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.

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

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

   Sec. 1. Short title; table of contents.

   DIVISION A—SURFACE TRANSPORTATION

   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


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.

DIVISION A—SURFACE TRANSPORTATION

SEC. 1001. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

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

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

(2) in subsection (b)(1) by inserting “core account” before “programs”;

(3) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A) by inserting “core account” before “programs”; and

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

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

(5) in subsection (g) by adding at the end the following:
“(4) CORE ACCOUNT PROGRAM.—The term ‘core account program’ means—

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

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

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

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

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

SEC. 1002. EFFECTIVE DATE.

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the nationally significant freight and highway projects program under section 117 of title 23, United States Code.
States Code, such sums as may be necessary for each of fiscal years 2021 through 2025.

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

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

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

(a) **Parking for Commercial Vehicles.**—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 171. Truck parking safety improvement

“(a) **Grant Authority.**—The Secretary shall provide grants under this section, on a competitive basis, for projects to provide parking for commercial motor vehicles on Federal-aid highways or on a facility with reasonable access to—

“(1) a Federal-aid highway; or

“(2) a freight facility.

“(b) **Applications.**—To be eligible for a grant under this subsection, an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may require.
“(c) Application Contents.—An application under subsection (b) shall contain—

“(1) a description of the proposed project; and
“(2) any other information that the Secretary may require.

“(d) Eligible Entities.—The following entities shall be eligible to receive amounts under this section:

“(1) A State.
“(2) Any public agency carrying out responsibilities relating to commercial motor vehicle parking.
“(3) A metropolitan planning organization.
“(4) A local government.

“(e) Eligible Projects.—
“(1) In general.—An entity may use funds provided under this section only for projects described in paragraph (2) that are located—

“(A) on a Federal-aid highway; or
“(B) on a facility with reasonable access to—

“(i) a Federal-aid highway; or
“(ii) a freight facility.

“(2) Projects described.—A project referred to in paragraph (1) is a project to—
“(A) construct safety rest areas (as such term is defined in section 120(c)) that include parking for commercial motor vehicles;

“(B) construct commercial motor vehicle parking facilities—

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

“(ii) within the boundaries of, or adjacent to, a publicly-owned freight facility, including a port terminal operated by a public authority; and

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

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

“(f) ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—Entities may use allocations under this subsection for the following activities of an eligible project:

“(A) Development phase activities, including planning, feasibility analysis, benefit-cost analysis, environmental review, preliminary en-
gineering and design work, and other
preconstruction activities.

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

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

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

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

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

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

“(A) increase commercial motor vehicle
parking capacity;
“(B) facilitate the efficient movement of freight; and
“(C) improve highway safety, traffic congestion, and air quality; and
“(4) demonstrate the ability to provide for the maintenance and operation cost necessary to keep the facility available for use after completion of construction.
“(h) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share for a project carried out under this subsection shall be 90 percent.
“(i) TREATMENT OF FUNDS.—Notwithstanding section 126, funds made available under this subsection shall remain available until expended and shall not be transferable.
“(j) PROHIBITION ON CHARGING FEES.—To be eligible for a grant under this section, an entity shall agree that no fees will be charged for a commercial motor vehicle to access and park at any part of the facility constructed with funds made available under this subsection.
“(k) NOTIFICATION OF CONGRESS.—Not less than 3 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of
Representatives and the Committee on Environment and Public Works of the Senate of the—

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

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

“(l) SURVEY AND COMPARATIVE ASSESSMENT.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, and every 2 years thereafter, the Secretary, in consultation with appropriate State motor carrier safety personnel and State departments of transportation, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

“(A) evaluates the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

“(B) evaluates the effectiveness of the projects funded under this subsection in improving access to truck parking;

“(C) evaluates the ability of entities receiving a grant under this subsection to sustain the
operation of parking facilities constructed with
funds provided under this subsection; and

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

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

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

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

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

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

“171. Truck parking safety improvement.”.

SEC. 1104. TEMPORARY FEDERAL SHARE FOR FEDERAL-AID
HIGHWAY PROJECTS.

Notwithstanding any other provision of law, the Fed-
eral share of the cost of a project under title 23, United
States Code, for which amounts are made available during fiscal year 2021 and 2022 may be up to 100 percent, at the discretion of the Secretary of Transportation.

SEC. 1105. CONSOLIDATED FUNDING PROGRAM.

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

“§ 172. Consolidated funding program

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

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

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

“(2) meet minimum levels for the condition for bridges on the National Highway System as described in section 119(f)(2);

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

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

“(c) APPLICATIONS.—

“(1) REQUEST.—Not later than 6 months after the date of enactment of this section, the Secretary shall request applications in accordance with paragraph (2).

“(2) CONTENTS.—An application submitted under this paragraph shall include a plan on how the State and each affected metropolitan planning organization shall continue to meet, or make significant progress toward meeting, performance measures and standards under section 150(e) of title 23, United States Code.

“(d) USE OF BLOCK GRANT FUNDS.—

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

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

“(B) the surface transportation block grant program under section 133;
“(C) the highway safety improvement program under section 148;

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

“(E) for metropolitan planning under section 134; or

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

“(2) Allocation of funds.—Of the total amount of funds provided under this section in a fiscal year for projects described in paragraph (1)—

“(A) 25 percent of funds shall be obligated, in proportion to the relative shares of the population of the State—

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

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

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

“(B) for any funds that are not obligated under subparagraph (A), such funds may be obligated in any area of the State.
“(e) BLOCK GRANT SELECTION.—

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

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

“(3) SUBSEQUENT FISCAL YEARS.—Subject to subsection (g)(2), the Secretary shall continue to apportion block grants to the awarded States.

“(4) SUNSET.—The authority to provide grants under this section shall cease on the last day of fiscal year 2025.

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

“(g) PROGRESS REPORT.—

“(1) IN GENERAL.—Not later than 2 years after the first fiscal year in which funds are provided under this section, any State receiving funds shall submit to the Secretary a progress report on meeting, or making significant progress toward meeting,
performance measures and standards under section 150(e).

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

“(3) REVIEW.—If the Secretary finds that a State that received funds under this section did not meet, or achieve significant progress (as defined by the Secretary) toward target achievement of, all performance targets set in the report required under paragraph (1), the Secretary may not provide funds to such State under the program in the following fiscal year or 6 months after determination that the State failed to meet, or make significant progress toward target achievement, whichever is later.

“(4) TRANSMISSION TO CONGRESS.—Not later than 30 days after which the Secretary receives a report from a State under paragraph (1), the Secretary shall transmit the progress report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.
“(h) Treatment of Law.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid highway under this chapter.

“(i) Definition of Base Apportionment.—In this section, the term ‘base apportionment’ has the meaning given the term in section 104(i).”.

(b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“172. Consolidated funding program.”.

Subtitle B—Acceleration of Project Delivery

Sec. 1201. Environmental Reviews for Major Projects.

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

(1) in subsection (a)—

(A) in paragraph (3)(B) by striking “process for and completion of any environmental permit” and inserting “process and schedule, including a timetable for and completion of any environmental permit”;

(B) By redesignating paragraphs (5) through (8) as paragraphs (9) through (11);
(C) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6);

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

“(2) AUTHORIZATION.—The term ‘authorization’ means any environmental license, permit, approval, finding, or other administrative decision related to an environmental review process that is required under Federal law to site, construct, or reconstruct a project.

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

(E) by inserting after paragraph (6), as redesignated, the following:

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

“(A) multiple permits, approvals, reviews, or studies are required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
“(B) the project sponsor has identified the reasonable availability of funds sufficient to complete the project;

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

“(D) the head of the lead agency has determined that—

“(i) an environmental impact statement is required; or

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

(2) in subsection (b)(1)—

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

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

(3) in subsection (c)—

(A) in paragraph (6)—

(i) in subparagraph (B) by striking “and” at the end;
(ii) in subparagraph (C) by striking the period at the end and inserting “; and

(iii) by adding at the end the following:

“(D) to calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year.”; and

(B) by adding at the end the following:

“(7). PROCESS IMPROVEMENTS FOR PROJECTS.—

“(A) IN GENERAL.—The Secretary shall review existing practices, procedures, programmatic agreements, and applicable laws to identify potential changes that would facilitate an efficient environmental review process for projects.

“(B) CONSULTATION.—In conducting the review required by subparagraph (A), the Secretary shall consult, as appropriate, with the heads of other Federal agencies that participate in the environmental review process.

“(C) REPORT.—Not later than 2 years after the date of enactment of the One Federal
Decision Act of 2020, Secretary shall submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

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

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

(4) in subsection (d)—

(A) in paragraph (8)—

(i) in the heading, by striking “NEPA” and inserting “ENVIRONMENTAL”;

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

“(A) IN GENERAL.—Except as inconsistent with paragraph (7), and except as provided in subparagraph (D), to the maximum extent practicable and consistent with Federal law, all Federal authorizations and reviews for a project shall rely on a single environmental document for each type of environmental document pre-
pared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.”; and

(iii) by adding at the end the following:

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

“(i) the project sponsor requests that agencies issue separate environmental documents;

“(ii) the obligations of a cooperating agency or participating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have already been satisfied with respect to such project; or

“(iii) the lead agency determines that such application would not facilitate completion of the environmental review process for such project within the timeline established under paragraph (10).”; and

(B) by adding at the end the following:

“(10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS.—
“(A) DEADLINE.—Except as provided in subparagraph (C), notwithstanding any other provision of law, all authorization decisions necessary for the construction of a major project shall be completed by not later than 90 days after the date of the issuance of a record of decision for the major project.

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

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

“(i) Federal law prohibits the lead agency or another agency from issuing an approval or permit within the period described in such subparagraph;

“(ii) such an extension is requested by the project sponsor; or
“(iii) such extension would facilitate the completion of the environmental review and authorization process of the major project.”;

(5) in subsection (g)—

(A) in paragraph (1)(B)—

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

“(IV) the overall time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of the project;”; and

(ii) by adding at the end the following:

“(iii) MAJOR PROJECT SCHEDULE.— To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, in consultation with the project sponsor, a schedule for the major project that is consistent with an agency average of not more than 2 years for the
complection of the environmental review process for major projects. The time period measured, as applicable—

“(I) in the case of a project that requires an environmental impact statement, begins on the date of publication of a notice of intent to prepare an environmental impact statement and ends on the date of publication of a record of decision; or

“(II) in the case of a project which does not require an environmental impact statement, begins on the date of that the decision is made to prepare an environmental assessment and ends on the date of issuance of a finding of no significant impact.”;

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

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

“(E) FAILURE TO MEET DEADLINE.—If a Federal cooperating agency fails to meet a deadline established under subparagraph (D)(ii)(I)—
“(i) not later than 30 days after the date such agency failed to meet such deadline, such agency shall submit to the Secretary a report on why the deadline was not met; and

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

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

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

(6) By adding at the end the following:

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

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the One Federal Decision Act of 2020, the Secretary shall establish a performance accountability system to track each major project.
“(2) REQUIREMENTS.—The performance accountability system required under paragraph (1) shall, for each major project, track—

“(A) the environmental review process for such project, including the project schedule required by subsection (g)(1)(B)(iii);

“(B) whether the lead agency, cooperating agencies, and participating agencies are meeting such schedule; and

“(C) the time taken to complete the environmental review process.

“(q) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—

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

“(A) in consultation with the agencies described in paragraph (2), identify the categorical exclusions established by the Federal Highway Administration that would accelerate delivery of a project if such categorical exclusions were available to such agencies;

“(B) collect existing documentation and substantiating information on the categorical exclusions described in subparagraph (A); and
“(C) provide to each agency described in paragraph (2) a list of the categorical exclusions identified under subparagraph (A) and the documentation and substantiating information collected under subparagraph (B).

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

“(A) The Departments of—

“(i) the Interior;

“(ii) Commerce;

“(iii) Agriculture;

“(iv) Energy; and

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

“(B) any other Federal agency that has participated in an environmental review process for a major project, as determined by the Secretary.

“(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary provides the list under paragraph (1)(C), an agency described in paragraph (2) shall publish a notice of proposed rulemaking to propose any categor-
ical exclusions from the list applicable to the agency, subject to the condition that the categorical exclusion identified under paragraph (1)(A) meets the criteria for a categorical exclusion under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) Public Comment.—In a notice of proposed rulemaking under subparagraph (A), the applicable agency shall solicit comments on whether any of the proposed new categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations).”.

SEC. 1202. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) Amendments.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended—

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

(2) by adding at the end the following:

“SEC. 106 PROCEDURES FOR DETERMINATIONS.

“(a) Environmental Impact Statements.—
“(1) Request for public comment.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on potential alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed Federal action.

“(2) Sponsor preparation.—A lead agency may allow a project sponsor to prepare an environmental impact statement, if such agency provides such sponsor with appropriate guidance and assists in the preparation. The lead agency shall independently evaluate the environmental impact statement before adopting it, and shall take responsibility for the contents upon adoption.

“(3) Deadline.—Each environmental impact statement shall be completed not later than 2 years after the date of publication of the notice of intent to prepare such environmental impact statement is issued unless the lead agency approves a delay in writing and establishes a new timeline that provides only so much additional time as is necessary to complete such environmental impact statement. The lead agency may only approve such a delay if such delay is necessary to complete the environmental impact statement.
“(4) STATEMENT OF PURPOSE AND NEED.—
Each environmental impact statement shall include a
statement of purpose and need that briefly summa-
rizes the underlying purpose and need for the pro-
posed agency action. In a case where the agency is
reviewing an application for authorization, such
statement shall focus on the goals of the applicant
and the agency’s authority.

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

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

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

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

“(b) ENVIRONMENTAL ASSESSMENTS.—
“(1) Sponsor Preparation.—A lead agency may allow a project sponsor to prepare an environmental assessment, if such agency provides such sponsor with appropriate guidance and assists in the preparation. The lead agency shall independently evaluate the environmental assessment before adopting it, and shall take responsibility for the contents upon adoption.

“(2) Word Limit.—An environmental assessment may not exceed 37,500 words, excluding appendices, unless the lead agency approves a longer statement in writing and establishes a new word limit.

“(3) Deadline.—Environmental assessments required by section 102 shall be completed not later than 1 year after the date on which the decision to prepare such environmental assessment is made unless the lead agency approves a delay in writing and establishes a new timeline that provides only so much additional time as is necessary to complete such environmental assessment.

“(c) Review for Application of Section 102.—In reviewing a Federal action to determine the appropriate review under section 102:
“(1) REQUIREMENTS FOR A COOPERATING AGENCY.—A cooperating agency shall submit any comments within a time period specified by the lead agency and limit such comments to matters on which such agency has jurisdiction by law or special expertise with respect to an environmental issue.

“(2) DEFINITION OF SIGNIFICANCE.—In determining whether the effects of a proposed Federal action are significant, a Federal official shall only consider the reasonably foreseeable effects with a reasonably close causal relationship to the action being considered and may not consider cumulative effects.

“(d) CATEGORICAL EXCLUSIONS.—Not later than 90 days after the date of enactment of this section, the Council on Environmental Quality shall establish procedures for a Federal agency to adopt a categorical exclusion established by another Federal agency.

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

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

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

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

“(3) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ means an environmental assessment prepared under section 102.

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

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

“(6) REASONABLY FORESEEABLE.—The term ‘reasonably foreseeable’ means sufficiently likely to occur such that a person of ordinary prudence would take such occurrence into account in reaching a decision.
“(7) **SPECIAL EXPERTISE.**—The term ‘special expertise’ means statutory responsibility, agency mission, or related program experience.”.

(b) **REGULATORY CHANGES.**—

(1) **CONTROVERSY AS A FACTOR IN DETERMINING SIGNIFICANCE.**—The Council on Environmental Quality shall, not later than 90 days after the date of enactment of this Act, issue regulations to remove consideration of the level of controversy with respect to a determination regarding whether a proposed Federal action is significant as such term is used in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) **ALTERNATIVES OUTSIDE OF AGENCY JURISDICTION.**—The Council on Environmental Quality shall, not later than 120 days after the date of enactment of this Act, issue regulations to remove any requirement that a lead agency consider alternatives not within the jurisdiction of such agency unless such consideration is necessary for agency decision-making under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).
SEC. 1203. APPLICATION OF CATEGORICAL EXCLUSIONS
FOR TRANSPORTATION PROJECTS.

(a) In General.—Section 304 of title 49, United
States Code, is amended—

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

(2) in subsection (a)—

(A) in paragraph (1)—

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

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

(iii) by striking “multimodal”;

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

“(2) Lead Agency.—The term ‘lead agency’
means a Federal agency, or State agency that has
been delegated authority under the National Envi-
seq.), that has the lead responsibility for compliance
with such Act with respect to a proposed project.”; 

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

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

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

(4) in subsection (e)—

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

(B) by striking “multimodal project, a lead authority” and inserting “project, a lead agency”;

(C) by striking “procedures of a cooperating authority for a proposed multimodal project” and inserting “procedures of any other Federal agency for a proposed project”;

(D) in paragraph (1)—

(i) by striking “lead authority makes a determination, with the concurrence of the cooperating authority” and inserting “the Federal agency proposing to apply the categorical exclusion makes a determination, after consultation with the other Federal agencies”;

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

(iii) in subparagraph (B) by striking the semicolon and inserting “; and”;

(E) in paragraph (2)—

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

(ii) by striking “of the cooperating authority or procedures under that Act; and” and inserting “or procedures of the other Federal agency under that Act.”; and

(F) by striking paragraph (3); and

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 304 and inserting the following:

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

SEC. 1204. AIR QUALITY AND CONFORMITY.

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

(1) in the matter preceding subparagraph (A) in paragraph (1) by striking “Conformity to” and inserting “Conformity to”;
(2) in paragraph (2)—

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

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

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

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

(E) by striking “(C) a transportation project may be adopted or approved by a metropolitan planning organization or any recipient of funds designated under title 23, United States Code, chapter 53 of title 49, United States Code, or found in conformity by a metropolitan planning organization or approved, accepted, or funded by the Department of Transportation only if it meets either the requirements of subparagraph (D)” and inserting the following:

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

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

(G) by striking ‘‘(D) Any project not re-
ferred to’’ and inserting the following:

‘‘(C) Any project not referred to’’.

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

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

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

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

“(iii) The Secretary of Transportation shall—

“(I) ensure that any environmental docu-
ment prepared for the project under the Na-
tional Environmental Policy Act of 1969 (42
U.S.C. 4332 et seq.) discloses the need for a
transportation conformity determination and
evaluates consistency with conformity require-
ments; and

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

(c) TECHNICAL CORRECTION TO MARGINS.—The
margins of paragraphs (5) through (10) of section 176(c)
of the Clean Air Act (42 U.S.C. 7506(c)) are amended
by moving such margins 2 ems to the left.
(d) APPLICABILITY.—Section 176(c)(5) of the Clean Air Act (42 U.S.C. 7506(c)(5)), as amended by subsection (c), is further amended—

(1) by striking “(5) APPLICABILITY.—This subsection” and inserting “(5) APPLICABILITY.—(A) This subsection”; and

(2) by adding at the end the following new subparagraph:

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

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

“(11) PROGRAMMATIC CONFORMITY DETERMINATIONS.—

“(A) IN GENERAL.—The Secretary of Transportation—

“(i) shall, to the maximum extent practicable, use programmatic conformity determinations to streamline the process for satisfying transportation conformity requirements under this subsection; and
“(ii) may issue a programmatic conformity
determination, in consultation with the Admin-
istrator, on a nationwide, statewide, metropoli-
tan, or other geographic basis.

“(B) Regulations.—

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

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

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

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

“(III) projects located in areas in
which the ambient levels of the applicable
pollutant are substantially lower than the
level required by the applicable national
ambient air quality standard, such that an
exceedance of that standard is determined Secretary to be unlikely to occur.

“(C) DEFINITION.—In this paragraph, the term ‘programmatic conformity determination’ includes any conformity determination that applies to a category of transportation plans, programs, or projects.”.

SEC. 1205. AGREEMENTS RELATING TO USE OF AND ACCESS TO RIGHTS-OF-WAY INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) JUSTIFICATION REPORTS.—

“(1) IN GENERAL.—Upon request of a State, the Secretary shall enter into a written agreement with the State that assigns the full responsibility of the Secretary to the State for granting any approvals required under subsection (a) for changes in points of access to, or exits from, the Interstate System (including new or modified freeway-to-crossroad interchanges inside a transportation management area (designated or identified under section 5303(k) of title 49)).
“(2) CONDITIONS.—In entering into a written agreement under paragraph (1), the Secretary shall include appropriate conditions to ensure that the responsibilities assigned are carried out in a manner consistent with maintaining a safe and efficient Interstate System.”.

SEC. 1206. PERMITS FOR DREDGED OR FILL MATERIAL.

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

(1) in subsection (f)(1)—

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

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

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

“(D) activities involving maintenance, repair and/or construction of roadside ditches, including emergency activities, temporary fills, and changes in the character, scope, and/or size of the original fill design to meet current design and safety standards, provided they that do not result in significant alterations to flow or circulation, and maintain to the maximum extent
practicable, the course, condition, capacity, and
location of open waters;”;

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

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

(a) FINDINGS.—Congress finds the following:

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

(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.

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

(1) integrate environmental planning or other
techniques involving consideration of multiple re-
resources on a watershed or ecosystem scale;
(2) enhance environmental mitigation and enhancement measures that will result in a substantial improvement over existing conditions in an ecosystem or watershed;

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

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

(c) FLEXIBILITIES.—In carrying out the pilot program established under subsection (b), the Secretary, in concurrence with the affected agency may waive, with respect to an eligible project, any requirement under Federal law, regulation, or order, if the Secretary and such agencies find that waiving the requirement is reasonably expected to—

(1) promote the development of innovative practices for the environmental review process, as described in paragraphs (1) through (4) of subsection (b);

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

(3) result in achieving the conservation goals of relevant statutes.
(d) Eligibility.—In carrying out the pilot program established under subsection (b), the Secretary may not select more than 15 eligible projects to participate in the program.

(e) Application Process.—

(1) In General.—The Secretary and the affected agency shall be jointly responsible for reviewing and approving applications for participation in the program, as set forth in this subsection.

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

(3) Written Recommendation.—If the Secretary recommends approval of the application, the Secretary shall submit a written recommendation to the affected agency for review. The Secretary’s recommendation may include modifications to the applicant’s proposal.

(4) Approval or Denial of Application.—The affected agency shall approve or deny the application, or approve the application with conditions.
(5) COMMUNICATION OF DECISION.—Upon the final approval decision by the Secretary and affected agency, the Secretary shall communicate the decision in writing to the project sponsor, the affected State (if not the project sponsor), and each affected agency, and shall post the decision on the agency’s public website, and publish the decision in the Federal Register. The Secretary’s notice shall identify, with specificity, each federal requirement that has been waived or otherwise modified. This decision shall be final.

(f) IMPLEMENTATION.—Upon publication of the decision in the Federal Register pursuant to subsection (c)(4), the Secretary may initiate the proposal or the environmental review process for the project. Each federal agency with responsibility for review, consultation, approval, or other role in the environmental review process for the project or proposal shall proceed in accordance with the decision.

(g) TERMINATION.—

(1) IN GENERAL.—The Secretary or any affected agency may terminate the participation of a project in the pilot program under this section if the Secretary or affected agency determines that—
(A) the conditions for participation (as set forth in the application approval decision) have not been met; and

(B) termination is in the public interest.

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

(h) REPORTING.—

(1) ANNUAL REPORT.—The Secretary, in consultation with the affected agency, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on each eligible project participating in the program.

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

(A) identify each eligible project;

(B) provide a status update on the environmental review process for such project; and

(C) summarize any lessons learned from the use of innovative practices authorized under the pilot program.
(i) **SUNSET.**—The pilot program established under subsection (b) shall terminate on the date that is 5 years after the date of enactment of this Act.

(j) **DEFINITIONS.**—In this section:

(1) **AFFECTED AGENCY.**—The term “affected agency” means a Federal agency or agencies, other than the Department of Transportation, with an approval or consultation role that would be affected if the flexibilities described in subsection (e) are used.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means any State department of transportation.

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

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

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

**TITLE II—INNOVATIVE PROJECT FINANCE**

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

(a) **DEFINITIONS.**—In this section:
(1) **ELIGIBLE BORROWER.**—The term “eligible borrower” means a recipient of an eligible loan administered by the National Surface Transportation and Innovative Finance Bureau.

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

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

(b) **INTEREST RATE RESET.**—

(1) **IN GENERAL.**—If, at any time after the date of execution of an eligible loan, the eligible borrower of such eligible loan is impacted by COVID–19 and unable to generate sufficient revenues from the dedicated revenue source to pay the scheduled repayments of principal and interest on such eligible loan—

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

(B) the Secretary—
(i) in accordance with such criteria as the Secretary may establish under sub-section (d), shall determine whether the eligible borrower is impacted by COVID–19; and

(ii) if a positive determination is made under clause (i), may reset the interest rate of such eligible loan (including through amendment of such eligible loan) to a lower interest rate equal to not less than the yield on United States Treasury securities of a similar maturity to the maturity of the eligible loan on the date of the reset, in accordance with this section.

(2) APPLICABILITY.—A lower interest rate provided for an eligible loan pursuant to paragraph (1)(B)(ii) shall apply until the final maturity date of the eligible loan.

(c) OTHER LOAN MODIFICATIONS.—With respect to an eligible borrower impacted by COVID–19, the Secretary, on determining that the eligible borrower has been impacted by COVID–19, may—

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

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

(d) CRITERIA.—

(1) IN GENERAL.—To be eligible to receive a lower interest rate or other loan modification under this section, an eligible borrower shall achieve compliance with such criteria as the Secretary may establish, in accordance with paragraph (2).

(2) FACTORS FOR CONSIDERATION.—In establishing criteria for purposes of paragraph (1), the Secretary may take into consideration such factors as the Secretary determines to be relevant, including achieving the objectives of—

(A) maintaining the operation of a project carried out by an eligible borrower in a disaster, emergency, or other extenuating circumstance;
(B) mitigating the financial impact on an eligible borrower of a disaster, emergency, or other extenuating circumstance; and

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

(e) EFFECTIVE PERIOD.—

(1) IN GENERAL.—The authority of the Secretary to reset interest rates pursuant to this section shall terminate on September 30, 2021.

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

TITLE III—PUBLIC TRANSPORTATION

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Public Transportation Act of 2020”.

SEC. 3002. URBANIZED AREA FORMULA GRANTS.

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

(1) by striking “At least once every 3 years” and inserting the following:
“(A) IN GENERAL.—At least once every 3 years, except as provided for under subparagraph (B)”; and

(2) by adding at the end the following:

“(B) TARGETED REVIEW FOR HIGH-PERFORMING RECIPIENTS.—In the case of a recipient under this section for which no action under paragraph (3) has been found to be necessary for 6 or more consecutive years, the triennial review shall be a targeted review, as determined by the Secretary, to ascertain whether there is, with respect to the performance of a program under this section—

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

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

“(iii) any material change since the most recent triennial review that the Secretary determines risks the recipient’s compliance with respect to such performance.”.
SEC. 3003. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

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

(1) in subsection (a)—

(A) in paragraph (7)—

(i) in subparagraph (A) by striking "$100,000,000" and inserting "$200,000,000"; and

(ii) in subparagraph (B) by striking "$300,000,000" and inserting "$400,000,000"; and

(B) by adding at the end the following:

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

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

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

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

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

(4) in subsection (h)—

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

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

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

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

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

SEC. 3004. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

Section 5310 of title 49, United States Code, is amended—
(1) in subsection (b)(2) by striking “(A) AMOUNT AVAILABLE” and all that follows through “A recipient of a grant under” and inserting “A recipient of a grant under”;

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

“(E) REALLOCATION.—Amounts apportioned under section 5310(c)(1)(A) may be reallocated to projects in areas other than urbanized areas.”;

(3) by striking paragraphs (1) and (2) of subsection (d) and inserting the following:

“(1) CAPITAL PROJECTS.—

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

“(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under such section.

“(2) OPERATING ASSISTANCE.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this
section for a operating assistance may not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.

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

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

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

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

“(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.”.

SEC. 3005. FORMULA GRANTS FOR RURAL AREAS.

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

(1) in paragraph (1) by adding at the end the following:
“(C) Projects in Qualified Opportunity Zones, Medically Underserved Areas, or Areas with a Medically Underserved Population.—A grant awarded under this section for a capital project in a qualified opportunity zone, a medically underserved area, or areas with a medically underserved population shall be for 90 percent of the net costs of the project, as determined by the Secretary.”;

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

“(C) Projects in Qualified Opportunity Zones, Medically Underserved Areas, or Areas with a Medically Underserved Population.—A grant awarded under this section for a capital project in a qualified opportunity zone, a medically underserved area, or an area with a medically underserved population shall be for 62.5 percent of the Government share provided for under paragraph (1)(B).”; and

(3) by adding at the end the following:

“(6) Definitions.—In this subsection:
“(A) QUALIFIED OPPORTUNITY ZONE.—

The term ‘qualified opportunity zone’ has the meaning given such term section 1400Z–1 of the Internal Revenue Code of 1986.

“(B) MEDICALLY UNDERSERVED AREAS; AN AREA WITH A MEDICALLY UNDERSERVED POPULATION.—The term ‘medically underserved areas’ or ‘an area with a medically underserved population’ means an area or populations that are designated as medically underserved by the Secretary of Health and Human Services pursuant to section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))).”.

SEC. 3006. NON-EMERGENCY MEDICAL TRANSPORTATION.

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

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

(2) by redesignating subparagraph (N) as subparagraph (O); and

(3) by inserting after subparagraph (M) the following:

“(N) access to hospitals and healthcare providers in areas underserved by transit or
with limited public transportation options, as
determined by the Secretary; or”.

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

“(i) achieve measurable improvements
in transportation access to health care for
medically underserved areas or populations, as designated by the Health Resources and Services Administration pursuant to section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3));

“(ii) implement transportation strategies for addressing significant health needs as identified by a community health needs assessment pursuant to the requirements of section 501(r)(3)(A) of the Internal Revenue Code of 1986; or

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

SEC. 3007. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) In General.—Section 5314(a) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (H) by striking “and” at the end;
(B) by redesignating subparagraph (I) as subparagraph (J); and

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

“(I) provide innovation and capacity-building to rural and tribal public transportation recipients but that not to duplicate the activities of sections 5311(b) or 5312; and”; and

(2) by adding at the end the following:

“(4) A VAILABILITY OF AMOUNTS.—Of the amounts made available to carry out this section under section 5338(c), $1,500,000 shall be available to carry out activities described in paragraph (2)(I).”.

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

SEC. 3008. GENERAL PROVISIONS.

(a) R EASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—Section 5323(r) of title 49, United States Code, is amended to read as follows:

“(r) R EASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—

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

“(2) RESPONSE TO REQUEST.—

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

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

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

“(t) WAIERS AND DEFERRALS; ADMINISTRATIVE
OPTION.—

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

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

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

“(B) the process by which recipients of as-

such waivers, exemptions, deferrals, or simplified levels of compliance;

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

“(D) the terms and conditions the Secretary shall attach to any waiver, exemption, deferral or simplified level of compliance that is awarded under paragraph (1);

“(E) actions the Secretary may take if a recipient fails to comply the terms and conditions attached to a waiver, exemption, deferral, or simplified level of compliance that has been awarded under paragraph (1); and

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

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

“(4) REPORT.—The Secretary shall submit to the Committee of Banking, Housing, and Urban Affairs of the Senate and the Committee of Transportation and Infrastructure of the House of Represent-
atives an annual report detailing the requests and actions that have been taken under this subsection in the preceding 12 months.”.

(c) Threshold for the Sale of Transit Vehicles After Service Life.—Section 5323 of title 49, United States Code, is further amended by adding at the end the following:

“(v) Threshold for the Sale of Transit Vehicles After Service Life.—Notwithstanding any other provision of law or regulation, for programs under this chapter the threshold amount for transit vehicles after the service life is reached shall be 20 percent of the original acquisition cost of the purchased equipment. For transit vehicles sold for an amount above such amount, the threshold amount shall be retained by the transit agency upon sale of the asset for use by the transit agency for the purpose or operating or capital expenditures, and the remainder shall be remitted to the Secretary and shall be deposited into the Mass Transit Account of the Highway Trust Fund. If such a vehicle is sold for an amount below or equal to the threshold amount, the transit agency shall retain all funds from the sale.”.

SEC. 3009. APPORTIONMENTS.

Section 5336(h)(3) of title 49, United States Code, is amended to read as follows:
“(3) of amount not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i).”

SEC. 3010. GRANTS FOR BUS AND BUS FACILITIES.

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

(1) in subsection (a)(5) by striking subparagraph (A) and inserting the following:

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

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

(3) in subsection (c)—

(A) in paragraph (1)(E)—

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

(ii) in clause (ii) by striking the semicolon and inserting “; or”; and

(iii) by adding at the end the following:
“(iii) with respect to projects in rural areas, any passenger vehicle that is equipped with any technology, including compressed natural gas and liquefied natural gas that reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a diesel powered vehicle;”;

(B) in paragraph (3)(A) by striking “requirements of section 5307” and inserting the following: “requirements of—

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

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

(C) by adding at the end the following:

“(8) DISTRIBUTION OF GRANT FUNDS.—Of the funds allocated under section 5338(a)(2)(M) for no or low emission grants under section 5339(c), not less than 10 percent of the amounts shall be distributed to projects in rural areas.”.
SEC. 3011. ELIMINATION OF APPORTIONMENTS BASED ON HIGH DENSITY STATE FACTORS.

(a) IN GENERAL.—Section 5340 of title 49, United States Code, is amended—
(1) in subsection (b) by striking “and subsection (d)”;
(2) by striking subsection (d).

(b) TECHNICAL CORRECTIONS.—Section 5340 of title 49, United States Code, is amended—
(1) in subsection (b) by striking “5338(b)(2)(N)” and inserting “5338(a)(2)(N)”;
and
(2) in subsection (c)(1) by striking “subsection (b)(1)” and inserting “subsection (b)”.

SEC. 3012. INNOVATIVE MOBILITY AND TECHNOLOGY DEPLOYMENT GRANTS.

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

“§ 5313. Innovative mobility and technology deployment grants

“(a) AUTHORITY.—The Secretary shall establish an innovative mobility and technology deployment grants program to award grants to entities described in subsection (b) to assist in financing of public transportation projects that—
“(1) allow for the integration of mobility services or technologies in public transportation services, including traveler information, trip planning information, new or expanded reservation capabilities, integrated payment solutions, fare automation, or delivery designs to improve options in public transportation;

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

“(A) microtransit;

“(B) commuter busing; or

“(C) commuter highway vehicles;

“(3) advance on demand complementary paratransit services;

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

“(5) expand high-performing public transportation business models that increase access to public transportation; or

“(6) provide any other transit service that the Secretary determines appropriate to meet the purposes of this section.
“(b) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be—

“(1) a State or local government; or

“(2) a publicly owned operator of public transportation.

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

“(d) RULEMAKING.—The Secretary shall—

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

“(2) in issuing such regulations, solicit and receive comments from stakeholders not later than 180 days after the date of enactment of this section.

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

“(f) LIMITATIONS.—

“(1) PERIOD OF GRANT.—A grant under this section shall be for a 3-year period beginning on the
date on which the first payment of any amount
under the grant is provided to an eligible entity.

“(2) Rural Grant Minimum.—The Secretary
shall award not less than 20 percent of the total
amounts made available to carry out this section to
support activities described under subsection (a) in
rural areas.

“(3) Government Share of Costs.—The
Federal share of the total project cost of a project
carried out under this section may not exceed 80
percent.

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

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

“(h) Definitions.—In this section:

“(1) Commuter Highway Vehicle.—The
term ‘commuter highway vehicle’ has the meaning
given such term in section 132(f)(5)(B) of the Intern-
“(2) HIGH-PERFORMING PUBLIC TRANSPORTATION.—The term ‘high-performing public transportation’ means a public transportation service, whether provided by a public agency, private non-profit, or for-profit organization, that is able to collect all operating costs through fare-box revenue or other dedicated sources for an activity and increases access to public transportation.

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after section 5312 the following:

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

**TITLE IV—HIGHWAY TRAFFIC SAFETY**

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

The funds provided for programs under chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, shall be subject to the following requirements:

(1) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United
States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2021 through 2025 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(2) Regulatory Authority.—Grants awarded under this title shall be carried out in accordance with regulations issued by the Secretary of Transportation.

(3) State Matching Requirements.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.
(4) Grant application and deadline.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(5) Prohibition on other uses.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

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

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

SEC. 4002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) In general.—Section 403 of title 23, United States Code, is amended—

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

“(2) Funding.—The Secretary shall obligate such sums as are necessary in fiscal year 2021 through 2024 from the funds made available to
carry out this section to conduct the research described in paragraph (1).”; and

(2) by adding at the end the following:

“(k) **Drug-Impaired Driving Prevention Pilot Program.**—

“(1) **In General.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a pilot program to create, and study the effects of, a public awareness campaign to reduce instances of driving while under the influence of prescription and over-the-counter medications.

“(2) **Locations.**—The Secretary shall implement the pilot program in States that are, or a region that is, most affected by the opioid epidemic, as measured by the most recent opioid-involved overdose deaths per 10,000 persons, as reported by the Centers for Disease Control and Prevention.

“(3) **Sunset.**—The authority of the Secretary under paragraph (1) shall terminate on the date that is 2 years after the date on which the pilot program is established pursuant to paragraph (1).

“(4) **Report.**—Not later than 1 year after the date of termination of the pilot program described in paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of
the House of Representatives and the Committee on
Commerce, Science, and Transportation of the Sen-
ate a report on the results of the study of the effects
of the public awareness and enforcement campaign.

“(l) RESEARCH AND TRAINING ON MARIJUANA DE-
TECTION.—

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

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

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

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

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

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

“(2) STUDY ELEMENTS.—In completing the study under paragraph (1), the Comptroller General shall compile and examine the following issues related to illegal passing of school buses:

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

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

“(C) Description of how each State enforces such laws.

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

“(E) Review of driver education materials.

“(F) Identification of best practices relating to the most effective approaches to address illegal passing of school buses.

“(3) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Comp-
troller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under paragraph (1).

“(n) PUBLIC SAFETY MEDIA PROGRAMS.—

“(1) CHILD HEATSTROKE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish and implement a public safety messaging program to educate the public and reduce heatstroke related deaths of children in unattended vehicles.

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

SEC. 4003. NATIONAL PRIORITY SAFETY PROGRAMS.

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

82
SEC. 4004. NATIONAL PRIORITY SAFETY PROGRAM GRANT

ELIGIBILITY.

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

(1) an identification of—

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

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

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

(2) a list of deficiencies that made a State ineligible for a grant under such section for each State described in paragraph (1)(B).

TITLE V—MOTOR CARRIER SAFETY

SEC. 5001. FUNDING AND GRANT REQUIREMENTS.

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

(1) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 311 of title 49, United States Code, amounts made available under sub-
section (a) for fiscal years 2021 through 2025 shall
be available for obligation in the same manner as if
such funds were apportioned under chapter 1 of title
23, United States Code.

(2) Regulatory Authority.—Grants awarded
under this title shall be carried out in accordance
with regulations issued by the Secretary of Trans-
portation.

(3) State Matching Requirements.—If a
grant awarded under chapter 311 of title 49, United
States Code, requires a State to share in the cost,
the aggregate of all expenditures for highway safety
activities made during a fiscal year by the State and
its political subdivisions (exclusive of Federal funds)
for carrying out the grant (other than planning and
administration) shall be available for the purpose of
crediting the State during such fiscal year for the
non-Federal share of the cost of any other project
carried out under chapter 311 of title 49, United
States Code (other than planning or administration),
without regard to whether such expenditures were
made in connection with such project.

(4) Grant Application and Deadline.—To
receive a grant under chapter 311 of title 49, United
States Code, a State shall submit an application,
and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(5) Prohibition on other uses.—Except as otherwise provided in chapter 311 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

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

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

SEC. 5002. COMPLIANCE, SAFETY, AND ACCOUNTABILITY REFORM.

(a) Motor carrier safety grants.—

(1) In general.—

(A) Selection standard.—For any applicable legal requirement with respect to a covered entity contracting with a covered motor carrier for the shipment of goods or household goods, the covered entity shall be considered reasonable and prudent in the selection of such motor carrier if the covered entity verifies, not later than the date of shipment and not earlier
than 45 days before the date of shipment, that
the covered motor carrier—

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

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

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

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

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

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

(B) in paragraph (4) by striking the period
and inserting ‘‘; and’’; and

(C) by adding at the end the following:

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

(3) RULEMAKING.—

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

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

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

(B) FACTORS FOR AN UNSATISFACTORY
RATING.—The regulations updated under para-
graph (1)(A) shall provide a procedure for the
Secretary to determine if a motor carrier is not
fit to operate a commercial motor vehicle in or
affecting interstate commerce in accordance
with section 31144 of title 49, United States
Code.

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

(5) DEFINITIONS.—In this section:

(A) COVERED ENTITY.—The term “covered entity” means a person acting as—

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

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

(iii) an ocean transportation inter-
mediary (as such term is defined in section
40102 of title 46, United States Code),
when arranging for inland transportation
as part of an international through move-
ment involving ocean transportation be-
between the United States and a foreign
port;

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

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

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

(B) COVERED MOTOR CARRIER.—The term
“covered motor carrier” means a motor carrier
or a household goods motor carrier (as such
terms are defined in section 13102 of title 49,
United States Code) that is subject to Federal motor carrier financial responsibility and safety regulations.

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

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

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

“(j) REMOTE AUDITS.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program to conduct remote compliance reviews under subpart A of part 385 of title 49, Code of Federal Regulations, to assign a safety rating for commercial motor carriers.

“(2) CONTENTS.—In conducting the pilot program, the Secretary shall—

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

“(B) apply the procedures of part 385 of title 49, Code of Federal Regulations, including
the safety fitness rating methodology under appen-
dix B, prior to assigning a safety rating
under such pilot program;

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

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

“(3) ELIGIBLE PARTICIPANTS.—

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

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

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

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

“(4) AUTHORIZED AGENTS.—Remote compli-
ance reviews conducted under the pilot program
under this section may be conducted by—
“(A) Federal Motor Carrier Safety Administration personnel;

“(B) State commercial motor vehicle authorities that meet acceptable standards set forth by the Secretary; or

“(C) private contractors that meet acceptable standards set forth by the Secretary.

“(5) AVAILABILITY OF SAFETY RATINGS.—

Safety ratings determined under the pilot program under this subsection may not be released publicly by the Secretary or by any authorized agent described in paragraph (4) that is participating in the pilot program under this subsection.”.

SEC. 5003. ENTRY-LEVEL DRIVER TRAINING REGULATIONS.

(a) IN GENERAL.—Not later than February 7, 2022, the Secretary of Transportation shall implement the minimum training requirements for entry-level commercial motor vehicle operators published in the final rule issued by the Federal Motor Carrier Safety Administration on December 8, 2016, titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 Fed. Reg. 88732).

(b) TRAINING PROVIDER REGISTRY DEPLOYMENT.—

Not later than October 1, 2021, the Federal Motor Carrier Safety Administration shall deploy the training provider
registry referenced in the final regulation issued by the Administration on December 8, 2016, titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators” (81 Fed. Reg. 88732) to allow training providers to sign up prior to the implementation date described in subsection (a).

(e) REPORT TO CONGRESS.—Not later than February 7, 2021, and every 90 days thereafter until the implementation of the requirements described in subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

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

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

(d) REPORT ON NONCOMPLIANCE.—Not later than 45 days after the date on which compliance with the final rule described in subsection (a) is required under subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a
report containing a list of all States in substantial non-
compliance with such final rule.

SEC. 5004. TRUCKING INDUSTRY WORKFORCE DEVELOP-
MENT.

(a) DEFINITIONS.—In this section:

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

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

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

(4) DRIVING TIME.—The term “driving time”
has the meaning given the term in section 395.2 of
title 49, Code of Federal Regulations (as in effect on
the date of enactment of this Act).
(5) EMPLOYEE.—The term “employee” has the meaning given such term in section 31132 of title 49, United States Code.

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

(7) EXPERIENCED DRIVER.—The term “experienced driver” means an individual who—

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

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

(C) has had no preventable accidents reportable to the Department of Transportation or pointed moving violations during the 1-year period ending on the date on which the individual serves as an experienced driver under subsection (c)(3)(B); and

(D) has a minimum of 2 years of experience driving a commercial motor vehicle in interstate commerce.

(8) ON-DUTY TIME.—The term “on-duty time” has the meaning given the term in section 395.2 of
title 49, Code of Federal Regulations (as in effect on
the date of enactment of this Act).

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

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

(b) APPRENTICE.—An apprentice may—

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

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

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

(1) 120-HOUR PROBATIONARY PERIOD.—
(A) In general.—The apprentice shall complete 120 hours of on-duty time, of which not less than 80 hours are driving time in a commercial motor vehicle.

(B) Performance benchmarks.—In order to complete the 120-hour probationary period under subparagraph (A), an employer shall determine that the apprentice is competent in each of the following areas:

(i) Interstate, city traffic, rural 2-lane, and evening driving.

(ii) Safety awareness.

(iii) Speed and space management.

(iv) Lane control.

(v) Mirror scanning.

(vi) Right and left turns.

(vii) Logging and complying with rules relating to hours of service.

(2) 280-hour probationary period.—

(A) In general.—After completing the 120-hour probationary period under paragraph (1), the apprentice shall complete 280 hours of on-duty time, of which not less than 160 hours are driving time in a commercial motor vehicle.
(B) PERFORMANCE BENCHMARKS.—In order to complete the 280-hour probationary period under subparagraph (A), an employer shall determine that the apprentice is competent in each of the following areas:

(i) Backing and maneuvering in close quarters.

(ii) Pre-trip inspections.

(iii) Fueling procedures.

(iv) Weighing loads, weight distribution, and sliding tandems.

(v) Coupling and uncoupling procedures.

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

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

(A) the apprentice may only drive a commercial motor vehicle that has—

(i) automatic manual or automatic transmissions;
(ii) active braking collision mitigation systems;

(iii) forward-facing video event capture; and

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

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

(4) RECORDS RETENTION.—The employer shall maintain records, in a manner required by the Secretary, relating to the satisfaction of the requirements of paragraphs (1)(B) and (2)(B) by the apprentice.

(5) REPORTABLE INCIDENTS.—If the apprentice is involved in a preventable accident reportable to the Department of Transportation or a pointed moving violation while driving a commercial motor vehicle as part of an apprenticeship program described in this subsection, the apprentice shall undergo remediation and additional training until the apprentice can demonstrate, to the satisfaction of the employer, competence in each of the performance
benchmarks described in paragraphs (1)(B) and (2)(B).

(6) COMPLETION OF PROGRAM.—The apprentice shall be considered to have completed the apprenticeship program on the date on which the apprentice completes the 280-hour probationary period under paragraph (2).

(7) MINIMUM REQUIREMENTS.—

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

(B) TECHNOLOGIES.—Nothing in this Act prevents an employer from requiring or installing additional technologies in a commercial motor vehicle in addition to the technologies described in paragraph (3)(A).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this Act.

(e) NO EFFECT ON LICENSE REQUIREMENT.—Nothing in this Act exempts an apprentice from any requirement to hold a commercial driver’s license in order to operate a commercial motor vehicle.
(f) **Employer Responsibility.**—An employer shall not knowingly allow, require, permit, or authorize a driver under the age of 21 to operate a commercial motor vehicle in interstate commerce unless the driver is participating in or has completed an apprenticeship program that meets the requirements of subsection (c).

**SEC. 5005. HOURS OF SERVICE REQUIREMENTS FOR AGRICULTURAL OPERATIONS.**

Section 229 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended—

(1) in subsection (a)(1)—

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

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

“(A) drivers transporting agricultural commodities within a 150 air-mile radius from—

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

“(ii) the destination of the agricultural commodities;”; and

(2) in subsection (e)(8)—
(A) by striking “during the planting and harvesting seasons within each State, as determined by the State,”; and

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

**TITLE VI—INNOVATION**

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

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“§ 520. Advanced transportation technologies program

“(a) **IN GENERAL.**—The Secretary of Transportation shall establish a program to provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, efficiency, system performance, mobility, intermodal connectivity, and infrastructure return on investment.

“(b) **CRITERIA.**—In carrying out the program under subsection (a), the Secretary shall develop criteria for selection of an eligible entity to receive a grant, including how the proposed deployment of technology—

“(1) reduces costs and improves return on investments, including through the optimization of existing transportation capacity;
“(2) delivers environmental benefits by alleviating congestion and streamlining traffic flow;

“(3) measures and improves the operational performance of the applicable transportation network;

“(4) reduces the number and severity of traffic accidents and increases driver, passenger, and pedestrian safety;

“(5) collects, disseminates, and uses information on real-time traffic, work zone, weather, transit, paratransit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient, accessible, and integrated transportation and transportation services;

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

“(7) delivers economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or
“(8) accelerates the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

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

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

“(2) Objectives for quantifiable system performance improvements, such as—

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

“(B) optimizing system efficiency; and

“(C) improving access to transportation services.

“(3) Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project proposes to improve the applicable transportation system efficiency and how such project proposes to reduce traffic congestion.

“(4) A plan for any partnerships with private sector entities or public agencies, including multimodal and multijurisdictional entities, research
institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

“(5) A plan to leverage and optimize existing local and regional advanced transportation technology investments.

“(d) GRANT SELECTION.—

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

“(2) GEOGRAPHIC DIVERSITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), in awarding a grant under this section, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban areas and rural areas.

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

“(3) TECHNOLOGY DIVERSITY.—In awarding a grant under this section, the Secretary shall ensure,
to the extent practicable, that grant recipients represent a variety of technology solutions.

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

“(1) advanced traveler information systems;

“(2) advanced transportation management technologies;

“(3) advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities;

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

“(5) advanced public transportation systems;

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

“(7) advanced safety systems, including vehicle-to-vehicle, vehicle-to-pedestrian, and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

“(8) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;
“(9) integrated corridor management systems;

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

“(11) electronic pricing, toll collection, and payment systems;

“(12) technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing;

“(13) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals;

“(14) technology that collects and maintains automated driving system safety data and data analysis tools;

“(15) cybersecurity protection measures and activities to protect against cybersecurity threats; or

“(16) advanced vulnerable road user safety information systems.

“(f) REPORT TO SECRETARY.—

“(1) IN GENERAL.—The Secretary shall ensure that a recipient of a grant under this section submits, not later than 1 year after the recipient receives a grant and annually thereafter, a report to the Secretary that describes—
“(A) deployment and operational costs of the project compared to the benefits and savings the project provides; and

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

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

“(ii) data on the effect of measuring and improving transportation system performance through the deployment of advanced transportation technologies;

“(iii) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

“(iv) lessons learned and recommendations for future deployment strategies to optimize transportation mobility, efficiency, and multimodal system performance.

“(2) REPORT CONSISTENCY.—
“(A) Administration.—The Secretary shall provide grant recipients with methods and techniques to support consistent data collection across grant recipients and may update such methods and techniques as appropriate.

“(B) Update.—The Secretary shall provide grant recipients notice of an update described in subparagraph (A) not less than 90 days before carrying out such update.

“(g) Report.—Not later than 2 years after the date of enactment of this section, and once every 2 years thereafter, the Secretary shall make available to the public on the website of the Department of Transportation an updated report that describes the effectiveness of grant recipients in meeting projected deployment plans including data described in subsection (f) on how the program has—

“(1) reduced traffic-related fatalities and injuries;

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

“(3) reduced transportation-related emissions;

“(4) optimized multimodal system performance;

“(5) improved access to transportation alternatives;
“(6) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

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

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

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

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

“(2) the Secretary provides written notice to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate 60 days prior to deobligating funds under this subsection.

“(i) Funding.—Of the amounts provided to carry out this section, the Secretary may set aside $2,000,000
each fiscal year for program reporting, evaluation, and admin-
istrative costs related to this section.

“(j) Federal Share.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project.

“(k) Grant Limitation.—The Secretary may not award more than 15 percent of the amount described under subsection (i).

“(l) Expenses for Grant Recipients.—A grant recipient under this section may use not more than 5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

“(m) Grant Flexibility.—

“(1) In General.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subsection (c) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in paragraph (2)—

“(A) any of the funds reserved for the fiscal year under subsection (i) that the Secretary has not yet awarded under this section; and
“(B) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subparagraph (A).

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

“(A) the programs under sections 503(b) and 503(e); and

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

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

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

“(1) ADVANCED TRANSPORTATION TECHNOLOGIES.—The term ‘advanced transportation technologies’ means technologies that improve the efficiency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government, a transit
agency, metropolitan planning organization, or a po-

tical subdivision of a State or local government or
a multijurisdictional group or a consortia of research
institutions or academic institutions.

“(3) MULTIJURISDICTIONAL GROUP.—The term
‘multijurisdictional group’ means any combination of
State governments, local governments, metropolitan
planning organizations, transit agencies, or other po-

tical subdivisions of a State for which each member
of the group—

“(A) has signed a written agreement to
implement a project carried out under this sec-

tion across jurisdictional boundaries; and

“(B) is an eligible entity under this sec-

tion.

“(4) SMART GRID.—The term ‘Smart Grid’
means a system that provides for any of the smart

grid functions set forth in section 1306(d) of the
Energy Independence and Security Act of 2007 (42

U.S.C. 17386(d)).”.

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

“520. Advanced transportation technologies program.”.
(c) CONFORMING AMENDMENT.—Chapter 5 of title 23, United States Code, is amended by striking section 503(c)(4).

SEC. 6002. CONNECTED VEHICLE DEPLOYMENT PILOT PROGRAM.

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

“§ 521. Connected vehicle deployment pilot program

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary of Transportation shall establish a connected vehicle deployment pilot program to make grants, on a competitive basis, to spur operational deployments to meet the transportation needs of eligible entities through the use of the best available and emerging intelligent transportation systems.

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

“(A) spur connected vehicle technology deployment through wirelessly connected vehicles that interact with a connected environment, including mobile devices, infrastructure, and other elements;
“(B) realize safety, mobility, and environmental impacts through operational deployments;

“(C) capture and use new forms of connected vehicle and mobile device data to support improved surface transportation system performance and enhanced performance-based management;

“(D) encourage partnerships of multiple stakeholders (including private companies, State and local agencies, transit agencies, commercial vehicle operators, freight shippers, and transportation network companies);

“(E) deploy applications using data captured from multiple sources (including vehicles, mobile devices, and infrastructure) across all elements of the surface transportation system (including transit, highway, arterial highways, parking facilities, and toll highways); and

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

“(b) GRANT AMOUNT.—Each grant made under this section shall be in an amount that is at least $10,000,000.
“(c) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to any of the following entities:

“(1) A State or a group of States.

“(2) A transit agency.

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

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

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

“(6) A special purpose district or public authority with a transportation function, including a port authority.

“(7) A multijurisdictional group (as defined under section 520) or a consortia of research institutions or academic institutions.

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

“(1) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehi-
cles, and other collision avoidance technologies, including systems using cellular technology;

“(2) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;

“(3) electronic pricing and payment systems;

“(4) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals; and

“(5) any deployment concept eligible, before the date of enactment of this section, under the connected vehicle pilot deployment program carried out by the Department of Transportation.

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

“(1) activities in the development phase, including planning, feasibility analysis, revenue forecasting, environmental review process (as defined under section 139), preliminary engineering and design work, and other preconstruction activities;

“(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, ac-
quisition of equipment, and operational improvement
directly related to improving system performance;

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

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

“(f) APPLICATIONS.—

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

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

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

“(i) system productivity;

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

“(iii) livability and accessibility of
goods, services, and activities;
“(iv) environment and fuel use; and

“(v) traveler and system safety, including advising individuals of potentially unsafe conditions and mitigating the impact of events that may cause vehicle accidents; and

“(C) a plan for partnering with private sector entities or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

“(2) CRITERIA.—When evaluating applications under this section, the Secretary may not require that a pilot deployment under the program be based on research carried out or funded by the Department of Transportation.

“(g) GRANT SELECTION.—

“(1) GRANT AWARDS.—Not later than 1 year after the date of enactment of this section, and each fiscal year thereafter, the Secretary shall award grants to not less than 3 and not more than 5 eligible entities described in subsection (e).

“(2) GEOGRAPHIC DIVERSITY.—In awarding a grant under this section, the Secretary shall ensure,
to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban areas and rural areas.

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

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

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

“(3) balance the privacy of users and secure operations of pilot projects, while maintaining the ability to measure performance factors; and

“(4) be wary of technological maturity of connected vehicle applications and impact of long-term viability of non-deployment ready applications.

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

“521. Connected vehicle deployment pilot program.”.
SEC. 6003. AUTOMATED DRIVING SYSTEM DEMONSTRATION PROGRAM.

(a) In General.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“§ 522. Automated driving system demonstration program

“(a) Establishment.—

“(1) In General.—The Secretary of Transportation shall establish an automated driving system demonstration program to make grants, on a competitive basis, to eligible entities to—

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

“(B) ensure significant data gathering and sharing of project data to identify—

“(i) a baseline of safety metrics needed to characterize the safety risk of integrating automated driving system technologies into the transportation system;

“(ii) a baseline for the safety of automated driving system technology integration; and
“(iii) a baseline of roadway characteristics needed for the safe and efficient operation of automated driving system technologies; and

“(C) encourage collaboration and partnerships of multiple stakeholders to carry out subparagraphs (A) and (B).

“(b) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to the following:

“(1) A State or a group of States.

“(2) A transit agency.

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

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

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

“(6) A special purpose district or public authority with a transportation function, including a port authority.

“(7) A public academic institution, public research institution, a multijurisdictional group (as such term is defined in section 520), or a consortia of research institutions or academic institutions.
“(c) APPLICATIONS.—To be eligible for a grant under this section, an entity described under subsection (b) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

“(d) ELIGIBLE USES.—

“(1) IN GENERAL.—A grant recipient may use funds awarded under this section to demonstrate automated driving system technologies, including—

“(A) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

“(B) innovative mobility solutions that involve deployment of automated vehicles;

“(C) automated driving systems that enhance safety and mobility for elderly and disabled individuals;

“(D) demonstration of shared interoperable fleet of automated vehicles;

“(E) demonstration and validation of exchanges of data that can support the safe, effi-
cient, and secure interoperable integration of automated driving systems;

“(F) any technology associated with automated driving systems; and

“(G) any deployment concept eligible under the automated driving system demonstration grant program carried out by the Department of Transportation before the date of enactment of this section.

“(2) ADDITIONAL USES.—A grant recipient may use funds awarded under this section for infrastructure needs, including capital expenses and maintenance activities, necessary to the proper and safe operation of the automated driving system technology.

“(e) GRANT SELECTION.—

“(1) GRANT AWARDS.—The Secretary may award grants to not less than 8 and not more than 10 eligible entities described under subsection (b) in a fiscal year.

“(2) GEOGRAPHIC DIVERSITY.—

“(A) IN GENERAL.—In awarding a grant under this section, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geographic areas of
the United States, including urban areas and rural areas.

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

“(f) DEMONSTRATION REQUIREMENTS.—The Secretary shall ensure that any project carried out with funds provided under this section shall—

“(1) carry out research and development of automated driving system technologies of Level 3 or greater, as such term is defined pursuant to subsection (h);

“(2) include physical and fully operational demonstrations;

“(3) include gathering and sharing of all relevant data with the Department of Transportation and the relevant State transportation agencies; and

“(4) address scalability to be applicable across the United States to similar road environments.

“(g) REPORT.—Not later than 1 year after the date on which a grant recipient receives a grant under this section, and annually thereafter until such grant is expended, the recipient shall submit to the Secretary and to the
transportation agency of the State in which the project takes place, a report that describes—

“(1) lessons learned and how the demonstration has met project objectives;

“(2) a summary of any complications experienced with the project, including complications related to pedestrians, infrastructure, and other vehicles;

“(3) how to use the results of the project to help the public interact and better understand the operations of automated driving system technologies; and

“(4) recommendations for improving roadway characteristics needed for the safe and efficient operation of automated driving system technologies within the State or jurisdiction in which the project took place.

“(h) GUIDANCE REQUIRED.—Not later than 120 days after the date of enactment of this section, the Secretary shall issue guidance defining the term Level 3 or greater by considering industry best practices and standards, including the definition found within ‘Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles’ published by SAE
International on June 15, 2018 (J3016_201806), or subsequent versions.

“(i) AUTOMATED DRIVING SYSTEM TECHNOLOGIES DEFINED.—In this section, the term ‘automated driving system technologies’ means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether such capability is limited to a specific operational design domain.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

“522. Automated driving system demonstration program.”

(c) PREPARING ROADWAYS FOR AUTOMATED VEHICLES.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

“(16) Capital and maintenance expenses for infrastructure improvements to ensure the proper and safe operation of automated driving system technologies for which a demonstration project was carried out under section 522.”.
SEC. 6004. ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.

(a) In General.—Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

“(4) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

“(A) In general.—Not later than 6 months after the date of enactment of this paragraph, the Secretary of Transportation shall establish and implement an advanced digital construction management system program under the technology and innovation deployment program established under paragraph (1) and implemented pursuant to paragraph (2) to—

“(i) deploy advanced digital construction management systems that enable the use of digital technologies on construction sites by contractors and leverage the use of such technologies, including state-of-the-art automated and connected machinery and optimized routing software that allows individuals to perform tasks faster, safer,
more accurately, and with minimal supervision;

“(ii) accelerate State adoption of advanced digital construction management systems applied throughout the design, engineering, construction, and operations phases of a construction project that—

“(I) maximize interoperability with other systems, products, tools, or applications;

“(II) increase productivity;

“(III) manage complexity of a construction project;

“(IV) reduce project delays and cost overruns; and

“(V) enhance safety of individuals involved and quality of a construction project;

“(iii) share information among stakeholders through reduced reliance on paper to manage construction processes and deliverables, including blueprints, design drawings, procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;
“(iv) develop and deploy best practices for use in advanced digital construction management systems;

“(v) increase the adoption and deployment of technology by States and units of local government that enables entities carrying out construction projects to—

“(I) integrate the adoption of advanced digital construction management systems and technologies in contracts; and

“(II) weigh the cost of digitization and technology in setting project budgets;

“(vi) implement technology training and workforce development to build the capabilities of entities carrying out construction projects that enables States and units of local government to—

“(I) better manage projects using advanced digital construction management technologies; and

“(II) properly measure and reward technology adoption across con-
struction projects carried out by the State or unit of local government;

“(vii) develop guidance to assist States in updating regulations of such States to allow entities carrying out construction projects to—

“(I) report data relating to the project in digital formats; and

“(II) fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

“(viii) reduce the environmental footprint of construction projects by using advanced digital construction management systems to eliminate traffic congestion through more efficient projects; and

“(ix) enhance worker and roadway user safety.

“(B) FUNDING.—The Secretary shall obligate for each of fiscal years 2021 through 2025 from funds made available to carry out this subsection $20,000,000 to carry out this paragraph.

“(C) PUBLICATION.—
“(i) IN GENERAL.—At least once every 2 years, the Secretary shall issue and make available to the public on the website of the Department of Transportation a report on—

“(I) progress made in the implementation of advanced digital construction management systems by States; and

“(II) the costs and benefits of the deployment of technology and innovations resulting from the program established under this paragraph.

“(ii) INCLUSIONS.—The report required under clause (i) may include an analysis of—

“(I) Federal, State, and local cost savings;

“(II) project delivery time improvements;

“(III) traffic congestion impacts; and

“(IV) safety improvements for roadway users and construction workers.
“(D) ADVANCED DIGITAL CONSTRUCTION
MANAGEMENT SYSTEMS DEFINED.—In this
paragraph, the term ‘advanced digital construc-
tion management systems’ means commercially-
proven digital technologies and processes for
the management of construction and engineer-
ing activities, including—

“(i) systems for infrastructure plan-
ning, coordination, construction, mainte-
nance, modernization and management;
and

“(ii) asset management systems for
machines, site equipment, and personnel.”.

(b) REPORT TO CONGRESS.—Not later than 1 year
after the date of enactment of this Act, the Secretary shall
submit to the Committee on Environment and Public
Works of the Senate and the Committee on Transpor-
tation and Infrastructure of the House of Representatives
a report that includes—

(1) a description of—

(A) the status of the program carried out
under section 503(c)(4) of title 23, United
States Code, and any other use of advanced
digital construction management systems in
each State; and
(B) the progress of each State toward acceler-
celerating the adoption of advanced digital con-
struction management systems; and

(2) an analysis of the savings in project delivery
time and project costs that can be achieved through
the use of advanced digital construction manage-
ment systems.

SEC. 6005. INNOVATIVE PROJECT DELIVERY METHODS.

Section 120(c)(3) of title 23, United States Code, is
amended—

(1) in subparagraph (B)—

(A) in clause (v) by striking “or” at the
end;

(B) in clause (vi) by striking the period
and inserting “; or” ; and

(C) by inserting at the end the following:
“(vii) advanced digital construction
management systems as defined in section
503(c)(4).”; and

(2) in subparagraph (C)(i) by striking “10 per-
cent” and inserting “25 percent”.

SEC. 6006. SURFACE TRANSPORTATION SYSTEM FUNDING
ALTERNATIVES.

Section 6020 of the FAST Act (Public Law 114–94)
is amended—
(1) in subsection (a)—

(A) by striking “States” and inserting “applicants”; and

(B) by inserting “to motor fuel and diesel taxes” after “alternative revenue mechanisms”;

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

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible for a grant under this section, an applicant that is a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary shall require, including—

“(A) for any applicant that has received a grant to carry out a program under this section, how such applicant will use the grant to build on any such program;

“(B) how the applicant will collect and analyze data on—

“(i) lowering the administrative cost to collect revenue;

“(ii) user experience with and acceptance of a user-based alternative revenue mechanism;
“(iii) impacts on rural and urban users;

“(iv) potential revenue generation; and

“(v) revenue collection compliance strategies; and

“(C) for any applicant that has not received a grant to carry out a program under this section, how the applicant—

“(i) will avoid redundancies with any other pilot programs for user-based alternative revenue mechanisms carried out by the applicant; and

“(ii) plans to use best practices from any such pilot programs in structuring the program for which such funds are provided.

“(2) Application Guidance.—Not later than 30 days after the date of enactment of the STARTER Act, the Secretary shall publish online guidance on submission of an application for the program.”.

(3) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:
“(1) To test the design, acceptance, equity, and implementation of user-based alternative revenue mechanisms, including among—

“(A) differing income groups;
“(B) various geographic areas; and
“(C) rural and urban drivers.”; and

(B) in paragraph (5) by striking “To minimize the administrative cost” and inserting “To quantify and minimize the administrative costs”;

(4) in subsection (d)(1)(B) by inserting “and the safety of data collection” before the semicolon;

(5) in subsection (e) by striking “shall” and inserting “may”;

(6) by striking subsection (g) and inserting the following:

“(g) FEDERAL SHARE.—Except as otherwise provided, the Federal share of the cost of an activity carried out under this section may not exceed—

“(1) 80 percent of the total cost of an activity that involves 2 or more States; and
“(2) 60 percent of the total cost of any activity not described in paragraph (1).”;

(7) in subsection (h)(2) by striking “lessons learned” and inserting “recommendations”;}
(8) by redesignating subsection (k) as subsection (l);

(9) by striking subsection (j) and inserting the following:

“(j) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code, the Secretary shall reserve such sums as may be necessary to carry out this section.

“(k) PLANNING GRANTS.—

“(1) PLANNING, PREPARATION, DESIGN.—Of the funds authorized to carry out this section, the Secretary may award grants in amounts not to exceed 10 percent of such funds to entities for the planning, preparation, or design of projects eligible for funding under this section.

“(2) ELIGIBLE USES.—An entity receiving funding under this subsection may use the funds for planning, preparation, or design of an implementable pilot project, as well as the examination of issues related to data and privacy, cybersecurity, and the financial analysis of urban and rural impacts of a project.

“(3) MAXIMUM AMOUNT.—A grant under this subsection shall not exceed $500,000.
“(4) ELIGIBILITY REQUIREMENT.—To be eligible to receive funds under this subsection, an applicant shall describe to the Secretary how the applicant—

“(A) will avoid redundancies with any other pilot programs for user-based alternative revenue mechanisms carried out by the applicant; and

“(B) plans to use best practices from any such pilot programs in structuring the program for which such funds are provided.”;

(10) in subsection (l), as so redesignated, by inserting “, to remain available until expended” after “United States Code”; and

(11) by adding at the end the following:

“(m) LIMITATION ON TRANSFER.—The Secretary shall notify in writing the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate of the intent to transfer funds under subsection (l). A transfer under such subsection may only be carried out if the Committees described in the previous sentence provide written authorization to the
Secretary for such transfer not later than 30 days after receiving a notification pursuant to this subsection.”.

SEC. 6007. SURFACE TRANSPORTATION SYSTEM ROAD USAGE CHARGE NATIONAL PILOT.

(a) Establishment.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall establish a pilot program to demonstrate implementation of a national per-mile road usage charge.

(b) Objectives.—In establishing the program, the Secretary of Transportation and the Secretary of the Treasury shall carry out the following objectives:

(1) Test the design, acceptance, implementation, and financial sustainability of a national per-mile road usage charge.

(2) Collect and report data on the differential effects of a national per-mile road usage charge and the Federal motor fuels tax between urban and rural drivers.

(3) Collect and report data on the interoperability of road usage charge collection between States.

(4) Provide recommendations regarding adoption and implementation of a national per-mile road
usage charge and a recommendation for the amount
of the national per-mile road usage charge.

(c) Surface Transportation System Road
Usage Charge Advisory Board.—

(1) In general.—In carrying out the program
under this section, the Secretary of Transportation
shall establish a surface transportation system road
usage charge advisory board to—

(A) advance and implement the objectives
under subsection (b); and

(B) developing the recommendations and
report under subsection (j)(1).

(2) Members.—The advisory board established
under paragraph (1) shall, at a minimum, be com-
posed of a total of 15 representatives of the fol-
lowing entities, to be appointed by the Secretary:

(A) State departments of transportation.

(B) Local transportation agencies located
within a transportation management area (as
identified or designated under section 134(k) of
title 23, United States Code).

(C) Any public or nonprofit entity that
carried out a surface transportation system
funding alternatives pilot project under section
6020 of the FAST Act (23 U.S.C. 503 note).
(D) Owners and operators of toll facilities.

(E) Fleet operators of commercial motor vehicles.

(3) APPLICATION OF LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board established under paragraph (1).

(d) PROGRAM REQUIREMENTS.—In carrying out the pilot program established in subsection (a), the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall—

(1) establish appropriate methods for reporting vehicle miles traveled under the program;

(2) solicit volunteer participants from all 50 states and the District of Columbia;

(3) ensure an equitable geographic distribution by population among volunteer participants;

(4) enter into agreements, as is practicable, with owners of commercial motor vehicle fleets or passenger motor vehicle fleets for the collection and sharing of anonymized data throughout the pilot program;

(5) enter into agreements with entities of the passenger motor vehicle and commercial vehicle in-
industry to develop a technology standard for onboard units used to report vehicle miles traveled; and

(6) use components of and information from the State pilots under section 6020 of the FAST Act (Public Law 114–94), as applicable.

(e) METHODS.—In establishing a method for collecting information on vehicle miles traveled under the program, the Secretary of Transportation shall consider the following:

(1) Third-party on-board diagnostic system-II devices.

(2) Smart phone applications.

(3) Solicitation of voluntary reporting by automakers.

(4) Solicitation of voluntary reporting by car insurance companies.

(5) Solicitation of voluntary reporting through State departments of motor vehicles.

(6) Any other method that the Secretary of Transportation considers appropriate.

(f) PRIVACY OF PARTICIPANTS.—Not later than 30 days after establishing the pilot program under this section, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall issue policies to—
(1) protect the privacy of volunteer participants; and

(2) secure the data provided by volunteer participants.

(g) Calculation of Per-Mile Road Usage Charge.—For the purposes of the pilot program established in subsection (a), the Secretary of the Treasury shall establish on an annual basis—

(1) for motor vehicles that are not commercial motor vehicles, a per mile road usage charge that is equivalent to the annual gas tax revenues collected pursuant to section 4081 of the Internal Revenue Code of 1986 divided by the total vehicle miles traveled by such motor vehicles; and

(2) for commercial motor vehicles, a per mile road usage charge equivalent to the annual diesel tax revenues collected pursuant to section 4041 of the Internal Revenue Code of 1986 divided by the total vehicle miles traveled by medium and heavy-duty trucks.

(h) Revenue Collection.—

(1) In General.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall establish a mechanism to collect a per-
mile road usage charge from volunteer participants under the program that—

(A) may be adjusted as needed to address technical challenges; and

(B) may allow third-party vendors to collect the payments and forward to Treasury.

(2) LIMITATION ON REVENUE COLLECTED.—Any revenue collected under this section shall not be considered a toll under section 301 of title 23, United States Code.

(3) HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, the Secretary of the Treasury shall ensure that any revenue collected under this section is deposited into the Highway Trust Fund.

(i) REFUND.—The Secretary of the Treasury shall annually calculate and issue an equivalent refund to volunteer participants for any otherwise applicable Federal motor fuel taxes under sections 4041 and 4081 of the Internal Revenue Code of 1986.

(j) REPORTS.—

(1) ADVISORY BOARD.—Not later than 1 year after the date on which the surface transportation system road usage charge advisory board is established under subsection (c), such board shall submit
to the Secretary of Transportation a report on the
progress of the pilot program in meeting the objec-
tives described in subsection (b).

(2) REPORT TO CONGRESS.—Not later than 1
year after the date on which volunteer participants
begin participating in the pilot program, and each
year thereafter, the Secretary of Transportation and
the Secretary of the Treasury shall submit to the
Committee on Transportation and Infrastructure
and the Committee on Ways and Means of the
House of Representatives and the Committee on En-
vironment and Public Works and the Committee on
Finance of the Senate a report on the pilot program,
including the report and recommendations submitted
to the Secretary under paragraph (1).

(k) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term
“commercial motor vehicle” has the meaning given
the term in section 31101 of title 49, United States
Code.

(2) HIGHWAY TRUST FUND.—The term “High-
way Trust Fund” means the Highway Trust Fund
established under section 9503 of the Internal Rev-

146
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
(3) **Volunteer Participant.**—The term “volunteer participant” means—

(A) the individual owner of a passenger motor vehicle or commercial motor vehicle who volunteers to participate in the pilot program; and

(B) the owner of a fleet of commercial motor vehicles or passenger motor vehicles who volunteers to participate in the pilot program.

**TITLE VII—RESILIENCY**

**SEC. 7001. PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) GRANT PROGRAM.**

(a) **In General.**—Chapter 1 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 173. Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) grant program

“(a) **Definitions.**—In this section:

“(1) **Emergency event.**—The term ‘emergency event’ means a natural disaster or cata-
strophic failure or an imminent natural disaster or catastrophic failure resulting in—

“(A) an emergency declared by the Governor of the State in which the disaster or failure occurred or will occur; or

“(B) an emergency or disaster declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(2) EVACUATION ROUTE.—The term ‘evacuation route’ means a transportation route or system that—

“(A) is owned, operated, or maintained by a Federal, State, Indian Tribe, or local government or a private entity;

“(B) is used—

“(i) to transport the public away from emergency events; or

“(ii) to transport emergency responders and recovery resources; and

“(C) is designated by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (B).
“(3) PROGRAM.—The term ‘program’ means the grant program established under subsection (b)(1).

“(4) RESILIENCE IMPROVEMENT.—The term ‘resilience improvement’ means the use of materials or structural or nonstructural techniques, including natural infrastructure—

“(A) that allow a project—

“(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; or

“(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or

“(B) that—

“(i) reduce the cost, magnitude and duration of impacts of current and future weather events and natural disasters to a project; or

“(ii) have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters.
“(b) Establishment.—

“(1) In General.—The Secretary shall establish a grant program, to be known as the ‘Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation grant program’ or the ‘PROTECT grant program’.

“(2) Purpose.—The purpose of the program is to provide grants for resilience improvements through—

“(A) formula funding distributed to States;

“(B) competitive planning grants to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan infrastructure improvements and emergency response strategies to address those vulnerabilities; and

“(C) competitive resilience improvement grants to protect—

“(i) infrastructure assets by making the assets more resilient to current and future weather events and natural disasters, including severe storms, flooding, tornados, drought, levee and dam failures, wildfire, landslides, sea level rise, extreme weather,
including extreme temperature, and earthquakes;

“(ii) communities through resilience improvements and strategies that allow for the continued operation or rapid recovery of surface transportation systems that—

“(I) serve critical local, regional, and national needs, including evacuation routes; and

“(II) provide access or service to hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities;

“(iii) coastal infrastructure, such as a tide gate, that is at long-term risk to sea level rise; and

“(iv) natural infrastructure that protects and enhances surface transportation assets while improving ecosystem conditions, including culverts that ensure adequate flows in rivers and estuarine systems.

“(c) FORMULA AWARDS.—
“(1) DISTRIBUTION OF FUNDS TO STATES.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall distribute among the States the amounts made available to carry out this subsection for that fiscal year in accordance with subparagraph (B).

“(B) DISTRIBUTION.—The amount for each State shall be determined by multiplying the total amount made available to carry out this subsection for the applicable fiscal year by the ratio that—

“(i) the total base apportionment for the State under section 104(c); bears to

“(ii) the total base apportionments for all States under section 104(c).

“(2) ELIGIBLE ACTIVITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall use funds made available under paragraph (1) to carry out activities eligible under subparagraph (A), (B), or (C) of subsection (d)(4).

“(B) PLANNING SET-ASIDE.—Of the amounts made available to each State under paragraph (1) for each fiscal year, not less than
2 percent shall be for activities described in subsection (d)(3).

“(3) REQUIREMENTS.—

“(A) PROJECTS IN CERTAIN AREAS.—If a project under this subsection is carried out, in whole or in part, within a base floodplain, the State shall—

“(i) identify the base floodplain in which the project is to be located and disclose that information to the Secretary; and

“(ii) indicate to the Secretary whether the State plans to implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

“(B) ELIGIBILITIES.—A State shall use funds made available under paragraph (1) for—

“(i) a highway project eligible for assistance under this title;

“(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or
“(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49).

“(C) SYSTEM RESILIENCE.—A project carried out by a State with funds made available under this subsection may include, consistent with State hazard mitigation plans, the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that are functionally connected to a transportation improvement, such as—

“(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

“(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

“(iii) upgrades to and installation of tide gates to protect highways; and

“(iv) upgrades to and installation of flood gates to protect tunnel entrances.

“(D) FEDERAL COST SHARE.—

“(i) IN GENERAL.—Except as provided in subsection (f)(1), the Federal
share of the cost of a project carried out
using funds made available under para-
graph (1) shall not exceed 80 percent of
the total project cost.

“(ii) NON-FEDERAL SHARE.—A State
may use Federal funds other than Federal
funds made available under this subsection
to meet the non-Federal cost share re-
quirement for a project under this sub-
section.

“(E) ELIGIBLE PROJECT COSTS.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii), eligible project costs
for activities carried out by a State with
funds made available under paragraph (1)
may include the costs of—

“(I) development phase activities,
including planning, feasibility anal-
ysis, revenue forecasting, environ-
mental review, preliminary engineer-
ing and design work, and other
preconstruction activities; and

“(II) construction, reconstruc-
tion, rehabilitation, and acquisition of
real property (including land related
to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

“(ii) ELIGIBLE PLANNING COSTS.—In the case of a planning activity described in subsection (d)(3) that is carried out by a State with funds made available under paragraph (1), eligible costs may include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of subsection (d)(3).

“(F) LIMITATIONS.—In carrying out this subsection, a State—

“(i) may use not more than 25 percent of the amounts made available under this subsection for the construction of new capacity so long as such inclusion is cost-
effective and is directly related to the underlying project; and

“(ii) may use not more than 10 percent of the amounts made available under this subsection for activities described in subparagraph (E)(i)(I).

“(d) COMPETITIVE AWARDS.—

“(1) In general.—In addition to funds distributed to States under subsection (c)(1), the Secretary shall provide grants on a competitive basis under this subsection to eligible entities described in paragraph (2).

“(2) Eligible entities.—The Secretary may make a grant under this subsection to any of the following:

“(A) A State or political subdivision of a State.

“(B) A metropolitan planning organization.

“(C) A unit of local government.

“(D) A special purpose district or public authority with a transportation function, including a port authority.

“(E) An Indian tribe (as defined in section 207(m)(1)).
“(F) A Federal land management agency that applies jointly with a State or group of States.

“(G) A multi-State or multijurisdictional group of entities described in subparagraphs (A) through (F).

“(3) PLANNING GRANTS.—Using funds made available for purposes under this subsection, the Secretary shall provide planning grants to eligible entities for the purpose of—

“(A) in the case of a State or metropolitan planning organization, developing a resilience improvement plan under subsection (f)(2);

“(B) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments;

“(C) technical capacity building by the eligible entity to facilitate the ability of the eligible entity to assess the vulnerabilities of the infrastructure assets and community response strategies of the eligible entity under current conditions and a range of potential future conditions; or

“(D) evacuation planning and preparation.
“(4) Resilience grants.—

“(A) Resilience improvement grants.—

“(i) In general.—Using funds made available for purposes under this subsection, the Secretary shall provide resilience improvement grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) Eligible activities.—

“(I) In general.—An eligible entity may use a resilience improvement grant under this subparagraph for 1 or more construction activities to enable an existing surface transportation infrastructure asset to withstand or reduce the costs and impact of 1 or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the costs and impacts of changing conditions, such as sea level rise, flooding, extreme weather events, and other natural disasters.
“(II) INCLUSIONS.—An activity eligible to be carried out under this subparagraph includes—

“(aa) resurfacing, restoration, rehabilitation, reconstruction, replacement, improvement, or realignment of an existing surface transportation facility eligible for assistance under this title;

“(bb) the incorporation of natural infrastructure;

“(cc) the upgrade of an existing surface transportation facility to meet or exceed Federal Highway Administration approved design standards;

“(dd) the installation of mitigation measures that prevent the intrusion of floodwaters into surface transportation systems;

“(ee) strengthening systems that remove rainwater from surface transportation facilities;

“(ff) a resilience project that addresses identified
vulnerabilities described in the resilience improvement plan of the eligible entity, if applicable;

“(gg) relocating roadways in a base floodplain to higher ground above projected flood elevation levels, or away from slide prone areas;

“(hh) stabilizing slide areas or slopes;

“(ii) installing riprap;

“(jj) lengthening or raising bridges to increase waterway openings, including to respond to extreme weather;

“(kk) deepening channels to prevent flooding;

“(ll) increasing the size or number of drainage structures;

“(mm) installing seismic retrofits on bridges;

“(nn) adding scour protection at bridges;

“(oo) adding scour, stream stability, coastal, and other hy-
draulic countermeasures, including spur dikes; and

“(pp) any other protective features, including natural infrastructure, as determined by the Secretary.

“(iii) PRIORITY.—The Secretary shall prioritize a resilience improvement grant to an eligible entity if—

“(I) the Secretary determines—

“(aa) the benefits of the eligible activity proposed to be carried out by the eligible entity exceed the costs of the activity; and

“(bb) there is a need to address the vulnerabilities of infrastructure assets of the eligible entity with a high risk of, and impacts associated with, failure due to the impacts of weather events, natural disasters, or changing conditions, such as sea level rise and increased flood risk; or
“(II) the eligible activity proposed to be carried out by the eligible entity is included in the applicable resilience improvement plan under subsection (f)(2).

“(B) COMMUNITY RESILIENCE AND EVACUATION ROUTE GRANTS.—

“(i) IN GENERAL.—Using funds made available for purposes under this subsection, the Secretary shall provide community resilience and evacuation route grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) ELIGIBLE ACTIVITIES.—An eligible entity may use a community resilience and evacuation route grant under this subparagraph for 1 or more projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events, including a project that—

“(I) is an eligible activity under subparagraph (A)(ii), if that eligible activity will improve an evacuation route;
“(II) ensures the ability of the evacuation route to provide safe passage during an evacuation and reduces the risk of damage to evacuation routes as a result of future emergency events, including restoring or replacing existing evacuation routes that are in poor condition or not designed to meet the anticipated demand during an emergency event, and including steps to protect routes from mud, rock, or other debris slides;

“(III) if the Secretary determines that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, expands the capacity of evacuation routes to swiftly and safely accommodate evacuations, including installation of—

“(aa) communications and intelligent transportation system equipment and infrastructure;
“(bb) counterflow measures;

or

“(cc) shoulders;

“(IV) is for the construction of—

“(aa) new or redundant evacuation routes, if the Secretary determines that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources; or

“(bb) sheltering facilities that are functionally connected to an eligible project;

“(V) is for the acquisition of evacuation route or traffic incident management equipment, vehicles, or signage; or

“(VI) will ensure access or service to critical destinations, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers,
ports and intermodal facilities, utilities, and Federal facilities.

“(iii) PRIORITY.—The Secretary shall prioritize community resilience and evacuation route grants under this subparagraph for eligible activities that are cost-effective, as determined by the Secretary, taking into account—

“(I) current and future vulnerabilities to an evacuation route due to future occurrence or recurrence of emergency events that are likely to occur in the geographic area in which the evacuation route is located; and

“(II) projected changes in development patterns, demographics, and extreme weather events based on the best available evidence and analysis.

“(iv) CONSULTATION.—In providing grants for community resilience and evacuation routes under this subparagraph, the Secretary shall consult with the Administrator of the Federal Emergency Management Agency, who shall provide technical
assistance to the Secretary and to eligible
entities.

“(C) AT-RISK COASTAL INFRASTRUCTURE
GRANTS.—

“(i) DEFINITION OF COASTAL
STATE.—In this subparagraph, the term
‘coastal State’ means—

“(I) a State in, or bordering on,
the Atlantic, Pacific, or Arctic Ocean,
the Gulf of Mexico, Long Island
Sound, or 1 or more of the Great
Lakes;

“(II) the United States Virgin Is-
lands;

“(III) Guam;

“(IV) American Samoa;

“(V) the Commonwealth of the
Northern Mariana Islands; and

“(VI) Puerto Rico.

“(ii) GRANTS.—Using funds made
available for purposes under this sub-
section, the Secretary shall provide at-risk
coastal infrastructure grants to eligible en-
tities in coastal States to carry out 1 or
more eligible activities under clause (iii).
“(iii) ELIGIBLE ACTIVITIES.—An eligible entity may use an at-risk coastal infrastructure grant under this subparagraph for strengthening, stabilizing, hardening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

“(iv) CRITERIA.—The Secretary shall provide at-risk coastal infrastructure grants under this subparagraph for a project—

“(I) that addresses the risks from a current or future weather event or natural disaster, including
coastal flooding, coastal erosion, wave action, storm surge, or sea level rise; and

“(II) that reduces long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs.

“(v) COASTAL BENEFITS.—In addition to the criteria under clause (iv), for the purpose of providing at-risk coastal infrastructure grants under this subparagraph, the Secretary shall evaluate the extent to which a project will provide—

“(I) access to coastal homes, businesses, communities, and other critical infrastructure, including access by first responders and other emergency personnel; or

“(II) access to a designated evacuation route.

“(5) GRANT REQUIREMENTS.—

“(A) SOLICITATIONS FOR GRANTS.—In providing grants under this subsection, the Secretary shall conduct a transparent and competitive national solicitation process to select eli-
ble projects to receive grants under paragraph (3) and subparagraphs (A), (B), and (C) of paragraph (4).

“(B) Applications.—

“(i) In general.—To be eligible to receive a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines to be necessary.

“(ii) Projects in certain areas.—If a project is proposed to be carried out by the eligible entity, in whole or in part, within a base floodplain, the eligible entity shall—

“(I) as part of the application, identify the floodplain in which the project is to be located and disclose that information to the Secretary; and

“(II) indicate in the application whether, if selected, the eligible entity will implement 1 or more components of the risk mitigation plan under sec-
tion 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

“(C) ELIGIBILITIES.—The Secretary may make a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) only for—

“(i) a highway project eligible for assistance under this title;

“(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or

“(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49).

“(D) SYSTEM RESILIENCE.—A project for which a grant is provided under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that the Secretary determines are functionally connected to a transportation improvement, such as—
“(i) increasing marsh health and total
area adjacent to a highway right-of-way to
promote additional flood storage;

“(ii) upgrades to and installation of
culverts designed to withstand 100-year
flood events;

“(iii) upgrades to and installation of
tide gates to protect highways; and

“(iv) upgrades to and installation of
flood gates to protect tunnel entrances.

“(E) FEDERAL COST SHARE.—

“(i) PLANNING GRANT.—The Federal
share of the cost of a planning activity car-
ried out using a planning grant under
paragraph (3) shall be 100 percent.

“(ii) RESILIENCE GRANTS.—

“(I) IN GENERAL.—Except as
provided in subclause (II) and sub-
section (f)(1), the Federal share of
the cost of a project carried out using
a grant under subparagraph (A), (B),
or (C) of paragraph (4) shall not ex-
ceed 80 percent of the total project
cost.
“(II) TRIBAL PROJECTS.—On the determination of the Secretary, the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined in section 207(m)(1)) may be up to 100 percent.

“(iii) NON-FEDERAL SHARE.—The eligible entity may use Federal funds other than Federal funds provided under this subsection to meet the non-Federal cost share requirement for a project carried out with a grant under this subsection.

“(F) ELIGIBLE PROJECT COSTS.—

“(i) RESILIENCE GRANT PROJECTS.—Eligible project costs for activities funded with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the costs of—

“(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineer-
ing and design work, and other preconstruction activities; and

“(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

“(ii) PLANNING GRANTS.—Eligible project costs for activities funded with a grant under paragraph (3) may include the costs of development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of that paragraph.

“(G) LIMITATIONS.—An eligible entity that receives a grant under subparagraph (A), (B), or (C) of paragraph (4)—
“(i) may use not more than 25 percent of the amount of the grant for the construction of new capacity so long as such inclusion is cost-effective and is directly related to the underlying project; and

“(ii) may use not more than 10 percent of the amount of the grant for activities described in subparagraph (F)(i)(I).

“(H) DISTRIBUTION OF GRANTS.—

“(i) IN GENERAL.—Subject to the availability of funds, an eligible entity may request and the Secretary may distribute funds for a grant under this subsection on a multiyear basis, as the Secretary determines to be necessary.

“(ii) RURAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 25 percent for grants for projects located in areas that are outside an urbanized area with a population of over 200,000.

“(iii) TRIBAL SET-ASIDE.—Of the amounts made available to carry out this
subsection for each fiscal year, the Secretary shall use not less than 2 percent for grants to Indian tribes (as defined in section 207(m)(1)).

“(iv) REALLOCATION.—For any fiscal year, if the Secretary determines that the amount described in clause (ii) or (iii) will not be fully utilized for the grant described in that clause, the Secretary may reallocate the unutilized funds to provide grants to other eligible entities under this subsection.

“(e) CONSULTATION.—In carrying out the program, the Secretary shall—

“(1) consult with the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Commerce; and

“(2) solicit technical support from the Administrator of the Federal Emergency Management Agency.

“(f) RESILIENCE IMPROVEMENT PLAN AND LOWER NON-FEDERAL SHARE.—

“(1) FEDERAL SHARE REDUCTIONS.—

“(A) IN GENERAL.—A State that receives funds under subsection (e) or an eligible entity
that receives a grant under subsection (d) shall have the non-Federal share of a project carried out with the funds or grant, as applicable, reduced by an amount described in subparagraph (B) if the State or eligible entity meets the applicable requirements under that subparagraph.

“(B) AMOUNT OF REDUCTIONS.—

“(i) Resilience improvement plan.—Subject to clause (iii), the amount of the non-Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 7 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the State or eligible entity has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan; and
“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan.

“(ii) INCORPORATION OF RESILIENCE IMPROVEMENT PLAN IN OTHER PLANNING.—Subject to clause (iii), the amount of the non-Federal share of the cost of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 3 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the resilience improvement plan developed in accordance with this subsection has been incorporated into the
metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable; and

“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that incorporated a resilience improvement plan into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable.

“(iii) LIMITATIONS.—

“(I) MAXIMUM REDUCTION.—A State or eligible entity may not receive a reduction under this paragraph of more than 10 percentage points for any single project carried out with funds under subsection (c) or a grant under subsection (d).

“(II) NO NEGATIVE NON-FEDERAL SHARE.—A reduction under this paragraph shall not reduce the non-
Federal share of the costs of a project carried out with funds under sub-
section (c) or a grant under sub-
section (d) to an amount that is less than zero.

“(2) PLAN CONTENTS.—A resilience improve-
ment plan referred to in paragraph (1)—

“(A) shall be for the immediate and long-
range planning activities and investments of the State or metropolitan planning organization with respect to resilience;

“(B) shall demonstrate a systemic ap-
proach to transportation system resilience and be consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

“(C) shall—

“(i) include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future extreme weather events and natural disasters, in-
cluding severe storms, flooding, tornados, drought, levee and dam failures, wildfire,
landsides, sea level rise, extreme weather
events, including extreme temperatures,
and earthquakes;

“(ii) designate evacuation routes and
strategies, including multimodal facilities,
designated with consideration for individ-
uals without access to personal vehicles;

“(iii) plan for response to anticipated
emergencies, including plans for the mobi-

“(I) emergency response per-
sonnel and equipment; and

“(II) access to emergency serv-
ices, including for vulnerable or dis-
advantaged populations;

“(iv) describe the resilience improve-
ment policies, including strategies, land-use
and zoning changes, investments in natural
infrastructure, or performance measures
that will inform the transportation invest-
ment decisions of the State or metropolitan
planning organization with the goal of in-
creasing resilience;

“(v) include an investment plan
that—
“(I) includes a list of priority projects; and

“(II) describes how funds provided by a grant under the program would be invested and matched, which shall not be subject to fiscal constraint requirements; and

“(vi) use science and data and indicate the source of data and methodologies; and

“(D) shall, as appropriate—

“(i) include a description of how the plan will improve the ability of the State or metropolitan planning organization—

“(I) to respond promptly to the impacts of weather events and natural disasters; and

“(II) to be prepared for changing conditions, such as sea level rise and increased flood risk;

“(ii) describe the codes, standards, and regulatory framework, if any, adopted and enforced to ensure resilience improvements within the impacted area of pro-
posed projects included in the resilience improvement plan;

“(iii) consider the benefits of combining hard infrastructure assets, and natural infrastructure, through coordinated efforts by the Federal Government and the States;

“(iv) assess the resilience of other community assets, including buildings and housing, emergency management assets, and energy, water, and communication infrastructure;

“(v) use a long-term planning period; and

“(vi) include such other information as the eligible entity considers appropriate.

“(3) NO NEW PLANNING REQUIREMENTS.— Nothing in this section requires a metropolitan planning organization or a State to develop a resilience improvement plan or to include a resilience improvement plan under the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable, of the metropolitan planning organization or State.

“(g) MONITORING.—
“(1) In general.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the officials described in subsection (e), shall—

“(A) establish, for the purpose of evaluating the effectiveness and impacts of projects carried out under the program—

“(i) subject to paragraph (2), transportation and any other metrics as the Secretary determines to be necessary; and

“(ii) procedures for monitoring and evaluating projects based on those metrics; and

“(B) select a representative sample of projects to evaluate based on the metrics and procedures established under subparagraph (A).

“(2) Notice.—Before adopting any metrics described in paragraph (1), the Secretary shall—

“(A) publish the proposed metrics in the Federal Register; and

“(B) provide to the public an opportunity for comment on the proposed metrics.

“(h) Reports.—

“(1) Reports from eligible entities.—Not later than 1 year after the date on which a project
carried out under the program is completed, the ent-
ity that carried out the project shall submit to the
Secretary a report on the results of the project and
the use of the funds received under the program.

“(2) REPORTS TO CONGRESS.—

“(A) ANNUAL REPORTS.—The Secretary
shall submit to the Committee on Transpor-
tation and Infrastructure of the House of Rep-
resentatives and the Committee on Environ-
ment and Public Works of the Senate, and pub-
lish on the website of the Department of Trans-
portation, an annual report that describes the
implementation of the program during the pre-
ceding calendar year, including—

“(i) each project for which a grant
was provided under the program;

“(ii) information relating to project
applications received;

“(iii) the manner in which the con-
sultation requirements were implemented
under this section;

“(iv) recommendations to improve the
administration of the program, including
whether assistance from additional or
fewer agencies to carry out the program is appropriate;

“(v) the period required to disburse grant funds to recipients based on applicable Federal coordination requirements; and

“(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

“(B) Final Report.—Not later than 5 years after the date of enactment of the Surface Transportation Advanced through Reform, Technology, & Efficient Review Act, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A). The Secretary shall use not more than 5 percent of the amounts made available to carry out the program for each fiscal year for the costs of administering the program, including monitoring and evaluation under subsection (g).

“(C) Consultation.—In developing guidance and regulations, and in providing grants for under this section, the Secretary shall consult with the Administrator of the Federal Emergency Management Agency, who shall pro-
vide technical assistance to the Secretary and to eligible entities.”.

(b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

“173. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.”.

SEC. 7002. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

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

(1) in subsection (b)—

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

(B) in paragraph (3) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(4) to provide support for measures to increase the resiliency of Federal-aid highways and bridges on and off the National Highway System to mitigate the impacts of sea level rise, extreme weather events, flooding, or other natural disasters.”; and

(2) by adding at the end the following:

“(k) Protective Features.—

“(1) In general.—A State may use not more than 15 percent of the funds apportioned to the
State under section 104(b)(1) for each fiscal year for 1 or more protective features on a Federal-aid highway or bridge off the National Highway System, if the protective feature is designed to mitigate the risk of recurring damage, or the cost of future repairs, from extreme weather events, flooding, or other natural disasters.

“(2) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in paragraph (1) may include—

“(A) raising roadway grades;

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

“(C) stabilizing slide areas;

“(D) stabilizing slopes;

“(E) installing riprap;

“(F) lengthening or raising bridges to increase waterway openings;

“(G) deepening channels to prevent flooding;

“(H) increasing the size or number of drainage structures;

“(I) replacing culverts with bridges or upsizing culverts;
“(J) repairing or maintaining tide gates;

“(K) installing seismic retrofits on bridges;

“(L) adding scour protection at bridges;

“(M) adding scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes;

“(N) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding, or other natural disasters; and

“(O) any other features that mitigate the risk of recurring damage or the cost of future repair as a result of extreme weather events, flooding, or other natural disasters, as determined by the Secretary.

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

SEC. 7003. RESILIENCY IN TRANSIT.

Section 5324 of title 49, United States Code, is amended by—

(1) striking “and” at the end of subsection (b)(1);
(2) striking the period at the end of subsection (b)(2)(B) and inserting “; and”; and
(3) by adding at the end of subsection (b) the following new paragraph:

“(3) mitigation projects and activities that the Secretary determines are cost effective and which substantially reduce the risk of, or increase resilience to, future damage, hardship, or loss, related to equipment and facilities of a public transportation system operating in the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency.”.

SEC. 7004. HIGHWAY EMERGENCY RELIEF AND RESILIENCE.

(a) In General.—Section 125 of title 23, United States Code, is amended—
(1) in subsection (a)(1), by inserting “wildfire, sea level rise,” after “severe storm”;
(2) by striking subsection (b) and inserting the following:

“(b) Restriction on Eligibility.—Funds under this section shall not be used for the repair or reconstruction of a bridge that has been permanently closed to all vehicular traffic by the Federal, State, Tribal, or respon-
sible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.”;
and
(3) in subsection (d)—
(A) in paragraph (2)(A)—
(i) by striking the period at the end and inserting “; and”;
(ii) by striking “a facility that meets the current” and inserting the following: “a facility that—
“(i) meets the current”; and
(iii) by adding at the end the following:
“(ii) incorporates economically justifiable improvements designed and demonstrated to mitigate and reduce the risk of recurring damage from extreme weather events, flooding, or other natural disasters.”;
(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and
(C) by inserting after paragraph (2) the following:
“(3) PROTECTIVE FEATURES.—
“(A) IN GENERAL.—The cost of an improvement that is part of a project under this section shall be an eligible expense under this section if the improvement is a protective feature that is designed and demonstrated to mitigate and reduce the risk of recurring damage, or the cost of future repair, from extreme weather events, flooding, or other natural disasters.

“(B) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in subparagraph (A) may include—

“(i) raising roadway grades;

“(ii) relocating roadways in a base floodplain to higher ground above projected flood elevation levels or away from slide prone areas;

“(iii) stabilizing slide areas;

“(iv) stabilizing slopes;

“(v) installing riprap;

“(vi) lengthening or raising bridges to increase waterway openings;

“(vii) deepening channels to prevent flooding;
“(viii) increasing the size or number of drainage structures;

“(ix) replacing culverts with bridges or upsizing culverts;

“(x) repairing or maintaining tide gates;

“(xi) installing seismic retrofits on bridges;

“(xii) adding scour protection at bridges;

“(xiii) adding scour, stream stability, coastal, and other hydraulic counter-measures, including spur dikes;

“(xiv) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding, or other natural disasters; and

“(xv) any other features that mitigate the risk of recurring damage or the cost of future repair as a result of extreme weather events, flooding, or other natural disasters, as determined by the Secretary.”.

(b) EMERGENCY RELIEF PROJECTS.—
(1) Definition of Emergency Relief Project.—In this section, the term “emergency relief project” means a project carried out under the emergency relief program under section 125 of title 23, United States Code.

(2) Improving the Emergency Relief Program.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(A) revise the emergency relief manual of the Federal Highway Administration—

(i) to include and reflect the definition of the term “resilience” (as defined in section 101(a) of title 23, United States Code);

(ii) to ensure resilience measures are cost effective and substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a declared disaster;

(iii) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

(iv) to encourage the use of Complete Streets design principles and consideration
of access for moderate- and low-income families impacted by a declared disaster;

(B) develop best practices for improving the use of resilience in—

(i) the emergency relief program under section 125 of title 23, United States Code; and

(ii) emergency relief efforts;

(C) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and

(D) develop and implement a process to track—

(i) the consideration of resilience as part of the emergency relief program under section 125 of title 23, United States Code; and

(ii) the measurement of risk reduction and costs of emergency relief projects.

(3) Consultation.—In carrying out actions pursuant to paragraph (2), the Secretary shall consult with the Administrator of the Federal Emergency Management Agency to ensure resiliency guidance and activities are consistent with and do not
conflict with other resiliency and mitigation activities and priorities.

SEC. 7005. HIGHWAY RESILIENCY INCENTIVES.

Section 120(c) of title 23, United States Code, is amended by adding at the end the following:

“(4) PROTECTIVE FEATURES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal share pay-able for the cost of a protective feature on a Federal-aid highway or bridge project under this title may be up to 100 percent, at the discretion of the State, if the protective feature is an improvement designed and demonstrated to mitigate and reduce the risk of recurring dam- age, or the cost of future repair, from extreme weather events, flooding, or other natural disas-ters.

“(B) PROTECTIVE FEATURES DE-scribed.—A protective feature referred to in subparagraph (A) may include—

“(i) raising roadway grades;

“(ii) relocating roadways in a base floodplain to higher ground above projected flood elevation levels or away from slide prone areas;
“(iii) stabilizing slide areas;
“(iv) stabilizing slopes;
“(v) installing riprap;
“(vi) lengthening or raising bridges to increase waterway openings;
“(vii) deepening channels to prevent flooding;
“(viii) increasing the size or number of drainage structures;
“(ix) replacing culverts with bridges or upsizing culverts;
“(x) repairing or maintaining tide gates;
“(xi) installing seismic retrofits on bridges;
“(xii) adding scour protection at bridges;
“(xiii) adding scour, stream stability, coastal, and other hydraulic countermeasures, including spur dikes;
“(xiv) the use of natural infrastructure to mitigate and reduce the risk of recurring damage or the cost of future repair from extreme weather events, flooding, or other natural disasters; and
“(xv) any other features that mitigate and reduce the risk of recurring damage or the cost of future repair as a result of extreme weather events, flooding, or other natural disasters, as determined by the Secretary.’’.

SEC. 7006. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

Upon issuance of guidance issued pursuant to section 1228 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall review such guidance and issue guidance regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to roads eligible for assistance under Federal Highway Administration programs.

SEC. 7007. GUIDANCE ON EVACUATION ROUTES.

(a) IN GENERAL.—

(1) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Man-
agement Agency and consistent with guidance issued by the Federal Emergency Management Agency pursuant to section 1209 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), shall revise existing guidance or issue new guidance as appropriate for State, local, and Indian Tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

(2) CONSIDERATIONS.—In revising or issuing guidance under subsection (a)(1), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand likely risks to viability, including flammability and hydrostatic forces;

(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iii) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;
(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

(3) REPORT.—In the case in which the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, concludes existing guidance addresses the considerations in paragraph (2), the Administrator of the Federal Highway Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed report describing how existing guidance addresses such considerations.

(b) STUDY.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency and State, local, territorial, and Indian Tribal governments, shall—
(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and

(2) submit recommendations to Congress on how to help with anticipated evacuation route flow, based on the study conducted under paragraph (1).

SEC. 7008. DEFINITIONS.

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

(1) in paragraph (4)(A) by inserting “assessing resilience,” after “surveying,”; and

(2) by adding at the end the following:

“(35) RESILIENCE.—Unless otherwise specified, the term ‘resilience’, with respect to a project, means a project with the ability to anticipate, prepare for, or adapt to conditions or mitigate against, withstand, respond to, or recover rapidly from disruptions, including the ability—

“(A) to resist hazards, mitigate against, reduce costs associated with or withstand impacts from weather events and natural disasters; or

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

SEC. 7009. UNIVERSITY TRANSPORTATION CENTERS.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by adding at the end the following:

“(D) To consider the ability to anticipate, prepare for, or adapt to conditions or withstand, increase resiliency to, reduce costs related to, respond to, or recover rapidly from disruptions resulting from extreme weather events and natural disasters”;

(2) in subsection (b)(4)(A) by striking “research priorities identified in chapter 65.” and inserting the following: “following research priorities:

“(i) Improving the mobility of people and goods.

“(ii) Reducing congestion.

“(iii) Promoting safety.

“(iv) Improving the durability and extending the life of transportation infrastructure and the existing transportation system.
“(v) Improving the ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or recover rapidly from disruptions resulting from extreme weather events and natural disasters.”;

and

(3) in subsection (e)(4)—

(A) in subparagraph (C) by adding at the end the following: “In awarding grants under this section, the Secretary shall also select not less than 1 grant recipient with each of the following focus areas:

“(i) Improving the ability to anticipate, prepare for, or adapt to conditions or withstand, increase resiliency to, reduce costs related to, respond to, or recover rapidly from disruptions resulting from extreme weather events and natural disasters.

“(ii) Developing innovative road designs, materials, and restoration strategies to better enhance the durability and structural integrity of roads and subgrade soils that may become inundated during severe weather events.
“(iii) Enhancing the viability and durability of evacuation routes, including ways to effectively manage contraflow operations to minimize casualties.”; and

(B) by adding at the end the following:

“(D) CONSIDERATIONS FOR SELECTED INSTITUTIONS.—

“(i) IN GENERAL.—Tier 1 transportation centers awarded a grant under this paragraph with a focus area described in subparagraph (C) shall consider the following areas for research:

“(I) Developing new materials and improving the performance and resiliency of existing materials for the construction of roads, bridges, rail, and related transportation infrastructure.

“(II) Reducing local, state, federal, and tribal costs associated with natural disasters and severe weather.

“(III) Innovative technologies and approaches to pre-mitigate against severe weather.
“(IV) The durability of roadways and subgrade with respect to flammability and hydrostatic forces.

“(V) Strategies to mitigate the costs associated with vulnerabilities in federal evacuation routes, with respect to overcrowding and inundation.

“(ii) Activities.—A tier 1 transportation center receiving a grant under this section with a focus area described in subparagraph (C) may—

“(I) establish best practices;

“(II) develop modeling tools; and

“(III) carry out other activities and develop technology that addresses the planning considerations described in clause (i).”.

SEC. 7010. PRE-DISASTER HAZARD MITIGATION PILOT PROGRAM.

(a) In General.—Section 125 of title 23, United States Code, is amended by adding at the end the following:

“(h) Pre-disaster Hazard Mitigation Pilot Program.—
“(1) IN GENERAL.—The Secretary shall establish a pre-disaster mitigation program for the purpose of mitigating future hazards posed to Federal-aid highways.

“(2) DISTRIBUTION OF FUNDS.—Every 6 months, the Secretary shall total the amount of funds made available to each State, territory, Tribal, or other eligible entity under the emergency relief program during the preceding 6 months and remit an additional 5 percent from the Highway Trust Fund to those entities for eligible activities described in paragraph (3).

“(3) ELIGIBLE ACTIVITIES.—Funds made available under subsection (h)(2) shall be used for mitigation projects and activities that the Secretary determines are cost effective and which substantially reduce the risk of, or increase resilience to, future damage as a result of natural disasters, such as by flood, hurricane, tidal wave, earthquake, severe storm, or landslide by upgrading existing assets to meet or exceed design standards adopted by the Federal Highway Administration by means of the following:

“(A) Relocating or elevating roadways.
“(B) Increasing the size or number of drainage structures, including culverts.

“(C) Installing mitigation measures to prevent the impairment of transportation assets as a result of the intrusion of floodwaters.

“(D) Improving bridges to expand water capacity and prevent flooding.

“(E) Deepening channels to prevent asset inundation and improve drainage.

“(F) Improving strength of natural features adjacent to highway right-of-way to promote additional flood storage.

“(G) Installing or upgrading tide gates and flood gates.

“(H) Stabilizing slide areas or slopes.

“(I) Installing seismic retrofits for bridges.

“(J) Adding scour protection at bridges.

“(K) Adding scour, stream stability, coastal, or other hydraulic countermeasures, including riprap.

“(L) Installing intelligent transportation system equipment to monitor infrastructure quality.

“(M) Any other protective features as determined by the Secretary.
“(4) REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate an annual report detailing—

“(A) a description of the activities carried out under the pilot program;

“(B) an evaluation of the effectiveness of the pilot program in meeting purposes described in paragraph (1); and

“(C) policy recommendations to improve the effectiveness of the pilot program.”.

(b) SUNSET.—The amendments made by this section shall be repealed on the date that is 5 years after the date of enactment of this Act.