities; and

20 (B) an identification of—

21 (i) the locations where trees need to  
22 be replaced;

23 (ii) empty tree boxes or other loca-  
24 tions where trees could be added; and

1 (iii) flood-prone locations where trees  
2 or other natural infrastructure could miti-  
3 gate flooding.

4 (3) Conducting an equity assessment by map-  
5 ping tree canopy gaps, flood-prone locations, and  
6 urban heat island hot spots as compared to—

7 (A) pedestrian walkways and public trans-  
8 portation stop locations;

9 (B) low-income communities; and

10 (C) communities of color.

11 (4) Planning activities, including developing an  
12 investment plan based on the results of the assess-  
13 ments carried out under paragraphs (1), (2), and  
14 (3).

15 (5) Purchasing and deploying cool pavements to  
16 mitigate urban heat island hot spots.

17 (6) Purchasing and deploying porous pavement  
18 to mitigate flooding and stormwater runoff in—

19 (A) pedestrian-only areas; and

20 (B) areas of low-volume, low-speed vehic-  
21 ular use.

22 (7) Purchasing of trees, site preparation, plant-  
23 ing of trees, ongoing maintenance and monitoring of  
24 trees, and repairing of storm damage to trees, with  
25 priority given to—

1 (A) to the extent practicable, the planting  
2 of native species; and

3 (B) projects located in a neighborhood with  
4 lower tree cover or higher maximum daytime  
5 summer temperatures compared to surrounding  
6 neighborhoods.

7 (8) Assessing underground infrastructure and  
8 coordinating with local transportation and utility  
9 providers.

10 (9) Hiring staff to conduct any of the activities  
11 described in paragraphs (1) through (8).

12 (f) PRIORITY.—In awarding grants to eligible entities  
13 under the program, the Secretary shall give priority to an  
14 eligible entity—

15 (1) proposing to carry out an activity or project  
16 in a low-income community or a community of color;

17 (2) that has entered into a community benefits  
18 agreement with representatives of the community; or

19 (3) that is partnering with a qualified youth or  
20 conservation corps (as defined in section 203 of the  
21 Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

22 (g) DISTRIBUTION REQUIREMENT.—Of the amounts  
23 made available to carry out the program for each fiscal  
24 year, not less than 80 percent shall be provided for

1 projects in urbanized areas (as defined in section 101(a)  
2 of title 23, United States Code).

3 (h) FEDERAL SHARE.—

4 (1) IN GENERAL.—Except as provided under  
5 paragraph (2), the Federal share of the cost of a  
6 project carried out under the program shall be 80  
7 percent.

8 (2) WAIVER.—The Secretary may increase the  
9 Federal share requirement under paragraph (1) to  
10 100 percent for projects carried out by an eligible  
11 entity that demonstrates economic hardship, as de-  
12 termined by the Secretary.

13 (i) MAXIMUM GRANT AMOUNT.—An individual grant  
14 under this section shall not exceed \$15,000,000.

## 15 **Subtitle E—Miscellaneous**

### 16 **SEC. 1501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST** 17 **FUND.**

18 (a) IN GENERAL.—Section 105 of title 23, United  
19 States Code, is repealed.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-  
21 ter 1 of title 23, United States Code, is amended by strik-  
22 ing the item relating to section 105.

### 23 **SEC. 1502. STOPPING THREATS ON PEDESTRIANS.**

24 (a) DEFINITION OF BOLLARD INSTALLATION  
25 PROJECT.—In this section, the term “bollard installation

1 project” means a project to install raised concrete or metal  
2 posts on a sidewalk adjacent to a roadway that are de-  
3 signed to slow or stop a motor vehicle.

4 (b) ESTABLISHMENT.—Not later than 1 year after  
5 the date of enactment of this Act and subject to the avail-  
6 ability of appropriations, the Secretary shall establish and  
7 carry out a competitive grant pilot program to provide as-  
8 sistance to State departments of transportation and local  
9 government entities for bollard installation projects de-  
10 signed to prevent pedestrian injuries and acts of terrorism  
11 in areas used by large numbers of pedestrians.

12 (c) APPLICATION.—To be eligible to receive a grant  
13 under this section, a State department of transportation  
14 or local government entity shall submit to the Secretary  
15 an application at such time, in such form, and containing  
16 such information as the Secretary determines to be appro-  
17 priate, which shall include, at a minimum—

18 (1) a description of the proposed bollard instal-  
19 lation project to be carried out;

20 (2) a description of the pedestrian injury or ter-  
21 rorism risks with respect to the proposed installation  
22 area; and

23 (3) an analysis of how the proposed bollard in-  
24 stallation project will mitigate those risks.

1 (d) USE OF FUNDS.—A recipient of a grant under  
2 this section may only use the grant funds for a bollard  
3 installation project.

4 (e) FEDERAL SHARE.—The Federal share of the  
5 costs of a bollard installation project carried out with a  
6 grant under this section may be up to 100 percent.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to the Secretary to carry  
9 out this section \$5,000,000 for each of fiscal years 2022  
10 through 2026.

11 **SEC. 1503. TRANSFER AND SALE OF TOLL CREDITS.**

12 (a) DEFINITIONS.—In this section:

13 (1) ORIGINATING STATE.—The term “origi-  
14 nating State” means a State that—

15 (A) is eligible to use a credit under section  
16 120(i) of title 23, United States Code; and

17 (B) has been selected by the Secretary  
18 under subsection (d)(2).

19 (2) PILOT PROGRAM.—The term “pilot pro-  
20 gram” means the pilot program established under  
21 subsection (b).

22 (3) RECIPIENT STATE.—The term “recipient  
23 State” means a State that receives a credit by trans-  
24 fer or by sale under this section from an originating  
25 State.

1           (4) STATE.—The term “State” has the mean-  
2           ing given the term in section 101(a) of title 23,  
3           United States Code.

4           (b) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-  
5           retary shall establish and implement a toll credit exchange  
6           pilot program in accordance with this section.

7           (c) PURPOSES.—The purposes of the pilot program  
8           are—

9           (1) to identify the extent of the demand to pur-  
10          chase toll credits;

11          (2) to identify the cash price of toll credits  
12          through bilateral transactions between States;

13          (3) to analyze the impact of the purchase or  
14          sale of toll credits on transportation expenditures;

15          (4) to test the feasibility of expanding the pilot  
16          program to allow all States to participate on a per-  
17          manent basis; and

18          (5) to identify any other repercussions of the  
19          toll credit exchange.

20          (d) SELECTION OF ORIGINATING STATES.—

21          (1) APPLICATION.—In order to participate in  
22          the pilot program as an originating State, a State  
23          shall submit to the Secretary an application at such  
24          time, in such manner, and containing such informa-  
25          tion as the Secretary may require, including, at a



1 minimum, such information as is required for the  
2 Secretary to verify—

3 (A) the amount of unused toll credits for  
4 which the State has submitted certification to  
5 the Secretary that are available to be sold or  
6 transferred under the pilot program, includ-  
7 ing—

8 (i) toll revenue generated and the  
9 sources of that revenue;

10 (ii) toll revenue used by public, quasi-  
11 public, and private agencies to build, im-  
12 prove, or maintain highways, bridges, or  
13 tunnels that serve the public purpose of  
14 interstate commerce; and

15 (iii) an accounting of any Federal  
16 funds used by the public, quasi-public, or  
17 private agency to build, improve, or main-  
18 tain the toll facility, to validate that the  
19 credit has been reduced by a percentage  
20 equal to the percentage of the total cost of  
21 building, improving, or maintaining the fa-  
22 cility that was derived from Federal funds;

23 (B) the documentation of maintenance of  
24 effort for toll credits earned by the originating  
25 State; and

1 (C) the accuracy of the accounting system  
2 of the State to earn and track toll credits.

3 (2) SELECTION.—Of the States that submit an  
4 application under paragraph (1), the Secretary may  
5 select not more than 10 States to be designated as  
6 an originating State.

7 (3) LIMITATION ON SALES.—At any time, the  
8 Secretary may limit the amount of unused toll cred-  
9 its that may be offered for sale under the pilot pro-  
10 gram.

11 (e) TRANSFER OR SALE OF CREDITS.—

12 (1) IN GENERAL.—In carrying out the pilot  
13 program, the Secretary shall provide that an origi-  
14 nating State may transfer or sell to a recipient State  
15 a credit not previously used by the originating State  
16 under section 120(i) of title 23, United States Code.

17 (2) WEBSITE SUPPORT.—The Secretary shall  
18 make available a publicly accessible website on which  
19 originating States shall post the amount of toll cred-  
20 its, verified under subsection (d)(1)(A), that are  
21 available for sale or transfer to a recipient State.

22 (3) BILATERAL TRANSACTIONS.—An origi-  
23 nating State and a recipient State may enter into a  
24 bilateral transaction to sell or transfer verified toll  
25 credits.

1           (4) NOTIFICATION.—Not later than 30 days  
2 after the date on which a credit is transferred or  
3 sold, the originating State and the recipient State  
4 shall jointly submit to the Secretary a written notifi-  
5 cation of the transfer or sale, including details on—

6           (A) the amount of toll credits that have  
7 been sold or transferred;

8           (B) the price paid or other value trans-  
9 ferred in exchange for the toll credits;

10           (C) the intended use by the recipient State  
11 of the toll credits, if known;

12           (D) the intended use by the originating  
13 State of the cash or other value transferred;

14           (E) an update on the toll credit balance of  
15 the originating State and the recipient State;  
16 and

17           (F) any other information about the trans-  
18 action that the Secretary may require.

19           (5) USE OF CREDITS BY TRANSFEREE OR PUR-  
20 CHASER.—A recipient State may use a credit re-  
21 ceived under paragraph (1) toward the non-Federal  
22 share requirement for any funds made available to  
23 carry out title 23 or chapter 53 of title 49, United  
24 States Code, in accordance with section 120(i) of  
25 title 23, United States Code.

1           (6) USE OF PROCEEDS FROM SALE OF CRED-  
2           ITS.—An originating State shall use the proceeds  
3           from the sale of a credit under paragraph (1) for the  
4           construction costs of any project in the originating  
5           State that is eligible under title 23, United States  
6           Code.

7           (f) REPORTING REQUIREMENTS.—

8           (1) INITIAL REPORT.—Not later than 1 year  
9           after the date on which the pilot program is estab-  
10          lished, the Secretary shall submit to the Committee  
11          on Environment and Public Works of the Senate  
12          and the Committee on Transportation and Infra-  
13          structure of the House of Representatives a report  
14          on the progress of the pilot program.

15          (2) FINAL REPORT.—Not later than 3 years  
16          after the date on which the pilot program is estab-  
17          lished, the Secretary shall—

18                 (A) submit to the Committee on Environ-  
19                 ment and Public Works of the Senate and the  
20                 Committee on Transportation and Infrastruc-  
21                 ture of the House of Representatives a report  
22                 that—

23                         (i) determines whether a toll credit  
24                         marketplace is viable and cost-effective;

1 (ii) describes the buying and selling  
2 activities under the pilot program;

3 (iii) describes the average sale price of  
4 toll credits;

5 (iv) determines whether the pilot pro-  
6 gram could be expanded to more States or  
7 all States or to non-State operators of toll  
8 facilities;

9 (v) provides updated information on  
10 the toll credit balance accumulated by each  
11 State; and

12 (vi) describes the list of projects that  
13 were assisted by the pilot program; and

14 (B) make the report under subparagraph  
15 (A) publicly available on the website of the De-  
16 partment.

17 (g) TERMINATION.—

18 (1) IN GENERAL.—The Secretary may termi-  
19 nate the pilot program or the participation of any  
20 State in the pilot program if the Secretary deter-  
21 mines that—

22 (A) the pilot program is not serving a pub-  
23 lic benefit; or

24 (B) it is not cost effective to carry out the  
25 pilot program.

1           (2) PROCEDURES.—The termination of the pilot  
2           program or the participation of a State in the pilot  
3           program shall be carried out consistent with Federal  
4           requirements for project closeout, adjustment, and  
5           continuing responsibilities.

6 **SEC. 1504. FOREST SERVICE LEGACY ROADS AND TRAILS**  
7                                   **REMEDICATION PROGRAM.**

8           Public Law 88–657 (16 U.S.C. 532 et seq.) (com-  
9           monly known as the “Forest Roads and Trails Act”) is  
10          amended by adding at the end the following:

11 **“SEC. 8. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**  
12                                   **MEDIATION PROGRAM.**

13          “(a) IN GENERAL.—Not later than 180 days after  
14          the date of enactment of this section, the Secretary, acting  
15          through the Chief of the Forest Service, shall establish,  
16          and develop a national strategy to carry out, a program,  
17          to be known as the ‘Forest Service Legacy Roads and  
18          Trails Remediation Program’, within the National Forest  
19          System, to carry out critical maintenance and urgent re-  
20          pairs and improvements on National Forest System roads,  
21          trails, and bridges.

22          “(b) PRIORITY.—In implementing the program under  
23          this section, the Secretary may give priority to any project  
24          that protects or restores—

25                                   “(1) water quality;

1           “(2) a watershed that feeds a public drinking  
2           water system;

3           “(3) important wildlife habitat, as determined  
4           by the Secretary, in consultation with each affected  
5           State, including habitat of threatened, endangered,  
6           or sensitive fish or wildlife species; or

7           “(4) historic public access for authorized mul-  
8           tiple uses of National Forest System land in accord-  
9           ance with the Multiple-Use Sustained-Yield Act of  
10          1960 (16 U.S.C. 528 et seq.), including grazing,  
11          recreation, hunting, fishing, forest management,  
12          wildfire mitigation, and ecosystem restoration.

13          “(c) NATIONAL FOREST SYSTEM.—Except as author-  
14          ized under section 323 of the Department of the Interior  
15          and Related Agencies Appropriations Act, 1999 (16  
16          U.S.C. 1011a), each project carried out under this section  
17          shall be on a National Forest System road or trail.

18          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19          is authorized to be appropriated to the Secretary to carry  
20          out this section \$50,000,000 for each of fiscal years 2022  
21          through 2026, to remain available until expended.”.

22          **SEC. 1505. DISASTER RELIEF MOBILIZATION STUDY.**

23          (a) DEFINITION OF LOCAL COMMUNITY.—In this  
24          section, the term “local community” means—

25                  (1) a unit of local government;

1           (2) a political subdivision of a State or local  
2 government;

3           (3) a metropolitan planning organization (as  
4 defined in section 134(b) of title 23, United States  
5 Code);

6           (4) a rural planning organization; or

7           (5) a Tribal government.

8 (b) STUDY.—

9           (1) IN GENERAL.—The Secretary shall carry  
10 out a study to determine the utility of incorporating  
11 the use of bicycles into the disaster preparedness  
12 and disaster response plans of local communities.

13           (2) REQUIREMENTS.—The study carried out  
14 under paragraph (1) shall include—

15           (A) a vulnerability assessment of the infra-  
16 structure in local communities as of the date of  
17 enactment of this Act that supports active  
18 transportation, including bicycling, walking, and  
19 personal mobility devices, with a particular  
20 focus on areas in local communities that—

21           (i) have low levels of vehicle owner-  
22 ship; and

23           (ii) lack sufficient active transpor-  
24 tation infrastructure routes to public  
25 transportation;



1 (B) an evaluation of whether disaster pre-  
2 paredness and disaster response plans should  
3 include the use of bicycles by first responders,  
4 emergency workers, and community organiza-  
5 tion representatives—

6 (i) during a mandatory or voluntary  
7 evacuation ordered by a Federal, State,  
8 Tribal, or local government entity—

9 (I) to notify residents of the need  
10 to evacuate;

11 (II) to evacuate individuals and  
12 goods; and

13 (III) to reach individuals who are  
14 in need of first aid and medical assist-  
15 ance; and

16 (ii) after a disaster or emergency de-  
17 clared by a Federal, State, Tribal, or local  
18 government entity—

19 (I) to participate in search and  
20 rescue activities;

21 (II) to carry commodities to be  
22 used for life-saving or life-sustaining  
23 purposes, including—

24 (aa) water;

25 (bb) food;

1 (cc) first aid and other med-  
2 ical supplies; and

3 (dd) power sources and elec-  
4 tric supplies, such as cell phones,  
5 radios, lights, and batteries;

6 (III) to reach individuals who are  
7 in need of the commodities described  
8 in subclause (II); and

9 (IV) to assist with other disaster  
10 relief tasks, as appropriate; and

11 (C) a review of training programs for first  
12 responders, emergency workers, and community  
13 organization representatives relating to—

14 (i) competent bicycle skills, including  
15 the use of cargo bicycles and electric bicy-  
16 cles, as applicable;

17 (ii) basic bicycle maintenance;

18 (iii) compliance with relevant traffic  
19 safety laws;

20 (iv) methods to use bicycles to carry  
21 out the activities described in clauses (i)  
22 and (ii) of subparagraph (2)(B); and

23 (v) exercises conducted for the pur-  
24 pose of—

- 1 (I) exercising the skills described  
2 in clause (i); and  
3 (II) maintaining bicycles and re-  
4 lated equipment.

5 (c) REPORT.—Not later than 2 years after the date  
6 of enactment of this Act, the Secretary shall submit to  
7 the Committee on Environment and Public Works of the  
8 Senate and the Committee on Transportation and Infra-  
9 structure of the House of Representatives a report that—

10 (1) describes the results of the study carried  
11 out under subsection (b); and

12 (2) provides recommendations, if any, relating  
13 to—

14 (A) the methods by which to incorporate  
15 bicycles into disaster preparedness and disaster  
16 response plans of local communities; and

17 (B) improvements to training programs de-  
18 scribed in subsection (b)(2)(C).

19 **SEC. 1506. APPALACHIAN REGIONAL COMMISSION.**

20 (a) DEFINITIONS.—Section 14102(a)(1) of title 40,  
21 United States Code, is amended—

22 (1) in subparagraph (G)—

23 (A) by inserting “Catawba,” after  
24 “Caldwell,”; and

1 (B) by inserting “Cleveland,” after  
2 “Clay,”; and

3 (2) in subparagraph (M), by inserting “, of  
4 which the counties of Brooke, Hancock, Marshall,  
5 and Ohio shall be considered to be located in the  
6 North Central subregion” after “West Virginia”.

7 (b) FUNCTIONS.—Section 14303(a) of title 40,  
8 United States Code, is amended—

9 (1) in paragraph (9), by striking “and” at the  
10 end;

11 (2) in paragraph (10), by striking the period at  
12 the end and inserting “; and”; and

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

14 “(11) support broadband access in the Appa-  
15 lachian region.”.

16 (c) CONGRESSIONAL NOTIFICATION.—

17 (1) IN GENERAL.—Subchapter II of chapter  
18 143 of subtitle IV of title 40, United States Code,  
19 is amended by adding at the end the following:

20 **“§ 14323. Congressional notification**

21 “(a) IN GENERAL.—In the case of a project described  
22 in subsection (b), the Appalachian Regional Commission  
23 shall provide to the Committee on Transportation and In-  
24 frastructure of the House of Representatives and the Com-  
25 mittee on Environment and Public Works of the Senate

1 notice of the award of a grant or other financial assistance  
2 not less than 3 full business days before awarding the  
3 grant or other financial assistance.

4 “(b) PROJECTS DESCRIBED.—A project referred to  
5 in subsection (a) is a project that the Appalachian Re-  
6 gional Commission has selected to receive a grant or other  
7 financial assistance under this subtitle in an amount not  
8 less than \$50,000.”.

9 (2) CLERICAL AMENDMENT.—The analysis for  
10 subchapter II of chapter 143 of subtitle IV of title  
11 40, United States Code, is amended by adding at  
12 the end the following:

“14323. Congressional notification.”.

13 (d) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-  
14 TIVE.—Section 14509 of title 40, United States Code, is  
15 amended—

16 (1) by striking subsection (a) and inserting the  
17 following:

18 “(a) IN GENERAL.—The Appalachian Regional Com-  
19 mission may provide technical assistance, make grants,  
20 enter into contracts, or otherwise provide amounts to indi-  
21 viduals or entities in the Appalachian region for projects  
22 and activities to increase affordable access to broadband  
23 networks throughout the Appalachian region.”;

24 (2) by redesignating subsections (b) through (d)  
25 as subsections (c) through (e), respectively;

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

3           “(b) ELIGIBLE PROJECTS AND ACTIVITIES.—A  
4           project or activity eligible to be carried out under this sec-  
5           tion is a project or activity—

6                   “(1) to conduct research, analysis, and training  
7                   to increase broadband adoption efforts in the Appa-  
8                   lachian region; or

9                   “(2) for the construction and deployment of  
10                  broadband service-related infrastructure in the Ap-  
11                  palachian region.”;

12                  (4) in subsection (d) (as so redesignated), in  
13                  the matter preceding paragraph (1), by striking  
14                  “subsection (b)” and inserting “subsection (c)”; and

15                  (5) by adding at the end the following:

16                  “(f) REQUEST FOR DATA.—Before making a grant  
17                  for a project or activity described in subsection (b)(2), the  
18                  Appalachian Regional Commission shall request from the  
19                  Federal Communications Commission, the National Tele-  
20                  communications and Information Administration, the Eco-  
21                  nomic Development Administration, and the Department  
22                  of Agriculture data on—

23                           “(1) the level and extent of broadband service  
24                           that exists in the area proposed to be served by the  
25                           broadband service-related infrastructure; and

1           “(2) the level and extent of broadband service  
2           that will be deployed in the area proposed to be  
3           served by the broadband service-related infrastruc-  
4           ture pursuant to another Federal program.

5           “(g) REQUIREMENT.—For each fiscal year, not less  
6           than 65 percent of the amounts made available to carry  
7           out this section shall be used for grants for projects and  
8           activities described in subsection (b)(2).”.

9           (e) APPALACHIAN REGIONAL ENERGY HUB INITIA-  
10          TIVE.—

11           (1) IN GENERAL.—Subchapter I of chapter 145  
12           of subtitle IV of title 40, United States Code, is  
13           amended by adding at the end the following:

14          “§ 14511. **Appalachian regional energy hub initiative**

15           “(a) IN GENERAL.—The Appalachian Regional Com-  
16           mission may provide technical assistance to, make grants  
17           to, enter into contracts with, or otherwise provide amounts  
18           to individuals or entities in the Appalachian region for  
19           projects and activities—

20           “(1) to conduct research and analysis regarding  
21           the economic impact of an ethane storage hub in the  
22           Appalachian region that supports a more-effective  
23           energy market performance due to the scale of the  
24           project, such as a project with the capacity to store  
25           and distribute more than 100,000 barrels per day of

1 hydrocarbon feedstock with a minimum gross heat-  
2 ing value of 1,700 Btu per standard cubic foot;

3 “(2) with the potential to significantly con-  
4 tribute to the economic resilience of the area in  
5 which the project is located; and

6 “(3) that will help establish a regional energy  
7 hub in the Appalachian region for natural gas and  
8 natural gas liquids, including hydrogen produced  
9 from the steam methane reforming of natural gas  
10 feedstocks.

11 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the  
12 cost of any project or activity eligible for a grant under  
13 this section—

14 “(1) except as provided in paragraphs (2) and  
15 (3), not more than 50 percent may be provided from  
16 amounts made available to carry out this section;

17 “(2) in the case of a project or activity to be  
18 carried out in a county for which a distressed county  
19 designation is in effect under section 14526, not  
20 more than 80 percent may be provided from  
21 amounts made available to carry out this section;  
22 and

23 “(3) in the case of a project or activity to be  
24 carried out in a county for which an at-risk county  
25 designation is in effect under section 14526, not



1 more than 70 percent may be provided from  
2 amounts made available to carry out this section.

3 “(c) SOURCES OF ASSISTANCE.—Subject to sub-  
4 section (b), a grant provided under this section may be  
5 provided from amounts made available to carry out this  
6 section, in combination with amounts made available—

7 “(1) under any other Federal program; or

8 “(2) from any other source.

9 “(d) FEDERAL SHARE.—Notwithstanding any provi-  
10 sion of law limiting the Federal share under any other  
11 Federal program, amounts made available to carry out  
12 this section may be used to increase that Federal share,  
13 as the Appalachian Regional Commission determines to be  
14 appropriate.”.

15 (2) CLERICAL AMENDMENT.—The analysis for  
16 subchapter I of chapter 145 of title 40, United  
17 States Code, is amended by adding at the end the  
18 following:

“14511. Appalachian regional energy hub initiative.”.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 14703 of title 40, United States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (4), by striking “and” at  
23 the end;

24 (B) in paragraph (5), by striking the pe-  
25 riod at the end and inserting “; and”; and

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

2 “(6) \$200,000,000 for each of fiscal years 2022  
3 through 2026.”;

4 (2) in subsection (c), by striking “\$10,000,000  
5 may be used to carry out section 14509 for each of  
6 fiscal years 2016 through 2021” and inserting  
7 “\$20,000,000 may be used to carry out section  
8 14509 for each of fiscal years 2022 through 2026”;

9 (3) by redesignating subsections (d) and (e) as  
10 subsections (e) and (f), respectively; and

11 (4) by inserting after subsection (c) the fol-  
12 lowing:

13 “(d) APPALACHIAN REGIONAL ENERGY HUB INITIA-  
14 TIVE.—Of the amounts made available under subsection  
15 (a), \$5,000,000 shall be used to carry out section 14511  
16 for each of fiscal years 2022 through 2026.”.

17 (g) TERMINATION.—Section 14704 of title 40,  
18 United States Code, is amended by striking “2021” and  
19 inserting “2026”.

20 **SEC. 1507. DENALI COMMISSION TRANSFERS OF FUNDS.**

21 Section 311(c) of the Denali Commission Act of 1998  
22 (42 U.S.C. 3121 note; Public Law 105–277) is amend-  
23 ed—

24 (1) in paragraph (1), by striking “and” at the  
25 end;

1           (2) in paragraph (2), by striking the period at  
2 the end and inserting “; and”; and

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

4           “(3) notwithstanding any other provision of  
5 law, shall—

6                   “(A) be treated as if directly appropriated  
7 to the Commission and subject to applicable  
8 provisions of this Act; and

9                   “(B) not be subject to any requirements  
10 that applied to the funds before the transfer,  
11 including a requirement in an appropriations  
12 Act or a requirement or regulation of the Fed-  
13 eral agency from which the funds are trans-  
14 ferred.”.

15 **SEC. 1508. REQUIREMENTS FOR TRANSPORTATION**  
16 **PROJECTS CARRIED OUT THROUGH PUBLIC-**  
17 **PRIVATE PARTNERSHIPS.**

18 (a) DEFINITIONS.—In this section:

19           (1) PROJECT.—The term “project” means a  
20 project (as defined in section 101 of title 23, United  
21 States Code) that—

22                   (A) is carried out, in whole or in part,  
23 using Federal financial assistance; and

24                   (B) has an estimated total cost of  
25 \$100,000,000 or more.

1           (2) PUBLIC-PRIVATE PARTNERSHIP.—The term  
2           “public-private partnership” means an agreement  
3           between a public agency and a private entity to fi-  
4           nance, build, and maintain or operate a project.

5           (b) REQUIREMENTS FOR PROJECTS CARRIED OUT  
6 THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—With re-  
7 spect to a public-private partnership, as a condition of re-  
8 ceiving Federal financial assistance for a project, the Sec-  
9 retary shall require the public partner, not later than 3  
10 years after the date of opening of the project to traffic—

11           (1) to conduct a review of the project, including  
12           a review of the compliance of the private partner  
13           with the terms of the public-private partnership  
14           agreement;

15           (2)(A) to certify to the Secretary that the pri-  
16           vate partner of the public-private partnership is  
17           meeting the terms of the public-private partnership  
18           agreement for the project; or

19           (B) to notify the Secretary that the private  
20           partner of the public-private partnership has not  
21           met 1 or more of the terms of the public-private  
22           partnership agreement for the project, including a  
23           brief description of each violation of the public-pri-  
24           vate partnership agreement; and



1 through a public-private partnership agreement,  
2 shall include a detailed value for money analysis  
3 or similar comparative analysis for the project;  
4 and”.

5 (2) SURFACE TRANSPORTATION BLOCK GRANT  
6 PROGRAM.—Paragraph (21) of section 133(b) of  
7 title 23, United States Code (as redesignated by sec-  
8 tion 1109(a)(1)(C)), is amended by inserting “, in-  
9 cluding conducting value for money analyses or simi-  
10 lar comparative analyses,” after “oversight”.

11 (3) TIFIA.—Section 602(a) of title 23, United  
12 States Code, is amended by adding at the end the  
13 following:

14 “(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the  
15 case of a project to be carried out through a public-  
16 private partnership, the public partner shall have—

17 “(A) conducted a value for money analysis  
18 or similar comparative analysis; and

19 “(B) determined the appropriateness of the  
20 public-private partnership agreement.”.

21 (e) APPLICABILITY.—This section and the amend-  
22 ments made by this section shall only apply to a public-  
23 private partnership agreement entered into on or after the  
24 date of enactment of this Act.

1 **SEC. 1509. RECONNECTING COMMUNITIES PILOT PRO-**  
2 **GRAM.**

3 (a) DEFINITION OF ELIGIBLE FACILITY.—

4 (1) IN GENERAL.—In this section, the term “el-  
5 ible facility” means a highway or other transpor-  
6 tation facility that creates a barrier to community  
7 connectivity, including barriers to mobility, access,  
8 or economic development, due to high speeds, grade  
9 separations, or other design factors.

10 (2) INCLUSIONS.—In this section, the term “eli-  
11 gible facility” may include—

12 (A) a limited access highway;

13 (B) a viaduct; and

14 (C) any other principal arterial facility.

15 (b) ESTABLISHMENT.—The Secretary shall establish  
16 a pilot program through which an eligible entity may apply  
17 for funding, in order to restore community connectivity—

18 (1) to study the feasibility and impacts of re-  
19 moving, retrofitting, or mitigating an existing eligi-  
20 ble facility;

21 (2) to conduct planning activities necessary to  
22 design a project to remove, retrofit, or mitigate an  
23 existing eligible facility; and

24 (3) to conduct construction activities necessary  
25 to carry out a project to remove, retrofit, or mitigate  
26 an existing eligible facility.

1 (c) PLANNING GRANTS.—

2 (1) ELIGIBLE ENTITIES.—The Secretary may  
3 award a grant (referred to in this section as a “plan-  
4 ning grant”) to carry out planning activities de-  
5 scribed in paragraph (2) to—

6 (A) a State;

7 (B) a unit of local government;

8 (C) a Tribal government;

9 (D) a metropolitan planning organization;

10 and

11 (E) a nonprofit organization.

12 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The  
13 planning activities referred to in paragraph (1)  
14 are—

15 (A) planning studies to evaluate the feasi-  
16 bility of removing, retrofitting, or mitigating an  
17 existing eligible facility to restore community  
18 connectivity, including evaluations of—

19 (i) current traffic patterns on the eli-  
20 gible facility proposed for removal, retrofit,  
21 or mitigation and the surrounding street  
22 network;

23 (ii) the capacity of existing transpor-  
24 tation networks to maintain mobility  
25 needs;



1 (iii) an analysis of alternative roadway  
2 designs or other uses for the right-of-way  
3 of the eligible facility, including an analysis  
4 of whether the available right-of-way would  
5 suffice to create an alternative roadway de-  
6 sign;

7 (iv) the effect of the removal, retrofit,  
8 or mitigation of the eligible facility on the  
9 mobility of freight and people;

10 (v) the effect of the removal, retrofit,  
11 or mitigation of the eligible facility on the  
12 safety of the traveling public;

13 (vi) the cost to remove, retrofit, or  
14 mitigate the eligible facility—

15 (I) to restore community  
16 connectivity; and

17 (II) to convert the eligible facility  
18 to a different roadway design or use,  
19 compared to any expected costs for  
20 necessary maintenance or reconstruc-  
21 tion of the eligible facility;

22 (vii) the anticipated economic impact  
23 of removing, retrofitting, or mitigating and  
24 converting the eligible facility and any eco-  
25 nomic development opportunities that

1 would be created by removing, retrofitting,  
2 or mitigating and converting the eligible  
3 facility; and

4 (viii) the environmental impacts of re-  
5 taining or reconstructing the eligible facil-  
6 ity and the anticipated effect of the pro-  
7 posed alternative use or roadway design;

8 (B) public engagement activities to provide  
9 opportunities for public input into a plan to re-  
10 move and convert an eligible facility; and

11 (C) other transportation planning activities  
12 required in advance of a project to remove, ret-  
13 rofit, or mitigate an existing eligible facility to  
14 restore community connectivity, as determined  
15 by the Secretary.

16 (3) TECHNICAL ASSISTANCE PROGRAM.—

17 (A) IN GENERAL.—The Secretary may  
18 provide technical assistance described in sub-  
19 paragraph (B) to an eligible entity.

20 (B) TECHNICAL ASSISTANCE DE-  
21 SCRIBED.—The technical assistance referred to  
22 in subparagraph (A) is technical assistance in  
23 building organizational or community capac-  
24 ity—

1 (i) to engage in transportation plan-  
2 ning; and

3 (ii) to identify innovative solutions to  
4 infrastructure challenges, including recon-  
5 necting communities that—

6 (I) are bifurcated by eligible fa-  
7 cilities; or

8 (II) lack safe, reliable, and af-  
9 fordable transportation choices.

10 (C) PRIORITIES.—In selecting recipients of  
11 technical assistance under subparagraph (A),  
12 the Secretary shall give priority to an applica-  
13 tion from a community that is economically dis-  
14 advantaged.

15 (4) SELECTION.—The Secretary shall—

16 (A) solicit applications for—

17 (i) planning grants; and

18 (ii) technical assistance under para-  
19 graph (3); and

20 (B) evaluate applications for a planning  
21 grant on the basis of the demonstration by the  
22 applicant that—

23 (i) the eligible facility is aged and is  
24 likely to need replacement or significant re-  
25 construction within the 20-year period be-

1                   ginning on the date of the submission of  
2                   the application;

3                   (ii) the eligible facility—

4                   (I) creates barriers to mobility,  
5                   access, or economic development; or

6                   (II) is not justified by current  
7                   and forecast future travel demand;  
8                   and

9                   (iii) on the basis of preliminary inves-  
10                  tigations into the feasibility of removing,  
11                  retrofitting, or mitigating the eligible facil-  
12                  ity to restore community connectivity, fur-  
13                  ther investigation is necessary and likely to  
14                  be productive.

15                  (5) AWARD AMOUNTS.—A planning grant may  
16                  not exceed \$2,000,000 per recipient.

17                  (6) FEDERAL SHARE.—The total Federal share  
18                  of the cost of a planning activity for which a plan-  
19                  ning grant is used shall not exceed 80 percent.

20                  (d) CAPITAL CONSTRUCTION GRANTS.—

21                  (1) ELIGIBLE ENTITIES.—The Secretary may  
22                  award a grant (referred to in this section as a “cap-  
23                  ital construction grant”) to the owner of an eligible  
24                  facility to carry out an eligible project described in  
25                  paragraph (3) for which all necessary feasibility

1 studies and other planning activities have been com-  
2 pleted.

3 (2) PARTNERSHIPS.—An owner of an eligible  
4 facility may, for the purposes of submitting an appli-  
5 cation for a capital construction grant, if applicable,  
6 partner with—

7 (A) a State;

8 (B) a unit of local government;

9 (C) a Tribal government;

10 (D) a metropolitan planning organization;

11 or

12 (E) a nonprofit organization.

13 (3) ELIGIBLE PROJECTS.—A project eligible to  
14 be carried out with a capital construction grant in-  
15 cludes—

16 (A) the removal, retrofit, or mitigation of  
17 an eligible facility; and

18 (B) the replacement of an eligible facility  
19 with a new facility that—

20 (i) restores community connectivity;

21 and

22 (ii) is—

23 (I) sensitive to the context of the  
24 surrounding community; and

1 (II) otherwise eligible for funding  
2 under title 23, United States Code.

3 (4) SELECTION.—The Secretary shall—

4 (A) solicit applications for capital construc-  
5 tion grants; and

6 (B) evaluate applications on the basis of—

7 (i) the degree to which the project will  
8 improve mobility and access through the  
9 removal of barriers;

10 (ii) the appropriateness of removing,  
11 retrofitting, or mitigating the eligible facil-  
12 ity, based on current traffic patterns and  
13 the ability of the replacement facility and  
14 the regional transportation network to ab-  
15 sorb transportation demand and provide  
16 safe mobility and access;

17 (iii) the impact of the project on  
18 freight movement;

19 (iv) the results of a cost-benefit anal-  
20 ysis of the project;

21 (v) the opportunities for inclusive eco-  
22 nomic development;

23 (vi) the degree to which the eligible  
24 facility is out of context with the current  
25 or planned land use;

1 (vii) the results of any feasibility  
2 study completed for the project; and

3 (viii) the plan of the applicant for—

4 (I) employing residents in the  
5 area impacted by the project through  
6 targeted hiring programs, in partner-  
7 ship with registered apprenticeship  
8 programs, if applicable; and

9 (II) contracting and subcon-  
10 tracting with disadvantaged business  
11 enterprises.

12 (5) MINIMUM AWARD AMOUNTS.—A capital  
13 construction grant shall be in an amount not less  
14 than \$5,000,000 per recipient.

15 (6) FEDERAL SHARE.—

16 (A) IN GENERAL.—Subject to subpara-  
17 graph (B), a capital construction grant may not  
18 exceed 50 percent of the total cost of the  
19 project for which the grant is awarded.

20 (B) MAXIMUM FEDERAL INVOLVEMENT.—  
21 Federal assistance other than a capital con-  
22 struction grant may be used to satisfy the non-  
23 Federal share of the cost of a project for which  
24 the grant is awarded, except that the total Fed-  
25 eral assistance provided for a project for which

1 the grant is awarded may not exceed 80 percent  
2 of the total cost of the project.

3 (7) COMMUNITY ADVISORY BOARD.—

4 (A) IN GENERAL.—To help achieve inclu-  
5 sive economic development benefits with respect  
6 to the project for which a grant is awarded, a  
7 grant recipient may form a community advisory  
8 board, which shall—

9 (i) facilitate community engagement  
10 with respect to the project; and

11 (ii) track progress with respect to  
12 commitments of the grant recipient to in-  
13 clusive employment, contracting, and eco-  
14 nomic development under the project.

15 (B) MEMBERSHIP.—If a grant recipient  
16 forms a community advisory board under sub-  
17 paragraph (A), the community advisory board  
18 shall be composed of representatives of—

19 (i) the community;

20 (ii) owners of businesses that serve  
21 the community;

22 (iii) labor organizations that represent  
23 workers that serve the community; and

24 (iv) State and local government.

25 (e) REPORTS.—



1           (1) USDOT REPORT ON PROGRAM.—Not later  
2 than January 1, 2026, the Secretary shall submit to  
3 the Committee on Environment and Public Works of  
4 the Senate and the Committee on Transportation  
5 and Infrastructure of the House of Representatives  
6 a report that evaluates the program under this sec-  
7 tion, including—

8           (A) information about the level of appli-  
9 cant interest in planning grants, technical as-  
10 sistance under subsection (c)(3), and capital  
11 construction grants, including the extent to  
12 which overall demand exceeded available funds;  
13 and

14           (B) for recipients of capital construction  
15 grants, the outcomes and impacts of the high-  
16 way removal project, including—

17           (i) any changes in the overall level of  
18 mobility, congestion, access, and safety in  
19 the project area; and

20           (ii) environmental impacts and eco-  
21 nomic development opportunities in the  
22 project area.

23           (2) GAO REPORT ON HIGHWAY REMOVALS.—  
24 Not later than 2 years after the date of enactment

1 of this Act, the Comptroller General of the United  
2 States shall issue a report that—

3 (A) identifies examples of projects to re-  
4 move highways using Federal highway funds;

5 (B) evaluates the effect of highway re-  
6 moval projects on the surrounding area, includ-  
7 ing impacts to the local economy, congestion ef-  
8 fects, safety outcomes, and impacts on the  
9 movement of freight and people;

10 (C) evaluates the existing Federal-aid pro-  
11 gram eligibility under title 23, United States  
12 Code, for highway removal projects;

13 (D) analyzes the costs and benefits of and  
14 barriers to removing underutilized highways  
15 that are nearing the end of their useful life  
16 compared to replacing or reconstructing the  
17 highway; and

18 (E) provides recommendations for inte-  
19 grating those assessments into transportation  
20 planning and decision-making processes.

21 (f) TECHNICAL ASSISTANCE.—Of the funds made  
22 available to carry out this section for planning grants, the  
23 Secretary may use not more than \$15,000,000 during the  
24 period of fiscal years 2022 through 2026 to provide tech-  
25 nical assistance under subsection (c)(3).

1 **SEC. 1510. CYBERSECURITY TOOL; CYBER COORDINATOR.**

2 (a) DEFINITIONS.—In this section:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Federal  
5 Highway Administration.

6 (2) CYBER INCIDENT.—The term “cyber inci-  
7 dent” has the meaning given the term “significant  
8 cyber incident” in Presidential Policy Directive–41  
9 (July 26, 2016, relating to cyber incident coordina-  
10 tion).

11 (3) TRANSPORTATION AUTHORITY.—The term  
12 “transportation authority” means—

13 (A) a public authority (as defined in sec-  
14 tion 101(a) of title 23, United States Code);

15 (B) an owner or operator of a highway (as  
16 defined in section 101(a) of title 23, United  
17 States Code);

18 (C) a manufacturer that manufactures a  
19 product related to transportation; and

20 (D) a division office of the Federal High-  
21 way Administration.

22 (b) CYBERSECURITY TOOL.—

23 (1) IN GENERAL.—Not later than 2 years after  
24 the date of enactment of this Act, the Administrator  
25 shall develop a tool to assist transportation authori-

1 ties in identifying, detecting, protecting against, re-  
2 sponding to, and recovering from cyber incidents.

3 (2) REQUIREMENTS.—In developing the tool  
4 under paragraph (1), the Administrator shall—

5 (A) use the cybersecurity framework estab-  
6 lished by the National Institute of Standards  
7 and Technology and required by Executive  
8 Order 13636 of February 12, 2013 (78 Fed.  
9 Reg. 11739; relating to improving critical infra-  
10 structure cybersecurity);

11 (B) establish a structured cybersecurity as-  
12 sessment and development program;

13 (C) consult with appropriate transportation  
14 authorities, operating agencies, industry stake-  
15 holders, and cybersecurity experts; and

16 (D) provide for a period of public comment  
17 and review on the tool.

18 (c) DESIGNATION OF CYBER COORDINATOR.—

19 (1) IN GENERAL.—Not later than 2 years after  
20 the date of enactment of this Act, the Administrator  
21 shall designate an office as a “cyber coordinator”,  
22 which shall be responsible for monitoring, alerting,  
23 and advising transportation authorities of cyber inci-  
24 dents.

1           (2) REQUIREMENTS.—The office designated  
2 under paragraph (1) shall—

3           (A) provide to transportation authorities a  
4 secure method of notifying a single Federal en-  
5 tity of cyber incidents;

6           (B) monitor cyber incidents that affect  
7 transportation authorities;

8           (C) alert transportation authorities to  
9 cyber incidents that affect those transportation  
10 authorities;

11           (D) investigate unaddressed cyber inci-  
12 dents that affect transportation authorities; and

13           (E) provide to transportation authorities  
14 educational resources, outreach, and awareness  
15 on fundamental principles and best practices in  
16 cybersecurity for transportation systems.

17 **SEC. 1511. REPORT ON EMERGING ALTERNATIVE FUEL VE-**  
18 **HICLES AND INFRASTRUCTURE.**

19 (a) DEFINITIONS.—In this section:

20           (1) EMERGING ALTERNATIVE FUEL VEHICLE.—  
21 The term “emerging alternative fuel vehicle” means  
22 a vehicle fueled by hydrogen, natural gas, or pro-  
23 pane.

24           (2) EMERGING ALTERNATIVE FUELING INFRA-  
25 STRUCTURE.—The term “emerging alternative fuel-

1       ing infrastructure” means infrastructure for fueling  
2       an emerging alternative fuel vehicle.

3       (b) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, to help guide future investments  
5 for emerging alternative fueling infrastructure, the Sec-  
6 retary shall submit to Congress and make publicly avail-  
7 able a report that—

8           (1) includes an evaluation of emerging alter-  
9 native fuel vehicles and projections for potential lo-  
10 cations of emerging alternative fuel vehicle owners  
11 during the 5-year period beginning on the date of  
12 submission of the report;

13           (2) identifies areas where emerging alternative  
14 fueling infrastructure will be needed to meet the cur-  
15 rent and future needs of drivers during the 5-year  
16 period beginning on the date of submission of the re-  
17 port;

18           (3) identifies specific areas, such as a lack of  
19 pipeline infrastructure, that may impede deployment  
20 and adoption of emerging alternative fuel vehicles;

21           (4) includes a map that identifies concentra-  
22 tions of emerging alternative fuel vehicles to meet  
23 the needs of current and future emerging alternative  
24 fueling infrastructure;

1           (5) estimates the future need for emerging al-  
2           ternative fueling infrastructure to support the adop-  
3           tion and use of emerging alternative fuel vehicles;  
4           and

5           (6) includes a tool to allow States to compare  
6           and evaluate different adoption and use scenarios for  
7           emerging alternative fuel vehicles, with the ability to  
8           adjust factors to account for regionally specific char-  
9           acteristics.

10 **SEC. 1512. NONHIGHWAY RECREATIONAL FUEL STUDY.**

11           (a) DEFINITIONS.—In this section:

12           (1) HIGHWAY TRUST FUND.—The term “High-  
13           way Trust Fund” means the Highway Trust Fund  
14           established by section 9503(a) of the Internal Rev-  
15           enue Code of 1986.

16           (2) NONHIGHWAY RECREATIONAL FUEL  
17           TAXES.—The term “nonhighway recreational fuel  
18           taxes” means taxes under section 4041 and 4081 of  
19           the Internal Revenue Code of 1986 with respect to  
20           fuel used in vehicles on recreational trails or back  
21           country terrain (including vehicles registered for  
22           highway use when used on recreational trails, trail  
23           access roads not eligible for funding under title 23,  
24           United States Code, or back country terrain).

1           (3) RECREATIONAL TRAILS PROGRAM.—The  
2 term “recreational trails program” means the rec-  
3 reational trails program under section 206 of title  
4 23, United States Code.

5           (b) ASSESSMENT; REPORT.—

6           (1) ASSESSMENT.—Not later than 1 year after  
7 the date of enactment of this Act and not less fre-  
8 quently than once every 5 years thereafter, as deter-  
9 mined by the Secretary, the Secretary shall carry  
10 out an assessment of the best available estimate of  
11 the total amount of nonhighway recreational fuel  
12 taxes received by the Secretary of the Treasury and  
13 transferred to the Highway Trust Fund for the pe-  
14 riod covered by the assessment.

15           (2) REPORT.—After carrying out each assess-  
16 ment under paragraph (1), the Secretary shall sub-  
17 mit to the Committees on Finance and Environment  
18 and Public Works of the Senate and the Committees  
19 on Ways and Means and Transportation and Infra-  
20 structure of the House of Representatives a report  
21 that includes—

22           (A) to assist Congress in determining an  
23 appropriate funding level for the recreational  
24 trails program—



1 (i) a description of the results of the  
2 assessment; and

3 (ii) an evaluation of whether the cur-  
4 rent recreational trails program funding  
5 level reflects the amount of nonhighway  
6 recreational fuel taxes collected and trans-  
7 ferred to the Highway Trust Fund; and

8 (B) in the case of the first report sub-  
9 mitted under this paragraph, an estimate of the  
10 frequency with which the Secretary anticipates  
11 carrying out the assessment under paragraph  
12 (1), subject to the condition that such an as-  
13 sessment shall be carried out not less frequently  
14 than once every 5 years.

15 (c) CONSULTATION.—In carrying out an assessment  
16 under subsection (b)(1), the Secretary may consult with,  
17 as the Secretary determines to be appropriate—

18 (1) the heads of—

19 (A) State agencies designated by Gov-  
20 ernors pursuant to section 206(c)(1) of title 23,  
21 United States Code, to administer the rec-  
22 reational trails program; and

23 (B) division offices of the Department;

24 (2) the Secretary of the Treasury;

1           (3) the Administrator of the Federal Highway  
2 Administration; and

3           (4) groups representing recreational activities  
4 and interests, including hiking, biking and mountain  
5 biking, horseback riding, water trails, snowshoeing,  
6 cross-country skiing, snowmobiling, off-highway  
7 motorcycling, all-terrain vehicles and other offroad  
8 motorized vehicle activities, and recreational trail ad-  
9 vocates.

10 **SEC. 1513. BUY AMERICA.**

11 Section 313 of title 23, United States Code, is  
12 amended—

13           (1) by redesignating subsection (g) as sub-  
14 section (h); and

15           (2) by inserting after subsection (f) the fol-  
16 lowing:

17           “(g) WAIVERS.—

18           “(1) IN GENERAL.—Not less than 15 days be-  
19 fore issuing a waiver under this section, the Sec-  
20 retary shall provide to the public—

21                   “(A) notice of the proposed waiver;

22                   “(B) an opportunity for comment on the  
23 proposed waiver; and

24                   “(C) the reasons for the proposed waiver.

1           “(2) REPORT.—Not less frequently than annu-  
2 ally, the Secretary shall submit to the Committee on  
3 Environment and Public Works of the Senate and  
4 the Committee on Transportation and Infrastructure  
5 of the House of Representatives a report on the  
6 waivers provided under this section.”.

7 **SEC. 1514. HIGH PRIORITY CORRIDORS ON THE NATIONAL**  
8 **HIGHWAY SYSTEM.**

9           (a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of  
10 the Intermodal Surface Transportation Efficiency Act of  
11 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat.  
12 3018) is amended by adding at the end the following:

13           “(92) United States Route 421 from the inter-  
14 change with Interstate Route 85 in Greensboro,  
15 North Carolina, to the interchange with Interstate  
16 Route 95 in Dunn, North Carolina.

17           “(93) The South Mississippi Corridor from the  
18 Louisiana and Mississippi border near Natchez, Mis-  
19 sissippi, to Gulfport, Mississippi, shall generally fol-  
20 low—

21           “(A) United States Route 84 from the  
22 Louisiana border at the Mississippi River pass-  
23 ing in the vicinity of Natchez, Brookhaven,  
24 Monticello, Prentiss, and Collins, Mississippi, to  
25 the logical terminus with Interstate Route 59 in

1 the vicinity of Laurel, Mississippi, and con-  
2 tinuing on Interstate Route 59 south to the vi-  
3 cinity of Hattiesburg, Mississippi; and

4 “(B) United States Route 49 from the vi-  
5 cinity of Hattiesburg, Mississippi, south to  
6 Interstate Route 10 in the vicinity of Gulfport,  
7 Mississippi, following Mississippi Route 601  
8 south and terminating near the Mississippi  
9 State Port at Gulfport.

10 “(94) The Kosciusko to Gulf Coast corridor  
11 commencing at the logical terminus of Interstate  
12 Route 55 near Vaiden, Mississippi, running south  
13 and passing east of the vicinity of the Jackson Ur-  
14 banized Area, connecting to United States Route 49  
15 north of Hattiesburg, Mississippi, and generally fol-  
16 lowing United States Route 49 to a logical connec-  
17 tion with Interstate Route 10 in the vicinity of Gulf-  
18 port, Mississippi.

19 “(95) The Interstate Route 22 spur from the  
20 vicinity of Tupelo, Mississippi, running south gen-  
21 erally along United States Route 45 to the vicinity  
22 of Shannon, Mississippi.

23 “(96) The route that generally follows United  
24 States Route 412 from its intersection with Inter-  
25 state Route 35 in Noble County, Oklahoma, passing

1 through Tulsa, Oklahoma, to its intersection with  
2 Interstate Route 49 in Springdale, Arkansas.

3 “(97) The Louie B. Nunn Cumberland Ex-  
4 pressway from the interchange with Interstate Route  
5 65 in Barren County, Kentucky, east to the inter-  
6 change with United States Highway 27 in Somerset,  
7 Kentucky.”.

8 (b) DESIGNATION AS FUTURE INTERSTATES.—Sec-  
9 tion 1105(e)(5)(A) of the Intermodal Surface Transpor-  
10 tation Efficiency Act of 1991 (Public Law 102–240; 109  
11 Stat. 597; 133 Stat. 3018) is amended in the first sen-  
12 tence by striking “and subsection (c)(91)” and inserting  
13 “subsection (c)(91), subsection (c)(92), subsection  
14 (c)(93)(A), subsection (c)(94), subsection (c)(95), sub-  
15 section (c)(96), and subsection (c)(97)”.

16 (c) NUMBERING OF PARKWAY.—Section  
17 1105(e)(5)(C)(i) of the Intermodal Surface Transpor-  
18 tation Efficiency Act of 1991 (Public Law 102–240; 109  
19 Stat. 598; 133 Stat. 3018) is amended by adding at the  
20 end the following: “The route referred to in subsection  
21 (c)(97) is designated as Interstate Route I–365.”.

22 (d) GAO REPORT ON DESIGNATION OF SEGMENTS  
23 AS PART OF INTERSTATE SYSTEM.—

24 (1) DEFINITION OF APPLICABLE SEGMENT.—In  
25 this subsection, the term “applicable segment”

1 means the route described in paragraph (92) of sec-  
2 tion 1105(e) of the Intermodal Surface Transpor-  
3 tation Efficiency Act of 1991 (Public Law 102–240;  
4 105 Stat. 2032).

5 (2) REPORT.—

6 (A) IN GENERAL.—Not later than 2 years  
7 after the date on which the applicable segment  
8 is open for operations as part of the Interstate  
9 System, the Comptroller General of the United  
10 States shall submit to Congress a report on the  
11 impact, if any, during that 2-year period of al-  
12 lowing the continuation of weight limits that  
13 applied before the designation of the applicable  
14 segment as a route on the Interstate System.

15 (B) REQUIREMENTS.—The report under  
16 subparagraph (A) shall—

17 (i) be informed by the views and docu-  
18 mentation provided by the State highway  
19 agency (or equivalent agency) in the State  
20 in which the applicable segment is located;

21 (ii) describe any impacts on safety  
22 and infrastructure on the applicable seg-  
23 ment;

24 (iii) describe any view of the State  
25 highway agency (or equivalent agency) in

1 the State in which the applicable segment  
2 is located on the impact of the applicable  
3 segment; and

4 (iv) focus only on the applicable seg-  
5 ment.

6 **SEC. 1515. INTERSTATE WEIGHT LIMITS.**

7 Section 127 of title 23, United States Code, is  
8 amended—

9 (1) in subsection (l)(3)(A)—

10 (A) in the matter preceding clause (i), in  
11 the first sentence, by striking “clauses (i)  
12 through (iv) of this subparagraph” and insert-  
13 ing “clauses (i) through (v)”;

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

15 “(v) The Louie B. Nunn Cumberland  
16 Expressway (to be designated as a spur of  
17 Interstate Route 65) from the interchange  
18 with Interstate Route 65 in Barren Coun-  
19 ty, Kentucky, east to the interchange with  
20 United States Highway 27 in Somerset,  
21 Kentucky.”; and

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

23 “(v) OPERATION OF VEHICLES ON CERTAIN NORTH  
24 CAROLINA HIGHWAYS.—If any segment in the State of  
25 North Carolina of United States Route 17, United States

1 Route 29, United States Route 52, United States Route  
2 64, United States Route 70, United States Route 74,  
3 United States Route 117, United States Route 220,  
4 United States Route 264, or United States Route 421 is  
5 designated as a route on the Interstate System, a vehicle  
6 that could operate legally on that segment before the date  
7 of such designation may continue to operate on that seg-  
8 ment, without regard to any requirement under subsection  
9 (a).

10 “(w) OPERATION OF VEHICLES ON CERTAIN OKLA-  
11 HOMA HIGHWAYS.—If any segment of the highway re-  
12 ferred to in paragraph (96) of section 1105(c) of the  
13 Intermodal Surface Transportation Efficiency Act of 1991  
14 (Public Law 102–240; 105 Stat. 2032) is designated as  
15 a route on the Interstate System, a vehicle that could op-  
16 erate legally on that segment before the date of such des-  
17 igation may continue to operate on that segment, without  
18 any regard to any requirement under this section.”.

19 **SEC. 1516. REPORT ON AIR QUALITY IMPROVEMENTS.**

20 (a) IN GENERAL.—Not later than 3 years after the  
21 date of enactment of this Act, the Comptroller General  
22 of the United States shall submit a report that evaluates  
23 the congestion mitigation and air quality improvement  
24 program under section 149 of title 23, United States Code  
25 (referred to in this section as the “program”), to—



1           (1) the Committee on Environment and Public  
2 Works of the Senate; and

3           (2) the Committee on Transportation and In-  
4 frastructure of the House of Representatives.

5           (b) CONTENTS.—The evaluation under subsection (a)  
6 shall include an evaluation of—

7           (1) the reductions of ozone, carbon monoxide,  
8 and particulate matter that result from projects  
9 under the program;

10          (2) the cost-effectiveness of the reductions de-  
11 scribed in paragraph (1);

12          (3) the result of investments of funding under  
13 the program in minority and low-income commu-  
14 nities that are disproportionately affected by ozone,  
15 carbon monoxide, and particulate matter;

16          (4) the effectiveness, with respect to the attain-  
17 ment or maintenance of national ambient air quality  
18 standards under section 109 of the Clean Air Act  
19 (42 U.S.C. 7409) for ozone, carbon monoxide, and  
20 particulate matter, of performance measures estab-  
21 lished under section 150(c)(5) of title 23, United  
22 States Code, and performance targets established  
23 under subsection (d) of that section for traffic con-  
24 gestion and on-road mobile source emissions;

1           (5) the extent to which there are any types of  
2 projects that are not eligible funding under the pro-  
3 gram that would be likely to contribute to the at-  
4 tainment or maintenance of the national ambient air  
5 quality standards described in paragraph (4); and

6           (6) the extent to which projects under the pro-  
7 gram reduce sulfur dioxide, nitrogen dioxide, and  
8 lead.

9 **SEC. 1517. ROADSIDE HIGHWAY SAFETY HARDWARE.**

10       (a) IN GENERAL.—Not later than 2 years after the  
11 date of enactment of this Act, the Secretary shall imple-  
12 ment, to the maximum extent practicable, the following  
13 recommendations from the report of the Government Ac-  
14 countability Office entitled “Highway Safety: More Robust  
15 DOT Oversight of Guardrails and Other Roadside Hard-  
16 ware Could Further Enhance Safety” published in June  
17 2016 and numbered GAO–16–575:

18           (1) Develop a process for third party  
19 verification of full-scale crash testing results from  
20 crash test labs to include a process for—

21                   (A) formally verifying the testing out-  
22 comes; and

23                   (B) providing for an independent pass/fail  
24 determination.



1 (B) best practices for designing permeable  
2 pavement to meet flood control requirements.

3 (b) DATA SURVEY.—In carrying out the study under  
4 subsection (a), the Secretary shall develop—

5 (1) a summary, based on available literature  
6 and models, of localized flood control capabilities of  
7 permeable pavement that considers long-term per-  
8 formance and cost information; and

9 (2) best practices for the design of localized  
10 flood control using permeable pavement that con-  
11 sider long-term performance and cost information.

12 (c) PUBLICATION.—The Secretary shall make a re-  
13 port describing the results of the study under subsection  
14 (a) publicly available.

15 **SEC. 1519. EMERGENCY RELIEF PROJECTS.**

16 (a) DEFINITION OF EMERGENCY RELIEF  
17 PROJECT.—In this section, the term “emergency relief  
18 project” means a project carried out under the emergency  
19 relief program under section 125 of title 23, United States  
20 Code.

21 (b) IMPROVING THE EMERGENCY RELIEF PRO-  
22 GRAM.—Not later than 90 days after the date of enact-  
23 ment of this Act, the Secretary shall—

24 (1) revise the emergency relief manual of the  
25 Federal Highway Administration—

1 (A) to include and reflect the definition of  
2 the term “resilience” (as defined in section  
3 101(a) of title 23, United States Code);

4 (B) to identify procedures that States may  
5 use to incorporate resilience into emergency re-  
6 lief projects; and

7 (C) to encourage the use of Complete  
8 Streets design principles and consideration of  
9 access for moderate- and low-income families  
10 impacted by a declared disaster;

11 (2) develop best practices for improving the use  
12 of resilience in—

13 (A) the emergency relief program under  
14 section 125 of title 23, United States Code; and

15 (B) emergency relief efforts;

16 (3) provide to division offices of the Federal  
17 Highway Administration and State departments of  
18 transportation information on the best practices de-  
19 veloped under paragraph (2); and

20 (4) develop and implement a process to track—

21 (A) the consideration of resilience as part  
22 of the emergency relief program under section  
23 125 of title 23, United States Code; and

24 (B) the costs of emergency relief projects.

1 **SEC. 1520. STUDY ON STORMWATER BEST MANAGEMENT**  
2 **PRACTICES.**

3 (a) STUDY.—Not later than 180 days after the date  
4 of enactment of this Act, the Secretary and the Adminis-  
5 trator of the Environment Protection Agency shall offer  
6 to enter into an agreement with the Transportation Re-  
7 search Board of the National Academy of Sciences to con-  
8 duct a study—

9 (1) to estimate pollutant loads from stormwater  
10 runoff from highways and pedestrian facilities eligi-  
11 ble for assistance under title 23, United States  
12 Code, to inform the development of appropriate total  
13 maximum daily load (as defined in section 130.2 of  
14 title 40, Code of Federal Regulations (or successor  
15 regulations)) requirements;

16 (2) to provide recommendations regarding the  
17 evaluation and selection by State departments of  
18 transportation of potential stormwater management  
19 and total maximum daily load compliance strategies  
20 within a watershed, including environmental restora-  
21 tion and pollution abatement carried out under sec-  
22 tion 328 of title 23, United States Code (including  
23 any revisions to law (including regulations) that the  
24 Transportation Research Board determines to be ap-  
25 propriate); and

1           (3) to examine the potential for the Secretary  
2           to assist State departments of transportation in car-  
3           rying out and communicating stormwater manage-  
4           ment practices for highways and pedestrian facilities  
5           that are eligible for assistance under title 23, United  
6           States Code, through information-sharing agree-  
7           ments, database assistance, or an administrative  
8           platform to provide the information described in  
9           paragraphs (1) and (2) to entities issued permits  
10          under the Federal Water Pollution Control Act (33  
11          U.S.C. 1251 et seq.).

12          (b) REQUIREMENTS.—If the Transportation Re-  
13          search Board enters into an agreement under subsection  
14          (a), in conducting the study under that subsection, the  
15          Transportation Research Board shall—

16                 (1) review and supplement, as appropriate, the  
17                 methodologies examined and recommended in the re-  
18                 port of the National Academies of Sciences, Engi-  
19                 neering, and Medicine entitled “Approaches for De-  
20                 termining and Complying with TMDL Requirements  
21                 Related to Roadway Stormwater Runoff” and dated  
22                 2019;

23                 (2) consult with—

24                         (A) the Secretary;

1 (B) the Administrator of the Environ-  
2 mental Protection Agency;

3 (C) the Secretary of the Army, acting  
4 through the Chief of Engineers; and

5 (D) State departments of transportation;  
6 and

7 (3) solicit input from—

8 (A) stakeholders with experience in imple-  
9 menting stormwater management practices for  
10 projects; and

11 (B) educational and technical stormwater  
12 management groups.

13 (c) REPORT.—If the Transportation Research Board  
14 enters into an agreement under subsection (a), not later  
15 than 18 months after the date of enactment of this Act,  
16 the Transportation Research Board shall submit to the  
17 Secretary, the Committee on Environment and Public  
18 Works of the Senate, and the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 a report describing the results of the study.

21 **SEC. 1521. STORMWATER BEST MANAGEMENT PRACTICES**

22 **REPORTS.**

23 (a) DEFINITIONS.—In this section:



1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Highway Administration.

4           (2) BEST MANAGEMENT PRACTICES REPORT.—  
5           The term “best management practices report”  
6           means—

7                   (A) the 2014 report sponsored by the Ad-  
8                   ministrator entitled “Determining the State of  
9                   the Practice in Data Collection and Perform-  
10                  ance Measurement of Stormwater Best Man-  
11                  agement Practices”; and

12                   (B) the 1997 report sponsored by the Ad-  
13                   ministrator entitled “Stormwater Best Manage-  
14                  ment Practices in an Ultra-Urban Setting: Se-  
15                  lection and Monitoring”.

16           (b) REISSUANCE.—Not later than 1 year after the  
17           date of enactment of this Act, the Administrator shall up-  
18           date and reissue each best management practices report  
19           to reflect new information and advancements in  
20           stormwater management.

21           (c) UPDATES.—Not less frequently than once every  
22           5 years after the date on which the Administrator reissues  
23           a best management practices report described in sub-  
24           section (b), the Administrator shall update and reissue the

1 best management practices report until the earlier of the  
2 date on which—

3 (1) the best management practices report is  
4 withdrawn; or

5 (2) the contents of the best management prac-  
6 tices report are incorporated (including by reference)  
7 into applicable regulations of the Administrator.

8 **SEC. 1522. INVASIVE PLANT ELIMINATION PROGRAM.**

9 (a) DEFINITIONS.—In this section:

10 (1) INVASIVE PLANT.—The term “invasive  
11 plant” means a nonnative plant, tree, grass, or weed  
12 species, including, at a minimum, cheatgrass,  
13 *Ventenata dubia*, medusahead, bulbous bluegrass,  
14 Japanese brome, rattail fescue, Japanese honey-  
15 suckle, phragmites, autumn olive, Bradford pear,  
16 wild parsnip, sericea lespedeza, spotted knapweed,  
17 garlic mustard, and palmer amaranth.

18 (2) PROGRAM.—The term “program” means  
19 the grant program established under subsection (b).

20 (3) TRANSPORTATION CORRIDOR.—The term  
21 “transportation corridor” means a road, highway,  
22 railroad, or other surface transportation route.

23 (b) ESTABLISHMENT.—The Secretary shall carry out  
24 a program to provide grants to States to eliminate or con-  
25 trol existing invasive plants or prevent introduction of or

1 encroachment by new invasive plants along and in areas  
2 adjacent to transportation corridor rights-of-way.

3 (c) APPLICATION.—To be eligible to receive a grant  
4 under the program, a State shall submit to the Secretary  
5 an application at such time, in such manner, and con-  
6 taining such information as the Secretary may require.

7 (d) ELIGIBLE ACTIVITIES.—

8 (1) IN GENERAL.—Subject to this subsection, a  
9 State that receives a grant under the program may  
10 use the grant funds to carry out activities to elimi-  
11 nate or control existing invasive plants or prevent in-  
12 troduction of or encroachment by new invasive  
13 plants along and in areas adjacent to transportation  
14 corridor rights-of-way.

15 (2) PRIORITIZATION OF PROJECTS.—In car-  
16 rying out the program, the Secretary shall give pri-  
17 ority to projects that utilize revegetation with native  
18 plants and wildflowers, including those that are pol-  
19 linator-friendly.

20 (3) PROHIBITION ON CERTAIN USES OF  
21 FUNDS.—Amounts provided to a State under the  
22 program may not be used for costs relating to mow-  
23 ing a transportation corridor right-of-way or the ad-  
24 jacent area unless—

1 (A) mowing is identified as the best means  
2 of treatment according to best management  
3 practices; or

4 (B) mowing is used in conjunction with an-  
5 other treatment.

6 (4) LIMITATION.—Not more than 10 percent of  
7 the amounts provided to a State under the program  
8 may be used for the purchase of equipment.

9 (5) ADMINISTRATIVE AND INDIRECT COSTS.—  
10 Not more than 5 percent of the amounts provided to  
11 a State under the program may be used for the ad-  
12 ministrative and other indirect costs (such as full  
13 time employee salaries, rent, insurance, subscrip-  
14 tions, utilities, and office supplies) of carrying out  
15 eligible activities.

16 (e) REQUIREMENTS.—

17 (1) COORDINATION.—In carrying out eligible  
18 activities with a grant under the program, a State  
19 shall coordinate with—

20 (A) units of local government, political  
21 subdivisions of the State, and Tribal authorities  
22 that are carrying out eligible activities in the  
23 areas to be treated;

1 (B) local regulatory authorities, in the case  
2 of a treatment along or adjacent to a railroad  
3 right-of-way; and

4 (C) with respect to the most effective road-  
5 side control methods, State and Federal land  
6 management agencies and any relevant Tribal  
7 authorities.

8 (2) ANNUAL REPORT.—Not later than 1 year  
9 after the date on which a State receives a grant  
10 under the program, and annually thereafter, that  
11 State shall provide to the Secretary an annual report  
12 on the treatments carried out using funds from the  
13 grant.

14 (f) FEDERAL SHARE.—

15 (1) IN GENERAL.—The Federal share of the  
16 cost of an eligible activity carried out using funds  
17 from a grant under the program shall be—

18 (A) in the case of a project that utilizes re-  
19 vegetation with native plants and wildflowers,  
20 including those that are pollinator-friendly, 75  
21 percent; and

22 (B) in the case of any other project not de-  
23 scribed in subparagraph (A), 50 percent.

24 (2) CERTAIN FUNDS COUNTED TOWARD NON-  
25 FEDERAL SHARE.—A State may include amounts ex-

1        pended by the State or a unit of local government  
2        in the State to address current invasive plant popu-  
3        lations and prevent future infestation along or in  
4        areas adjacent to transportation corridor rights-of-  
5        way in calculating the non-Federal share required  
6        under the program.

7        (g) FUNDING.—There is authorized to be appro-  
8        priated to carry out the program \$50,000,000 for each  
9        of fiscal years 2022 through 2026.

10 **SEC. 1523. OVER-THE-ROAD BUS TOLLING EQUITY.**

11        Section 129(a) of title 23, United States Code, is  
12        amended—

13                (1) in paragraph (3)(B)(i), by inserting “, to-  
14        gether with the results of the audit under paragraph  
15        (9)(C),” after “the audits”; and

16                (2) in paragraph (9)—

17                        (A) by striking “An over-the-road” and in-  
18        serting the following:

19                                “(A) IN GENERAL.—An over-the-road”;

20                        (B) in subparagraph (A) (as so des-  
21        ignated), by striking “public transportation  
22        buses” and inserting “public transportation ve-  
23        hicles”; and

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

25                                “(B) REPORTS.—

1           “(i) IN GENERAL.—Not later than 90  
2           days after the date of enactment of this  
3           subparagraph, a public authority that op-  
4           erates a toll facility shall report to the Sec-  
5           retary any rates, terms, or conditions for  
6           access to the toll facility by public trans-  
7           portation vehicles that differ from the  
8           rates, terms, or conditions applicable to  
9           over-the-road buses.

10           “(ii) UPDATES.—A public authority  
11           that operates a toll facility shall report to  
12           the Secretary any change to the rates,  
13           terms, or conditions for access to the toll  
14           facility by public transportation vehicles  
15           that differ from the rates, terms, or condi-  
16           tions applicable to over-the-road buses by  
17           not later than 30 days after the date on  
18           which the change takes effect.

19           “(iii) PUBLICATION.—The Secretary  
20           shall publish information reported to the  
21           Secretary under clauses (i) and (ii) on a  
22           publicly accessible internet website.

23           “(C) ANNUAL AUDIT.—

1                   “(i) IN GENERAL.—A public authority  
2                   (as defined in section 101(a)) with juris-  
3                   diction over a toll facility shall—

4                   “(I) conduct or have an inde-  
5                   pendent auditor conduct an annual  
6                   audit of toll facility records to verify  
7                   compliance with this paragraph; and

8                   “(II) report the results of the  
9                   audit, together with the results of the  
10                  audit under paragraph (3)(B), to the  
11                  Secretary.

12                  “(ii) RECORDS.—After providing rea-  
13                  sonable notice, a public authority described  
14                  in clause (i) shall make all records of the  
15                  public authority pertaining to the toll facil-  
16                  ity available for audit by the Secretary.

17                  “(iii) NONCOMPLIANCE.—If the Sec-  
18                  retary determines that a public authority  
19                  described in clause (i) has not complied  
20                  with this paragraph, the Secretary may re-  
21                  quire the public authority to discontinue  
22                  collecting tolls until an agreement with the  
23                  Secretary is reached to achieve compli-  
24                  ance.”.



1 **SEC. 1524. BRIDGE TERMINOLOGY.**

2 (a) CONDITION OF NHS BRIDGES.—Section  
3 119(f)(2) of title 23, United States Code, is amended by  
4 striking “structurally deficient” each place it appears and  
5 inserting “in poor condition”.

6 (b) NATIONAL BRIDGE AND TUNNEL INVEN-  
7 TORIES.—Section 144(b)(5) of title 23, United States  
8 Code, is amended by striking “structurally deficient  
9 bridge” and inserting “bridge classified as in poor condi-  
10 tion”.

11 (c) TRIBAL TRANSPORTATION FACILITY BRIDGES.—  
12 Section 202(d) of title 23, United States Code, is amend-  
13 ed—

14 (1) in paragraph (1), by striking “deficient  
15 bridges eligible for the tribal transportation pro-  
16 gram” and inserting “bridges eligible for the tribal  
17 transportation program classified as in poor condi-  
18 tion, having low load capacity, or needing geometric  
19 improvements”; and

20 (2) in paragraph (3)(C), by striking “struc-  
21 turally deficient or functionally obsolete” and insert-  
22 ing “classified as in poor condition, having a low  
23 load capacity, or needing geometric improvements”.

1 **SEC. 1525. STUDY OF IMPACTS ON ROADS FROM SELF-DRIV-**  
2 **ING VEHICLES.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of enactment of this Act, the Secretary shall initiate  
5 a study on the existing and future impacts of self-driving  
6 vehicles to transportation infrastructure, mobility, the en-  
7 vironment, and safety, including impacts on—

8 (1) the Interstate System (as defined in section  
9 101(a) of title 23, United States Code);

10 (2) urban roads;

11 (3) rural roads;

12 (4) corridors with heavy traffic congestion;

13 (5) transportation systems optimization; and

14 (6) any other areas or issues relevant to oper-  
15 ations of the Federal Highway Administration that  
16 the Secretary determines to be appropriate.

17 (b) CONTENTS OF STUDY.—The study under sub-  
18 section (a) shall include specific recommendations for both  
19 rural and urban communities regarding the impacts of  
20 self-driving vehicles on existing transportation system ca-  
21 pacity.

22 (c) CONSIDERATIONS.—In carrying out the study  
23 under subsection (a), the Secretary shall—

24 (1) consider the need for and recommend any  
25 policy changes to be undertaken by the Federal

1 Highway Administration on the impacts of self-driv-  
2 ing vehicles as identified under paragraph (2); and

3 (2) for both rural and urban communities, in-  
4 clude a discussion of—

5 (A) the impacts that self-driving vehicles  
6 will have on existing transportation infrastruc-  
7 ture, such as signage and markings, traffic  
8 lights, and highway capacity and design;

9 (B) the impact on commercial and private  
10 traffic flows;

11 (C) infrastructure improvement needs that  
12 may be necessary for transportation infrastruc-  
13 ture to accommodate self-driving vehicles;

14 (D) the impact of self-driving vehicles on  
15 the environment, congestion, and vehicle miles  
16 traveled; and

17 (E) the impact of self-driving vehicles on  
18 mobility.

19 (d) COORDINATION.—In carrying out the study under  
20 subsection (a), the Secretary shall consider and incor-  
21 porate relevant current and ongoing research of the De-  
22 partment.

23 (e) CONSULTATION.—In carrying out the study under  
24 subsection (a), the Secretary shall convene and consult

1 with a panel of national experts in both rural and urban  
2 transportation, including—

3 (1) operators and users of the Interstate Sys-  
4 tem (as defined in section 101(a) of title 23, United  
5 States Code), including private sector stakeholders;

6 (2) States and State departments of transpor-  
7 tation;

8 (3) metropolitan planning organizations;

9 (4) the motor carrier industry;

10 (5) representatives of public transportation  
11 agencies or organizations;

12 (6) highway safety and academic groups;

13 (7) nonprofit entities with experience in trans-  
14 portation policy;

15 (8) National Laboratories (as defined in section  
16 2 of the Energy Policy Act of 2005 (42 U.S.C.  
17 15801));

18 (9) environmental stakeholders; and

19 (10) self-driving vehicle producers, manufactur-  
20 ers, and technology developers.

21 (f) REPORT.—Not later than 1 year after the date  
22 on which the study under subsection (a) is initiated, the  
23 Secretary shall submit a report on the results of the study  
24 to—

1           (1) the Committee on Environment and Public  
2 Works of the Senate; and

3           (2) the Committee on Transportation and In-  
4 frastructure of the House of Representatives.

5 **SEC. 1526. TECHNICAL CORRECTIONS.**

6           (a) Section 101(b)(1) of title 23, United States Code,  
7 is amended by inserting “Highways” after “and Defense”.

8           (b) Section 104(f)(3) of title 23, United States Code,  
9 is amended—

10           (1) in the paragraph heading, by striking “FED-  
11 ERAL HIGHWAY ADMINISTRATION” and inserting  
12 “AN OPERATING ADMINISTRATION OF THE DEPART-  
13 MENT OF TRANSPORTATION”; and

14           (2) in subparagraph (A), by striking “the Fed-  
15 eral Highway Administration” and inserting “an op-  
16 erating administration of the Department of Trans-  
17 portation”.

18           (c) Section 108(c)(3)(F) of title 23, United States  
19 Code, is amended—

20           (1) by inserting “of 1969 (42 U.S.C. 4321 et  
21 seq.)” after “Policy Act”; and

22           (2) by striking “this Act” and inserting “this  
23 title”.

1 (d) Section 112(b)(2) of title 23, United States Code,  
2 is amended by striking “(F) (F) Subparagraphs” and in-  
3 serting the following:

4 “(F) EXCLUSION.—Subparagraphs”.

5 (e) Section 115(c) of title 23, United States Code,  
6 is amended by striking “section 135(f)” and inserting  
7 “section 135(g)”.

8 (f) Section 130(g) of title 23, United States Code,  
9 is amended—

10 (1) in the third sentence—

11 (A) by striking “and Transportation,” and  
12 inserting “and Transportation”; and

13 (B) by striking “thereafter,,” and inserting  
14 “thereafter,,”; and

15 (2) in the fifth sentence, by striking “railroad  
16 highway” and inserting “railway-highway”.

17 (g) Section 135(g) of title 23, United States Code,  
18 is amended—

19 (1) in paragraph (3), by striking “operators),,”  
20 and inserting “operators),,”; and

21 (2) in paragraph (6)(B), by striking “5310,  
22 5311, 5316, and 5317” and inserting “5310 and  
23 5311”.

24 (h) Section 139 of title 23, United States Code (as  
25 amended by section 1301), is amended—

1           (1) in subsection (b)(1), by inserting “(42  
2           U.S.C. 4321 et seq.)” after “of 1969”;

3           (2) in subsection (c), by inserting “(42 U.S.C.  
4           4321 et seq.)” after “of 1969” each place it ap-  
5           pears; and

6           (3) in subsection (k)(2), by inserting “(42  
7           U.S.C. 4321 et seq.)” after “of 1969”.

8           (i) Section 140(a) of title 23, United States Code,  
9           is amended, in the third sentence, by inserting a comma  
10          after “Secretary”.

11          (j) Section 148(i)(2)(D) of title 23, United States  
12          Code, is amended by striking “safety safety” and inserting  
13          “safety”.

14          (k) Section 166(a)(1) of title 23, United States Code,  
15          is amended by striking the paragraph designation and  
16          heading and all that follows through “A public authority”  
17          and inserting the following:

18                 “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A  
19                 public authority”.

20          (l) Section 201(c)(6)(A)(ii) of title 23, United States  
21          Code, is amended by striking “(25 U.S.C. 450 et seq.)”  
22          and inserting “(25 U.S.C. 5301 et seq.)”.

23          (m) Section 202 of title 23, United States Code, is  
24          amended—

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1           (1) by striking “(25 U.S.C. 450 et seq.)” each  
2           place it appears and inserting “(25 U.S.C. 5301 et  
3           seq.)”;

4           (2) in subsection (a)(10)(B), by striking “(25  
5           U.S.C. 450e(b))” and inserting “(25 U.S.C.  
6           5307(b))”; and

7           (3) in subsection (b)(5), in the matter pre-  
8           ceding subparagraph (A), by inserting “the” after  
9           “agreement under”.

10          (n) Section 206(d)(2)(G) of title 23, United States  
11          Code, is amended by striking “use of recreational trails”  
12          and inserting “uses of recreational trails”.

13          (o) Section 207 of title 23, United States Code, is  
14          amended—

15               (1) in subsection (g)—

16                   (A) by striking “(25 U.S.C. 450j-1)” and  
17                   inserting “(25 U.S.C. 5325)”; and

18                   (B) by striking “(25 U.S.C. 450j-1(f))”  
19                   and inserting “(25 U.S.C. 5325(f))”;

20               (2) in subsection (l)—

21                   (A) in paragraph (1), by striking “(25  
22                   U.S.C. 458aaa-5)” and inserting “(25 U.S.C.  
23                   5386)”;



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1 (B) in paragraph (2), by striking “(25  
2 U.S.C. 458aaa-6)” and inserting “(25 U.S.C.  
3 5387)”;

4 (C) in paragraph (3), by striking “(25  
5 U.S.C. 458aaa-7)” and inserting “(25 U.S.C.  
6 5388)”;

7 (D) in paragraph (4), by striking “(25  
8 U.S.C. 458aaa-9)” and inserting “(25 U.S.C.  
9 5390)”;

10 (E) in paragraph (5), by striking “(25  
11 U.S.C. 458aaa-10)” and inserting “(25 U.S.C.  
12 5391)”;

13 (F) in paragraph (6), by striking “(25  
14 U.S.C. 458aaa-11)” and inserting “(25 U.S.C.  
15 5392)”;

16 (G) in paragraph (7), by striking “(25  
17 U.S.C. 458aaa-14)” and inserting “(25 U.S.C.  
18 5395)”;

19 (H) in paragraph (8), by striking “(25  
20 U.S.C. 458aaa-15)” and inserting “(25 U.S.C.  
21 5396)”;

22 (I) in paragraph (9), by striking “(25  
23 U.S.C. 458aaa-17)” and inserting “(25 U.S.C.  
24 5398)”;

25 (3) in subsection (m)(2)—

1 (A) by striking “505” and inserting  
2 “501”; and

3 (B) by striking “(25 U.S.C. 450b;  
4 458aaa)” and inserting “(25 U.S.C. 5304;  
5 5381)”.

6 (p) Section 217(d) of title 23, United States Code,  
7 is amended by striking “104(b)(3)” and inserting  
8 “104(b)(4)”.

9 (q) Section 323(d) of title 23, United States Code,  
10 is amended in the matter preceding paragraph (1), in the  
11 second sentence, by inserting “(42 U.S.C. 4321 et seq.)”  
12 after “of 1969”.

13 (r) Section 325 of title 23, United States Code, is  
14 repealed.

15 (s) Section 504(g)(6) of title 23, United States Code,  
16 is amended by striking “make grants or to” and inserting  
17 “make grants to”.

18 (t) The analysis for chapter 3 of title 23, United  
19 States Code, is amended by striking the item relating to  
20 section 325.

1 **TITLE II—TRANSPORTATION IN-**  
2 **FRASTRUCTURE FINANCE**  
3 **AND INNOVATION**

4 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**  
5 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

6 (a) DEFINITIONS.—Section 601(a) of title 23, United  
7 States Code, is amended—

8 (1) by redesignating paragraphs (1) through  
9 (22) as paragraphs (2) through (23), respectively;

10 (2) by inserting before paragraph (2) (as so re-  
11 designated) the following:

12 “(1) ADMINISTRATIVELY ALLOCATED.—The  
13 term ‘administratively allocated’ means the alloca-  
14 tion by the Secretary of budget authority for a  
15 project under the TIFIA program that occurs  
16 when—

17 “(A) a potential applicant has been invited  
18 into the creditworthiness phase for a project  
19 under the TIFIA program; or

20 “(B) the project is subject to a master  
21 credit agreement, in accordance with section  
22 602(b)(2).”;

23 (3) in subparagraph (E) of paragraph (11) (as  
24 so redesignated), by striking “3 years” and inserting  
25 “5 years”; and

1 (4) in paragraph (13) (as so redesignated)—

2 (A) by striking subparagraph (E) and in-  
3 serting the following:

4 “(E) a project to improve or construct  
5 public infrastructure—

6 “(i) that—

7 “(I) is located within walking dis-  
8 tance of, and accessible to, a fixed  
9 guideway transit facility, passenger  
10 rail station, intercity bus station, or  
11 intermodal facility, including a trans-  
12 portation, public utility, or capital  
13 project described in section  
14 5302(3)(G)(v) of title 49, and related  
15 infrastructure; or

16 “(II) is a project for economic  
17 development, including commercial  
18 and residential development, and re-  
19 lated infrastructure and activities—

20 “(aa) that incorporates pri-  
21 vate investment;

22 “(bb) that is physically or  
23 functionally related to a pas-  
24 senger rail station or multimodal  
25 station that includes rail service;

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1           “(cc) for which the project  
2 sponsor has a high probability of  
3 commencing the contracting  
4 process for construction by not  
5 later than 90 days after the date  
6 on which credit assistance under  
7 the TIFIA program is provided  
8 for the project; and

9           “(dd) that has a high prob-  
10 ability of reducing the need for  
11 financial assistance under any  
12 other Federal program for the  
13 relevant passenger rail station or  
14 service by increasing ridership,  
15 tenant lease payments, or other  
16 activities that generate revenue  
17 exceeding costs; and

18           “(ii) for which, by not later than Sep-  
19 tember 30, 2026, the Secretary has—

20           “(I) received a letter of interest;  
21 and

22           “(II) determined that the project  
23 is eligible for assistance;”;

1 (B) in subparagraph (F), by striking the  
2 period at the end and inserting a semicolon;  
3 and

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

5 “(G) an eligible airport-related project (as  
6 defined in section 40117(a) of title 49) for  
7 which, not later than September 30, 2025, the  
8 Secretary has—

9 “(i) received a letter of interest; and

10 “(ii) determined that the project is eli-  
11 gible for assistance; and

12 “(H) a project for the acquisition of plant  
13 and wildlife habitat pursuant to a conservation  
14 plan that—

15 “(i) has been approved by the Sec-  
16 retary of the Interior pursuant to section  
17 10 of the Endangered Species Act of 1973  
18 (16 U.S.C. 1539); and

19 “(ii) in the judgment of the Secretary,  
20 would mitigate the environmental impacts  
21 of transportation infrastructure projects  
22 otherwise eligible for assistance under this  
23 title.”.

24 (b) ELIGIBILITY.—Section 602(a) of title 23, United  
25 States Code, is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (A)(iv)—

3 (i) by striking “a rating” and insert-  
4 ing “an investment-grade rating”; and

5 (ii) by striking “\$75,000,000” and in-  
6 serting “\$150,000,000”; and

7 (B) in subparagraph (B)—

8 (i) by striking “the senior debt” and  
9 inserting “senior debt”; and

10 (ii) by striking “credit instrument is  
11 for an amount less than \$75,000,000” and  
12 inserting “total amount of other senior  
13 debt and the Federal credit instrument is  
14 less than \$150,000,000”; and

15 (2) in paragraph (5)(B)(ii), by striking “section  
16 601(a)(12)(E)” and inserting “section  
17 601(a)(13)(E)”.

18 (c) PROCESSING TIMELINES.—Section 602(d) of title  
19 23, United States Code, is amended—

20 (1) by redesignating paragraphs (1) and (2) as  
21 paragraphs (2) and (3), respectively;

22 (2) in paragraph (3) (as so redesignated), by  
23 striking “paragraph (1)” and inserting “paragraph  
24 (2)”; and

1           (3) by inserting before paragraph (2) (as so re-  
2 designated) the following:

3           “(1) PROCESSING TIMELINES.—Except in the  
4 case of an application described in subsection (a)(8)  
5 and to the maximum extent practicable, the Sec-  
6 retary shall provide an applicant with a specific esti-  
7 mate of the timeline for the approval or disapproval  
8 of the application of the applicant, which, to the  
9 maximum extent practicable, the Secretary shall en-  
10 deavor to complete by not later than 150 days after  
11 the date on which the applicant submits a letter of  
12 interest to the Secretary.”.

13           (d) SECURED LOANS.—Section 603(c)(4)(A) of title  
14 23, United States Code, is amended—

15           (1) by striking “Any excess” and inserting the  
16 following:

17                   “(i) IN GENERAL.—Except as pro-  
18 vided in clause (ii), any excess”; and

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

20                   “(ii) CERTAIN APPLICANTS.—In the  
21 case of a secured loan or other secured  
22 Federal credit instrument provided after  
23 the date of enactment of the Surface  
24 Transportation Reauthorization Act of  
25 2021, if the obligor is a governmental enti-



1                   ty, agency, or instrumentality, the obligor  
2                   shall not be required to prepay the secured  
3                   loan or other secured Federal credit instru-  
4                   ment with any excess revenues described in  
5                   clause (i) if the obligor enters into an  
6                   agreement to use those excess revenues  
7                   only for purposes authorized under this  
8                   title or title 49.”.

9           (e) TECHNICAL AMENDMENT.—Section 602(e) of  
10 title 23, United States Code, is amended by striking “sec-  
11 tion 601(a)(1)(A)” and inserting “section 601(a)(3)(A)”.

12           (f) STREAMLINED APPLICATION PROCESS.—Section  
13 603(f) of title 23, United States Code, is amended by add-  
14 ing at the end the following:

15                   “(3) ADDITIONAL TERMS FOR EXPEDITED DE-  
16                   CISIONS.—

17                           “(A) IN GENERAL.—Not later than 120  
18                   days after the date of enactment of this para-  
19                   graph, the Secretary shall implement an exped-  
20                   dited decision timeline for public agency bor-  
21                   rowers seeking secured loans that meet—

22                                   “(i) the terms under paragraph (2);

23                                   and

24                                   “(ii) the additional criteria described  
25                   in subparagraph (B).

1           “(B) ADDITIONAL CRITERIA.—The addi-  
2           tional criteria referred to in subparagraph  
3           (A)(ii) are the following:

4                   “(i) The secured loan is made on  
5                   terms and conditions that substantially  
6                   conform to the conventional terms and  
7                   conditions established by the National Sur-  
8                   face Transportation Innovative Finance  
9                   Bureau.

10                   “(ii) The secured loan is rated in the  
11                   A category or higher.

12                   “(iii) The TIFIA program share of el-  
13                   igible project costs is 33 percent or less.

14                   “(iv) The applicant demonstrates a  
15                   reasonable expectation that the contracting  
16                   process for the project can commence by  
17                   not later than 90 days after the date on  
18                   which a Federal credit instrument is obli-  
19                   gated for the project under the TIFIA pro-  
20                   gram.

21                   “(v) The project has received a cat-  
22                   egorical exclusion, a finding of no signifi-  
23                   cant impact, or a record of decision under  
24                   the National Environmental Policy Act of  
25                   1969 (42 U.S.C. 4321 et seq.).

1           “(C) WRITTEN NOTICE.—The Secretary  
2           shall provide to an applicant seeking a secured  
3           loan under the expedited decision process under  
4           this paragraph a written notice informing the  
5           applicant whether the Secretary has approved  
6           or disapproved the application by not later than  
7           180 days after the date on which the Secretary  
8           submits to the applicant a letter indicating that  
9           the National Surface Transportation Innovative  
10          Finance Bureau has commenced the credit-  
11          worthiness review of the project.”.

12          (g) FUNDING.—

13           (1) IN GENERAL.—Section 608(a) of title 23,  
14          United States Code, is amended—

15           (A) by redesignating paragraphs (4) and  
16           (5) as paragraphs (5) and (6), respectively;

17           (B) by inserting after paragraph (3) the  
18          following:

19          “(4) LIMITATION FOR CERTAIN PROJECTS.—

20           “(A) TRANSIT-ORIENTED DEVELOPMENT  
21          PROJECTS.—For each fiscal year, the Secretary  
22          may use to carry out projects described in sec-  
23          tion 601(a)(13)(E) not more than 15 percent of  
24          the amounts made available to carry out the  
25          TIFIA program for that fiscal year.

1                   “(B) AIRPORT-RELATED PROJECTS.—The  
2                   Secretary may use to carry out projects de-  
3                   scribed in section 601(a)(13)(G)—

4                   “ (i) for each fiscal year, not more  
5                   than 15 percent of the amounts made  
6                   available to carry out the TIFLA program  
7                   under the Surface Transportation Reau-  
8                   thorization Act of 2021 for that fiscal  
9                   year; and

10                   “ (ii) for the period of fiscal years  
11                   2022 through 2026, not more than 15 per-  
12                   cent of the unobligated carryover balances  
13                   (as of October 1, 2020) made available to  
14                   carry out the TIFLA program, less the  
15                   total amount administratively allocated by  
16                   the Secretary as of that date.”; and

17                   (C) by striking paragraph (6) (as so reded-  
18                   signed) and inserting the following:

19                   “(6) ADMINISTRATIVE COSTS.—Of the amounts  
20                   made available to carry out the TIFLA program, the  
21                   Secretary may use not more than \$10,000,000 for  
22                   each of fiscal years 2022 through 2026 for the ad-  
23                   ministration of the TIFLA program.”.

24                   (2) CONFORMING AMENDMENT.—Section  
25                   605(f)(1) of title 23, United States Code, is amend-

1 ed by striking “section 608(a)(5)” and inserting  
2 “section 608(a)(6)”.

3 (h) STATUS REPORTS.—Section 609 of title 23,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(c) STATUS REPORTS.—

7 “(1) IN GENERAL.—The Secretary shall publish  
8 on the website for the TIFIA program—

9 “(A) on a monthly basis, a current status  
10 report on all submitted letters of interest and  
11 applications received for assistance under the  
12 TIFIA program; and

13 “(B) on a quarterly basis, a current status  
14 report on all approved applications for assist-  
15 ance under the TIFIA program.

16 “(2) INCLUSIONS.—Each monthly and quar-  
17 terly status report under paragraph (1) shall in-  
18 clude, at a minimum, with respect to each project in-  
19 cluded in the status report—

20 “(A) the name of the party submitting the  
21 letter of interest or application;

22 “(B) the name of the project;

23 “(C) the date on which the letter of inter-  
24 est or application was received;

25 “(D) the estimated project eligible costs;

1                   “(E) the type of credit assistance sought;  
2                   and

3                   “(F) the anticipated fiscal year and quar-  
4                   ter for closing of the credit assistance.”.

5           (i) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-  
6           tion 610 of title 23, United States Code, is amended—

7                   (1) in subsection (d)—

8                           (A) in paragraph (1)(A), by striking “fis-  
9                           cal years 2016 through 2020” and inserting  
10                           “fiscal years 2022 through 2026”;

11                           (B) in paragraph (2), by striking “fiscal  
12                           years 2016 through 2020” and inserting “fiscal  
13                           years 2022 through 2026”; and

14                           (C) in paragraph (3), by striking “fiscal  
15                           years 2016 through 2020” and inserting “fiscal  
16                           years 2022 through 2026”; and

17                   (2) in subsection (k), by striking “fiscal years  
18                   2016 through 2020” and inserting “fiscal years  
19                   2022 through 2026”.

20           (j) REPORT.—Not later than September 30, 2025,  
21           the Secretary shall submit to the Committee on Environ-  
22           ment and Public Works of the Senate and the Committee  
23           on Transportation and Infrastructure of the House of  
24           Representatives a report on the impact of the amendment

1 relating to airport-related projects under subsection  
2 (a)(4)(C) and subsection (g)(1)(B), including—

3 (1) information on the use of TIFIA program  
4 (as defined in section 601(a) of title 23, United  
5 States Code) funds for eligible airport-related  
6 projects (as defined in section 40117(a) of title 49,  
7 United States Code); and

8 (2) recommendations for modifications to the  
9 TIFIA program.

10 **TITLE III—RESEARCH,**  
11 **TECHNOLOGY, AND EDUCATION**

12 **SEC. 3001. STRATEGIC INNOVATION FOR REVENUE COL-**  
13 **LECTION.**

14 (a) IN GENERAL.—The Secretary shall establish a  
15 program to test the feasibility of a road usage fee and  
16 other user-based alternative revenue mechanisms (referred  
17 to in this section as “user-based alternative revenue mech-  
18 anisms”) to help maintain the long-term solvency of the  
19 Highway Trust Fund, through pilot projects at the State,  
20 local, and regional level.

21 (b) GRANTS.—

22 (1) IN GENERAL.—The Secretary shall provide  
23 grants to eligible entities to carry out pilot projects  
24 under this section.

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

6           (3) OBJECTIVES.—The Secretary shall ensure  
7           that, in the aggregate, the pilot projects carried out  
8           using funds provided under this section meet the fol-  
9           lowing objectives:

10                   (A) To test the design, acceptance, equity,  
11                   and implementation of user-based alternative  
12                   revenue mechanisms, including among—

13                           (i) differing income groups; and

14                           (ii) rural and urban drivers, as appli-  
15                   cable.

16                   (B) To provide recommendations regarding  
17                   adoption and implementation of user-based al-  
18                   ternative revenue mechanisms.

19                   (C) To quantify and minimize the adminis-  
20                   trative costs of any potential user-based alter-  
21                   native revenue mechanisms.

22                   (D) To test a variety of solutions, includ-  
23                   ing the use of independent and private third-  
24                   party vendors, for the collection of data and  
25                   fees from user-based alternative revenue mecha-



1 nisms, including the reliability and security of  
2 those solutions and vendors.

3 (E) To test solutions to ensure the privacy  
4 and security of data collected for the purpose of  
5 implementing a user-based alternative revenue  
6 mechanism.

7 (F) To conduct public education and out-  
8 reach to increase public awareness regarding  
9 the need for user-based alternative revenue  
10 mechanisms for surface transportation pro-  
11 grams.

12 (G) To evaluate the ease of compliance and  
13 enforcement of a variety of implementation ap-  
14 proaches for different users of the surface  
15 transportation system.

16 (H) To ensure, to the greatest extent prac-  
17 ticable, the use of innovation.

18 (I) To consider, to the greatest extent  
19 practicable, the potential for revenue collection  
20 along a network of alternative fueling stations.

21 (J) To evaluate the impacts of the imposi-  
22 tion of a user-based alternative revenue mecha-  
23 nism on—

24 (i) transportation revenues;

1 (ii) personal mobility, driving pat-  
2 terns, congestion, and transportation costs;  
3 and

4 (iii) freight movement and costs.

5 (K) To evaluate options for the integration  
6 of a user-based alternative revenue mechanism  
7 with—

8 (i) nationwide transportation revenue  
9 collections and regulations;

10 (ii) toll revenue collection platforms;

11 (iii) transportation network company  
12 fees; and

13 (iv) any other relevant transportation  
14 revenue mechanisms.

15 (4) ELIGIBLE ENTITY.—An entity eligible to  
16 apply for a grant under this section is—

17 (A) a State or a group of States;

18 (B) a local government or a group of local  
19 governments; or

20 (C) a metropolitan planning organization  
21 (as defined in section 134(b) of title 23, United  
22 States Code) or a group of metropolitan plan-  
23 ning organizations.

24 (5) USE OF FUNDS.—An eligible entity that re-  
25 ceives a grant under this section shall use the grant

1 to carry out a pilot project to address 1 or more of  
2 the objectives described in paragraph (3).

3 (6) CONSIDERATION.—The Secretary shall con-  
4 sider geographic diversity in awarding grants under  
5 this subsection.

6 (7) FEDERAL SHARE.—The Federal share of  
7 the cost of a pilot project carried out under this sec-  
8 tion may not exceed—

9 (A) 80 percent of the total cost of a  
10 project carried out by an eligible entity that has  
11 not otherwise received a grant under this sec-  
12 tion; and

13 (B) 70 percent of the total cost of a  
14 project carried out by an eligible entity that has  
15 received at least 1 grant under this section.

16 (c) LIMITATION ON REVENUE COLLECTED.—Any  
17 revenue collected through a user-based alternative revenue  
18 mechanism established using funds provided under this  
19 section shall not be considered a toll under section 301  
20 of title 23, United States Code.

21 (d) RECOMMENDATIONS AND REPORT.—Not later  
22 than 3 years after the date of enactment of this Act, the  
23 Secretary, in coordination with the Secretary of the Treas-  
24 ury and the Federal System Funding Alternative Advisory  
25 Board established under section 3002(g)(1), shall submit

1 to the Committee on Environment and Public Works of  
2 the Senate and the Committee on Transportation and In-  
3 frastructure of the House of Representatives a report  
4 that—

5 (1) summarizes the results of the pilot projects  
6 under this section and the national pilot program  
7 under section 3002; and

8 (2) provides recommendations, if applicable, to  
9 enable potential implementation of a nationwide  
10 user-based alternative revenue mechanism.

11 (e) FUNDING.—

12 (1) IN GENERAL.—Of the funds made available  
13 to carry out section 503(b) of title 23, United States  
14 Code, for each of fiscal years 2022 through 2026  
15 \$15,000,000 shall be used for pilot projects under  
16 this section.

17 (2) FLEXIBILITY.—If, by August 1 of each fis-  
18 cal year, the Secretary determines that there are not  
19 enough grant applications to meet the requirements  
20 of this section for that fiscal year, the Secretary  
21 shall transfer to the national pilot program under  
22 section 3002 or to the highway research and devel-  
23 opment program under section 503(b) of title 23,  
24 United States Code—

1 (A) any funds reserved for a fiscal year  
2 under paragraph (1) that the Secretary has not  
3 yet awarded under this section; and

4 (B) an amount of obligation limitation  
5 equal to the amount of funds that the Secretary  
6 transfers under subparagraph (A).

7 (f) REPEAL.—

8 (1) IN GENERAL.—Section 6020 of the FAST  
9 Act (23 U.S.C. 503 note; Public Law 114–94) is re-  
10 pealed.

11 (2) CLERICAL AMENDMENT.—The table of con-  
12 tents in section 1(b) of the FAST Act (Public Law  
13 114–94; 129 Stat. 1312) is amended by striking the  
14 item relating to section 6020.

15 **SEC. 3002. NATIONAL MOTOR VEHICLE PER-MILE USER FEE**  
16 **PILOT.**

17 (a) DEFINITIONS.—In this section:

18 (1) ADVISORY BOARD.—The term “advisory  
19 board” means the Federal System Funding Alter-  
20 native Advisory Board established under subsection  
21 (g)(1).

22 (2) COMMERCIAL VEHICLE.—The term “com-  
23 mercial vehicle” has the meaning given the term  
24 commercial motor vehicle in section 31101 of title  
25 49, United States Code.

1           (3) HIGHWAY TRUST FUND.—The term “High-  
2           way Trust Fund” means the Highway Trust Fund  
3           established under section 9503 of the Internal Rev-  
4           enue Code of 1986.

5           (4) LIGHT TRUCK.—The term “light truck” has  
6           the meaning given the term in section 523.2 of title  
7           49, Code of Federal Regulations (or successor regu-  
8           lations).

9           (5) MEDIUM- AND HEAVY-DUTY TRUCK.—The  
10          term “medium- and heavy-duty truck” has the  
11          meaning given the term “commercial medium- and  
12          heavy-duty on-highway vehicle” in section 32901(a)  
13          of title 49, United States Code.

14          (6) PASSENGER MOTOR VEHICLE.—The term  
15          “passenger motor vehicle” has the meaning given  
16          the term in section 32101 of title 49, United States  
17          Code.

18          (7) PER-MILE USER FEE.—The term “per-mile  
19          user fee” means a revenue mechanism that—

20                 (A) is applied to road users operating  
21                 motor vehicles on the surface transportation  
22                 system; and

23                 (B) is based on the number of vehicle miles  
24                 traveled by an individual road user.

1           (8) PILOT PROGRAM.—The term “pilot pro-  
2           gram” means the pilot program established under  
3           subsection (b)(1).

4           (9) VOLUNTEER PARTICIPANT.—The term “vol-  
5           unteer participant” means—

6                   (A) an owner or lessee of a private, per-  
7                   sonal motor vehicle who volunteers to partici-  
8                   pate in the pilot program;

9                   (B) a commercial vehicle operator who vol-  
10                  unteers to participate in the pilot program; or

11                  (C) an owner of a motor vehicle fleet who  
12                  volunteers to participate in the pilot program.

13       (b) ESTABLISHMENT.—

14           (1) IN GENERAL.—The Secretary, in coordina-  
15           tion with the Secretary of the Treasury, and con-  
16           sistent with the recommendations of the advisory  
17           board, shall establish a pilot program to demonstrate  
18           a national motor vehicle per-mile user fee—

19                   (A) to restore and maintain the long-term  
20                   solvency of the Highway Trust Fund; and

21                   (B) to improve and maintain the surface  
22                   transportation system.

23           (2) OBJECTIVES.—The objectives of the pilot  
24           program are—

1 (A) to test the design, acceptance, imple-  
2 mentation, and financial sustainability of a na-  
3 tional motor vehicle per-mile user fee;

4 (B) to address the need for additional rev-  
5 enue for surface transportation infrastructure  
6 and a national motor vehicle per-mile user fee;  
7 and

8 (C) to provide recommendations relating to  
9 the adoption and implementation of a national  
10 motor vehicle per-mile user fee.

11 (c) PARAMETERS.—In carrying out the pilot pro-  
12 gram, the Secretary, in coordination with the Secretary  
13 of the Treasury, shall—

14 (1) provide different methods that volunteer  
15 participants can choose from to track motor vehicle  
16 miles traveled;

17 (2) solicit volunteer participants from all 50  
18 States, the District of Columbia, and the Common-  
19 wealth of Puerto Rico;

20 (3) ensure an equitable geographic distribution  
21 by population among volunteer participants;

22 (4) include commercial vehicles and passenger  
23 motor vehicles; and

24 (5) use components of and, where appropriate,  
25 coordinate with—



1 (A) the States that received a grant under  
2 section 6020 of the FAST Act (23 U.S.C. 503  
3 note; Public Law 114–94) (as in effect on the  
4 day before the date of enactment of this Act);  
5 and

6 (B) eligible entities that received a grant  
7 under section 3001.

8 (d) METHODS.—

9 (1) TOOLS.—In selecting the methods described  
10 in subsection (c)(1), the Secretary shall coordinate  
11 with entities that voluntarily provide to the Sec-  
12 retary for use under the pilot program any of the  
13 following vehicle-miles-traveled collection tools:

14 (A) Third-party on-board diagnostic  
15 (OBD-II) devices.

16 (B) Smart phone applications.

17 (C) Telemetric data collected by auto-  
18 makers.

19 (D) Motor vehicle data obtained by car in-  
20 surance companies.

21 (E) Data from the States that received a  
22 grant under section 6020 of the FAST Act (23  
23 U.S.C. 503 note; Public Law 114–94) (as in ef-  
24 fect on the day before the date of enactment of  
25 this Act).

1 (F) Motor vehicle data obtained from fuel-  
2 ing stations.

3 (G) Any other method that the Secretary  
4 considers appropriate.

5 (2) COORDINATION.—

6 (A) SELECTION.—The Secretary shall de-  
7 termine which collection tools under paragraph  
8 (1) are selected for the pilot program.

9 (B) VOLUNTEER PARTICIPANTS.—In a  
10 manner that the Secretary considers appro-  
11 priate, the Secretary shall enable each volunteer  
12 participant to choose 1 of the selected collection  
13 tools under paragraph (1).

14 (e) MOTOR VEHICLE PER-MILE USER FEES.—For  
15 the purposes of the pilot program, the Secretary of the  
16 Treasury shall establish, on an annual basis, per-mile user  
17 fees for passenger motor vehicles, light trucks, and  
18 medium- and heavy-duty trucks, which amount may vary  
19 between vehicle types and weight classes to reflect esti-  
20 mated impacts on infrastructure, safety, congestion, the  
21 environment, or other related social impacts.

22 (f) VOLUNTEER PARTICIPANTS.—The Secretary, in  
23 coordination with the Secretary of the Treasury, shall—

1           (1)(A) ensure, to the extent practicable, that  
2           the greatest number of volunteer participants par-  
3           ticipate in the pilot program; and

4           (B) ensure that such volunteer participants rep-  
5           resent geographically diverse regions of the United  
6           States, including from urban and rural areas; and

7           (2) issue policies relating to the protection of  
8           volunteer participants, including policies that—

9                   (A) protect the privacy of volunteer partici-  
10                  pants; and

11                  (B) secure the data provided by volunteer  
12                  participants.

13           (g) FEDERAL SYSTEM FUNDING ALTERNATIVE AD-  
14           VISORY BOARD.—

15           (1) IN GENERAL.—Not later than 90 days after  
16           the date of enactment of this Act, the Secretary  
17           shall establish an advisory board, to be known as the  
18           “Federal System Funding Alternative Advisory  
19           Board”, to assist with—

20                   (A) providing the Secretary with rec-  
21                  ommendations related to the structure, scope,  
22                  and methodology for developing and imple-  
23                  menting the pilot program;

24                   (B) carrying out the public awareness cam-  
25                  paign under subsection (h); and

1 (C) developing the report under subsection  
2 (n).

3 (2) MEMBERSHIP.—The advisory board shall  
4 include, at a minimum, the following representatives  
5 and entities, to be appointed by the Secretary:

6 (A) State departments of transportation.

7 (B) Any public or nonprofit entity that led  
8 a surface transportation system funding alter-  
9 natives pilot project under section 6020 of the  
10 FAST Act (23 U.S.C. 503 note; Public Law  
11 114–94) (as in effect on the day before the date  
12 of enactment of this Act).

13 (C) Representatives of the trucking indus-  
14 try, including owner-operator independent driv-  
15 ers.

16 (D) Data security experts with expertise in  
17 personal privacy.

18 (E) Academic experts on surface transpor-  
19 tation systems.

20 (F) Consumer advocates, including privacy  
21 experts.

22 (G) Advocacy groups focused on equity.

23 (H) Owners of motor vehicle fleets.

24 (I) Owners and operators of toll facilities.

25 (J) Tribal groups or representatives.

1           (K) Any other representatives or entities,  
2           as determined appropriate by the Secretary.

3           (3) RECOMMENDATIONS.—Not later than 1  
4           year after the date on which the advisory board is  
5           established under paragraph (1), the advisory board  
6           shall provide the Secretary with the recommenda-  
7           tions described in subparagraph (A) of that para-  
8           graph, which the Secretary shall use in imple-  
9           menting the pilot program.

10          (h) PUBLIC AWARENESS CAMPAIGN.—

11           (1) IN GENERAL.—The Secretary, with guid-  
12           ance from the advisory board, may carry out a pub-  
13           lic awareness campaign to increase public awareness  
14           regarding a national motor vehicle per-mile user fee,  
15           including distributing information—

16                   (A) related to the pilot program;

17                   (B) from the State surface transportation  
18           system funding alternatives pilot program  
19           under section 6020 of the FAST Act (23  
20           U.S.C. 503 note; Public Law 114–94) (as in ef-  
21           fect on the day before the date of enactment of  
22           this Act); and

23                   (C) related to consumer privacy.

24           (2) CONSIDERATIONS.—In carrying out the  
25           public awareness campaign under this subsection,

1 the Secretary shall consider issues unique to each  
2 State.

3 (i) REVENUE COLLECTION.—The Secretary of the  
4 Treasury, in coordination with the Secretary, shall estab-  
5 lish a mechanism to collect motor vehicle per-mile user  
6 fees established under subsection (e) from volunteer par-  
7 ticipants, which—

8 (1) may be adjusted as needed to address tech-  
9 nical challenges; and

10 (2) may allow independent and private third-  
11 party vendors to collect the motor vehicle per-mile  
12 user fees and forward such fees to the Treasury.

13 (j) AGREEMENT.—The Secretary may enter into an  
14 agreement with a volunteer participant containing such  
15 terms and conditions as the Secretary considers necessary  
16 for participation in the pilot program.

17 (k) LIMITATION.—Any revenue collected through the  
18 mechanism established under subsection (i) shall not be  
19 considered a toll under section 301 of title 23, United  
20 States Code.

21 (l) HIGHWAY TRUST FUND.—The Secretary of the  
22 Treasury shall ensure that any revenue collected under  
23 subsection (i) is deposited into the Highway Trust Fund.

24 (m) REFUND.—Not more than 45 days after the end  
25 of each calendar quarter in which a volunteer participant

1 has participated in the pilot program, the Secretary of the  
2 Treasury shall calculate and issue an equivalent refund  
3 to such volunteer participant for applicable Federal motor  
4 fuel taxes under section 4041 and section 4081 of the In-  
5 ternal Revenue Code of 1986.

6 (n) REPORT TO CONGRESS.—Not later than 1 year  
7 after the date on which volunteer participants begin par-  
8 ticipating in the pilot program, and each year thereafter  
9 for the duration of the pilot program, the Secretary and  
10 the Secretary of the Treasury shall submit to the Com-  
11 mittee on Environment and Public Works of the Senate  
12 and the Committee on Transportation and Infrastructure  
13 of the House of Representatives a report that includes an  
14 analysis of—

15 (1) whether the objectives described in sub-  
16 section (b)(2) were achieved;

17 (2) how volunteer participant protections in  
18 subsection (f)(2) were complied with;

19 (3) whether motor vehicle per-mile user fees can  
20 maintain the long-term solvency of the Highway  
21 Trust Fund and improve and maintain the surface  
22 transportation system, which shall include estimates  
23 of administrative costs related to collecting such  
24 motor vehicle per mile user fees;

1 (4) how the privacy of volunteers was main-  
2 tained; and

3 (5) equity impacts of the pilot program, includ-  
4 ing the impacts of the pilot program on low-income  
5 commuters.

6 (o) FUNDING.—

7 (1) IN GENERAL.—Of the funds made available  
8 to carry out section 503(b) of title 23, United States  
9 Code, for each of fiscal years 2022 through 2026  
10 \$10,000,000 shall be used to carry out the pilot pro-  
11 gram under this section.

12 (2) EXCESS FUNDS.—Any excess funds remain-  
13 ing after carrying out the pilot program under this  
14 section shall be available to make grants for pilot  
15 projects under section 3001.

16 **SEC. 3003. PERFORMANCE MANAGEMENT DATA SUPPORT**  
17 **PROGRAM.**

18 Section 6028(c) of the FAST Act (23 U.S.C. 150  
19 note; Public Law 114–94) is amended by striking “fiscal  
20 years 2016 through 2020” and inserting “fiscal years  
21 2022 through 2026”.

22 **SEC. 3004. DATA INTEGRATION PILOT PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary shall establish  
24 a pilot program—



1           (1) to provide research and develop models that  
2           integrate, in near-real-time, data from multiple  
3           sources, including geolocated—

4                   (A) weather conditions;

5                   (B) roadway conditions;

6                   (C) incidents, work zones, and other non-  
7           recurring events related to emergency planning;

8           and

9                   (D) information from emergency respond-  
10          ers; and

11          (2) to facilitate data integration between the  
12          Department, the National Weather Service, and  
13          other sources of data that provide real-time data  
14          with respect to roadway conditions during or as a re-  
15          sult of severe weather events, including, at a min-  
16          imum—

17                   (A) winter weather;

18                   (B) heavy rainfall; and

19                   (C) tropical weather events.

20          (b) REQUIREMENTS.—In carrying out subsection  
21          (a)(1), the Secretary shall—

22                  (1) address the safety, resiliency, and vulner-  
23          ability of the transportation system to disasters; and

24                  (2) develop tools for decisionmakers and other  
25          end-users who could use or benefit from the inte-

1       grated data described in that subsection to improve  
2       public safety and mobility.

3       (c) TREATMENT.—Except as otherwise provided in  
4 this section, the Secretary shall carry out activities under  
5 the pilot program under this section as if—

6           (1) those activities were authorized under chap-  
7       ter 5 of title 23, United States Code; and

8           (2) the funds made available to carry out the  
9       pilot program were made available under that chap-  
10      ter.

11      (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$2,500,000 for each of fiscal years 2022 through 2026,  
14 to remain available until expended.

15 **SEC. 3005. EMERGING TECHNOLOGY RESEARCH PILOT**  
16 **PROGRAM.**

17      (a) ESTABLISHMENT.—The Secretary shall establish  
18 a pilot program to conduct emerging technology research  
19 in accordance with this section.

20      (b) ACTIVITIES.—The pilot program under this sec-  
21 tion shall include—

22           (1) research and development activities relating  
23       to leveraging advanced and additive manufacturing  
24       technologies to increase the structural integrity and

1 cost-effectiveness of surface transportation infra-  
2 structure; and

3 (2) research and development activities (includ-  
4 ing laboratory and test track supported accelerated  
5 pavement testing research regarding the impacts of  
6 connected, autonomous, and platooned vehicles on  
7 pavement and infrastructure performance)—

8 (A) to reduce the impact of automated and  
9 connected driving systems and advanced driver-  
10 assistance systems on pavement and infrastruc-  
11 ture performance; and

12 (B) to improve transportation infrastruc-  
13 ture design in anticipation of increased usage of  
14 automated driving systems and advanced driv-  
15 er-assistance systems.

16 (c) TREATMENT.—Except as otherwise provided in  
17 this section, the Secretary shall carry out activities under  
18 the pilot program under this section as if—

19 (1) those activities were authorized under chap-  
20 ter 5 of title 23, United States Code; and

21 (2) the funds made available to carry out the  
22 pilot program were made available under that chap-  
23 ter.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to carry out this section

1 \$5,000,000 for each of fiscal years 2022 through 2026,  
2 to remain available until expended.

3 **SEC. 3006. RESEARCH AND TECHNOLOGY DEVELOPMENT**  
4 **AND DEPLOYMENT.**

5 (a) IN GENERAL.—Section 503 of title 23, United  
6 States Code, is amended—

7 (1) in subsection (a)(2), by striking “section  
8 508” and inserting “section 6503 of title 49”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (C), by striking  
12 “and” at the end;

13 (ii) in subparagraph (D), by striking  
14 the period at the end and inserting a semi-  
15 colon; and

16 (iii) by adding at the end the fol-  
17 lowing:

18 “(E) engage with public and private enti-  
19 ties to spur advancement of emerging trans-  
20 formative innovations through accelerated mar-  
21 ket readiness; and

22 “(F) consult frequently with public and  
23 private entities on new transportation tech-  
24 nologies.”;

25 (B) in paragraph (2)(C)—

1 (i) by redesignating clauses (x)  
2 through (xv) as clauses (xi) through (xvi),  
3 respectively; and

4 (ii) by inserting after clause (ix) the  
5 following:

6 “(x) safety measures to reduce the  
7 number of wildlife-vehicle collisions;”;

8 (C) in paragraph (3)—

9 (i) in subparagraph (B)(viii), by in-  
10 sserting “weather” after “extreme”; and

11 (ii) in subparagraph (C)—

12 (I) in clause (xv), by inserting  
13 “extreme weather events and” after  
14 “withstand”;

15 (II) in clause (xviii), by striking  
16 “and” at the end;

17 (III) in clause (xix), by striking  
18 the period at the end and inserting “;  
19 and”; and

20 (IV) by adding at the end the fol-  
21 lowing:

22 “(xx) studies on the deployment and  
23 revenue potential of the deployment of en-  
24 ergy and broadband infrastructure in high-  
25 way rights-of-way, including potential ad-

1                   verse impacts of the use or nonuse of those  
2                   rights-of-way.”;

3                   (D) in paragraph (6)—

4                   (i) in subparagraph (A), by striking  
5                   “and” at the end;

6                   (ii) in subparagraph (B), by striking  
7                   the period at the end and inserting “;  
8                   and”; and

9                   (iii) by adding at the end the fol-  
10                  lowing:

11                  “(C) to support research on non-market-  
12                  ready technologies in consultation with public  
13                  and private entities.”;

14                  (E) in paragraph (7)(B)—

15                  (i) in the matter preceding clause (i),  
16                  by inserting “innovations by leading” after  
17                  “support”;

18                  (ii) in clause (iii), by striking “and”  
19                  at the end;

20                  (iii) in clause (iv), by striking the pe-  
21                  riod at the end and inserting “; and”; and

22                  (iv) by adding at the end the fol-  
23                  lowing:

24                  “(v) the evaluation of information  
25                  from accelerated market readiness efforts,

1 including non-market-ready technologies,  
2 in consultation with other offices of the  
3 Federal Highway Administration and key  
4 partners.”;

5 (F) in paragraph (8)(A), by striking “fu-  
6 ture highway” and all that follows through  
7 “needs.” and inserting the following: “current  
8 conditions and future needs of highways,  
9 bridges, and tunnels of the United States, in-  
10 cluding—

11 “(i) the conditions and performance of  
12 the highway network for freight movement;

13 “(ii) intelligent transportation sys-  
14 tems;

15 “(iii) resilience needs; and

16 “(iv) the backlog of current highway,  
17 bridge, and tunnel needs.”; and

18 (G) by adding at the end the following:

19 “(9) ANALYSIS TOOLS.—The Secretary may de-  
20 velop interactive modeling tools and databases  
21 that—

22 “(A) track the full condition of highway  
23 assets, including interchanges, and the recon-  
24 struction history of those assets;

1           “(B) can be used to assess transportation  
2 options;

3           “(C) allow for the monitoring and mod-  
4 eling of network-level traffic flows on highways;  
5 and

6           “(D) further Federal and State under-  
7 standing of the importance of national and re-  
8 gional connectivity and the need for long-dis-  
9 tance and interregional passenger and freight  
10 travel by highway and other surface transpor-  
11 tation modes.”; and

12 (3) in subsection (c)—

13           (A) in paragraph (1)—

14           (i) in the matter preceding subpara-  
15 graph (A), by inserting “use of rights-of-  
16 way permissible under applicable law,”  
17 after “structures,”;

18           (ii) in subparagraph (D), by striking  
19 “and” at the end;

20           (iii) in subparagraph (E), by striking  
21 the period at the end and inserting “;  
22 and”;

23           (iv) by adding at the end the fol-  
24 lowing:



1           “(F) disseminating and evaluating infor-  
2 mation from accelerated market readiness ef-  
3 forts, including non-market-ready technologies,  
4 to public and private entities.”;

5           (B) in paragraph (2)—

6           (i) in subparagraph (B)(iii), by strik-  
7 ing “improved tools and methods to accel-  
8 erate the adoption” and inserting “and de-  
9 ploy improved tools and methods to accel-  
10 erate the adoption of early-stage and prov-  
11 en innovative practices and technologies  
12 and, as the Secretary determines to be ap-  
13 propriate, support continued implementa-  
14 tion”; and

15           (ii) by adding at the end the fol-  
16 lowing:

17           “(D) REPORT.—Not later than 2 years  
18 after the date of enactment of this subpara-  
19 graph and every 2 years thereafter, the Sec-  
20 retary shall submit to the Committee on Envi-  
21 ronment and Public Works of the Senate and  
22 the Committee on Transportation and Infra-  
23 structure of the House of Representatives and  
24 make publicly available on an internet website  
25 a report that describes—

1           “(i) the activities the Secretary has  
2           undertaken to carry out the program es-  
3           tablished under paragraph (1); and

4           “(ii) how and to what extent the Sec-  
5           retary has worked to disseminate non-mar-  
6           ket-ready technologies to public and pri-  
7           vate entities.”;

8           (C) in paragraph (3)—

9           (i) by redesignating subparagraphs  
10          (C) and (D) as subparagraphs (D) and  
11          (E), respectively;

12          (ii) by inserting after subparagraph  
13          (B) the following:

14          “(C) HIGH-FRICTION SURFACE TREAT-  
15          MENT APPLICATION STUDY.—

16          “(i) DEFINITION OF INSTITUTION.—

17          In this subparagraph, the term ‘institution’  
18          means a private sector entity, public agen-  
19          cy, research university or other research  
20          institution, or organization representing  
21          transportation and technology leaders or  
22          other transportation stakeholders that, as  
23          determined by the Secretary, is capable of  
24          working with State highway agencies, the  
25          Federal Highway Administration, and the

1 highway construction industry to develop  
2 and evaluate new products, design tech-  
3 nologies, and construction methods that  
4 quickly lead to pavement improvements.

5 “(ii) STUDY.—The Secretary shall  
6 seek to enter into an agreement with an  
7 institution to carry out a study on the use  
8 of natural and synthetic calcined bauxite  
9 as a high-friction surface treatment appli-  
10 cation on pavement.

11 “(iii) REPORT.—Not later than 18  
12 months after the date of enactment of the  
13 Surface Transportation Reauthorization  
14 Act of 2021, the Secretary shall submit a  
15 report on the results of the study under  
16 clause (ii) to—

17 “(I) the Committee on Environ-  
18 ment and Public Works of the Senate;

19 “(II) the Committee on Trans-  
20 portation and Infrastructure of the  
21 House of Representatives;

22 “(III) the Federal Highway Ad-  
23 ministration; and

500

1 “(IV) the American Association  
2 of State Highway and Transportation  
3 Officials.”;

4 (iii) in subparagraph (D) (as so reded-  
5 igned), by striking “fiscal years 2016  
6 through 2020” and inserting “fiscal years  
7 2022 through 2026”; and

8 (iv) in subparagraph (E) (as so reded-  
9 igned)—

10 (I) in clause (i), by striking “an-  
11 nually” and inserting “once every 3  
12 years”; and

13 (II) in clause (ii)—

14 (aa) in subclause (III), by  
15 striking “and” at the end;

16 (bb) in subclause (IV), by  
17 striking the period at the end  
18 and inserting a semicolon; and

19 (cc) by adding at the end  
20 the following:

21 “(V) pavement monitoring and  
22 data collection practices;

23 “(VI) pavement durability and  
24 resilience;

25 “(VII) stormwater management;

1                   “(VIII) impacts on vehicle effi-  
2                   ciency;

3                   “(IX) the energy efficiency of the  
4                   production of paving materials and  
5                   the ability of paving materials to en-  
6                   hance the environment and promote  
7                   sustainability; and

8                   “(X) integration of renewable en-  
9                   ergy in pavement designs.”; and

10                   (D) by adding at the end the following:

11                   “(5) ACCELERATED IMPLEMENTATION AND DE-  
12                   PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION  
13                   MANAGEMENT SYSTEMS.—

14                   “(A) IN GENERAL.—The Secretary shall  
15                   establish and implement a program under the  
16                   technology and innovation deployment program  
17                   established under paragraph (1) to promote,  
18                   implement, deploy, demonstrate, showcase, sup-  
19                   port, and document the application of advanced  
20                   digital construction management systems, prac-  
21                   tices, performance, and benefits.

22                   “(B) GOALS.—The goals of the accelerated  
23                   implementation and deployment of advanced  
24                   digital construction management systems pro-

1           gram established under subparagraph (A) shall  
2           include—

3                   “(i) accelerated State adoption of ad-  
4                   vanced digital construction management  
5                   systems applied throughout the construc-  
6                   tion lifecycle (including through the design  
7                   and engineering, construction, and oper-  
8                   ations phases) that—

9                           “(I) maximize interoperability  
10                           with other systems, products, tools, or  
11                           applications;

12                           “(II) boost productivity;

13                           “(III) manage complexity;

14                           “(IV) reduce project delays and  
15                           cost overruns; and

16                           “(V) enhance safety and quality;

17                   “(ii) more timely and productive infor-  
18                   mation-sharing among stakeholders  
19                   through reduced reliance on paper to man-  
20                   age construction processes and deliverables  
21                   such as blueprints, design drawings, pro-  
22                   curement and supply-chain orders, equip-  
23                   ment logs, daily progress reports, and  
24                   punch lists;

1           “(iii) deployment of digital manage-  
2           ment systems that enable and leverage the  
3           use of digital technologies on construction  
4           sites by contractors, such as state-of-the-  
5           art automated and connected machinery  
6           and optimized routing software that allows  
7           construction workers to perform tasks fast-  
8           er, safer, more accurately, and with mini-  
9           mal supervision;

10           “(iv) the development and deployment  
11           of best practices for use in digital con-  
12           struction management;

13           “(v) increased technology adoption  
14           and deployment by States and units of  
15           local government that enables project spon-  
16           sors—

17           “(I) to integrate the adoption of  
18           digital management systems and tech-  
19           nologies in contracts; and

20           “(II) to weigh the cost of  
21           digitization and technology in setting  
22           project budgets;

23           “(vi) technology training and work-  
24           force development to build the capabilities  
25           of project managers and sponsors that en-

1 ables States and units of local govern-  
2 ment—

3 “(I) to better manage projects  
4 using advanced construction manage-  
5 ment technologies; and

6 “(II) to properly measure and re-  
7 ward technology adoption across  
8 projects of the State or unit of local  
9 government;

10 “(vii) development of guidance to as-  
11 sist States in updating regulations of the  
12 State to allow project sponsors and con-  
13 tractors—

14 “(I) to report data relating to the  
15 project in digital formats; and

16 “(II) to fully capture the effi-  
17 ciencies and benefits of advanced dig-  
18 ital construction management systems  
19 and related technologies;

20 “(viii) reduction in the environmental  
21 footprint of construction projects using ad-  
22 vanced digital construction management  
23 systems resulting from elimination of con-  
24 gestion through more efficient projects;  
25 and



1                   “(ix) enhanced worker and pedestrian  
2                   safety resulting from increased trans-  
3                   parency.

4                   “(C) FUNDING.—For each of fiscal years  
5                   2022 through 2026, the Secretary shall obligate  
6                   from funds made available to carry out this  
7                   subsection \$20,000,000 to accelerate the de-  
8                   ployment and implementation of advanced dig-  
9                   ital construction management systems.

10                   “(D) PUBLICATION.—

11                   “(i) IN GENERAL.—Not less fre-  
12                   quently than annually, the Secretary shall  
13                   issue and make available to the public on  
14                   a website a report on—

15                   “(I) progress made in the imple-  
16                   mentation of advanced digital man-  
17                   agement systems by States; and

18                   “(II) the costs and benefits of  
19                   the deployment of new technology and  
20                   innovations that substantially and di-  
21                   rectly resulted from the program es-  
22                   tablished under this paragraph.

23                   “(ii) INCLUSIONS.—The report under  
24                   clause (i) may include an analysis of—

1 “(I) Federal, State, and local  
2 cost savings;

3 “(II) project delivery time im-  
4 provements;

5 “(III) congestion impacts; and

6 “(IV) safety improvements for  
7 roadway users and construction work-  
8 ers.”.

9 (b) ADVANCED TRANSPORTATION TECHNOLOGIES  
10 AND INNOVATIVE MOBILITY DEPLOYMENT.—Section  
11 503(c)(4) of title 23, United States Code, is amended—

12 (1) in the heading, by inserting “AND INNOVA-  
13 TIVE MOBILITY” before “DEPLOYMENT”;

14 (2) by striking subparagraph (A) and inserting  
15 the following:

16 “(A) IN GENERAL.—The Secretary shall  
17 provide grants to eligible entities to deploy, in-  
18 stall, and operate advanced transportation tech-  
19 nologies to improve safety, mobility, efficiency,  
20 system performance, intermodal connectivity,  
21 and infrastructure return on investment.”;

22 (3) in subparagraph (B)—

23 (A) in clause (i), by striking “the enhanced  
24 use” and inserting “optimization”;

25 (B) in clause (v)—

1 (i) by striking “transit,” and inserting  
2 “work zone, weather, transit, para-  
3 transit,”; and

4 (ii) by striking “and accessible trans-  
5 portation” and inserting “, accessible, and  
6 integrated transportation and transpor-  
7 tation services”;

8 (C) by redesignating clauses (vi) through  
9 (viii) as clauses (vii), (viii), and (x), respec-  
10 tively;

11 (D) by inserting after clause (v) the fol-  
12 lowing:

13 “(vi) facilitate account-based pay-  
14 ments for transportation access and serv-  
15 ices and integrate payment systems across  
16 modes;”;

17 (E) in clause (viii) (as so redesignated), by  
18 striking “or” at the end; and

19 (F) by inserting after clause (viii) (as so  
20 redesignated) the following:

21 “(ix) incentivize travelers—

22 “(I) to share trips during periods  
23 in which travel demand exceeds sys-  
24 tem capacity; or

1                   “(II) to shift trips to periods in  
2                   which travel demand does not exceed  
3                   system capacity; or”;

4           (4) in subparagraph (C)—

5                   (A) in clause (i), by striking “Not later”  
6                   and all that follows through “thereafter” and  
7                   inserting “Each fiscal year for which funding is  
8                   made available for activities under this para-  
9                   graph”; and

10           (B) in clause (ii)—

11                   (i) in subclause (I), by inserting “mo-  
12                   bility,” after “safety,”; and

13                   (ii) in subclause (II)—

14                           (I) in item (bb), by striking  
15                           “and” at the end;

16                           (II) in item (cc), by striking the  
17                           period at the end and inserting “;  
18                           and”;

19                   (III) by adding at the end the  
20                   following:

21                           “(dd) facilitating payment  
22                           for transportation services.”;

23           (5) in subparagraph (D)—

24                   (A) in clause (i), by striking “Not later”  
25                   and all that follows through “thereafter” and

1 inserting “Each fiscal year for which funding is  
2 made available for activities under this para-  
3 graph”; and

4 (B) in clause (ii)—

5 (i) by striking “In awarding” and in-  
6 serting the following:

7 “(I) IN GENERAL.—Subject to  
8 subclause (II), in awarding”; and

9 (ii) by adding at the end the fol-  
10 lowing:

11 “(II) RURAL SET-ASIDE.—Not  
12 less than 20 percent of the amounts  
13 made available to carry out this para-  
14 graph shall be reserved for projects  
15 serving rural areas.”;

16 (6) in subparagraph (E)—

17 (A) by redesignating clauses (iii) through  
18 (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),  
19 and (xiv), respectively;

20 (B) by inserting after clause (ii) the fol-  
21 lowing:

22 “(iii) advanced transportation tech-  
23 nologies to improve emergency evacuation  
24 and response by Federal, State, and local  
25 authorities;”;

1 (C) by inserting after clause (viii) (as so  
2 redesignated) the following:

3 “(ix) integrated corridor management  
4 systems;

5 “(x) advanced parking reservation or  
6 variable pricing systems;”;

7 (D) in clause (xi) (as so redesignated)—

8 (i) by inserting “, toll collection,”  
9 after “pricing”; and

10 (ii) by striking “or” at the end;

11 (E) by inserting after clause (xi) (as so re-  
12 designated) the following:

13 “(xii) technology that enhances high  
14 occupancy vehicle toll lanes, cordon prie-  
15 ing, or congestion pricing;

16 “(xiii) integration of transportation  
17 service payment systems; or”; and

18 (F) in clause (xiv) (as so redesignated)—

19 (i) by striking “and access” and in-  
20 serting “, access, and on-demand transpor-  
21 tation service”; and

22 (ii) by inserting “and other shared-use  
23 mobility applications” after “ridesharing”;

24 (7) in subparagraph (F)(ii)(IV), by striking “ef-  
25 ficiency and multimodal system performance” and

1 inserting “mobility, efficiency, multimodal system  
2 performance, and payment system performance”;

3 (8) in subparagraph (G)—

4 (A) by redesignating clauses (vi) through  
5 (viii) as clauses (vii) through (ix), respectively;  
6 and

7 (B) by inserting after clause (v) the fol-  
8 lowing:

9 “(vi) improved integration of payment  
10 systems;”;

11 (9) in subparagraph (I)(i), by striking “fiscal  
12 years 2016 through 2020” and inserting “fiscal  
13 years 2022 through 2026”; and

14 (10) in subparagraph (N)—

15 (A) in clause (i), by striking “representing  
16 a population of over 200,000”; and

17 (B) in clause (iii), in the matter preceding  
18 subclause (I), by striking “a any” and inserting  
19 “any”.

20 (c) CENTER OF EXCELLENCE ON NEW MOBILITY  
21 AND AUTOMATED VEHICLES.—Section 503(c) of title 23,  
22 United States Code (as amended by subsection (a)(3)(D)),  
23 is amended by adding at the end the following:

24 “(6) CENTER OF EXCELLENCE.—

25 “(A) DEFINITIONS.—In this paragraph:

1                   “(i) AUTOMATED VEHICLE.—The  
2                   term ‘automated vehicle’ means a motor  
3                   vehicle that—

4                                 “(I) has a taxable gross weight  
5                                 (as defined in section 41.4482(b)–1 of  
6                                 title 26, Code of Federal Regulations  
7                                 (or successor regulations)) of 10,000  
8                                 pounds or less; and

9                                 “(II) is capable of performing the  
10                                 entire task of driving (including steer-  
11                                 ing, accelerating and decelerating, and  
12                                 reacting to external stimulus) without  
13                                 human intervention.

14                                 “(ii) NEW MOBILITY.—The term ‘new  
15                                 mobility’ includes shared services such  
16                                 as—

17   “(I) docked and dockless bicycles;

18   “(II) docked and dockless electric  
19   scooters; and

20   “(III) transportation network  
21   companies.

22                                 “(B) ESTABLISHMENT.—Not later than 1  
23                                 year after the date of enactment of the Surface  
24                                 Transportation Reauthorization Act of 2021,  
25                                 the Secretary shall establish a Center of Excel-



1           lence to collect, conduct, and fund research on  
2           the impacts of new mobility and automated ve-  
3           hicles on land use, urban design, transpor-  
4           tation, real estate, equity, and municipal budg-  
5           ets.

6                   “(C) PARTNERSHIPS.—In establishing the  
7           Center of Excellence under subparagraph (B),  
8           the Secretary shall enter into appropriate part-  
9           nerships with any institution of higher edu-  
10          cation (as defined in section 101 of the Higher  
11          Education Act of 1965 (20 U.S.C. 1001)) or  
12          public or private research entity.”.

13          (d) ACCELERATED IMPLEMENTATION AND DEPLOY-  
14          MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-  
15          MENT SYSTEMS.—Not later than 1 year after the date of  
16          enactment of this Act, the Secretary shall submit to the  
17          Committee on Environment and Public Works of the Sen-  
18          ate and the Committee on Transportation and Infrastruc-  
19          ture of the House of Representatives a report that in-  
20          cludes—

21                   (1) a description of—

22                           (A) the current status of the use of ad-  
23                   vanced digital construction management sys-  
24                   tems in each State; and

1 (B) the progress of each State toward ac-  
2 celerating the adoption of advanced digital con-  
3 struction management systems; and

4 (2) an analysis of the savings in project delivery  
5 time and project costs that can be achieved through  
6 the use of advanced digital construction manage-  
7 ment systems.

8 (e) OPEN CHALLENGE AND RESEARCH PROPOSAL  
9 PILOT PROGRAM.—

10 (1) IN GENERAL.—The Secretary shall establish  
11 an open challenge and research proposal pilot pro-  
12 gram under which eligible entities may propose open  
13 highway challenges and research proposals that are  
14 linked to identified or potential research needs.

15 (2) REQUIREMENTS.—A research proposal sub-  
16 mitted to the Secretary by an eligible entity shall ad-  
17 dress—

18 (A) a research need identified by the Sec-  
19 retary or the Administrator of the Federal  
20 Highway Administration; or

21 (B) an issue or challenge that the Sec-  
22 retary determines to be important.

23 (3) ELIGIBLE ENTITIES.—An entity eligible to  
24 submit a research proposal under the pilot program  
25 under paragraph (1) is—

- 1 (A) a State;
- 2 (B) a unit of local government;
- 3 (C) a university transportation center  
4 under section 5505 of title 49, United States  
5 Code;
- 6 (D) a private nonprofit organization;
- 7 (E) a private sector organization working  
8 in collaboration with an entity described in sub-  
9 paragraphs (A) through (D); and
- 10 (F) any other individual or entity that the  
11 Secretary determines to be appropriate.

12 (4) PROJECT REVIEW.—The Secretary shall—

- 13 (A) review each research proposal sub-  
14 mitted under the pilot program under para-  
15 graph (1); and
- 16 (B) provide to the eligible entity a written  
17 notice that—
- 18 (i) if the research proposal is not se-  
19 lected—
- 20 (I) notifies the eligible entity that  
21 the research proposal has not been se-  
22 lected for funding;
- 23 (II) provides an explanation as to  
24 why the research proposal was not se-  
25 lected, including if the research pro-

1                   posals does not cover an area of need;  
2                   and

3                   (III) if applicable, recommend  
4                   that the research proposal be sub-  
5                   mitted to another research program  
6                   and provide guidance and direction to  
7                   the eligible entity and the proposed  
8                   research program office; and

9                   (ii) if the research proposal is se-  
10                  lected, notifies the eligible entity that the  
11                  research proposal has been selected for  
12                  funding.

13                  (5) FEDERAL SHARE.—

14                  (A) IN GENERAL.—The Federal share of  
15                  the cost of an activity carried out under this  
16                  subsection shall not exceed 80 percent.

17                  (B) NON-FEDERAL SHARE.—All costs di-  
18                  rectly incurred by the non-Federal partners, in-  
19                  cluding personnel, travel, facility, and hardware  
20                  development costs, shall be credited toward the  
21                  non-Federal share of the cost of an activity car-  
22                  ried out under this subsection.

23                  (f) CONFORMING AMENDMENT.—Section 167 of title  
24                  23, United States Code, is amended—

25                  (1) by striking subsection (h); and

1           (2) by redesignating subsections (i) through (l)  
2           as subsections (h) through (k), respectively.

3 **SEC. 3007. WORKFORCE DEVELOPMENT, TRAINING, AND**  
4 **EDUCATION.**

5           (a) SURFACE TRANSPORTATION WORKFORCE DE-  
6 VELOPMENT, TRAINING, AND EDUCATION.—Section  
7 504(e) of title 23, United States Code, is amended—

8           (1) in paragraph (1)—

9                   (A) by redesignating subparagraphs (D)  
10                   through (G) as subparagraphs (E), (F), (H),  
11                   and (I), respectively;

12                   (B) by inserting after subparagraph (C)  
13                   the following:

14                           “(D) pre-apprenticeships, apprenticeships,  
15                           and career opportunities for on-the-job train-  
16                           ing;”;

17                   (C) in subparagraph (E) (as so redesign-  
18                   ated), by striking “or community college” and  
19                   inserting “, college, community college, or voca-  
20                   tional school”; and

21                   (D) by inserting after subparagraph (F)  
22                   (as so redesignated) the following:

23                           “(G) activities associated with workforce  
24                           training and employment services, such as tar-  
25                           geted outreach and partnerships with industry,

1 economic development organizations, workforce  
2 development boards, and labor organizations;”;

3 (2) in paragraph (2), by striking “paragraph  
4 (1)(G)” and inserting “paragraph (1)(I)”; and

5 (3) in paragraph (3)—

6 (A) by striking the period at the end and  
7 inserting a semicolon;

8 (B) by striking “including activities” and  
9 inserting the following: “including—

10 “(A) activities”; and

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

12 “(B) activities that address current work-  
13 force gaps, such as work on construction  
14 projects, of State and local transportation agen-  
15 cies;

16 “(C) activities to develop a robust surface  
17 transportation workforce with new skills result-  
18 ing from emerging transportation technologies;  
19 and

20 “(D) activities to attract new sources of  
21 job-creating investment.”.

22 (b) TRANSPORTATION EDUCATION AND TRAINING  
23 DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section  
24 504(f) of title 23, United States Code, is amended—

1           (1) in the subsection heading, by striking “DE-  
2           VELOPMENT” and inserting “AND TRAINING DEVEL-  
3           OPMENT AND DEPLOYMENT”;

4           (2) by striking paragraph (1) and inserting the  
5           following:

6           “(1) ESTABLISHMENT.—The Secretary shall es-  
7           tablish a program to make grants to educational in-  
8           stitutions or State departments of transportation, in  
9           partnership with industry and relevant Federal de-  
10          partments and agencies—

11                 “(A) to develop, test, and review new cur-  
12                 ricula and education programs to train individ-  
13                 uals at all levels of the transportation work-  
14                 force; or

15                 “(B) to implement the new curricula and  
16                 education programs to provide for hands-on ca-  
17                 reer opportunities to meet current and future  
18                 needs.”;

19          (3) in paragraph (2)—

20                 (A) in the matter preceding subparagraph  
21                 (A), by striking “shall” and inserting “may”;

22                 (B) in subparagraph (A), by inserting  
23                 “current or future” after “specific”; and

24                 (C) in subparagraph (E)—

1 (i) by striking “in nontraditional de-  
2 partments”;

3 (ii) by inserting “construction,” after  
4 “such as”; and

5 (iii) by inserting “or emerging” after  
6 “industrial”;

7 (4) by redesignating paragraph (3) as para-  
8 graph (4); and

9 (5) by inserting after paragraph (2) the fol-  
10 lowing:

11 “(3) REPORTING.—The Secretary shall estab-  
12 lish minimum reporting requirements for grant re-  
13 cipients under this subsection, which may include,  
14 with respect to a program carried out with a grant  
15 under this subsection—

16 “(A) the percentage or number of program  
17 participants that are employed during the sec-  
18 ond quarter after exiting the program;

19 “(B) the percentage or number of program  
20 participants that are employed during the  
21 fourth quarter after exiting the program;

22 “(C) the median earnings of program par-  
23 ticipants that are employed during the second  
24 quarter after exiting the program;



1           “(D) the percentage or number of program  
2 participants that obtain a recognized postsec-  
3 ondary credential or a secondary school diploma  
4 (or a recognized equivalent) during participa-  
5 tion in the program or by not later than 1 year  
6 after exiting the program; and

7           “(E) the percentage or number of program  
8 participants that, during a program year—

9                   “(i) are in an education or training  
10 program that leads to a recognized post-  
11 secondary credential or employment; and

12                   “(ii) are achieving measurable skill  
13 gains toward such a credential or employ-  
14 ment.”.

15       (c) USE OF FUNDS.—Section 504 of title 23, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18       “(i) USE OF FUNDS.—The Secretary may use funds  
19 made available to carry out this section to carry out activi-  
20 ties related to workforce development and technical assist-  
21 ance and training if—

22                   “(1) the activities are authorized by another  
23 provision of this title; and

24                   “(2) the activities are for entities other than  
25 employees of the Secretary, such as States, units of

1 local government, Federal land management agen-  
2 cies, and Tribal governments.”.

3 **SEC. 3008. WILDLIFE-VEHICLE COLLISION RESEARCH.**

4 (a) GENERAL AUTHORITIES AND REQUIREMENTS  
5 REGARDING WILDLIFE AND HABITAT.—Section  
6 515(h)(2) of title 23, United States Code, is amended—

7 (1) in subparagraph (K), by striking “and” at  
8 the end;

9 (2) by redesignating subparagraphs (D), (E),  
10 (F), (G), (H), (I), (J), (K), and (L) as subpara-  
11 graphs (E), (F), (G), (H), (I), (K), (L), (M), and  
12 (O), respectively;

13 (3) by inserting after subparagraph (C) the fol-  
14 lowing:

15 “(D) a representative from a State, local,  
16 or regional wildlife, land use, or resource man-  
17 agement agency;”;

18 (4) by inserting after subparagraph (I) (as so  
19 redesignated) the following:

20 “(J) an academic researcher who is a bio-  
21 logical or ecological scientist with expertise in  
22 transportation issues;” and

23 (5) by inserting after subparagraph (M) (as so  
24 redesignated) the following:

1           “(N) a representative from a public inter-  
2           est group concerned with the impact of the  
3           transportation system on terrestrial and aquatic  
4           species and the habitat of those species; and”.

5           (b) ANIMAL DETECTION SYSTEMS RESEARCH AND  
6 DEVELOPMENT.—Section 516(b)(6) of title 23, United  
7 States Code, is amended by inserting “, including animal  
8 detection systems to reduce the number of wildlife-vehicle  
9 collisions” after “systems”.

10 **SEC. 3009. TRANSPORTATION RESILIENCE AND ADAPTA-**  
11 **TION CENTERS OF EXCELLENCE.**

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

15 **“§ 520. Transportation Resilience and Adaptation**  
16 **Centers of Excellence**

17           “(a) DEFINITION OF CENTER OF EXCELLENCE.—In  
18 this section, the term ‘Center of Excellence’ means a Cen-  
19 ter of Excellence for Resilience and Adaptation designated  
20 under subsection (b).

21           “(b) DESIGNATION.—The Secretary shall designate  
22 10 regional Centers of Excellence for Resilience and Adap-  
23 tation and 1 national Center of Excellence for Resilience  
24 and Adaptation, which shall serve as a coordinator for the  
25 regional Centers, to receive grants to advance research

1 and development that improves the resilience of regions  
2 of the United States to natural disasters and extreme  
3 weather on surface transportation infrastructure and in-  
4 frastructure dependent on surface transportation.

5 “(c) ELIGIBILITY.—An entity eligible to be des-  
6 ignated as a Center of Excellence is—

7 “(1) an institution of higher education (as de-  
8 fined in section 102 of the Higher Education Act of  
9 1965 (20 U.S.C. 1002)); or

10 “(2) a consortium of nonprofit organizations led  
11 by an institution of higher education.

12 “(d) APPLICATION.—To be eligible to be designated  
13 as a Center of Excellence, an eligible entity shall submit  
14 to the Secretary an application at such time, in such man-  
15 ner, and containing such information as the Secretary may  
16 require, including a proposal that includes a description  
17 of the activities to be carried out with a grant under this  
18 section.

19 “(e) SELECTION.—

20 “(1) REGIONAL CENTERS OF EXCELLENCE.—

21 The Secretary shall designate 1 regional Center of  
22 Excellence in each of the 10 Federal regions that  
23 comprise the Standard Federal Regions established  
24 by the Office of Management and Budget in the doc-

1       ument entitled ‘Standard Federal Regions’ and  
2       dated April 1974 (circular A–105).

3           “(2) NATIONAL CENTER OF EXCELLENCE.—

4       The Secretary shall designate 1 national Center of  
5       Excellence to coordinate the activities of all 10 re-  
6       gional Centers of Excellence to minimize duplication  
7       and promote coordination and dissemination of re-  
8       search among the Centers.

9           “(3) CRITERIA.—In selecting eligible entities to  
10       designate as a Center of Excellence, the Secretary  
11       shall consider—

12           “(A) the past experience and performance  
13       of the eligible entity in carrying out activities  
14       described in subsection (g);

15           “(B) the merits of the proposal of an eligi-  
16       ble entity and the extent to which the proposal  
17       would—

18           “(i) advance the state of practice in  
19       resilience planning and identify innovative  
20       resilience solutions for transportation as-  
21       sets and systems;

22           “(ii) support activities carried out  
23       under the PROTECT program under sec-  
24       tion 176;

1                   “(iii) support and build on work being  
2                   carried out by another Federal agency re-  
3                   lating to resilience;

4                   “(iv) inform transportation decision-  
5                   making at all levels of government;

6                   “(v) engage local, regional, Tribal,  
7                   State, and national stakeholders, including,  
8                   if applicable, stakeholders representing  
9                   transportation, transit, urban, and land  
10                  use planning, natural resources, environ-  
11                  mental protection, hazard mitigation, and  
12                  emergency management; and

13                  “(vi) engage community groups and  
14                  other stakeholders that will be affected by  
15                  transportation decisions, including under-  
16                  served, economically disadvantaged, rural,  
17                  and predominantly minority communities;  
18                  and

19                  “(C) the local, regional, Tribal, State, and  
20                  national impacts of the proposal of the eligible  
21                  entity.

22                  “(f) GRANTS.—Subject to the availability of appro-  
23                  priations, the Secretary shall provide to each Center of  
24                  Excellence a grant of not less than \$5,000,000 for each

1 of fiscal years 2022 through 2031 to carry out the activi-  
2 ties described in subsection (g).

3 “(g) ACTIVITIES.—In carrying out this section, the  
4 Secretary shall ensure that a Center of Excellence uses  
5 the funds from a grant under subsection (f) to promote  
6 resilient transportation infrastructure, including  
7 through—

8 “(1) supporting climate vulnerability assess-  
9 ments informed by climate change science, including  
10 national climate assessments produced by the United  
11 States Global Change Research Program under sec-  
12 tion 106 of the Global Change Research Act of 1990  
13 (15 U.S.C. 2936), relevant feasibility analyses of re-  
14 siliant transportation improvements, and transpor-  
15 tation resilience planning;

16 “(2) development of new design, operations,  
17 and maintenance standards for transportation infra-  
18 structure that can inform Federal and State deci-  
19 sionmaking;

20 “(3) research and development of new materials  
21 and technologies that could be integrated into exist-  
22 ing and new transportation infrastructure;

23 “(4) development, refinement, and piloting of  
24 new and emerging resilience improvements and

1 strategies, including natural infrastructure ap-  
2 proaches and relocation;

3 “(5) development of and investment in new ap-  
4 proaches for facilitating meaningful engagement in  
5 transportation decisionmaking by local, Tribal, re-  
6 gional, or national stakeholders and communities;

7 “(6) technical capacity building to facilitate the  
8 ability of local, regional, Tribal, State, and national  
9 stakeholders—

10 “(A) to assess the vulnerability of trans-  
11 portation infrastructure assets and systems;

12 “(B) to develop community response strat-  
13 egies;

14 “(C) to meaningfully engage with commu-  
15 nity stakeholders; and

16 “(D) to develop strategies and improve-  
17 ments for enhancing transportation infrastruc-  
18 ture resilience under current conditions and a  
19 range of potential future conditions;

20 “(7) workforce development and training;

21 “(8) development and dissemination of data,  
22 tools, techniques, assessments, and information that  
23 informs Federal, State, Tribal, and local government  
24 decisionmaking, policies, planning, and investments;



1           “(9) education and outreach regarding trans-  
2           portation infrastructure resilience; and

3           “(10) technology transfer and commercializa-  
4           tion.

5           “(h) FEDERAL SHARE.—The Federal share of the  
6           cost of an activity under this section, including the costs  
7           of establishing and operating a Center of Excellence, shall  
8           be 50 percent.”.

9           (b) CLERICAL AMENDMENT.—The analysis for chap-  
10          ter 5 of title 23, United States Code, is amended by add-  
11          ing at the end the following:

          “520. Transportation Resilience and Adaptation Centers of Excellence.”.

12          **SEC. 3010. TRANSPORTATION ACCESS PILOT PROGRAM.**

13          (a) DEFINITIONS.—In this section:

14                 (1) METROPOLITAN PLANNING ORGANIZA-  
15                 TION.—The term “metropolitan planning organiza-  
16                 tion” has the meaning given the term in section  
17                 134(b) of title 23, United States Code.

18                 (2) STATE.—The term “State” has the mean-  
19                 ing given the term in section 101(a) of title 23,  
20                 United States Code.

21                 (3) SURFACE TRANSPORTATION MODES.—The  
22                 term “surface transportation modes” means—

23                         (A) driving;

24                         (B) public transportation;

25                         (C) walking;

1 (D) cycling; and

2 (E) a combination of any of the modes of  
3 transportation described in subparagraphs (A)  
4 through (D).

5 (4) PILOT PROGRAM.—The term “pilot pro-  
6 gram” means the transportation pilot program es-  
7 tablished under subsection (b).

8 (5) REGIONAL TRANSPORTATION PLANNING OR-  
9 GANIZATION.—The term “regional transportation  
10 planning organization” has the meaning given the  
11 term in section 134(b) of title 23, United States  
12 Code.

13 (b) ESTABLISHMENT.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary shall es-  
15 tablish a transportation pilot program.

16 (c) PURPOSE.—The purpose of the pilot program is  
17 to develop or procure an accessibility data set and make  
18 that data set available to each eligible entity selected to  
19 participate in the pilot program—

20 (1) to improve the transportation planning of  
21 those eligible entities by—

22 (A) measuring the level of access by sur-  
23 face transportation modes to important destina-  
24 tions, which may include—

25 (i) jobs;

- 1 (ii) health care facilities;
- 2 (iii) child care services;
- 3 (iv) educational and workforce train-
- 4 ing facilities;
- 5 (v) housing;
- 6 (vi) food sources;
- 7 (vii) points within the supply chain for
- 8 freight commodities;
- 9 (viii) domestic or international mar-
- 10 kets; and
- 11 (ix) connections between surface
- 12 transportation modes; and
- 13 (B) disaggregating the level of access by
- 14 surface transportation modes by a variety of—
- 15 (i) population categories, which may
- 16 include—
- 17 (I) low-income populations;
- 18 (II) minority populations;
- 19 (III) age;
- 20 (IV) disability; and
- 21 (V) geographical location; or
- 22 (ii) freight commodities, which may
- 23 include—
- 24 (I) agricultural commodities;
- 25 (II) raw materials;

1 (III) finished products; and

2 (IV) energy commodities; and

3 (2) to assess the change in accessibility that  
4 would result from new transportation investments.

5 (d) ELIGIBLE ENTITIES.—An entity eligible to par-  
6 ticipate in the pilot program is—

7 (1) a State;

8 (2) a metropolitan planning organization; or

9 (3) a regional transportation planning organiza-  
10 tion.

11 (e) APPLICATION.—To be eligible to participate in  
12 the pilot program, an eligible entity shall submit to the  
13 Secretary an application at such time, in such manner,  
14 and containing such information as the Secretary may re-  
15 quire, including information relating to—

16 (1) previous experience of the eligible entity  
17 measuring transportation access or other perform-  
18 ance management experience, if applicable;

19 (2) the types of important destinations to which  
20 the eligible entity intends to measure access;

21 (3) the types of data disaggregation the eligible  
22 entity intends to pursue;

23 (4) a general description of the methodology the  
24 eligible entity intends to apply; and

1           (5) if the applicant does not intend the pilot  
2 program to apply to the full area under the jurisdic-  
3 tion of the applicant, a description of the geographic  
4 area in which the applicant intends the pilot pro-  
5 gram to apply.

6           (f) SELECTION.—

7           (1) IN GENERAL.—The Secretary shall seek to  
8 achieve diversity of participants in the pilot program  
9 by selecting a range of eligible entities that shall in-  
10 clude—

11                   (A) States;

12                   (B) metropolitan planning organizations  
13 that serve an area with a population of 200,000  
14 people or fewer;

15                   (C) metropolitan planning organizations  
16 that serve an area with a population of over  
17 200,000 people; and

18                   (D) regional transportation planning orga-  
19 nizations.

20           (2) INCLUSIONS.—The Secretary shall seek to  
21 ensure that, among the eligible entities selected  
22 under paragraph (1), there is—

23                   (A) a range of capacity and previous expe-  
24 rience with measuring transportation access;  
25 and

1 (B) a variety of proposed methodologies  
2 and focus areas for measuring level of access.

3 (g) DUTIES.—For each eligible entity participating in  
4 the pilot program, the Secretary shall—

5 (1) develop or acquire an accessibility data set  
6 described in subsection (c); and

7 (2) submit the data set to the eligible entity.

8 (h) METHODOLOGY.—In calculating the measures for  
9 the data set under the pilot program, the Secretary shall  
10 ensure that methodology is open source.

11 (i) AVAILABILITY.—The Secretary shall make an ac-  
12 cessibility data set under the pilot program available to—

13 (1) units of local government within the juris-  
14 diction of the eligible entity participating in the pilot  
15 program; and

16 (2) researchers.

17 (j) REPORT.—Not later than 2 years after the date  
18 of enactment of this Act, and every 2 years thereafter,  
19 the Secretary shall submit to the Committee on Environ-  
20 ment and Public Works of the Senate and the Committee  
21 on Transportation and Infrastructure of the House of  
22 Representatives a report on the results of the pilot pro-  
23 gram, including the feasibility of developing and providing  
24 periodic accessibility data sets for all States, regions, and  
25 localities.

1 (k) TRANSPORTATION SYSTEM ACCESS.—

2 (1) IN GENERAL.—The Secretary shall establish  
3 consistent measures that States, metropolitan plan-  
4 ning organizations, and regional transportation plan-  
5 ning organizations may choose to adopt to assess the  
6 level of safe and convenient access by surface trans-  
7 portation modes to important destinations as de-  
8 scribed in subsection (c)(1)(A).

9 (2) SAVINGS PROVISION.—Nothing in this sec-  
10 tion provides the Secretary the authority—

11 (A) to establish a performance measure or  
12 require States or metropolitan planning organi-  
13 zations to set a performance target for access  
14 as described in paragraph (1); or

15 (B) to establish any other Federal require-  
16 ment.

17 (l) FUNDING.—The Secretary shall carry out the  
18 pilot program using amounts made available to the Sec-  
19 retary for administrative expenses to carry out programs  
20 under the authority of the Secretary.

21 (m) SUNSET.—The pilot program shall terminate on  
22 the date that is 8 years after the date on which the pilot  
23 program is implemented.

1           **TITLE IV—INDIAN AFFAIRS**

2   **SEC. 4001. DEFINITION OF SECRETARY.**

3           In this title, the term “Secretary” means the Sec-  
4   retary of the Interior.

5   **SEC. 4002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIB-**  
6                           **AL TRANSPORTATION FACILITIES.**

7           (a) **DEFINITION OF TRIBAL TRANSPORTATION SAFE-**  
8   **TY PROJECT.—**

9                   (1) **IN GENERAL.—**In this section, the term  
10   “tribal transportation safety project” means a  
11   project described in paragraph (2) that is eligible for  
12   funding under section 202 of title 23, United States  
13   Code.

14                   (2) **PROJECT DESCRIBED.—**A project described  
15   in this paragraph is a project that corrects or im-  
16   proves a hazardous road location or feature or ad-  
17   dresses a highway safety problem through 1 or more  
18   of the activities described in any of the clauses  
19   under section 148(a)(4)(B) of title 23, United States  
20   Code.

21           (b) **REVIEWS OF TRIBAL TRANSPORTATION SAFETY**  
22   **PROJECTS.—**

23                   (1) **IN GENERAL.—**The Secretary or the Sec-  
24   retary of Transportation, as applicable, or the head  
25   of another Federal agency responsible for a decision



1 related to a tribal transportation safety project shall  
2 complete any approval or decision for the review of  
3 the tribal transportation safety project required  
4 under the National Environmental Policy Act of  
5 1969 (42 U.S.C. 4321 et seq.) or any other applica-  
6 ble Federal law on an expeditious basis using the  
7 shortest existing applicable process.

8 (2) REVIEW OF APPLICATIONS.—Not later than  
9 45 days after the date of receipt of a complete appli-  
10 cation by an Indian tribe for approval of a tribal  
11 transportation safety project, the Secretary or the  
12 Secretary of Transportation, as applicable, shall—

13 (A) take final action on the application; or

14 (B) provide the Indian tribe a schedule for  
15 completion of the review described in paragraph  
16 (1), including the identification of any other  
17 Federal agency that has jurisdiction with re-  
18 spect to the project.

19 (3) DECISIONS UNDER OTHER FEDERAL  
20 LAWS.—In any case in which a decision under any  
21 other Federal law relating to a tribal transportation  
22 safety project (including the issuance or denial of a  
23 permit or license) is required, not later than 45 days  
24 after the Secretary or the Secretary of Transpor-  
25 tation, as applicable, has made all decisions of the

1 lead agency under the National Environmental Pol-  
2 icy Act of 1969 (42 U.S.C. 4321 et seq.) with re-  
3 spect to the project, the head of the Federal agency  
4 responsible for the decision shall—

5 (A) make the applicable decision; or

6 (B) provide the Indian tribe a schedule for  
7 making the decision.

8 (4) EXTENSIONS.—The Secretary or the Sec-  
9 retary of Transportation, as applicable, or the head  
10 of the Federal agency may extend the period under  
11 paragraph (2) or (3), as applicable, by an additional  
12 30 days by providing the Indian tribe notice of the  
13 extension, including a statement of the need for the  
14 extension.

15 (5) NOTIFICATION AND EXPLANATION.—In any  
16 case in which a required action is not completed by  
17 the deadline under paragraph (2), (3), or (4), as ap-  
18 plicable, the Secretary, the Secretary of Transpor-  
19 tation, or the head of a Federal agency, as applica-  
20 ble, shall—

21 (A) notify the Committees on Indian Af-  
22 fairs and Environment and Public Works of the  
23 Senate and the Committee on Natural Re-  
24 sources of the House of Representatives of the  
25 failure to comply with the deadline; and

1 (B) provide to the Committees described in  
2 subparagraph (A) a detailed explanation of the  
3 reasons for the failure to comply with the dead-  
4 line.

5 **SEC. 4003. PROGRAMMATIC AGREEMENTS FOR TRIBAL**  
6 **CATEGORICAL EXCLUSIONS.**

7 (a) IN GENERAL.—The Secretary and the Secretary  
8 of Transportation shall enter into programmatic agree-  
9 ments with Indian tribes that establish efficient adminis-  
10 trative procedures for carrying out environmental reviews  
11 for projects eligible for assistance under section 202 of  
12 title 23, United States Code.

13 (b) INCLUSIONS.—A programmatic agreement under  
14 subsection (a)—

15 (1) may include an agreement that allows an  
16 Indian tribe to determine, on behalf of the Secretary  
17 and the Secretary of Transportation, whether a  
18 project is categorically excluded from the prepara-  
19 tion of an environmental assessment or environ-  
20 mental impact statement under the National Envi-  
21 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
22 seq.); and

23 (2) shall—

24 (A) require that the Indian tribe maintain  
25 adequate capability in terms of personnel and

1 other resources to carry out applicable agency  
2 responsibilities pursuant to section 1507.2 of  
3 title 40, Code of Federal Regulations (or suc-  
4 cessor regulations);

5 (B) set forth the responsibilities of the In-  
6 dian tribe for making categorical exclusion de-  
7 terminations, documenting the determinations,  
8 and achieving acceptable quality control and  
9 quality assurance;

10 (C) allow—

11 (i) the Secretary and the Secretary of  
12 Transportation to monitor compliance of  
13 the Indian tribe with the terms of the  
14 agreement; and

15 (ii) the Indian tribe to execute any  
16 needed corrective action;

17 (D) contain stipulations for amendments,  
18 termination, and public availability of the agree-  
19 ment once the agreement has been executed;  
20 and

21 (E) have a term of not more than 5 years,  
22 with an option for renewal based on a review by  
23 the Secretary and the Secretary of Transpor-  
24 tation of the performance of the Indian tribe.

1 **SEC. 4004. USE OF CERTAIN TRIBAL TRANSPORTATION**  
2 **FUNDS.**

3 Section 202(d) of title 23, United States Code, is  
4 amended by striking paragraph (2) and inserting the fol-  
5 lowing:

6 “(2) USE OF FUNDS.—Funds made available to  
7 carry out this subsection shall be used—

8 “(A) to carry out any planning, design, en-  
9 gineering, preconstruction, construction, and in-  
10 spection of new or replacement tribal transpor-  
11 tation facility bridges;

12 “(B) to replace, rehabilitate, seismically  
13 retrofit, paint, apply calcium magnesium ace-  
14 tate, sodium acetate/formate, or other environ-  
15 mentally acceptable, minimally corrosive anti-  
16 icing and deicing composition; or

17 “(C) to implement any countermeasure for  
18 tribal transportation facility bridges classified  
19 as in poor condition, having a low load capacity,  
20 or needing geometric improvements, including  
21 multiple-pipe culverts.”.

22 **SEC. 4005. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE**  
23 **PROGRAM.**

24 There are authorized to be appropriated to the Direc-  
25 tor of the Bureau of Indian Affairs to carry out the road  
26 maintenance program of the Bureau—

- 1 (1) \$50,000,000 for fiscal year 2022;
- 2 (2) \$52,000,000 for fiscal year 2023;
- 3 (3) \$54,000,000 for fiscal year 2024;
- 4 (4) \$56,000,000 for fiscal year 2025; and
- 5 (5) \$58,000,000 for fiscal year 2026.

6 **SEC. 4006. STUDY OF ROAD MAINTENANCE ON INDIAN**  
7 **LAND.**

8 (a) DEFINITIONS.—In this section:

9 (1) INDIAN LAND.—The term “Indian land”  
10 has the meaning given the term “Indian lands” in  
11 section 3 of the Native American Business Develop-  
12 ment, Trade Promotion, and Tourism Act of 2000  
13 (25 U.S.C. 4302).

14 (2) INDIAN TRIBE.—The term “Indian tribe”  
15 has the meaning given the term in section 4 of the  
16 Indian Self-Determination and Education Assistance  
17 Act (25 U.S.C. 5304).

18 (3) ROAD.—The term “road” means a road  
19 managed in whole or in part by the Bureau of In-  
20 dian Affairs.

21 (4) SECRETARY.—The term “Secretary” means  
22 the Secretary, acting through the Assistant Sec-  
23 retary for Indian Affairs.

24 (b) STUDY.—Not later than 2 years after the date  
25 of enactment of this Act, the Secretary, in consultation

1 with the Secretary of Transportation, shall carry out a  
2 study to evaluate—

3           (1) the long-term viability and useful life of ex-  
4           isting roads on Indian land;

5           (2) any steps necessary to achieve the goal of  
6           addressing the deferred maintenance backlog of ex-  
7           isting roads on Indian land;

8           (3) programmatic reforms and performance en-  
9           hancements necessary to achieve the goal of restruc-  
10          turing and streamlining road maintenance programs  
11          on existing or future roads located on Indian land;  
12          and

13          (4) recommendations on how to implement ef-  
14          forts to coordinate with States, counties, municipali-  
15          ties, and other units of local government to maintain  
16          roads on Indian land.

17          (c) TRIBAL CONSULTATION AND INPUT.—Before be-  
18          ginning the study under subsection (b), the Secretary  
19          shall—

20               (1) consult with any Indian tribes that have ju-  
21               risdiction over roads eligible for funding under the  
22               road maintenance program of the Bureau of Indian  
23               Affairs; and

1           (2) solicit and consider the input, comments,  
2           and recommendations of the Indian tribes described  
3           in paragraph (1).

4           (d) REPORT.—On completion of the study under sub-  
5           section (b), the Secretary, in consultation with the Sec-  
6           retary of Transportation, shall submit to the Committees  
7           on Indian Affairs and Environment and Public Works of  
8           the Senate and the Committees on Natural Resources and  
9           Transportation and Infrastructure of the House of Rep-  
10          resentatives a report on the results and findings of the  
11          study.

12          (e) STATUS REPORT.—Not later than 2 years after  
13          the date of enactment of this Act, and not less frequently  
14          than every 2 years thereafter, the Secretary, in consulta-  
15          tion with the Secretary of Transportation, shall submit to  
16          the Committees on Indian Affairs and Environment and  
17          Public Works of the Senate and the Committees on Nat-  
18          ural Resources and Transportation and Infrastructure of  
19          the House of Representatives a report that includes a de-  
20          scription of—

21                 (1) the progress made toward addressing the  
22                 deferred maintenance needs of the roads on Indian  
23                 land, including a list of projects funded during the  
24                 fiscal period covered by the report;



1           (2) the outstanding needs of the roads that  
2           have been provided funding to address the deferred  
3           maintenance needs;

4           (3) the remaining needs of any of the projects  
5           referred to in paragraph (1);

6           (4) how the goals described in subsection (b)  
7           have been met, including—

8                   (A) an identification and assessment of  
9                   any deficiencies or shortfalls in meeting the  
10                  goals; and

11                   (B) a plan to address the deficiencies or  
12                  shortfalls in meeting the goals; and

13           (5) any other issues or recommendations pro-  
14           vided by an Indian tribe under the consultation and  
15           input process under subsection (c) that the Sec-  
16           retary determines to be appropriate.

17 **SEC. 4007. MAINTENANCE OF CERTAIN INDIAN RESERVA-**  
18 **TION ROADS.**

19           The Commissioner of U.S. Customs and Border Pro-  
20           tection may transfer funds to the Director of the Bureau  
21           of Indian Affairs to maintain, repair, or reconstruct roads  
22           under the jurisdiction of the Director, subject to the condi-  
23           tion that the Commissioner and the Director shall mutu-  
24           ally agree that the primary user of the subject road is U.S.  
25           Customs and Border Protection.

1 **SEC. 4008. TRIBAL TRANSPORTATION SAFETY NEEDS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ALASKA NATIVE.—The term “Alaska Na-  
4 tive” has the meaning given the term “Native” in  
5 section 3 of the Alaska Native Claims Settlement  
6 Act (43 U.S.C. 1602).

7 (2) ALASKA NATIVE VILLAGE.—The term  
8 “Alaska Native village” has the meaning given the  
9 term “Native village” in section 3 of the Alaska Na-  
10 tive Claims Settlement Act (43 U.S.C. 1602).

11 (3) INDIAN TRIBE.—The term “Indian tribe”  
12 has the meaning given the term in section 4 of the  
13 Indian Self-Determination and Education Assistance  
14 Act (25 U.S.C. 5304).

15 (b) BEST PRACTICES, STANDARDIZED CRASH RE-  
16 PORT FORM.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this Act, the Secretary of  
19 Transportation, in consultation with the Secretary,  
20 Indian tribes, Alaska Native villages, and State de-  
21 partments of transportation shall develop—

22 (A) best practices for the compiling, anal-  
23 ysis, and sharing of motor vehicle crash data  
24 for crashes occurring on Indian reservations  
25 and in Alaska Native communities; and

1 (B) a standardized form for use by Indian  
2 tribes and Alaska Native communities to carry  
3 out those best practices.

4 (2) PURPOSE.—The purpose of the best prac-  
5 tices and standardized form developed under para-  
6 graph (1) shall be to improve the quality and quan-  
7 tity of crash data available to and used by the Fed-  
8 eral Highway Administration, State departments of  
9 transportation, Indian tribes, and Alaska Native vil-  
10 lages.

11 (3) REPORT.—On completion of the develop-  
12 ment of the best practices and standardized form  
13 under paragraph (1), the Secretary of Transpor-  
14 tation shall submit to the Committees on Indian Af-  
15 fairs and Environment and Public Works of the Sen-  
16 ate and the Committees on Natural Resources and  
17 Transportation and Infrastructure of the House of  
18 Representatives a report describing the best prac-  
19 tices and standardized form.

20 (c) USE OF IMARS.—The Director of the Bureau of  
21 Indian Affairs shall require all law enforcement offices of  
22 the Bureau, for the purpose of reporting motor vehicle  
23 crash data for crashes occurring on Indian reservations  
24 and in Alaska Native communities—

1 (1) to use the crash report form of the applica-  
2 ble State; and

3 (2) to upload the information on that form to  
4 the Incident Management Analysis and Reporting  
5 System (IMARS) of the Department of the Interior.

6 (d) TRIBAL TRANSPORTATION PROGRAM SAFETY  
7 FUNDING.—Section 202(e)(1) of title 23, United States  
8 Code, is amended by striking “2 percent” and inserting  
9 “4 percent”.

10 **SEC. 4009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

11 Section 102 of title 49, United States Code, is  
12 amended—

13 (1) in subsection (e)(1)—

14 (A) in the matter preceding subparagraph  
15 (A), by striking “6 Assistant” and inserting “7  
16 Assistant”;

17 (B) in subparagraph (C), by striking  
18 “and” after the semicolon;

19 (C) by redesignating subparagraph (D) as  
20 subparagraph (E); and

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

23 “(D) an Assistant Secretary for Tribal  
24 Government Affairs, who shall be appointed by  
25 the President; and”;

1           (2) in subsection (f), by striking the subsection  
2 designation and heading and all that follows through  
3 the end of paragraph (1) and inserting the following:

4           “(f) OFFICE OF TRIBAL GOVERNMENT AFFAIRS.—

5           “(1) ESTABLISHMENT.—There is established in  
6 the Department an Office of Tribal Government Af-  
7 fairs, under the Assistant Secretary for Tribal Gov-  
8 ernment Affairs—

9           “(A) to oversee the tribal self-governance  
10 program under section 207 of title 23;

11           “(B) to plan, coordinate, and implement  
12 policies and programs serving Indian Tribes  
13 and Tribal organizations;

14           “(C) to coordinate Tribal transportation  
15 programs and activities in all offices and ad-  
16 ministrations of the Department; and

17           “(D) to be a participant in any negotiated  
18 rulemakings relating to, or having an impact  
19 on, projects, programs, or funding associated  
20 with the Tribal transportation program under  
21 section 202 of title 23.”.