

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 2**

OFFERED BY _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

Sec. 1001. Additional deposits into Highway Trust Fund.

Sec. 1002. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Nationally significant freight and highway projects.

Sec. 1102. National highway freight program.

Sec. 1103. Truck parking safety improvement.

Sec. 1104. Temporary Federal share for Federal-aid highway projects.

Sec. 1105. Consolidated funding program.

Subtitle B—Acceleration of Project Delivery

Sec. 1201. Environmental reviews for major projects.

Sec. 1202. Efficient environmental reviews for project decisionmaking.

Sec. 1203. Application of categorical exclusions for transportation projects.

Sec. 1204. Air quality and conformity.

- Sec. 1205. Agreements relating to use of and access to rights-of-way-Interstate System.
- Sec. 1206. Permits for dredged or fill material.
- Sec. 1207. Pilot program on use of innovative practices for environmental reviews.

TITLE II—INNOVATIVE PROJECT FINANCE

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

TITLE III—PUBLIC TRANSPORTATION

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

TITLE IV—HIGHWAY TRAFFIC SAFETY

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

TITLE V—MOTOR CARRIER SAFETY

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

TITLE VI—INNOVATION

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

TITLE VII—RESILIENCY

- Sec. 7001. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.
- Sec. 7002. National highway performance program.
- Sec. 7003. Resiliency in transit.

- Sec. 7004. Highway emergency relief and resiliency.
Sec. 7005. Highway resiliency incentives.
Sec. 7006. Guidance on inundated and submerged roads.
Sec. 7007. Guidance on evacuation routes.
Sec. 7008. Definitions.
Sec. 7009. University transportation centers.
Sec. 7010. Pre-disaster hazard mitigation pilot program.

1 **DIVISION A—SURFACE**
2 **TRANSPORTATION**

3 **SEC. 1001. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
4 **FUND.**

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

7 (1) in subsection (a) by striking “the FAST
8 Act” and inserting “the STARTER Act”;

9 (2) in subsection (b)(1) by inserting “core ac-
10 count” before “programs”;

11 (3) in subsection (c)(1)—

12 (A) in the matter preceding subparagraph
13 (A) by inserting “core account” before “pro-
14 grams”; and

15 (B) in subparagraph (A)(ii) by inserting
16 “core account” before “programs”;

17 (4) in subsection (e) by striking “fiscal years
18 2017 through 2020” and inserting “fiscal years
19 2021 through 2025”; and

20 (5) in subsection (g) by adding at the end the
21 following:

1 “(4) CORE ACCOUNT PROGRAM.—The term
2 ‘core account program’ means—

3 “(A) the national highway performance
4 program under section 119;

5 “(B) the surface transportation block
6 grant program under section 133;

7 “(C) the highway safety improvement pro-
8 gram under section 148;

9 “(D) the national highway freight program
10 under section 167; and

11 “(E) the rural area formula grant program
12 under section 5311 of title 49.”.

13 **SEC. 1002. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act shall
15 take effect on October 1, 2020.

16 **TITLE I—FEDERAL-AID**
17 **HIGHWAYS**
18 **Subtitle A—Authorizations and**
19 **Programs**

20 **SEC. 1101. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
21 **WAY PROJECTS.**

22 There are authorized to be appropriated out of the
23 Highway Trust Fund (other than the Mass Transit Ac-
24 count) for the nationally significant freight and highway
25 projects program under section 117 of title 23, United

1 States Code, such sums as may be necessary for each of
2 fiscal years 2021 through 2025.

3 **SEC. 1102. NATIONAL HIGHWAY FREIGHT PROGRAM.**

4 There are authorized to be appropriated out of the
5 Highway Trust Fund (other than the Mass Transit Ac-
6 count) for the national highway freight program under
7 section 167 of title 23, United States Code, such sums
8 as may be necessary for each of fiscal years 2021 through
9 2025.

10 **SEC. 1103. TRUCK PARKING SAFETY IMPROVEMENT.**

11 (a) PARKING FOR COMMERCIAL VEHICLES.—Chapter
12 1 of title 23, United States Code, is amended by adding
13 at the end the following:

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

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

20 “(1) a Federal-aid highway; or

21 “(2) a freight facility.

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

1 “(c) APPLICATION CONTENTS.—An application
2 under subsection (b) shall contain—

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

4 “(2) any other information that the Secretary
5 may require.

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

8 “(1) A State.

9 “(2) Any public agency carrying out responsibil-
10 ities relating to commercial motor vehicle parking.

11 “(3) A metropolitan planning organization.

12 “(4) A local government.

13 “(e) ELIGIBLE PROJECTS.—

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

17 “(A) on a Federal-aid highway; or

18 “(B) on a facility with reasonable access
19 to—

20 “(i) a Federal-aid highway; or

21 “(ii) a freight facility.

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

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

4 “(B) construct commercial motor vehicle
5 parking facilities—

6 “(i) adjacent to private commercial
7 truck stops and travel plazas;

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

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

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

18 “(f) ELIGIBLE ACTIVITIES.—

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

22 “(A) Development phase activities, includ-
23 ing planning, feasibility analysis, benefit-cost
24 analysis, environmental review, preliminary en-

1 gineering and design work, and other
2 preconstruction activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(1) SURVEY AND COMPARATIVE ASSESSMENT.—

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

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

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

24 “(C) evaluates the ability of entities receiv-
25 ing a grant under this subsection to sustain the

1 operation of parking facilities constructed with
2 funds provided under this subsection; and

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

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

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

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

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

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

“171. Truck parking safety improvement.”.

22 **SEC. 1104. TEMPORARY FEDERAL SHARE FOR FEDERAL-AID**
23 **HIGHWAY PROJECTS.**

24 Notwithstanding any other provision of law, the Fed-
25 eral share of the cost of a project under title 23, United

1 States Code, for which amounts are made available during
2 fiscal year 2021 and 2022 may be up to 100 percent, at
3 the discretion of the Secretary of Transportation.

4 **SEC. 1105. CONSOLIDATED FUNDING PROGRAM.**

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

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

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

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

17 “(1) meet minimum levels for the condition of
18 pavement established by the Secretary under section
19 150(c)(3);

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

23 “(3) uses a performance-based approach to
24 transportation planning and programming for state-

1 wide and metropolitan planning areas to meet the
2 requirements of sections 134, 135, and 150; and

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

6 “(c) APPLICATIONS.—

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

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

18 “(d) USE OF BLOCK GRANT FUNDS.—

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

22 “(A) the national highway performance
23 program under section 119;

24 “(B) the surface transportation block
25 grant program under section 133;

1 “(C) the highway safety improvement pro-
2 gram under section 148;

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

6 “(E) for metropolitan planning under sec-
7 tion 134; or

8 “(F) the national highway freight program
9 under section 167.

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

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

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

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

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

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

1 “(e) BLOCK GRANT SELECTION.—

2 “(1) ISSUANCE.—The Secretary shall provide
3 grants under this section beginning with fiscal year
4 2022.

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

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

12 “(4) SUNSET.—The authority to provide grants
13 under this section shall cease on the last day of fis-
14 cal year 2025.

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

19 “(g) PROGRESS REPORT.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after the first fiscal year in which funds are provided
22 under this section, any State receiving funds shall
23 submit to the Secretary a progress report on meet-
24 ing, or making significant progress toward meeting,

1 performance measures and standards under section
2 150(c).

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

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

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

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

3 (D) by inserting after paragraph (1) the
4 following:

5 “(2) AUTHORIZATION.—The term ‘authoriza-
6 tion’ means any environmental license, permit, ap-
7 proval, finding, or other administrative decision re-
8 lated to an environmental review process that is re-
9 quired under Federal law to site, construct, or re-
10 construct a project.

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

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

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

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

1 “(B) the project sponsor has identified the
2 reasonable availability of funds sufficient to
3 complete the project;

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

7 “(D) the head of the lead agency has de-
8 termined that—

9 “(i) an environmental impact state-
10 ment is required; or

11 “(ii) an environmental assessment is
12 required, and the project sponsor requests
13 that the project be treated as a major
14 project.”.

15 (2) in subsection (b)(1)—

16 (A) by inserting “, including major
17 projects,” after “all projects”; and

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

20 (3) in subsection (c)—

21 (A) in paragraph (6)—

22 (i) in subparagraph (B) by striking
23 “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 existing practices, procedures, pro-
15 grammatic agreements, and applicable laws to
16 identify potential changes that would facilitate
17 an efficient environmental review process for
18 projects.

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

24 “(C) REPORT.—Not later than 2 years
25 after the date of enactment of the One Federal

1 Decision Act of 2020, Secretary shall submit to
2 the Committee on Environment and Public
3 works of the Senate and the Committee on
4 Transportation and Infrastructure of the House
5 of Representatives a report that includes—

6 “(i) the results of the review required
7 by subparagraph (A); and

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

12 (4) in subsection (d)—

13 (A) in paragraph (8)—

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

17 (ii) by amending subparagraph (A) to
18 read as follows:

19 “(A) IN GENERAL.—Except as inconsistent
20 with paragraph (7), and except as provided in
21 subparagraph (D), to the maximum extent
22 practicable and consistent with Federal law, all
23 Federal authorizations and reviews for a project
24 shall rely on a single environmental document
25 for each type of environmental document pre-

1 pared under the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.) under the
3 leadership of the lead agency.”; and

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

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

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

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

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

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

24 “(10) TIMELY AUTHORIZATIONS FOR MAJOR
25 PROJECTS.—

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

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

14 “(C) EXTENSION OF DEADLINE.—Not
15 later than 180 days after the date of enactment
16 of the One Federal Decision Act of 2020, the
17 Secretary shall establish procedures for a lead
18 agency to extend a deadline under subpara-
19 graph (A) in cases in which—

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

24 “(ii) such an extension is requested by
25 the project sponsor; or

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

5 (5) in subsection (g)—

6 (A) in paragraph (1)(B)—

7 (i) by amending clause (ii)(IV) to read
8 as follows:

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

16 (ii) by adding at the end the fol-
17 lowing:

18 “(iii) MAJOR PROJECT SCHEDULE.—
19 To the maximum extent practicable and
20 consistent with applicable Federal law, in
21 the case of a major project, the lead agen-
22 cy shall develop, in consultation with the
23 project sponsor, a schedule for the major
24 project that is consistent with an agency
25 average of not more than 2 years for the

1 completion of the environmental review
2 process for major projects. The time period
3 measured, as applicable—

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

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

18 (B) by redesignating subparagraph (E) as
19 subparagraph (F); and

20 (C) by inserting after subparagraph (D)
21 the following:

22 “(E) FAILURE TO MEET DEADLINE.—If a
23 Federal cooperating agency fails to meet a
24 deadline established under subparagraph
25 (D)(ii)(I)—

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

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

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

15 “(II) make such report available
16 to the public on the internet.”; and

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

18 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
19 PROJECTS.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of the One Federal Deci-
22 sion Act of 2020, the Secretary shall establish a per-
23 formance accountability system to track each major
24 project.

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

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

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

10 “(C) the time taken to complete the envi-
11 ronmental review process.

12 “(q) DEVELOPMENT OF CATEGORICAL EXCLU-
13 SIONS.—

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

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

23 “(B) collect existing documentation and
24 substantiating information on the categorical
25 exclusions described in subparagraph (A); and

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

6 “(2) AGENCIES DESCRIBED.—The following
7 agencies are described in this paragraph—

8 “(A) The Departments of—

9 “(i) the Interior;

10 “(ii) Commerce;

11 “(iii) Agriculture;

12 “(iv) Energy; and

13 “(v) Defense, including the United
14 States Army Corps of Engineers; and

15 “(B) any other Federal agency that has
16 participated in an environmental review process
17 for a major project, as determined by the Sec-
18 retary.

19 “(3) ADOPTION OF CATEGORICAL EXCLU-
20 SIONS.—

21 “(A) IN GENERAL.—Not later than 1 year
22 after the date on which the Secretary provides
23 the list under paragraph (1)(C), an agency de-
24 scribed in paragraph (2) shall publish a notice
25 of proposed rulemaking to propose any categor-

1 ical exclusions from the list applicable to the
2 agency, subject to the condition that the cat-
3 egorical exclusion identified under paragraph
4 (1)(A) meets the criteria for a categorical exclu-
5 sion under section 102 of the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.).

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

16 **SEC. 1202. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
17 **PROJECT DECISIONMAKING.**

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

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

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

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

24 “(a) ENVIRONMENTAL IMPACT STATEMENTS.—

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

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

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

1 “(4) STATEMENT OF PURPOSE AND NEED.—

2 Each environmental impact statement shall include a
3 statement of purpose and need that briefly summa-
4 rizes the underlying purpose and need for the pro-
5 posed agency action. In a case where the agency is
6 reviewing an application for authorization, such
7 statement shall focus on the goals of the applicant
8 and the agency’s authority.

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

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

19 “(A) the proposal is of unusual scope or
20 complexity; or

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

24 “(b) ENVIRONMENTAL ASSESSMENTS.—

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

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

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

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

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

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

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

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

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

25 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

4 (b) REGULATORY CHANGES.—

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

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

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

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

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

8 (2) in subsection (a)—

9 (A) in paragraph (1)—

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

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

16 (iii) by striking “multimodal”;

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

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

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

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

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

7 (4) in subsection (c)—

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

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

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

17 (D) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

23 (1) in the matter preceding subparagraph (A)
24 in paragraph (1) by striking “Conformity to” and
25 inserting “Conformity to”;

1 (2) in paragraph (2)—

2 (A) by striking “(2) Any transportation”
3 and inserting “(2)(A) Any transportation”;

4 (B) by striking “any transportation plan,
5 program or project unless such plan, program
6 or project” and inserting “any transportation
7 plan or program unless such plan or program”;

8 (C) by striking “(A) no transportation”
9 and inserting “(i) no transportation”;

10 (D) by striking “(B) no metropolitan” and
11 inserting “(ii) no metropolitan”;

12 (E) by striking “(C) a transportation
13 project may be adopted or approved by a metro-
14 politan planning organization or any recipient
15 of funds designated under title 23, United
16 States Code, chapter 53 of title 49, United
17 States Code, or found in conformity by a metro-
18 politan planning organization or approved, ac-
19 cepted, or funded by the Department of Trans-
20 portation only if it meets either the require-
21 ments of subparagraph (D)” and inserting the
22 following:

23 “(B) Except as provided in this section, no Federal
24 agency may approve, accept, or fund any transportation
25 project unless such project has been found to conform to

1 any applicable implementation plan in effect under this
2 Act. A transportation project may be found in conformity
3 by the Department of Transportation only if it meets ei-
4 ther the requirements of subparagraph (C)”;

5 (F) by adjusting the margins of clauses (i),
6 (ii), and (iii) of subparagraph (B), as redesign-
7 nated, 2 ems to the left; and

8 (G) by striking “(D) Any project not re-
9 ferred to” and inserting the following:

10 “(C) Any project not referred to”.

11 (b) CONFORMITY DETERMINATIONS PRIOR TO CON-
12 STRUCTION OF TRANSPORTATION PROJECTS.—Paragraph
13 (2) of section 176(c) of the Clean Air Act (42 U.S.C.
14 7506(c)), as amended by subsection (a), is further amend-
15 ed by adding at the end the following new subparagraph:

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

24 “(i) The Secretary of Transportation shall
25 make its conformity determination for a transpor-

1 tation project prior to initiation of construction of
2 the project.

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

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

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

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

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

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

7 (2) by adding at the end the following new sub-
8 paragraph:

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

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

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

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

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

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

5 “(B) REGULATIONS.—

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

10 “(ii) CONTENTS.— The regulations re-
11 quired by clause (i) shall include, at a min-
12 imum, procedures for making programmatic
13 conformity determinations for—

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

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

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

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

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

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

10 (1) in subsection (f)(1)—

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

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

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

18 “(D) activities involving maintenance, re-
19 pair and/or construction of roadside ditches, in-
20 cluding emergency activities, temporary fills,
21 and changes in the character, scope, and/or size
22 of the original fill design to meet current design
23 and safety standards, provided they that do not
24 result in significant alterations to flow or cir-
25 culation, and maintain to the maximum extent

1 practicable, the course, condition, capacity, and
2 location of open waters;” and
3 (2) in subsection (s)(3) by striking “acton” and
4 inserting “action”.

5 **SEC. 1207. PILOT PROGRAM ON USE OF INNOVATIVE PRACTICES FOR ENVIRONMENTAL REVIEWS.**

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

8 (1) The environmental review process for transportation infrastructure projects is complex and inefficient, resulting in delays and increased costs of delivery of needed improvements to our transportation system.

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

18 (b) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to promote the use of innovative practices in carrying out environmental reviews for transportation projects, including innovative practices that—

23 (1) integrate environmental planning or other techniques involving consideration of multiple resources on a watershed or ecosystem scale;

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

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

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

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

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

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

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

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

5 (e) APPLICATION PROCESS.—

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

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

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

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

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

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

20 (g) TERMINATION.—

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

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

4 (B) termination is in the public interest.

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

10 (h) REPORTING.—

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

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

20 (A) identify each eligible project;

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

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

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

4 (j) DEFINITIONS.—In this section:

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

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

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

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

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

20 **TITLE II—INNOVATIVE PROJECT**
21 **FINANCE**

22 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**
23 **AND INNOVATION ACT OF 1998 TEMPORARY**
24 **LOAN RELIEF DUE TO COVID-19.**

25 (a) DEFINITIONS.—In this section:

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

5 (2) ELIGIBLE LOAN.—The term “eligible loan”
6 means a loan provided on or before the date of en-
7 actment of this Act under a program described in
8 subparagraph (A) or (B) of section 116(d)(1) of title
9 49, United States Code.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (b) INTEREST RATE RESET.—

13 (1) IN GENERAL.—If, at any time after the
14 date of execution of an eligible loan, the eligible bor-
15 rower of such eligible loan is impacted by COVID-
16 19 and unable to generate sufficient revenues from
17 the dedicated revenue source to pay the scheduled
18 repayments of principal and interest on such eligible
19 loan—

20 (A) the eligible borrower may submit to
21 the Secretary a request to reset the interest
22 rate of the eligible loan in such manner and
23 containing such information as the Secretary
24 may require; and

25 (B) the Secretary—

1 (i) in accordance with such criteria as
2 the Secretary may establish under sub-
3 section (d), shall determine whether the el-
4 igible borrower is impacted by COVID-19;
5 and

6 (ii) if a positive determination is made
7 under clause (i), may reset the interest
8 rate of such eligible loan (including
9 through amendment of such eligible loan)
10 to a lower interest rate equal to not less
11 than the yield on United States Treasury
12 securities of a similar maturity to the ma-
13 turity of the eligible loan on the date of the
14 reset, in accordance with this section.

15 (2) APPLICABILITY.—A lower interest rate pro-
16 vided for an eligible loan pursuant to paragraph
17 (1)(B)(ii) shall apply until the final maturity date of
18 the eligible loan.

19 (c) OTHER LOAN MODIFICATIONS.—With respect to
20 an eligible borrower impacted by COVID-19, the Sec-
21 retary, on determining that the eligible borrower has been
22 impacted by COVID-19, may—

23 (1) allow, for a maximum aggregate period of
24 not more than 5 years, an obligor to add unpaid
25 principal and interest to the outstanding balance of

1 the loan, subject to the requirements under section
2 502(j)(3)(B) of the Railroad Revitalization and Reg-
3 ulatory Reform Act of 1976 (45 U.S.C.
4 822(j)(3)(B)) or section 603(c)(3)(B) of title 23,
5 United States Code, as applicable; and

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

12 (d) CRITERIA.—

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

18 (2) FACTORS FOR CONSIDERATION.—In estab-
19 lishing criteria for purposes of paragraph (1), the
20 Secretary may take into consideration such factors
21 as the Secretary determines to be relevant, including
22 achieving the objectives of—

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

1 (B) mitigating the financial impact on an
2 eligible borrower of a disaster, emergency, or
3 other extenuating circumstance; and

4 (C) protecting the interests of the Federal
5 Government in critical infrastructure.

6 (e) EFFECTIVE PERIOD.—

7 (1) IN GENERAL.—The authority of the Sec-
8 retary to reset interest rates pursuant to this section
9 shall terminate on September 30, 2021.

10 (2) EFFECT OF SUBSECTION.—Nothing in this
11 subsection affects any eligible loan that is modified
12 pursuant to this section on or before September 30,
13 2021.

14 **TITLE III—PUBLIC** 15 **TRANSPORTATION**

16 **SEC. 3001. SHORT TITLE.**

17 This title may be cited as the “Federal Public Trans-
18 portation Act of 2020”.

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

20 Section 5307(f)(2) of title 49, United States Code,
21 is amended—

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

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

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

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

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

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

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

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

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

5 (1) in subsection (a)—

6 (A) in paragraph (7)—

7 (i) in subparagraph (A) by striking

8 “\$100,000,000” and inserting

9 “\$200,000,000”; and

10 (ii) in subparagraph (B) by striking

11 “\$300,000,000” and inserting

12 “\$400,000,000”; and

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

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

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

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

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

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

4 (4) in subsection (h)—

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

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

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

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

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

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

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

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

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

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

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

13 “(1) CAPITAL PROJECTS.—

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

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

23 “(2) OPERATING ASSISTANCE.—

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

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

5 “(B) EXCEPTION.—A state described in
6 section 120(b) of title 23 shall receive a Gov-
7 ernment share of the net costs that is equal to
8 62.5 percent of the Government share provided
9 for under paragraph (1)(B).”; and
10 (4) by striking subsection (e)(1) and inserting
11 the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) in paragraph (2)—

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

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

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

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

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

10 “(4) AVAILABILITY OF AMOUNTS.—Of the
11 amounts made available to carry out this section
12 under section 5338(c), \$1,500,000 shall be available
13 to carry out activities described in paragraph
14 (2)(I).”.

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

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

19 (a) REASONABLE ACCESS TO PUBLIC TRANSPOR-
20 TATION FACILITIES.—Section 5323(r) of title 49, United
21 States Code, is amended to read as follows:

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

24 “(1) IN GENERAL.—A recipient of assistance
25 under this chapter may not deny reasonable access

1 for a private or charter transportation operator to
2 federally funded public transportation facilities, in-
3 cluding intermodal facilities, park and ride lots, and
4 bus-only highway lanes. In determining reasonable
5 access, capacity requirements of the recipient of as-
6 sistance and the extent to which access would be
7 detrimental or beneficial to existing public transpor-
8 tation services must be considered. A recipient shall
9 respond to any request for reasonable access within
10 90 days of the receipt of the request.

11 “(2) RESPONSE TO REQUEST.—

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

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

24 (b) WAIVERS AND DEFERRALS; ADMINISTRATIVE
25 OPTION.—Section 5323 of title 49, United States Code,

1 is amended by striking subsection (t) and inserting the
2 following:

3 “(t) WAIVERS AND DEFERRALS; ADMINISTRATIVE
4 OPTION.—

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

12 “(2) GUIDANCE REQUIRED.—Not later than
13 180 days of enactment of the Federal Public Trans-
14 portation Act of 2020, the Secretary shall publish
15 guidance for recipients of assistance under this
16 chapter that operate 10 or fewer buses in service or
17 that receive financial assistance under both of sec-
18 tions 5307 and 5311 concerning—

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

23 “(B) the process by which recipients of as-
24 sistance described in paragraph (1) may request

1 such waivers, exemptions, deferrals, or sim-
2 plified levels of compliance;

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

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

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

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

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

22 “(4) REPORT.—The Secretary shall submit to
23 the Committee of Banking, Housing, and Urban Af-
24 fairs of the Senate and the Committee of Transpor-
25 tation and Infrastructure of the House of Represent-

1 atives an annual report detailing the requests and
2 actions that have been taken under this subsection
3 in the preceding 12 months.”.

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

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

23 **SEC. 3009. APPORTIONMENTS.**

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

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

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

6 Section 5339 of title 49, United States Code is
7 amended—

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

10 “(A) NATIONAL DISTRIBUTION.—For each
11 of fiscal years 2021 through 2025, each State
12 shall be allocated 0.6 percent of the amount
13 made available under section 5338(a)(2)(L) and
14 each territory shall be allocated 0.15 percent of
15 such amount.”;

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

18 (3) in subsection (c)—

19 (A) in paragraph (1)(E)—

20 (i) in clause (i) by striking “; or” and
21 inserting a semicolon;

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

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

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

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

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

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

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

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

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

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

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

7 (2) by striking subsection (d).

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

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

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

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

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

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

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

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

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

11 “(A) microtransit;

12 “(B) commuter busing; or

13 “(C) commuter highway vehicles;

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

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

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

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

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

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

4 “(2) a publicly owned operator of public trans-
5 portation.

6 “(c) APPLICATION.—To be eligible to receive a grant
7 under this section, an entity described in subsection (b)
8 shall submit to the Secretary an application in such form
9 and contain such information as the Secretary may re-
10 quire.

11 “(d) RULEMAKING.—The Secretary shall—

12 “(1) issue such regulations as are necessary to
13 carry out this section, and publish such regulations
14 in the Federal Register, not later than 270 days
15 after the date of enactment of this section; and

16 “(2) in issuing such regulations, solicit and re-
17 ceive comments from stakeholders not later than
18 180 days after the date of enactment of this section.

19 “(e) GRANT REQUIREMENTS.—The Secretary may
20 approve modified grant requirements for projects carried
21 out using a grant under this section.

22 “(f) LIMITATIONS.—

23 “(1) PERIOD OF GRANT.—A grant under this
24 section shall be for a 3-year period beginning on the

1 date on which the first payment of any amount
2 under the grant is provided to an eligible entity.

3 “(2) RURAL GRANT MINIMUM.—The Secretary
4 shall award not less than 20 percent of the total
5 amounts made available to carry out this section to
6 support activities described under subsection (a) in
7 rural areas.

8 “(3) GOVERNMENT SHARE OF COSTS.—The
9 Federal share of the total project cost of a project
10 carried out under this section may not exceed 80
11 percent.

12 “(4) ALLOCATION.—Of the amounts authorized
13 to be appropriated to carry out this section for each
14 fiscal year, not more than 20 percent may be award-
15 ed under subsection (a) to a single entity.

16 “(g) BEST PRACTICES.—The Secretary shall annu-
17 ally collect from, review, and disseminate to public trans-
18 portation agencies findings or best practices from projects
19 funded under this section.

20 “(h) DEFINITIONS.—In this section:

21 “(1) COMMUTER HIGHWAY VEHICLE.—The
22 term ‘commuter highway vehicle’ has the meaning
23 given such term in section 132(f)(5)(B) of the Inter-
24 nal Revenue Code of 1986.

1 “(2) HIGH-PERFORMING PUBLIC TRANSPOR-
2 TATION.—The term ‘high-performing public trans-
3 portation’ means a public transportation service,
4 whether provided by a public agency, private non-
5 profit, or for-profit organization, that is able to col-
6 lect all operating costs through fare-box revenue or
7 other dedicated sources for an activity and increases
8 access to public transportation.

9 “(3) MICRO-TRANSIT.—The term ‘micro-transit’
10 means internet-enabled, public transportation serv-
11 ices that use dynamically generated routes calculated
12 by algorithms developed to increase the occupancy of
13 vehicles.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 53 of title 49, United States Code, is amended by in-
16 serting after section 5312 the following:

 “5313. Innovative mobility and technology deployment grants.”.

17 **TITLE IV—HIGHWAY TRAFFIC**
18 **SAFETY**

19 **SEC. 4001. FUNDING AND GRANT REQUIREMENTS.**

20 The funds provided for programs under chapter 4 of
21 title 23, United States Code, and chapter 303 of title 49,
22 United States Code, shall be subject to the following re-
23 quirements:

24 (1) APPLICABILITY OF TITLE 23.—Except as
25 otherwise provided in chapter 4 of title 23, United

1 States Code, and chapter 303 of title 49, United
2 States Code, amounts made available under sub-
3 section (a) for fiscal years 2021 through 2025 shall
4 be available for obligation in the same manner as if
5 such funds were apportioned under chapter 1 of title
6 23, United States Code.

7 (2) REGULATORY AUTHORITY.—Grants award-
8 ed under this title shall be carried out in accordance
9 with regulations issued by the Secretary of Trans-
10 portation.

11 (3) STATE MATCHING REQUIREMENTS.—If a
12 grant awarded under chapter 4 of title 23, United
13 States Code, requires a State to share in the cost,
14 the aggregate of all expenditures for highway safety
15 activities made during a fiscal year by the State and
16 its political subdivisions (exclusive of Federal funds)
17 for carrying out the grant (other than planning and
18 administration) shall be available for the purpose of
19 crediting the State during such fiscal year for the
20 non-Federal share of the cost of any other project
21 carried out under chapter 4 of title 23, United
22 States Code (other than planning or administration),
23 without regard to whether such expenditures were
24 made in connection with such project.

1 (4) GRANT APPLICATION AND DEADLINE.—To
2 receive a grant under chapter 4 of title 23, United
3 States Code, a State shall submit an application,
4 and the Secretary shall establish a single deadline
5 for such applications to enable the award of grants
6 early in the next fiscal year.

7 (5) PROHIBITION ON OTHER USES.—Except as
8 otherwise provided in chapter 4 of title 23, United
9 States Code, and chapter 303 of title 49, United
10 States Code, the amounts made available from the
11 Highway Trust Fund (other than the Mass Transit
12 Account) for a program under such chapters—

13 (A) shall only be used to carry out such
14 program; and

15 (B) may not be used by States or local
16 governments for construction purposes.

17 **SEC. 4002. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
18 **MENT.**

19 (a) IN GENERAL.—Section 403 of title 23, United
20 States Code, is amended—

21 (1) in subsection (h) by striking paragraph (2)
22 and inserting the following:

23 “(2) FUNDING.—The Secretary shall obligate
24 such sums as are necessary in fiscal year 2021
25 through 2024 from the funds made available to

1 carry out this section to conduct the research de-
2 scribed in paragraph (1).”; and

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

4 “(k) DRUG-IMPAIRED DRIVING PREVENTION PILOT
5 PROGRAM.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this subsection, the Sec-
8 retary shall establish a pilot program to create, and
9 study the effects of, a public awareness campaign to
10 reduce instances of driving while under the influence
11 of prescription and over-the-counter medications.

12 “(2) LOCATIONS.—The Secretary shall imple-
13 ment the pilot program in States that are, or a re-
14 gion that is, most affected by the opioid epidemic, as
15 measured by the most recent opioid-involved over-
16 dose deaths per 10,000 persons, as reported by the
17 Centers for Disease Control and Prevention.

18 “(3) SUNSET.—The authority of the Secretary
19 under paragraph (1) shall terminate on the date
20 that is 2 years after the date on which the pilot pro-
21 gram is established pursuant to paragraph (1).

22 “(4) REPORT.—Not later than 1 year after the
23 date of termination of the pilot program described in
24 paragraph (3), the Secretary shall submit to the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Sen-
3 ate a report on the results of the study of the effects
4 of the public awareness and enforcement campaign.

5 “(1) RESEARCH AND TRAINING ON MARIJUANA DE-
6 TECTION.—

7 “(1) IN GENERAL.—The Administrator of the
8 National Highway Traffic Safety Administration
9 shall carry out a collaborative research effort to
10 study the effect that marijuana has on driving and
11 research ways to detect and reduce incidences of
12 driving under the influence of marijuana.

13 “(2) REPORTS.—The Administrator shall sub-
14 mit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives an annual report that—

18 “(A) describes the progress made in car-
19 rying out the collaborative research effort; and

20 “(B) includes an accounting for the use of
21 Federal funds obligated or expended in carrying
22 out such effort.”.

23 (b) STUDY OF ILLEGAL PASSING OF SCHOOL
24 BUSES.—Section 403 of title 23, United States Code, is
25 further amended by adding at the end the following:

1 “(m) STUDY OF ILLEGAL PASSING OF SCHOOL
2 BUSES.—

3 “(1) IN GENERAL.—The Comptroller General of
4 the Unites States shall conduct a study on illegal
5 passing of school buses.

6 “(2) STUDY ELEMENTS.—In completing the
7 study under paragraph (1), the Comptroller General
8 shall compile and examine the following issues re-
9 lated to illegal passing of school buses:

10 “(A) Description of illegal passing laws in
11 each State relating to school buses.

12 “(B) Identification of laws that may affect
13 or intersect with illegal school bus passing laws.

14 “(C) Description of how each State en-
15 forces such laws.

16 “(D) Evaluation of methods that each
17 State uses to review, document, and report to
18 law enforcement school bus stop-arm violations
19 and illegal school bus passing.

20 “(E) Review of driver education materials.

21 “(F) Identification of best practices relat-
22 ing to the most effective approaches to address
23 illegal passing of school buses.

24 “(3) REPORT.—Not later than 2 years after the
25 date of enactment of this subsection, the Comp-

1 troller General shall submit to the Committee on
2 Transportation and Infrastructure of the House of
3 Representatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a report
5 on the results of the study under paragraph (1).

6 “(n) PUBLIC SAFETY MEDIA PROGRAMS.—

7 “(1) CHILD HEATSTROKE.—Not later than 1
8 year after the date of enactment of this subsection,
9 the Secretary shall establish and implement a public
10 safety messaging program to educate the public and
11 reduce heatstroke related deaths of children in unat-
12 tended vehicles.

13 “(2) ILLEGAL PASSING OF SCHOOL BUSES.—
14 Not later than 18 months after the date of enact-
15 ment of this subsection, the Secretary shall establish
16 and implement a public safety messaging program to
17 educate the public and reduce the illegal passing of
18 school buses.”.

19 **SEC. 4003. NATIONAL PRIORITY SAFETY PROGRAMS.**

20 Section 405(a)(9)(A) of title 23, United States Code,
21 is amended by striking “date of enactment of the FAST
22 Act” and inserting “date of enactment of the STARTER
23 Act”.

1 **SEC. 4004. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
2 **ELIGIBILITY.**

3 Not later than 60 days after the date on which the
4 Secretary of Transportation awards grants under section
5 405 of title 23, United States Code, the Secretary shall
6 make publicly available on a website of the Department
7 of Transportation—

8 (1) an identification of—

9 (A) the States that were awarded grants
10 under such section;

11 (B) the States that applied and were not
12 awarded grants under such section; and

13 (C) the States that did not apply for a
14 grant under such section; and

15 (2) a list of deficiencies that made a State ineli-
16 gible for a grant under such section for each State
17 described in paragraph (1)(B).

18 **TITLE V—MOTOR CARRIER**
19 **SAFETY**

20 **SEC. 5001. FUNDING AND GRANT REQUIREMENTS.**

21 The funds provided for programs under chapter 311
22 of title 49, United States Code, shall be subject to the
23 following requirements:

24 (1) **APPLICABILITY OF TITLE 23.**—Except as
25 otherwise provided in chapter 311 of title 49, United
26 States Code, amounts made available under sub-

1 section (a) for fiscal years 2021 through 2025 shall
2 be available for obligation in the same manner as if
3 such funds were apportioned under chapter 1 of title
4 23, United States Code.

5 (2) REGULATORY AUTHORITY.—Grants award-
6 ed under this title shall be carried out in accordance
7 with regulations issued by the Secretary of Trans-
8 portation.

9 (3) STATE MATCHING REQUIREMENTS.—If a
10 grant awarded under chapter 311 of title 49, United
11 States Code, requires a State to share in the cost,
12 the aggregate of all expenditures for highway safety
13 activities made during a fiscal year by the State and
14 its political subdivisions (exclusive of Federal funds)
15 for carrying out the grant (other than planning and
16 administration) shall be available for the purpose of
17 crediting the State during such fiscal year for the
18 non-Federal share of the cost of any other project
19 carried out under chapter 311 of title 49, United
20 States Code (other than planning or administration),
21 without regard to whether such expenditures were
22 made in connection with such project.

23 (4) GRANT APPLICATION AND DEADLINE.—To
24 receive a grant under chapter 311 of title 49, United
25 States Code, a State shall submit an application,

1 and the Secretary shall establish a single deadline
2 for such applications to enable the award of grants
3 early in the next fiscal year.

4 (5) PROHIBITION ON OTHER USES.—Except as
5 otherwise provided in chapter 311 of title 49, United
6 States Code, the amounts made available from the
7 Highway Trust Fund (other than the Mass Transit
8 Account) for a program under such chapters—

9 (A) shall only be used to carry out such
10 program; and

11 (B) may not be used by States or local
12 governments for construction purposes.

13 **SEC. 5002. COMPLIANCE, SAFETY, AND ACCOUNTABILITY**
14 **REFORM.**

15 (a) MOTOR CARRIER SAFETY GRANTS.—

16 (1) IN GENERAL.—

17 (A) SELECTION STANDARD.—For any ap-
18 plicable legal requirement with respect to a cov-
19 ered entity contracting with a covered motor
20 carrier for the shipment of goods or household
21 goods, the covered entity shall be considered
22 reasonable and prudent in the selection of such
23 motor carrier if the covered entity verifies, not
24 later than the date of shipment and not earlier

1 than 45 days before the date of shipment, that
2 the covered motor carrier—

3 (i) is registered under section 13902
4 of title 49, United States Code, as a motor
5 carrier or household goods motor carrier;

6 (ii) has at least the minimum insur-
7 ance coverage required by Federal and
8 State law; and

9 (iii) is not determined unfit to operate
10 safely commercial motor vehicles under
11 section 31144 of title 49, United States
12 Code, or otherwise ordered to discontinue
13 operations by the Federal Motor Carrier
14 Safety Administration (including not re-
15 newing a Department of Transportation
16 registration number) or a State.

17 (B) SUNSET.—The standard established
18 under paragraph (1) shall sunset on the effec-
19 tive date of a regulation issued pursuant to sub-
20 section (c).

21 (2) REVOCATION OF REGISTRATION.—Section
22 31144(a) of title 49, United States Code, is amend-
23 ed—

24 (A) in paragraph (3) by striking “and”;

1 (B) in paragraph (4) by striking the period
2 and inserting “; and”; and

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

4 “(5) prescribe by regulation a process for revok-
5 ing the registration of an owner or operator deter-
6 mined unfit to operate safely a commercial motor ve-
7 hicle under this section.”.

8 (3) RULEMAKING.—

9 (A) IN GENERAL.—Not later than 18
10 months after the date of enactment of this Act,
11 the Secretary of Transportation shall—

12 (i) update and revise the regulations
13 issued pursuant to subsection (b) of sec-
14 tion 31144 of title 49, United States Code,
15 to include the requirements of subsection
16 (a); and

17 (ii) issue such regulations as are nec-
18 essary to carry out section 31144(a)(5) of
19 title 49, United States Code, as added by
20 this Act.

21 (B) FACTORS FOR AN UNSATISFACTORY
22 RATING.—The regulations updated under para-
23 graph (1)(A) shall provide a procedure for the
24 Secretary to determine if a motor carrier is not
25 fit to operate a commercial motor vehicle in or

1 affecting interstate commerce in accordance
2 with section 31144 of title 49, United States
3 Code.

4 (4) SAVINGS CLAUSE.—Nothing in this section
5 shall be construed to preempt or supercede any
6 State law or regulation relating to drayage.

7 (5) DEFINITIONS.—In this section:

8 (A) COVERED ENTITY.—The term “cov-
9 ered entity” means a person acting as—

10 (i) a shipper or cosignee of goods, ex-
11 cept that such term does not mean a per-
12 son acting as an individual shipper (as
13 such term is defined in section 13103 of
14 title 49, United States Code);

15 (ii) a broker, a freight forwarder, or a
16 household goods freight forwarder (as such
17 terms are defined in section 13102 of title
18 49, United States Code);

19 (iii) an ocean transportation inter-
20 mediary (as such term is defined in section
21 40102 of title 46, United States Code),
22 when arranging for inland transportation
23 as part of an international through move-
24 ment involving ocean transportation be-

1 tween the United States and a foreign
2 port;

3 (iv) an indirect air carrier holding a
4 Standard Security Program approved by
5 the Transportation Security Administra-
6 tion only to the extent that the indirect air
7 carrier is engaging in the activities as an
8 air carrier defined in paragraph (2) or (3)
9 of section 40102 of title 49, United States
10 Code;

11 (v) a customs broker licensed in ac-
12 cordance with section 111.2 of title 19,
13 Code of Federal Regulations, only to the
14 extent that the customs broker is engaging
15 in a movement under a customs bond or in
16 a transaction involving customs business,
17 as defined by section 111.1 of title 19,
18 Code of Federal Regulations; or

19 (vi) a motor carrier registered under
20 chapter 139 of title 49, United States
21 Code.

22 (B) COVERED MOTOR CARRIER.—The term
23 “covered motor carrier” means a motor carrier
24 or a household goods motor carrier (as such
25 terms are defined in section 13102 of title 49,

1 United States Code) that is subject to Federal
2 motor carrier financial responsibility and safety
3 regulations.

4 (C) HOUSEHOLD GOODS.—The term
5 “household goods” has the meaning given such
6 term in section 13102 of title 49, United States
7 Code.

8 (D) SECRETARY.—The term “Secretary”
9 means the Secretary of Transportation.

10 (b) REMOTE AUDIT.—Section 31144 of title 49,
11 United States Code, is amended by adding at the end the
12 following:

13 “(j) REMOTE AUDITS.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish a pilot program to conduct remote compliance
16 reviews under subpart A of part 385 of title 49,
17 Code of Federal Regulations, to assign a safety rat-
18 ing for commercial motor carriers.

19 “(2) CONTENTS.—In conducting the pilot pro-
20 gram, the Secretary shall—

21 “(A) use the same standards that would
22 otherwise be applicable to commercial motor
23 carriers;

24 “(B) apply the procedures of part 385 of
25 title 49, Code of Federal Regulations, including

1 the safety fitness rating methodology under ap-
2 pendix B, prior to assigning a safety rating
3 under such pilot program;

4 “(C) assign safety ratings regardless of
5 whether an on-site review of activities has taken
6 place; and

7 “(D) leverage all available technology to
8 access information and records.

9 “(3) ELIGIBLE PARTICIPANTS.—

10 “(A) IN GENERAL.—Motor carriers that
11 are eligible to participate in the pilot program
12 under this subsection shall—

13 “(i) voluntarily agree to participate in
14 such pilot program; and

15 “(ii) be able to opt-out of participa-
16 tion at any time.

17 “(B) PROHIBITION ON PARTICIPATION.—
18 Motor carriers that transport hazardous mate-
19 rials or passengers shall be prohibited from par-
20 ticipating in the pilot program under this sec-
21 tion.

22 “(4) AUTHORIZED AGENTS.—Remote compli-
23 ance reviews conducted under the pilot program
24 under this section may be conducted by—

1 “(A) Federal Motor Carrier Safety Admin-
2 istration personnel;

3 “(B) State commercial motor vehicle au-
4 thorities that meet acceptable standards set
5 forth by the Secretary; or

6 “(C) private contractors that meet accept-
7 able standards set forth by the Secretary.

8 “(5) AVAILABILITY OF SAFETY RATINGS.—
9 Safety ratings determined under the pilot program
10 under this subsection may not be released publicly
11 by the Secretary or by any authorized agent de-
12 scribed in paragraph (4) that is participating in the
13 pilot program under this subsection.”.

14 **SEC. 5003. ENTRY-LEVEL DRIVER TRAINING REGULATIONS.**

15 (a) IN GENERAL.—Not later than February 7, 2022,
16 the Secretary of Transportation shall implement the min-
17 imum training requirements for entry-level commercial
18 motor vehicle operators published in the final rule issued
19 by the Federal Motor Carrier Safety Administration on
20 December 8, 2016, titled “Minimum Training Require-
21 ments for Entry-Level Commercial Motor Vehicle Opera-
22 tors” (81 Fed. Reg. 88732).

23 (b) TRAINING PROVIDER REGISTRY DEPLOYMENT.—
24 Not later than October 1, 2021, the Federal Motor Carrier
25 Safety Administration shall deploy the training provider

1 registry referenced in the final regulation issued by the
2 Administration on December 8, 2016, titled “Minimum
3 Training Requirements for Entry-Level Commercial
4 Motor Vehicle Operators” (81 Fed. Reg. 88732) to allow
5 training providers to sign up prior to the implementation
6 date described in subsection (a).

7 (c) REPORT TO CONGRESS.—Not later than Feb-
8 ruary 7, 2021, and every 90 days thereafter until the im-
9 plementation of the requirements described in subsection
10 (a), the Secretary of Transportation shall submit to the
11 Committee on Transportation and Infrastructure of the
12 House of Representatives and the Committee on Com-
13 merce, Science, and Transportation of the Senate a report
14 describing—

15 (1) the status of the training provider registry
16 described in subsection (b); and

17 (2) the Federal and State efforts to implement
18 the final rule described in subsection (a).

19 (d) REPORT ON NONCOMPLIANCE.—Not later than
20 45 days after the date on which compliance with the final
21 rule described in subsection (a) is required under sub-
22 section (a), the Secretary of Transportation shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on
25 Commerce, Science, and Transportation of the Senate a

1 report containing a list of all States in substantial non-
2 compliance with such final rule.

3 **SEC. 5004. TRUCKING INDUSTRY WORKFORCE DEVELOP-**
4 **MENT.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPRENTICE.—The term “apprentice”
7 means an employee under the age of 21 who holds
8 a commercial driver’s license required to operate a
9 class of vehicles described in part 383 of title 49,
10 Code of Federal Regulations.

11 (2) COMMERCIAL DRIVER’S LICENSE.—The
12 term “commercial driver’s license” has the meaning
13 given the term in section 31301 of title 49, United
14 States Code.

15 (3) COMMERCIAL MOTOR VEHICLE.—The term
16 “commercial motor vehicle” means a commercial
17 motor vehicle that meets the definition under para-
18 graph (1) or (4) of the definition of the term “com-
19 mercial motor vehicle” in section 390.5 of title 49,
20 Code of Federal Regulations (as in effect on the
21 date of enactment of this Act).

22 (4) DRIVING TIME.—The term “driving time”
23 has the meaning given the term in section 395.2 of
24 title 49, Code of Federal Regulations (as in effect on
25 the date of enactment of this Act).

1 (5) EMPLOYEE.—The term “employee” has the
2 meaning given such term in section 31132 of title
3 49, United States Code.

4 (6) EMPLOYER.—The term “employer” has the
5 meaning given such term in section 31132 of title
6 49, United States Code.

7 (7) EXPERIENCED DRIVER.—The term “experi-
8 enced driver” means an individual who—

9 (A) is not less than 21 years of age;

10 (B) has held a commercial driver’s license
11 for the 2-year period ending on the date on
12 which the individual serves as an experienced
13 driver under subsection (c)(3)(B);

14 (C) has had no preventable accidents re-
15 portable to the Department of Transportation
16 or pointed moving violations during the 1-year
17 period ending on the date on which the indi-
18 vidual serves as an experienced driver under
19 subsection (c)(3)(B); and

20 (D) has a minimum of 2 years of experi-
21 ence driving a commercial motor vehicle in
22 interstate commerce.

23 (8) ON-DUTY TIME.—The term “on-duty time”
24 has the meaning given the term in section 395.2 of

1 title 49, Code of Federal Regulations (as in effect on
2 the date of enactment of this Act).

3 (9) POINTED MOVING VIOLATION.—The term
4 “pointed moving violation” means a violation that
5 results in points being added to the license of a driv-
6 er, or a similar comparable violation, as determined
7 by the Secretary.

8 (10) SECRETARY.—The term “Secretary”
9 means the Secretary of Transportation.

10 (b) APPRENTICE.—An apprentice may—

11 (1) drive a commercial motor vehicle in inter-
12 state commerce while taking part in the 120-hour
13 probationary period under subsection (c)(1) or the
14 280-hour probationary period under subsection
15 (c)(2), pursuant to an apprenticeship program estab-
16 lished by an employer in accordance with this sec-
17 tion; and

18 (2) drive a commercial motor vehicle in inter-
19 state commerce after the apprentice completes an
20 apprenticeship program described in paragraph (1).

21 (c) APPRENTICESHIP PROGRAM.—An apprenticeship
22 program referred to in subsection (b) is a program that
23 consists of the following requirements:

24 (1) 120-HOUR PROBATIONARY PERIOD.—

1 (A) IN GENERAL.—The apprentice shall
2 complete 120 hours of on-duty time, of which
3 not less than 80 hours are driving time in a
4 commercial motor vehicle.

5 (B) PERFORMANCE BENCHMARKS.—In
6 order to complete the 120-hour probationary
7 period under subparagraph (A), an employer
8 shall determine that the apprentice is com-
9 petent in each of the following areas:

- 10 (i) Interstate, city traffic, rural 2-
11 lane, and evening driving.
12 (ii) Safety awareness.
13 (iii) Speed and space management.
14 (iv) Lane control.
15 (v) Mirror scanning.
16 (vi) Right and left turns.
17 (vii) Logging and complying with
18 rules relating to hours of service.

19 (2) 280-HOUR PROBATIONARY PERIOD.—

20 (A) IN GENERAL.—After completing the
21 120-hour probationary period under paragraph
22 (1), the apprentice shall complete 280 hours of
23 on-duty time, of which not less than 160 hours
24 are driving time in a commercial motor vehicle.

1 (B) PERFORMANCE BENCHMARKS.—In
2 order to complete the 280-hour probationary
3 period under subparagraph (A), an employer
4 shall determine that the apprentice is com-
5 petent in each of the following areas:

6 (i) Backing and maneuvering in close
7 quarters.

8 (ii) Pre-trip inspections.

9 (iii) Fueling procedures.

10 (iv) Weighing loads, weight distribu-
11 tion, and sliding tandems.

12 (v) Coupling and uncoupling proce-
13 dures.

14 (vi) Trip planning, truck routes, map
15 reading, navigation, and permits.

16 (3) RESTRICTIONS FOR 120-HOUR AND 280-
17 HOUR PROBATIONARY PERIODS.—During the 120-
18 hour probationary period under paragraph (1) and
19 the 280-hour probationary period under paragraph
20 (2)—

21 (A) the apprentice may only drive a com-
22 mercial motor vehicle that has—

23 (i) automatic manual or automatic
24 transmissions;

1 (ii) active braking collision mitigation
2 systems;

3 (iii) forward-facing video event cap-
4 ture; and

5 (iv) governed speeds of 65 miles per
6 hour at the pedal and 65 miles per hour
7 under adaptive cruise control; and

8 (B) the apprentice shall be accompanied in
9 the cab of the commercial motor vehicle by an
10 experienced driver.

11 (4) RECORDS RETENTION.—The employer shall
12 maintain records, in a manner required by the Sec-
13 retary, relating to the satisfaction of the require-
14 ments of paragraphs (1)(B) and (2)(B) by the ap-
15 prentice.

16 (5) REPORTABLE INCIDENTS.—If the appren-
17 tice is involved in a preventable accident reportable
18 to the Department of Transportation or a pointed
19 moving violation while driving a commercial motor
20 vehicle as part of an apprenticeship program de-
21 scribed in this subsection, the apprentice shall un-
22 dergo remediation and additional training until the
23 apprentice can demonstrate, to the satisfaction of
24 the employer, competence in each of the performance

1 benchmarks described in paragraphs (1)(B) and
2 (2)(B).

3 (6) COMPLETION OF PROGRAM.—The appren-
4 tice shall be considered to have completed the ap-
5 prenticeship program on the date on which the ap-
6 prentice completes the 280-hour probationary period
7 under paragraph (2).

8 (7) MINIMUM REQUIREMENTS.—

9 (A) IN GENERAL.—Nothing in this Act
10 prevents an employer from imposing additional
11 requirements on an apprentice taking part in
12 an apprenticeship program established pursuant
13 to this section.

14 (B) TECHNOLOGIES.—Nothing in this Act
15 prevents an employer from requiring or install-
16 ing additional technologies in a commercial
17 motor vehicle in addition to the technologies de-
18 scribed in paragraph (3)(A).

19 (d) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall promul-
21 gate regulations to implement this Act.

22 (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
23 ing in this Act exempts an apprentice from any require-
24 ment to hold a commercial driver's license in order to op-
25 erate a commercial motor vehicle.

1 (f) EMPLOYER RESPONSIBILITY.—An employer shall
2 not knowingly allow, require, permit, or authorize a driver
3 under the age of 21 to operate a commercial motor vehicle
4 in interstate commerce unless the driver is participating
5 in or has completed an apprenticeship program that meets
6 the requirements of subsection (c).

7 **SEC. 5005. HOURS OF SERVICE REQUIREMENTS FOR AGRI-**
8 **CULTURAL OPERATIONS.**

9 Section 229 of the Motor Carrier Safety Improve-
10 ment Act of 1999 (49 U.S.C. 31136 note) is amended—

11 (1) in subsection (a)(1)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “during planting and harvest
14 periods, as determined by each State,”; and

15 (B) by amending subparagraph (A) to read
16 as follows:

17 “(A) drivers transporting agricultural com-
18 modities within a 150 air-mile radius from—

19 “(i) the source of the agricultural
20 commodities; or

21 “(ii) the destination of the agricul-
22 tural commodities;”; and

23 (2) in subsection (e)(8)—

1 (A) by striking “during the planting and
2 harvesting seasons within each State, as deter-
3 mined by the State,”; and

4 (B) by striking “at any time of the year”.

5 **TITLE VI—INNOVATION**

6 **SEC. 6001. ADVANCED TRANSPORTATION TECHNOLOGIES** 7 **PROGRAM.**

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

11 **“§ 520. Advanced transportation technologies pro-** 12 **gram**

13 “(a) IN GENERAL.—The Secretary of Transportation
14 shall establish a program to provide grants to eligible enti-
15 ties to deploy, install, and operate advanced transportation
16 technologies to improve safety, efficiency, system perform-
17 ance, mobility, intermodal connectivity, and infrastructure
18 return on investment.

19 “(b) CRITERIA.—In carrying out the program under
20 subsection (a), the Secretary shall develop criteria for se-
21 lection of an eligible entity to receive a grant, including
22 how the proposed deployment of technology—

23 “(1) reduces costs and improves return on in-
24 vestments, including through the optimization of ex-
25 isting transportation capacity;

1 “(2) delivers environmental benefits by alle-
2 viating congestion and streamlining traffic flow;

3 “(3) measures and improves the operational
4 performance of the applicable transportation net-
5 work;

6 “(4) reduces the number and severity of traffic
7 accidents and increases driver, passenger, and pedes-
8 trian safety;

9 “(5) collects, disseminates, and uses informa-
10 tion on real-time traffic, work zone, weather, transit,
11 paratransit, parking, and other transportation-re-
12 lated information to improve mobility, reduce con-
13 gestion, and provide for more efficient, accessible,
14 and integrated transportation and transportation
15 services;

16 “(6) monitors transportation assets to improve
17 infrastructure management, reduce maintenance
18 costs, prioritize investment decisions, and ensure a
19 state of good repair;

20 “(7) delivers economic benefits by reducing
21 delays, improving system performance, and providing
22 for the efficient and reliable movement of goods and
23 services; or

1 “(8) accelerates the deployment of vehicle-to-ve-
2 hicle, vehicle-to-infrastructure, autonomous vehicles,
3 and other technologies.

4 “(c) APPLICATIONS.—An application submitted for a
5 project to be carried out by a grant under this program
6 shall include the following:

7 “(1) A plan to deploy and provide for the long-
8 term operation and maintenance of advanced trans-
9 portation technologies to improve safety, efficiency,
10 system performance, and return on investment.

11 “(2) Objectives for quantifiable system perform-
12 ance improvements, such as—

13 “(A) reducing traffic-related accidents,
14 congestion, and costs;

15 “(B) optimizing system efficiency; and

16 “(C) improving access to transportation
17 services.

18 “(3) Quantifiable safety, mobility, and environ-
19 mental benefit projections such as data-driven esti-
20 mates of how the project proposes to improve the
21 applicable transportation system efficiency and how
22 such project proposes to reduce traffic congestion.

23 “(4) A plan for any partnerships with private
24 sector entities or public agencies, including
25 multimodal and multijurisdictional entities, research

1 institutions, organizations representing transpor-
2 tation and technology leaders, or other transpor-
3 tation stakeholders.

4 “(5) A plan to leverage and optimize existing
5 local and regional advanced transportation tech-
6 nology investments.

7 “(d) GRANT SELECTION.—

8 “(1) GRANT AWARDS.—Each fiscal year for
9 which funding is made available under this section,
10 the Secretary shall award grants to not less than 5
11 and not more than 10 eligible entities.

12 “(2) GEOGRAPHIC DIVERSITY.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), in awarding a grant under this sec-
15 tion, the Secretary shall ensure, to the extent
16 practicable, that grant recipients represent di-
17 verse geographic areas of the United States, in-
18 cluding urban areas and rural areas.

19 “(B) RURAL SET-ASIDE.—Not less than 20
20 percent of the amounts made available to carry
21 out this section shall be reserved for projects
22 serving rural areas, to the extent there are suf-
23 ficient eligible applications.

24 “(3) TECHNOLOGY DIVERSITY.—In awarding a
25 grant under this section, the Secretary shall ensure,

1 to the extent practicable, that grant recipients rep-
2 resent a variety of technology solutions.

3 “(e) USE OF GRANT FUNDS.—A grant recipient may
4 use funds awarded under this section to deploy advanced
5 transportation technologies, including—

6 “(1) advanced traveler information systems;

7 “(2) advanced transportation management tech-
8 nologies;

9 “(3) advanced transportation technologies to
10 improve emergency evacuation and response by Fed-
11 eral, State, and local authorities;

12 “(4) infrastructure maintenance, monitoring,
13 and condition assessment;

14 “(5) advanced public transportation systems;

15 “(6) transportation system performance data
16 collection, analysis, and dissemination systems;

17 “(7) advanced safety systems, including vehicle-
18 to-vehicle, vehicle-to-pedestrian, and vehicle-to-infra-
19 structure communications, technologies associated
20 with autonomous vehicles, and other collision avoid-
21 ance technologies, including systems using cellular
22 technology;

23 “(8) integration of intelligent transportation
24 systems with the Smart Grid and other energy dis-
25 tribution and charging systems;

1 “(9) integrated corridor management systems;

2 “(10) advanced parking reservation or variable
3 pricing systems;

4 “(11) electronic pricing, toll collection, and pay-
5 ment systems;

6 “(12) technology that enhances high occupancy
7 vehicle toll lanes, cordon pricing, or congestion pric-
8 ing;

9 “(13) advanced mobility and access tech-
10 nologies, such as dynamic ridesharing and informa-
11 tion systems to support human services for elderly
12 and disabled individuals;

13 “(14) technology that collects and maintains
14 automated driving system safety data and data anal-
15 ysis tools;

16 “(15) cybersecurity protection measures and ac-
17 tivities to protect against cybersecurity threats; or

18 “(16) advanced vulnerable road user safety in-
19 formation systems.

20 “(f) REPORT TO SECRETARY.—

21 “(1) IN GENERAL.—The Secretary shall ensure
22 that a recipient of a grant under this section sub-
23 mits, not later than 1 year after the recipient re-
24 ceives a grant and annually thereafter, a report to
25 the Secretary that describes—

1 “(A) deployment and operational costs of
2 the project compared to the benefits and sav-
3 ings the project provides; and

4 “(B) how the project has met the original
5 expectations projected in the deployment plan
6 submitted with the application, such as—

7 “(i) data on how the project has
8 helped reduce traffic accidents, congestion,
9 costs, and other benefits of the deployed
10 systems;

11 “(ii) data on the effect of measuring
12 and improving transportation system per-
13 formance through the deployment of ad-
14 vanced transportation technologies;

15 “(iii) the effectiveness of providing
16 real-time integrated traffic, transit, and
17 multimodal transportation information to
18 the public to make informed travel deci-
19 sions; and

20 “(iv) lessons learned and rec-
21 ommendations for future deployment strat-
22 egies to optimize transportation mobility,
23 efficiency, and multimodal system perform-
24 ance.

25 “(2) REPORT CONSISTENCY.—

1 “(A) ADMINISTRATION.—The Secretary
2 shall provide grant recipients with methods and
3 techniques to support consistent data collection
4 across grant recipients and may update such
5 methods and techniques as appropriate.

6 “(B) UPDATE.—The Secretary shall pro-
7 vide grant recipients notice of an update de-
8 scribed in subparagraph (A) not less than 90
9 days before carrying out such update.

10 “(g) REPORT.—Not later than 2 years after the date
11 of enactment of this section, and once every 2 years there-
12 after, the Secretary shall make available to the public on
13 the website of the Department of Transportation an up-
14 dated report that describes the effectiveness of grant re-
15 cipients in meeting projected deployment plans including
16 data described in subsection (f) on how the program has—

17 “(1) reduced traffic-related fatalities and inju-
18 ries;

19 “(2) reduced traffic congestion and improved
20 travel time reliability;

21 “(3) reduced transportation-related emissions;

22 “(4) optimized multimodal system performance;

23 “(5) improved access to transportation alter-
24 natives;

1 “(6) provided the public with access to real-time
2 integrated traffic, transit, and multimodal transpor-
3 tation information to make informed travel deci-
4 sions;

5 “(7) provided cost savings to transportation
6 agencies, businesses, and the traveling public; or

7 “(8) provided other benefits to transportation
8 users and the general public.

9 “(h) PENALTY.—The Secretary may terminate a
10 grant provided under this section and deobligate funds
11 provided by such grant if—

12 “(1) the Secretary determines from a report
13 submitted pursuant to subsection (f) that a recipient
14 of such grant is not carrying out the requirements
15 of the grant; and

16 “(2) the Secretary provides written notice to
17 the Committees on Transportation and Infrastruc-
18 ture and Science, Space, and Technology of the
19 House of Representatives and the Committees on
20 Environment and Public Works and Commerce,
21 Science, and Transportation of the Senate 60 days
22 prior to deobligating funds under this subsection.

23 “(i) FUNDING.—Of the amounts provided to carry
24 out this section, the Secretary may set aside \$2,000,000

1 each fiscal year for program reporting, evaluation, and ad-
2 ministrative costs related to this section.

3 “(j) FEDERAL SHARE.—The Federal share of the
4 cost of a project for which a grant is awarded under this
5 subsection shall not exceed 50 percent of the cost of the
6 project.

7 “(k) GRANT LIMITATION.—The Secretary may not
8 award more than 15 percent of the amount described
9 under subsection (i).

10 “(l) EXPENSES FOR GRANT RECIPIENTS.—A grant
11 recipient under this section may use not more than 5 per-
12 cent of the funds awarded each fiscal year to carry out
13 planning and reporting requirements.

14 “(m) GRANT FLEXIBILITY.—

15 “(1) IN GENERAL.—If, by August 1 of each fis-
16 cal year, the Secretary determines that there are not
17 enough grant applications that meet the require-
18 ments described in subsection (c) to carry out this
19 section for a fiscal year, the Secretary shall transfer
20 to the programs specified in paragraph (2)—

21 “(A) any of the funds reserved for the fis-
22 cal year under subsection (i) that the Secretary
23 has not yet awarded under this section; and

1 “(B) an amount of obligation limitation
2 equal to the amount of funds that the Secretary
3 transfers under subparagraph (A).

4 “(2) PROGRAMS.—The programs referred to in
5 paragraph (1) are—

6 “(A) the programs under sections 503(b)
7 and 503(c); and

8 “(B) the programs under sections 512
9 through 518.

10 “(3) DISTRIBUTION.—Any transfer of funds
11 and obligation limitation under paragraph (1) shall
12 be divided among the programs referred to in that
13 paragraph in the same proportions as the Secretary
14 originally reserved funding from the programs for
15 the fiscal year under subsection (i).

16 “(n) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) ADVANCED TRANSPORTATION TECH-
19 NOLOGIES.—The term ‘advanced transportation
20 technologies’ means technologies that improve the ef-
21 ficiency, safety, or state of good repair of surface
22 transportation systems, including intelligent trans-
23 portation systems.

24 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means a State or local government, a transit

1 agency, metropolitan planning organization, or a po-
2 litical subdivision of a State or local government or
3 a multijurisdictional group or a consortia of research
4 institutions or academic institutions.

5 “(3) MULTIJURISDICTIONAL GROUP.—The term
6 ‘multijurisdictional group’ means any combination of
7 State governments, local governments, metropolitan
8 planning organizations, transit agencies, or other po-
9 litical subdivisions of a State for which each member
10 of the group—

11 “(A) has signed a written agreement to
12 implement a project carried out under this sec-
13 tion across jurisdictional boundaries; and

14 “(B) is an eligible entity under this sec-
15 tion.

16 “(4) SMART GRID.—The term ‘Smart Grid’
17 means a system that provides for any of the smart
18 grid functions set forth in section 1306(d) of the
19 Energy Independence and Security Act of 2007 (42
20 U.S.C. 17386(d)).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 5 of title 23, United States Code, is amended by add-
23 ing at the end the following new item:

“520. Advanced transportation technologies program.”.

1 (c) CONFORMING AMENDMENT.—Chapter 5 of title
2 23, United States Code, is amended by striking section
3 503(c)(4).

4 **SEC. 6002. CONNECTED VEHICLE DEPLOYMENT PILOT PRO-**
5 **GRAM.**

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

9 **“§ 521. Connected vehicle deployment pilot program**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—The Secretary of Transpor-
12 tation shall establish a connected vehicle deployment
13 pilot program to make grants, on a competitive
14 basis, to spur operational deployments to meet the
15 transportation needs of eligible entities through the
16 use of the best available and emerging intelligent
17 transportation systems.

18 “(2) GOALS.—The goals of the program shall
19 be to—

20 “(A) spur connected vehicle technology de-
21 ployment through wirelessly connected vehicles
22 that interact with a connected environment, in-
23 cluding mobile devices, infrastructure, and
24 other elements;

1 “(B) realize safety, mobility, and environ-
2 mental impacts through operational deploy-
3 ments;

4 “(C) capture and use new forms of con-
5 nected vehicle and mobile device data to support
6 improved surface transportation system per-
7 formance and enhanced performance-based
8 management;

9 “(D) encourage partnerships of multiple
10 stakeholders (including private companies,
11 State and local agencies, transit agencies, com-
12 mercial vehicle operators, freight shippers, and
13 transportation network companies);

14 “(E) deploy applications using data cap-
15 tured from multiple sources (including vehicles,
16 mobile devices, and infrastructure) across all
17 elements of the surface transportation system
18 (including transit, highway, arterial highways,
19 parking facilities, and toll highways); and

20 “(F) support deployment sites that create
21 foundations for future expanded and enhanced
22 deployments.

23 “(b) GRANT AMOUNT.—Each grant made under this
24 section shall be in an amount that is at least \$10,000,000.

1 “(c) ELIGIBLE ENTITIES.—The Secretary may make
2 a grant under this section to any of the following entities:

3 “(1) A State or a group of States.

4 “(2) A transit agency.

5 “(3) A metropolitan planning organization that
6 serves an urbanized area with a population of more
7 than 200,000 individuals.

8 “(4) A unit of local government or a group of
9 local governments.

10 “(5) A political subdivision of a State or local
11 government.

12 “(6) A special purpose district or public author-
13 ity with a transportation function, including a port
14 authority.

15 “(7) A multijurisdictional group (as defined
16 under section 520) or a consortia of research institu-
17 tions or academic institutions.

18 “(d) ELIGIBLE PROJECTS.—A grant recipient may
19 use funds awarded under this section for a project that
20 deploys connected vehicle applications and technologies,
21 including—

22 “(1) advanced safety systems, including vehicle-
23 to-vehicle and vehicle-to-infrastructure communica-
24 tions, technologies associated with autonomous vehi-

1 cles, and other collision avoidance technologies, in-
2 cluding systems using cellular technology;

3 “(2) integration of intelligent transportation
4 systems with the Smart Grid and other energy dis-
5 tribution and charging systems;

6 “(3) electronic pricing and payment systems;

7 “(4) advanced mobility and access technologies,
8 such as dynamic ridesharing and information sys-
9 tems to support human services for elderly and dis-
10 abled individuals; and

11 “(5) any deployment concept eligible, before the
12 date of enactment of this section, under the con-
13 nected vehicle pilot deployment program carried out
14 by the Department of Transportation.

15 “(e) USE OF FUNDS.—Grant amounts received for
16 a project under this section may be used for—

17 “(1) activities in the development phase, includ-
18 ing planning, feasibility analysis, revenue fore-
19 casting, environmental review process (as defined
20 under section 139), preliminary engineering and de-
21 sign work, and other preconstruction activities;

22 “(2) construction, reconstruction, rehabilitation,
23 acquisition of real property (including land related
24 to the project and improvements to the land), envi-
25 ronmental mitigation, construction contingencies, ac-

1 quisition of equipment, and operational improvement
2 directly related to improving system performance;

3 “(3) providing incentives to attract driver par-
4 ticipation; and

5 “(4) purchasing and installing any connected
6 vehicle equipment (including vehicle applications,
7 roadside units, and back-office equipment).

8 “(f) APPLICATIONS.—

9 “(1) IN GENERAL.—To be eligible for a grant
10 under this section, an entity described under sub-
11 section (c) shall submit to the Secretary an applica-
12 tion in such form, at such time, and containing such
13 information as the Secretary determines is appro-
14 priate, including—

15 “(A) a plan to deploy and provide for the
16 long-term operation and maintenance of con-
17 nected vehicle technologies to improve safety,
18 efficiency, and system performance;

19 “(B) objectives to improve and measure
20 system performance in 1 or more of—

21 “(i) system productivity;

22 “(ii) mobility, including impact on
23 freight movements;

24 “(iii) livability and accessibility of
25 goods, services, and activities;

1 “(iv) environment and fuel use; and

2 “(v) traveler and system safety, in-
3 cluding advising individuals of potentially
4 unsafe conditions and mitigating the im-
5 pact of events that may cause vehicle acci-
6 dents; and

7 “(C) a plan for partnering with private
8 sector entities or public agencies, including
9 multimodal and multijurisdictional entities, re-
10 search institutions, organizations representing
11 transportation and technology leaders, or other
12 transportation stakeholders.

13 “(2) CRITERIA.—When evaluating applications
14 under this section, the Secretary may not require
15 that a pilot deployment under the program be based
16 on research carried out or funded by the Depart-
17 ment of Transportation.

18 “(g) GRANT SELECTION.—

19 “(1) GRANT AWARDS.—Not later than 1 year
20 after the date of enactment of this section, and each
21 fiscal year thereafter, the Secretary shall award
22 grants to not less than 3 and not more than 5 eligi-
23 ble entities described in subsection (c).

24 “(2) GEOGRAPHIC DIVERSITY.—In awarding a
25 grant under this section, the Secretary shall ensure,

1 to the extent practicable, that grant recipients rep-
2 resent diverse geographic areas of the United States,
3 including urban areas and rural areas.

4 “(h) GRANT MANAGEMENT.—In carrying out the
5 grant program under this section, the Secretary shall—

6 “(1) emphasize project sustainability and long-
7 term funding goals;

8 “(2) create a noncompetitive environment and
9 encourage collaboration among project sites;

10 “(3) balance the privacy of users and secure op-
11 erations of pilot projects, while maintaining the abil-
12 ity to measure performance factors; and

13 “(4) be wary of technological maturity of con-
14 nected vehicle applications and impact of long-term
15 viability of non-deployment ready applications.

16 “(i) SMART GRID DEFINED.—In this section, the
17 term ‘Smart Grid’ means a system that provides for any
18 of the smart grid functions set forth in section 1306(d)
19 of the Energy Independence and Security Act of 2007 (42
20 U.S.C. 17386(d)).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 5 of title 23, United States Code, is amended by add-
23 ing at the end the following new item:

“521. Connected vehicle deployment pilot program.”.

1 **SEC. 6003. AUTOMATED DRIVING SYSTEM DEMONSTRATION**
2 **PROGRAM.**

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

6 **“§ 522. Automated driving system demonstration pro-**
7 **gram**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation shall establish an automated driving system
11 demonstration program to make grants, on a com-
12 petitive basis, to eligible entities to—

13 “(A) test the safe integration of automated
14 driving system technologies into the on-road
15 transportation system of the United States and
16 demonstrate how challenges to the safe integra-
17 tion of such technologies can be addressed;

18 “(B) ensure significant data gathering and
19 sharing of project data to identify—

20 “(i) a baseline of safety metrics need-
21 ed to characterize the safety risk of inte-
22 grating automated driving system tech-
23 nologies into the transportation system;

24 “(ii) a baseline for the safety of auto-
25 mated driving system technology integra-
26 tion; and

1 “(iii) a baseline of roadway character-
2 istics needed for the safe and efficient op-
3 eration of automated driving system tech-
4 nologies; and

5 “(C) encourage collaboration and partner-
6 ships of multiple stakeholders to carry out sub-
7 paragraphs (A) and (B).

8 “(b) ELIGIBLE ENTITIES.—The Secretary may make
9 a grant under this section to the following:

10 “(1) A State or a group of States.

11 “(2) A transit agency.

12 “(3) A metropolitan planning organization that
13 serves an urbanized area with a population of more
14 than 200,000 individuals.

15 “(4) A unit of local government or a group of
16 local governments.

17 “(5) A political subdivision of a State or local
18 government.

19 “(6) A special purpose district or public author-
20 ity with a transportation function, including a port
21 authority.

22 “(7) A public academic institution, public re-
23 search institution, a multijurisdictional group (as
24 such term is defined in section 520), or a consortia
25 of research institutions or academic institutions.

1 “(c) APPLICATIONS.—To be eligible for a grant under
2 this section, an entity described under subsection (b) shall
3 submit to the Secretary an application in such form, at
4 such time, and containing such information as the Sec-
5 retary determines is appropriate.

6 “(d) ELIGIBLE USES.—

7 “(1) IN GENERAL.—A grant recipient may use
8 funds awarded under this section to demonstrate
9 automated driving system technologies, including—

10 “(A) advanced safety systems, including
11 vehicle-to-vehicle and vehicle-to-infrastructure
12 communications, technologies associated with
13 autonomous vehicles, and other collision avoid-
14 ance technologies, including systems using cel-
15 lular technology;

16 “(B) innovative mobility solutions that in-
17 volve deployment of automated vehicles;

18 “(C) automated driving systems that en-
19 hance safety and mobility for elderly and dis-
20 abled individuals;

21 “(D) demonstration of shared interoper-
22 able fleet of automated vehicles;

23 “(E) demonstration and validation of ex-
24 changes of data that can support the safe, effi-

1 cient, and secure interoperable integration of
2 automated driving systems;

3 “(F) any technology associated with auto-
4 mated driving systems; and

5 “(G) any deployment concept eligible under
6 the automated driving system demonstration
7 grant program carried out by the Department
8 of Transportation before the date of enactment
9 of this section.

10 “(2) ADDITIONAL USES.—A grant recipient
11 may use funds awarded under this section for infra-
12 structure needs, including capital expenses and
13 maintenance activities, necessary to the proper and
14 safe operation of the automated driving system tech-
15 nology.

16 “(e) GRANT SELECTION.—

17 “(1) GRANT AWARDS.—The Secretary may
18 award grants to not less than 8 and not more than
19 10 eligible entities described under subsection (b) in
20 a fiscal year.

21 “(2) GEOGRAPHIC DIVERSITY.—

22 “(A) IN GENERAL.—In awarding a grant
23 under this section, the Secretary shall ensure,
24 to the maximum extent practicable, that grant
25 recipients represent diverse geographic areas of

1 the United States, including urban areas and
2 rural areas.

3 “(B) RURAL SET-ASIDE.—Not less than 20
4 percent of the amounts made available to carry
5 out this section shall be reserved for projects
6 serving rural areas, to the extent there are suf-
7 ficient eligible applications for such projects.

8 “(f) DEMONSTRATION REQUIREMENTS.—The Sec-
9 retary shall ensure that any project carried out with funds
10 provided under this section shall—

11 “(1) carry out research and development of
12 automated driving system technologies of Level 3 or
13 greater, as such term is defined pursuant to sub-
14 section (h);

15 “(2) include physical and fully operational dem-
16 onstrations;

17 “(3) include gathering and sharing of all rel-
18 evant data with the Department of Transportation
19 and the relevant State transportation agencies; and

20 “(4) address scalability to be applicable across
21 the United States to similar road environments.

22 “(g) REPORT.—Not later than 1 year after the date
23 on which a grant recipient receives a grant under this sec-
24 tion, and annually thereafter until such grant is expended,
25 the recipient shall submit to the Secretary and to the

1 transportation agency of the State in which the project
2 takes place, a report that describes—

3 “(1) lessons learned and how the demonstration
4 has met project objectives;

5 “(2) a summary of any complications experi-
6 enced with the project, including complications re-
7 lated to pedestrians, infrastructure, and other vehi-
8 cles;

9 “(3) how to use the results of the project to
10 help the public interact and better understand the
11 operations of automated driving system technologies;
12 and

13 “(4) recommendations for improving roadway
14 characteristics needed for the safe and efficient oper-
15 ation of automated driving system technologies with-
16 in the State or jurisdiction in which the project took
17 place.

18 “(h) GUIDANCE REQUIRED.—Not later than 120
19 days after the date of enactment of this section, the Sec-
20 retary shall issue guidance defining the term Level 3 or
21 greater by considering industry best practices and stand-
22 ards, including the definition found within ‘Taxonomy and
23 Definitions for Terms Related to Driving Automation Sys-
24 tems for On-Road Motor Vehicles’ published by SAE

1 International on June 15, 2018 (J3016__201806), or sub-
2 sequent versions.

3 “(i) AUTOMATED DRIVING SYSTEM TECHNOLOGIES
4 DEFINED.—In this section, the term ‘automated driving
5 system technologies’ means the hardware and software
6 that are collectively capable of performing the entire dy-
7 namic driving task on a sustained basis, regardless of
8 whether such capability is limited to a specific operational
9 design domain.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 5 of title 23, United States Code, is amended by add-
12 ing at the end the following new item:

“522. Automated driving system demonstration program.”.

13 (c) PREPARING ROADWAYS FOR AUTOMATED VEHI-
14 CLES.—Section 133(b) of title 23, United States Code, is
15 amended by adding at the end the following:

16 “(16) Capital and maintenance expenses for in-
17 frastructure improvements to ensure the proper and
18 safe operation of automated driving system tech-
19 nologies for which a demonstration project was car-
20 ried out under section 522.”.

1 **SEC. 6004. ACCELERATED IMPLEMENTATION AND DEPLOY-**
2 **MENT OF ADVANCED DIGITAL CONSTRUC-**
3 **TION MANAGEMENT SYSTEMS.**

4 (a) IN GENERAL.—Section 503(c) of title 23, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(4) ACCELERATED IMPLEMENTATION AND DE-
8 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION
9 MANAGEMENT SYSTEMS.—

10 “(A) IN GENERAL.—Not later than 6
11 months after the date of enactment of this
12 paragraph, the Secretary of Transportation
13 shall establish and implement an advanced dig-
14 ital construction management system program
15 under the technology and innovation deploy-
16 ment program established under paragraph (1)
17 and implemented pursuant to paragraph (2)
18 to—

19 “(i) deploy advanced digital construc-
20 tion management systems that enable the
21 use of digital technologies on construction
22 sites by contractors and leverage the use of
23 such technologies, including state-of-the-
24 art automated and connected machinery
25 and optimized routing software that allows
26 individuals to perform tasks faster, safer,

1 more accurately, and with minimal super-
2 vision;

3 “(ii) accelerate State adoption of ad-
4 vanced digital construction management
5 systems applied throughout the design, en-
6 gineering, construction, and operations
7 phases of a construction project that—

8 “(I) maximize interoperability
9 with other systems, products, tools, or
10 applications;

11 “(II) increase productivity;

12 “(III) manage complexity of a
13 construction project;

14 “(IV) reduce project delays and
15 cost overruns; and

16 “(V) enhance safety of individ-
17 uals involved and quality of a con-
18 struction project;

19 “(iii) share information among stake-
20 holders through reduced reliance on paper
21 to manage construction processes and
22 deliverables, including blueprints, design
23 drawings, procurement and supply-chain
24 orders, equipment logs, daily progress re-
25 ports, and punch lists;

1 “(iv) develop and deploy best practices
2 for use in advanced digital construction
3 management systems;

4 “(v) increase the adoption and deploy-
5 ment of technology by States and units of
6 local government that enables entities car-
7 rying out construction projects to—

8 “(I) integrate the adoption of ad-
9 vanced digital construction manage-
10 ment systems and technologies in con-
11 tracts; and

12 “(II) weigh the cost of
13 digitization and technology in setting
14 project budgets;

15 “(vi) implement technology training
16 and workforce development to build the ca-
17 pabilities of entities carrying out construc-
18 tion projects that enables States and units
19 of local government to—

20 “(I) better manage projects using
21 advanced digital construction manage-
22 ment technologies; and

23 “(II) properly measure and re-
24 ward technology adoption across con-

1 construction projects carried out by the
2 State or unit of local government;

3 “(vii) develop guidance to assist
4 States in updating regulations of such
5 States to allow entities carrying out con-
6 struction projects to—

7 “(I) report data relating to the
8 project in digital formats; and

9 “(II) fully capture the efficiencies
10 and benefits of advanced digital con-
11 struction management systems and
12 related technologies;

13 “(viii) reduce the environmental foot-
14 print of construction projects by using ad-
15 vanced digital construction management
16 systems to eliminate traffic congestion
17 through more efficient projects; and

18 “(ix) enhance worker and roadway
19 user safety.

20 “(B) FUNDING.—The Secretary shall obli-
21 gate for each of fiscal years 2021 through 2025
22 from funds made available to carry out this
23 subsection \$20,000,000 to carry out this para-
24 graph.

25 “(C) PUBLICATION.—

1 “(i) IN GENERAL.—At least once
2 every 2 years, the Secretary shall issue and
3 make available to the public on the website
4 of the Department of Transportation a re-
5 port on—

6 “(I) progress made in the imple-
7 mentation of advanced digital con-
8 struction management systems by
9 States; and

10 “(II) the costs and benefits of
11 the deployment of technology and in-
12 novations resulting from the program
13 established under this paragraph.

14 “(ii) INCLUSIONS.—The report re-
15 quired under clause (i) may include an
16 analysis of—

17 “(I) Federal, State, and local
18 cost savings;

19 “(II) project delivery time im-
20 provements;

21 “(III) traffic congestion impacts;
22 and

23 “(IV) safety improvements for
24 roadway users and construction work-
25 ers.

1 “(D) ADVANCED DIGITAL CONSTRUCTION
2 MANAGEMENT SYSTEMS DEFINED.—In this
3 paragraph, the term ‘advanced digital construc-
4 tion management systems’ means commercially-
5 proven digital technologies and processes for
6 the management of construction and engineer-
7 ing activities, including—

8 “(i) systems for infrastructure plan-
9 ning, coordination, construction, mainte-
10 nance, modernization and management;
11 and

12 “(ii) asset management systems for
13 machines, site equipment, and personnel.”.

14 (b) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of enactment of this Act, the Secretary shall
16 submit to the Committee on Environment and Public
17 Works of the Senate and the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 a report that includes—

20 (1) a description of—

21 (A) the status of the program carried out
22 under section 503(c)(4) of title 23, United
23 States Code, and any other use of advanced
24 digital construction management systems in
25 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 **SEC. 6005. INNOVATIVE PROJECT DELIVERY METHODS.**

9 Section 120(c)(3) of title 23, United States Code, is
10 amended—

11 (1) in subparagraph (B)—

12 (A) in clause (v) by striking “or” at the
13 end;

14 (B) in clause (vi) by striking the period
15 and inserting “; or” ; and

16 (C) by inserting at the end the following:

17 “(vii) advanced digital construction
18 management systems as defined in section
19 503(c)(4).”; and

20 (2) in subparagraph (C)(i) by striking “10 per-
21 cent” and inserting “25 percent”.

22 **SEC. 6006. SURFACE TRANSPORTATION SYSTEM FUNDING**
23 **ALTERNATIVES.**

24 Section 6020 of the FAST Act (Public Law 114–94)

25 is amended—

1 (1) in subsection (a)—

2 (A) by striking “States” and inserting
3 “applicants”; and

4 (B) by inserting “to motor fuel and diesel
5 taxes” after “alternative revenue mechanisms”;

6 (2) by striking subsection (b) and inserting the
7 following:

8 “(b) APPLICATION.—

9 “(1) IN GENERAL.—To be eligible for a grant
10 under this section, an applicant that is a State or
11 group of States shall submit to the Secretary an ap-
12 plication in such form and containing such informa-
13 tion as the Secretary shall require, including—

14 “(A) for any applicant that has received a
15 grant to carry out a program under this sec-
16 tion, how such applicant will use the grant to
17 build on any such program;

18 “(B) how the applicant will collect and
19 analyze data on—

20 “(i) lowering the administrative cost
21 to collect revenue;

22 “(ii) user experience with and accept-
23 ance of a user-based alternative revenue
24 mechanism;

1 “(iii) impacts on rural and urban
2 users;

3 “(iv) potential revenue generation;
4 and

5 “(v) revenue collection compliance
6 strategies; and

7 “(C) for any applicant that has not re-
8 ceived a grant to carry out a program under
9 this section, how the applicant—

10 “(i) will avoid redundancies with any
11 other pilot programs for user-based alter-
12 native revenue mechanisms carried out by
13 the applicant; and

14 “(ii) plans to use best practices from
15 any such pilot programs in structuring the
16 program for which such funds are pro-
17 vided.

18 “(2) APPLICATION GUIDANCE.—Not later than
19 30 days after the date of enactment of the START-
20 ER Act, the Secretary shall publish online guidance
21 on submission of an application for the program.”.

22 (3) in subsection (c)—

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

1 “(1) To test the design, acceptance, equity, and
2 implementation of user-based alternative revenue
3 mechanisms, including among—

4 “(A) differing income groups;

5 “(B) various geographic areas; and

6 “(C) rural and urban drivers.”; and

7 (B) in paragraph (5) by striking “To mini-
8 mize the administrative cost” and inserting “To
9 quantify and minimize the administrative
10 costs”;

11 (4) in subsection (d)(1)(B) by inserting “and
12 the safety of data collection” before the semicolon;

13 (5) in subsection (e) by striking “shall” and in-
14 serting “may”;

15 (6) by striking subsection (g) and inserting the
16 following:

17 “(g) FEDERAL SHARE.—Except as otherwise pro-
18 vided, the Federal share of the cost of an activity carried
19 out under this section may not exceed—

20 “(1) 80 percent of the total cost of an activity
21 that involves 2 or more States; and

22 “(2) 60 percent of the total cost of any activity
23 not described in paragraph (1).”;

24 (7) in subsection (h)(2) by striking “lessons
25 learned” and inserting “recommendations”;

1 (8) by redesignating subsection (k) as sub-
2 section (l);

3 (9) by striking subsection (j) and inserting the
4 following:

5 “(j) FUNDING.—Of the funds authorized to carry out
6 section 503(b) of title 23, United States Code, the Sec-
7 retary shall reserve such sums as may be necessary to
8 carry out this section.

9 “(k) PLANNING GRANTS.—

10 “(1) PLANNING, PREPARATION, DESIGN.—Of
11 the funds authorized to carry out this section, the
12 Secretary may award grants in amounts not to ex-
13 ceed 10 percent of such funds to entities for the
14 planning, preparation, or design of projects eligible
15 for funding under this section.

16 “(2) ELIGIBLE USES.—An entity receiving
17 funding under this subsection may use the funds for
18 planning, preparation, or design of an implementable
19 pilot project, as well as the examination of issues re-
20 lated to data and privacy, cybersecurity, and the fi-
21 nancial analysis of urban and rural impacts of a
22 project.

23 “(3) MAXIMUM AMOUNT.—A grant under this
24 subsection shall not exceed \$500,000.

1 “(4) ELIGIBILITY REQUIREMENT.—To be eligi-
2 ble to receive funds under this subsection, an appli-
3 cant shall describe to the Secretary how the appli-
4 cant—

5 “(A) will avoid redundancies with any
6 other pilot programs for user-based alternative
7 revenue mechanisms carried out by the appli-
8 cant; and

9 “(B) plans to use best practices from any
10 such pilot programs in structuring the program
11 for which such funds are provided.”;

12 (10) in subsection (l), as so redesignated, by in-
13 serting “, to remain available until expended” after
14 “United States Code”; and

15 (11) by adding at the end the following:

16 “(m) LIMITATION ON TRANSFER.—The Secretary
17 shall notify in writing the Committee on Appropriations
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Appropriations and the Committee on Environment and
21 Public Works of the intent to transfer funds
22 under subsection (l). A transfer under such subsection
23 may only be carried out if the Committees described in
24 the previous sentence provide written authorization to the

1 Secretary for such transfer not later than 30 days after
2 receiving a notification pursuant to this subsection.”.

3 **SEC. 6007. SURFACE TRANSPORTATION SYSTEM ROAD**
4 **USAGE CHARGE NATIONAL PILOT.**

5 (a) ESTABLISHMENT.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation, in consultation with the Secretary of the Treas-
8 ury, shall establish a pilot program to demonstrate imple-
9 mentation of a national per-mile road usage charge.

10 (b) OBJECTIVES.—In establishing the program, the
11 Secretary of Transportation and the Secretary of the
12 Treasury shall carry out the following objectives:

13 (1) Test the design, acceptance, implementa-
14 tion, and financial sustainability of a national per-
15 mile road usage charge.

16 (2) Collect and report data on the differential
17 effects of a national per-mile road usage charge and
18 the Federal motor fuels tax between urban and rural
19 drivers.

20 (3) Collect and report data on the interoper-
21 ability of road usage charge collection between
22 States.

23 (4) Provide recommendations regarding adop-
24 tion and implementation of a national per-mile road

1 usage charge and a recommendation for the amount
2 of the national per-mile road usage charge.

3 (c) SURFACE TRANSPORTATION SYSTEM ROAD
4 USAGE CHARGE ADVISORY BOARD.—

5 (1) IN GENERAL.—In carrying out the program
6 under this section, the Secretary of Transportation
7 shall establish a surface transportation system road
8 usage charge advisory board to—

9 (A) advance and implement the objectives
10 under subsection (b); and

11 (B) developing the recommendations and
12 report under subsection (j)(1).

13 (2) MEMBERS.—The advisory board established
14 under paragraph (1) shall, at a minimum, be com-
15 posed of a total of 15 representatives of the fol-
16 lowing entities, to be appointed by the Secretary:

17 (A) State departments of transportation.

18 (B) Local transportation agencies located
19 within a transportation management area (as
20 identified or designated under section 134(k) of
21 title 23, United States Code).

22 (C) Any public or nonprofit entity that
23 carried out a surface transportation system
24 funding alternatives pilot project under section
25 6020 of the FAST Act (23 U.S.C. 503 note).

1 (D) Owners and operators of toll facilities.

2 (E) Fleet operators of commercial motor
3 vehicles.

4 (3) APPLICATION OF LAW.—The Federal Advi-
5 sory Committee Act (5 U.S.C. App.) shall not apply
6 to the advisory board established under paragraph
7 (1).

8 (d) PROGRAM REQUIREMENTS.—In carrying out the
9 pilot program established in subsection (a), the Secretary
10 of Transportation, in consultation with the Secretary of
11 the Treasury, shall—

12 (1) establish appropriate methods for reporting
13 vehicle miles traveled under the program;

14 (2) solicit volunteer participants from all 50
15 states and the District of Columbia;

16 (3) ensure an equitable geographic distribution
17 by population among volunteer participants;

18 (4) enter into agreements, as is practicable,
19 with owners of commercial motor vehicle fleets or
20 passenger motor vehicle fleets for the collection and
21 sharing of anonymized data throughout the pilot
22 program;

23 (5) enter into agreements with entities of the
24 passenger motor vehicle and commercial vehicle in-

1 industry to develop a technology standard for onboard
2 units used to report vehicle miles traveled; and

3 (6) use components of and information from
4 the State pilots under section 6020 of the FAST Act
5 (Public Law 114–94), as applicable.

6 (e) METHODS.—In establishing a method for col-
7 lecting information on vehicle miles traveled under the
8 program, the Secretary of Transportation shall consider
9 the following:

10 (1) Third-party on-board diagnostic system-II
11 devices.

12 (2) Smart phone applications.

13 (3) Solicitation of voluntary reporting by auto-
14 makers.

15 (4) Solicitation of voluntary reporting by car in-
16 surance companies.

17 (5) Solicitation of voluntary reporting through
18 State departments of motor vehicles.

19 (6) Any other method that the Secretary of
20 Transportation considers appropriate.

21 (f) PRIVACY OF PARTICIPANTS.—Not later than 30
22 days after establishing the pilot program under this sec-
23 tion, the Secretary of Transportation, in consultation with
24 the Secretary of the Treasury, shall issue policies to—

1 (1) protect the privacy of volunteer partici-
2 pants; and

3 (2) secure the data provided by volunteer par-
4 ticipants.

5 (g) CALCULATION OF PER-MILE ROAD USAGE
6 CHARGE.—For the purposes of the pilot program estab-
7 lished in subsection (a), the Secretary of the Treasury
8 shall establish on an annual basis—

9 (1) for motor vehicles that are not commercial
10 motor vehicles, a per mile road usage charge that is
11 equivalent to the annual gas tax revenues collected
12 pursuant to section 4081 of the Internal Revenue
13 Code of 1986 divided by the total vehicle miles trav-
14 eled by such motor vehicles; and

15 (2) for commercial motor vehicles, a per mile
16 road usage charge equivalent to the annual diesel
17 tax revenues collected pursuant to section 4041 of
18 the Internal Revenue Code of 1986 divided by the
19 total vehicle miles traveled by medium and heavy-
20 duty trucks.

21 (h) REVENUE COLLECTION.—

22 (1) IN GENERAL.—The Secretary of the Treas-
23 ury, in coordination with the Secretary of Transpor-
24 tation, shall establish a mechanism to collect a per-

1 mile road usage charge from volunteer participants
2 under the program that—

3 (A) may be adjusted as needed to address
4 technical challenges; and

5 (B) may allow third-party vendors to col-
6 lect the payments and forward to Treasury.

7 (2) LIMITATION ON REVENUE COLLECTED.—
8 Any revenue collected under this section shall not be
9 considered a toll under section 301 of title 23,
10 United States Code.

11 (3) HIGHWAY TRUST FUND.—Notwithstanding
12 any other provision of law, the Secretary of the
13 Treasury shall ensure that any revenue collected
14 under this section is deposited into the Highway
15 Trust Fund.

16 (i) REFUND.—The Secretary of the Treasury shall
17 annually calculate and issue an equivalent refund to volun-
18 teer participants for any otherwise applicable Federal
19 motor fuel taxes under sections 4041 and 4081 of the In-
20 ternal Revenue Code of 1986.

21 (j) REPORTS.—

22 (1) ADVISORY BOARD.—Not later than 1 year
23 after the date on which the surface transportation
24 system road usage charge advisory board is estab-
25 lished under subsection (c), such board shall submit

1 to the Secretary of Transportation a report on the
2 progress of the pilot program in meeting the objec-
3 tives described in subsection (b).

4 (2) REPORT TO CONGRESS.—Not later than 1
5 year after the date on which volunteer participants
6 begin participating in the pilot program, and each
7 year thereafter, the Secretary of Transportation and
8 the Secretary of the Treasury shall submit to the
9 Committee on Transportation and Infrastructure
10 and the Committee on Ways and Means of the
11 House of Representatives and the Committee on En-
12 vironment and Public Works and the Committee on
13 Finance of the Senate a report on the pilot program,
14 including the report and recommendations submitted
15 to the Secretary under paragraph (1).

16 (k) DEFINITIONS.—In this section:

17 (1) COMMERCIAL MOTOR VEHICLE.—The term
18 “commercial motor vehicle” has the meaning given
19 the term in section 31101 of title 49, United States
20 Code.

21 (2) HIGHWAY TRUST FUND.—The term “High-
22 way Trust Fund” means the Highway Trust Fund
23 established under section 9503 of the Internal Rev-
24 enue Code of 1986.

1 (3) VOLUNTEER PARTICIPANT.—The term “vol-
2 unteer participant” means—

3 (A) the individual owner of a passenger
4 motor vehicle or commercial motor vehicle who
5 volunteers to participate in the pilot program;
6 and

7 (B) the owner of a fleet of commercial
8 motor vehicles or passenger motor vehicles who
9 volunteers to participate in the pilot program.

10 **TITLE VII—RESILIENCY**

11 **SEC. 7001. PROMOTING RESILIENT OPERATIONS FOR** 12 **TRANSFORMATIVE, EFFICIENT, AND COST-** 13 **SAVING TRANSPORTATION (PROTECT) GRANT** 14 **PROGRAM.**

15 (a) IN GENERAL.—Chapter 1 of title 23, United
16 States Code, as amended by this Act, is further amended
17 by adding at the end the following:

18 **“§ 173. Promoting Resilient Operations for Trans-** 19 **formative, Efficient, and Cost-Saving** 20 **Transportation (PROTECT) grant pro-** 21 **gram**

22 “(a) DEFINITIONS.—In this section:

23 “(1) EMERGENCY EVENT.—The term ‘emer-
24 gency event’ means a natural disaster or cata-

1 strophic failure or an imminent natural disaster or
2 catastrophic failure resulting in—

3 “(A) an emergency declared by the Gov-
4 ernor of the State in which the disaster or fail-
5 ure occurred or will occur; or

6 “(B) an emergency or disaster declared by
7 the President pursuant to the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5121 et seq.).

10 “(2) EVACUATION ROUTE.—The term ‘evacu-
11 ation route’ means a transportation route or system
12 that—

13 “(A) is owned, operated, or maintained by
14 a Federal, State, Indian Tribe, or local govern-
15 ment or a private entity;

16 “(B) is used—

17 “(i) to transport the public away from
18 emergency events; or

19 “(ii) to transport emergency respond-
20 ers and recovery resources; and

21 “(C) is designated by the eligible entity
22 with jurisdiction over the area in which the
23 route is located for the purposes described in
24 subparagraph (B).

1 “(3) PROGRAM.—The term ‘program’ means
2 the grant program established under subsection
3 (b)(1).

4 “(4) RESILIENCE IMPROVEMENT.—The term
5 ‘resilience improvement’ means the use of materials
6 or structural or nonstructural techniques, including
7 natural infrastructure—

8 “(A) that allow a project—

9 “(i) to better anticipate, prepare for,
10 and adapt to changing conditions and to
11 withstand and respond to disruptions; or

12 “(ii) to be better able to continue to
13 serve the primary function of the project
14 during and after weather events and nat-
15 ural disasters for the expected life of the
16 project; or

17 “(B) that—

18 “(i) reduce the cost, magnitude and
19 duration of impacts of current and future
20 weather events and natural disasters to a
21 project; or

22 “(ii) have the absorptive capacity,
23 adaptive capacity, and recoverability to de-
24 crease project vulnerability to current and
25 future weather events or natural disasters.

1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish a grant program, to be known as the ‘Promoting
4 Resilient Operations for Transformative, Efficient,
5 and Cost-saving Transportation grant program’ or
6 the ‘PROTECT grant program’.

7 “(2) PURPOSE.—The purpose of the program is
8 to provide grants for resilience improvements
9 through—

10 “(A) formula funding distributed to States;

11 “(B) competitive planning grants to enable
12 communities to assess vulnerabilities to current
13 and future weather events and natural disasters
14 and changing conditions, including sea level
15 rise, and plan infrastructure improvements and
16 emergency response strategies to address those
17 vulnerabilities; and

18 “(C) competitive resilience improvement
19 grants to protect—

20 “(i) infrastructure assets by making
21 the assets more resilient to current and fu-
22 ture weather events and natural disasters,
23 including severe storms, flooding, tornados,
24 drought, levee and dam failures, wildfire,
25 landslides, sea level rise, extreme weather,

1 including extreme temperature, and earth-
2 quakes;

3 “(ii) communities through resilience
4 improvements and strategies that allow for
5 the continued operation or rapid recovery
6 of surface transportation systems that—

7 “(I) serve critical local, regional,
8 and national needs, including evacu-
9 ation routes; and

10 “(II) provide access or service to
11 hospitals and other medical or emer-
12 gency service facilities, major employ-
13 ers, critical manufacturing centers,
14 ports and intermodal facilities, utili-
15 ties, and Federal facilities;

16 “(iii) coastal infrastructure, such as a
17 tide gate, that is at long-term risk to sea
18 level rise; and

19 “(iv) natural infrastructure that pro-
20 tects and enhances surface transportation
21 assets while improving ecosystem condi-
22 tions, including culverts that ensure ade-
23 quate flows in rivers and estuarine sys-
24 tems.

25 “(c) FORMULA AWARDS.—

1 “(1) DISTRIBUTION OF FUNDS TO STATES.—

2 “(A) IN GENERAL.—For each fiscal year,
3 the Secretary shall distribute among the States
4 the amounts made available to carry out this
5 subsection for that fiscal year in accordance
6 with subparagraph (B).

7 “(B) DISTRIBUTION.—The amount for
8 each State shall be determined by multiplying
9 the total amount made available to carry out
10 this subsection for the applicable fiscal year by
11 the ratio that—

12 “(i) the total base apportionment for
13 the State under section 104(c); bears to

14 “(ii) the total base apportionments for
15 all States under section 104(c).

16 “(2) ELIGIBLE ACTIVITIES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), a State shall use funds made
19 available under paragraph (1) to carry out ac-
20 tivities eligible under subparagraph (A), (B), or
21 (C) of subsection (d)(4).

22 “(B) PLANNING SET-ASIDE.—Of the
23 amounts made available to each State under
24 paragraph (1) for each fiscal year, not less than

1 2 percent shall be for activities described in
2 subsection (d)(3).

3 “(3) REQUIREMENTS.—

4 “(A) PROJECTS IN CERTAIN AREAS.—If a
5 project under this subsection is carried out, in
6 whole or in part, within a base floodplain, the
7 State shall—

8 “(i) identify the base floodplain in
9 which the project is to be located and dis-
10 close that information to the Secretary;
11 and

12 “(ii) indicate to the Secretary whether
13 the State plans to implement 1 or more
14 components of the risk mitigation plan
15 under section 322 of the Robert T. Staf-
16 ford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5165) with respect to
18 the area.

19 “(B) ELIGIBILITIES.—A State shall use
20 funds made available under paragraph (1) for—

21 “(i) a highway project eligible for as-
22 sistance under this title;

23 “(ii) a public transportation facility or
24 service eligible for assistance under chapter
25 53 of title 49; or

1 “(iii) a facility or service for intercity
2 rail passenger transportation (as defined in
3 section 24102 of title 49).

4 “(C) SYSTEM RESILIENCE.—A project car-
5 ried out by a State with funds made available
6 under this subsection may include, consistent
7 with State hazard mitigation plans, the use of
8 natural infrastructure or the construction or
9 modification of storm surge, flood protection, or
10 aquatic ecosystem restoration elements that are
11 functionally connected to a transportation im-
12 provement, such as—

13 “(i) increasing marsh health and total
14 area adjacent to a highway right-of-way to
15 promote additional flood storage;

16 “(ii) upgrades to and installation of
17 culverts designed to withstand 100-year
18 flood events;

19 “(iii) upgrades to and installation of
20 tide gates to protect highways; and

21 “(iv) upgrades to and installation of
22 flood gates to protect tunnel entrances.

23 “(D) FEDERAL COST SHARE.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in subsection (f)(1), the Federal

1 share of the cost of a project carried out
2 using funds made available under para-
3 graph (1) shall not exceed 80 percent of
4 the total project cost.

5 “(ii) NON-FEDERAL SHARE.—A State
6 may use Federal funds other than Federal
7 funds made available under this subsection
8 to meet the non-Federal cost share re-
9 quirement for a project under this sub-
10 section.

11 “(E) ELIGIBLE PROJECT COSTS.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in clause (ii), eligible project costs
14 for activities carried out by a State with
15 funds made available under paragraph (1)
16 may include the costs of—

17 “(I) development phase activities,
18 including planning, feasibility anal-
19 ysis, revenue forecasting, environ-
20 mental review, preliminary engineer-
21 ing and design work, and other
22 preconstruction activities; and

23 “(II) construction, reconstruc-
24 tion, rehabilitation, and acquisition of
25 real property (including land related

1 to the project and improvements to
2 land), environmental mitigation, con-
3 struction contingencies, acquisition of
4 equipment directly related to improv-
5 ing system performance, and oper-
6 ational improvements.

7 “(ii) ELIGIBLE PLANNING COSTS.—In
8 the case of a planning activity described in
9 subsection (d)(3) that is carried out by a
10 State with funds made available under
11 paragraph (1), eligible costs may include
12 development phase activities, including
13 planning, feasibility analysis, revenue fore-
14 casting, environmental review, preliminary
15 engineering and design work, other
16 preconstruction activities, and other activi-
17 ties consistent with carrying out the pur-
18 poses of subsection (d)(3).

19 “(F) LIMITATIONS.—In carrying out this
20 subsection, a State—

21 “(i) may use not more than 25 per-
22 cent of the amounts made available under
23 this subsection for the construction of new
24 capacity so long as such inclusion is cost-

1 effective and is directly related to the un-
2 derlying project; and

3 “(ii) may use not more than 10 per-
4 cent of the amounts made available under
5 this subsection for activities described in
6 subparagraph (E)(i)(I).

7 “(d) COMPETITIVE AWARDS.—

8 “(1) IN GENERAL.—In addition to funds dis-
9 tributed to States under subsection (c)(1), the Sec-
10 retary shall provide grants on a competitive basis
11 under this subsection to eligible entities described in
12 paragraph (2).

13 “(2) ELIGIBLE ENTITIES.—The Secretary may
14 make a grant under this subsection to any of the fol-
15 lowing:

16 “(A) A State or political subdivision of a
17 State.

18 “(B) A metropolitan planning organiza-
19 tion.

20 “(C) A unit of local government.

21 “(D) A special purpose district or public
22 authority with a transportation function, includ-
23 ing a port authority.

24 “(E) An Indian tribe (as defined in section
25 207(m)(1)).

1 “(F) A Federal land management agency
2 that applies jointly with a State or group of
3 States.

4 “(G) A multi-State or multijurisdictional
5 group of entities described in subparagraphs
6 (A) through (F).

7 “(3) PLANNING GRANTS.—Using funds made
8 available for purposes under this subsection, the
9 Secretary shall provide planning grants to eligible
10 entities for the purpose of—

11 “(A) in the case of a State or metropolitan
12 planning organization, developing a resilience
13 improvement plan under subsection (f)(2);

14 “(B) resilience planning, predesign, design,
15 or the development of data tools to simulate
16 transportation disruption scenarios, including
17 vulnerability assessments;

18 “(C) technical capacity building by the eli-
19 gible entity to facilitate the ability of the eligi-
20 ble entity to assess the vulnerabilities of the in-
21 frastructure assets and community response
22 strategies of the eligible entity under current
23 conditions and a range of potential future con-
24 ditions; or

25 “(D) evacuation planning and preparation.

1 “(4) RESILIENCE GRANTS.—

2 “(A) RESILIENCE IMPROVEMENT
3 GRANTS.—

4 “(i) IN GENERAL.—Using funds made
5 available for purposes under this sub-
6 section, the Secretary shall provide resil-
7 ience improvement grants to eligible enti-
8 ties to carry out 1 or more eligible activi-
9 ties under clause (ii).

10 “(ii) ELIGIBLE ACTIVITIES.—

11 “(I) IN GENERAL.—An eligible
12 entity may use a resilience improve-
13 ment grant under this subparagraph
14 for 1 or more construction activities
15 to enable an existing surface transpor-
16 tation infrastructure asset to with-
17 stand or reduce the costs and impact
18 of 1 or more elements of a weather
19 event or natural disaster, or to in-
20 crease the resilience of surface trans-
21 portation infrastructure from the
22 costs and impacts of changing condi-
23 tions, such as sea level rise, flooding,
24 extreme weather events, and other
25 natural disasters.

- 1 “(II) INCLUSIONS.—An activity
2 eligible to be carried out under this
3 subparagraph includes—
- 4 “(aa) resurfacing, restora-
5 tion, rehabilitation, reconstruc-
6 tion, replacement, improvement,
7 or realignment of an existing sur-
8 face transportation facility eligi-
9 ble for assistance under this title;
- 10 “(bb) the incorporation of
11 natural infrastructure;
- 12 “(cc) the upgrade of an ex-
13 isting surface transportation fa-
14 cility to meet or exceed Federal
15 Highway Administration ap-
16 proved design standards;
- 17 “(dd) the installation of
18 mitigation measures that prevent
19 the intrusion of floodwaters into
20 surface transportation systems;
- 21 “(ee) strengthening systems
22 that remove rainwater from sur-
23 face transportation facilities;
- 24 “(ff) a resilience project that
25 addresses identified

1 vulnerabilities described in the
2 resilience improvement plan of
3 the eligible entity, if applicable;
4 “(gg) relocating roadways in
5 a base floodplain to higher
6 ground above projected flood ele-
7 vation levels, or away from slide
8 prone areas;
9 “(hh) stabilizing slide areas
10 or slopes;
11 “(ii) installing riprap;
12 “(jj) lengthening or raising
13 bridges to increase waterway
14 openings, including to respond to
15 extreme weather;
16 “(kk) deepening channels to
17 prevent flooding;
18 “(ll) increasing the size or
19 number of drainage structures;
20 “(mm) installing seismic ret-
21 rofits on bridges;
22 “(nn) adding scour protec-
23 tion at bridges;
24 “(oo) adding scour, stream
25 stability, coastal, and other hy-

1 draulic countermeasures, includ-
2 ing spur dikes; and

3 “(pp) any other protective
4 features, including natural infra-
5 structure, as determined by the
6 Secretary.

7 “(iii) PRIORITY.—The Secretary shall
8 prioritize a resilience improvement grant to
9 an eligible entity if—

10 “(I) the Secretary determines—

11 “(aa) the benefits of the eli-
12 gible activity proposed to be car-
13 ried out by the eligible entity ex-
14 ceed the costs of the activity; and

15 “(bb) there is a need to ad-
16 dress the vulnerabilities of infra-
17 structure assets of the eligible
18 entity with a high risk of, and
19 impacts associated with, failure
20 due to the impacts of weather
21 events, natural disasters, or
22 changing conditions, such as sea
23 level rise and increased flood
24 risk; or

1 “(II) the eligible activity pro-
2 posed to be carried out by the eligible
3 entity is included in the applicable re-
4 silience improvement plan under sub-
5 section (f)(2).

6 “(B) COMMUNITY RESILIENCE AND EVAC-
7 UATION ROUTE GRANTS.—

8 “(i) IN GENERAL.—Using funds made
9 available for purposes under this sub-
10 section, the Secretary shall provide com-
11 munity resilience and evacuation route
12 grants to eligible entities to carry out 1 or
13 more eligible activities under clause (ii).

14 “(ii) ELIGIBLE ACTIVITIES.—An eligi-
15 ble entity may use a community resilience
16 and evacuation route grant under this sub-
17 paragraph for 1 or more projects that
18 strengthen and protect evacuation routes
19 that are essential for providing and sup-
20 porting evacuations caused by emergency
21 events, including a project that—

22 “(I) is an eligible activity under
23 subparagraph (A)(ii), if that eligible
24 activity will improve an evacuation
25 route;

1 “(II) ensures the ability of the
2 evacuation route to provide safe pas-
3 sage during an evacuation and re-
4 duces the risk of damage to evacu-
5 ation routes as a result of future
6 emergency events, including restoring
7 or replacing existing evacuation routes
8 that are in poor condition or not de-
9 signed to meet the anticipated de-
10 mand during an emergency event, and
11 including steps to protect routes from
12 mud, rock, or other debris slides;

13 “(III) if the Secretary determines
14 that existing evacuation routes are not
15 sufficient to adequately facilitate evac-
16 uations, including the transportation
17 of emergency responders and recovery
18 resources, expands the capacity of
19 evacuation routes to swiftly and safely
20 accommodate evacuations, including
21 installation of—

22 “(aa) communications and
23 intelligent transportation system
24 equipment and infrastructure;

1 “(bb) counterflow measures;
2 or
3 “(cc) shoulders;
4 “(IV) is for the construction of—
5 “(aa) new or redundant
6 evacuation routes, if the Sec-
7 retary determines that existing
8 evacuation routes are not suffi-
9 cient to adequately facilitate
10 evacuations, including the trans-
11 portation of emergency respond-
12 ers and recovery resources; or
13 “(bb) sheltering facilities
14 that are functionally connected to
15 an eligible project;
16 “(V) is for the acquisition of
17 evacuation route or traffic incident
18 management equipment, vehicles, or
19 signage; or
20 “(VI) will ensure access or serv-
21 ice to critical destinations, including
22 hospitals and other medical or emer-
23 gency service facilities, major employ-
24 ers, critical manufacturing centers,

1 ports and intermodal facilities, utili-
2 ties, and Federal facilities.

3 “(iii) PRIORITY.—The Secretary shall
4 prioritize community resilience and evacu-
5 ation route grants under this subpara-
6 graph for eligible activities that are cost-ef-
7 fective, as determined by the Secretary,
8 taking into account—

9 “(I) current and future
10 vulnerabilities to an evacuation route
11 due to future occurrence or recurrence
12 of emergency events that are likely to
13 occur in the geographic area in which
14 the evacuation route is located; and

15 “(II) projected changes in devel-
16 opment patterns, demographics, and
17 extreme weather events based on the
18 best available evidence and analysis.

19 “(iv) CONSULTATION.—In providing
20 grants for community resilience and evacu-
21 ation routes under this subparagraph, the
22 Secretary shall consult with the Adminis-
23 trator of the Federal Emergency Manage-
24 ment Agency, who shall provide technical

1 assistance to the Secretary and to eligible
2 entities.

3 “(C) AT-RISK COASTAL INFRASTRUCTURE
4 GRANTS.—

5 “(i) DEFINITION OF COASTAL
6 STATE.—In this subparagraph, the term
7 ‘coastal State’ means—

8 “(I) a State in, or bordering on,
9 the Atlantic, Pacific, or Arctic Ocean,
10 the Gulf of Mexico, Long Island
11 Sound, or 1 or more of the Great
12 Lakes;

13 “(II) the United States Virgin Is-
14 lands;

15 “(III) Guam;

16 “(IV) American Samoa;

17 “(V) the Commonwealth of the
18 Northern Mariana Islands; and

19 “(VI) Puerto Rico.

20 “(ii) GRANTS.—Using funds made
21 available for purposes under this sub-
22 section, the Secretary shall provide at-risk
23 coastal infrastructure grants to eligible en-
24 tities in coastal States to carry out 1 or
25 more eligible activities under clause (iii).

1 “(iii) ELIGIBLE ACTIVITIES.—An eli-
2 gible entity may use an at-risk coastal in-
3 frastructure grant under this subpara-
4 graph for strengthening, stabilizing, hard-
5 ening, elevating, relocating, or otherwise
6 enhancing the resilience of highway and
7 non-rail infrastructure, including bridges,
8 roads, pedestrian walkways, and bicycle
9 lanes, and associated infrastructure, such
10 as culverts and tide gates, that are subject
11 to, or face increased long-term future risks
12 of, a weather event, a natural disaster, or
13 changing conditions, including coastal
14 flooding, coastal erosion, wave action,
15 storm surge, or sea level rise, in order to
16 improve transportation and public safety
17 and to reduce costs by avoiding larger fu-
18 ture maintenance or rebuilding costs.

19 “(iv) CRITERIA.—The Secretary shall
20 provide at-risk coastal infrastructure
21 grants under this subparagraph for a
22 project—

23 “(I) that addresses the risks
24 from a current or future weather
25 event or natural disaster, including

1 coastal flooding, coastal erosion, wave
2 action, storm surge, or sea level rise;
3 and

4 “(II) that reduces long-term in-
5 frastructure costs by avoiding larger
6 future maintenance or rebuilding
7 costs.

8 “(v) COASTAL BENEFITS.—In addi-
9 tion to the criteria under clause (iv), for
10 the purpose of providing at-risk coastal in-
11 frastructure grants under this subpara-
12 graph, the Secretary shall evaluate the ex-
13 tent to which a project will provide—

14 “(I) access to coastal homes,
15 businesses, communities, and other
16 critical infrastructure, including ac-
17 cess by first responders and other
18 emergency personnel; or

19 “(II) access to a designated evac-
20 uation route.

21 “(5) GRANT REQUIREMENTS.—

22 “(A) SOLICITATIONS FOR GRANTS.—In
23 providing grants under this subsection, the Sec-
24 retary shall conduct a transparent and competi-
25 tive national solicitation process to select eligi-

1 ble projects to receive grants under paragraph
2 (3) and subparagraphs (A), (B), and (C) of
3 paragraph (4).

4 “(B) APPLICATIONS.—

5 “(i) IN GENERAL.—To be eligible to
6 receive a grant under paragraph (3) or
7 subparagraph (A), (B), or (C) of para-
8 graph (4), an eligible entity shall submit to
9 the Secretary an application in such form,
10 at such time, and containing such informa-
11 tion as the Secretary determines to be nec-
12 essary.

13 “(ii) PROJECTS IN CERTAIN AREAS.—
14 If a project is proposed to be carried out
15 by the eligible entity, in whole or in part,
16 within a base floodplain, the eligible entity
17 shall—

18 “(I) as part of the application,
19 identify the floodplain in which the
20 project is to be located and disclose
21 that information to the Secretary; and

22 “(II) indicate in the application
23 whether, if selected, the eligible entity
24 will implement 1 or more components
25 of the risk mitigation plan under sec-

1 tion 322 of the Robert T. Stafford
2 Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5165) with re-
4 spect to the area.

5 “(C) ELIGIBILITIES.—The Secretary may
6 make a grant under paragraph (3) or subpara-
7 graph (A), (B), or (C) of paragraph (4) only
8 for—

9 “(i) a highway project eligible for as-
10 sistance under this title;

11 “(ii) a public transportation facility or
12 service eligible for assistance under chapter
13 53 of title 49; or

14 “(iii) a facility or service for intercity
15 rail passenger transportation (as defined in
16 section 24102 of title 49).

17 “(D) SYSTEM RESILIENCE.—A project for
18 which a grant is provided under paragraph (3)
19 or subparagraph (A), (B), or (C) of paragraph
20 (4) may include the use of natural infrastruc-
21 ture or the construction or modification of
22 storm surge, flood protection, or aquatic eco-
23 system restoration elements that the Secretary
24 determines are functionally connected to a
25 transportation improvement, such as—

1 “(i) increasing marsh health and total
2 area adjacent to a highway right-of-way to
3 promote additional flood storage;

4 “(ii) upgrades to and installation of
5 culverts designed to withstand 100-year
6 flood events;

7 “(iii) upgrades to and installation of
8 tide gates to protect highways; and

9 “(iv) upgrades to and installation of
10 flood gates to protect tunnel entrances.

11 “(E) FEDERAL COST SHARE.—

12 “(i) PLANNING GRANT.—The Federal
13 share of the cost of a planning activity car-
14 ried out using a planning grant under
15 paragraph (3) shall be 100 percent.

16 “(ii) RESILIENCE GRANTS.—

17 “(I) IN GENERAL.—Except as
18 provided in subclause (II) and sub-
19 section (f)(1), the Federal share of
20 the cost of a project carried out using
21 a grant under subparagraph (A), (B),
22 or (C) of paragraph (4) shall not ex-
23 ceed 80 percent of the total project
24 cost.

1 “(II) TRIBAL PROJECTS.—On
2 the determination of the Secretary,
3 the Federal share of the cost of a
4 project carried out using a grant
5 under subparagraph (A), (B), or (C)
6 of paragraph (4) by an Indian tribe
7 (as defined in section 207(m)(1)) may
8 be up to 100 percent.

9 “(iii) NON-FEDERAL SHARE.—The eli-
10 gible entity may use Federal funds other
11 than Federal funds provided under this
12 subsection to meet the non-Federal cost
13 share requirement for a project carried out
14 with a grant under this subsection.

15 “(F) ELIGIBLE PROJECT COSTS.—

16 “(i) RESILIENCE GRANT PROJECTS.—
17 Eligible project costs for activities funded
18 with a grant under subparagraph (A), (B),
19 or (C) of paragraph (4) may include the
20 costs of—

21 “(I) development phase activities,
22 including planning, feasibility anal-
23 ysis, revenue forecasting, environ-
24 mental review, preliminary engineer-

1 ing and design work, and other
2 preconstruction activities; and

3 “(II) construction, reconstruc-
4 tion, rehabilitation, and acquisition of
5 real property (including land related
6 to the project and improvements to
7 land), environmental mitigation, con-
8 struction contingencies, acquisition of
9 equipment directly related to improv-
10 ing system performance, and oper-
11 ational improvements.

12 “(ii) PLANNING GRANTS.—Eligible
13 project costs for activities funded with a
14 grant under paragraph (3) may include the
15 costs of development phase activities, in-
16 cluding planning, feasibility analysis, rev-
17 enue forecasting, environmental review,
18 preliminary engineering and design work,
19 other preconstruction activities, and other
20 activities consistent with carrying out the
21 purposes of that paragraph.

22 “(G) LIMITATIONS.—An eligible entity
23 that receives a grant under subparagraph (A),
24 (B), or (C) of paragraph (4)—

1 “(i) may use not more than 25 per-
2 cent of the amount of the grant for the
3 construction of new capacity so long as
4 such inclusion is cost-effective and is di-
5 rectly related to the underlying project;
6 and

7 “(ii) may use not more than 10 per-
8 cent of the amount of the grant for activi-
9 ties described in subparagraph (F)(i)(I).

10 “(H) DISTRIBUTION OF GRANTS.—

11 “(i) IN GENERAL.—Subject to the
12 availability of funds, an eligible entity may
13 request and the Secretary may distribute
14 funds for a grant under this subsection on
15 a multiyear basis, as the Secretary deter-
16 mines to be necessary.

17 “(ii) RURAL SET-ASIDE.—Of the
18 amounts made available to carry out this
19 subsection for each fiscal year, the Sec-
20 retary shall use not less than 25 percent
21 for grants for projects located in areas
22 that are outside an urbanized area with a
23 population of over 200,000.

24 “(iii) TRIBAL SET-ASIDE.—Of the
25 amounts made available to carry out this

1 subsection for each fiscal year, the Sec-
2 retary shall use not less than 2 percent for
3 grants to Indian tribes (as defined in sec-
4 tion 207(m)(1)).

5 “(iv) REALLOCATION.—For any fiscal
6 year, if the Secretary determines that the
7 amount described in clause (ii) or (iii) will
8 not be fully utilized for the grant described
9 in that clause, the Secretary may reallocate
10 the unutilized funds to provide grants to
11 other eligible entities under this subsection.

12 “(e) CONSULTATION.—In carrying out the program,
13 the Secretary shall—

14 “(1) consult with the Assistant Secretary of the
15 Army for Civil Works, the Administrator of the En-
16 vironmental Protection Agency, the Secretary of the
17 Interior, and the Secretary of Commerce; and

18 “(2) solicit technical support from the Adminis-
19 trator of the Federal Emergency Management Agen-
20 cy.

21 “(f) RESILIENCE IMPROVEMENT PLAN AND LOWER
22 NON-FEDERAL SHARE.—

23 “(1) FEDERAL SHARE REDUCTIONS.—

24 “(A) IN GENERAL.—A State that receives
25 funds under subsection (c) or an eligible entity

1 that receives a grant under subsection (d) shall
2 have the non-Federal share of a project carried
3 out with the funds or grant, as applicable, re-
4 duced by an amount described in subparagraph
5 (B) if the State or eligible entity meets the ap-
6 plicable requirements under that subparagraph.

7 “(B) AMOUNT OF REDUCTIONS.—

8 “(i) RESILIENCE IMPROVEMENT
9 PLAN.—Subject to clause (iii), the amount
10 of the non-Federal share of the costs of a
11 project carried out with funds under sub-
12 section (c) or a grant under subsection (d)
13 shall be reduced by 7 percentage points
14 if—

15 “(I) in the case of a State or an
16 eligible entity that is a State or a
17 metropolitan planning organization,
18 the State or eligible entity has—

19 “(aa) developed a resilience
20 improvement plan in accordance
21 with this subsection; and

22 “(bb) prioritized the project
23 on that resilience improvement
24 plan; and

1 “(II) in the case of an eligible en-
2 tity not described in subclause (I), the
3 eligible entity is located in a State or
4 an area served by a metropolitan
5 planning organization that has—

6 “(aa) developed a resilience
7 improvement plan in accordance
8 with this subsection; and

9 “(bb) prioritized the project
10 on that resilience improvement
11 plan.

12 “(ii) INCORPORATION OF RESILIENCE
13 IMPROVEMENT PLAN IN OTHER PLAN-
14 NING.—Subject to clause (iii), the amount
15 of the non-Federal share of the cost of a
16 project carried out with funds under sub-
17 section (c) or a grant under subsection (d)
18 shall be reduced by 3 percentage points
19 if—

20 “(I) in the case of a State or an
21 eligible entity that is a State or a
22 metropolitan planning organization,
23 the resilience improvement plan devel-
24 oped in accordance with this sub-
25 section has been incorporated into the

1 metropolitan transportation plan
2 under section 134 or the long-range
3 statewide transportation plan under
4 section 135, as applicable; and

5 “(II) in the case of an eligible en-
6 tity not described in subclause (I), the
7 eligible entity is located in a State or
8 an area served by a metropolitan
9 planning organization that incor-
10 porated a resilience improvement plan
11 into the metropolitan transportation
12 plan under section 134 or the long-
13 range statewide transportation plan
14 under section 135, as applicable.

15 “(iii) LIMITATIONS.—

16 “(I) MAXIMUM REDUCTION.—A
17 State or eligible entity may not receive
18 a reduction under this paragraph of
19 more than 10 percentage points for
20 any single project carried out with
21 funds under subsection (c) or a grant
22 under subsection (d).

23 “(II) NO NEGATIVE NON-FED-
24 ERAL SHARE.—A reduction under this
25 paragraph shall not reduce the non-

1 Federal share of the costs of a project
2 carried out with funds under sub-
3 section (c) or a grant under sub-
4 section (d) to an amount that is less
5 than zero.

6 “(2) PLAN CONTENTS.—A resilience improve-
7 ment plan referred to in paragraph (1)—

8 “(A) shall be for the immediate and long-
9 range planning activities and investments of the
10 State or metropolitan planning organization
11 with respect to resilience;

12 “(B) shall demonstrate a systemic ap-
13 proach to transportation system resilience and
14 be consistent with and complementary of the
15 State and local mitigation plans required under
16 section 322 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42
18 U.S.C. 5165);

19 “(C) shall—

20 “(i) include a risk-based assessment
21 of vulnerabilities of transportation assets
22 and systems to current and future extreme
23 weather events and natural disasters, in-
24 cluding severe storms, flooding, tornados,
25 drought, levee and dam failures, wildfire,

1 landslides, sea level rise, extreme weather
2 events, including extreme temperatures,
3 and earthquakes;

4 “(ii) designate evacuation routes and
5 strategies, including multimodal facilities,
6 designated with consideration for individ-
7 uals without access to personal vehicles;

8 “(iii) plan for response to anticipated
9 emergencies, including plans for the mobil-
10 ity of—

11 “(I) emergency response per-
12 sonnel and equipment; and

13 “(II) access to emergency serv-
14 ices, including for vulnerable or dis-
15 advantaged populations;

16 “(iv) describe the resilience improve-
17 ment policies, including strategies, land-use
18 and zoning changes, investments in natural
19 infrastructure, or performance measures
20 that will inform the transportation invest-
21 ment decisions of the State or metropolitan
22 planning organization with the goal of in-
23 creasing resilience;

24 “(v) include an investment plan
25 that—

1 “(I) includes a list of priority
2 projects; and

3 “(II) describes how funds pro-
4 vided by a grant under the program
5 would be invested and matched, which
6 shall not be subject to fiscal con-
7 straint requirements; and

8 “(vi) use science and data and indi-
9 cate the source of data and methodologies;
10 and

11 “(D) shall, as appropriate—

12 “(i) include a description of how the
13 plan will improve the ability of the State or
14 metropolitan planning organization—

15 “(I) to respond promptly to the
16 impacts of weather events and natural
17 disasters; and

18 “(II) to be prepared for changing
19 conditions, such as sea level rise and
20 increased flood risk;

21 “(ii) describe the codes, standards,
22 and regulatory framework, if any, adopted
23 and enforced to ensure resilience improve-
24 ments within the impacted area of pro-

1 posed projects included in the resilience
2 improvement plan;

3 “(iii) consider the benefits of com-
4 bining hard infrastructure assets, and nat-
5 ural infrastructure, through coordinated
6 efforts by the Federal Government and the
7 States;

8 “(iv) assess the resilience of other
9 community assets, including buildings and
10 housing, emergency management assets,
11 and energy, water, and communication in-
12 frastructure;

13 “(v) use a long-term planning period;
14 and

15 “(vi) include such other information
16 as the eligible entity considers appropriate.

17 “(3) NO NEW PLANNING REQUIREMENTS.—
18 Nothing in this section requires a metropolitan plan-
19 ning organization or a State to develop a resilience
20 improvement plan or to include a resilience improve-
21 ment plan under the metropolitan transportation
22 plan under section 134 or the long-range statewide
23 transportation plan under section 135, as applicable,
24 of the metropolitan planning organization or State.

25 “(g) MONITORING.—

1 “(1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of this section, the Sec-
3 retary, in consultation with the officials described in
4 subsection (e), shall—

5 “(A) establish, for the purpose of evalu-
6 ating the effectiveness and impacts of projects
7 carried out under the program—

8 “(i) subject to paragraph (2), trans-
9 portation and any other metrics as the
10 Secretary determines to be necessary; and

11 “(ii) procedures for monitoring and
12 evaluating projects based on those metrics;
13 and

14 “(B) select a representative sample of
15 projects to evaluate based on the metrics and
16 procedures established under subparagraph (A).

17 “(2) NOTICE.—Before adopting any metrics de-
18 scribed in paragraph (1), the Secretary shall—

19 “(A) publish the proposed metrics in the
20 Federal Register; and

21 “(B) provide to the public an opportunity
22 for comment on the proposed metrics.

23 “(h) REPORTS.—

24 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not
25 later than 1 year after the date on which a project

1 carried out under the program is completed, the en-
2 tity that carried out the project shall submit to the
3 Secretary a report on the results of the project and
4 the use of the funds received under the program.

5 “(2) REPORTS TO CONGRESS.—

6 “(A) ANNUAL REPORTS.—The Secretary
7 shall submit to the Committee on Transpor-
8 tation and Infrastructure of the House of Rep-
9 resentatives and the Committee on Environ-
10 ment and Public Works of the Senate, and pub-
11 lish on the website of the Department of Trans-
12 portation, an annual report that describes the
13 implementation of the program during the pre-
14 ceding calendar year, including—

15 “(i) each project for which a grant
16 was provided under the program;

17 “(ii) information relating to project
18 applications received;

19 “(iii) the manner in which the con-
20 sultation requirements were implemented
21 under this section;

22 “(iv) recommendations to improve the
23 administration of the program, including
24 whether assistance from additional or

1 fewer agencies to carry out the program is
2 appropriate;

3 “(v) the period required to disburse
4 grant funds to recipients based on applica-
5 ble Federal coordination requirements; and

6 “(vi) a list of facilities that repeatedly
7 require repair or reconstruction due to
8 emergency events.

9 “(B) FINAL REPORT.—Not later than 5
10 years after the date of enactment of the Surface
11 Transportation Advanced through Reform,
12 Technology, & Efficient Review Act, the Sec-
13 retary shall submit to Congress a report that
14 includes the results of the reports submitted
15 under subparagraph (A). The Secretary shall
16 use not more than 5 percent of the amounts
17 made available to carry out the program for
18 each fiscal year for the costs of administering
19 the program, including monitoring and evalua-
20 tion under subsection (g).

21 “(C) CONSULTATION.—In developing guid-
22 ance and regulations, and in providing grants
23 for under this section, the Secretary shall con-
24 sult with the Administrator of the Federal
25 Emergency Management Agency, who shall pro-

1 vide technical assistance to the Secretary and to
2 eligible entities.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 1 of title 23, United States Code, as amended by this
5 Act, is further amended by adding at the end the fol-
6 lowing:

 “173. Promoting Resilient Operations for Transformative, Efficient, and Cost-
 saving Transportation (PROTECT) grant program.”.

7 **SEC. 7002. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

8 Section 119 of title 23, United States Code, is
9 amended—

10 (1) in subsection (b)—

11 (A) in paragraph (2) by striking “and” at
12 the end;

13 (B) in paragraph (3) by striking the period
14 at the end and inserting “; and”; and

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

16 “(4) to provide support for measures to in-
17 crease the resiliency of Federal-aid highways and
18 bridges on and off the National Highway System to
19 mitigate the impacts of sea level rise, extreme weath-
20 er events, flooding, or other natural disasters.”; and

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

22 “(k) PROTECTIVE FEATURES.—

23 “(1) IN GENERAL.—A State may use not more
24 than 15 percent of the funds apportioned to the

1 State under section 104(b)(1) for each fiscal year
2 for 1 or more protective features on a Federal-aid
3 highway or bridge off the National Highway System,
4 if the protective feature is designed to mitigate the
5 risk of recurring damage, or the cost of future re-
6 pairs, from extreme weather events, flooding, or
7 other natural disasters.

8 “(2) PROTECTIVE FEATURES DESCRIBED.—A
9 protective feature referred to in paragraph (1) may
10 include—

11 “(A) raising roadway grades;

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

15 “(C) stabilizing slide areas;

16 “(D) stabilizing slopes;

17 “(E) installing riprap;

18 “(F) lengthening or raising bridges to in-
19 crease waterway openings;

20 “(G) deepening channels to prevent flood-
21 ing;

22 “(H) increasing the size or number of
23 drainage structures;

24 “(I) replacing culverts with bridges or
25 upsizing culverts;

- 1 “(J) repairing or maintaining tide gates;
- 2 “(K) installing seismic retrofits on bridges;
- 3 “(L) adding scour protection at bridges;
- 4 “(M) adding scour, stream stability, coast-
- 5 al, or other hydraulic countermeasures, includ-
- 6 ing spur dikes;
- 7 “(N) the use of natural infrastructure to
- 8 mitigate the risk of recurring damage or the
- 9 cost of future repair from extreme weather
- 10 events, flooding, or other natural disasters; and
- 11 “(O) any other features that mitigate the
- 12 risk of recurring damage or the cost of future
- 13 repair as a result of extreme weather events,
- 14 flooding, or other natural disasters, as deter-
- 15 mined by the Secretary.

16 “(3) SAVINGS PROVISION.—Nothing in this sub-

17 section limits the ability of a State to carry out a

18 project otherwise eligible under subsection (d) using

19 funds apportioned under section 104(b)(1).”.

20 **SEC. 7003. RESILIENCY IN TRANSIT.**

21 Section 5324 of title 49, United States Code, is

22 amended by—

- 23 (1) striking “and” at the end of subsection
- 24 (b)(1);

1 (2) striking the period at the end of subsection
2 (b)(2)(B) and inserting “; and”; and

3 (3) by adding at the end of subsection (b) the
4 following new paragraph:

5 “(3) mitigation projects and activities that the
6 Secretary determines are cost effective and which
7 substantially reduce the risk of, or increase resilience
8 to, future damage, hardship, or loss, related to
9 equipment and facilities of a public transportation
10 system operating in the United States or on an In-
11 dian reservation that the Secretary determines is in
12 danger of suffering serious damage, or has suffered
13 serious damage, as a result of an emergency.”.

14 **SEC. 7004. HIGHWAY EMERGENCY RELIEF AND RESIL-**
15 **IENCY.**

16 (a) IN GENERAL.—Section 125 of title 23, United
17 States Code, is amended—

18 (1) in subsection (a)(1), by inserting “wildfire,
19 sea level rise,” after “severe storm”;

20 (2) by striking subsection (b) and inserting the
21 following:

22 “(b) RESTRICTION ON ELIGIBILITY.—Funds under
23 this section shall not be used for the repair or reconstruc-
24 tion of a bridge that has been permanently closed to all
25 vehicular traffic by the Federal, State, Tribal, or respon-

1 sible local official because of imminent danger of collapse
2 due to a structural deficiency or physical deterioration.”;
3 and

4 (3) in subsection (d)—

5 (A) in paragraph (2)(A)—

6 (i) by striking the period at the end
7 and inserting “; and”;

8 (ii) by striking “a facility that meets
9 the current” and inserting the following:
10 “a facility that—

11 “(i) meets the current”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(ii) incorporates economically justifi-
15 able improvements designed and dem-
16 onstrated to mitigate and reduce the risk
17 of recurring damage from extreme weather
18 events, flooding, or other natural disas-
19 ters.”;

20 (B) by redesignating paragraphs (3)
21 through (5) as paragraphs (4) through (6), re-
22 spectively; and

23 (C) by inserting after paragraph (2) the
24 following:

25 “(3) PROTECTIVE FEATURES.—

1 “(A) IN GENERAL.—The cost of an im-
2 provement that is part of a project under this
3 section shall be an eligible expense under this
4 section if the improvement is a protective fea-
5 ture that is designed and demonstrated to miti-
6 gate and reduce the risk of recurring damage,
7 or the cost of future repair, from extreme
8 weather events, flooding, or other natural disas-
9 ters.

10 “(B) PROTECTIVE FEATURES DE-
11 SCRIBED.—A protective feature referred to in
12 subparagraph (A) may include—

13 “(i) raising roadway grades;

14 “(ii) relocating roadways in a base
15 floodplain to higher ground above projected
16 flood elevation levels or away from slide
17 prone areas;

18 “(iii) stabilizing slide areas;

19 “(iv) stabilizing slopes;

20 “(v) installing riprap;

21 “(vi) lengthening or raising bridges to
22 increase waterway openings;

23 “(vii) deepening channels to prevent
24 flooding;

1 “(viii) increasing the size or number
2 of drainage structures;

3 “(ix) replacing culverts with bridges
4 or upsizing culverts;

5 “(x) repairing or maintaining tide
6 gates;

7 “(xi) installing seismic retrofits on
8 bridges;

9 “(xii) adding scour protection at
10 bridges;

11 “(xiii) adding scour, stream stability,
12 coastal, and other hydraulic counter-
13 measures, including spur dikes;

14 “(xiv) the use of natural infrastruc-
15 ture to mitigate the risk of recurring dam-
16 age or the cost of future repair from ex-
17 treme weather events, flooding, or other
18 natural disasters; and

19 “(xv) any other features that mitigate
20 the risk of recurring damage or the cost of
21 future repair as a result of extreme weath-
22 er events, flooding, or other natural disas-
23 ters, as determined by the Secretary.”.

24 (b) EMERGENCY RELIEF PROJECTS.—

1 (1) DEFINITION OF EMERGENCY RELIEF
2 PROJECT.—In this section, the term “emergency re-
3 lief project” means a project carried out under the
4 emergency relief program under section 125 of title
5 23, United States Code.

6 (2) IMPROVING THE EMERGENCY RELIEF PRO-
7 GRAM.—Not later than 90 days after the date of en-
8 actment of this Act, the Secretary shall—

9 (A) revise the emergency relief manual of
10 the Federal Highway Administration—

11 (i) to include and reflect the definition
12 of the term “resilience” (as defined in sec-
13 tion 101(a) of title 23, United States
14 Code);

15 (ii) to ensure resilience measures are
16 cost effective and substantially reduce the
17 risk of, or increase resilience to, future
18 damage, hardship, loss, or suffering in any
19 area affected by a declared disaster;

20 (iii) to identify procedures that States
21 may use to incorporate resilience into
22 emergency relief projects; and

23 (iv) to encourage the use of Complete
24 Streets design principles and consideration

1 of access for moderate- and low-income
2 families impacted by a declared disaster;

3 (B) develop best practices for improving
4 the use of resilience in—

5 (i) the emergency relief program
6 under section 125 of title 23, United
7 States Code; and

8 (ii) emergency relief efforts;

9 (C) provide to division offices of the Fed-
10 eral Highway Administration and State depart-
11 ments of transportation information on the best
12 practices developed under paragraph (2); and

13 (D) develop and implement a process to
14 track—

15 (i) the consideration of resilience as
16 part of the emergency relief program under
17 section 125 of title 23, United States
18 Code; and

19 (ii) the measurement of risk reduction
20 and costs of emergency relief projects.

21 (3) CONSULTATION.—In carrying out actions
22 pursuant to paragraph (2), the Secretary shall con-
23 sult with the Administrator of the Federal Emer-
24 gency Management Agency to ensure resiliency guid-
25 ance and activities are consistent with and do not

1 conflict with other resiliency and mitigation activities
2 and priorities.

3 **SEC. 7005. HIGHWAY RESILIENCY INCENTIVES.**

4 Section 120(e) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(4) PROTECTIVE FEATURES.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, the Federal share pay-
9 able for the cost of a protective feature on a
10 Federal-aid highway or bridge project under
11 this title may be up to 100 percent, at the dis-
12 cretion of the State, if the protective feature is
13 an improvement designed and demonstrated to
14 mitigate and reduce the risk of recurring dam-
15 age, or the cost of future repair, from extreme
16 weather events, flooding, or other natural disas-
17 ters.

18 “(B) PROTECTIVE FEATURES DE-
19 SCRIBED.—A protective feature referred to in
20 subparagraph (A) may include—

21 “(i) raising roadway grades;

22 “(ii) relocating roadways in a base
23 floodplain to higher ground above projected
24 flood elevation levels or away from slide
25 prone areas;

- 1 “(iii) stabilizing slide areas;
- 2 “(iv) stabilizing slopes;
- 3 “(v) installing riprap;
- 4 “(vi) lengthening or raising bridges to
5 increase waterway openings;
- 6 “(vii) deepening channels to prevent
7 flooding;
- 8 “(viii) increasing the size or number
9 of drainage structures;
- 10 “(ix) replacing culverts with bridges
11 or upsizing culverts;
- 12 “(x) repairing or maintaining tide
13 gates;
- 14 “(xi) installing seismic retrofits on
15 bridges;
- 16 “(xii) adding scour protection at
17 bridges;
- 18 “(xiii) adding scour, stream stability,
19 coastal, and other hydraulic counter-
20 measures, including spur dikes;
- 21 “(xiv) the use of natural infrastruc-
22 ture to mitigate and reduce the risk of re-
23 curring damage or the cost of future repair
24 from extreme weather events, flooding, or
25 other natural disasters; and

1 “(xv) any other features that mitigate
2 and reduce the risk of recurring damage or
3 the cost of future repair as a result of ex-
4 treme weather events, flooding, or other
5 natural disasters, as determined by the
6 Secretary.”.

7 **SEC. 7006. GUIDANCE ON INUNDATED AND SUBMERGED**
8 **ROADS.**

9 Upon issuance of guidance issued pursuant to section
10 1228 of the Disaster Recovery Reform Act of 2018 (Public
11 Law 115–254), the Administrator of the Federal Highway
12 Administration, in consultation with the Administrator of
13 the Federal Emergency Management Agency, shall review
14 such guidance and issue guidance regarding repair, res-
15 toration, and replacement of inundated and submerged
16 roads damaged or destroyed by a major disaster declared
17 pursuant to the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5121 et seq.) with
19 respect to roads eligible for assistance under Federal
20 Highway Administration programs.

21 **SEC. 7007. GUIDANCE ON EVACUATION ROUTES.**

22 (a) IN GENERAL.—

23 (1) GUIDANCE.—The Administrator of the Fed-
24 eral Highway Administration, in coordination with
25 the Administrator of the Federal Emergency Man-

1 agement Agency and consistent with guidance issued
2 by the Federal Emergency Management Agency pur-
3 suant to section 1209 of the Disaster Recovery Re-
4 form Act of 2018 (Public Law 115–254), shall re-
5 vise existing guidance or issue new guidance as ap-
6 propriate for State, local, and Indian Tribal govern-
7 ments regarding the design, construction, mainte-
8 nance, and repair of evacuation routes.

9 (2) CONSIDERATIONS.—In revising or issuing
10 guidance under subsection (a)(1), the Administrator
11 of the Federal Highway Administration shall con-
12 sider—

13 (A) methods that assist evacuation routes
14 to—

15 (i) withstand likely risks to viability,
16 including flammability and hydrostatic
17 forces;

18 (ii) improve durability, strength (in-
19 cluding the ability to withstand tensile
20 stresses and compressive stresses), and
21 sustainability; and

22 (iii) provide for long-term cost sav-
23 ings;

24 (B) the ability of evacuation routes to ef-
25 fectively manage contraflow operations;

1 (C) for evacuation routes on public lands,
2 the viewpoints of the applicable Federal land
3 management agency regarding emergency oper-
4 ations, sustainability, and resource protection;
5 and

6 (D) such other items the Administrator of
7 the Federal Highway Administration considers
8 appropriate.

9 (3) REPORT.—In the case in which the Admin-
10 istrator of the Federal Highway Administration, in
11 consultation with the Administrator of the Federal
12 Emergency Management Agency, concludes existing
13 guidance addresses the considerations in paragraph
14 (2), the Administrator of the Federal Highway Ad-
15 ministration shall submit to the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on Environment
18 and Public Works of the Senate a detailed report de-
19 scribing how existing guidance addresses such con-
20 siderations.

21 (b) STUDY.—The Administrator of the Federal High-
22 way Administration, in coordination with the Adminis-
23 trator of the Federal Emergency Management Agency and
24 State, local, territorial, and Indian Tribal governments,
25 shall—

1 (1) conduct a study of the adequacy of available
2 evacuation routes to accommodate the flow of evac-
3 uees; and

4 (2) submit recommendations to Congress on
5 how to help with anticipated evacuation route flow,
6 based on the study conducted under paragraph (1).

7 **SEC. 7008. DEFINITIONS.**

8 Section 101(a) of title 23, United States Code, is
9 amended—

10 (1) in paragraph (4)(A) by inserting “assessing
11 resilience,” after “surveying,”; and

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

13 “(35) RESILIENCE.—Unless otherwise specified,
14 the term ‘resilience’, with respect to a project, means
15 a project with the ability to anticipate, prepare for,
16 or adapt to conditions or mitigate against, with-
17 stand, respond to, or recover rapidly from disrup-
18 tions, including the ability—

19 “(A) to resist hazards, mitigate against,
20 reduce costs associated with or withstand im-
21 pacts from weather events and natural disas-
22 ters; or

23 “(B) to have the absorptive capacity,
24 adaptive capacity, and recoverability to decrease

1 project vulnerability to weather events or other
2 natural disasters.”.

3 **SEC. 7009. UNIVERSITY TRANSPORTATION CENTERS.**

4 Section 5505 of title 49, United States Code, is
5 amended—

6 (1) in subsection (a)(2) by adding at the end
7 the following:

8 “(D) To consider the ability to anticipate,
9 prepare for, or adapt to conditions or with-
10 stand, increase resiliency to, reduce costs re-
11 lated to, respond to, or recover rapidly from
12 disruptions resulting from extreme weather
13 events and natural disasters”;

14 (2) in subsection (b)(4)(A) by striking “re-
15 search priorities identified in chapter 65.” and in-
16 serting the following: “following research priorities:

17 “(i) Improving the mobility of people
18 and goods.

19 “(ii) Reducing congestion.

20 “(iii) Promoting safety.

21 “(iv) Improving the durability and ex-
22 tending the life of transportation infra-
23 structure and the existing transportation
24 system.

1 “(v) Improving the ability to antici-
2 pate, prepare for, or adapt to conditions or
3 withstand, respond to, or recover rapidly
4 from disruptions resulting from extreme
5 weather events and natural disasters.”;
6 and

7 (3) in subsection (c)(4)—

8 (A) in subparagraph (C) by adding at the
9 end the following: “In awarding grants under
10 this section, the Secretary shall also select not
11 less than 1 grant recipient with each of the fol-
12 lowing focus areas:

13 “(i) Improving the ability to antici-
14 pate, prepare for, or adapt to conditions or
15 withstand, increase resiliency to, reduce
16 costs related to, respond to, or recover rap-
17 idly from disruptions resulting from ex-
18 treme weather events and natural disas-
19 ters.

20 “(ii) Developing innovative road de-
21 signs, materials, and restoration strategies
22 to better enhance the durability and struc-
23 tural integrity of roads and subgrade soils
24 that may become inundated during severe
25 weather events.

1 “(iii) Enhancing the viability and du-
2 rability of evacuation routes, including
3 ways to effectively manage contraflow op-
4 erations to minimize casualties.”; and

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

6 “(D) CONSIDERATIONS FOR SELECTED IN-
7 STITUTIONS.—

8 “(i) IN GENERAL.—Tier 1 transpor-
9 tation centers awarded a grant under this
10 paragraph with a focus area described in
11 subparagraph (C) shall consider the fol-
12 lowing areas for research:

13 “(I) Developing new materials
14 and improving the performance and
15 resiliency of existing materials for the
16 construction of roads, bridges, rail,
17 and related transportation infrastruc-
18 ture.

19 “(II) Reducing local, state, fed-
20 eral, and tribal costs associated with
21 natural disasters and severe weather.

22 “(III) Innovative technologies
23 and approaches to pre-mitigate
24 against severe weather.

1 “(IV) The durability of roadways
2 and subgrade with respect to flamma-
3 bility and hydrostatic forces.

4 “(V) Strategies to mitigate the
5 costs associated with vulnerabilities in
6 federal evacuation routes, with respect
7 to overcrowding and inundation.

8 “(ii) ACTIVITIES.—A tier 1 transpor-
9 tation center receiving a grant under this
10 section with a focus area described in sub-
11 paragraph (C) may—

12 “(I) establish best practices;

13 “(II) develop modeling tools; and

14 “(III) carry out other activities
15 and develop technology that addresses
16 the planning considerations described
17 in clause (i).”.

18 **SEC. 7010. PRE-DISASTER HAZARD MITIGATION PILOT PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—Section 125 of title 23, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 “(h) PRE-DISASTER HAZARD MITIGATION PILOT
24 PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a pre-disaster mitigation program for the pur-
3 pose of mitigating future hazards posed to Federal-
4 aid highways.

5 “(2) DISTRIBUTION OF FUNDS.—Every 6
6 months, the Secretary shall total the amount of
7 funds made available to each State, territory, Tribal,
8 or other eligible entity under the emergency relief
9 program during the preceding 6 months and remit
10 an additional 5 percent from the Highway Trust
11 Fund to those entities for eligible activities described
12 in paragraph (3).

13 “(3) ELIGIBLE ACTIVITIES.—Funds made avail-
14 able under subsection (h)(2) shall be used for miti-
15 gation projects and activities that the Secretary de-
16 termines are cost effective and which substantially
17 reduce the risk of, or increase resilience to, future
18 damage as a result of natural disasters, such as by
19 flood, hurricane, tidal wave, earthquake, severe
20 storm, or landslide by upgrading existing assets to
21 meet or exceed design standards adopted by the
22 Federal Highway Administration by means of the
23 following:

24 “(A) Relocating or elevating roadways.

1 “(B) Increasing the size or number of
2 drainage structures, including culverts.

3 “(C) Installing mitigation measures to pre-
4 vent the impairment of transportation assets as
5 a result of the intrusion of floodwaters.

6 “(D) Improving bridges to expand water
7 capacity and prevent flooding.

8 “(E) Deepening channels to prevent asset
9 inundation and improve drainage.

10 “(F) improving strength of natural fea-
11 tures adjacent to highway right-of-way to pro-
12 mote additional flood storage.

13 “(G) Installing or upgrading tide gates
14 and flood gates.

15 “(H) Stabilizing slide areas or slopes.

16 “(I) Installing seismic retrofits for bridges.

17 “(J) Adding scour protection at bridges.

18 “(K) Adding scour, stream stability, coast-
19 al, or other hydraulic countermeasures, includ-
20 ing riprap.

21 “(L) Installing intelligent transportation
22 system equipment to monitor infrastructure
23 quality.

24 “(M) Any other protective features as de-
25 termined by the Secretary.

1 “(4) REPORT.—The Secretary shall submit to
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee
4 on Environment and Public Works of the Senate an
5 annual report detailing—

6 “(A) a description of the activities carried
7 out under the pilot program;

8 “(B) an evaluation of the effectiveness of
9 the pilot program in meeting purposes described
10 in paragraph (1); and

11 “(C) policy recommendations to improve
12 the effectiveness of the pilot program.”.

13 (b) SUNSET.—The amendments made by this section
14 shall be repealed on the date that is 5 years after the date
15 of enactment of this Act.

