

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO THE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE TO H.R. 2  
OFFERED BY MR. GRAVES OF MISSOURI**

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

Sec. 1001. Extension of Federal surface transportation programs.  
Sec. 1002. Extension of highway trust fund expenditure authority.  
Sec. 1003. Extension of highway-related taxes.  
Sec. 1004. Additional contract authority.  
Sec. 1005. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Nationally significant freight and highway projects.  
Sec. 1102. National highway freight program.  
Sec. 1103. Truck parking safety improvement.  
Sec. 1104. Temporary Federal share for Federal-aid highway projects.  
Sec. 1105. Consolidated funding program.

Subtitle B—Acceleration of Project Delivery

Sec. 1201. Environmental reviews for major projects.

- Sec. 1202. Efficient environmental reviews for project decisionmaking.
- Sec. 1203. Application of categorical exclusions for transportation projects.
- Sec. 1204. Air quality and conformity.
- Sec. 1205. Agreements relating to use of and access to rights-of-way Interstate System.
- Sec. 1206. Permits for dredged or fill material.
- Sec. 1207. Pilot program on use of innovative practices for environmental reviews.

#### TITLE II—INNOVATIVE PROJECT FINANCE

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

#### TITLE III—PUBLIC TRANSPORTATION

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

#### TITLE IV—HIGHWAY TRAFFIC SAFETY

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

#### TITLE V—MOTOR CARRIER SAFETY

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

#### TITLE VI—INNOVATION

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

#### TITLE VII—RESILIENCY

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

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

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

5           (a) IN GENERAL.—Except as otherwise provided in  
6 this Act, the requirements, authorities, conditions, eligi-  
7 bilities, limitations, and other provisions authorized under  
8 the covered laws, which would otherwise expire on or cease  
9 to apply after September 30, 2020, are incorporated by  
10 reference and shall continue in effect through September  
11 30, 2025.

12           (b) AUTHORIZATION OF APPROPRIATIONS.—

13                   (1) HIGHWAY TRUST FUND.—

14                           (A) HIGHWAY ACCOUNT.—There is author-  
15 ized to be appropriated from the Highway Ac-  
16 ount for each of fiscal years 2021 through  
17 2025, for each program with respect to which  
18 amounts are authorized to be appropriated from  
19 such account for fiscal year 2020, an amount  
20 equal to 110 percent of the amount authorized

1 for appropriation with respect to the program  
2 from such account under the covered laws for  
3 fiscal year 2020.

4 (B) MASS TRANSIT ACCOUNT.—There is  
5 authorized to be appropriated from the Mass  
6 Transit Account for each of fiscal years 2021  
7 through 2025, for each program with respect to  
8 which amounts are authorized to be appro-  
9 priated from such account for fiscal year 2020,  
10 an amount equal to 110 percent of the amount  
11 authorized for appropriation with respect to the  
12 program from such account under the covered  
13 laws for fiscal year 2020.

14 (2) GENERAL FUND.—There is authorized to be  
15 appropriated for each of fiscal years 2021 through  
16 2025, for each program with respect to which  
17 amounts are authorized to be appropriated for fiscal  
18 year 2020 from an account other than the Highway  
19 Account or the Mass Transit Account under the ti-  
20 tles specified in subsection (e)(1)(A), an amount  
21 equal to the amount authorized for appropriation  
22 with respect to the program under such titles for fis-  
23 cal year 2020.

24 (c) USE OF FUNDS.—Subject to section 1004(b),  
25 amounts authorized to be appropriated for each of fiscal

1 years 2021 through 2025 with respect to a program under  
2 subsection (b) shall be distributed, administered, limited,  
3 and made available for obligation in the same manner as  
4 amounts authorized to be appropriated with respect to the  
5 program for fiscal year 2020 under the covered laws.

6 (d) OBLIGATION LIMITATION.—Subject to section  
7 1004(d), a program for which amounts are authorized to  
8 be appropriated under subsection (b)(1) shall be subject  
9 to a limitation on obligations for each of fiscal years 2021  
10 through 2025 in the same amount and in the same man-  
11 ner as the limitation applicable with respect to the pro-  
12 gram for fiscal year 2020.

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

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

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

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

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

1 (D) Titles I, II, III, IV, V, and VI of  
2 SAFETEA-LU (Public Law 109-59).

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

6 (F) Titles II, III, and IV of the National  
7 Highway System Designation Act of 1995  
8 (Public Law 104-59).

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

13 (H) Title 23, United States Code.

14 (I) Subtitle IV of Title 40, United States  
15 Code.

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

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

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

1 **SEC. 1002. EXTENSION OF HIGHWAY TRUST FUND EXPENDI-**  
2 **TURE AUTHORITY.**

3 Section 9503 of the Internal Revenue Code of 1986  
4 is amended—

5 (a) by striking “October 1, 2020” in subsections  
6 (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1,  
7 2021”; and

8 (b) by striking “FAST Act” in subsections (c)(1) and  
9 (e)(3) and inserting “STARTER Act”.

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

11 (a) IN GENERAL.—

12 (1) Each of the following provisions of the In-  
13 ternal Revenue Code of 1986 is amended by striking  
14 “September 30, 2022” and inserting “September  
15 30, 2025”:

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

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

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

19 (2) Each of the following provisions of such  
20 Code is amended by striking “October 1, 2022” and  
21 inserting “October 1, 2025”:

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

23 (B) Section 4051(e).

24 (C) Section 4071(d).

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

1 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN  
2 HEAVY VEHICLES.—Each of the following provisions of  
3 the Internal Revenue Code of 1986 is amended by striking  
4 “2023” each place it appears and inserting “2025”:

5 (1) Section 4481(f).

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

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

9 (1) by striking “October 1, 2022” each place it  
10 appears and inserting “October 1, 2025”;

11 (2) by striking “March 31, 2023” each place it  
12 appears and inserting “March 31, 2025”; and

13 (3) by striking “January 1, 2023” and insert-  
14 ing “January 1, 2025”.

15 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

16 (1) Section 4221(a) of the Internal Revenue  
17 Code of 1986 is amended by striking “October 1,  
18 2022” and inserting “October 1, 2025”.

19 (2) Section 4483(i) of such Code is amended by  
20 striking “October 1, 2023” and inserting “October  
21 1, 2025”.

22 (e) EXTENSION OF TRANSFERS OF CERTAIN  
23 TAXES.—

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



1 (A) in subsection (b)—

2 (i) by striking “October 1, 2022”  
3 each place it appears in paragraphs (1)  
4 and (2) and inserting “October 1, 2025”;

5 (ii) by striking “OCTOBER 1, 2022” in  
6 the heading of paragraph (2) and inserting  
7 “OCTOBER 1, 2025”;

8 (iii) by striking “September 30,  
9 2022” in paragraph (2) and inserting  
10 “September 30, 2025”; and

11 (iv) by striking “July 1, 2023” in  
12 paragraph (2) and inserting “July 1,  
13 2025”; and

14 (B) in subsection (c)(2), by striking “July  
15 1, 2023” and inserting “July 1, 2025”.

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

18 (A) IN GENERAL.—Paragraphs (3)(A)(i)  
19 and (4)(A) of section 9503(c) of such Code are  
20 each amended by striking “October 1, 2022”  
21 and inserting “October 1, 2025”.

22 (B) CONFORMING AMENDMENTS TO LAND  
23 AND WATER CONSERVATION FUND.—Section  
24 200310 of title 54, United States Code, is  
25 amended by striking “October 1, 2023” each

1 place it appears and inserting “October 1,  
2 2025”; and (ii) by striking “October 1, 2022”  
3 and inserting “October 1, 2025.”

4 (f) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on October 1, 2020.

6 **SEC. 1004. ADDITIONAL CONTRACT AUTHORITY.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, for each of fiscal years 2021 through 2025,  
9 any excess amount authorized to be appropriated from the  
10 Highway Account or the Mass Transit Account shall be  
11 distributed as described in subsection (b).

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

17 (1) under section 1001 of this Act make avail-  
18 able for core account programs authorized from such  
19 account an amount equal to the amount authorized  
20 for such programs in fiscal year 2020 under the  
21 FAST Act;

22 (2) under this section, make available an addi-  
23 tional amount for such programs equal to the excess  
24 amount authorized to be appropriated as described  
25 in subsection (a); and

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

4           (c) DISTRIBUTION OF ADJUSTMENT AMONG CORE  
5 ACCOUNT PROGRAMS.—

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

11           (A) determine the ratio that—

12                 (i) the amount authorized to be ap-  
13 propriated for a core account program  
14 from the account for fiscal year 2020;  
15 bears to

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

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

22           (C) adjust the amount that the Secretary  
23 would otherwise have allocated for the core ac-  
24 count program for the fiscal year by the  
25 amount calculated under subparagraph (B).

1 (2) FORMULA PROGRAMS.—

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

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

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

19 (4) SPECIAL RULE.—

20 (A) ADJUSTMENT.—In making an adjust-  
21 ment under subsection (c)(1) for an allocation,  
22 reservation, or set-aside from an amount au-  
23 thorized from the Highway Account or Mass  
24 Transit Account referred to in subparagraph  
25 (B), the Secretary shall—

1 (i) determine the ratio that—

2 (I) the amount authorized to be  
3 appropriated for the allocation, res-  
4 ervation, or set-aside from the account  
5 for fiscal year 2020; bears to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (B) the amount authorized to be appro-  
7 priated for fiscal year 2020 from such account  
8 under the FAST Act (Public Law 114-94).

9 **SEC. 1005. EFFECTIVE DATE.**

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

12 **TITLE I—FEDERAL-AID**  
13 **HIGHWAYS**  
14 **Subtitle A—Authorizations and**  
15 **Programs**

16 **SEC. 1101. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
17 **WAY PROJECTS.**

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



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

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

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

9 (a) PARKING FOR COMMERCIAL VEHICLES.—Chapter  
10 1 of title 23, United States Code, is amended by adding  
11 at the end the following:

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

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

18 “(1) a Federal-aid highway; or

19 “(2) a freight facility.

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

24 “(c) APPLICATION CONTENTS.—An application  
25 under subsection (b) shall contain—

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

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

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

5           “(1) A State.

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

8           “(3) A metropolitan planning organization.

9           “(4) A local government.

10          “(e) ELIGIBLE PROJECTS.—

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

14                  “(A) on a Federal-aid highway; or

15                  “(B) on a facility with reasonable access  
16          to—

17                          “(i) a Federal-aid highway; or

18                          “(ii) a freight facility.

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

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

24                  “(B) construct commercial motor vehicle  
25          parking facilities—

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

3 “(ii) within the boundaries of, or adja-  
4 cent to, a publicly-owned freight facility,  
5 including a port terminal operated by a  
6 public authority; and

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

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

13 “(f) ELIGIBLE ACTIVITIES.—

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

17 “(A) Development phase activities, includ-  
18 ing planning, feasibility analysis, benefit-cost  
19 analysis, environmental review, preliminary en-  
20 gineering and design work, and other  
21 preconstruction activities.

22 “(B) Construction, reconstruction, rehabili-  
23 tation, acquisition of real property, environ-  
24 mental mitigation, construction contingencies,  
25 acquisition of equipment, and operational im-

1           provements directly related to expanding com-  
2           mercial motor vehicle parking.

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

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

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

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

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

17                  “(A) increase commercial motor vehicle  
18                  parking capacity;

19                  “(B) facilitate the efficient movement of  
20                  freight; and

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

23          “(4) demonstrate the ability to provide for the  
24          maintenance and operation cost necessary to keep

1 the facility available for use after completion of con-  
2 struction.

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

6 “(i) TREATMENT OF FUNDS.—Notwithstanding sec-  
7 tion 126, funds made available under this subsection shall  
8 remain available until expended and shall not be transfer-  
9 able.

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

15 “(k) NOTIFICATION OF CONGRESS.—Not less than 3  
16 days before making a grant for a project under this sec-  
17 tion, the Secretary shall notify, in writing, the Committee  
18 on Transportation and Infrastructure of the House of  
19 Representatives and the Committee on Environment and  
20 Public Works of the Senate of the—

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

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

25 “(l) SURVEY AND COMPARATIVE ASSESSMENT.—

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

10           “(A) evaluates the capability of the States  
11 to provide adequate parking and rest facilities  
12 for commercial motor vehicles engaged in inter-  
13 state transportation;

14           “(B) evaluates the effectiveness of the  
15 projects funded under this subsection in im-  
16 proving access to truck parking;

17           “(C) evaluates the ability of entities receiv-  
18 ing a grant under this subsection to sustain the  
19 operation of parking facilities constructed with  
20 funds provided under this subsection; and

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

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

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

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

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

14      (b) CLERICAL AMENDMENT.—The analysis for chap-  
15      ter 1 of title 23, United States Code, is amended by add-  
16      ing after the item relating to section 171 the following:  
    “171. Truck parking safety improvement.”.

17      **SEC. 1104. TEMPORARY FEDERAL SHARE FOR FEDERAL-AID**  
18                                    **HIGHWAY PROJECTS.**

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

1 **SEC. 1105. CONSOLIDATED FUNDING PROGRAM.**

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

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

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

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

14 “(1) meet minimum levels for the condition of  
15 pavement established by the Secretary under section  
16 150(c)(3);

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

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

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



1 “(c) APPLICATIONS.—

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

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

13 “(d) USE OF BLOCK GRANT FUNDS.—

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

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

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

21 “(C) the highway safety improvement pro-  
22 gram under section 148;

23 “(D) the congestion mitigation and air  
24 quality improvement program under section  
25 149; and

1           “(E) for metropolitan planning under sec-  
2           tion 134; or

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

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

8           “(A) 25 percent of funds shall be obli-  
9           gated, in proportion to the relative shares of the  
10          population of the State—

11          “(i) to urbanized areas of the State  
12          with an urbanized area population of over  
13          200,000;

14          “(ii) to areas of the State other than  
15          urban areas with a population greater than  
16          5,000; and

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

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

21          “(e) BLOCK GRANT SELECTION.—

22          “(1) ISSUANCE.—The Secretary shall provide  
23          grants under this section beginning with fiscal year  
24          2022.

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

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

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

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

15          “(g) PROGRESS REPORT.—

16           “(1) IN GENERAL.—Not later than 2 years  
17 after the first fiscal year in which funds are provided  
18 under this section, any State receiving funds shall  
19 submit to the Secretary a progress report on meet-  
20 ing, or making significant progress toward meeting,  
21 performance measures and standards under section  
22 150(c).

23           “(2) GUIDANCE.—Not later than 1 year after  
24 the initial funds are provided under this section, the  
25 Secretary shall promulgate guidance to lump sum

1 recipients on requirements for submitting a progress  
2 report under paragraph (1).

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

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

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

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

4 (b) CLERICAL AMENDMENT.—The analysis for chap-  
5 ter 1 of title 23, United States Code, is amended by add-  
6 ing at the end the following:

“172. Consolidated funding program.”.

7 **Subtitle B—Acceleration of Project**  
8 **Delivery**

9 **SEC. 1201. ENVIRONMENTAL REVIEWS FOR MAJOR**  
10 **PROJECTS.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (3)(B) by striking “proc-  
15 ess for and completion of any environmental  
16 permit” and inserting “process and schedule,  
17 including a timetable for and completion of any  
18 environmental permit”;

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

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

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

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

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

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

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

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

21                   “(B) the project sponsor has identified the  
22                   reasonable availability of funds sufficient to  
23                   complete the project;

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

4           “(D) the head of the lead agency has de-  
5 termined that—

6                   “(i) an environmental impact state-  
7 ment is required; or

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

12           (2) in subsection (b)(1)—

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

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

17           (3) in subsection (c)—

18                   (A) in paragraph (6)—

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

21                           (ii) in subparagraph (C) by striking  
22 the period at the end and inserting “;  
23 and”; and

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

1           “(D) to calculate annually the average  
2           time taken by the lead agency to complete all  
3           environmental documents for each project dur-  
4           ing the previous fiscal year.”; and

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

6           “(7).     PROCESS     IMPROVEMENTS     FOR  
7           PROJECTS.—

8           “(A) IN GENERAL.—The Secretary shall  
9           review existing practices, procedures, pro-  
10          grammatic agreements, and applicable laws to  
11          identify potential changes that would facilitate  
12          an efficient environmental review process for  
13          projects.

14          “(B) CONSULTATION.—In conducting the  
15          review required by subparagraph (A), the Sec-  
16          retary shall consult, as appropriate, with the  
17          heads of other Federal agencies that participate  
18          in the environmental review process.

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



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

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

7 (4) in subsection (d)—

8 (A) in paragraph (8)—

9 (i) in the heading, by striking  
10 “NEPA” and inserting “ENVIRON-  
11 MENTAL”;

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

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

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

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

4           “(i) the project sponsor requests that  
5 agencies issue separate environmental doc-  
6 uments;

7           “(ii) the obligations of a cooperating  
8 agency or participating agency under the  
9 National Environmental Policy Act of  
10 1969 (42 U.S.C. 4321 et seq.) have al-  
11 ready been satisfied with respect to such  
12 project; or

13           “(iii) the lead agency determines that  
14 such application would not facilitate com-  
15 pletion of the environmental review process  
16 for such project within the timeline estab-  
17 lished under paragraph (10).”;

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

19           “(10) TIMELY AUTHORIZATIONS FOR MAJOR  
20 PROJECTS.—

21           “(A) DEADLINE.—Except as provided in  
22 subparagraph (C), notwithstanding any other  
23 provision of law, all authorization decisions nec-  
24 essary for the construction of a major project  
25 shall be completed by not later than 90 days

1 after the date of the issuance of a record of de-  
2 cision for the major project.

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

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

15 “(i) Federal law prohibits the lead  
16 agency or another agency from issuing an  
17 approval or permit within the period de-  
18 scribed in such subparagraph;

19 “(ii) such an extension is requested by  
20 the project sponsor; or

21 “(iii) such extension would facilitate  
22 the completion of the environmental review  
23 and authorization process of the major  
24 project.”;

25 (5) in subsection (g)—

1 (A) in paragraph (1)(B)—

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

4 “(IV) the overall time required  
5 by an agency to conduct an environ-  
6 mental review and make decisions  
7 under applicable Federal law relating  
8 to a project (including the issuance or  
9 denial of a permit or license) and the  
10 cost of the project;” and

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

13 “(iii) MAJOR PROJECT SCHEDULE.—  
14 To the maximum extent practicable and  
15 consistent with applicable Federal law, in  
16 the case of a major project, the lead agen-  
17 cy shall develop, in consultation with the  
18 project sponsor, a schedule for the major  
19 project that is consistent with an agency  
20 average of not more than 2 years for the  
21 completion of the environmental review  
22 process for major projects. The time period  
23 measured, as applicable—

24 “(I) in the case of a project that  
25 requires an environmental impact

1 statement, begins on the date of pub-  
2 lication of a notice of intent to pre-  
3 pare an environmental impact state-  
4 ment and ends on the date of publica-  
5 tion of a record of decision; or

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

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

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

17 “(E) FAILURE TO MEET DEADLINE.—If a  
18 Federal cooperating agency fails to meet a  
19 deadline established under subparagraph  
20 (D)(ii)(I)—

21 “(i) not later than 30 days after the  
22 date such agency failed to meet such dead-  
23 line, such agency shall submit to the Sec-  
24 retary a report on why the deadline was  
25 not met; and

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

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

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

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

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

15 “(1) IN GENERAL.—Not later than 180 days  
16 after the date of enactment of the One Federal Deci-  
17 sion Act of 2020, the Secretary shall establish a per-  
18 formance accountability system to track each major  
19 project.

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

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

1           “(B) whether the lead agency, cooperating  
2 agencies, and participating agencies are meet-  
3 ing such schedule; and

4           “(C) the time taken to complete the envi-  
5 ronmental review process.

6       “(q) DEVELOPMENT OF CATEGORICAL EXCLU-  
7 SIONS.—

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

11           “(A) in consultation with the agencies de-  
12 scribed in paragraph (2), identify the categor-  
13 ical exclusions established by the Federal High-  
14 way Administration that would accelerate deliv-  
15 ery of a project if such categorical exclusions  
16 were available to such agencies;

17           “(B) collect existing documentation and  
18 substantiating information on the categorical  
19 exclusions described in subparagraph (A); and

20           “(C) provide to each agency described in  
21 paragraph (2) a list of the categorical exclu-  
22 sions identified under subparagraph (A) and  
23 the documentation and substantiating informa-  
24 tion collected under subparagraph (B).

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

3           “(A) The Departments of—

4                   “(i) the Interior;

5                   “(ii) Commerce;

6                   “(iii) Agriculture;

7                   “(iv) Energy; and

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

10           “(B) any other Federal agency that has  
11 participated in an environmental review process  
12 for a major project, as determined by the Sec-  
13 retary.

14           “(3) ADOPTION OF CATEGORICAL EXCLU-  
15 SIONS.—

16           “(A) IN GENERAL.—Not later than 1 year  
17 after the date on which the Secretary provides  
18 the list under paragraph (1)(C), an agency de-  
19 scribed in paragraph (2) shall publish a notice  
20 of proposed rulemaking to propose any categor-  
21 ical exclusions from the list applicable to the  
22 agency, subject to the condition that the cat-  
23 egorical exclusion identified under paragraph  
24 (1)(A) meets the criteria for a categorical exclu-  
25 sion under section 102 of the National Environ-



1           mental Policy Act of 1969 (42 U.S.C. 4321 et  
2           seq.).

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

11 **SEC. 1202. EFFICIENT ENVIRONMENTAL REVIEWS FOR**  
12 **PROJECT DECISIONMAKING.**

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

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

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

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

19       “(a) ENVIRONMENTAL IMPACT STATEMENTS.—

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

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

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

20          “(4) STATEMENT OF PURPOSE AND NEED.—  
21          Each environmental impact statement shall include a  
22          statement of purpose and need that briefly summa-  
23          rizes the underlying purpose and need for the pro-  
24          posed agency action. In a case where the agency is  
25          reviewing an application for authorization, such

1 statement shall focus on the goals of the applicant  
2 and the agency's authority.

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

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

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

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

18 “(b) ENVIRONMENTAL ASSESSMENTS.—

19 “(1) SPONSOR PREPARATION.—A lead agency  
20 may allow a project sponsor to prepare an environ-  
21 mental assessment, if such agency provides such  
22 sponsor with appropriate guidance and assists in the  
23 preparation. The lead agency shall independently  
24 evaluate the environmental assessment before adopt-

1       ing it, and shall take responsibility for the contents  
2       upon adoption.

3               “(2) WORD LIMIT.—An environmental assess-  
4       ment may not exceed 37,500 words, excluding ap-  
5       pendices, unless the lead agency approves a longer  
6       statement in writing and establishes a new word  
7       limit.

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

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

19              “(1) REQUIREMENTS FOR A COOPERATING  
20      AGENCY.—A cooperating agency shall submit any  
21      comments within a time period specified by the lead  
22      agency and limit such comments to matters on  
23      which such agency has jurisdiction by law or special  
24      expertise with respect to an environmental issue.

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

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

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

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

19          “(g) DEFINITIONS.—In this section:

20                 “(1) CATEGORICAL EXCLUSION.—The term  
21                 ‘categorical exclusion’ means a category of actions  
22                 which a Federal agency has determined do not  
23                 under usual circumstances have a significant effect  
24                 on the human environment for the purposes of this  
25                 Act.

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

4           “(3) ENVIRONMENTAL ASSESSMENT.—The  
5           term ‘environmental assessment’ means an environ-  
6           mental assessment prepared under section 102.

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

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

14          “(6) REASONABLY FORESEEABLE.—The term  
15          ‘reasonably foreseeable’ means sufficiently likely to  
16          occur such that a person of ordinary prudence would  
17          take such occurrence into account in reaching a de-  
18          cision.

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

22          (b) REGULATORY CHANGES.—

23                 (1) CONTROVERSY AS A FACTOR IN DETER-  
24                 MINING SIGNIFICANCE.—The Council on Environ-  
25                 mental Quality shall, not later than 90 days after

1 the date of enactment of this Act, issue regulations  
2 to remove consideration of the level of controversy  
3 with respect to a determination regarding whether a  
4 proposed Federal action is significant as such term  
5 is used in section 102 of the National Environmental  
6 Policy Act of 1969 (42 U.S.C. 4332).

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

16 **SEC. 1203. APPLICATION OF CATEGORICAL EXCLUSIONS**  
17 **FOR TRANSPORTATION PROJECTS.**

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

20 (1) in the section heading by striking  
21 “**multimodal**” and inserting “**transpor-**  
22 **tation**”;

23 (2) in subsection (a)—

24 (A) in paragraph (1)—

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

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

7 (iii) by striking “multimodal”;

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

10 “(2) LEAD AGENCY.—The term ‘lead agency’  
11 means a Federal agency, or State agency that has  
12 been delegated authority under the National Envi-  
13 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
14 seq.), that has the lead responsibility for compliance  
15 with such Act with respect to a proposed project.”;  
16 and

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

19 “(3) PROJECT.—The term ‘project’ has the  
20 meaning given such term in section 139(a) of title  
21 23.”;

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

23 (4) in subsection (c)—

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



1 (B) by striking “multimodal project, a lead  
2 authority” and inserting “project, a lead agen-  
3 cy”;

4 (C) by striking “procedures of a cooper-  
5 ating authority for a proposed multimodal  
6 project” and inserting “procedures of any other  
7 Federal agency for a proposed project”;

8 (D) in paragraph (1)—

9 (i) by striking “lead authority makes  
10 a determination, with the concurrence of  
11 the cooperating authority” and inserting  
12 “the Federal agency proposing to apply the  
13 categorical exclusion makes a determina-  
14 tion, after consultation with the other Fed-  
15 eral agencies”;

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

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

20 (E) in paragraph (2)—

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

24 (ii) by striking “of the cooperating au-  
25 thority or procedures under that Act; and”

1 and inserting “or procedures of the other  
2 Federal agency under that Act.”; and  
3 (F) by striking paragraph (3); and  
4 (5) in subsection (d) by striking “multimodal”.

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

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

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

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

13 (1) in the matter preceding subparagraph (A)  
14 in paragraph (1) by striking “Conformity to” and  
15 inserting “Conformity to”;

16 (2) in paragraph (2)—

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

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

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

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

3 (E) by striking “(C) a transportation  
4 project may be adopted or approved by a metro-  
5 politan planning organization or any recipient  
6 of funds designated under title 23, United  
7 States Code, chapter 53 of title 49, United  
8 States Code, or found in conformity by a metro-  
9 politan planning organization or approved, ac-  
10 cepted, or funded by the Department of Trans-  
11 portation only if it meets either the require-  
12 ments of subparagraph (D)” and inserting the  
13 following:

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

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

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

1 “(C) Any project not referred to”.

2 (b) CONFORMITY DETERMINATIONS PRIOR TO CON-  
3 STRUCTION OF TRANSPORTATION PROJECTS.—Paragraph  
4 (2) of section 176(c) of the Clean Air Act (42 U.S.C.  
5 7506(c)), as amended by subsection (a), is further amend-  
6 ed by adding at the end the following new subparagraph:

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

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

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

25 “(iii) The Secretary of Transportation shall—

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

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

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

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

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

22                 (2) by adding at the end the following new sub-  
23                 paragraph:

24                 “(B) If a new national ambient air quality standard  
25                 is promulgated for an air pollutant under section 109, the

1 requirements of this section apply only with respect to  
2 most recently promulgated standard.”.

3 (e) PROGRAMMATIC CONFORMITY DETERMINA-  
4 TIONS.—Section 176(c) of the Clean Air Act (42 U.S.C.  
5 7506(c)), as amended, is amended by adding at the end  
6 the following new paragraph:

7 “(11) PROGRAMMATIC CONFORMITY DETERMINA-  
8 TIONS.—

9 “(A) IN GENERAL.—The Secretary of Trans-  
10 portation—

11 “(i) shall, to the maximum extent prac-  
12 ticable, use programmatic conformity deter-  
13 minations to streamline the process for satis-  
14 fying transportation conformity requirements  
15 under this subsection; and

16 “(ii) may issue a programmatic conformity  
17 determination, in consultation with the Admin-  
18 istrator, on a nationwide, statewide, metropoli-  
19 tan, or other geographic basis.

20 “(B) REGULATIONS.—

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

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

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

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

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

19                  “(C) DEFINITION.—In this paragraph, the term  
20                  ‘programmatic conformity determination’ includes  
21                  any conformity determination that applies to a cat-  
22                  egory of transportation plans, programs, or  
23                  projects.”.

1 **SEC. 1205. AGREEMENTS RELATING TO USE OF AND AC-**  
2 **CESS TO RIGHTS-OF-WAY INTERSTATE SYS-**  
3 **TEM.**

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

7 “(e) **JUSTIFICATION REPORTS.**—

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

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

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

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



1 (1) in subsection (f)(1)—

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

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

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

9 “(D) activities involving maintenance, re-  
10 pair and/or construction of roadside ditches, in-  
11 cluding emergency activities, temporary fills,  
12 and changes in the character, scope, and/or size  
13 of the original fill design to meet current design  
14 and safety standards, provided they that do not  
15 result in significant alterations to flow or cir-  
16 culation, and maintain to the maximum extent  
17 practicable, the course, condition, capacity, and  
18 location of open waters;”; and

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

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

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

24 (1) The environmental review process for trans-  
25 portation infrastructure projects is complex and inef-

1       efficient, resulting in delays and increased costs of de-  
2       livery of needed improvements to our transportation  
3       system.

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

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

14           (1) integrate environmental planning or other  
15      techniques involving consideration of multiple re-  
16      sources on a watershed or ecosystem scale;

17           (2) enhance environmental mitigation and en-  
18      hancement measures that will result in a substantial  
19      improvement over existing conditions in an eco-  
20      system or watershed;

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

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

3           (c) FLEXIBILITIES.—In carrying out the pilot pro-  
4 gram established under subsection (b), the Secretary, in  
5 concurrence with the affected agency may waive, with re-  
6 spect to an eligible project, any requirement under Federal  
7 law, regulation, or order, if the Secretary and such agen-  
8 cies find that waiving the requirement is reasonably ex-  
9 pected to—

10           (1) promote the development of innovative prac-  
11 tices for the environmental review process, as de-  
12 scribed in paragraphs (1) through (4) of subsection  
13 (b);

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

16           (3) result in achieving the conservation goals of  
17 relevant statutes.

18           (d) ELIGIBILITY.—In carrying out the pilot program  
19 established under subsection (b), the Secretary may not  
20 select more than 15 eligible projects to participate in the  
21 program.

22           (e) APPLICATION PROCESS.—

23           (1) IN GENERAL.—The Secretary and the af-  
24 fected agency shall be jointly responsible for review-

1       ing and approving applications for participation in  
2       the program, as set forth in this subsection.

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

9           (3) WRITTEN RECOMMENDATION.—If the Sec-  
10      retary recommends approval of the application, the  
11      Secretary shall submit a written recommendation to  
12      the affected agency for review. The Secretary's rec-  
13      ommendation may include modifications to the appli-  
14      cant's proposal.

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

18          (5) COMMUNICATION OF DECISION.—Upon the  
19      final approval decision by the Secretary and affected  
20      agency, the Secretary shall communicate the decision  
21      in writing to the project sponsor, the affected State  
22      (if not the project sponsor), and each affected agen-  
23      cy, and shall post the decision on the agency's public  
24      website, and publish the decision in the Federal Reg-  
25      ister. The Secretary's notice shall identify, with

1       specificity, each federal requirement that has been  
2       waived or otherwise modified. This decision shall be  
3       final.

4       (f) IMPLEMENTATION.—Upon publication of the deci-  
5       sion in the Federal Register pursuant to subsection (e)(4),  
6       the Secretary may initiate the proposal or the environ-  
7       mental review process for the project. Each federal agency  
8       with responsibility for review, consultation, approval, or  
9       other role in the environmental review process for the  
10      project or proposal shall proceed in accordance with the  
11      decision.

12      (g) TERMINATION.—

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

17           (A) the conditions for participation (as set  
18      forth in the application approval decision) have  
19      not been met; and

20           (B) termination is in the public interest.

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

1 (h) REPORTING.—

2 (1) ANNUAL REPORT.—The Secretary, in con-  
3 sultation with the affected agency, shall annually  
4 submit to the Committee on Transportation and In-  
5 frastructure of the House of Representatives and the  
6 Committee on Environment and Public Works of the  
7 Senate a report on each eligible project participating  
8 in the program.

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

11 (A) identify each eligible project;

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

14 (C) summarize any lessons learned from  
15 the use of innovative practices authorized under  
16 the pilot program.

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

20 (j) DEFINITIONS.—In this section:

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

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

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

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

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

## 11 **TITLE II—INNOVATIVE PROJECT** 12 **FINANCE**

### 13 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE** 14 **AND INNOVATION ACT OF 1998 TEMPORARY** 15 **LOAN RELIEF DUE TO COVID-19.**

16 (a) DEFINITIONS.—In this section:

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

21 (2) ELIGIBLE LOAN.—The term “eligible loan”  
22 means a loan provided on or before the date of en-  
23 actment of this Act under a program described in  
24 subparagraph (A) or (B) of section 116(d)(1) of title  
25 49, United States Code.

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

3           (b) INTEREST RATE RESET.—

4           (1) IN GENERAL.—If, at any time after the  
5           date of execution of an eligible loan, the eligible bor-  
6           rower of such eligible loan is impacted by COVID-  
7           19 and unable to generate sufficient revenues from  
8           the dedicated revenue source to pay the scheduled  
9           repayments of principal and interest on such eligible  
10          loan—

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

16                  (B) the Secretary—

17                          (i) in accordance with such criteria as  
18                          the Secretary may establish under sub-  
19                          section (d), shall determine whether the el-  
20                          igible borrower is impacted by COVID-19;  
21                          and

22                          (ii) if a positive determination is made  
23                          under clause (i), may reset the interest  
24                          rate of such eligible loan (including  
25                          through amendment of such eligible loan)



1 to a lower interest rate equal to not less  
2 than the yield on United States Treasury  
3 securities of a similar maturity to the ma-  
4 turity of the eligible loan on the date of the  
5 reset, in accordance with this section.

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

10 (c) OTHER LOAN MODIFICATIONS.—With respect to  
11 an eligible borrower impacted by COVID–19, the Sec-  
12 retary, on determining that the eligible borrower has been  
13 impacted by COVID–19, may—

14 (1) allow, for a maximum aggregate period of  
15 not more than 5 years, an obligor to add unpaid  
16 principal and interest to the outstanding balance of  
17 the loan, subject to the requirements under section  
18 502(j)(3)(B) of the Railroad Revitalization and Reg-  
19 ulatory Reform Act of 1976 (45 U.S.C.  
20 822(j)(3)(B)) or section 603(c)(3)(B) of title 23,  
21 United States Code, as applicable; and

22 (2) extend any applicable disbursement period  
23 established under an agreement for credit assistance  
24 made pursuant to section 502 of the Railroad Revi-  
25 talization and Regulatory Reform Act of 1976 (45

1 U.S.C. 822) or section 603 of title 23, United States  
2 Code, as applicable.

3 (d) CRITERIA.—

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

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

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

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

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

22 (e) EFFECTIVE PERIOD.—

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

1           (2) EFFECT OF SUBSECTION.—Nothing in this  
2 subsection affects any eligible loan that is modified  
3 pursuant to this section on or before September 30,  
4 2021.

5                           **TITLE III—PUBLIC**  
6                           **TRANSPORTATION**

7 **SEC. 3001. SHORT TITLE.**

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

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

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

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

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

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

19                           “(B) TARGETED REVIEW FOR HIGH-PER-  
20 FORMING RECIPIENTS.—In the case of a recipi-  
21 ent under this section for which no action under  
22 paragraph (3) has been found to be necessary  
23 for 6 or more consecutive years, the triennial  
24 review shall be a targeted review, as determined  
25 by the Secretary, to ascertain whether there is,

1 with respect to the performance of a program  
2 under this section—

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

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

8 “(iii) any material change since the  
9 most recent triennial review that the Sec-  
10 retary determines risks the recipient’s com-  
11 pliance with respect to such performance.”.

12 **SEC. 3003. FIXED GUIDEWAY CAPITAL INVESTMENT**  
13 **GRANTS.**

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

16 (1) in subsection (a)—

17 (A) in paragraph (7)—

18 (i) in subparagraph (A) by striking  
19 “\$100,000,000” and inserting  
20 “\$200,000,000”; and

21 (ii) in subparagraph (B) by striking  
22 “\$300,000,000” and inserting  
23 “\$400,000,000”; and

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

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

4           “(A) the Federal assistance provided or to  
5 be provided under this section is less than  
6 \$80,000,000; and

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

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

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

15           (4) in subsection (h)—

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

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

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

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

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

7 **SEC. 3004. ENHANCED MOBILITY OF SENIORS AND INDIVID-**  
8 **UALS WITH DISABILITIES.**

9 Section 5310 of title 49, United States Code, is  
10 amended—

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

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

17 “(E) REALLOCATION.—Amounts appor-  
18 tioned under section 5310(c)(1)(A) may be re-  
19 allocated to projects in areas other than urban-  
20 ized areas.”;

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

23 “(1) CAPITAL PROJECTS.—

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

1 section for a capital project shall be 80 percent  
2 of the net costs of the project, as determined by  
3 the Secretary.

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

8 “(2) OPERATING ASSISTANCE.—

9 “(A) IN GENERAL.—Except as provided by  
10 subparagraph (B), a grant awarded under this  
11 section for a operating assistance may not ex-  
12 ceed an amount equal to 50 percent of the net  
13 operating costs of the project, as determined by  
14 the Secretary.

15 “(B) EXCEPTION.—A state described in  
16 section 120(b) of title 23 shall receive a Gov-  
17 ernment share of the net costs that is equal to  
18 62.5 percent of the Government share provided  
19 for under paragraph (1)(B).”; and

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

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

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

4           “(B) section 5311 shall apply to recipients  
5           of grants made in rural areas under this sub-  
6           section.”.

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

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

10           (1) in paragraph (1) by adding at the end the  
11   following:

12           “(C) PROJECTS IN QUALIFIED OPPOR-  
13           TUNITY ZONES, MEDICALLY UNDERSERVED  
14           AREAS, OR AREAS WITH A MEDICALLY UNDER-  
15           SERVED POPULATION.—A grant awarded under  
16           this section for a capital project in a qualified  
17           opportunity zone, a medically underserved area,  
18           or areas with a medically underserved popu-  
19           lation shall be for 90 percent of the net costs  
20           of the project, as determined by the Sec-  
21           retary.”;

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

24           “(C) PROJECTS IN QUALIFIED OPPOR-  
25           TUNITY ZONES, MEDICALLY UNDERSERVED



1 AREAS, OR AREAS WITH A MEDICALLY UNDER-  
2 SERVED POPULATION.—A grant awarded under  
3 this section for a capital project in a qualified  
4 opportunity zone, a medically underserved area,  
5 or an area with a medically underserved popu-  
6 lation shall be for 62.5 percent of the Govern-  
7 ment share provided for under paragraph  
8 (1)(B).”; and  
9 (3) by adding at the end the following:  
10 “(6) DEFINITIONS.—In this subsection:  
11 “(A) QUALIFIED OPPORTUNITY ZONE.—  
12 The term ‘qualified opportunity zone’ has the  
13 meaning given such term section 1400Z–1 of  
14 the Internal Revenue Code of 1986.  
15 “(B) MEDICALLY UNDERSERVED AREAS;  
16 AN AREA WITH A MEDICALLY UNDERSERVED  
17 POPULATION.—The term ‘medically under-  
18 served areas’ or ‘an area with a medically un-  
19 derserved population’ means an area or popu-  
20 lations that are designated as medically under-  
21 served by the Secretary of Health and Human  
22 Services pursuant to section 330(b)(3) of the  
23 Public Health Service Act (42 U.S.C.  
24 254b(b)(3)).”.

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

2 (a) RESEARCH PROJECT ELIGIBILITY.—Section  
3 5312(c)(2) of title 49, United States Code, is amended—

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

6 (2) by redesignating subparagraph (N) as sub-  
7 paragraph (O); and

8 (3) by inserting after subparagraph (M) the fol-  
9 lowing:

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

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

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

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

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

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

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

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

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

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

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

11 “(i) achieve measurable improvements  
12 in transportation access to health care for  
13 medically underserved areas or popu-  
14 lations, as designated by the Health Re-  
15 sources and Services Administration pursu-  
16 ant to section 330(b)(3) of the Public  
17 Health Service Act (42 U.S.C.  
18 254b(b)(3));

19 “(ii) implement transportation strate-  
20 gies for addressing significant health needs  
21 as identified by a community health needs  
22 assessment pursuant to the requirements  
23 of section 501(r)(3)(A) of the Internal  
24 Revenue Code of 1986; or

1                   “(iii) eliminate or reduce transpor-  
2                   tation barriers to accessing health care  
3                   that are identified and prioritized in the  
4                   coordinated public transit-human services  
5                   transportation plan described in section  
6                   5310(e)(2)(A).”.

7 **SEC. 3007. TECHNICAL ASSISTANCE AND WORKFORCE DE-**  
8 **VELOPMENT.**

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

11           (1) in paragraph (2)—

12                   (A) in subparagraph (H) by striking “and”  
13                   at the end;

14                   (B) by redesignating subparagraph (I) as  
15                   subparagraph (J); and

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

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

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

23                   “(4) AVAILABILITY OF AMOUNTS.—Of the  
24                   amounts made available to carry out this section  
25                   under section 5338(c), such sums as necessary shall

1 be available to carry out activities described in para-  
2 graph (2)(I).”.

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

6 **SEC. 3008. GENERAL PROVISIONS.**

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

10 “(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-  
11 TATION FACILITIES.—

12 “(1) IN GENERAL.—A recipient of assistance  
13 under this chapter may not deny reasonable access  
14 for a private or charter transportation operator to  
15 federally funded public transportation facilities, in-  
16 cluding intermodal facilities, park and ride lots, and  
17 bus-only highway lanes. In determining reasonable  
18 access, capacity requirements of the recipient of as-  
19 sistance and the extent to which access would be  
20 detrimental or beneficial to existing public transpor-  
21 tation services must be considered. A recipient shall  
22 respond to any request for reasonable access within  
23 90 days of the receipt of the request.

24 “(2) RESPONSE TO REQUEST.—

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

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

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

17          “(t) WAIVERS AND DEFERRALS; ADMINISTRATIVE  
18          OPTION.—

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

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

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

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

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

18                  “(D) the terms and conditions the Sec-  
19                  retary shall attach to any waiver, exemption,  
20                  deferral or simplified level of compliance that is  
21                  awarded under paragraph (1);

22                  “(E) actions the Secretary may take if a  
23                  recipient fails to comply the terms and condi-  
24                  tions attached to a waiver, exemption, deferral,

1 or simplified level of compliance that has been  
2 awarded under paragraph (1); and

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

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

11 “(4) REPORT.—The Secretary shall submit to  
12 the Committee of Banking, Housing, and Urban Af-  
13 fairs of the Senate and the Committee of Transpor-  
14 tation and Infrastructure of the House of Represent-  
15 atives an annual report detailing the requests and  
16 actions that have been taken under this subsection  
17 in the preceding 12 months.”.

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

22 “(v) THRESHOLD FOR THE SALE OF TRANSIT VEHI-  
23 CLES AFTER SERVICE LIFE.—Notwithstanding any other  
24 provision of law or regulation, for programs under this  
25 chapter the threshold amount for transit vehicles after the



1 service life is reached shall be 20 percent of the original  
2 acquisition cost of the purchased equipment. For transit  
3 vehicles sold for an amount above such amount, the  
4 threshold amount shall be retained by the transit agency  
5 upon sale of the asset for use by the transit agency for  
6 the purpose of operating or capital expenditures, and the  
7 remainder shall be remitted to the Secretary and shall be  
8 deposited into the Mass Transit Account of the Highway  
9 Trust Fund. If such a vehicle is sold for an amount below  
10 or equal to the threshold amount, the transit agency shall  
11 retain all funds from the sale.”.

12 **SEC. 3009. APPORTIONMENTS.**

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

15 “(3) of amount not apportioned under para-  
16 graphs (1) and (2), 3 percent shall be apportioned  
17 to urbanized areas with populations of less than  
18 200,000 in accordance with subsection (i);”.

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

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

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

24 “(A) NATIONAL DISTRIBUTION.—For each  
25 of fiscal years 2021 through 2025, each State

1 shall be allocated 0.6 percent of the amount  
2 made available under section 5338(a)(2)(L) and  
3 each territory shall be allocated 0.15 percent of  
4 such amount.”;

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

7 (3) in subsection (c)—

8 (A) in paragraph (1)(E)—

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

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

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(iii) with respect to projects in rural  
16 areas, any passenger vehicle that is  
17 equipped with any technology, including  
18 compressed natural gas and liquefied nat-  
19 ural gas that reduces energy consumption  
20 or harmful emissions, including direct car-  
21 bon emissions, when compared to a diesel  
22 powered vehicle;”;

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

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

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

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

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

12 **SEC. 3011. ELIMINATION OF APPORTIONMENTS BASED ON**  
13 **HIGH DENSITY STATE FACTORS.**

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

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

18 (2) by striking subsection (d).

19 (b) TECHNICAL CORRECTIONS.—Section 5340 of title  
20 49, United States Code, is amended—

21 (1) in subsection (b) by striking  
22 “5338(b)(2)(N)” and inserting “5338(a)(2)(N)”;  
23 and

24 (2) in subsection (c)(1) by striking “subsection  
25 (b)(1)” and inserting “subsection (b)”.

1 **SEC. 3012. INNOVATIVE MOBILITY AND TECHNOLOGY DE-**  
2 **PLOYMENT GRANTS.**

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

6 **“§ 5313. Innovative mobility and technology deploy-**  
7 **ment grants**

8 “(a) AUTHORITY.—The Secretary shall establish an  
9 innovative mobility and technology deployment grants pro-  
10 gram to award grants to entities described in subsection  
11 (b) to assist in financing of public transportation projects  
12 that—

13 “(1) allow for the integration of mobility serv-  
14 ices or technologies in public transportation services,  
15 including traveler information, trip planning infor-  
16 mation, new or expanded reservation capabilities, in-  
17 tegrated payment solutions, fare automation, or de-  
18 livery designs to improve options in public transpor-  
19 tation;

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

23 “(A) microtransit;

24 “(B) commuter busing; or

25 “(C) commuter highway vehicles;

1           “(3) advance on demand complementary para-  
2 transit services;

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

6           “(5) expand high-performing public transpor-  
7 tation business models that increase access to public  
8 transportation; or

9           “(6) provide any other transit service that the  
10 Secretary determines appropriate to meet the pur-  
11 poses of this section.

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

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

15           “(2) a publicly owned operator of public trans-  
16 portation.

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

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

23           “(1) issue such regulations as are necessary to  
24 carry out this section, and publish such regulations

1 in the Federal Register, not later than 270 days  
2 after the date of enactment of this section; and

3 “(2) in issuing such regulations, solicit and re-  
4 ceive comments from stakeholders not later than  
5 180 days after the date of enactment of this section.

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

9 “(f) LIMITATIONS.—

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

14 “(2) RURAL GRANT MINIMUM.—The Secretary  
15 shall award not less than 20 percent of the total  
16 amounts made available to carry out this section to  
17 support activities described under subsection (a) in  
18 rural areas.

19 “(3) GOVERNMENT SHARE OF COSTS.—The  
20 Federal share of the total project cost of a project  
21 carried out under this section may not exceed 80  
22 percent.

23 “(4) ALLOCATION.—Of the amounts authorized  
24 to be appropriated to carry out this section for each

1 fiscal year, not more than 20 percent may be award-  
2 ed under subsection (a) to a single entity.

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

7 “(h) DEFINITIONS.—In this section:

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

12 “(2) HIGH-PERFORMING PUBLIC TRANSPOR-  
13 TATION.—The term ‘high-performing public trans-  
14 portation’ means a public transportation service,  
15 whether provided by a public agency, private non-  
16 profit, or for-profit organization, that is able to col-  
17 lect all operating costs through fare-box revenue or  
18 other dedicated sources for an activity and increases  
19 access to public transportation.

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

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

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

4 **TITLE IV—HIGHWAY TRAFFIC**  
5 **SAFETY**

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

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

11 (1) APPLICABILITY OF TITLE 23.—Except as  
12 otherwise provided in chapter 4 of title 23, United  
13 States Code, and chapter 303 of title 49, United  
14 States Code, amounts made available under sub-  
15 section (a) for fiscal years 2021 through 2025 shall  
16 be available for obligation in the same manner as if  
17 such funds were apportioned under chapter 1 of title  
18 23, United States Code.

19 (2) REGULATORY AUTHORITY.—Grants award-  
20 ed under this title shall be carried out in accordance  
21 with regulations issued by the Secretary of Trans-  
22 portation.

23 (3) STATE MATCHING REQUIREMENTS.—If a  
24 grant awarded under chapter 4 of title 23, United  
25 States Code, requires a State to share in the cost,



1 the aggregate of all expenditures for highway safety  
2 activities made during a fiscal year by the State and  
3 its political subdivisions (exclusive of Federal funds)  
4 for carrying out the grant (other than planning and  
5 administration) shall be available for the purpose of  
6 crediting the State during such fiscal year for the  
7 non-Federal share of the cost of any other project  
8 carried out under chapter 4 of title 23, United  
9 States Code (other than planning or administration),  
10 without regard to whether such expenditures were  
11 made in connection with such project.

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

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

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

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

3 **SEC. 4002. HIGHWAY SAFETY RESEARCH AND DEVELOP-**  
4 **MENT.**

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

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

9 “(2) FUNDING.—The Secretary shall obligate  
10 such sums as are necessary in fiscal year 2021  
11 through 2024 from the funds made available to  
12 carry out this section to conduct the research de-  
13 scribed in paragraph (1).”; and

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

15 “(k) DRUG-IMPAIRED DRIVING PREVENTION PILOT  
16 PROGRAM.—

17 “(1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this subsection, the Sec-  
19 retary shall establish a pilot program to create, and  
20 study the effects of, a public awareness campaign to  
21 reduce instances of driving while under the influence  
22 of prescription and over-the-counter medications.

23 “(2) LOCATIONS.—The Secretary shall imple-  
24 ment the pilot program in States that are, or a re-  
25 gion that is, most affected by the opioid epidemic, as

1 measured by the most recent opioid-involved over-  
2 dose deaths per 10,000 persons, as reported by the  
3 Centers for Disease Control and Prevention.

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

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

16 “(1) RESEARCH AND TRAINING ON MARIJUANA DE-  
17 TECTION.—

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

24 “(2) REPORTS.—The Administrator shall sub-  
25 mit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on  
2 Transportation and Infrastructure of the House of  
3 Representatives an annual report that—

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

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

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

12 “(m) STUDY OF ILLEGAL PASSING OF SCHOOL  
13 BUSES.—

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

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

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

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

1           “(C) Description of how each State en-  
2 forces such laws.

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

7           “(E) Review of driver education materials.

8           “(F) Identification of best practices relat-  
9 ing to the most effective approaches to address  
10 illegal passing of school buses.

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

18          “(n) PUBLIC SAFETY MEDIA PROGRAMS.—

19           “(1) CHILD HEATSTROKE.—Not later than 1  
20 year after the date of enactment of this subsection,  
21 the Secretary shall establish and implement a public  
22 safety messaging program to educate the public and  
23 reduce heatstroke related deaths of children in unat-  
24 tended vehicles.

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

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

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

12   **SEC. 4004. NATIONAL PRIORITY SAFETY PROGRAM GRANT**  
13                           **ELIGIBILITY.**

14          Not later than 60 days after the date on which the  
15          Secretary of Transportation awards grants under section  
16          405 of title 23, United States Code, the Secretary shall  
17          make publicly available on a website of the Department  
18          of Transportation—

19               (1) an identification of—

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

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

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

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

4           **TITLE V—MOTOR CARRIER**  
5           **SAFETY**

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

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

10           (1) **APPLICABILITY OF TITLE 23.**—Except as  
11           otherwise provided in chapter 311 of title 49, United  
12           States Code, amounts made available under sub-  
13           section (a) for fiscal years 2021 through 2025 shall  
14           be available for obligation in the same manner as if  
15           such funds were apportioned under chapter 1 of title  
16           23, United States Code.

17           (2) **REGULATORY AUTHORITY.**—Grants award-  
18           ed under this title shall be carried out in accordance  
19           with regulations issued by the Secretary of Trans-  
20           portation.

21           (3) **STATE MATCHING REQUIREMENTS.**—If a  
22           grant awarded under chapter 311 of title 49, United  
23           States Code, requires a State to share in the cost,  
24           the aggregate of all expenditures for highway safety  
25           activities made during a fiscal year by the State and

1 its political subdivisions (exclusive of Federal funds)  
2 for carrying out the grant (other than planning and  
3 administration) shall be available for the purpose of  
4 crediting the State during such fiscal year for the  
5 non-Federal share of the cost of any other project  
6 carried out under chapter 311 of title 49, United  
7 States Code (other than planning or administration),  
8 without regard to whether such expenditures were  
9 made in connection with such project.

10 (4) GRANT APPLICATION AND DEADLINE.—To  
11 receive a grant under chapter 311 of title 49, United  
12 States Code, a State shall submit an application,  
13 and the Secretary shall establish a single deadline  
14 for such applications to enable the award of grants  
15 early in the next fiscal year.

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

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

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



1 **SEC. 5002. COMPLIANCE, SAFETY, AND ACCOUNTABILITY**  
2 **REFORM.**

3 (a) MOTOR CARRIER SAFETY GRANTS.—

4 (1) IN GENERAL.—

5 (A) SELECTION STANDARD.—For any ap-  
6 plicable legal requirement with respect to a cov-  
7 ered entity contracting with a covered motor  
8 carrier for the shipment of goods or household  
9 goods, the covered entity shall be considered  
10 reasonable and prudent in the selection of such  
11 motor carrier if the covered entity verifies, not  
12 later than the date of shipment and not earlier  
13 than 45 days before the date of shipment, that  
14 the covered motor carrier—

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

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

21 (iii) is not determined unfit to operate  
22 safely commercial motor vehicles under  
23 section 31144 of title 49, United States  
24 Code, or otherwise ordered to discontinue  
25 operations by the Federal Motor Carrier  
26 Safety Administration (including not re-

1           newing a Department of Transportation  
2           registration number) or a State.

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

7           (2) REVOCATION OF REGISTRATION.—Section  
8           31144(a) of title 49, United States Code, is amend-  
9           ed—

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

11           (B) in paragraph (4) by striking the period  
12           and inserting “; and”; and

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

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

18           (3) RULEMAKING.—

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

22           (i) update and revise the regulations  
23           issued pursuant to subsection (b) of sec-  
24           tion 31144 of title 49, United States Code,

1 to include the requirements of subsection  
2 (a); and

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

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

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

18 (5) DEFINITIONS.—In this section:

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

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

1 (ii) a broker, a freight forwarder, or a  
2 household goods freight forwarder (as such  
3 terms are defined in section 13102 of title  
4 49, United States Code);

5 (iii) an ocean transportation inter-  
6 mediary (as such term is defined in section  
7 40102 of title 46, United States Code),  
8 when arranging for inland transportation  
9 as part of an international through move-  
10 ment involving ocean transportation be-  
11 tween the United States and a foreign  
12 port;

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

21 (v) a customs broker licensed in ac-  
22 cordance with section 111.2 of title 19,  
23 Code of Federal Regulations, only to the  
24 extent that the customs broker is engaging  
25 in a movement under a customs bond or in

1 a transaction involving customs business,  
2 as defined by section 111.1 of title 19,  
3 Code of Federal Regulations; or

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

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

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

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

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

23 “(j) REMOTE AUDITS.—

24 “(1) IN GENERAL.—The Secretary shall estab-  
25 lish a pilot program to conduct remote compliance

1 reviews under subpart A of part 385 of title 49,  
2 Code of Federal Regulations, to assign a safety rat-  
3 ing for commercial motor carriers.

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

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

9 “(B) apply the procedures of part 385 of  
10 title 49, Code of Federal Regulations, including  
11 the safety fitness rating methodology under ap-  
12 pendix B, prior to assigning a safety rating  
13 under such pilot program;

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

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

19 “(3) ELIGIBLE PARTICIPANTS.—

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

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

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

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

8                   “(4) AUTHORIZED AGENTS.—Remote compli-  
9                   ance reviews conducted under the pilot program  
10                  under this section may be conducted by—

11                  “(A) Federal Motor Carrier Safety Admin-  
12                  istration personnel;

13                  “(B) State commercial motor vehicle au-  
14                  thorities that meet acceptable standards set  
15                  forth by the Secretary; or

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

18                  “(5) AVAILABILITY OF SAFETY RATINGS.—  
19                  Safety ratings determined under the pilot program  
20                  under this subsection may not be released publicly  
21                  by the Secretary or by any authorized agent de-  
22                  scribed in paragraph (4) that is participating in the  
23                  pilot program under this subsection.”.

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

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

10 (b) TRAINING PROVIDER REGISTRY DEPLOYMENT.—

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

19 (c) REPORT TO CONGRESS.—Not later than Feb-

20 ruary 7, 2021, and every 90 days thereafter until the im-  
21 plementation of the requirements described in subsection  
22 (a), the Secretary of Transportation shall submit to the  
23 Committee on Transportation and Infrastructure of the  
24 House of Representatives and the Committee on Com-  
25 merce, Science, and Transportation of the Senate a report  
26 describing—



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

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

5 (d) REPORT ON NONCOMPLIANCE.—Not later than  
6 45 days after the date on which compliance with the final  
7 rule described in subsection (a) is required under sub-  
8 section (a), the Secretary of Transportation shall submit  
9 to the Committee on Transportation and Infrastructure  
10 of the House of Representatives and the Committee on  
11 Commerce, Science, and Transportation of the Senate a  
12 report containing a list of all States in substantial non-  
13 compliance with such final rule.

14 **SEC. 5004. TRUCKING INDUSTRY WORKFORCE DEVELOP-**  
15 **MENT.**

16 (a) DEFINITIONS.—In this section:

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

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

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

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

12          (5) EMPLOYEE.—The term “employee” has the  
13          meaning given such term in section 31132 of title  
14          49, United States Code.

15          (6) EMPLOYER.—The term “employer” has the  
16          meaning given such term in section 31132 of title  
17          49, United States Code.

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

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

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

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

7 (D) has a minimum of 2 years of experi-  
8 ence driving a commercial motor vehicle in  
9 interstate commerce.

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

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

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

21 (b) APPRENTICE.—An apprentice may—

22 (1) drive a commercial motor vehicle in inter-  
23 state commerce while taking part in the 120-hour  
24 probationary period under subsection (c)(1) or the  
25 280-hour probationary period under subsection

1 (c)(2), pursuant to an apprenticeship program estab-  
2 lished by an employer in accordance with this sec-  
3 tion; and

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

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

10 (1) 120-HOUR PROBATIONARY PERIOD.—

11 (A) IN GENERAL.—The apprentice shall  
12 complete 120 hours of on-duty time, of which  
13 not less than 80 hours are driving time in a  
14 commercial motor vehicle.

15 (B) PERFORMANCE BENCHMARKS.—In  
16 order to complete the 120-hour probationary  
17 period under subparagraph (A), an employer  
18 shall determine that the apprentice is com-  
19 petent in each of the following areas:

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

22 (ii) Safety awareness.

23 (iii) Speed and space management.

24 (iv) Lane control.

25 (v) Mirror scanning.

1 (vi) Right and left turns.

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

4 (2) 280-HOUR PROBATIONARY PERIOD.—

5 (A) IN GENERAL.—After completing the  
6 120-hour probationary period under paragraph  
7 (1), the apprentice shall complete 280 hours of  
8 on-duty time, of which not less than 160 hours  
9 are driving time in a commercial motor vehicle.

10 (B) PERFORMANCE BENCHMARKS.—In  
11 order to complete the 280-hour probationary  
12 period under subparagraph (A), an employer  
13 shall determine that the apprentice is com-  
14 petent in each of the following areas:

15 (i) Backing and maneuvering in close  
16 quarters.

17 (ii) Pre-trip inspections.

18 (iii) Fueling procedures.

19 (iv) Weighing loads, weight distribu-  
20 tion, and sliding tandems.

21 (v) Coupling and uncoupling proce-  
22 dures.

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

1           (3) RESTRICTIONS FOR 120-HOUR AND 280-  
2           HOUR PROBATIONARY PERIODS.—During the 120-  
3           hour probationary period under paragraph (1) and  
4           the 280-hour probationary period under paragraph  
5           (2)—

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

8                           (i) automatic manual or automatic  
9                           transmissions;

10                           (ii) active braking collision mitigation  
11                           systems;

12                           (iii) forward-facing video event cap-  
13                           ture; and

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

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

20           (4) RECORDS RETENTION.—The employer shall  
21           maintain records, in a manner required by the Sec-  
22           retary, relating to the satisfaction of the require-  
23           ments of paragraphs (1)(B) and (2)(B) by the ap-  
24           prentice.

1           (5) REPORTABLE INCIDENTS.—If the appren-  
2           tice is involved in a preventable accident reportable  
3           to the Department of Transportation or a pointed  
4           moving violation while driving a commercial motor  
5           vehicle as part of an apprenticeship program de-  
6           scribed in this subsection, the apprentice shall un-  
7           dergo remediation and additional training until the  
8           apprentice can demonstrate, to the satisfaction of  
9           the employer, competence in each of the performance  
10          benchmarks described in paragraphs (1)(B) and  
11          (2)(B).

12          (6) COMPLETION OF PROGRAM.—The appren-  
13          tice shall be considered to have completed the ap-  
14          prenticeship program on the date on which the ap-  
15          prentice completes the 280-hour probationary period  
16          under paragraph (2).

17          (7) MINIMUM REQUIREMENTS.—

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

23                (B) TECHNOLOGIES.—Nothing in this Act  
24                prevents an employer from requiring or install-  
25                ing additional technologies in a commercial

1           motor vehicle in addition to the technologies de-  
2           scribed in paragraph (3)(A).

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

6           (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-  
7 ing in this Act exempts an apprentice from any require-  
8 ment to hold a commercial driver’s license in order to op-  
9 erate a commercial motor vehicle.

10          (f) EMPLOYER RESPONSIBILITY.—An employer shall  
11 not knowingly allow, require, permit, or authorize a driver  
12 under the age of 21 to operate a commercial motor vehicle  
13 in interstate commerce unless the driver is participating  
14 in or has completed an apprenticeship program that meets  
15 the requirements of subsection (c).

16 **SEC. 5005. HOURS OF SERVICE REQUIREMENTS FOR AGRI-**  
17 **CULTURAL OPERATIONS.**

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

20           (1) in subsection (a)(1)—

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

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



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

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

5 “(ii) the destination of the agricul-  
6 tural commodities;”; and

7 (2) in subsection (e)(8)—

8 (A) by striking “during the planting and  
9 harvesting seasons within each State, as deter-  
10 mined by the State,”; and

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

## 12 **TITLE VI—INNOVATION**

### 13 **SEC. 6001. ADVANCED TRANSPORTATION TECHNOLOGIES** 14 **PROGRAM.**

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

#### 18 **“§ 520. Advanced transportation technologies pro-** 19 **gram**

20 “(a) IN GENERAL.—The Secretary of Transportation  
21 shall establish a program to provide grants to eligible enti-  
22 ties to deploy, install, and operate advanced transportation  
23 technologies to improve safety, efficiency, system perform-  
24 ance, mobility, intermodal connectivity, and infrastructure  
25 return on investment.

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

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

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

10          “(3) measures and improves the operational  
11 performance of the applicable transportation net-  
12 work;

13          “(4) reduces the number and severity of traffic  
14 accidents and increases driver, passenger, and pedes-  
15 trian safety;

16          “(5) collects, disseminates, and uses informa-  
17 tion on real-time traffic, work zone, weather, transit,  
18 paratransit, parking, and other transportation-re-  
19 lated information to improve mobility, reduce con-  
20 gestion, and provide for more efficient, accessible,  
21 and integrated transportation and transportation  
22 services;

23          “(6) monitors transportation assets to improve  
24 infrastructure management, reduce maintenance

1 costs, prioritize investment decisions, and ensure a  
2 state of good repair;

3 “(7) delivers economic benefits by reducing  
4 delays, improving system performance, and providing  
5 for the efficient and reliable movement of goods and  
6 services; or

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

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

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

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

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

21 “(B) optimizing system efficiency; and

22 “(C) improving access to transportation  
23 services.

24 “(3) Quantifiable safety, mobility, and environ-  
25 mental benefit projections such as data-driven esti-

1       mates of how the project proposes to improve the  
2       applicable transportation system efficiency and how  
3       such project proposes to reduce traffic congestion.

4               “(4) A plan for any partnerships with private  
5       sector entities or public agencies, including  
6       multimodal and multijurisdictional entities, research  
7       institutions, organizations representing transpor-  
8       tation and technology leaders, or other transpor-  
9       tation stakeholders.

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

13       “(d) GRANT SELECTION.—

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

18              “(2) GEOGRAPHIC DIVERSITY.—

19              “(A) IN GENERAL.—Subject to subpara-  
20       graph (B), in awarding a grant under this sec-  
21       tion, the Secretary shall ensure, to the extent  
22       practicable, that grant recipients represent di-  
23       verse geographic areas of the United States, in-  
24       cluding urban areas and rural areas.

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

6           “(3) TECHNOLOGY DIVERSITY.—In awarding a  
7           grant under this section, the Secretary shall ensure,  
8           to the extent practicable, that grant recipients rep-  
9           resent a variety of technology solutions.

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

13                 “(1) advanced traveler information systems;

14                 “(2) advanced transportation management tech-  
15                 nologies;

16                 “(3) advanced transportation technologies to  
17                 improve emergency evacuation and response by Fed-  
18                 eral, State, and local authorities;

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

21                 “(5) advanced public transportation systems;

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

24                 “(7) advanced safety systems, including vehicle-  
25                 to-vehicle, vehicle-to-pedestrian, and vehicle-to-infra-

1 structure communications, technologies associated  
2 with autonomous vehicles, and other collision avoid-  
3 ance technologies, including systems using cellular  
4 technology;

5 “(8) integration of intelligent transportation  
6 systems with the Smart Grid and other energy dis-  
7 tribution and charging systems;

8 “(9) integrated corridor management systems;

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

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

13 “(12) technology that enhances high occupancy  
14 vehicle toll lanes, cordon pricing, or congestion pric-  
15 ing;

16 “(13) advanced mobility and access tech-  
17 nologies, such as dynamic ridesharing and informa-  
18 tion systems to support human services for elderly  
19 and disabled individuals;

20 “(14) technology that collects and maintains  
21 automated driving system safety data and data anal-  
22 ysis tools;

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

1           “(16) advanced vulnerable road user safety in-  
2           formation systems.

3           “(f) REPORT TO SECRETARY.—

4           “(1) IN GENERAL.—The Secretary shall ensure  
5           that a recipient of a grant under this section sub-  
6           mits, not later than 1 year after the recipient re-  
7           ceives a grant and annually thereafter, a report to  
8           the Secretary that describes—

9                   “(A) deployment and operational costs of  
10                   the project compared to the benefits and sav-  
11                   ings the project provides; and

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

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

19                           “(ii) data on the effect of measuring  
20                           and improving transportation system per-  
21                           formance through the deployment of ad-  
22                           vanced transportation technologies;

23                           “(iii) the effectiveness of providing  
24                           real-time integrated traffic, transit, and  
25                           multimodal transportation information to

1 the public to make informed travel deci-  
2 sions; and

3 “(iv) lessons learned and rec-  
4 ommendations for future deployment strat-  
5 egies to optimize transportation mobility,  
6 efficiency, and multimodal system perform-  
7 ance.

8 “(2) REPORT CONSISTENCY.—

9 “(A) ADMINISTRATION.—The Secretary  
10 shall provide grant recipients with methods and  
11 techniques to support consistent data collection  
12 across grant recipients and may update such  
13 methods and techniques as appropriate.

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

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



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

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

5           “(3) reduced transportation-related emissions;

6           “(4) optimized multimodal system performance;

7           “(5) improved access to transportation alter-  
8 natives;

9           “(6) provided the public with access to real-time  
10 integrated traffic, transit, and multimodal transpor-  
11 tation information to make informed travel deci-  
12 sions;

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

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

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

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

24           “(2) the Secretary provides written notice to  
25 the Committees on Transportation and Infrastruc-

1       ture and Science, Space, and Technology of the  
2       House of Representatives and the Committees on  
3       Environment and Public Works and Commerce,  
4       Science, and Transportation of the Senate 60 days  
5       prior to deobligating funds under this subsection.

6       “(i) FUNDING.—Of the amounts provided to carry  
7       out this section, the Secretary may set aside \$2,000,000  
8       each fiscal year for program reporting, evaluation, and ad-  
9       ministrative costs related to this section.

10       “(j) FEDERAL SHARE.—The Federal share of the  
11       cost of a project for which a grant is awarded under this  
12       subsection shall not exceed 50 percent of the cost of the  
13       project.

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

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

21       “(m) GRANT FLEXIBILITY.—

22               “(1) IN GENERAL.—If, by August 1 of each fis-  
23       cal year, the Secretary determines that there are not  
24       enough grant applications that meet the require-  
25       ments described in subsection (c) to carry out this

1 section for a fiscal year, the Secretary shall transfer  
2 to the programs specified in paragraph (2)—

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

6 “(B) an amount of obligation limitation  
7 equal to the amount of funds that the Secretary  
8 transfers under subparagraph (A).

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

11 “(A) the programs under sections 503(b)  
12 and 503(c); and

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

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

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

23 “(1) ADVANCED TRANSPORTATION TECH-  
24 NOLOGIES.—The term ‘advanced transportation  
25 technologies’ means technologies that improve the ef-

1 efficiency, safety, or state of good repair of surface  
2 transportation systems, including intelligent trans-  
3 portation systems.

4 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
5 tity’ means a State or local government, a transit  
6 agency, metropolitan planning organization, or a po-  
7 litical subdivision of a State or local government or  
8 a multijurisdictional group or a consortia of research  
9 institutions or academic institutions.

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

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

19 “(B) is an eligible entity under this sec-  
20 tion.

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

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

“520. Advanced transportation technologies program.”.

4 (c) CONFORMING AMENDMENT.—Chapter 5 of title  
5 23, United States Code, is amended by striking section  
6 503(c)(4).

7 **SEC. 6002. CONNECTED VEHICLE DEPLOYMENT PILOT PRO-**  
8 **GRAM.**

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

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

13 “(a) ESTABLISHMENT.—

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

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

23 “(A) spur connected vehicle technology de-  
24 ployment through wirelessly connected vehicles  
25 that interact with a connected environment, in-

1 including mobile devices, infrastructure, and  
2 other elements;

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

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

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

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

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

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

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

5           “(1) A State or a group of States.

6           “(2) A transit agency.

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

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

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

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

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

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

24           “(1) advanced safety systems, including vehicle-  
25 to-vehicle and vehicle-to-infrastructure communica-

1 tions, technologies associated with autonomous vehi-  
2 cles, and other collision avoidance technologies, in-  
3 cluding systems using cellular technology;

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

7 “(3) electronic pricing and payment systems;

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

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

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

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

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



1       ronmental mitigation, construction contingencies, ac-  
2       quisition of equipment, and operational improvement  
3       directly related to improving system performance;

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

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

9       “(f) APPLICATIONS.—

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

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

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

22           “(i) system productivity;

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

1 “(iii) livability and accessibility of  
2 goods, services, and activities;

3 “(iv) environment and fuel use; and

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

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

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

20 “(g) GRANT SELECTION.—

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

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

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

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

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

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

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

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

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

“521. Connected vehicle deployment pilot program.”.

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

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

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

8 “(a) ESTABLISHMENT.—

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

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

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

20 “(i) a baseline of safety metrics need-  
21 ed to characterize the safety risk of inte-  
22 grating automated driving system tech-  
23 nologies into the transportation system;

24 “(ii) a baseline for the safety of auto-  
25 mated driving system technology integra-  
26 tion; and

1                   “(iii) a baseline of roadway character-  
2                   istics needed for the safe and efficient op-  
3                   eration of automated driving system tech-  
4                   nologies; and

5                   “(C) encourage collaboration and partner-  
6                   ships of multiple stakeholders to carry out sub-  
7                   paragraphs (A) and (B).

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

10                   “(1) A State or a group of States.

11                   “(2) A transit agency.

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

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

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

19                   “(6) A special purpose district or public author-  
20 ity with a transportation function, including a port  
21 authority.

22                   “(7) A public academic institution, public re-  
23 search institution, a multijurisdictional group (as  
24 such term is defined in section 520), or a consortia  
25 of research institutions or academic institutions.

1       “(c) APPLICATIONS.—To be eligible for a grant under  
2 this section, an entity described under subsection (b) shall  
3 submit to the Secretary an application in such form, at  
4 such time, and containing such information as the Sec-  
5 retary determines is appropriate.

6       “(d) ELIGIBLE USES.—

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

10           “(A) advanced safety systems, including  
11 vehicle-to-vehicle and vehicle-to-infrastructure  
12 communications, technologies associated with  
13 autonomous vehicles, and other collision avoid-  
14 ance technologies, including systems using cel-  
15 lular technology;

16           “(B) innovative mobility solutions that in-  
17 volve deployment of automated vehicles;

18           “(C) automated driving systems that en-  
19 hance safety and mobility for elderly and dis-  
20 abled individuals;

21           “(D) demonstration of shared interoper-  
22 able fleet of automated vehicles;

23           “(E) demonstration and validation of ex-  
24 changes of data that can support the safe, effi-

1           cient, and secure interoperable integration of  
2           automated driving systems;

3           “(F) any technology associated with auto-  
4           mated driving systems; and

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

10          “(2) ADDITIONAL USES.—A grant recipient  
11          may use funds awarded under this section for infra-  
12          structure needs, including capital expenses and  
13          maintenance activities, necessary to the proper and  
14          safe operation of the automated driving system tech-  
15          nology.

16          “(e) GRANT SELECTION.—

17                 “(1) GRANT AWARDS.—The Secretary may  
18                 award grants to not less than 8 and not more than  
19                 10 eligible entities described under subsection (b) in  
20                 a fiscal year.

21          “(2) GEOGRAPHIC DIVERSITY.—

22                 “(A) IN GENERAL.—In awarding a grant  
23                 under this section, the Secretary shall ensure,  
24                 to the maximum extent practicable, that grant  
25                 recipients represent diverse geographic areas of

1 the United States, including urban areas and  
2 rural areas.

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

8 “(f) DEMONSTRATION REQUIREMENTS.—The Sec-  
9 retary shall ensure that any project carried out with funds  
10 provided under this section shall—

11 “(1) carry out research and development of  
12 automated driving system technologies of Level 3 or  
13 greater, as such term is defined pursuant to sub-  
14 section (h);

15 “(2) include physical and fully operational dem-  
16 onstrations;

17 “(3) include gathering and sharing of all rel-  
18 evant data with the Department of Transportation  
19 and the relevant State transportation agencies; and

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

22 “(g) REPORT.—Not later than 1 year after the date  
23 on which a grant recipient receives a grant under this sec-  
24 tion, and annually thereafter until such grant is expended,  
25 the recipient shall submit to the Secretary and to the



1 transportation agency of the State in which the project  
2 takes place, a report that describes—

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

5           “(2) a summary of any complications experi-  
6           enced with the project, including complications re-  
7           lated to pedestrians, infrastructure, and other vehi-  
8           cles;

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

13          “(4) recommendations for improving roadway  
14          characteristics needed for the safe and efficient oper-  
15          ation of automated driving system technologies with-  
16          in the State or jurisdiction in which the project took  
17          place.

18          “(h) GUIDANCE REQUIRED.—Not later than 120  
19          days after the date of enactment of this section, the Sec-  
20          retary shall issue guidance defining the term Level 3 or  
21          greater by considering industry best practices and stand-  
22          ards, including the definition found within ‘Taxonomy and  
23          Definitions for Terms Related to Driving Automation Sys-  
24          tems for On-Road Motor Vehicles’ published by SAE

1 International on June 15, 2018 (J3016\_\_201806), or sub-  
2 sequent versions.

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

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

“522. Automated driving system demonstration program.”.

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

16 “(16) Capital and maintenance expenses for in-  
17 frastructure improvements to ensure the proper and  
18 safe operation of automated driving system tech-  
19 nologies for which a demonstration project was car-  
20 ried out under section 522.”.

1 **SEC. 6004. ACCELERATED IMPLEMENTATION AND DEPLOY-**  
2 **MENT OF ADVANCED DIGITAL CONSTRUC-**  
3 **TION MANAGEMENT SYSTEMS.**

4 (a) IN GENERAL.—Section 503(c) of title 23, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(4) ACCELERATED IMPLEMENTATION AND DE-  
8 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION  
9 MANAGEMENT SYSTEMS.—

10 “(A) IN GENERAL.—Not later than 6  
11 months after the date of enactment of this  
12 paragraph, the Secretary of Transportation  
13 shall establish and implement an advanced dig-  
14 ital construction management system program  
15 under the technology and innovation deploy-  
16 ment program established under paragraph (1)  
17 and implemented pursuant to paragraph (2)  
18 to—

19 “(i) deploy advanced digital construc-  
20 tion management systems that enable the  
21 use of digital technologies on construction  
22 sites by contractors and leverage the use of  
23 such technologies, including state-of-the-  
24 art automated and connected machinery  
25 and optimized routing software that allows  
26 individuals to perform tasks faster, safer,

1 more accurately, and with minimal super-  
2 vision;

3 “(ii) accelerate State adoption of ad-  
4 vanced digital construction management  
5 systems applied throughout the design, en-  
6 gineering, construction, and operations  
7 phases of a construction project that—

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

11 “(II) increase productivity;

12 “(III) manage complexity of a  
13 construction project;

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

16 “(V) enhance safety of individ-  
17 uals involved and quality of a con-  
18 struction project;

19 “(iii) share information among stake-  
20 holders through reduced reliance on paper  
21 to manage construction processes and  
22 deliverables, including blueprints, design  
23 drawings, procurement and supply-chain  
24 orders, equipment logs, daily progress re-  
25 ports, and punch lists;

1 “(iv) develop and deploy best practices  
2 for use in advanced digital construction  
3 management systems;

4 “(v) increase the adoption and deploy-  
5 ment of technology by States and units of  
6 local government that enables entities car-  
7 rying out construction projects to—

8 “(I) integrate the adoption of ad-  
9 vanced digital construction manage-  
10 ment systems and technologies in con-  
11 tracts; and

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

15 “(vi) implement technology training  
16 and workforce development to build the ca-  
17 pabilities of entities carrying out construc-  
18 tion projects that enables States and units  
19 of local government to—

20 “(I) better manage projects using  
21 advanced digital construction manage-  
22 ment technologies; and

23 “(II) properly measure and re-  
24 ward technology adoption across con-

1 construction projects carried out by the  
2 State or unit of local government;

3 “(vii) develop guidance to assist  
4 States in updating regulations of such  
5 States to allow entities carrying out con-  
6 struction projects to—

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

9 “(II) fully capture the efficiencies  
10 and benefits of advanced digital con-  
11 struction management systems and  
12 related technologies;

13 “(viii) reduce the environmental foot-  
14 print of construction projects by using ad-  
15 vanced digital construction management  
16 systems to eliminate traffic congestion  
17 through more efficient projects; and

18 “(ix) enhance worker and roadway  
19 user safety.

20 “(B) FUNDING.—The Secretary shall obli-  
21 gate for each of fiscal years 2021 through 2025  
22 from funds made available to carry out this  
23 subsection such funds as may be necessary to  
24 carry out this paragraph.

25 “(C) PUBLICATION.—

1           “(i) IN GENERAL.—At least once  
2           every 2 years, the Secretary shall issue and  
3           make available to the public on the website  
4           of the Department of Transportation a re-  
5           port on—

6                   “(I) progress made in the imple-  
7                   mentation of advanced digital con-  
8                   struction management systems by  
9                   States; and

10                   “(II) the costs and benefits of  
11                   the deployment of technology and in-  
12                   novations resulting from the program  
13                   established under this paragraph.

14           “(ii) INCLUSIONS.—The report re-  
15           quired under clause (i) may include an  
16           analysis of—

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

19                   “(II) project delivery time im-  
20                   provements;

21                   “(III) traffic congestion impacts;  
22                   and

23                   “(IV) safety improvements for  
24                   roadway users and construction work-  
25                   ers.

1           “(D) ADVANCED DIGITAL CONSTRUCTION  
2           MANAGEMENT SYSTEMS DEFINED.—In this  
3           paragraph, the term ‘advanced digital construc-  
4           tion management systems’ means commercially-  
5           proven digital technologies and processes for  
6           the management of construction and engineer-  
7           ing activities, including—

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

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

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

20                   (1) a description of—

21                           (A) the status of the program carried out  
22                           under section 503(e)(4) of title 23, United  
23                           States Code, and any other use of advanced  
24                           digital construction management systems in  
25                           each State; and



1 (B) the progress of each State toward ac-  
2 celerating the adoption of advanced digital con-  
3 struction management systems; and

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

8 **SEC. 6005. INNOVATIVE PROJECT DELIVERY METHODS.**

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

11 (1) in subparagraph (B)—

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

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

16 (C) by inserting at the end the following:

17 “(vii) advanced digital construction  
18 management systems as defined in section  
19 503(c)(4).”; and

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

22 **SEC. 6006. SURFACE TRANSPORTATION SYSTEM FUNDING**  
23 **ALTERNATIVES.**

24 Section 6020 of the FAST Act (Public Law 114–94)

25 is amended—

1 (1) in subsection (a)—

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

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

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

8 “(b) APPLICATION.—

9 “(1) IN GENERAL.—To be eligible for a grant  
10 under this section, an applicant that is a State or  
11 group of States shall submit to the Secretary an ap-  
12 plication in such form and containing such informa-  
13 tion as the Secretary shall require, including—

14 “(A) for any applicant that has received a  
15 grant to carry out a program under this sec-  
16 tion, how such applicant will use the grant to  
17 build on any such program;

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

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

22 “(ii) user experience with and accept-  
23 ance of a user-based alternative revenue  
24 mechanism;

1                   “(iii) impacts on rural and urban  
2                   users;

3                   “(iv) potential revenue generation;  
4                   and

5                   “(v) revenue collection compliance  
6                   strategies; and

7                   “(C) for any applicant that has not re-  
8                   ceived a grant to carry out a program under  
9                   this section, how the applicant—

10                   “(i) will avoid redundancies with any  
11                   other pilot programs for user-based alter-  
12                   native revenue mechanisms carried out by  
13                   the applicant; and

14                   “(ii) plans to use best practices from  
15                   any such pilot programs in structuring the  
16                   program for which such funds are pro-  
17                   vided.

18                   “(2) APPLICATION GUIDANCE.—Not later than  
19                   30 days after the date of enactment of the START-  
20                   ER Act, the Secretary shall publish online guidance  
21                   on submission of an application for the program.”.

22                   (3) in subsection (c)—

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

1           “(1) To test the design, acceptance, equity, and  
2           implementation of user-based alternative revenue  
3           mechanisms, including among—

4                   “(A) differing income groups;

5                   “(B) various geographic areas; and

6                   “(C) rural and urban drivers.”; and

7           (B) in paragraph (5) by striking “To mini-  
8           mize the administrative cost” and inserting “To  
9           quantify and minimize the administrative  
10          costs”;

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

13          (5) in subsection (e) by striking “shall” and in-  
14          serting “may”;

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

17          “(g) FEDERAL SHARE.—Except as otherwise pro-  
18          vided, the Federal share of the cost of an activity carried  
19          out under this section may not exceed—

20                   “(1) 80 percent of the total cost of an activity  
21                   that involves 2 or more States; and

22                   “(2) 60 percent of the total cost of any activity  
23                   not described in paragraph (1).”;

24          (7) in subsection (h)(2) by striking “lessons  
25          learned” and inserting “recommendations”;

1           (8) by redesignating subsection (k) as sub-  
2           section (l);

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

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

9           “(k) PLANNING GRANTS.—

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

16           “(2) ELIGIBLE USES.—An entity receiving  
17           funding under this subsection may use the funds for  
18           planning, preparation, or design of an implementable  
19           pilot project, as well as the examination of issues re-  
20           lated to data and privacy, cybersecurity, and the fi-  
21           nancial analysis of urban and rural impacts of a  
22           project.

23           “(3) MAXIMUM AMOUNT.—A grant under this  
24           subsection shall not exceed \$500,000.

1           “(4) ELIGIBILITY REQUIREMENT.—To be eligi-  
2           ble to receive funds under this subsection, an appli-  
3           cant shall describe to the Secretary how the appli-  
4           cant—

5                   “(A) will avoid redundancies with any  
6                   other pilot programs for user-based alternative  
7                   revenue mechanisms carried out by the appli-  
8                   cant; and

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

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

15                 (11) by adding at the end the following:

16                 “(m) LIMITATION ON TRANSFER.—The Secretary  
17                 shall notify in writing the Committee on Appropriations  
18                 and the Committee on Transportation and Infrastructure  
19                 of the House of Representatives and the Committee on  
20                 Appropriations and the Committee on Environment and  
21                 Public Works of the intent to transfer funds  
22                 under subsection (l). A transfer under such subsection  
23                 may only be carried out if the Committees described in  
24                 the previous sentence provide written authorization to the

1 Secretary for such transfer not later than 30 days after  
2 receiving a notification pursuant to this subsection.”.

3 **SEC. 6007. SURFACE TRANSPORTATION SYSTEM ROAD**  
4 **USAGE CHARGE NATIONAL PILOT.**

5 (a) ESTABLISHMENT.—Not later than 60 days after  
6 the date of enactment of this Act, the Secretary of Trans-  
7 portation, in consultation with the Secretary of the Treas-  
8 ury, shall establish a pilot program to demonstrate imple-  
9 mentation of a national per-mile road usage charge.

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

13 (1) Test the design, acceptance, implementa-  
14 tion, and financial sustainability of a national per-  
15 mile road usage charge.

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

20 (3) Collect and report data on the interoper-  
21 ability of road usage charge collection between  
22 States.

23 (4) Provide recommendations regarding adop-  
24 tion and implementation of a national per-mile road

1 usage charge and a recommendation for the amount  
2 of the national per-mile road usage charge.

3 (c) SURFACE TRANSPORTATION SYSTEM ROAD  
4 USAGE CHARGE ADVISORY BOARD.—

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

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

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

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

17 (A) State departments of transportation.

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

22 (C) Any public or nonprofit entity that  
23 carried out a surface transportation system  
24 funding alternatives pilot project under section  
25 6020 of the FAST Act (23 U.S.C. 503 note).



1 (D) Owners and operators of toll facilities.

2 (E) Fleet operators of commercial motor  
3 vehicles.

4 (3) APPLICATION OF LAW.—The Federal Advi-  
5 sory Committee Act (5 U.S.C. App.) shall not apply  
6 to the advisory board established under paragraph  
7 (1).

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

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

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

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

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

23 (5) enter into agreements with entities of the  
24 passenger motor vehicle and commercial vehicle in-

1 industry to develop a technology standard for onboard  
2 units used to report vehicle miles traveled; and

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

6 (e) METHODS.—In establishing a method for col-  
7 lecting information on vehicle miles traveled under the  
8 program, the Secretary of Transportation shall consider  
9 the following:

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

12 (2) Smart phone applications.

13 (3) Solicitation of voluntary reporting by auto-  
14 makers.

15 (4) Solicitation of voluntary reporting by car in-  
16 surance companies.

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

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

21 (f) PRIVACY OF PARTICIPANTS.—Not later than 30  
22 days after establishing the pilot program under this sec-  
23 tion, the Secretary of Transportation, in consultation with  
24 the Secretary of the Treasury, shall issue policies to—

1 (1) protect the privacy of volunteer partici-  
2 pants; and

3 (2) secure the data provided by volunteer par-  
4 ticipants.

5 (g) CALCULATION OF PER-MILE ROAD USAGE  
6 CHARGE.—For the purposes of the pilot program estab-  
7 lished in subsection (a), the Secretary of the Treasury  
8 shall establish on an annual basis—

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

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

21 (h) REVENUE COLLECTION.—

22 (1) IN GENERAL.—The Secretary of the Treas-  
23 ury, in coordination with the Secretary of Transpor-  
24 tation, shall establish a mechanism to collect a per-

1 mile road usage charge from volunteer participants  
2 under the program that—

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

5 (B) may allow third-party vendors to col-  
6 lect the payments and forward to Treasury.

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

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

16 (i) REFUND.—The Secretary of the Treasury shall  
17 annually calculate and issue an equivalent refund to volun-  
18 teer participants for any otherwise applicable Federal  
19 motor fuel taxes under sections 4041 and 4081 of the In-  
20 ternal Revenue Code of 1986.

21 (j) REPORTS.—

22 (1) ADVISORY BOARD.—Not later than 1 year  
23 after the date on which the surface transportation  
24 system road usage charge advisory board is estab-  
25 lished under subsection (c), such board shall submit

1 to the Secretary of Transportation a report on the  
2 progress of the pilot program in meeting the objec-  
3 tives described in subsection (b).

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

16 (k) DEFINITIONS.—In this section:

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

21 (2) HIGHWAY TRUST FUND.—The term “High-  
22 way Trust Fund” means the Highway Trust Fund  
23 established under section 9503 of the Internal Rev-  
24 enue Code of 1986.

1           (3) VOLUNTEER PARTICIPANT.—The term “vol-  
2           unteer participant” means—

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

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

## 10           **TITLE VII—RESILIENCY**

### 11   **SEC. 7001. PROMOTING RESILIENT OPERATIONS FOR** 12                   **TRANSFORMATIVE, EFFICIENT, AND COST-** 13                   **SAVING TRANSPORTATION (PROTECT) GRANT** 14                   **PROGRAM.**

15           (a) IN GENERAL.—Chapter 1 of title 23, United  
16   States Code, as amended by this Act, is further amended  
17   by adding at the end the following:

#### 18   **“§ 173. Promoting Resilient Operations for Trans-** 19                   **formative, Efficient, and Cost-Saving** 20                   **Transportation (PROTECT) grant pro-** 21                   **gram**

22           “(a) DEFINITIONS.—In this section:

23                   “(1) EMERGENCY EVENT.—The term ‘emer-  
24                   gency event’ means a natural disaster or cata-

1       strophic failure or an imminent natural disaster or  
2       catastrophic failure resulting in—

3               “(A) an emergency declared by the Gov-  
4               ernor of the State in which the disaster or fail-  
5               ure occurred or will occur; or

6               “(B) an emergency or disaster declared by  
7               the President pursuant to the Robert T. Staf-  
8               ford Disaster Relief and Emergency Assistance  
9               Act (42 U.S.C. 5121 et seq.).

10              “(2) EVACUATION ROUTE.—The term ‘evacu-  
11              ation route’ means a transportation route or system  
12              that—

13                      “(A) is owned, operated, or maintained by  
14                      a Federal, State, Indian Tribe, or local govern-  
15                      ment or a private entity;

16                      “(B) is used—

17                              “(i) to transport the public away from  
18                              emergency events; or

19                              “(ii) to transport emergency respond-  
20                              ers and recovery resources; and

21                      “(C) is designated by the eligible entity  
22                      with jurisdiction over the area in which the  
23                      route is located for the purposes described in  
24                      subparagraph (B).

1           “(3) PROGRAM.—The term ‘program’ means  
2 the grant program established under subsection  
3 (b)(1).

4           “(4) RESILIENCE IMPROVEMENT.—The term  
5 ‘resilience improvement’ means the use of materials  
6 or structural or nonstructural techniques, including  
7 natural infrastructure—

8           “(A) that allow a project—

9                   “(i) to better anticipate, prepare for,  
10 and adapt to changing conditions and to  
11 withstand and respond to disruptions; or

12                   “(ii) to be better able to continue to  
13 serve the primary function of the project  
14 during and after weather events and nat-  
15 ural disasters for the expected life of the  
16 project; or

17           “(B) that—

18                   “(i) reduce the cost, magnitude and  
19 duration of impacts of current and future  
20 weather events and natural disasters to a  
21 project; or

22                   “(ii) have the absorptive capacity,  
23 adaptive capacity, and recoverability to de-  
24 crease project vulnerability to current and  
25 future weather events or natural disasters.



1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Secretary shall estab-  
3 lish a grant program, to be known as the ‘Promoting  
4 Resilient Operations for Transformative, Efficient,  
5 and Cost-saving Transportation grant program’ or  
6 the ‘PROTECT grant program’.

7 “(2) PURPOSE.—The purpose of the program is  
8 to provide grants for resilience improvements  
9 through—

10 “(A) formula funding distributed to States;

11 “(B) competitive planning grants to enable  
12 communities to assess vulnerabilities to current  
13 and future weather events and natural disasters  
14 and changing conditions, including sea level  
15 rise, and plan infrastructure improvements and  
16 emergency response strategies to address those  
17 vulnerabilities; and

18 “(C) competitive resilience improvement  
19 grants to protect—

20 “(i) infrastructure assets by making  
21 the assets more resilient to current and fu-  
22 ture weather events and natural disasters,  
23 including severe storms, flooding, tornados,  
24 drought, levee and dam failures, wildfire,  
25 landslides, sea level rise, extreme weather,

1 including extreme temperature, and earth-  
2 quakes;

3 “(ii) communities through resilience  
4 improvements and strategies that allow for  
5 the continued operation or rapid recovery  
6 of surface transportation systems that—

7 “(I) serve critical local, regional,  
8 and national needs, including evacu-  
9 ation routes; and

10 “(II) provide access or service to  
11 hospitals and other medical or emer-  
12 gency service facilities, major employ-  
13 ers, critical manufacturing centers,  
14 ports and intermodal facilities, utili-  
15 ties, and Federal facilities;

16 “(iii) coastal infrastructure, such as a  
17 tide gate, that is at long-term risk to sea  
18 level rise; and

19 “(iv) natural infrastructure that pro-  
20 tects and enhances surface transportation  
21 assets while improving ecosystem condi-  
22 tions, including culverts that ensure ade-  
23 quate flows in rivers and estuarine sys-  
24 tems.

25 “(c) FORMULA AWARDS.—

1 “(1) DISTRIBUTION OF FUNDS TO STATES.—

2 “(A) IN GENERAL.—For each fiscal year,  
3 the Secretary shall distribute among the States  
4 the amounts made available to carry out this  
5 subsection for that fiscal year in accordance  
6 with subparagraph (B).

7 “(B) DISTRIBUTION.—The amount for  
8 each State shall be determined by multiplying  
9 the total amount made available to carry out  
10 this subsection for the applicable fiscal year by  
11 the ratio that—

12 “(i) the total base apportionment for  
13 the State under section 104(c); bears to

14 “(ii) the total base apportionments for  
15 all States under section 104(c).

16 “(2) ELIGIBLE ACTIVITIES.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), a State shall use funds made  
19 available under paragraph (1) to carry out ac-  
20 tivities eligible under subparagraph (A), (B), or  
21 (C) of subsection (d)(4).

22 “(B) PLANNING SET-ASIDE.—Of the  
23 amounts made available to each State under  
24 paragraph (1) for each fiscal year, not less than

1           2 percent shall be for activities described in  
2           subsection (d)(3).

3           “(3) REQUIREMENTS.—

4                   “(A) PROJECTS IN CERTAIN AREAS.—If a  
5           project under this subsection is carried out, in  
6           whole or in part, within a base floodplain, the  
7           State shall—

8                           “(i) identify the base floodplain in  
9                           which the project is to be located and dis-  
10                          close that information to the Secretary;  
11                          and

12                           “(ii) indicate to the Secretary whether  
13                          the State plans to implement 1 or more  
14                          components of the risk mitigation plan  
15                          under section 322 of the Robert T. Staf-  
16                          ford Disaster Relief and Emergency Assist-  
17                          ance Act (42 U.S.C. 5165) with respect to  
18                          the area.

19                          “(B) ELIGIBILITIES.—A State shall use  
20           funds made available under paragraph (1) for—

21                           “(i) a highway project eligible for as-  
22                          sistance under this title;

23                           “(ii) a public transportation facility or  
24                          service eligible for assistance under chapter  
25                          53 of title 49; or

1           “(iii) a facility or service for intercity  
2           rail passenger transportation (as defined in  
3           section 24102 of title 49).

4           “(C) SYSTEM RESILIENCE.—A project car-  
5           ried out by a State with funds made available  
6           under this subsection may include, consistent  
7           with State hazard mitigation plans, the use of  
8           natural infrastructure or the construction or  
9           modification of storm surge, flood protection, or  
10          aquatic ecosystem restoration elements that are  
11          functionally connected to a transportation im-  
12          provement, such as—

13                  “(i) increasing marsh health and total  
14                  area adjacent to a highway right-of-way to  
15                  promote additional flood storage;

16                  “(ii) upgrades to and installation of  
17                  culverts designed to withstand 100-year  
18                  flood events;

19                  “(iii) upgrades to and installation of  
20                  tide gates to protect highways; and

21                  “(iv) upgrades to and installation of  
22                  flood gates to protect tunnel entrances.

23          “(D) FEDERAL COST SHARE.—

24                  “(i) IN GENERAL.—Except as pro-  
25                  vided in subsection (f)(1), the Federal

1 share of the cost of a project carried out  
2 using funds made available under para-  
3 graph (1) shall not exceed 80 percent of  
4 the total project cost.

5 “(ii) NON-FEDERAL SHARE.—A State  
6 may use Federal funds other than Federal  
7 funds made available under this subsection  
8 to meet the non-Federal cost share re-  
9 quirement for a project under this sub-  
10 section.

11 “(E) ELIGIBLE PROJECT COSTS.—

12 “(i) IN GENERAL.—Except as pro-  
13 vided in clause (ii), eligible project costs  
14 for activities carried out by a State with  
15 funds made available under paragraph (1)  
16 may include the costs of—

17 “(I) development phase activities,  
18 including planning, feasibility anal-  
19 ysis, revenue forecasting, environ-  
20 mental review, preliminary engineer-  
21 ing and design work, and other  
22 preconstruction activities; and

23 “(II) construction, reconstruc-  
24 tion, rehabilitation, and acquisition of  
25 real property (including land related

1 to the project and improvements to  
2 land), environmental mitigation, con-  
3 struction contingencies, acquisition of  
4 equipment directly related to improv-  
5 ing system performance, and oper-  
6 ational improvements.

7 “(ii) ELIGIBLE PLANNING COSTS.—In  
8 the case of a planning activity described in  
9 subsection (d)(3) that is carried out by a  
10 State with funds made available under  
11 paragraph (1), eligible costs may include  
12 development phase activities, including  
13 planning, feasibility analysis, revenue fore-  
14 casting, environmental review, preliminary  
15 engineering and design work, other  
16 preconstruction activities, and other activi-  
17 ties consistent with carrying out the pur-  
18 poses of subsection (d)(3).

19 “(F) LIMITATIONS.—In carrying out this  
20 subsection, a State—

21 “(i) may use not more than 25 per-  
22 cent of the amounts made available under  
23 this subsection for the construction of new  
24 capacity so long as such inclusion is cost-

1 effective and is directly related to the un-  
2 derlying project; and

3 “(ii) may use not more than 10 per-  
4 cent of the amounts made available under  
5 this subsection for activities described in  
6 subparagraph (E)(i)(I).

7 “(d) COMPETITIVE AWARDS.—

8 “(1) IN GENERAL.—In addition to funds dis-  
9 tributed to States under subsection (c)(1), the Sec-  
10 retary shall provide grants on a competitive basis  
11 under this subsection to eligible entities described in  
12 paragraph (2).

13 “(2) ELIGIBLE ENTITIES.—The Secretary may  
14 make a grant under this subsection to any of the fol-  
15 lowing:

16 “(A) A State or political subdivision of a  
17 State.

18 “(B) A metropolitan planning organiza-  
19 tion.

20 “(C) A unit of local government.

21 “(D) A special purpose district or public  
22 authority with a transportation function, includ-  
23 ing a port authority.

24 “(E) An Indian tribe (as defined in section  
25 207(m)(1)).



1           “(F) A Federal land management agency  
2           that applies jointly with a State or group of  
3           States.

4           “(G) A multi-State or multijurisdictional  
5           group of entities described in subparagraphs  
6           (A) through (F).

7           “(3) PLANNING GRANTS.—Using funds made  
8           available for purposes under this subsection, the  
9           Secretary shall provide planning grants to eligible  
10          entities for the purpose of—

11           “(A) in the case of a State or metropolitan  
12          planning organization, developing a resilience  
13          improvement plan under subsection (f)(2);

14           “(B) resilience planning, predesign, design,  
15          or the development of data tools to simulate  
16          transportation disruption scenarios, including  
17          vulnerability assessments;

18           “(C) technical capacity building by the eli-  
19          gible entity to facilitate the ability of the eligi-  
20          ble entity to assess the vulnerabilities of the in-  
21          frastructure assets and community response  
22          strategies of the eligible entity under current  
23          conditions and a range of potential future con-  
24          ditions; or

25           “(D) evacuation planning and preparation.

1 “(4) RESILIENCE GRANTS.—

2 “(A) RESILIENCE IMPROVEMENT  
3 GRANTS.—

4 “(i) IN GENERAL.—Using funds made  
5 available for purposes under this sub-  
6 section, the Secretary shall provide resil-  
7 ience improvement grants to eligible enti-  
8 ties to carry out 1 or more eligible activi-  
9 ties under clause (ii).

10 “(ii) ELIGIBLE ACTIVITIES.—

11 “(I) IN GENERAL.—An eligible  
12 entity may use a resilience improve-  
13 ment grant under this subparagraph  
14 for 1 or more construction activities  
15 to enable an existing surface transpor-  
16 tation infrastructure asset to with-  
17 stand or reduce the costs and impact  
18 of 1 or more elements of a weather  
19 event or natural disaster, or to in-  
20 crease the resilience of surface trans-  
21 portation infrastructure from the  
22 costs and impacts of changing condi-  
23 tions, such as sea level rise, flooding,  
24 extreme weather events, and other  
25 natural disasters.

- 1                   “(II) INCLUSIONS.—An activity  
2 eligible to be carried out under this  
3 subparagraph includes—
- 4                   “(aa) resurfacing, restora-  
5 tion, rehabilitation, reconstruc-  
6 tion, replacement, improvement,  
7 or realignment of an existing sur-  
8 face transportation facility eligi-  
9 ble for assistance under this title;
- 10                   “(bb) the incorporation of  
11 natural infrastructure;
- 12                   “(cc) the upgrade of an ex-  
13 isting surface transportation fa-  
14 cility to meet or exceed Federal  
15 Highway Administration ap-  
16 proved design standards;
- 17                   “(dd) the installation of  
18 mitigation measures that prevent  
19 the intrusion of floodwaters into  
20 surface transportation systems;
- 21                   “(ee) strengthening systems  
22 that remove rainwater from sur-  
23 face transportation facilities;
- 24                   “(ff) a resilience project that  
25 addresses                   identified

1 vulnerabilities described in the  
2 resilience improvement plan of  
3 the eligible entity, if applicable;  
4 “(gg) relocating roadways in  
5 a base floodplain to higher  
6 ground above projected flood ele-  
7 vation levels, or away from slide  
8 prone areas;  
9 “(hh) stabilizing slide areas  
10 or slopes;  
11 “(ii) installing riprap;  
12 “(jj) lengthening or raising  
13 bridges to increase waterway  
14 openings, including to respond to  
15 extreme weather;  
16 “(kk) deepening channels to  
17 prevent flooding;  
18 “(ll) increasing the size or  
19 number of drainage structures;  
20 “(mm) installing seismic ret-  
21 rofits on bridges;  
22 “(nn) adding scour protec-  
23 tion at bridges;  
24 “(oo) adding scour, stream  
25 stability, coastal, and other hy-

1 draulic countermeasures, includ-  
2 ing spur dikes; and

3 “(pp) any other protective  
4 features, including natural infra-  
5 structure, as determined by the  
6 Secretary.

7 “(iii) PRIORITY.—The Secretary shall  
8 prioritize a resilience improvement grant to  
9 an eligible entity if—

10 “(I) the Secretary determines—

11 “(aa) the benefits of the eli-  
12 gible activity proposed to be car-  
13 ried out by the eligible entity ex-  
14 ceed the costs of the activity; and

15 “(bb) there is a need to ad-  
16 dress the vulnerabilities of infra-  
17 structure assets of the eligible  
18 entity with a high risk of, and  
19 impacts associated with, failure  
20 due to the impacts of weather  
21 events, natural disasters, or  
22 changing conditions, such as sea  
23 level rise and increased flood  
24 risk; or

1                   “(II) the eligible activity pro-  
2                   posed to be carried out by the eligible  
3                   entity is included in the applicable re-  
4                   silience improvement plan under sub-  
5                   section (f)(2).

6                   “(B) COMMUNITY RESILIENCE AND EVAC-  
7                   UATION ROUTE GRANTS.—

8                   “(i) IN GENERAL.—Using funds made  
9                   available for purposes under this sub-  
10                  section, the Secretary shall provide com-  
11                  munity resilience and evacuation route  
12                  grants to eligible entities to carry out 1 or  
13                  more eligible activities under clause (ii).

14                  “(ii) ELIGIBLE ACTIVITIES.—An eligi-  
15                  ble entity may use a community resilience  
16                  and evacuation route grant under this sub-  
17                  paragraph for 1 or more projects that  
18                  strengthen and protect evacuation routes  
19                  that are essential for providing and sup-  
20                  porting evacuations caused by emergency  
21                  events, including a project that—

22                  “(I) is an eligible activity under  
23                  subparagraph (A)(ii), if that eligible  
24                  activity will improve an evacuation  
25                  route;

1                   “(II) ensures the ability of the  
2                   evacuation route to provide safe pas-  
3                   sage during an evacuation and re-  
4                   duces the risk of damage to evacu-  
5                   ation routes as a result of future  
6                   emergency events, including restoring  
7                   or replacing existing evacuation routes  
8                   that are in poor condition or not de-  
9                   signed to meet the anticipated de-  
10                  mand during an emergency event, and  
11                  including steps to protect routes from  
12                  mud, rock, or other debris slides;

13                  “(III) if the Secretary determines  
14                  that existing evacuation routes are not  
15                  sufficient to adequately facilitate evac-  
16                  uations, including the transportation  
17                  of emergency responders and recovery  
18                  resources, expands the capacity of  
19                  evacuation routes to swiftly and safely  
20                  accommodate evacuations, including  
21                  installation of—

22                               “(aa) communications and  
23                               intelligent transportation system  
24                               equipment and infrastructure;

1                   “(bb) counterflow measures;  
2                   or  
3                   “(cc) shoulders;  
4                   “(IV) is for the construction of—  
5                   “(aa) new or redundant  
6                   evacuation routes, if the Sec-  
7                   retary determines that existing  
8                   evacuation routes are not suffi-  
9                   cient to adequately facilitate  
10                   evacuations, including the trans-  
11                   portation of emergency respond-  
12                   ers and recovery resources; or  
13                   “(bb) sheltering facilities  
14                   that are functionally connected to  
15                   an eligible project;  
16                   “(V) is for the acquisition of  
17                   evacuation route or traffic incident  
18                   management equipment, vehicles, or  
19                   signage; or  
20                   “(VI) will ensure access or serv-  
21                   ice to critical destinations, including  
22                   hospitals and other medical or emer-  
23                   gency service facilities, major employ-  
24                   ers, critical manufacturing centers,



1 ports and intermodal facilities, utili-  
2 ties, and Federal facilities.

3 “(iii) PRIORITY.—The Secretary shall  
4 prioritize community resilience and evacu-  
5 ation route grants under this subpara-  
6 graph for eligible activities that are cost-ef-  
7 fective, as determined by the Secretary,  
8 taking into account—

9 “(I) current and future  
10 vulnerabilities to an evacuation route  
11 due to future occurrence or recurrence  
12 of emergency events that are likely to  
13 occur in the geographic area in which  
14 the evacuation route is located; and

15 “(II) projected changes in devel-  
16 opment patterns, demographics, and  
17 extreme weather events based on the  
18 best available evidence and analysis.

19 “(iv) CONSULTATION.—In providing  
20 grants for community resilience and evacu-  
21 ation routes under this subparagraph, the  
22 Secretary shall consult with the Adminis-  
23 trator of the Federal Emergency Manage-  
24 ment Agency, who shall provide technical

1 assistance to the Secretary and to eligible  
2 entities.

3 “(C) AT-RISK COASTAL INFRASTRUCTURE  
4 GRANTS.—

5 “(i) DEFINITION OF COASTAL  
6 STATE.—In this subparagraph, the term  
7 ‘coastal State’ means—

8 “(I) a State in, or bordering on,  
9 the Atlantic, Pacific, or Arctic Ocean,  
10 the Gulf of Mexico, Long Island  
11 Sound, or 1 or more of the Great  
12 Lakes;

13 “(II) the United States Virgin Is-  
14 lands;

15 “(III) Guam;

16 “(IV) American Samoa;

17 “(V) the Commonwealth of the  
18 Northern Mariana Islands; and

19 “(VI) Puerto Rico.

20 “(ii) GRANTS.—Using funds made  
21 available for purposes under this sub-  
22 section, the Secretary shall provide at-risk  
23 coastal infrastructure grants to eligible en-  
24 tities in coastal States to carry out 1 or  
25 more eligible activities under clause (iii).

1           “(iii) ELIGIBLE ACTIVITIES.—An eli-  
2           gible entity may use an at-risk coastal in-  
3           frastructure grant under this subpara-  
4           graph for strengthening, stabilizing, hard-  
5           ening, elevating, relocating, or otherwise  
6           enhancing the resilience of highway and  
7           non-rail infrastructure, including bridges,  
8           roads, pedestrian walkways, and bicycle  
9           lanes, and associated infrastructure, such  
10          as culverts and tide gates, that are subject  
11          to, or face increased long-term future risks  
12          of, a weather event, a natural disaster, or  
13          changing conditions, including coastal  
14          flooding, coastal erosion, wave action,  
15          storm surge, or sea level rise, in order to  
16          improve transportation and public safety  
17          and to reduce costs by avoiding larger fu-  
18          ture maintenance or rebuilding costs.

19          “(iv) CRITERIA.—The Secretary shall  
20          provide at-risk coastal infrastructure  
21          grants under this subparagraph for a  
22          project—

23                 “(I) that addresses the risks  
24                 from a current or future weather  
25                 event or natural disaster, including

1 coastal flooding, coastal erosion, wave  
2 action, storm surge, or sea level rise;  
3 and

4 “(II) that reduces long-term in-  
5 frastructure costs by avoiding larger  
6 future maintenance or rebuilding  
7 costs.

8 “(v) COASTAL BENEFITS.—In addi-  
9 tion to the criteria under clause (iv), for  
10 the purpose of providing at-risk coastal in-  
11 frastructure grants under this subpara-  
12 graph, the Secretary shall evaluate the ex-  
13 tent to which a project will provide—

14 “(I) access to coastal homes,  
15 businesses, communities, and other  
16 critical infrastructure, including ac-  
17 cess by first responders and other  
18 emergency personnel; or

19 “(II) access to a designated evac-  
20 uation route.

21 “(5) GRANT REQUIREMENTS.—

22 “(A) SOLICITATIONS FOR GRANTS.—In  
23 providing grants under this subsection, the Sec-  
24 retary shall conduct a transparent and competi-  
25 tive national solicitation process to select eligi-

1           ble projects to receive grants under paragraph  
2           (3) and subparagraphs (A), (B), and (C) of  
3           paragraph (4).

4           “(B) APPLICATIONS.—

5                   “(i) IN GENERAL.—To be eligible to  
6           receive a grant under paragraph (3) or  
7           subparagraph (A), (B), or (C) of para-  
8           graph (4), an eligible entity shall submit to  
9           the Secretary an application in such form,  
10          at such time, and containing such informa-  
11          tion as the Secretary determines to be nec-  
12          essary.

13                   “(ii) PROJECTS IN CERTAIN AREAS.—  
14          If a project is proposed to be carried out  
15          by the eligible entity, in whole or in part,  
16          within a base floodplain, the eligible entity  
17          shall—

18                           “(I) as part of the application,  
19                           identify the floodplain in which the  
20                           project is to be located and disclose  
21                           that information to the Secretary; and

22                           “(II) indicate in the application  
23                           whether, if selected, the eligible entity  
24                           will implement 1 or more components  
25                           of the risk mitigation plan under sec-

1                   tion 322 of the Robert T. Stafford  
2                   Disaster Relief and Emergency Assist-  
3                   ance Act (42 U.S.C. 5165) with re-  
4                   spect to the area.

5                   “(C) ELIGIBILITIES.—The Secretary may  
6                   make a grant under paragraph (3) or subpara-  
7                   graph (A), (B), or (C) of paragraph (4) only  
8                   for—

9                   “(i) a highway project eligible for as-  
10                  sistance under this title;

11                  “(ii) a public transportation facility or  
12                  service eligible for assistance under chapter  
13                  53 of title 49; or

14                  “(iii) a facility or service for intercity  
15                  rail passenger transportation (as defined in  
16                  section 24102 of title 49).

17                  “(D) SYSTEM RESILIENCE.—A project for  
18                  which a grant is provided under paragraph (3)  
19                  or subparagraph (A), (B), or (C) of paragraph  
20                  (4) may include the use of natural infrastruc-  
21                  ture or the construction or modification of  
22                  storm surge, flood protection, or aquatic eco-  
23                  system restoration elements that the Secretary  
24                  determines are functionally connected to a  
25                  transportation improvement, such as—

1 “(i) increasing marsh health and total  
2 area adjacent to a highway right-of-way to  
3 promote additional flood storage;

4 “(ii) upgrades to and installation of  
5 culverts designed to withstand 100-year  
6 flood events;

7 “(iii) upgrades to and installation of  
8 tide gates to protect highways; and

9 “(iv) upgrades to and installation of  
10 flood gates to protect tunnel entrances.

11 “(E) FEDERAL COST SHARE.—

12 “(i) PLANNING GRANT.—The Federal  
13 share of the cost of a planning activity car-  
14 ried out using a planning grant under  
15 paragraph (3) shall be 100 percent.

16 “(ii) RESILIENCE GRANTS.—

17 “(I) IN GENERAL.—Except as  
18 provided in subclause (II) and sub-  
19 section (f)(1), the Federal share of  
20 the cost of a project carried out using  
21 a grant under subparagraph (A), (B),  
22 or (C) of paragraph (4) shall not ex-  
23 ceed 80 percent of the total project  
24 cost.

1                   “(II) TRIBAL PROJECTS.—On  
2                   the determination of the Secretary,  
3                   the Federal share of the cost of a  
4                   project carried out using a grant  
5                   under subparagraph (A), (B), or (C)  
6                   of paragraph (4) by an Indian tribe  
7                   (as defined in section 207(m)(1)) may  
8                   be up to 100 percent.

9                   “(iii) NON-FEDERAL SHARE.—The eli-  
10                  gible entity may use Federal funds other  
11                  than Federal funds provided under this  
12                  subsection to meet the non-Federal cost  
13                  share requirement for a project carried out  
14                  with a grant under this subsection.

15                  “(F) ELIGIBLE PROJECT COSTS.—

16                  “(i) RESILIENCE GRANT PROJECTS.—  
17                  Eligible project costs for activities funded  
18                  with a grant under subparagraph (A), (B),  
19                  or (C) of paragraph (4) may include the  
20                  costs of—

21                         “(I) development phase activities,  
22                         including planning, feasibility anal-  
23                         ysis, revenue forecasting, environ-  
24                         mental review, preliminary engineer-



1           ing and design work, and other  
2           preconstruction activities; and

3                   “(II) construction, reconstruc-  
4           tion, rehabilitation, and acquisition of  
5           real property (including land related  
6           to the project and improvements to  
7           land), environmental mitigation, con-  
8           struction contingencies, acquisition of  
9           equipment directly related to improv-  
10          ing system performance, and oper-  
11          ational improvements.

12                   “(ii) PLANNING GRANTS.—Eligible  
13          project costs for activities funded with a  
14          grant under paragraph (3) may include the  
15          costs of development phase activities, in-  
16          cluding planning, feasibility analysis, rev-  
17          enue forecasting, environmental review,  
18          preliminary engineering and design work,  
19          other preconstruction activities, and other  
20          activities consistent with carrying out the  
21          purposes of that paragraph.

22                   “(G) LIMITATIONS.—An eligible entity  
23          that receives a grant under subparagraph (A),  
24          (B), or (C) of paragraph (4)—

1           “(i) may use not more than 25 per-  
2           cent of the amount of the grant for the  
3           construction of new capacity so long as  
4           such inclusion is cost-effective and is di-  
5           rectly related to the underlying project;  
6           and

7           “(ii) may use not more than 10 per-  
8           cent of the amount of the grant for activi-  
9           ties described in subparagraph (F)(i)(I).

10          “(H) DISTRIBUTION OF GRANTS.—

11           “(i) IN GENERAL.—Subject to the  
12           availability of funds, an eligible entity may  
13           request and the Secretary may distribute  
14           funds for a grant under this subsection on  
15           a multiyear basis, as the Secretary deter-  
16           mines to be necessary.

17           “(ii) RURAL SET-ASIDE.—Of the  
18           amounts made available to carry out this  
19           subsection for each fiscal year, the Sec-  
20           retary shall use not less than 25 percent  
21           for grants for projects located in areas  
22           that are outside an urbanized area with a  
23           population of over 200,000.

24           “(iii) TRIBAL SET-ASIDE.—Of the  
25           amounts made available to carry out this

1 subsection for each fiscal year, the Sec-  
2 retary shall use not less than 2 percent for  
3 grants to Indian tribes (as defined in sec-  
4 tion 207(m)(1)).

5 “(iv) REALLOCATION.—For any fiscal  
6 year, if the Secretary determines that the  
7 amount described in clause (ii) or (iii) will  
8 not be fully utilized for the grant described  
9 in that clause, the Secretary may reallocate  
10 the unutilized funds to provide grants to  
11 other eligible entities under this subsection.

12 “(e) CONSULTATION.—In carrying out the program,  
13 the Secretary shall—

14 “(1) consult with the Assistant Secretary of the  
15 Army for Civil Works, the Administrator of the En-  
16 vironmental Protection Agency, the Secretary of the  
17 Interior, and the Secretary of Commerce; and

18 “(2) solicit technical support from the Adminis-  
19 trator of the Federal Emergency Management Agen-  
20 cy.

21 “(f) RESILIENCE IMPROVEMENT PLAN AND LOWER  
22 NON-FEDERAL SHARE.—

23 “(1) FEDERAL SHARE REDUCTIONS.—

24 “(A) IN GENERAL.—A State that receives  
25 funds under subsection (c) or an eligible entity

1           that receives a grant under subsection (d) shall  
2           have the non-Federal share of a project carried  
3           out with the funds or grant, as applicable, re-  
4           duced by an amount described in subparagraph  
5           (B) if the State or eligible entity meets the ap-  
6           plicable requirements under that subparagraph.

7           “(B) AMOUNT OF REDUCTIONS.—

8           “(i) RESILIENCE IMPROVEMENT  
9           PLAN.—Subject to clause (iii), the amount  
10          of the non-Federal share of the costs of a  
11          project carried out with funds under sub-  
12          section (c) or a grant under subsection (d)  
13          shall be reduced by 7 percentage points  
14          if—

15                 “(I) in the case of a State or an  
16                 eligible entity that is a State or a  
17                 metropolitan planning organization,  
18                 the State or eligible entity has—

19                         “(aa) developed a resilience  
20                         improvement plan in accordance  
21                         with this subsection; and

22                         “(bb) prioritized the project  
23                         on that resilience improvement  
24                         plan; and

1                   “(II) in the case of an eligible en-  
2                   tity not described in subclause (I), the  
3                   eligible entity is located in a State or  
4                   an area served by a metropolitan  
5                   planning organization that has—

6                               “(aa) developed a resilience  
7                               improvement plan in accordance  
8                               with this subsection; and

9                               “(bb) prioritized the project  
10                              on that resilience improvement  
11                              plan.

12                   “(ii) INCORPORATION OF RESILIENCE  
13                   IMPROVEMENT PLAN IN OTHER PLAN-  
14                   NING.—Subject to clause (iii), the amount  
15                   of the non-Federal share of the cost of a  
16                   project carried out with funds under sub-  
17                   section (c) or a grant under subsection (d)  
18                   shall be reduced by 3 percentage points  
19                   if—

20                              “(I) in the case of a State or an  
21                              eligible entity that is a State or a  
22                              metropolitan planning organization,  
23                              the resilience improvement plan devel-  
24                              oped in accordance with this sub-  
25                              section has been incorporated into the

1 metropolitan transportation plan  
2 under section 134 or the long-range  
3 statewide transportation plan under  
4 section 135, as applicable; and

5 “(II) in the case of an eligible en-  
6 tity not described in subclause (I), the  
7 eligible entity is located in a State or  
8 an area served by a metropolitan  
9 planning organization that incor-  
10 porated a resilience improvement plan  
11 into the metropolitan transportation  
12 plan under section 134 or the long-  
13 range statewide transportation plan  
14 under section 135, as applicable.

15 “(iii) LIMITATIONS.—

16 “(I) MAXIMUM REDUCTION.—A  
17 State or eligible entity may not receive  
18 a reduction under this paragraph of  
19 more than 10 percentage points for  
20 any single project carried out with  
21 funds under subsection (c) or a grant  
22 under subsection (d).

23 “(II) NO NEGATIVE NON-FED-  
24 ERAL SHARE.—A reduction under this  
25 paragraph shall not reduce the non-

1 Federal share of the costs of a project  
2 carried out with funds under sub-  
3 section (c) or a grant under sub-  
4 section (d) to an amount that is less  
5 than zero.

6 “(2) PLAN CONTENTS.—A resilience improve-  
7 ment plan referred to in paragraph (1)—

8 “(A) shall be for the immediate and long-  
9 range planning activities and investments of the  
10 State or metropolitan planning organization  
11 with respect to resilience;

12 “(B) shall demonstrate a systemic ap-  
13 proach to transportation system resilience and  
14 be consistent with and complementary of the  
15 State and local mitigation plans required under  
16 section 322 of the Robert T. Stafford Disaster  
17 Relief and Emergency Assistance Act (42  
18 U.S.C. 5165);

19 “(C) shall—

20 “(i) include a risk-based assessment  
21 of vulnerabilities of transportation assets  
22 and systems to current and future extreme  
23 weather events and natural disasters, in-  
24 cluding severe storms, flooding, tornados,  
25 drought, levee and dam failures, wildfire,

1           landslides, sea level rise, extreme weather  
2           events, including extreme temperatures,  
3           and earthquakes;

4           “(ii) designate evacuation routes and  
5           strategies, including multimodal facilities,  
6           designated with consideration for individ-  
7           uals without access to personal vehicles;

8           “(iii) plan for response to anticipated  
9           emergencies, including plans for the mobil-  
10          ity of—

11                   “(I) emergency response per-  
12                   sonnel and equipment; and

13                   “(II) access to emergency serv-  
14                   ices, including for vulnerable or dis-  
15                   advantaged populations;

16           “(iv) describe the resilience improve-  
17           ment policies, including strategies, land-use  
18           and zoning changes, investments in natural  
19           infrastructure, or performance measures  
20           that will inform the transportation invest-  
21           ment decisions of the State or metropolitan  
22           planning organization with the goal of in-  
23           creasing resilience;

24           “(v) include an investment plan  
25           that—



1                   “(I) includes a list of priority  
2                   projects; and

3                   “(II) describes how funds pro-  
4                   vided by a grant under the program  
5                   would be invested and matched, which  
6                   shall not be subject to fiscal con-  
7                   straint requirements; and

8                   “(vi) use science and data and indi-  
9                   cate the source of data and methodologies;  
10                  and

11                  “(D) shall, as appropriate—

12                   “(i) include a description of how the  
13                   plan will improve the ability of the State or  
14                   metropolitan planning organization—

15                   “(I) to respond promptly to the  
16                   impacts of weather events and natural  
17                   disasters; and

18                   “(II) to be prepared for changing  
19                   conditions, such as sea level rise and  
20                   increased flood risk;

21                   “(ii) describe the codes, standards,  
22                   and regulatory framework, if any, adopted  
23                   and enforced to ensure resilience improve-  
24                   ments within the impacted area of pro-

1 posed projects included in the resilience  
2 improvement plan;

3 “(iii) consider the benefits of com-  
4 bining hard infrastructure assets, and nat-  
5 ural infrastructure, through coordinated  
6 efforts by the Federal Government and the  
7 States;

8 “(iv) assess the resilience of other  
9 community assets, including buildings and  
10 housing, emergency management assets,  
11 and energy, water, and communication in-  
12 frastructure;

13 “(v) use a long-term planning period;  
14 and

15 “(vi) include such other information  
16 as the eligible entity considers appropriate.

17 “(3) NO NEW PLANNING REQUIREMENTS.—  
18 Nothing in this section requires a metropolitan plan-  
19 ning organization or a State to develop a resilience  
20 improvement plan or to include a resilience improve-  
21 ment plan under the metropolitan transportation  
22 plan under section 134 or the long-range statewide  
23 transportation plan under section 135, as applicable,  
24 of the metropolitan planning organization or State.

25 “(g) MONITORING.—

1           “(1) IN GENERAL.—Not later than 18 months  
2 after the date of enactment of this section, the Sec-  
3 retary, in consultation with the officials described in  
4 subsection (e), shall—

5           “(A) establish, for the purpose of evalu-  
6 ating the effectiveness and impacts of projects  
7 carried out under the program—

8           “(i) subject to paragraph (2), trans-  
9 portation and any other metrics as the  
10 Secretary determines to be necessary; and

11           “(ii) procedures for monitoring and  
12 evaluating projects based on those metrics;  
13 and

14           “(B) select a representative sample of  
15 projects to evaluate based on the metrics and  
16 procedures established under subparagraph (A).

17           “(2) NOTICE.—Before adopting any metrics de-  
18 scribed in paragraph (1), the Secretary shall—

19           “(A) publish the proposed metrics in the  
20 Federal Register; and

21           “(B) provide to the public an opportunity  
22 for comment on the proposed metrics.

23           “(h) REPORTS.—

24           “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not  
25 later than 1 year after the date on which a project

1 carried out under the program is completed, the en-  
2 tity that carried out the project shall submit to the  
3 Secretary a report on the results of the project and  
4 the use of the funds received under the program.

5 “(2) REPORTS TO CONGRESS.—

6 “(A) ANNUAL REPORTS.—The Secretary  
7 shall submit to the Committee on Transpor-  
8 tation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Environ-  
10 ment and Public Works of the Senate, and pub-  
11 lish on the website of the Department of Trans-  
12 portation, an annual report that describes the  
13 implementation of the program during the pre-  
14 ceeding calendar year, including—

15 “(i) each project for which a grant  
16 was provided under the program;

17 “(ii) information relating to project  
18 applications received;

19 “(iii) the manner in which the con-  
20 sultation requirements were implemented  
21 under this section;

22 “(iv) recommendations to improve the  
23 administration of the program, including  
24 whether assistance from additional or

1 fewer agencies to carry out the program is  
2 appropriate;

3 “(v) the period required to disburse  
4 grant funds to recipients based on applica-  
5 ble Federal coordination requirements; and

6 “(vi) a list of facilities that repeatedly  
7 require repair or reconstruction due to  
8 emergency events.

9 “(B) FINAL REPORT.—Not later than 5  
10 years after the date of enactment of the Surface  
11 Transportation Advanced through Reform,  
12 Technology, & Efficient Review Act, the Sec-  
13 retary shall submit to Congress a report that  
14 includes the results of the reports submitted  
15 under subparagraph (A). The Secretary shall  
16 use not more than 5 percent of the amounts  
17 made available to carry out the program for  
18 each fiscal year for the costs of administering  
19 the program, including monitoring and evalua-  
20 tion under subsection (g).

21 “(C) CONSULTATION.—In developing guid-  
22 ance and regulations, and in providing grants  
23 for under this section, the Secretary shall con-  
24 sult with the Administrator of the Federal  
25 Emergency Management Agency, who shall pro-

1           vide technical assistance to the Secretary and to  
2           eligible entities.”.

3           (b) CLERICAL AMENDMENT.—The analysis for chap-  
4   ter 1 of title 23, United States Code, as amended by this  
5   Act, is further amended by adding at the end the fol-  
6   lowing:

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

7   **SEC. 7002. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

8           Section 119 of title 23, United States Code, is  
9   amended—

10           (1) in subsection (b)—

11               (A) in paragraph (2) by striking “and” at  
12           the end;

13               (B) in paragraph (3) by striking the period  
14           at the end and inserting “; and”; and

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

16                   “(4) to provide support for measures to in-  
17           crease the resiliency of Federal-aid highways and  
18           bridges on and off the National Highway System to  
19           mitigate the impacts of sea level rise, extreme weath-  
20           er events, flooding, or other natural disasters.”; and

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

22           “(k) PROTECTIVE FEATURES.—

23               “(1) IN GENERAL.—A State may use not more  
24           than 15 percent of the funds apportioned to the

1 State under section 104(b)(1) for each fiscal year  
2 for 1 or more protective features on a Federal-aid  
3 highway or bridge off the National Highway System,  
4 if the protective feature is designed to mitigate the  
5 risk of recurring damage, or the cost of future re-  
6 pairs, from extreme weather events, flooding, or  
7 other natural disasters.

8 “(2) PROTECTIVE FEATURES DESCRIBED.—A  
9 protective feature referred to in paragraph (1) may  
10 include—

11 “(A) raising roadway grades;

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

15 “(C) stabilizing slide areas;

16 “(D) stabilizing slopes;

17 “(E) installing riprap;

18 “(F) lengthening or raising bridges to in-  
19 crease waterway openings;

20 “(G) deepening channels to prevent flood-  
21 ing;

22 “(H) increasing the size or number of  
23 drainage structures;

24 “(I) replacing culverts with bridges or  
25 upsizing culverts;

- 1           “(J) repairing or maintaining tide gates;
- 2           “(K) installing seismic retrofits on bridges;
- 3           “(L) adding scour protection at bridges;
- 4           “(M) adding scour, stream stability, coast-
- 5           al, or other hydraulic countermeasures, includ-
- 6           ing spur dikes;
- 7           “(N) the use of natural infrastructure to
- 8           mitigate the risk of recurring damage or the
- 9           cost of future repair from extreme weather
- 10          events, flooding, or other natural disasters; and
- 11          “(O) any other features that mitigate the
- 12          risk of recurring damage or the cost of future
- 13          repair as a result of extreme weather events,
- 14          flooding, or other natural disasters, as deter-
- 15          mined by the Secretary.

16          “(3) SAVINGS PROVISION.—Nothing in this sub-

17          section limits the ability of a State to carry out a

18          project otherwise eligible under subsection (d) using

19          funds apportioned under section 104(b)(1).”.

20   **SEC. 7003. RESILIENCY IN TRANSIT.**

21          Section 5324 of title 49, United States Code, is

22          amended by—

- 23                  (1) striking “and” at the end of subsection
- 24                  (b)(1);



1 (2) striking the period at the end of subsection  
2 (b)(2)(B) and inserting “; and”; and

3 (3) by adding at the end of subsection (b) the  
4 following new paragraph:

5 “(3) mitigation projects and activities that the  
6 Secretary determines are cost effective and which  
7 substantially reduce the risk of, or increase resilience  
8 to, future damage, hardship, or loss, related to  
9 equipment and facilities of a public transportation  
10 system operating in the United States or on an In-  
11 dian reservation that the Secretary determines is in  
12 danger of suffering serious damage, or has suffered  
13 serious damage, as a result of an emergency.”.

14 **SEC. 7004. HIGHWAY EMERGENCY RELIEF AND RESIL-**  
15 **IENCY.**

16 (a) IN GENERAL.—Section 125 of title 23, United  
17 States Code, is amended—

18 (1) in subsection (a)(1), by inserting “wildfire,  
19 sea level rise,” after “severe storm”;

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

22 “(b) RESTRICTION ON ELIGIBILITY.—Funds under  
23 this section shall not be used for the repair or reconstruc-  
24 tion of a bridge that has been permanently closed to all  
25 vehicular traffic by the Federal, State, Tribal, or respon-

1 sible local official because of imminent danger of collapse  
2 due to a structural deficiency or physical deterioration.”;  
3 and

4 (3) in subsection (d)—

5 (A) in paragraph (2)(A)—

6 (i) by striking the period at the end  
7 and inserting “; and”;

8 (ii) by striking “a facility that meets  
9 the current” and inserting the following:  
10 “a facility that—

11 “(i) meets the current”; and

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(ii) incorporates economically justifi-  
15 able improvements designed and dem-  
16 onstrated to mitigate and reduce the risk  
17 of recurring damage from extreme weather  
18 events, flooding, or other natural disas-  
19 ters.”;

20 (B) by redesignating paragraphs (3)  
21 through (5) as paragraphs (4) through (6), re-  
22 spectively; and

23 (C) by inserting after paragraph (2) the  
24 following:

25 “(3) PROTECTIVE FEATURES.—

1           “(A) IN GENERAL.—The cost of an im-  
2           provement that is part of a project under this  
3           section shall be an eligible expense under this  
4           section if the improvement is a protective fea-  
5           ture that is designed and demonstrated to miti-  
6           gate and reduce the risk of recurring damage,  
7           or the cost of future repair, from extreme  
8           weather events, flooding, or other natural disas-  
9           ters.

10           “(B) PROTECTIVE FEATURES DE-  
11           SCRIBED.—A protective feature referred to in  
12           subparagraph (A) may include—

13                   “(i) raising roadway grades;

14                   “(ii) relocating roadways in a base  
15                   floodplain to higher ground above projected  
16                   flood elevation levels or away from slide  
17                   prone areas;

18                   “(iii) stabilizing slide areas;

19                   “(iv) stabilizing slopes;

20                   “(v) installing riprap;

21                   “(vi) lengthening or raising bridges to  
22                   increase waterway openings;

23                   “(vii) deepening channels to prevent  
24                   flooding;

1                   “(viii) increasing the size or number  
2 of drainage structures;

3                   “(ix) replacing culverts with bridges  
4 or upsizing culverts;

5                   “(x) repairing or maintaining tide  
6 gates;

7                   “(xi) installing seismic retrofits on  
8 bridges;

9                   “(xii) adding scour protection at  
10 bridges;

11                  “(xiii) adding scour, stream stability,  
12 coastal, and other hydraulic counter-  
13 measures, including spur dikes;

14                  “(xiv) the use of natural infrastruc-  
15 ture to mitigate the risk of recurring dam-  
16 age or the cost of future repair from ex-  
17 treme weather events, flooding, or other  
18 natural disasters; and

19                  “(xv) any other features that mitigate  
20 the risk of recurring damage or the cost of  
21 future repair as a result of extreme weath-  
22 er events, flooding, or other natural disas-  
23 ters, as determined by the Secretary.”.

24                  (b) EMERGENCY RELIEF PROJECTS.—

1           (1) DEFINITION OF EMERGENCY RELIEF  
2 PROJECT.—In this section, the term “emergency re-  
3 lief project” means a project carried out under the  
4 emergency relief program under section 125 of title  
5 23, United States Code.

6           (2) IMPROVING THE EMERGENCY RELIEF PRO-  
7 GRAM.—Not later than 90 days after the date of en-  
8 actment of this Act, the Secretary shall—

9           (A) revise the emergency relief manual of  
10 the Federal Highway Administration—

11           (i) to include and reflect the definition  
12 of the term “resilience” (as defined in sec-  
13 tion 101(a) of title 23, United States  
14 Code);

15           (ii) to ensure resilience measures are  
16 cost effective and substantially reduce the  
17 risk of, or increase resilience to, future  
18 damage, hardship, loss, or suffering in any  
19 area affected by a declared disaster;

20           (iii) to identify procedures that States  
21 may use to incorporate resilience into  
22 emergency relief projects; and

23           (iv) to encourage the use of Complete  
24 Streets design principles and consideration

1 of access for moderate- and low-income  
2 families impacted by a declared disaster;

3 (B) develop best practices for improving  
4 the use of resilience in—

5 (i) the emergency relief program  
6 under section 125 of title 23, United  
7 States Code; and

8 (ii) emergency relief efforts;

9 (C) provide to division offices of the Fed-  
10 eral Highway Administration and State depart-  
11 ments of transportation information on the best  
12 practices developed under paragraph (2); and

13 (D) develop and implement a process to  
14 track—

15 (i) the consideration of resilience as  
16 part of the emergency relief program under  
17 section 125 of title 23, United States  
18 Code; and

19 (ii) the measurement of risk reduction  
20 and costs of emergency relief projects.

21 (3) CONSULTATION.—In carrying out actions  
22 pursuant to paragraph (2), the Secretary shall con-  
23 sult with the Administrator of the Federal Emer-  
24 gency Management Agency to ensure resiliency guid-  
25 ance and activities are consistent with and do not

1 conflict with other resiliency and mitigation activities  
2 and priorities.

3 **SEC. 7005. HIGHWAY RESILIENCY INCENTIVES.**

4 Section 120(e) of title 23, United States Code, is  
5 amended by adding at the end the following:

6 “(4) PROTECTIVE FEATURES.—

7 “(A) IN GENERAL.—Notwithstanding any  
8 other provision of law, the Federal share pay-  
9 able for the cost of a protective feature on a  
10 Federal-aid highway or bridge project under  
11 this title may be up to 100 percent, at the dis-  
12 cretion of the State, if the protective feature is  
13 an improvement designed and demonstrated to  
14 mitigate and reduce the risk of recurring dam-  
15 age, or the cost of future repair, from extreme  
16 weather events, flooding, or other natural disas-  
17 ters.

18 “(B) PROTECTIVE FEATURES DE-  
19 SCRIBED.—A protective feature referred to in  
20 subparagraph (A) may include—

21 “(i) raising roadway grades;

22 “(ii) relocating roadways in a base  
23 floodplain to higher ground above projected  
24 flood elevation levels or away from slide  
25 prone areas;

- 1 “(iii) stabilizing slide areas;
- 2 “(iv) stabilizing slopes;
- 3 “(v) installing riprap;
- 4 “(vi) lengthening or raising bridges to  
5 increase waterway openings;
- 6 “(vii) deepening channels to prevent  
7 flooding;
- 8 “(viii) increasing the size or number  
9 of drainage structures;
- 10 “(ix) replacing culverts with bridges  
11 or upsizing culverts;
- 12 “(x) repairing or maintaining tide  
13 gates;
- 14 “(xi) installing seismic retrofits on  
15 bridges;
- 16 “(xii) adding scour protection at  
17 bridges;
- 18 “(xiii) adding scour, stream stability,  
19 coastal, and other hydraulic counter-  
20 measures, including spur dikes;
- 21 “(xiv) the use of natural infrastruc-  
22 ture to mitigate and reduce the risk of re-  
23 curring damage or the cost of future repair  
24 from extreme weather events, flooding, or  
25 other natural disasters; and



1           “(xv) any other features that mitigate  
2           and reduce the risk of recurring damage or  
3           the cost of future repair as a result of ex-  
4           treme weather events, flooding, or other  
5           natural disasters, as determined by the  
6           Secretary.”.

7   **SEC. 7006. GUIDANCE ON INUNDATED AND SUBMERGED**  
8           **ROADS.**

9           Upon issuance of guidance issued pursuant to section  
10 1228 of the Disaster Recovery Reform Act of 2018 (Public  
11 Law 115–254), the Administrator of the Federal Highway  
12 Administration, in consultation with the Administrator of  
13 the Federal Emergency Management Agency, shall review  
14 such guidance and issue guidance regarding repair, res-  
15 toration, and replacement of inundated and submerged  
16 roads damaged or destroyed by a major disaster declared  
17 pursuant to the Robert T. Stafford Disaster Relief and  
18 Emergency Assistance Act (42 U.S.C. 5121 et seq.) with  
19 respect to roads eligible for assistance under Federal  
20 Highway Administration programs.

21   **SEC. 7007. GUIDANCE ON EVACUATION ROUTES.**

22           (a) IN GENERAL.—

23           (1) GUIDANCE.—The Administrator of the Fed-  
24           eral Highway Administration, in coordination with  
25           the Administrator of the Federal Emergency Man-

1           agement Agency and consistent with guidance issued  
2           by the Federal Emergency Management Agency pur-  
3           suant to section 1209 of the Disaster Recovery Re-  
4           form Act of 2018 (Public Law 115–254), shall re-  
5           vise existing guidance or issue new guidance as ap-  
6           propriate for State, local, and Indian Tribal govern-  
7           ments regarding the design, construction, mainte-  
8           nance, and repair of evacuation routes.

9           (2) CONSIDERATIONS.—In revising or issuing  
10          guidance under subsection (a)(1), the Administrator  
11          of the Federal Highway Administration shall con-  
12          sider—

13                (A) methods that assist evacuation routes  
14                to—

15                       (i) withstand likely risks to viability,  
16                       including flammability and hydrostatic  
17                       forces;

18                       (ii) improve durability, strength (in-  
19                       cluding the ability to withstand tensile  
20                       stresses and compressive stresses), and  
21                       sustainability; and

22                       (iii) provide for long-term cost sav-  
23                       ings;

24                (B) the ability of evacuation routes to ef-  
25                fectively manage contraflow operations;

1 (C) for evacuation routes on public lands,  
2 the viewpoints of the applicable Federal land  
3 management agency regarding emergency oper-  
4 ations, sustainability, and resource protection;  
5 and

6 (D) such other items the Administrator of  
7 the Federal Highway Administration considers  
8 appropriate.

9 (3) REPORT.—In the case in which the Admin-  
10 istrator of the Federal Highway Administration, in  
11 consultation with the Administrator of the Federal  
12 Emergency Management Agency, concludes existing  
13 guidance addresses the considerations in paragraph  
14 (2), the Administrator of the Federal Highway Ad-  
15 ministration shall submit to the Committee on  
16 Transportation and Infrastructure of the House of  
17 Representatives and the Committee on Environment  
18 and Public Works of the Senate a detailed report de-  
19 scribing how existing guidance addresses such con-  
20 siderations.

21 (b) STUDY.—The Administrator of the Federal High-  
22 way Administration, in coordination with the Adminis-  
23 trator of the Federal Emergency Management Agency and  
24 State, local, territorial, and Indian Tribal governments,  
25 shall—

1           (1) conduct a study of the adequacy of available  
2           evacuation routes to accommodate the flow of evac-  
3           uees; and

4           (2) submit recommendations to Congress on  
5           how to help with anticipated evacuation route flow,  
6           based on the study conducted under paragraph (1).

7 **SEC. 7008. DEFINITIONS.**

8           Section 101(a) of title 23, United States Code, is  
9           amended—

10           (1) in paragraph (4)(A) by inserting “assessing  
11           resilience,” after “surveying,”; and

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

13           “(35) RESILIENCE.—Unless otherwise specified,  
14           the term ‘resilience’, with respect to a project, means  
15           a project with the ability to anticipate, prepare for,  
16           or adapt to conditions or mitigate against, with-  
17           stand, respond to, or recover rapidly from disrup-  
18           tions, including the ability—

19                   “(A) to resist hazards, mitigate against,  
20                   reduce costs associated with or withstand im-  
21                   pacts from weather events and natural disas-  
22                   ters; or

23                   “(B) to have the absorptive capacity,  
24                   adaptive capacity, and recoverability to decrease

1 project vulnerability to weather events or other  
2 natural disasters.”.

3 **SEC. 7009. UNIVERSITY TRANSPORTATION CENTERS.**

4 Section 5505 of title 49, United States Code, is  
5 amended—

6 (1) in subsection (a)(2) by adding at the end  
7 the following:

8 “(D) To consider the ability to anticipate,  
9 prepare for, or adapt to conditions or with-  
10 stand, increase resiliency to, reduce costs re-  
11 lated to, respond to, or recover rapidly from  
12 disruptions resulting from extreme weather  
13 events and natural disasters”;

14 (2) in subsection (b)(4)(A) by striking “re-  
15 search priorities identified in chapter 65.” and in-  
16 serting the following: “following research priorities:

17 “(i) Improving the mobility of people  
18 and goods.

19 “(ii) Reducing congestion.

20 “(iii) Promoting safety.

21 “(iv) Improving the durability and ex-  
22 tending the life of transportation infra-  
23 structure and the existing transportation  
24 system.

1           “(v) Improving the ability to antici-  
2           pate, prepare for, or adapt to conditions or  
3           withstand, respond to, or recover rapidly  
4           from disruptions resulting from extreme  
5           weather events and natural disasters.”;  
6           and

7           (3) in subsection (c)(4)—

8           (A) in subparagraph (C) by adding at the  
9           end the following: “In awarding grants under  
10          this section, the Secretary shall also select not  
11          less than 1 grant recipient with each of the fol-  
12          lowing focus areas:

13               “(i) Improving the ability to antici-  
14               pate, prepare for, or adapt to conditions or  
15               withstand, increase resiliency to, reduce  
16               costs related to, respond to, or recover rap-  
17               idly from disruptions resulting from ex-  
18               treme weather events and natural disas-  
19               ters.

20               “(ii) Developing innovative road de-  
21               signs, materials, and restoration strategies  
22               to better enhance the durability and struc-  
23               tural integrity of roads and subgrade soils  
24               that may become inundated during severe  
25               weather events.

1           “(iii) Enhancing the viability and du-  
2           rability of evacuation routes, including  
3           ways to effectively manage contraflow op-  
4           erations to minimize casualties.”; and  
5           (B) by adding at the end the following:

6           “(D) CONSIDERATIONS FOR SELECTED IN-  
7           STITUTIONS.—

8           “(i) IN GENERAL.—Tier 1 transpor-  
9           tation centers awarded a grant under this  
10          paragraph with a focus area described in  
11          subparagraph (C) shall consider the fol-  
12          lowing areas for research:

13           “(I) Developing new materials  
14           and improving the performance and  
15           resiliency of existing materials for the  
16           construction of roads, bridges, rail,  
17           and related transportation infrastruc-  
18           ture.

19           “(II) Reducing local, state, fed-  
20           eral, and tribal costs associated with  
21           natural disasters and severe weather.

22           “(III) Innovative technologies  
23           and approaches to pre-mitigate  
24           against severe weather.

1                   “(IV) The durability of roadways  
2                   and subgrade with respect to flamma-  
3                   bility and hydrostatic forces.

4                   “(V) Strategies to mitigate the  
5                   costs associated with vulnerabilities in  
6                   federal evacuation routes, with respect  
7                   to overcrowding and inundation.

8                   “(ii) ACTIVITIES.—A tier 1 transpor-  
9                   tation center receiving a grant under this  
10                  section with a focus area described in sub-  
11                  paragraph (C) may—

12                   “(I) establish best practices;

13                   “(II) develop modeling tools; and

14                   “(III) carry out other activities  
15                   and develop technology that addresses  
16                   the planning considerations described  
17                   in clause (i).”.

18 **SEC. 7010. PRE-DISASTER HAZARD MITIGATION PILOT PRO-**  
19 **GRAM.**

20                  (a) IN GENERAL.—Section 125 of title 23, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing:

23                  “(h) PRE-DISASTER HAZARD MITIGATION PILOT  
24 PROGRAM.—



1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish a pre-disaster mitigation program for the pur-  
3           pose of mitigating future hazards posed to Federal-  
4           aid highways.

5           “(2) DISTRIBUTION OF FUNDS.—Every 6  
6           months, the Secretary shall total the amount of  
7           funds made available to each State, territory, Tribal,  
8           or other eligible entity under the emergency relief  
9           program during the preceding 6 months and remit  
10          an additional 5 percent from the Highway Trust  
11          Fund to those entities for eligible activities described  
12          in paragraph (3).

13          “(3) ELIGIBLE ACTIVITIES.—Funds made avail-  
14          able under subsection (h)(2) shall be used for miti-  
15          gation projects and activities that the Secretary de-  
16          termines are cost effective and which substantially  
17          reduce the risk of, or increase resilience to, future  
18          damage as a result of natural disasters, such as by  
19          flood, hurricane, tidal wave, earthquake, severe  
20          storm, or landslide by upgrading existing assets to  
21          meet or exceed design standards adopted by the  
22          Federal Highway Administration by means of the  
23          following:

24                 “(A) Relocating or elevating roadways.

1           “(B) Increasing the size or number of  
2 drainage structures, including culverts.

3           “(C) Installing mitigation measures to pre-  
4 vent the impairment of transportation assets as  
5 a result of the intrusion of floodwaters.

6           “(D) Improving bridges to expand water  
7 capacity and prevent flooding.

8           “(E) Deepening channels to prevent asset  
9 inundation and improve drainage.

10          “(F) improving strength of natural fea-  
11 tures adjacent to highway right-of-way to pro-  
12 mote additional flood storage.

13          “(G) Installing or upgrading tide gates  
14 and flood gates.

15          “(H) Stabilizing slide areas or slopes.

16          “(I) Installing seismic retrofits for bridges.

17          “(J) Adding scour protection at bridges.

18          “(K) Adding scour, stream stability, coast-  
19 al, or other hydraulic countermeasures, includ-  
20 ing riprap.

21          “(L) Installing intelligent transportation  
22 system equipment to monitor infrastructure  
23 quality.

24          “(M) Any other protective features as de-  
25 termined by the Secretary.

1           “(4) REPORT.—The Secretary shall submit to  
2           the Committee on Transportation and Infrastructure  
3           of the House of Representatives and the Committee  
4           on Environment and Public Works of the Senate an  
5           annual report detailing—

6                   “(A) a description of the activities carried  
7                   out under the pilot program;

8                   “(B) an evaluation of the effectiveness of  
9                   the pilot program in meeting purposes described  
10                  in paragraph (1); and

11                  “(C) policy recommendations to improve  
12                  the effectiveness of the pilot program.”.

13           (b) SUNSET.—The amendments made by this section  
14           shall be repealed on the date that is 5 years after the date  
15           of enactment of this Act.

