

# INVEST IN AMERICA ACT

## H.R. \_\_\_\_, “INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION (INVEST) IN AMERICA ACT”

### DIVISION A – FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2022

#### **Sec. 101. Definitions.**

Provides definitions for Division A.

#### **Sec. 102. Extension of federal surface transportation programs.**

Extends fiscal year (FY) 2021 enacted levels for Federal-aid highway, transit, and safety programs through FY22. Provides additional administrative expenses out of the Highway Trust Fund (HTF) for the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) and out of the general fund for the Federal Transit Administration (FTA). Increases the authorization for the Capital Investment Grant (CIG) program. Adjusts the INFRA multimodal cap to cover FY22. Ensures that Disadvantaged Business Enterprise requirements apply to amounts made available for highway and transit programs for FY22.

#### **Sec. 103. Additional amounts for the Federal-aid Highway Program and member designated projects.**

Authorizes an additional \$14.7 billion in contract authority from the highway account above FY21 levels, provides an equal amount of obligation authority to be distributed with these funds, and distributes these amounts according to existing formulas. Funds are distributed to states, Tribes, Puerto Rico, territories, and Federal Land Management Agencies for expenditure according to the broadest eligibilities under each of those programs.

Of amounts distributed to states, territories, and Puerto Rico, section 107 designates amounts for obligation on member designated projects in accordance with the table in section 107(c). Allows for transit projects to be transferred to FTA for administration consistent with FTA requirements. Amounts designated for member designated projects are available until expended, unless repurposed.

If funds cannot be obligated within a timely manner for a member designated project, subsection (i)(2) provides a mechanism to repurpose the contract authority and associated obligation limitation for projects eligible under title 23 or chapter 53 of title 49. Redistributed funds must be expended within the same geographic area of the member designated project, or on a project predominantly serving such area. Repurposed funds are available for obligation for three fiscal years after the fiscal year in which they are repurposed.

**Sec. 104. Federal Transit Administration.**

Authorizes \$1 billion from the mass transit account to bring additional transit stations into compliance with the Americans with Disabilities Act. Authorizes \$1 billion from the mass transit account to increase transit options, including through startup operating expense assistance, in unserved and underserved areas. Authorizes such sums as may be necessary from the general fund to increase the federal share for key projects that demonstrate the need for additional federal investment.

**Sec. 105. National Highway Traffic Safety Administration.**

Provides an additional \$244.5 million in contract authority in FY21 for NHTSA highway safety programs. Provides obligation authority to be distributed with the funds authorized under this section and additional administrative expenses provided in section 101.

**Sec. 106. Federal Motor Carrier Safety Administration.**

Provides an additional \$209.9 million in contract authority in FY21 for FMCSA motor carrier safety programs.

**Sec. 107. Member designated project authorizations.**

Authorizes projects designated by members of Congress for allocation from amounts made available under section 103. Ensures that the Secretary has sufficient flexibility to carry out the projects consistent with the intent of Congress.

**DIVISION B – SURFACE TRANSPORTATION REAUTHORIZATION**

**Sec. 1001. Applicability of division.**

Delays the applicability and effective date of Division B until October 1, 2022, except for sections 1105, 1107, 1305, 2104(c)(1), 2104(d), 2106, 2112, 2204(1)(A), 2204(1)(A), 2305, 2307, and 2902(2).

**TITLE I—FEDERAL-AID HIGHWAYS**

**Subtitle A—Authorizations and Program Conditions**

**Sec. 1101. Authorization of appropriations.**

Authorizes \$271.7 billion in contract authority for FY23 through FY26 for the Federal-aid Highway Program.

Reauthorizes U.S. DOT’s Disadvantaged Business Enterprise (DBE) program. Updates the findings based on a committee hearing titled “Driving Equity: The U.S. Department of Transportation’s Disadvantaged Business Enterprise Program” held on September 23, 2020. Revises the DBE size standard by removing the surface-transportation specific business size standards.

**Sec. 1102. Obligation limitation.**

Provides obligation authority to match the contract authority authorized for FY23 through FY26. Makes the Federal Land Transportation Program under 23 USC 203 exempt from obligation limitation to ensure federal land management agencies can enter into contracts at the beginning of the fiscal year. Ensures that Tribes, territories, and Puerto Rico receive a dollar of obligation authority for every dollar of contract authority authorized.

**Sec. 1103. Definitions and declaration of policy. [23 USC 101]**

Adds new definitions to 23 USC 101. Incorporates new departmental policy goals for safety, climate change, resilience, and environmental protection.

**Sec. 1104. Apportionment. [23 USC 104]**

Authorizes administrative expenses for the FHWA for FY23 through FY26. Establishes the distribution formulas for the nine Federal-aid highway programs apportioned to States—the National Highway Performance Program (NHPP), the Surface Transportation Program (STP), the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the National Highway Freight Program (NHFP), metropolitan planning, the railway crossing program, the Predisaster Mitigation Program (PDM), the Carbon Pollution Reduction Program, and the Clean Corridors Program.

**Sec. 1105. Additional deposits into Highway Trust Fund. [23 USC 105]**

Extends a provision to allow any additional sums deposited into the HTF to be distributed through existing statutory formulas without a need for further authorization and ensures that set-asides are included in this calculation.

**Sec. 1106. Transparency. [23 USC 104(g); 106]**

Revises the reporting requirements in 23 USC 104(g) to ensure FHWA publishes programmatic and project-level information about the Federal-aid highway program online in a user-friendly format. Project-level information includes detailed data on the cost, funding source, status, and location of all projects funded under title 23 with a total cost of over \$5 million. In addition, the website must provide an interactive map searchable by project number, state, and congressional district.

Revises 23 USC 106 to ensure transparency and accountability in the Federal-aid highway program. Provides additional technical assistance to states and subrecipients to ensure that federal requirements are met. Establishes guardrails to ensure that federal-state funds exchange programs do not circumvent labor requirements. Ensures that major projects carried out through a public private partnership conduct an analysis demonstrating that the procurement process provides the best value for money. Establishes additional oversight of “megaprojects” with a cost of over \$2 billion, including the establishment of an independent peer review group to monitor the progress of the project and provide project reports to the Secretary. Requires that all Special Experimental Projects provide public notice and congressional reporting for any activities conducted under this authority. Directs the Government Accountability Office (GAO) to assess the consistency of determinations made by FHWA division offices and make recommendations based on the findings of this assessment. Directs FHWA to strengthen the risk-based stewardship and oversight program, based on the findings of a Department of Transportation Office of the Inspector General report.<sup>1</sup>

Significantly strengthens congressional oversight and required documentation for the discretionary grant programs administered by the department. Requires that project selection be based on data driven determinations, quantified, and documented. Provides all unsuccessful grant applicants with an opportunity to be debriefed by the department. Ensures that Congress receives and is given the opportunity to review the proposed list of grant awards and the basis of selections prior to award of grant funds.

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<sup>1</sup> *Gaps in FHWA’s Guidance and the Florida Division’s Process for Risk-Based Project Involvement May Limit Their Effectiveness*. U.S. DOT Office of Inspector General Report No. ST2020035: Published May 12, 2020.

**Sec. 1107. Complete and context sensitive street design. [23 USC 109]**

Revises roadway design standards under 23 USC 109 to require consideration of all users of the transportation facility, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. Instructs project sponsors to design in a manner that is tailored to the context of that facility, rather than a “one size fits all” approach.

Ensures that the plans and specifications for all federal-aid highways take into consideration context sensitive design principles. Requires the Secretary to publish guidance outlining context sensitive design, including providing model policies and procedures that states and other project sponsors can use when adopting their plans to implement context sensitive design principles.

Replaces the requirement that interstate design accommodate strict 20-year traffic forecasts on the interstate, and instead allows states to focus on the existing and future operational performance of the facility. Requires the Secretary, in consultation with the American Association of State Highway and Transportation Officials, to approve design standards for the National Highway System (NHS) that take into consideration context sensitive design principles and authorizes design flexibility for local governments for federal-aid highway projects off the NHS.

**Sec. 1108. Innovative project delivery federal share. [23 USC 120]**

Increases the federal share for projects that use innovative materials, recycled content, processes that reduce greenhouse gas emissions and other pollution, innovative bridge construction technologies, advanced digital construction systems, and work zone safety contingency funds.

Allowing states to increase the federal share can accelerate the adoption of effective and innovative project delivery methods. These changes will encourage states to adopt new practices that have shown promise to increase safety in work zones, improve environmental outcomes, and accelerate project delivery. For example, the use of advanced digital construction management systems throughout the construction lifecycle has been identified as one way to reduce project costs and improve asset management practices once construction is complete.

**Sec. 1109. Transferability of federal-aid highway funds. [23 USC 126]**

Limits the transferability of Transportation Alternatives Program (TAP) funds unless the state runs a competition and is unable to distribute the suballocated funds. Limits the transferability of the Railway Crossing Program funds unless the state demonstrates that it has met all its needs for the installation of protective devices at railway highway grade crossings, which is consistent with the treatment of funds under the existing railway-highway grade crossing set aside established under 23 USC 130. Restricts the transferability of funds apportioned for the Clean Corridors Program.

Limits transfer out of programs related to carbon pollution reduction and air quality but maintains flexibility by allowing up to 50 percent of apportioned contract authority per year to be transferred between the Carbon Pollution Reduction Program and CMAQ.

**Sec. 1110. Tolling. [23 USC 129]**

Ensures, by reinstating a requirement for tolling agreements with FHWA, that project sponsors seeking to institute tolls on any federal-aid highway project or for conversion of any part of the NHS (including the interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments

to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and transportation equity impacts; impacts on freight movement; and economic impacts on travelers. Ensures that public transportation vehicles and intercity buses can use new toll facilities without paying a toll. Requires that any new toll facilities provide for electronic interoperability with other providers in the region and seeks to facilitate interoperable electronic tolling.

Provides mainstream authority for congestion pricing, subject to the considerations above, as well as impacts on congestion on the facility, adjacent routes, and the corridor to ensure that any planned investments in operational improvements or in alternate travel options reduce congestion in the corridor.

Strengthens the limitations on surplus revenues to ensure that any additional funds must be used within the corridor to improve operations or capacity of public transportation, operational improvements, or other alternatives to the tolled facility. Allows toll revenues to be used to fund toll rebate programs for commuters with no reasonable alternative to the toll facility. Toll revenues may only be invested outside the corridor if all the needs of both the facility and the corridor have been met.

Repeals the Interstate System Reconstruction and Rehabilitation Pilot program, and sunsets the Value Pricing Pilot Program from accepting new projects. It is the sense of the committee that the Department of Transportation (DOT) carry out any existing projects under the Value Pricing Pilot Program consistent with the statutory requirements of that program and the department's longstanding interpretation of title 23. Section 1012(b)(3) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, as amended, clearly states that any project revenues in excess of pilot project operating costs may be used for any projects eligible under title 23. Under 23 USC 133(b)(4), "transit safety infrastructure improvements and programs" are eligible under the existing Surface Transportation Block Grant Program, and it has been FHWA's longstanding interpretation that CMAQ funds may be used for new transit service, system or service expansion, new vehicles, and fare subsidies, if such projects or programs improve air quality.

**Sec. 1111. HOV facilities. [23 USC 166]**

Narrows the allowance for single occupant vehicles that can use HOV lanes for free—limiting certain polluting vehicles from qualifying under the clean vehicle exemption. Reauthorizes the allowance for single-occupant hybrid vehicles to use HOV lanes fee free, which expired in 2019. Allows emergency vehicles and blood transport vehicles to use HOV lanes when responding to an emergency. Lowers the HOV degradation standard from 45 miles per hour to 35 miles per hour to align with the degradation standards for congestion pricing established under section 1110.

**Sec. 1112. Buy America. [23 USC 313]**

Adds "construction materials" to the materials covered by Buy America and requires FHWA to issue a rule implementing this requirement that allows FHWA to increase domestic content over time based on availability. Directs FHWA to carry out research on domestic availability and identify suppliers of Buy America compliant materials to facilitate compliance with these requirements and support domestic jobs.

Ensures a transparent public process before waiving Buy America requirements. Strengthens existing domestic content requirements by requiring the Secretary to reevaluate any standing

nationwide waivers every five years, including the manufactured products waiver, to determine whether those waivers remain necessary. This reevaluation must take into consideration the research on domestic availability and supply chains described above. Codifies longstanding congressional reporting requirements.

**Sec. 1113. Federal-aid highway project requirements.**

Ensures that prevailing wage requirements in 23 USC 113 apply to any funds made available for highway construction under title I of this Act or title 23, USC. Non-highway or multimodal projects that are awarded funding under sections 1301, 1302, 1304, or 1306 are required to follow the relevant labor requirements of the applicable mode, as described in those sections. Makes conforming edits to clarify the treatment of projects under the STP, NHFP, and Jason’s Law.

**Sec. 1114. State assumption of responsibility for categorical exclusions. [23 USC 326]**

Increases the allowable agreement term under 23 USC 326 from three to five years for a state that has assumed the responsibility under that section for at least 10 years.

**Sec. 1115. Surface transportation project delivery program written agreements. [23 USC 327]**

Increases the allowable agreement under 23 USC 327 from five to 10 years for a state that has assumed the responsibility under that section for at least 10 years. For any agreement with a term of greater than five years, requires an audit of the first five years of the agreement term. Clarifies that a state that has assumed the responsibility under that section is treated as a federal agency for the purposes of the Equal Access to Justice Act, and clarifies that funds under title 23 can be used to pay for state costs incurred carrying out this section.

**Sec. 1116. Corrosion prevention for bridges.**

Requires states to implement corrosion management requirements to improve the lifespan of bridges and ensure state of good repair. Ensures that federally funded bridge corrosion prevention projects are carried out by certified contractors that provide appropriate training for employees and utilize certified coating applicators on covered bridge projects.

**Sec. 1117. Sense of Congress.**

States the sense of Congress that states should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its anticipated life.

**Sec. 1118. Accommodation of certain facilities in right-of-way.**

Streamlines the requirements for accommodation of certain beneficial facilities, such as renewable energy generation and electrical transmission facilities in the right-of-way of a federal-aid highway.

**Sec. 1119. Federal grants for pedestrian and bike safety improvements.**

Grants an allowance for a public authority in a National Scenic Area to receive federal funding for pedestrian and bike safety improvements on that facility.

**Subtitle B—Programmatic Infrastructure Investments**

**Sec. 1201. National highway performance program. [23 USC 119]**

Revises the NHPP to emphasize state of good repair needs identified in the transportation asset management plan before constructing new highway capacity. States must also consider whether an operational improvement or transit project would be more cost-effective than a capacity expansion

for single occupancy vehicles. Any new capacity project must support the achievement of the state's performance targets. The cost effectiveness analysis shall take into consideration the maintenance cost of a new capacity project and ensure that any travel demand modeling has a documented record of accuracy. The term "new capacity" applies to through travel lanes and does not include essential safety or other operational improvements, such as adding turn or merge lanes, straightening curves, improving shoulders, or widening the facility to better accommodate people walking and biking.

Adds eligibilities for protective features, as defined in 23 USC 101. This term provides eligibility for resilience investments that are eligible under the PDM program for facilities eligible under NHPP, such as improving culverts and other flood management strategies, integrating of natural infrastructure into roadway design undergrounding, and undergrounding public utilities while undertaking a transportation project. In addition, provides explicit eligibility for evacuation routes, projects to reduce carbon pollution eligible under the CPR program, and wildlife crossings. Adds eligibility for the removal, retrofit, or repurposing of a highway on the NHS that creates a barrier to community connectivity to improve access to multiple modes of transportation. It is the sense of the committee that providing such cross-program eligibility increases the flexibility of the Federal-aid Highway Program and facilitates project delivery, and FHWA should continue to harmonize eligibilities across programs, consistent with federal law.

Requires states to consider climate change when preparing their transportation asset management plans. Many states are already doing this work and realize cost savings over the life cycle of their transportation assets, but FHWA can provide technical assistance and facilitate the adoption of best practices to ensure the resilience and cost effective maintenance of the transportation system.

#### **Sec. 1202. Increasing the resilience of transportation assets. [new 23 USC 124]**

Revises sections 134 and 135 of title 23 to require the Metropolitan Planning Organization (MPO) and state-prepared long-range transportation plans to include strategies to mitigate and reduce climate impacts and a vulnerability assessment of critical transportation assets, evacuation routes, and facilities repeatedly damaged by disasters. The MPO and state must identify projects to address identified vulnerabilities, and these projects are eligible for funding under the newly established pre-disaster mitigation program.

Establishes a pre-disaster mitigation program under 23 USC 124, which receives \$6.25 billion in apportioned funds over the life of the bill for resilience projects identified in the state and MPO vulnerability assessments. Construction of resilience improvements, including construction of natural infrastructure or protective features, are eligible on any existing highway or transit asset eligible under titles 23 or 49. Funds can also be used to relocate or construct alternatives to transportation infrastructure that is repeatedly damaged by extreme weather events, to address current and future vulnerabilities to evacuation routes designated in an MPO or state's vulnerability assessment, or for disaster recovery, training, and, telework programs. Projects eligible for funding under this section must be designed to ensure resilience over the life of the facility.

Requires projects that encroach within the limits of a flood-prone area to be designed and constructed to be resilient to current and projected changes in flooding, taking into consideration anticipated changes due to climate change and planned land use changes.

**Sec. 1203. Emergency relief. [23 USC 125]**

Clarifies that cost-justified resilience improvements are eligible for Emergency Relief (ER) funding. For ER projects to permanently repair or reconstruct a “repeatedly damaged facility” identified in the state’s transportation asset management plan, a recipient of ER funding must consider and incorporate any cost justified resilience improvements to reduce the likelihood of future damage to that facility. Ensures that wildfires are covered under the definition of natural disaster. Gives eligible entities additional time after a disaster to carry out an ER project.

Authorizes for appropriation a “Pre-Disaster Hazard Mitigation Pilot Program” that, on an annual basis, distributes any appropriated funding in an amount up to five percent of the total amount of funds made available to each eligible entity under the ER program. Funds distributed under this program must be used to increase the resilience of transportation facilities under the jurisdiction of the recipient.

Directs FHWA to update the ER manual to incorporate the resilience requirements established under this section, develop best practices for incorporating resilience in transportation projects, and provide this information to states and division offices.

**Sec. 1204. Railway crossings. [23 USC 130]**

Establishes a standalone railway crossing program, based on the railway-highway grade crossing set aside, raising the overall level of investment in safety projects under the bill. Requires railroads to contribute the share for projects that provide a benefit to the railroad and removes the statutory cap on these contributions. Expands eligibilities to projects to mitigate lost access from a crossing closure and strategies to prevent or reduce trespasser fatalities and injuries along railroad rights-of-way. Clarifies that replacement of functionally obsolete protective devices is eligible under the program. Allows railway crossing funds to be used toward the cost of projects selected for the Federal Railroad Administration’s Consolidated Rail Infrastructure and Safety Improvements discretionary grant program.

Directs the GAO to assess the effectiveness of the railway crossing program. Emphasizes congressional intent that U.S. DOT should coordinate departmental efforts to reduce trespasser deaths at railroad rights-of-way.

**Sec. 1205. Surface transportation program. [23 USC 133]**

Adds eligibilities for resilience improvements, natural infrastructure, reducing carbon pollution, bus frequency and ridership enhancement projects, and wildlife crossings. Allows for up to 15 percent of STP funds suballocated to rural areas and small cities to be expended on local roads and rural minor collectors (such as farm to market roads).

Increases the percentage of STP funds that are suballocated based on population from 55 percent under current law to 60 percent over the life of the bill. Revises the suballocation to four population bands: 200,000 and above; 50,000-200,000; 5,000-50,000; and under 5,000. Provides for additional transparency and coordination requirements for suballocated funds to ensure that local governments receive their equitable share of funds based on population. Requires that the state DOTs provide metropolitan planning areas representing transportation management areas an estimate of the amount of obligation authority that is expected to be made available to that area each fiscal year.

Authorizes a joint technical assistance program for areas with a population of 200,000 and above to ensure efficient project delivery and facilitate compliance with applicable state and federal project requirements. Such technical assistance can include employing a state, regional, or local government liaison to facilitate enhanced collaboration between state and local governments in the administration of highway projects. Requires states to provide metropolitan planning organizations with an estimate of the amount of obligation limitation that will be provided in each area at the beginning of each fiscal year, to make it easier to local governments to plan projects.

Increases the off-system bridge set-aside to 20 percent of STP funds made available in any area of the state for FY20, which will provide an approximately \$1 billion investment annually in off-system bridges. Consistent with existing law, a state can receive an exemption from this requirement if it can demonstrate insufficient off-system bridge rehabilitation needs to justify the expenditure. Amounts expended under the off-system bridge set-aside can be used to meet a state's minimum bridge investment requirement established under section 1207 of this Act.

**Sec. 1206. Transportation alternatives program. [23 USC 133(h)]**

Provides funding for the Transportation Alternatives Program (TAP) as a 10 percent set-aside out of STP. Increases the share of the program's funds that must be suballocated to areas of the state based on population from 50 percent to 66 percent. A state may suballocate up to 100 percent of its TAP funding if certain conditions are met and upon approval of the Secretary. Boosts the recreational trails set-aside in proportion to the increase for TAP. Requires states to provide sufficient obligation authority over the life of the bill to ensure this suballocated contract authority can be obligated in a timely manner, consistent with the requirement under STP.

Lists the longstanding eligibilities under the program in 23 USC 133(h), and adds vulnerable road user safety planning as an explicit eligibility. Adds metropolitan planning organizations that serve urbanized areas with a population of 200,000 or fewer as eligible recipients. Allows state DOTs to carry out TAP projects at the request of any other eligible applicant. Ensures that the competitive process carried out under this section includes consideration for low impact, transit dependent, and high need areas.

Allows a state to set aside up to five percent of the program's funds to assist project sponsors with improving their applications and expediting project delivery. Allows the Secretary to take such action as may be necessary to facilitate efficient and timely delivery of small and low impact projects carried out within the existing built environment. Strengthens the reporting and tracking of projects carried out under this section.

Allows a state to use HSIP funds to cover the non-federal share of the cost of a TAP project, and places restrictions on the ability of the state to transfer TAP funds out of the program. Provides flexibility for a state to meet the non-federal match for a TAP project on a multiple-project or programmatic basis.

**Sec. 1207. Bridge investment. [23 USC 144]**

Streamlines bridge project delivery by removing the prohibition against using multiple sources of federal funding for one bundle of bridge projects and allows the bundling of bridge resiliency projects. Creates a new minimum bridge investment requirement that ensures states spend no less than 20 percent of their two largest apportioned programs on bridge repair and rehabilitation

projects. Provides states with flexibility to meet that goal over the four-year period from FY23 through FY26.

Establishes program goals that include improving state of good repair for bridges; improving the safety, efficiency, and reliability of bridges; and reducing the number of bridges in poor condition, or at risk of falling into poor condition, that do not meet current geometric design standards, or that are insufficient to meeting load or traffic requirements. Includes projects such as seismic retrofits, corrosion control, systematic preventative maintenance, bridge inspections, bridge resiliency and natural infrastructure, and removal of structurally deficient bridges to improve community connectivity as eligible projects towards the minimum bridge investment requirement.

Requires the Secretary to annually issue a bridge investment report detailing state-by-state expenditure of federal funding on bridge projects.

**Sec. 1208. Construction of ferry boats and ferry terminal facilities. [23 USC 147]**

Amends the authorization for ferry boats and related infrastructure, which receives a 50 percent increase under section 1101.

**Sec. 1209. Highway safety improvement program. [23 USC 148]**

Revises HSIP to require each state, in consultation with regional and local partners, to establish a vulnerable road user safety assessment as part of its strategic highway safety plan. This assessment will identify corridors and hot spots that pose a high risk to bicyclists and pedestrians. It will further require states to develop a program of projects or strategies to reduce identified safety risks. States with high levels of bicyclist and pedestrian serious injuries and fatalities per capita will be required to undertake projects, from their STP funds, to address these identified safety issues. Directs MPOs to also establish a vulnerable road user safety assessment and provides funding to MPOs that represent high-risk areas to address safety hazards if the MPO has established a vulnerable road user safety assessment. These assessments will also identify projects that are eligible for funding under the safe streets for all set aside established under section 1218 (23 USC 148(m)).

Amends strategic highway safety plan requirements to take into consideration a multimodal approach to safety. The plan must take into consideration a “safe system approach” to roadway design that incorporates the likelihood of human error in order to prevent fatalities. Requires the state strategic highway safety plan to take tribal safety planning processes into consideration. Provides additional flexibility to use a data-driven, multidisciplinary approach to reducing fatalities and serious injuries and empowers each state to develop a program of projects to address its unique safety needs. Restores the ability, rescinded in MAP-21, to use up to 10 percent of a state’s HSIP funds for public awareness, education, and other non-infrastructure efforts. Makes vision zero planning under section 1601 an eligible HSIP expense.

Ensures that penalties and set-asides do not divert from safety needs identified in the state strategic highway safety plan. Replaces the railway-highway grade crossing set-aside, which was a 10 percent takedown of HSIP, with a standalone railway crossing program under 23 USC 130. Provides additional flexibility for states to meet any special rule obligation requirements within a two-year window, rather than within the fiscal year, to ensure that states have adequate time to plan and program the best projects.

Strengthens the emphasis on high risk rural roads by increasing total investment in rural roads while reducing variances among the states that trigger the special rule to provide states with more certainty when planning these projects. Requires FHWA update guidance on rural road safety.

**Sec. 1210. Congestion mitigation and air quality improvement program. [23 USC 149]**

Adds eligibility for shared micromobility projects, including bikeshare, shared scooters, and docking stations. Adds eligibility for projects to mitigate seasonal or temporary traffic congestion from travel or tourism. Amends the program's clean vehicle provisions to include hydrogen fueling stations as an eligible activity. Modifies the eligibility of program funds to be used for operating assistance, including providing additional assistance for projects that continue to demonstrate net air quality benefits.

**Sec. 1211. Electric vehicle charging stations. [23 USC 155; 111]**

Requires electric vehicle charging stations that receive title 23 funds to be usable by the majority of EV drivers, accessible to all members of the public, and network-capable. Directs U.S. DOT to establish standards and guidance on EV charging stations, in consultation with the Secretary of Energy. Such standards include training of technicians, network connectivity, and physical and payment interoperability. Allows EV charging in the interstate right of way, including rest areas and park and rides.

**Sec. 1212. National highway freight program. [23 USC 167]**

Revises the program's goals to include further consideration of environmental and equity impacts. Allows states to designate additional critical rural freight corridor and critical urban freight corridor mileage. Eliminates program eligibility restrictions for states with higher percentages of the primary freight network mileage. Removes the cap on funding multimodal freight projects, provided that the projects contribute to the efficient movement of goods on the National Freight Network.

**Sec. 1213. Carbon pollution reduction. [new 23 USC 171]**

Creates a new carbon pollution reduction apportionment program. Provides broad flexibility to the states to fund projects eligible under title 23 or chapter 53 of title 49, provided that the projects reduce greenhouse gas emissions. Includes eligibility for intercity bus vehicles and facilities and passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Allows states to use up to 10 percent of funds for operating costs of public transportation and intercity passenger rail. Requires the Secretary to annually evaluate carbon dioxide emissions per capita on public roads in each state and issue an accompanying progress report. States that achieve the most significant reductions in carbon dioxide emissions will receive additional flexibility in project federal share and program transferability. States making the least progress in emissions reduction are required to dedicate additional federal funds to projects that will reduce emissions. The Secretary, in consultation with the Environmental Protection Agency (EPA), will periodically issue a report detailing which types of projects eligible under this section prove most effective in reducing carbon pollution.

**Sec. 1214. Recreational trails. [23 USC 206]**

Allows project sponsors to apply recreational trails program requirements to trails projects funded with any apportioned program dollars, to facilitate more efficient project delivery. Clarifies that "motorized recreation" does not include electric bicycles and aligns the definition of e-bikes with 23 USC 217 to reduce potential conflicts on trails between motorized and non-motorized users. Ensures that volunteers and non-profits can continue to carry out recreational trails projects.

**Sec. 1215. Safe routes to school program. [23 USC 211]**

Codifies elements of the Safe Routes to School (SRTS) program enacted in section 1404 of SAFETEA-LU. Projects under this section are eligible for funding under TAP and HSIP. Expands eligibility under SRTS to include high schools. Removes the 30 percent non-infrastructure project cap to provide additional flexibility to project sponsors. Adds provisions to ensure rural school district outreach under the program.

**Sec. 1216. Bicycle transportation and pedestrian walkways. [23 USC 217]**

Ensures that the state pedestrian and bicycle coordinator is a full-time position. Aligns the definition of electric bicycle with other existing standards, subject to state and local safety regulations. Defines “micromobility device” and allows these devices to use bike infrastructure, consistent with state and local safety regulations.

**Sec. 1217. Noise barriers.**

Permits the use of federal-aid highway funds to construct certain Type II noise barriers along federal-aid highways and makes the planning, design, or construction of such noise barriers eligible for surface transportation program funding.

**Sec. 1218. Safe streets for all. [23 USC 148(m)]**

Section 1104 provides an additional \$500 million per year for HSIP, which is set aside under this section for activities to construct complete streets and other safety initiatives for vulnerable road users. Suballocates these funds to urbanized areas, mid-size cities, and rural areas to ensure that all communities see the safety benefits. Eligible projects include complete streets projects, safe routes to schools infrastructure and non-infrastructure projects, development of context-sensitive design standards under 23 USC 109, vision zero planning and plan implementation, any activity in furtherance of a vulnerable road user safety assessment, and any other activities eligible under HSIP that the Secretary determines provides for the safe and adequate accommodation of vulnerable road users.

**Sec. 1219. Youth service and conservation corps. [23 USC 212]**

Codifies section 1524 of MAP-21, encouraging the use of certified youth service and conservation corps on certain low-cost projects.

**Subtitle C—Project Level Investments**

**Sec. 1301. Projects of national and regional significance. [23 USC 117]**

Establishes a Projects of National and Regional Significance (PNRS) program, which provides more than \$12 billion over the life of the bill for large highway, transit, and passenger and freight rail projects that reduce congestion on roadways and that cannot be funded through annual apportionments or other discretionary sources. Includes the authority for the Secretary to award large grants over multiple years. Directs the Secretary to make grant selections based on merit criteria specified in statute, including the extent to which a project contributes to a state of good repair; cost savings generated by the project over the life of the asset; safety, mobility, economic, resilience, and environmental benefits generated by the project; benefits to all users of the project; and the average number of people or volume of freight supported by the project. The Secretary is also directed to consider whether the project serves an area of persistent poverty; the degree to

which the project utilizes innovative technologies or construction techniques; and whether the project improves connectivity between modes of transportation.

Sets aside \$4 billion for bridge investments, providing a dedicated, multi-year source of funding for some of the largest and most complex bridge projects in the country.

**Sec. 1302. Community transportation investment grant program. [new 23 USC 173]**

Establishes a \$600 million per year grant program to support local investments in projects to improve safety, state of good repair, accessibility, and environmental quality through infrastructure investments. Sets aside a minimum of 25 percent of program funds for projects in rural communities and a minimum of 25 percent of program funds for projects in communities between 50,000 and 200,000 in population.

Requires the Secretary to evaluate projects on their benefits to transportation safety, including reductions in traffic fatalities and serious injuries; to state of good repair, including improved condition of bridges and pavements; to transportation system access, including improved access to jobs and services; and to reducing greenhouse gas emissions, and to rate each project based on these criteria. Allows the Secretary to use different weighting of these criteria based on project type, population served by the project, and other context-sensitive considerations. Instructs the Secretary to compare each project's benefits with its costs, rank projects based on that comparison, and to select grant recipients from among those projects ranked most highly.

Requires the Secretary to make public information on the evaluation and rating process prior to issuing a notice of funding opportunity. Requires the Secretary to submit to Congress the ratings and rankings of all projects, and a list of all projects being considered by the Secretary to receive an award, prior to making such award.

**Sec. 1303. Clean corridors program. [23 USC 151]**

Establishes a \$1 billion per year clean corridors program to provide formula funding to states for electric vehicle charging and hydrogen fueling infrastructure. Funds are eligible for use on alternative fuel corridors designated under 151(a) or by a state or group of states. Notwithstanding 23 USC 118, funds are available until expended but subject to repurposing if they are not obligated expeditiously.

Requires the states to establish a plan for the expenditure of funds. If a state fails to make an adequate plan, or the Secretary determines that the state has not taken necessary action to carry out its plan, the Secretary may withdraw the funds from the state and award them, on a competitive basis, to local governments within that state for eligible projects. If the Secretary determines that withdrawn funds cannot be awarded within the state, the Secretary may redistribute those funds to all other states.

Requires the Secretary to establish standards and requirements related to EV charging infrastructure, similar to the guidance established under section 1211.

**Sec. 1304. Community climate innovation grants. [new 23 USC 172]**

Establishes a new \$250 million per year competitive grant program to support local investments in innovative strategies to reduce greenhouse gas emissions. Provides broad flexibility to grantees to fund projects eligible under title 23 or chapter 53 of title 49, provided the project reduces greenhouse gas emissions. Includes eligibility for intercity bus vehicles and facilities and intercity

passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Prioritizes projects that show the most promise in reducing greenhouse gas emissions, and provides further consideration for a project's cost-effectiveness, provision of diverse transportation choices, accessibility, equity and environmental justice impacts, benefits to low-income communities, and use of innovative materials.

**Sec. 1305. Metro performance program.**

Provides \$1 billion over the life of the bill for direct allocations to MPOs to advance locally-selected projects. Authorizes the Secretary to designate a high-performance tier of MPOs based on technical capacity to manage federal-aid highway funds. Provides between \$10 and \$50 million per year for the MPOs designated. Projects are subject to all federal-aid highway requirements, including environmental laws, labor projections, and Buy America. Participating MPOs will report annually on the status of the program and the projects advanced with program funds to FHWA, and FHWA will report to Congress on the lessons learned from the program and provide recommendations on ways to improve suballocation of federal-aid highway funds under STP.

**Sec. 1306. Gridlock reduction grant program.**

Establishes a \$500 million grant program to reduce traffic gridlock in large metropolitan areas. Supports projects to reduce and mitigate the adverse impacts of traffic congestion; make better use of existing capacity; and employ innovative, integrated, and multimodal solutions to reducing gridlock. Includes eligibility for intelligent transportation systems, real-time traveler information, transportation demand management, and multimodal solutions. Dedicates half of program funds for freight-specific projects including first-mile and last-mile delivery solutions, use of centralized delivery points, curb space management, and real-time freight parking and routing. Prioritizes projects in areas that are experiencing a high degree of recurrent congestion. Requires the Secretary to report on recommendations and best practices following the implementation of projects.

**Sec. 1307. Rebuild rural bridges program.**

Provides \$1 billion over the life of the bill for discretionary grants to improve the safety and state of good repair of bridges in rural communities. Funds may be used to inspect, replace, rehabilitate, or preserve an off-system bridge, a bridge on Tribal land, or a bridge in poor condition located in a rural area. The Secretary may provide grants for a single bridge or a bundle of bridges.

Provides a \$10 million set-aside for bridge investments in colonias, which are border communities that lack a potable water supply; adequate sewage systems; and decent, safe, and sanitary housing.

**Sec. 1308. Parking for commercial motor vehicles.**

Provides \$1 billion over the life of the bill for a grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.

**Sec. 1309. Active transportation connectivity grant program.**

Provides \$1 billion over the life of the bill for a grant program to support infrastructure investment in connected active transportation networks. Requires 30 percent of the funds to develop active transportation networks to connect points within a community, and 30 percent of the funds to be used for active transportation spines to connect communities to one another, including nationally and regionally significant greenway trails. Supports the development of complete streets and the use of safe systems approaches to enhance safety for vulnerable road users. Includes considerations for

the environmental justice and equity impacts of a project and the extent to which the project improves connectivity to public transportation.

**Sec. 1310. Wildlife crossings program.**

Authorizes \$100 million per year for projects designed to reduce wildlife-vehicle collisions and reduce habitat connectivity for terrestrial and aquatic species. Providing funding to improve habitat connectivity for aquatic species helps several states in meeting their treaty obligations to Indian tribes and Tribal organizations.

**Sec. 1311. Reconnecting neighborhoods program.**

Provides \$3 billion over the life of the bill on a reconnecting neighborhoods discretionary grant program. The program is focused on remediating economically-disadvantaged and underserved communities and emphasizes projects that provide for inclusive economic development.

The program allows the Secretary to award planning grants and provide technical assistance to eligible entities to analyze neighborhood barriers and identify candidates for remediation, repurposing, or removal, if appropriate. To ensure that any subsequent redevelopment of the area is equitable and inclusive, planning grants under this section may be used to establish a community advisory board or a land trust. Planning grants may also be used for the following activities related to a connectivity project: assessing impacts on the transportation network, considering safety benefits or impacts, facilitating public engagement activities, establishing anti-displacement and equitable neighborhood revitalization strategies, and assessing any necessary land use or zoning changes to maximize the benefits of the project. Planning grants may not exceed \$2 million per award.

The program also provides funding for capital construction grants, with a minimum project cost of \$5 million, to remove or repurpose eligible facilities that are underutilized or create a barrier to community connectivity. In assessing an application for a capital construction grant, the Secretary shall consider various factors, including: the degree to which the project will improve mobility and access; the appropriateness of removing, retrofitting, or remediating a facility based on current traffic patterns and the ability of the proposed facility and the regional transportation network to absorb transportation demand; any impacts on freight movement; how the costs of the project compare to the benefits; any opportunities for inclusive economic development and reuse of underutilized land; and consistency of the project with existing transportation plans and performance measures.

**Sec. 1312. Apprenticeship utilization.**

Requires grants under section 1301, 1302, and 1311 to meet apprenticeship utilization requirements.

**Subtitle D—Planning, Performance Management, and Asset Management**

**Sec. 1401. Metropolitan transportation planning. [23 USC 134]**

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection.

Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

**Sec. 1402. Statewide and nonmetropolitan transportation planning. [23 USC 135]**

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires states to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies.

Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every four years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that states can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

**Sec. 1403. National goals and performance management measures. [23 USC 150]**

Requires U.S. DOT to establish new performance measures for greenhouse gas emissions and transportation system access. Section 150(d)(3) prohibits states from setting regressive targets related to safety and carbon pollution reduction.

The transportation system access measure leverages modern data tools to improve the way states and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions). Considers the level of access for various modes of travel. Once the access measure has been established, requires TIPs and STIPs to demonstrate an improvement in transportation system access as described in the measure. Delays implementation of these planning requirements until the rule establishing the measure has been finalized.

Establishes a working group of state, local, and non-governmental experts to advise U.S. DOT on the establishment of the measure. Requires the Secretary to acquire, using research funds, transportation system access data sets and analytical tools to facilitate the implementation of requirements under this section.

**Sec. 1404. Transportation demand data and modeling study.**

Requires the Secretary to compare observed data to transportation demand forecasts from a sampling of states and MPOs. These comparisons will examine traffic count, mode share, public transit ridership, and vehicle occupancy data in order to inform future planning and forecasting and evaluate the impacts of transportation investments on transportation demand. Requires the Secretary to publish best practices and guidance on forecasting and transportation demand management strategies that most effectively reduce congestion travel times and carbon pollution. Encourages the Secretary to work with UTCs and the private sector to carry out this section. Make the activities described under this section explicitly eligible for funding under 23 USC 503(b).

**Sec. 1405. Fiscal constraint on long-range transportation plans.**

Directs the Secretary to revise the metropolitan planning regulations in 23 CFR part 450 to define the “outer years” to cover the first four years, rather than the first 10 years of the plan. The four-year window is consistent with other metropolitan and performance planning requirements.

**Subtitle E—Federal Lands, Tribes, and Territories**

**Sec. 1501. Territorial and Puerto Rico highway program. [23 USC 165]**

Provides \$340 million per year for Puerto Rico from the HTF, bringing it up to a level of investment more consistent with that of a state. Provides flexibility for Puerto Rico to flex up to 50 percent of the amount under each of its allocations for any other purpose, mirroring the transferability provision for states under 23 USC 126.

Significantly increases the amount of funds for the Territorial and Puerto Rico highway program, ensuring that the territories receive not less than 1/5 of 1 percent of the total federal-aid highway apportionment in each fiscal year. This is consistent with the percentage of federal-aid primary system funds provided to the territories under ISTEA.

Allows territories to use funds made available under title 23 to be expended for certain access and development roads.

Section 1606 directs the Secretary to conduct a highway formula modernization report. This report will consider the needs-based share of funding that is necessary for the territories. It will also determine how to incorporate Puerto Rico into the state apportionments.

**Sec. 1502. Tribal transportation program. [23 USC 202]**

Under section 1101, the bill significantly increases funding levels for the Tribal Transportation Program (TTP), providing \$800 million per year for the program out of the HTF. Expands eligibility under the Tribal Transportation Bridge Program to allow construction of new bridges. Expands eligibility for safety projects under the TTP to include projects that educate the public and increase awareness concerning highway safety matters, and to better enforce highway safety laws in tribal nations.

**Sec. 1503. Tribal High Priority Projects program.**

Provides \$50 million annually out of the HTF for a reestablished grant program that was authorized in MAP-21, but never funded, to award grants to the highest priority project for tribes whose annual transportation funding is insufficient. Provides emergency relief to tribes who cannot access other emergency relief funds and sets a maximum grant award of \$5 million.

**Sec. 1504. Federal lands transportation program. [23 USC 203]**

Under section 1101, the bill significantly increases funding levels for the Federal Lands Transportation Program, providing \$555 million per year out of the HTF for the program. Provides specified allocations for the Bureau of Land Management, the Bureau of Reclamation, the United States Army Corps of Engineers, and independent federal agencies.

The bill also provides an additional \$345 million per year out of the HTF for the Federal Lands Access Program. Allows the head of a federal agency that owns a transportation facility to request

assistance from a state in paying the project costs when a high-commuter corridor (defined as a federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles) within that state is in need of repair.

Directs GAO to study the National Park Service maintenance prioritization of federal lands transportation facilities and specifically their prioritization of maintenance on high commuter corridors.

**Sec. 1505. Federal lands and Tribal major projects program. [23 USC 208]**

Transforms the Nationally Significant Federal Lands and Tribal Projects Program into the Federal Lands and Tribal Major Projects program, codifies it, and provides an annual authorization of \$400 million from the HTF under Section 1101. Expands project eligibility and eligible uses of funds to allow for preconstruction activities. Lowers the minimum project cost threshold to \$12.5 million for federal lands projects and \$5 million for Tribal projects. Increases federal cost share to 100 percent for Tribal projects and requires program funds to be split 50-50 between Tribal and federal lands projects.

**Sec. 1506. Office of Tribal Government Affairs.**

Establishes an Office of Tribal Government Affairs within U.S. DOT and creates a new Assistant Secretary for Tribal Government Affairs position. The Office and the Assistant Secretary will oversee administration of the Tribal Transportation Self Governance Program, policies and programs serving Indian Tribes and Tribal Organizations, and will provide technical assistance to tribes.

**Sec. 1507. Alternative contracting methods. [23 USC 201]**

Allows tribes and federal land management agencies to use the same alternative contracting methods available to states.

**Sec. 1508. Divestiture of federally-owned bridges.**

Authorizes the transfer of federally-owned bridges from the Bureau of Reclamation to a state, provided the state concurs; an agreement from the state to operate and maintain the bridge; compliance with all applicable federal laws; and a joint notification by the Bureau and the state to the Secretary of Transportation prior to the transfer of ownership. Specifies that the Bureau is not required to transfer ownership of the land on which the bridge is located or any adjacent lands but requires the Bureau to provide access for the state for the purposes of construction, maintenance, and bridge inspections.

**Sec. 1509. Study on federal funding available to Indian Tribes.**

Requires the Secretary to report to Congress annually the number of Indian Tribes who were direct recipients of federal transportation grants and the total amount of funds awarded; and the number of Indian Tribes who were indirect recipients of federal transportation formula funding and the total amount of such funds.

**Sec. 1510. GAO study.**

Directs GAO to study the deferred maintenance backlog on U.S. Forest Service roads.

**Sec. 1511. Federal lands access program.**

Authorizes certain beautification and economic development activities in gateway communities as eligible activities under the Federal Lands Access Program.

**Subtitle F—Additional Provisions**

**Sec. 1601. Vision zero.**

Provides for the establishment of vision zero plans to significantly reduce or eliminate transportation related fatalities and serious injuries within a specified timeframe, but not to exceed 20 years. The vision zero plan includes a complete streets prioritization plan to ensure safe, accessible, and connected active transportation networks. Allows local governments, MPOs, or regional transportation planning organizations to use HSIP or STP funds for these purposes, and authorizes these funds for projects in furtherance of a vision zero plan. A vision zero plan may include a complete streets prioritization plan that identifies a list of projects to provide safe and convenient active transportation access to jobs, housing, and other essential services.

**Sec. 1602. Speed limits.**

Requires the Secretary to revise the Manual on Uniform Traffic Control Devices (MUTCD) to require states and local governments to use a “safe systems approach” to setting speed limits, consistent with NTSB recommendations. Requires the Secretary to update and report on the implementation progress of the Department’s Speed Management Program Plan.

**Sec. 1603. Dig Once for Broadband infrastructure deployment.**

Creates a new “dig once” provision to ensure better coordination of transportation and broadband infrastructure projects, while ensuring state flexibility and preventing unfunded mandates. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide “dig once” requirement, and to propose and evaluate options for funding such a requirement. Ensures Task Force consultation with stakeholders that represent rural communities and communities with limited access to broadband infrastructure.

**Sec. 1604. Stormwater best management practices.**

Authorizes U.S. DOT and EPA to commission a Transportation Research Board study of stormwater runoff best practices and to report to Congress on the results not later than 18 months after enactment. Requires EPA to update best management practices on stormwater runoff.

**Sec. 1605. Pedestrian facilities in the public right-of-way.**

Requires the U.S. Access Board to finalize guidelines setting minimum accessibility standards for pedestrians in the public right-of-way. Requires such guidelines to be substantially similar to the notice of proposed rulemaking published on July 26, 2011, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” and the supplemental notice of proposed rulemaking published on February 13, 2013, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths.” Requires U.S. DOT to issue corresponding regulations following the issuance of the guidelines.

**Sec. 1606. Highway formula modernization report.**

Requires FHWA, in consultation with state DOTs, to provide recommendations on how to revise the apportionment methodology under 23 USC 104 to best achieve the goals of the Federal-aid highway program. The report will consider whether the apportionment factors established in

SAFETEA-LU, the performance goals and measures under 23 USC 150, or any other factors would yield a more data-driven or equitable apportionment of funding. In addition, FHWA will consult with the EPA to determine whether the CMAQ apportionment formula best achieves the air quality goals under 23 USC 149.

Directs the Secretary to consider the needs-based share of funding that is necessary for the territories and determine how to incorporate Puerto Rico into the state apportionments.

**Sec. 1607. Consolidation of programs.**

Increases funding for operation lifesaver, work zone safety grants, the national work zone information safety clearinghouse, and the public road safety clearinghouse. Clarifies that these amounts are available at 100 percent federal cost share.

**Sec. 1608. Student outreach report to Congress.**

Requires the Secretary to report on U.S DOT's efforts to encourage students to pursue careers in the surface transportation sector.

**Sec. 1609. Task force on developing a 21<sup>st</sup> century surface transportation workforce.**

Establishes a task force comprised of representatives from surface transportation industry sectors, labor, and other experts to develop recommendations and strategies to address surface transportation workforce needs and ways to increase representation of women and minorities in surface transportation careers.

**Sec. 1610. On-the-job training and supportive services. [23 USC 140(b)]**

Establishes transparency and reporting requirements for the On-the-Job Training and Supportive Services program. Requires states to develop annual statewide workforce development plans to identify and address workforce gaps and underrepresentation of women and minorities and to establish annual workforce development compacts with state workforce development boards and other appropriate agencies.

**Sec 1611. Appalachian development highway system funding flexibility.**

Allows Appalachian states flexibility to use funding provided under the Appalachian Development Highway System (ADHS) program for other transportation purposes.

**Sec. 1612. Transportation education development program. [23 USC 504(f)]**

Adds transparency and reporting requirements to track the program objectives of grant recipients and progress made toward developing new curricula and education programs to train individuals at all levels of the transportation workforce.

**Sec. 1613. Working group on construction resources.**

Establishes a working group consisting of state, local, and tribal officials and relevant industry stakeholders to assess the availability of certain transportation-related construction materials. The working group will report to the Secretary with any findings and recommendations to reduce the cost and environmental impacts of the transportation construction supply chain.

**Sec. 1614. Numbering system of highway interchanges.**

Prevents the imposition of a penalty for states that fail to comply with certain requirements for numbering of highway interchanges in effect on the date of enactment of this Act.

**Sec. 1615. Toll credits.**

Directs the U.S. DOT to analyze the impact of the toll credits on transportation expenditures and the viability of establishing a toll credit exchange.

**Sec. 1616. Transportation construction materials procurement.**

Directs the Secretary to conduct a review of the procurement processes used by state DOTs to select construction materials for projects utilizing federal-aid highway funds.

**Sec. 1617. Nationwide road safety assessment.**

Directs the Secretary of Transportation to conduct, every two years, a nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each state.

**Sec. 1618. Climate resilient transportation infrastructure study.**

Directs the Department of Transportation to enter into an agreement with the Transportation Research Board to conduct a climate resilient transportation infrastructure study.

**Sec. 1619. Natural gas, electric battery, and zero emission vehicles.**

Expands the existing 2,000 pound additional weight allowance for natural gas vehicles to electric battery and zero emission vehicles.

**Sec. 1620. Guidance on evacuation routes.**

Requires FHWA, in consultation with the Federal Emergency Management Agency (FEMA), to revise existing guidance or issue new guidance, as appropriate, regarding the design, construction, maintenance, and repair of evacuation routes.

**Sec. 1621. High priority corridors on the National Highway System.**

Designates certain high priority corridors and future interstates.

**Sec. 1622. Guidance on inundated and submerged roads.**

Requires FHWA, in coordination with FEMA, to review guidance issued pursuant to section 1228 of the *Disaster Recovery Reform Act of 2018* (P.L. 115–254) and issue guidance regarding the repair, restoration, and replacement of inundated or submerged roads.

**Sec. 1623. Dry bulk weight tolerance.**

Authorizes a 10 percent axle weight tolerance for commercial vehicles transporting dry bulk goods.

**Sec. 1624. Highway use tax evasion projects.**

Reauthorizes the highway use tax evasion program.

**Sec. 1625. Labor standards.**

Reiterates the policy of the United States, consistent with the International Labor Organization Convention and legislation dating to back to the *Tariff Act of 1930*, that the federal government shall not purchase items produced through the use of child labor.

**Sec. 1626. Climate resiliency report by GAO.**

Directs GAO to evaluate the economic benefits, including avoided impacts on property and life, of the use of building codes and standards to support resilience to climate impacts.

**Sec. 1627. Designation of John R. Lewis Voting Rights Highway.**

Designates U.S. Route 80 in Alabama as the “John R. Lewis Voting Rights Highway.”

**Sec. 1628. GAO study on capital needs of public ferries.**

Direct the GAO to study the capital investment needs of public ferries and how federally-funded programs are meeting such needs. Requires GAO to examine the feasibility of including public ferries in the annual Department of Transportation Conditions & Performance report.

**Sec. 1629. Use of modeling and simulation technology.**

States the sense of Congress that the DOT should utilize, to the fullest extent practicable, modeling and simulation technology to analyze highway and public transportation projects.

**Sec. 1630. GAO study on per-mile user fee equity.**

Directs the GAO to study the equity impacts of per-mile user fee systems, including their impact on underserved communities, access to jobs and services, effects on both urban and rural areas, and impacts on passenger and commercial vehicles.

**Sec. 1631. GAO review of equity considerations at state DOTs.**

Directs the GAO to review the extent to which state DOTs consider the needs of underserved populations in the transportation planning, project selection, and project delivery processes.

**Sec. 1632. Study on effectiveness of suicide prevention nets and barriers for structures other than bridges.**

Directs GAO to study the effectiveness of suicide nets and barriers.

**Sec. 1633. Repeal of pilot program.**

Repeals an obsolete pilot program.

**Sec. 1634. Technical corrections.**

Makes technical corrections to title 23, USC.

## **TITLE II—PUBLIC TRANSPORTATION**

### **Subtitle A—Federal Transit Administration**

**Sec. 2101. Authorizations. [49 USC 5338]**

Authorizes \$73.5 billion in contract authority for FY23 through FY26 for the federal transit program. Creates a new set aside for administrative costs for Buy America. Ensures that funds provided may not be used to provide a contract, grant, or loan to a state-owned or -related enterprise.

**Sec. 2102. Chapter 53 definitions. [49 USC 5302]**

Adds definitions for “resilience” and “assault on a transit worker.” Includes bike share and micromobility under the definition for associated transit improvements. Amends the FTA Joint Development Program to remove the fair share revenue requirement for transit-oriented development projects that include at least 50 percent affordable housing. This is a higher threshold than other programs because FTA provides direct funding for Joint Development.

**Sec. 2103. General provisions. [49 USC 5323]**

Provides transit agencies more flexibility to meet community needs with limited exemptions to the charter service rule. Requires transit agencies to respond to intercity and charter bus requests for reasonable access to public transit facilities within 75 days. Prohibits the consideration of demographics as a reason for the denial of reasonable access. Requires a report to Congress on instances in which access is denied. Restores the ability to incorporate art into transit facilities. Creates a uniform and customer-friendly ADA complaint process.

**Sec. 2104. Miscellaneous provisions.**

Increases federal cost share to 90 percent for ADA accessibility in state of good repair projects. Treats the District of Columbia as a state in the high-density states formula. Authorizes FTA to provide technical assistance on the impacts of a new census count. Requires that transit agencies collect data on the assault of transit workers, pedestrian/bus fatalities, and bus frequency. Relaxes the phaseout of the Special Bus Rule to provide more flexibility in the provision of operating assistance. Allows the use of transportation development credits as local match for certain programs. Clarifies the definition of incidental use under the 5310 program.

**Sec. 2105. Policies and purposes. [49 USC 5301]**

Adds reductions in carbon emissions and improvements to resiliency to the purpose of the federal transit program.

**Sec. 2106. Fiscal years 2022 and 2023 formulas.**

Ensures that transit data from fiscal year 2020 and 2021 and impacted by COVID-19 will not be used in the calculation of transit formula apportionments.

**Sec. 2107. Metropolitan transportation planning. [49 USC 5303]**

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection.

Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

**Sec. 2108. Statewide and nonmetropolitan transportation planning. [49 USC 5304]**

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires states to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies.

Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every four years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and

transportation system access into project selection. Clarifies that states can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

**Sec. 2109. Obligation limitation.**

Provides obligation authority to match the contract authority authorized for FY23 through FY26.

**Sec. 2110. Public transportation emergency relief funds. [49 USC 5328]**

Increases the deadline for construction under the emergency relief program to six years.

**Sec. 2111. Certification requirements.**

Establishes a new certification that bus or rail rolling stock being procured do not contain or use any covered telecommunications equipment as defined by section 889 of the *John S. McCain National Defense Authorization Act for Fiscal Year 2019* (P.L. 115–232).

**Sec. 2112. Hold harmless.**

Permits Capital Investment Grant project sponsors to use ridership and service data and projections collected prior to the onset of the COVID-19 pandemic.

**Sec. 2113. Study on accessibility of public transportation.**

Requires the Secretary to submit to Congress a report on public transportation access challenges.

**Subtitle B—Improving Frequency and Ridership**

**Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants. [49 USC 5308]**

Creates a new competitive program, funded at \$100 million annually, to increase bus frequency, ridership, and total person throughput by redesigning urban streets and corridors to efficiently move transit vehicles in congested major urban areas. The program is structured to require a partnership between transit agencies and state or local government agencies responsible for roadways.

**Sec. 2202. Incentivizing frequency in the urban formula. [49 USC 5336]**

Replaces the current incentive formula based on low operating costs with a formula based on vehicles per hour during peak service in the highest 25 percent of routes by ridership. This will incentivize ridership rather than low-cost operations. This formula change is phased in, providing time to collect the data and improve frequency on the highest ridership routes.

**Sec. 2203. Mobility innovation. [49 USC 5316]**

Creates a new set of federal rules for mobility on demand services and mobility as a service. Transit agencies are allowed to shift urban, rural, and seniors and individuals with disabilities funding to this program to take advantage of waivers under certain conditions. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips, carbon and particulate emissions, and third party contractors. Requires a negotiated rulemaking to bring the diverse stakeholders together to negotiate an open data standard necessary to bring the benefits of mobility on demand to more people. This section is effective once the rulemaking is complete.

**Sec. 2204. Formula grants for rural areas. [49 USC 5311]**

Revises the rural transit formula to increase the funding attributed to actual transit service. Provides flexibility to states for areas transitioning from rural to urban after a new census designation. Increases Tribal rural funds by 59 percent in the first year of the bill, with \$10 million for competitive grants and \$45 million for Tribal formula funds. Provides flexibility to fund continuous intercity bus service across state lines and requires public documentation of state certifications to waive the 15 percent of funds for intercity service. Clarifies that volunteer hours satisfy local cost share requirements for social service trips.

**Sec. 2205. One-stop paratransit program. [49 USC 5310]**

Creates a grant program to examine the costs and benefits of allowing flexibility in paratransit trips that allow one stop for certain needs like dropping children off at daycare or school or stopping briefly at the pharmacy, grocery store, or bank. The grant will cover reporting costs and costs associated with the extra stops.

**Subtitle C—Buy America and Other Procurement Reforms**

**Sec. 2301. Buy America. [49 USC 5320]**

Recodifies Buy America into section 5320, closes loopholes, removes bureaucratic burdens, clarifies waiver reporting requirements, and provides new incentives to boost domestic job production. Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content. Incentivizes higher domestic content by including final assembly costs into the domestic content calculation, providing an automatic 2.5 percent increase in domestic content if a zero-emission vehicle uses domestic battery cells, providing a bonus of 10 percent of domestic content for any component that exceeds 70 percent, and providing a bonus of 15 percent of domestic content for any component that exceeds 75 percent.

Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies, allows certifications to be used for multiple procurements, sets a standard for recertifications, and provides fair competition by ensuring certifications are consistently applied. The DOT Inspector General will provide annual audits of the program. Creates a refined waiver process for passenger vehicles, allowing automatic waivers for passenger vehicles that are domestically assembled and have a 60 percent domestic content as measured by the American Automobile Labeling Act. Requires domestic components use domestic steel and iron. Prohibits imported components from becoming domestic components. Requires FTA to review its bus and rail component and final assembly regulations to maximize domestic job creation and align with modern manufacturing techniques. Phases in the modifications of Buy America over a five-year timeframe.

**Sec. 2302. Bus procurement streamlining. [49 USC 5323(x)]**

Requires bus procurements to use performance-based specifications in a procurement instead of specifying individual components. Requires a negotiated rulemaking to establish a list of components and subcomponents that are waived from the performance-based specification requirement.

**Sec. 2303. Bus testing facility. [49 USC 5318]**

Provides a deadline to the Secretary to grant a manufacturer's request for testing, requires a public estimate of the backlog at the testing facility to begin a new bus test, and provides additional funds to expedite testing.

**Sec. 2304. Repayment requirement.**

Requires repayment of certain COVID-19 relief transit funds if those funds were used to purchase rolling stock from a state-owned enterprise.

**Sec. 2305. Definition of urbanized areas following a major disaster. [49 USC 5323(y)]**

Allows an urbanized area impacted by a major disaster to retain its urban area designation after a reduction in population below 50,000.

**Sec. 2306. Special rule for certain rolling stock procurements. [49 USC 5323(u)]**

Creates new conditions on federal financial assistance pertaining to the purchase of restricted rolling stock. Amends section 5323(u) of chapter 53 of title 49 by removing an exemption for transit agencies who have previously purchased restricted rail rolling stock.

**Sec. 2307. Spare ratio waiver. [49 USC 5323(z)]**

Waives the FTA spare ratio for rolling stock for a period of two years to provide transit agencies with flexibility to recover from the COVID-19 pandemic.

**Subtitle D—Bus Grant Reforms**

**Sec. 2401. Formula grants for buses. [49 USC 5339(a)]**

Provides \$5 billion for FY23 through FY26. Increases the national distribution baseline for states and territories.

**Sec. 2402. Bus facility and fleet expansion competitive grants. [49 USC 5339(b)]**

Provides \$1.6 billion for FY23 through FY26. Modifies the competitive bus program to focus on large one-time needs for bus garages, bus stations, and fleet expansions. Grant considerations are limited to age and condition of facilities, resilience, and multimodal connections at stations.

**Sec. 2403. Zero-emission bus grants. [49 USC 5339(c)]**

Provides \$4.085 billion for FY23 through FY26, an average annual increase of 1,500 percent over FAST Act funding. Sets procurement minimums to ensure transit agencies are investing appropriately in zero-emission bus fleets and the necessary charging infrastructure. Provides dedicated funds for states and transit agencies with accelerated fleet conversion plans; rural areas; low-income communities; and areas in Clean Air Act nonattainment or maintenance areas. Requires an agency plan for long term zero-emission bus needs and a fleet transition study.

**Sec. 2404. Restoration to state of good repair formula subgrant. [49 USC 5339(d)]**

Creates a subgrant, administered through the bus formula grant, that provides an increase in funding for transit agencies with the oldest buses. As these buses are replaced, the formula will automatically allocate funds to the agencies with the next oldest buses, creating a rolling funding increase that targets the agencies with the oldest buses.

**Sec. 2405. Workforce Development Training Grants. [49 USC 5339(e)]**

Authorizes 12.5 percent of the funds made available to carry out section 5339(c) for workforce training related to the maintenance and operation of zero-emission vehicles.

## Subtitle E—Supporting All Riders

### **Sec. 2501. Low-income urban formula funds. [49 USC 5336(j)]**

Doubles the urban formula low-income set aside from three to six percent. Expands the formula to include an emphasis on the low-income population in urban census tracts with a poverty rate above 20 percent. Requires transit agencies to ensure they are serving low-income individuals.

### **Sec. 2502. Rural persistent poverty formula. [49 USC 5311(a)]**

Sets aside \$50 million a year, administered through the rural formula grant, but based on rural areas with persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990. Requires states to distribute these federal funds to persistent poverty counties.

### **Sec. 2503. Demonstration grants to support reduced fare transit.**

Creates a demonstration grant to provide for a reduced fare for low-income riders to help close transit equity gaps. Requires collaboration with a University Transportation Research Center to study the impacts of these demonstration grants.

### **Sec. 2504. Equity in transit service planning.**

Requires the Secretary to issue best practices to aid transit agencies in defining a “major service change” for purposes of compliance with Title VI of the Civil Rights Act. Following the publication of these best practices, initiates a Transit Cooperative Research Program survey of the methods that transit agencies use for defining a major service change and the extent of adoption of the best practices.

### **Sec. 2505. GAO study on fare-free transit.**

Requires a GAO report on the provision of fare-free transit service in the U.S, including an assessment of the prevalence of fare-free transit and its potential impacts.

## Subtitle F—Supporting Frontline Workers and Passenger Safety

### **Sec. 2601. National transit frontline workforce training center. [49 USC 5314(b)]**

Creates a training center modeled on the successful National Transit Institute, but with a frontline employee mandate. Establishes labor-management partnerships to provide standards-based training in maintenance and operations occupations. The focus will include developing training standards, local training partnerships, training for new technologies including zero-emission buses, and training on safety and emergency preparedness.

### **Sec. 2602. Public transportation safety program. [49 USC 5329]**

Expands the national safety plan to include driver assist technologies and driver protection infrastructure.

Expands the transit agency safety plan to include a focus on passenger and personnel injuries, assaults, and fatalities; a risk management process to address transit worker assaults; a joint labor-management safety committee empowered to approve the safety plan; and a comprehensive frontline workforce training program on safety and de-escalation.

**Sec. 2603. Innovation workforce standards.**

Prevents a transit agency from deploying an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service or a mobility on demand service. Transit agencies considering transit automated vehicles and mobility on demand service are required to develop a workforce development plan describing how the automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle or mobility on demand service.

**Sec. 2604. Safety performance measures and set asides. [49 USC 5329]**

The safety committee must establish performance measures for the risk reduction program using a 3-year rolling average of the data in the National Transit Database. Transit agencies must set aside at least 0.75 percent of their 5307 funds, which are eligible for any purpose under 5307. If an agency fails to meet the performance measures, then their safety set aside must be used for projects that are reasonably likely to meet the performance measures, including modifications to rolling stock and de-escalation training.

**Sec. 2605. U.S. employment plan. [49 USC 5341]**

For rolling stock purchases over \$10 million, agencies shall include in their request for proposals an incentive for manufacturers to include fair wages, apprenticeships, local hire, and traditionally underrepresented labor.

**Sec. 2606. Technical assistance and workforce development. [49 USC 5314]**

Provides technical assistance to rural and tribal public transit focused on innovation and capacity-building.

**Subtitle G—Transit-Supportive Communities**

**Sec. 2701. Transit-supportive communities. [49 USC 5328]**

Establishes an Office of Transit-Supportive Communities to make grants, provide technical assistance, coordinate transit-housing policies across the Federal government, and incorporate strategies to promote equity for underrepresented and underserved communities.

The office will make grants available under the Transit Oriented Development Planning grant program, for projects in proximity to a new fixed guideway transit line, an existing fixed guideway transit line, a station that is part of a fixed guideway transit system, or the immediate corridor surrounding a high-frequency transit line.

**Sec. 2702. Property disposition for affordable housing. [49 USC 5334(h)]**

Allows a grantee to transfer property no longer needed to a local government authority, non-profit, or other third party for the purpose of transit-oriented development and releases the federal interest in that asset. Requires that at least 40 percent of the housing units in such a project be offered as affordable housing.

**Sec. 2703. Affordable housing incentives in Capital Investment Grants. [49 USC 5309]**

Provides multiple incentives in the CIG ratings process if the project preserves or encourages higher density affordable housing near the project. Allows Economic Development Administration Public Works grants and Department of Housing and Urban Development Community Development

Block Grants to be counted as part of the local share, provided that the funds are used in conjunction with an affordable housing development.

### **Subtitle H—Innovation**

**Sec. 2801. Mobility innovation sandbox program. [49 USC 5312(d)]**

Authorizes Mobility on Demand research and ties it to the types of projects eligible under Section 5316 - Mobility Innovation.

**Sec. 2802. Transit bus operator compartment redesign program. [49 USC 5312(d)]**

Authorizes FTA research on redesigning bus driver compartments to improve driver visibility, expand driver functionality, and reduce driver assault.

**Sec. 2803. Federal Transit Administration Every Day Counts initiative. [49 USC 5312]**

Establishes a new FTA Every Day Counts initiative, which currently exists within FHWA as a successful state DOT deployment program for innovative technologies and practices.

**Sec. 2804. Technical corrections. [49 USC 5312]**

Replaces research and deployment of low- and no-emission buses with zero-emission buses. Fixes several clerical errors.

**Sec. 2805. National advanced technology transit bus development program.**

Authorizes a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system.

**Sec. 2806. Public transportation innovation. [49 USC 5312]**

Supports competitive selection in the transit innovation program.

**Sec. 2807. Transit vehicle battery recycling and reuse.**

Requires the Secretary to issue regulations allowing for the recycling, reuse, repurposing, sale, or lease of transit vehicle batteries or battery components that are past their useful life for the purpose of transit vehicle propulsion but still retain utility for other purposes. Requires such regulations to enhance the reuse and recycling of batteries and component critical minerals, reduce costs for recipients, and encourage innovative second life uses including energy storage and wayside charging.

### **Subtitle I—Other Program Reauthorizations**

**Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority. [PL 110-432, Division B, Title IV, Sec. 601]**

Reauthorizes capital and preventive maintenance projects for WMATA and provides greater independence and a dedicated budget for the WMATA Inspector General.

**Sec. 2902. Other apportionments. [49 USC 5336]**

Provides \$245 million for FY23 through FY26 for passenger ferries. Increases the Small Transit Intensive Cities (STIC) program set-aside to three percent and provides a three year phase out for prior STIC recipients who no longer qualify under a new census designation.

## Subtitle J—Streamlining

### **Sec. 2911. Fixed guideway capital investment grants. [49 USC 5309]**

Reduces the bureaucratic burden within the Capital Investment Grant (CIG) approval process. The federal approval process for a new transit project is burdensome compared to the federal approval process for a new highway project. Modifications to the CIG program include:

- **Small Starts:** The federal cost cap for small starts projects increases to \$320 million and the total cost cap increases to \$400 million, providing more small projects a streamlined approval process.
- **Core Capacity:** Adds station expansion eligibility to core capacity projects. Allows these projects to start planning additional capacity 10 years before the corridor reaches capacity.
- **Engineering phase:** Increases to three years the time projects have to move into the engineering phase.
- **Project Development phase:** Cost and risk assessments may not be required in the project development phase, but applicants may choose to do their own assessments and FTA can provide technical assistance.
- **Federal Cost Share:** Reestablishes an 80 percent CIG cost cap for all CIG projects. Replaces the requirement on FTA to minimize Federal cost share with an option for a transit agency to choose a CIG cost share under 60 percent. Transit agencies that remain under 60 percent cost share are subject to less strenuous requirements for project approval by allowing the applicant to: determine the amount of the contingency funds; certify that local resources are available to continue running their current service; and secure only 75 percent of the local financial commitment to sign the Full Funding Grant Agreement (FFGA), with the remaining 25 percent budgeted, but not committed.
- **Contingency Funds:** For projects that seek the higher cost share, FTA will now provide 50 percent of the contingency amount required.
- **Project Rating Incentives:** Expands the use of incentives (warrants) for projects with a total cost under \$1 billion or projects that selected the lower cost share. This allows more projects to get automatic ratings when they meet certain criteria.
- **Transparency:** Provides an opportunity for applicants to seek clarification, at several key stages of the approval process, of what information FTA still requires from the applicant to secure project approval. Requires FTA to create a publicly accessible CIG dashboard to post monthly updates on the status of each CIG project in the approval process or under construction including the status of pending approvals.
- **Congressional Notification:** Reduces the number of days before a project can be signed after congressional notification to accelerate project approval.
- **Interrelated Projects:** Allows a rating improvement in mobility for projects that have another related project in the planning process that has secured initial NEPA guidance and will boost ridership on the current project seeking a rating.

### **Sec. 2912. Rural and small urban apportionment deadline. [49 USC 5336]**

Requires FTA to apportion formula funds made available by appropriation continuing resolutions to states by December 15<sup>th</sup> of the fiscal year. States may choose to apply for these funds or wait for the full-year apportionment. This will provide better access to federal formula funds to small urban areas, rural areas, and service providers for seniors or individuals with disabilities.

**Sec. 2913. Disposition of assets beyond useful life. [49 USC 5334]**

Establishes a new policy for proceeds from the sale of old equipment. The original federal share of the proceeds shall be retained by each transit agency and available for new capital projects following federal rules.

**Sec. 2914. Innovation coordinated access and mobility. [49 USC 5310]**

Expands an existing program designed to streamline the coordination of public transportation services and non-emergency medical transportation. Creates start-up grants designed to launch a coordinated approach of delivering better service by reducing duplication of services from different local, state, and federal healthcare agencies. Creates incentive grants to capture the savings from the coordination and reduced health care costs and redirects those savings back into better service.

**Sec. 2915. Passenger ferry grants.**

Authorizes the Secretary to make grants for zero- or reduced-emission passenger ferries.

**Sec. 2916. Evaluation of benefits and federal investment.**

Amends the Capital Investment Grant program criteria to include projects that improve transportation options to economically distressed areas.

**Sec. 2917. Best practices for the application of National Environmental Policy Act of 1969 to federally funded bus shelters.**

Provides for the issuance of best practices related to the application of NEPA to federally-funded bus shelter projects.

**Sec. 2918. Capital Investment Grant Streamlining.**

Repeals the Expedited Project Delivery pilot program. Grandfathers in projects currently participating in the program.

**TITLE III—HIGHWAY TRAFFIC SAFETY**

**Sec. 3001. Authorization of appropriations.**

Authorizes \$4.4 billion in contract authority for FY23 through FY26 for National Highway Traffic Safety Administration (NHTSA) programs.

**Sec. 3002. Highway safety programs. [23 USC 402]**

Creates new state highway safety program eligibilities to: educate the public on the dangers of pediatric vehicular hyperthermia; purchase and distribute child restraints to low-income families; and to reduce deaths and injuries resulting from violations of state “move over laws” which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway. Requires states which have legalized marijuana to consider additional programs to increase public awareness of the dangers of marijuana-impaired driving and to reduce injuries and fatalities resulting from marijuana-impaired driving. Allows an exemption from the prohibition on Sec. 402 funds being used for automated traffic enforcement systems if the system is being used in either a school zone or work zone. Directs the Secretary to enhance the ability for public review of state highway safety plans and reports by publishing each state’s plan and report on a public-facing website which can be easily navigated and searched. The website must have a means for the public to search a plans’ content, including by performance measures, program areas and expenditures, and additional funding sources.

**Sec. 3003. Fair and equitable traffic safety enforcement.**

Directs the Secretary to make grants to an eligible non-profit institution of higher education to establish and operate a national center of excellence for fair and equitable traffic safety enforcement (Center). The purpose of the Center will be to promote fair and equitable traffic safety enforcement with the goal of reducing traffic fatalities and injuries. The Center's duties will include researching and identifying best practices for states to promote fair and equitable traffic safety enforcement programs and to provide technical assistance to states participating in the Sec. 1906 Program to Prohibit Racial Profiling. In carrying out its duties, the Center will be required to consult with relevant stakeholders including civil rights organizations, traffic safety advocacy groups, law enforcement representatives, and others. The Secretary will be required to report to Congress on the Center's progress towards meeting its goals. Authorizes \$35 million per year in contract authority for the Center for FY23 through FY26.

**Sec. 3004. Highway safety research and development. [23 USC 403]**

Makes technical changes to clarify the Secretary's authority to use certain funds for a cooperative program to research and evaluate priority highway safety countermeasures and increases funding for the program from \$2.5 million to \$3.5 million per year. Removes the set-aside for the in-vehicle alcohol detection device research program.

**Sec. 3005. Grant program to prohibit racial profiling. [23 USC 403(j)]**

Reauthorizes and codifies a grant program, commonly referred to as the Sec. 1906 Program, encouraging states to prohibit the use of racial profiling by law enforcement during traffic safety stops and to collect statewide data on motor vehicle stops for analysis. Adds eligible uses of funds and increases funding to \$15 million each year. Removes the prohibition on receiving grant funds for more than two years for states who partially participate in the program but creates incentives for states to increase their participation and rewards states who are fully participating.

**Sec. 3006. National safety campaigns. [23 USC 404]**

Requires the Secretary to carry out one high-visibility enforcement campaign each year dedicated to: reducing drunk driving; reducing drunk and drug-impaired driving; and increasing seatbelt use. Improves visibility and education efforts of high-visibility enforcement campaigns through coordinated use of dynamic highway messaging signs. Adds requirement for NHTSA to carry out national traffic safety public awareness campaigns to: increase the proper use of seatbelts and child safety restraints; reduce instances of texting while driving; and reduce violations of state "move over laws" which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway.

**Sec. 3007. National priority safety programs. [23 USC 405]**

Makes targeted improvements to certain priority safety grant programs which have been previously underutilized, including programs for: the use of ignition interlocks; enactment and enforcement of state distracted driving laws; and state graduated driver's licensing laws. Reforms will increase state participation while maintaining strong safety standards. Also expands eligibility under the state traffic safety information system improvements grant to improve data sharing and interoperability between states' driver record systems. Creates new grant program which encourages states to develop and implement driver and law enforcement training programs to educate both groups on proper traffic stop procedure in order to reduce the potential for conflict during traffic stops.

Enables the Secretary to transfer any funds remaining under this section at the end of the fiscal year to carry out activities under either Sec. 402 or Sec. 405.

**Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence. [23 USC 164]**

Adds flexibility to the uses of penalty funds for states which haven't enacted or aren't enforcing a repeat intoxicated driver law to include 'poly-substance impaired driving' in addition to 'alcohol-impaired driving' countermeasures.

**Sec. 3009. National priority safety program grant eligibility.**

Requires the Secretary to list all deficiencies that made a state ineligible for a grant under the Sec. 405 program to help states identify and address remaining issues.

**Sec. 3010. Implicit bias research and training grants.**

Establishes a discretionary grant program available to institutions of higher education for research, development, technology transfer, and training activities in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops. Authorizes \$20 million annually to be appropriated for the program out of the general fund.

**Sec. 3011. Stop motorcycle checkpoint funding.**

Amends Sec. 4007 of the FAST Act, which prohibits the use of funds under title 23 from being used to establish checkpoints targeting motorcyclists, to include a prohibition on stopping motorcyclists based on their clothing or mode of transportation.

**Sec. 3012. Electronic driver's license.**

Allows state-provided electronic driver licenses to qualify as acceptable identification under the REAL ID Act.

**Sec. 3013. Motorcyclist advisory council.**

Establishes a motorcyclist advisory council to advise the Secretary on issues of concern to motorcyclist regarding barrier designs, roadway designs and maintenance, and implementation of intelligent transportation system technologies. Requires the Secretary to accept or reject recommendations from the council and to report to Congress on the Secretary's determinations.

**Sec. 3014. Report on marijuana research.**

Requires the Secretary, in consultation with the Departments of Justice and Health and Human Services, to develop recommendations on ways to improve access to marijuana samples and strains for scientific researchers studying impairment while driving under the influence of marijuana. Requires the Secretary to report the recommendations to Congress within two years of enactment of this Act.

**Sec. 3015. Comptroller General study on national DUI reporting.**

Directs GAO to study states' reporting of alcohol-impaired driving arrest and citation results into federal databases and to make recommendations for improving data reporting to the Secretary.

## TITLE IV—MOTOR CARRIER SAFETY

### Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

#### **Sec 4101. Motor carrier safety grants. [49 USC 31104]**

Authorizes \$2.2 billion in contract authority for FY23 through FY26 for motor carrier safety grants under the Federal Motor Carrier Safety Administration (FMCSA) to assist states in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts. Includes \$1.6 billion for Motor Carrier Safety Assistance Program (MCSAP) grants; \$300 million for High Priority Activities grants; \$232 million for Commercial Driver's License (CDL) Program Implementation grants; and \$4.3 million for Commercial Motor Vehicle Operators grants. Authorizes the Administrator to carry out training for state enforcement personnel through grants with one or more not-for-profit organizations. Extends the grant period of performance by one year to ensure program funds do not lapse and allows the Secretary to redistribute unobligated funds.

Amends CDL Program Implementation grants to limit to \$250,000 the amount a state can receive under the program for certain grant eligibilities in any fiscal year that a state has a delay of more than seven days for scheduling a CDL skills test and if the state does not allow private commercial driving schools from administering the skills test.

#### **Sec 4102. Motor carrier safety operations and programs. [49 USC 31101]**

Authorizes \$1.5 billion for FY23 through FY26 for FMCSA's motor carrier safety operations and programs. Directs the Administrator to utilize additional program amounts to accelerate investments to modernize the agency's information technology and information management systems, complete any outstanding statutory mandates, and undertake a new Large Truck Causation study.

#### **Sec. 4103. Immobilization grant program. [49 USC 31102(l)]**

Establishes a new incentive grant to encourage states to fully participate in the Performance and Registration Information Systems Management (PRISM) program. Full participation requires the impoundment or immobilization of passenger-carrying commercial motor vehicles with gross vehicle weights between 10,001 and 26,000 lbs. found to have significant safety violations. States can use the grant funds to impound or otherwise immobilize a passenger-carrying commercial motor vehicle found to have such violations.

#### **Sec. 4104. Operation of small commercial vehicles study.**

Directs the Secretary to initiate a review of the prevalence of, characteristics of, and safe operation of package delivery commercial vehicles weighing under 10,000 pounds. The study shall examine facets such as fleet structures, fleet management, driver treatment, driver training, and safety performance metrics.

### Subtitle B—Motor Carrier Safety Oversight

#### **Sec 4201. Motor carrier safety advisory committee.**

Extends the authorization for the Motor Carrier Safety Advisory Committee through FY26 and adds small carriers among those required to be represented on the Committee.

**Sec 4202. Compliance, safety, accountability.**

Requires the Secretary, within one year of enactment, to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program. Requires the Secretary to make safety data publicly available upon revision of the methodology. Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter on the status of the development of the revised methodology and related data modifications. Requires the Secretary to publish regulations to revise the process for issuing safety fitness determinations for motor carriers no later than one year after implementing the new CSA methodology.

**Sec 4203. Terms and conditions for exemptions. [49 USC 31315]**

Requires the Secretary to establish terms and conditions for carriers and drivers operating under an exemption from safety rules, including requiring the regular submission of safety data, carrying documentation of the exemption, and for exemptions related to hours of service rules, participation in a recognized fatigue management plan.

**Sec 4204. Safety fitness of motor carriers of passengers. [49 USC 31144]**

Requires the Secretary to review the safety of entities that offer and sell tickets for scheduled motorcoach transportation, regardless of ownership or control of the vehicles or drivers used to provide the transportation.

**Sec. 4205. Providers of recreational activities.**

Exempts providers of recreational activities operating small passenger vehicles from federal registration requirements if they operate within 150 air mile radius.

**Sec. 4206. Amendments to regulations relating to transportation of household goods in interstate commerce.**

Directs DOT to update regulations related to the interstate transportation of household goods, and to consider changes recommended by the FAST Act's Household Goods Consumer Protection Working Group.

**Sec. 4207. Broker guidance.**

Directs DOT to issue guidance to clarify the definitions and roles of brokers and bona fide agents. Requires the Secretary to consider the impact of technology and the role of dispatch services in the freight transportation industry.

**Subtitle C— Commercial Motor Vehicle Driver Safety**

**Sec 4301. Commercial driver's license for passenger carriers. [49 USC 31301]**

Requires drivers of limousines to hold a CDL.

**Sec 4302. Alcohol and controlled substances testing. [49 USC 31306]**

Makes a technical change to 49 USC 31306 to ensure that FMCSA has the authority to implement oral fluids testing if the DOT amends its drug and alcohol testing regulations to permit oral fluids testing.

**Sec 4303. Entry-level driver training.**

Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter until full implementation of FMCSA’s Entry Level Driver Training rule, including: a schedule and benchmarks to finalize implementation of the requirements; reporting of any anticipated delays in meeting the benchmarks; progress made in updating FMCSA’s information technology infrastructure to support the training rule; and progress made by states in implementing the rule.

**Sec 4304. Driver detention time.**

Requires the Secretary to begin collecting data on delays experienced by drivers in the loading and unloading of goods, or detention time, within 30 days of enactment. Requires such data to be made publicly available in an anonymized manner. Requires a rulemaking, no later than one year after enactment, to establish limits on the amount of time that a driver may be reasonably detained, unless compensated for the time.

**Sec 4305. Truck Leasing Task Force.**

Requires the Secretary of Transportation, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force to examine common truck leasing agreements, and the terms of such agreements, available to truck drivers, including port drayage drivers specifically. The Task Force shall also examine the impact of truck leasing agreements on the net compensation of drivers, and resources available to assist drivers in assessing the impacts of leasing agreements.

**Sec 4306. Hours of service.**

Requires FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions and expansions of on-duty time for commercial truck drivers finalized by the agency in a 2020 rulemaking. The Secretary must document existing exemptions from hours of service rules and conduct a safety analysis and a driver impact analysis as part of the comprehensive review. Directs FMCSA to revise the agency’s guidance with respect to the use of a commercial motor vehicle for personal conveyance, to establish specific mileage or time limits on the use of this exception.

**Sec 4307. Driver recruitment.**

Requires the DOT Inspector General to examine and report to Congress on the prevalence of the operation of commercial motor vehicles by drivers admitted to the United States under temporary business visas, and the safety impacts of such operations.

**Sec. 4308. Screening for obstructive sleep apnea.**

Directs FMCSA to, within one year, assess the risks posed by untreated obstruction sleep apnea, and initiate a rulemaking to establish screening criteria for obstructive sleep apnea among commercial vehicle drivers.

**Sec. 4309. Women of Trucking Advisory Board.**

Directs the FMCSA Administrator to establish and facilitate a “Women of Trucking Advisory Board” to encourage organizations and programs that provide education, training, mentorship, or outreach to women in the trucking industry; and recruit women into the trucking industry.

**Sec. 4310. Application of Commercial Motor Vehicle Safety.**

Makes Puerto Rico eligible to receive Commercial Drivers' License Program Implementation grants under chapter 313 of title 49, and provides a grace period to come into compliance with the requirements of the program.

**Sec. 4311. Use of Data**

Allows data from Electronic Logging Devices to be used by FMCSA for transportation research.

**Subtitle D—Commercial Motor Vehicle and School Bus Safety**

**Sec 4401. School bus safety standards.**

Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses. Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems. Directs the Secretary to conduct research and testing on fire prevention and mitigation standards—including firewalls, fire suppression systems, and interior flammability and smoke emissions characteristics—for large school buses and consider issuing updated standards.

**Sec 4402. Illegal passing of school buses.**

Requires the Secretary to research drivers' understanding of and attitudes towards illegal school bus passing and to create and disseminate a public messaging campaign to highlight the dangers of illegal passing and educate students and the public on safe loading and unloading of school buses. Directs the Secretary to conduct an evaluation of advanced school bus safety technologies surrounding loading zone safety, such as motion activated detection systems and upgraded warning lights.

Directs GAO to review state laws and efforts to educate drivers on illegal school bus passing and make recommendation to states on how to improve driver education efforts.

**Sec 4403. State inspection of passenger-carrying commercial motor vehicles.**

Requires the Secretary to review current state practices regarding annual inspection of passenger-carrying commercial motor vehicles to determine which inspection models are most used and evaluate their impact on commercial vehicle safety. The Secretary must report the findings to Congress.

**Sec 4404. Automatic emergency braking.**

Requires the Secretary, no later than one year after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for newly manufactured heavy-duty commercial motor vehicles to be equipped with an automatic emergency braking system, and to require that systems installed in such vehicles be in use during operation. The Secretary is directed to consult with representatives of commercial motor vehicle drivers regarding their experiences with automatic emergency braking systems already in use, including malfunctions or unwarranted activations of such systems. Directs the Secretary to complete research on applying automatic emergency braking systems in medium-duty commercial vehicles and, if warranted, develop performance standards for such automatic braking systems. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards.

**Sec 4405. Underride protection.**

Directs the Secretary to strengthen rear underride guard standards within one year of enactment, and to conduct additional research on the design and development of rear impact guards to prevent underride crashes at higher speeds. Requires the Secretary to amend regulations on minimum periodic inspections to include rear impact guards and rear end protection. Requires the Secretary to complete additional research on side underride guards and consider the feasibility, benefits, and costs associated with installing side underride guards, and if warranted, develop performance standards. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards. Creates an Advisory Committee on Underride Protection.

**Sec 4406. Transportation of horses. [49 USC 80502]**

Prohibits the interstate transportation of horses in a motor vehicle containing two or more levels stacked on top of one another and authorizes civil penalties of at least \$100 but not more than \$500 for each violation of this prohibition.

**Sec. 4407. Additional State authority.**

Provides limited authority for a state to modify the total length of a longer combination vehicle permitted to operate in such state, if the modification is solely to allow a larger tractor, and provided that none of the additional length can be to increase the length of a trailer, semi-trailer, or other cargo-carrying unit of the LCV.

**Sec. 4408. Updating the required amount of insurance for commercial motor vehicles.**

Increases the minimum amount of insurance required for commercial motor vehicles from \$750,000 to \$2 million, and directs this amount to be adjusted for inflation by FMCSA every five years.

**Sec. 4409. Universal electronic identifier.**

Requires the Secretary to prescribe a motor vehicle safety standard to require newly manufactured commercial motor vehicles to be equipped with a universal electronic identifier that identifies the vehicle to roadside inspectors for enforcement purposes.

**TITLE V—INNOVATION**

**Sec. 5001. Authorization of appropriations.**

Authorizes \$2.2 billion in contract authority for FY23 through FY26 for research programs.

**Subtitle A—Research and Development**

**Sec. 5101. Highway research and development program. [23 USC 503(b)]**

Increases funding to \$144 million for FY23 through FY26 for the Highway Research and Development Program and removes set-asides that previously took funding away from critical research activities. Adds greenhouse gas emissions reduction to the objectives of the Highway Research and Development Program. Directs DOT to develop modeling tools and databases to track highway assets, traffic flows, and long-distance network connectivity to better inform planning for both passenger and freight travel. Authorizes FHWA to obtain and develop datasets and tools that enable states, MPOs, and others to better evaluate performance management and accessibility to jobs and services.

**Sec. 5102. Materials to reduce greenhouse gas emissions program. [23 USC 503(d)]**

Establishes a new comprehensive research, development, and deployment pipeline to advance the use of greener construction materials. The program will award grants to universities to research greener material designs and practices during the production and construction process, including the ability for materials to sequester carbon from the atmosphere.

**Sec. 5103. Transportation research and development 5-year strategic plan. [49 USC 6503]**

Requires the Secretary to issue the Department's research and development plan every five years. Amends the five year plan to include greenhouse gas emissions reduction and workforce issues.

**Sec. 5104. University transportation centers program. [49 USC 5505]**

Increases funding to \$96 million for FY23 through FY26 for the University Transportation Centers Program. Adds FTA to the administration of the program. Increases federal share and increases maximum grant amounts. Directs the Secretary to consider cybersecurity in making grants under the program. Adds focused research on transit, connected and automated vehicles, bicyclist and pedestrian safety, surface transportation workforce issues, and climate change. Provides flexibility to transfer surplus funds to support further research in the Unsolicited Research Initiative in section 5105.

**Sec. 5105. Unsolicited research initiative. [23 USC 5506]**

Establishes a new program through which local governments, universities, and nonprofits may, at any time, propose research projects to the Secretary. This will expand opportunities for fundamental, non-applied research in the Department.

**Sec. 5106. National cooperative multimodal freight transportation research program. [49 USC 70205]**

Reestablishes the freight transportation cooperative research program in conjunction with the National Academies. Guides research efforts through an advisory committee consisting of regulators, industry representatives, labor representatives, environmental experts, and safety groups. Research will include the effects of growing freight demands on the environment, safety, and congestion; technological solutions and challenges for freight movement; improving the National Multimodal Freight Network; truck parking; and planning for the changing nature of freight movements, including first and last-mile challenges.

**Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.**

Authorizes a study on wildlife-vehicle collisions and habitat connectivity, to update previous FHWA research. Directs the Secretary to create workforce development and training courses based on the study. Requires the Secretary to issue voluntary guidance to develop a joint plan for wildlife crossings among participating States. Directs the Secretary to standardize wildlife-vehicle collisions and habitat connectivity data. Authorizes additional voluntary guidance to establish a threshold for determining whether a highway could benefit from wildlife crossing infrastructure.

**Sec. 5108. Research activities. [49 USC 330]**

Reauthorizes the set-aside for coordination, evaluation, and oversight of research programs.

**Sec. 5109. Transportation equity research program.**

Reestablishes the DOT Transportation Equity Research Program. Authorizes research on the impacts of surface transportation planning, investment, and operations.

**Sec. 5110. Surface transportation research, development, and technology. [23 USC 502]**

Authorizes the Secretary to enter into agreements with entities that represent the needs of metropolitan planning organizations in order to carry out research activities.

**Sec. 5111. Metropolitan planning research pilot program.**

Establishes a new pilot program to make financial awards to metropolitan planning organizations to carry out research activities. Goals of the program will include enhancing surface transportation metropolitan planning practices to improve the ability of MPOs to meet performance measures and targets, address climate change, improve access to jobs and services, and support underserved communities.

**Subtitle B—Technology Deployment**

**Sec. 5201. Technology and innovation deployment program. [23 USC 503(c)]**

More than doubles funding to \$152 million for FY23 through FY26 for the Technology and Innovation Deployment Program. Adds greenhouse gas emissions reduction to the objectives of the FHWA Technology and Innovation Deployment Program (TIIDP).

**Sec. 5202. Accelerated implementation and deployment of pavement technologies. [23 USC 503(c)(3)]**

Adds to this program an emphasis on innovative pavement designs, materials, and practices that will reduce greenhouse gas emissions. Expands program reporting requirements to include extensive GHG-reducing and resilience factors, such as stormwater management, pavement durability, and energy efficiency. This program will complement the deployment efforts of the Materials to Reduce Greenhouse Gas Emissions program in section 5102.

**Sec. 5203. Federal Highway Administration Every Day Counts initiative. [23 USC 520]**

Codifies the FHWA Every Day Counts initiative, a successful deployment effort among the Department and state DOTs.

**Subtitle C—Emerging Technologies**

**Sec. 5301. Mobility through advanced technologies. [23 USC 503(c)(4)]**

Renames the Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) program to the Mobility through Advanced Technology (MTAT) program. Focuses the program's objectives on mobility, safety, and greenhouse gas emissions reduction. Requires the Secretary to prioritize programs that will improve mobility, decrease congestion, increase safety, and reduce emissions. Expands eligible uses of funds to include vehicle-to-pedestrian safety systems, vulnerable road user safety systems, cybersecurity protections, and mobility-on-demand activities. Enhances reporting requirements. Increases funding to \$70 million per year and expands the federal share of the program to 80 percent.

**Sec. 5302. Intelligent transportation systems program. [23 USC 513-516]**

Adds consideration of greenhouse gas emissions reduction throughout the Intelligent Transportation Systems (ITS) program. Reauthorizes the ITS Program Advisory Committee. Removes set-asides that previously took funding away from intelligent transportation activities.

**Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse. [49 USC 5507]**

Establishes a national clearinghouse at a university to research the impacts of highly automated vehicles and mobility innovation (Mobility on Demand and Mobility as a Service) on land use, urban design, transportation, real estate, accessibility, municipal budgets, social equity, and the environment.

**Sec. 5304. Study on safe interactions between automated vehicles and road users.**

Directs U.S. DOT to study how automated vehicles will safely interact with general road users, including vulnerable road users such as bicyclists and pedestrians. Includes numerous safety considerations to ensure that the study accounts for the complexities of the surface transportation system and its many users. Establishes a working group of road users to guide the study.

**Sec. 5305. Non-traditional and emerging transportation technology council. [49 USC 118]**

Authorizes the Non-Traditional and Emerging Transportation Technology (NETT) Council to develop cohesive regulatory practices for novel transportation technologies presented to the DOT.

**Sec. 5306. Surface transportation workforce retraining grant program.**

Establishes a workforce retraining grant program for surface transportation workers whose jobs have been or will be affected by automation. The program will award grants to eligible entities to test new roles for existing jobs, to develop degree or certification-granting programs, and for direct worker training or train-the-trainer programs.

**Sec. 5307. Third-party data integration pilot program.**

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to implement integrated traffic management systems that will improve traffic flow.

**Sec. 5308. Third-party data planning integration pilot program.**

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to improve transportation planning.

**Sec. 5309. Automated commercial vehicle reporting.**

Directs the Secretary to require entities operating automated commercial motor vehicles in interstate commerce to report safety data to the Secretary. Requires the Secretary to establish a repository of such data and make certain data publicly available in a safe manner that protects the privacy of submitting entities.

**Subtitle D—Surface Transportation Funding Pilot Programs**

**Sec. 5401. State surface transportation system funding pilots.**

Nearly doubles funding for state-level Vehicle Miles Traveled (VMT) pilot programs and directs program dollars towards implementation of successful state programs. Adds cybersecurity to the scope of the pilot programs.

**Sec. 5402. National surface transportation system funding pilot.**

Establishes a new five year national VMT pilot program. Directs the Secretary to solicit participants from all 50 states and the District of Columbia. Incorporates passenger and commercial vehicles, including vehicle fleets. Provides flexibility for the type of revenue-collection mechanism used in the

pilot, including successful VMT pilots implemented at the state level. Directs collected revenue to the HTF. Establishes an advisory board to help carry out the pilot.

### **Subtitle E—Miscellaneous**

**Sec. 5501. Ergonomic seating working group.**

Establishes a working group to improve the musculoskeletal health of transit and commercial vehicle drivers by developing stronger ergonomic seating standards in transit and commercial vehicles. Requires the working group to compare design standards for women to those for men.

**Sec. 5502. Repeal of section 6314 of title 49, United States Code. [49 USC 6314]**

Repeals the Port Performance Freight Statistics Program.

**Sec. 5503. Transportation workforce outreach program. [49 USC 5508]**

Directs the Secretary to establish a public service announcement campaign to increase awareness of transportation sector career opportunities and to increase diversity in the transportation sector.

**Sec. 5504. Advisory council on transportation statistics. [49 USC 6305]**

Reauthorizes the Advisory Council on Transportation Statistics.

**Sec. 5505. GAO review of discretionary grant programs.**

Directs the Government Accountability Office to review the extent to which the Secretary is considering the needs of underserved populations in certain discretionary grant programs.

## **TITLE VI—MULTIMODAL TRANSPORTATION**

**Sec. 6001. National multimodal freight policy. [49 USC 70101]**

Revises the National Multimodal Freight Policy to include further consideration of environmental and equity impacts.

**Sec. 6002. National freight strategic plan. [49 USC 70102]**

Revises the National Freight Strategic Plan to include further consideration of environmental and equity impacts.

**Sec. 6003. National multimodal freight network. [49 USC 70103]**

Amends the National Multimodal Freight Network to include ports that have a total annual cargo value of at least \$1 billion. Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline. Allows for the establishment of critical urban multimodal freight corridors in the same manner as the establishment of critical rural multimodal freight corridors.

**Sec. 6004. State freight advisory committees. [49 USC 70201]**

Provides for the participation of additional stakeholders in state freight advisory committees, including metropolitan planning organizations, state environmental departments, and state air quality departments.

**Sec. 6005. State freight plans. [49 USC 70202]**

Revises the requirements for State Freight Plans to include further consideration of environmental and equity impacts.

**Sec. 6006. Study of freight transportation fee.**

Establishes a joint task force between the DOT and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services. Includes an assessment of the revenue such a fee would generate, the entities that would be impacted by such a fee, and assessments of related operational and administrative issues. Requires the Secretary to report to Congress on the outcome of the study.

**Sec. 6007. National Surface Transportation and Innovative Finance Bureau. [49 USC 116]**

Modifies the purpose of the Bureau to include proactive outreach to communities located outside of metropolitan or micropolitan statistical areas and coordinating with the Department of Agriculture's Office of Rural Development, the Environmental Protection Agency's Office of Community Revitalization, and any other agencies that provide technical assistance for rural communities.

**TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT**

**Sec. 7001. Transportation Infrastructure Finance and Innovation Act. [23 USC Chapter 6]**

Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-federal funds. Allows territories to use funds made available under this section for the non-federal match under the TIFIA program. Clarifies the criteria under which projects are eligible for the streamlined application process. Provides additional funding to allow the Department to waive fees for small projects. Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area. Requires the Department to issue public monthly status reports on TIFIA applications and projects. Clarifies the application of Buy America standards for commuter rail procurements under TIFIA.

**DIVISION C – HAZARDOUS MATERIALS TRANSPORTATION**

**TITLE I—AUTHORIZATIONS**

**Sec. 8101. Authorization of appropriations.**

Authorizes appropriations for the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials safety program at \$360 million over five years.

**TITLE II—HAZARDOUS MATERIAL SAFETY AND IMPROVEMENT**

**Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.**

Repeals Section 828 of the *FAA Modernization and Reform Act of 2012*. That section prohibits DOT from issuing any regulation ensuring the safety of transporting lithium batteries in air cargo compartments of passenger and cargo planes if the regulations are more stringent than the lowest common denominator of international standards. Repealing this provision helps protect the safety

of all passengers flying in the U.S. from safety risks associated with lithium batteries. Directs PHMSA to review outstanding National Transportation Safety Administration recommendations regarding the transportation of lithium batteries by air.

**Sec. 8202. Transportation of liquefied natural gas by rail tank car.**

Requires DOT to rescind any special permit or approval for the transport of liquefied natural gas (LNG) by rail tank car issued before the date of enactment. Also prohibits DOT regulations on the transport of LNG by rail tank car from taking effect until DOT conducts a further safety evaluation. Directs PHMSA and FRA to initiate an evaluation of the safety, security, and environmental risks of transporting LNG by rail, which must include performance evaluation of tank cars, including physical testing of rail tank cars. The evaluation also must examine the impact of a discharge of LNG from a rail tank car and consider several related issues, including the benefits of route, speed, and consist restrictions, the needs of first responders to prepare and safely respond to incidents involving LNG, and the types of safety enhancements required to make tank cars and certain rail containers capable of moving LNG by rail safely. GAO must verify that DOT has complied with this mandate.

**Sec. 8203. Hazardous materials training requirements and grants.**

Authorizes the Assistance for Local Emergency Response Training (ALERT) grant, which promotes hazmat response training for volunteer or remote emergency responders, at \$9 million over five years.

**Sec. 8204. Lithium battery approval.**

Establishes a PHMSA approval program for certain high-risk lithium battery types, which will allow safety inspection personnel and carriers to verify that these batteries comply with international and domestic safety requirements.

**DIVISION D – RAIL**

**TITLE I—AUTHORIZATIONS**

**Sec. 9001. Short title.**

Cites the division as the “Transforming Rail by Accelerating Investment Nationwide Act” or the “TRAIN Act”.

**Sec. 9101. Authorization of appropriations.**

Provides \$32 billion over five years in grants to support Amtrak’s intercity passenger rail service on the Northeast Corridor (NEC) and the National Network. Provides \$25 billion over five years to both the Passenger Rail Improvement Modernization and Expansion grant program and the Bridges, Stations, and Tunnels grant program and \$7 billion to the Consolidated Rail Investment and Safety Improvements grant program. Authorizes over the next five years appropriations for the State-Amtrak Intercity Passenger Rail Committee at \$20 million, the Northeast Corridor Commission at \$30 million, and the Grade Crossing Separation Grant program at \$2.5 billion.

Authorizes appropriations for the Federal Railroad Administration (FRA) Safety and Operations account at \$1.567 billion over five years and requires FRA to increase the number of safety inspectors by 20 percent over five years; sets aside \$20 million a year for FRA regional planning processes; authorizes appropriations for the Amtrak Office of Inspector General at \$137.5 million

over five years and FRA's Railroad Research and Development account at \$335 million over five years.

Finally, blocks federal financial assistance to any entity that is owned or controlled by a State-Owned Enterprise and includes a Sense of the Committee that a rail trust fund should be created and authorizes FRA grant programs to be funded by a rail trust fund if one is created.

**Sec. 9102. Passenger rail improvement, modernization, and expansion (PRIME) grants.**

This new high-speed and intercity passenger rail competitive grant program authorizes grant funding of \$25 billion over five years to improve mobility, operational performance, or growth of high-speed or intercity passenger rail corridors. Priority is given for projects that incorporate regional planning, or have the support of multiple states, provide environmental benefits, such as greenhouse gas reduction and other air quality benefits and/or improve service in and to socially disadvantaged communities. The grant program reserves four percent of funds for high-speed rail corridor development planning and has a federal cost-share of up to 90 percent.

**Sec. 9103. Consolidated rail infrastructure and safety improvements (CRISI) grants.**

Reauthorizes the FRA's CRISI competitive grant program to fund freight and passenger rail projects at \$7 billion over five years. Safety program eligibilities expressly allow for projects to help prevent rail trespassing and suicide. New preferences are added for projects that positively impact socially disadvantaged communities and for zero-emission locomotives. Commuter rail and Tribal government rail projects are newly eligible. The section retains the 25 percent set aside for rural projects and establishes a 25 percent set aside for projects over \$100 million and removes a preference for projects with a lower percentage of federal funding. The federal cost share remains up to 80 percent for most projects.

**Sec. 9104. Railroad rehabilitation and improvement financing (RRIF).**

Through the RRIF program, the DOT provides direct loans and loan guarantees to finance development of railroad infrastructure. New provisions direct the Secretary to repay the credit risk premium (CRP) with interest for each loan defined in cohort 3 (made between 2009 and 2015) not later than 60 days after all obligations attached to each such loan has been satisfied. The section also authorizes \$900 million over five years for the Secretary to pay the CRP in whole or in part for loan and loan guarantees for state and local governments, congressionally consented interstate compacts, and government-sponsored authorities. For entities that pay a credit risk premium, this section provides certainty that upon loan payoff, the credit risk premium will be refunded. The section makes permanent the authority for transit-oriented development project loans, and it clarifies that RRIF loans may be used as the non-federal share of project costs for DOT federal grant programs if such loans are repaid from non-federal funds.

**Sec. 9105. Bridges, stations, and tunnels (BeST) grant program.**

Authorizes \$25 billion in a new directed grant program to fund major intercity passenger rail bridges, stations, tunnels, and any co-located projects that can be completed concurrently. Projects must be consistent with multi-state planning, have Tier I environmental impact statement work complete, and be in locations with cost-sharing methodology in place.

**Sec. 9106. Buy America.**

Requires DOT to provide notice and opportunity for public comment on requests for waivers from FRA's Buy America standards at least 30 days before making a finding on such request. Also

requires DOT to annually report to Congress on the waivers granted during the preceding fiscal year.

## TITLE II—AMTRAK REFORMS

### **Sec. 9201. Amtrak findings, mission, and goals.**

Amtrak's findings, mission, and goals have been revised to reflect Congressional priorities for Amtrak. Amtrak must provide reliable national intercity passenger rail service, reflect the needs of all passengers, and support the U.S. workforce.

### **Sec. 9202. Amtrak status.**

Clarifies that Amtrak serves the public interest in providing reliable passenger rail service.

### **Sec. 9203. Board of Directors.**

Realigns the makeup of Amtrak's board of directors to better reflect the interests of passengers and Amtrak-served states. The board must represent the interests of areas served by Amtrak, Amtrak's passengers and employees, the Amtrak CEO, and DOT. Also clarifies that the board members must balance consideration for the travelling public's interests in a sustainable national passenger rail service, with fiduciary responsibilities and Amtrak's mission and goals.

### **Sec. 9204. Amtrak preference enforcement.**

Amtrak's preferential access to freight-owned corridors dates to Amtrak's early years and is key to the future success of intercity passenger rail transportation. This provision provides a means for Amtrak to enforce its statutory right of preference directly in federal court without intermediaries.

### **Sec. 9205. Use of facilities and providing services to Amtrak.**

Revises the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair freight transportation and initiate a proceeding to evaluate what additional investments are required.

### **Sec. 9206. Prohibition on mandatory arbitration.**

Prohibits Amtrak from imposing mandatory arbitration. This reverses Amtrak's recent change to its ticket policy to include a mandatory arbitration clause that forces passengers who purchase tickets to waive their right to file a lawsuit or participate in a class action.

### **Sec. 9207. Amtrak ADA Assessment.**

Amtrak's trains, stations, facilities, policies, and decision-making processes must serve passengers with disabilities. This provision requires Amtrak to perform a comprehensive review every two years of all policies, protocols, and guidelines for compliance with the Americans with Disabilities Act (ADA). The review encompasses existing facilities, including trains, stations, and parking for which Amtrak has responsibility under the ADA.

### **Sec. 9208. Prohibition on smoking on Amtrak trains.**

Prohibits smoking on Amtrak trains, including electronic cigarettes.

### **Sec. 9209. State-supported routes operated by Amtrak.**

Increases transparency of the costs for state-supported Amtrak routes and calls for procedures to

improve financial planning. The section directs the State-Amtrak Intercity Passenger Rail Committee to update the cost methodology that promotes accountability and transparency. Further, the section requires Amtrak to engage stakeholders early when developing new state-supported routes, and ensures Amtrak receives affirmative state permission before initiating such service. The section also allows states and Amtrak to pursue an alternative cost methodology to facilitate the development, construction, and operation of new state-supported routes and the expansion of existing ones.

**Sec. 9210. Amtrak Police Department.**

Requires Amtrak to identify the mission of the Amtrak Police Department (APD) in mitigating risks to, and ensuring the safety and security of, Amtrak passengers, workers, trains, stations, and facilities. Amtrak must also develop a workforce planning process that ensures adequate APD employment levels and set performance goals and metrics that align with the mission of the Department. Amtrak is directed to consult with experts and workers in complying with the section, and to report to Congress on its work.

**Sec. 9211. Amtrak food and beverage.**

Requires that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee. The section also establishes a working group charged with developing recommendations, and issuing a report within one year, on how to improve onboard food and beverage services. Amtrak is prohibited from making changes to its food and beverage service until 30 days after issuing a response to the working group recommendations. The provision also requires Amtrak to ensure that all long-distance passengers traveling overnight have access to hot meals, not just sleeping car passengers, and it removes statutory language limiting Amtrak's ability to provide food and beverage service due to costs.

**Sec. 9212. Clarification on Amtrak contracting out.**

Amends current Amtrak contracting limitations to clarify that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. It also clarifies that Amtrak is not authorized to contract out work if prohibited to do so in an agreement entered into with its workers.

**Sec. 9213. Amtrak staffing.**

Prevents Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station where there was more than an average of 40 Amtrak passengers boarding or deboarding per day in fiscal year 2019.

**Sec. 9214. Special transportation.**

Requires Amtrak to offer reduced fares for certain passenger groups, including veterans, young children, and members of the military and their families.

**Sec. 9215. Disaster and emergency relief program.**

Enables DOT to make grants to Amtrak for capital projects and continued operations during disruptions due to natural disasters and emergency events.

**Sec. 9216. Access to recreational trails.**

Requires Amtrak to report to Congress before implementing a new policy or operation that may affect access to recreational trails.

**Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.**

Authorizes the Secretary to make grants to Amtrak for improvements to its information technology systems, including cyber resiliency improvements.

**Sec. 9218. Amtrak and private cars.**

Requires Amtrak to review policies regarding private car and charter train services and evaluate opportunities to strengthen these services.

**Sec. 9219. Amtrak Office of Community Outreach.**

Requires Amtrak to establish an Office of Community Outreach to engage and build relationships with communities impacted by Amtrak operations, including outreach and engagement around projects of community significance.

**Sec. 9220. Long-Distance customer enhancement program.**

Requires Amtrak to set aside at least 2.5 percent of all annual appropriations to enhance the passenger experience on long-distance routes. Eligible initiatives include train car interior redesign and upgrades, food and beverage service improvements, wi-fi expansion, and rail stations.

**Sec. 9221. Amtrak carbon-free and renewable energy initiatives.**

Requires Amtrak to develop and publish a greenhouse gas emission reduction plan that sets forth a strategy to achieve net-zero carbon emissions within the Northeast Corridor by 2035.

**TITLE III—INTERCITY PASSENGER RAIL POLICY**

**Sec. 9301. Northeast Corridor Commission.**

Incorporates minor updates to the Northeast Corridor Commission provisions, including terminology changes and slight modifications to the Commission's membership provisions.

**Sec. 9302. Northeast Corridor planning.**

Requires the Northeast Corridor Commission to submit a service development plan that identifies key state-of-good repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor.

**Sec. 9303. Protective arrangements.**

Directs the FRA Administrator to adhere to current law that requires that applicants seeking FRA grants for some types of projects agree to comply with protective arrangements that are equivalent to those established under the Railroad Revitalization and Regulatory Reform Act of 1976. Those protective arrangements are intended to ensure that workers are not harmed as a result of a project funded by an FRA grant.

**Sec. 9304 Interstate rail compacts.**

Encourages states to create interstate compacts to facilitate multi-state rail planning and encourage multi-state grant applications. Directs the Secretary to provide up to \$500,000 in administrative assistance for up to 10 interstate rail compacts to improve, promote, and develop intercity passenger rail service through initiating, restoring, or enhancing such service. Recipients must provide a non-federal match of not less than 50 percent of the administrative costs. The section sets applicant selection criteria and requires recipients to report annually on its activities and information related to

performances measures the Secretary establishes to measure a recipient's progress toward achieving goals and objectives.

**Sec. 9305. High-speed rail.**

Updates requirements for high-speed rail projects to consider whether projects connect to rail stations in urban centers, environmental impacts including greenhouse gas reductions, and electrification. Establishes a consistent definition for high-speed rail projects to reach speeds of 150 m.p.h. or more for projects on shared-use right of way and 186 m.p.h. or more on dedicated right-of-way.

**Sec. 9306. State rail planning formula funds.**

Directs 1.5 percent of all Chapter 229 competitive grant funding (PRIME, CRISI, BeST, Restoration and Enhancement) into formula funding for all 50 states and the District of Columbia, for intercity passenger rail planning. States may use funds to advance rail capital projects when intercity passenger rail planning is not feasible. The formula is determined by a state's share of national rail route miles, population, and Amtrak's fiscal year 2019 ridership.

**TITLE IV—COMMUTER RAIL POLICY**

**Sec. 9401. Surface Transportation Board mediation of trackage use requests.**

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to trackage and provision of related services.

**Sec. 9402. Surface Transportation Board mediation of rights-of-way use requests.**

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to rail right-of-way.

**TITLE V—RAIL SAFETY**

**Subtitle A—Passenger and Freight Safety**

**Sec. 9501. Study on safety impact of long trains.**

Long trains place different operational demands on the rail network and workforce. This provision directs the Secretary to study the safety impacts of trains composed of more than 150 railcars in a variety of terrains and conditions. The study will consider safety factors, such as loss of communication between crew members and in-train forces that can cause derailment risks. The Secretary must collaborate with stakeholders, including railroads, workers, and safety technology manufacturers, take action to address any risk identified by the study, and share the study results with stakeholders and Congress.

**Sec. 9502. FRA safety reporting.**

Expands the type of data FRA collects from railroads on accident and incident report forms to include train length and crew size. It also directs FRA to regularly review and analyze such report data for trends or patterns of potential safety risks and to take appropriate actions on risks identified.

**Sec. 9503. Waiver notice requirements.**

This section requires FRA to engage in a public process before granting waivers from, or suspensions of, railroad safety standards and regulations. FRA must give the public notice of a

waiver or suspension request, make available a waiver or suspension application and any supporting data, and provide the public with notice and an opportunity to comment on waivers or suspensions before they are finalized.

**Sec. 9504. Notice of FRA comprehensive safety culture assessments.**

Requires that the FRA notify the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee if it initiates a comprehensive safety culture assessment of an entity providing regularly scheduled intercity or commuter rail transportation. Such notification must be made not later than 10 business days after the FRA commences any field investigation activity that is part of such assessment. Additionally, not later than 180 days after the assessment is complete, the FRA must transmit a summary report of the assessment findings to such Committees.

**Sec. 9505. FRA accident and incident investigations.**

Requires DOT to create a standard process during FRA accident and incident investigations for gathering information about the accident or incident, and consulting for technical expertise with railroad carriers, contractors or employees or employee representatives, and other relevant entities. In developing the process, the Secretary shall factor in ways to maintain confidentiality of such entities when requested and appropriate. The Secretary must also develop a process for making accident and incident investigation reports available to railroads and employees for their review and comment prior to the FRA publishing the report.

**Sec. 9506. Freight train crew size safety standards.**

Includes a two-person crew requirement that generally requires that freight trains have a certified engineer and a certified conductor. Limited exemptions are included for short line and small railroads, but no exemptions are available for trains carrying dangerous hazmat and long trains, which must be staffed with two crewmembers.

**Sec. 9507. Border crossings.**

Requires freight trains crossing the southern border into the United States to follow the decades-long practice whereby the crews operating the trains across the border interchange with United States-based crews who then operate the train into the interior of the country. The section also addresses concerns of the Customs and Border Patrol (CBP) by requiring that such trains operate continually over the border crossing and stop once the train clears a CBP nonintrusive inspection facility. It also addresses congestion caused by freight trains that block highway-railroad grade crossings near the southern border by creating a \$300 million set-aside for projects that separate grade crossings and relocate rail lines.

**Sec. 9508. Yardmasters hours of service.**

Makes yardmaster employees subject to FRA's hours of service protections, defined as individuals responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

**Sec. 9509. Leaking brakes.**

Directs the FRA to take such actions as are necessary to ensure that certain older air brake control valves are phased out on rail cars operating in cold regions of the United States.

**Sec. 9510. Report on PTC system failures.**

Directs the Secretary to require railroad carriers to regularly report on failures of positive train control (PTC) systems in the manner established by the Secretary.

**Sec. 9511. Fatigue reduction management plans.**

Directs the Secretary to issue a final rule on fatigue management plans within one year of enactment. The Secretary may reopen a fatigue management plan if the FRA finds that fatigue was a casual or contributing factor in an accident or incident investigation, and the FRA must reopen such plans if the agency determines that fatigue is a systemic issue for the passenger or freight railroad involved in the accident or incident.

**Sec. 9512. Assault prevention and response plans.**

Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

**Sec. 9513. Critical incident stress plans.**

Amends FRA regulations to include assault in the definition of a critical incident, after which railroad carriers must offer support services to employees who witness or experience such events.

**Sec. 9514. Crewmember certification and qualification.**

Directs the Secretary to conduct an audit within one year of enactment, and every five years thereafter, of Class I railroads' qualification and certification program of locomotive engineers and conductors. The Secretary must consult with the railroad carrier and workers while conducting the audit and must submit to Congress a report summarizing the audit results. After the initial audit is complete, the Secretary must review the regulations governing these programs to consider whether updates are necessary to prepare engineers and conductors to safely operate trains. If any regulatory update is needed, the Secretary must act.

**Sec. 9515. Safety management team communication.**

Directs the FRA Administrator to implement a process that ensures communication between the FRA's safety management teams and workers is timely and responsive.

**Sec. 9516. GAO Study on reorganization of Office of Railroad Safety.**

Directs the GAO to study the reorganization of the FRA's Office of Railroad Safety that took effect in June 2020 and consider how the previous and new structure compare.

**Sec. 9517. Open-top rail car public input.**

Directs the FRA Administrator to, within one year of enactment, initiate a public process to seek input on addressing safety risks, spills, emissions, odors, and other public nuisances associated with certain rail cars, including evaluating the feasibility of requiring such rail cars be covered while in transportation.

**Sec. 9518. New passenger service pre-revenue safety validation plan.**

Directs the Secretary to require an entity providing regularly scheduled intercity or commuter rail passenger transportation to submit to the Secretary a safety validation plan not later than 30 days prior to beginning new service, restarting service, or extending service. The plan must ensure the safety of such service and contain the elements specified by the Secretary. No such service may

begin until the entity complies with the content of the plan. Entities must submit to the Secretary for review and approval any amendments to the plan.

**Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.**

Requires the Secretary to conduct a review of FRA safety regulations to determine the applicability of current regulations toward nontraditional and emerging rail technologies. The Secretary shall further identify gaps or challenges affecting the regulation of new rail technologies and report to Congress.

**Subtitle B—Grade Crossing Safety**

**Sec. 9551. Highway-rail grade crossing separation grant.**

To reflect the significant demand for funds to support grade separation projects, this section creates a new grant program authorized at \$2.5 billion over five years to build or improve grade crossing separations. Right-of-way owners must contribute at least 10 percent of the total project costs. The federal cost-share is up to 85 percent.

**Sec. 9552. Rail safety public awareness set-aside.**

This section authorizes a set-aside within the CRISI grant program at \$25 million over five years with a focus on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. Eligible programs include public service announcements and media campaigns, school and driver education safety presentations, and dissemination of safety information to communities.

**Sec. 9553. Establishment of a 10-minute Time Limit for blocking public highway-rail grade crossings.**

This section mirrors many state laws by prohibiting a stopped freight train from blocking a public highway-rail grade crossing for more than 10 minutes and allows the Secretary to issue civil penalties to railroad carriers for repeated violations of blocked crossings. Railroad carriers are granted 60 days to rectify the cause of the blocked crossing before penalties can be assessed. Exemptions are made for instances such as accidents or compliance with federal safety regulations, while higher penalties are permitted for repeatedly delaying emergency services.

**Sec. 9554. National blocked crossing database.**

Directs the Secretary to develop a national blocked crossings database for the public to report instances of blocked crossings.

**Sec. 9555. Railroad point of contact for blocked crossing matters.**

Adds blocked crossings to the grade crossing problems that the public may report to a railroad under existing law. Further requires railroads that receive complaints of blocked public grade crossings to enter the reported instance into FRA's national blocked crossings database.

**9556. National highway-rail crossing inventory review.**

Requires the Secretary to conduct a review of the national highway-rail crossing inventory of the DOT and correct any out-of-date or erroneous data.

**9557. Railroad trespassing enforcement grants.**

Authorizes the Secretary to set-aside \$250,000 annually within the CRISI grant program to make grants to fund law enforcement efforts to prevent trespassers along railroad right-of-way.

**9558. Railroad trespassing suicide prevention grants.**

Authorizes the Secretary to set-aside \$1 million annually within the CRISI grant program to make grants to partnerships of nonprofit mental health organizations and railroad carriers to implement public outreach campaigns centered on reducing the number of railroad suicides.

**9559. Including railroad suicides.**

Requires the Secretary to include the number of suicides that occur on a railroad crossing or right-of-way in the total number of rail fatalities reported by DOT each year.

**9560. Report on safety measures required for Quiet Zones.**

Requires the FRA Administrator to submit a report to Congress detailing the safety measures that can be used by communities to qualify for quiet zone implementation, as well as a summary of any proposed safety measures that did not meet the safety levels required of quiet zones.

## TITLE VI—MISCELLANEOUS

**Sec. 9601. Rail network climate change vulnerability assessment.**

In light of the risks posed to the passenger and freight rail network from climate change and related ecological disturbances, this section directs the Secretary of Transportation to sponsor a National Academies assessment and submit a subsequent report on the potential impacts of climate change on the national rail network. The report will also address mitigation strategies to lessen adverse impacts, including emergency preparedness measures and resiliency best practices for infrastructure planning.

**Sec. 9602. Advance acquisition.**

Similar to highway and transit projects, allows rail project sponsors to acquire real property interest for a transportation purpose that does not cause significant adverse environmental impact, prevent the lead agency from making an impartial decision to accept an alternative, or result in elimination or reduction of benefits to a displaced person. A real property interest may not be developed until all required environmental reviews for the project have been completed.

**Sec. 9603. University rail climate innovation grant program.**

Directs the Secretary to establish a competitive university rail climate innovation grant program focused on sponsoring research on low- and zero-emission rail technologies. The program is funded at \$20 million annually, with a 50 percent federal cost share. Preference is given to universities that partner with railroad carriers or rail suppliers.

**Sec. 9604. Workforce diversity and development.**

Directs the Secretary to carry out at least one workforce development pilot program within two years that may be in the form of an outreach program to increase employment opportunities for socially disadvantaged individuals; the development of a partnership with local schools and colleges to address workforce needs; or an apprenticeship program to train railroad employees in needed skills. The Secretary must report to Congress on the pilot, including information about participants and outcomes of the pilot, and make recommendations for increasing diversity and enhancing skills in the railroad workforce.

**Sec. 9605. Requirements for railroad freight cars entering service in the United States.**

Prohibits a freight rail car manufacturer from placing a freight car on the U.S. freight railroad interchange system if that car is made by a State-Owned Enterprise (SOE), has sensitive equipment made by a SOE or a country of concern, or contains content that originates from a SOE or entity within a country of concern that violated U.S. intellectual property rights. The section further limits freight cars to no more than 20 percent SOE or country of concern content within one year after the date of enactment, and no more than 15 percent after two years. The Secretary may fine a manufacturer up to \$250,000 per violation, (which exceeds the cost of most rail cars) and prohibit repeat offenders from placing any railcar on the U.S. freight railroad interchange system.