

AMENDMENT

OFFERED BY MR. DESAULNIER OF CALIFORNIA

At the end of subtitle A of title III, insert the following:

1 **SEC. 3 ____ . VALUE CAPTURE POLICY AND PLANNING PRO-**
2 **GRAM.**

3 Chapter 53 of title 49, United States Code, is amend-
4 ed by adding at the end (and conforming to appear as
5 the final section in chapter 53 pursuant to subtitle (C)
6 of this title) the following:

7 **“§ 53 ____ . Technical assistance and value capture pol-**
8 **icy**

9 “(a) TECHNICAL ASSISTANCE AND POLICY DEVEL-
10 OPMENT.—

11 “(1) TECHNICAL ASSISTANCE GRANTS.—The
12 Secretary may make a grant available to a State or
13 local government if the Secretary determines that
14 such grant will assist recipients under this section
15 to—

16 “(A) develop more State and local value
17 capture mechanisms for long-term funding that
18 promote mobility, public transportation, and af-
19 fordable transit-oriented development;

1 “(B) improve public transportation and
2 mobility; and

3 “(C) develop strategic partnerships that
4 create greater self-help capacity that leads to
5 greater long term and robust investments in
6 public transportation, mobility, inclusive eco-
7 nomic development, and affordable transit-ori-
8 ented development.

9 “(2) PERFORMANCE BENCHMARKS AND MAIN-
10 TENANCE OF EFFORT.—

11 “(A) PERFORMANCE BENCHMARKS.—To
12 be eligible for a grant under this section, the
13 grantee shall include in its application an expla-
14 nation of how the grant funds will demonstrably
15 increase transit capacity and ridership and re-
16 duce carbon dioxide emissions, vehicle miles
17 traveled, and congestion.

18 “(B) MAINTENANCE OF EFFORT.—

19 “(i) IN GENERAL AND POSSIBLE RE-
20 Duction.—In addition to the eligibility re-
21 quirements of subparagraph (A), a grantee
22 also needs to include in its application a
23 certification to maintain the same funding
24 level as the aggregate expenditures at or
25 above the average level of expenditures in

1 the 2 fiscal years prior to the date of en-
2 actment of this section. If a State or local
3 government that receives a grant under
4 this section reduces its combined fiscal ef-
5 fort for value capture initiatives and pro-
6 grams or the aggregate expenditures with-
7 in the State or local government to support
8 value capture, public transportation, or af-
9 fordable transit-oriented development pro-
10 grams for any fiscal year that a State or
11 local government receives a grant author-
12 ized under this section relative to the pre-
13 vious fiscal year, the Secretary, except as
14 provided in clause (ii), shall reduce support
15 for such State or local government under
16 this section by the same amount as the de-
17 cline in State or local effort for such fiscal
18 year.

19 “(ii) WAIVER.—The Secretary may
20 waive the requirements of this subpara-
21 graph if—

22 “(I) the Secretary determines
23 that a waiver would be appropriate
24 due to a precipitous decline in the fi-
25 nancial resources of a State or local

1 government as a result of unforeseen
2 economic hardship or a natural dis-
3 aster that has necessitated across-the-
4 board reductions in State or local
5 services, including value capture, pub-
6 lic transportation, and affordable
7 transit-oriented development pro-
8 grams; or

9 “(II) due to the circumstances of
10 a State or local government requiring
11 reductions in specific programs, if the
12 State or local government presents to
13 the Secretary a justification and dem-
14 onstration why other programs could
15 not be reduced and how value capture,
16 public transportation, and affordable
17 transit-oriented development programs
18 in the State will not be disproportion-
19 ately harmed by such State or local
20 action.

21 “(3) DAVIS-BACON.—The Secretary shall en-
22 sure that laborers and mechanics employed by con-
23 tractors and subcontractors in construction work fi-
24 nanced by a grant made under this section will be
25 paid wages not less than those prevailing on similar

1 construction in the locality, as determined by the
2 Secretary of Labor under subchapter IV of chapter
3 31 of title 40 (commonly known as the ‘Davis-Bacon
4 Act’).

5 “(4) ENFORCEMENT.—The Secretary may re-
6 voke grant funds provided under this section if a
7 grantee fails to implement the maintenance of effort
8 under paragraph (2)(B) and Davis-Bacon provisions
9 referred to paragraph (3).

10 “(5) EVALUATION.—Not later than 3 years
11 after receiving a grant under this section, the grant-
12 ee shall assess the effectiveness of the use of the
13 funds by evaluating whether the funds created a de-
14 monstrable increase in transit capacity and ridership
15 and a reduction in carbon dioxide emissions, vehicle
16 miles traveled, and congestion.

17 “(6) TECHNICAL ASSISTANCE.—The Secretary,
18 through a competitive bid process, may enter into
19 contracts, cooperative agreements, and other agree-
20 ments with national nonprofit organizations and uni-
21 versities that have the appropriate demonstrated ca-
22 pacity to provide value capture-related technical as-
23 sistance under this subsection, including guidance on
24 implementing foreign value capture models within
25 the United States.

1 “(7) SUPPLEMENT NOT SUPPLANT.—Grant
2 funds received under this section shall be used to
3 supplement and not supplant other Federal, State,
4 and local public funds expended on public value cap-
5 ture and affordable transit-oriented development
6 programs in the State or local government.

7 “(8) VALUE CAPTURE POLICY REQUIRE-
8 MENTS.—

9 “(A) VALUE CAPTURE POLICY.—Not later
10 than October 1 of the fiscal year that begins 2
11 years after the date of enactment of this sec-
12 tion, the Secretary, in collaboration with State
13 departments of transportation, metropolitan
14 planning organizations, and regional council of
15 governments, shall establish voluntary and con-
16 sensus-based value capture standards, policies,
17 and best practices for State and local value cap-
18 ture mechanisms that promote greater invest-
19 ments in public transportation and affordable
20 transit-oriented development.

21 “(B) REPORT.—Not later than 15 months
22 after the date of enactment of this section, the
23 Secretary shall make available to the public a
24 report cataloging examples of State and local
25 laws and policies that provide for value capture

1 and value sharing that promote greater invest-
2 ment in public transportation and affordable
3 transit-oriented development.

4 “(C) BEST PRACTICES.—Based on the re-
5 port required under subparagraph (B), the Sec-
6 retary shall identify and disseminate examples
7 of best practices where States and local govern-
8 ments have adopted value capture and value
9 sharing mechanisms that have successfully pro-
10 vided for greater investment in public transpor-
11 tation and affordable transit-oriented develop-
12 ment.

13 “(b) DEFINITIONS.—For purposes of this section—

14 “(1) the term ‘value capture’ means capturing
15 a portion of the incremental economic value created
16 by government investments, activities, and policies
17 that may generate alternative revenue streams, as-
18 sets, or other financial value for which could assist
19 in funding those investments and activities;

20 “(2) the term ‘transit-oriented development’
21 means a mix of commercial, residential, office, and
22 entertainment centered around or located near a
23 public transportation station that promotes afford-
24 able housing and commercial space;

1 “(3) the term ‘affordable housing’ means hous-
2 ing, the cost of which does not exceed 30 percent of
3 the income of a family; and

4 “(4) the term ‘affordable commercial space’
5 means commercial space dedicated to either protect
6 or promote small and disadvantage businesses pro-
7 vided below market rent value.”.

