

America's Transportation Infrastructure Act of 2019 (July 29, 2019)

SEC. 1117. ALASKA HIGHWAY.

Section 218 of title 23, United States Code, is amended to read as follows:

“§ 218. Alaska Highway

(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the highway using funds awarded through an applicable competitive grant program, if the highway meets all applicable eligibility requirements for the program, except for the specific requirements established by the agreement for the Alaska Highway Project between the Government of the United States and the Government of Canada. In addition to the funds described in the previous sentence, notwithstanding any other provision of law and on agreement with the State of Alaska, the Secretary is authorized to expend on such highway or the Alaska Marine Highway System any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. No expenditures shall be made for the construction of the portion of such highways that are in Canada unless an agreement is in place between the Government of Canada and the Government of the United States (including an agreement in existence on the date of enactment of the America's Transportation Infrastructure Act of 2019) that provides, in part, that the Canadian Government—

- (1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;
- (2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;
- (3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;
- (4) will continue to grant reciprocal recognition of vehicle registration and driver's licenses in accordance with agreements between the United States and Canada; and
- (5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary.

(c) For purposes of this section, the term 'Alaska Marine Highway System' includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.' ' .

SEC. 1118. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

Section 129(c) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “the construction of ferry boats and ferry terminal facilities, whether toll or free,” and inserting “the construction of ferry boats and ferry terminal facilities (including ferry maintenance facilities), whether toll or free, and the procurement of transit vehicles used exclusively as an integral part of an intermodal ferry trip,”.

SEC. 1404. CONGESTION RELIEF PROGRAM.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

(d) CONGESTION RELIEF PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(i) a State, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000; and

(ii) a metropolitan planning organization, city, or municipality, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000.

(B) INTEGRATED CONGESTION MANAGEMENT SYSTEM.—The term ‘integrated congestion management system’ means a system for the integration of management and operations of a regional transportation system that includes, at a minimum, traffic incident management, work zone management, traffic signal timing, managed lanes, real-time traveler information, and active traffic management, in order to maximize the capacity of all facilities and modes across the applicable region.

(C) PROGRAM.—The term ‘program’ means the congestion relief program established under paragraph (2).

(2) ESTABLISHMENT.—The Secretary shall establish a congestion relief program to provide discretionary grants to eligible entities to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States.

(3) PROGRAM GOALS.—The goals of the program are to reduce highway congestion, reduce economic and environmental costs associated with that congestion, including transportation emissions, and optimize existing highway capacity and usage of highway and transit systems through—

(A) improving intermodal integration with highways, highway operations, and highway performance;

(B) reducing or shifting highway users to off-peak travel times or to nonhighway travel modes during peak travel times; and

(C) pricing of, or based on, as applicable—

(i) parking;

(ii) use of roadways, including in designated geographic zones; or

(iii) congestion.

(4) ELIGIBLE PROJECTS.—Funds from a grant under the program may be used for a project or an integrated collection of projects, including planning, design, implementation, and construction activities, to achieve the program goals under paragraph (3), including—

(A) deployment and operation of an integrated congestion management system;

(B) deployment and operation of a system that implements or enforces high occupancy vehicle toll lanes, cordon pricing, parking pricing, or congestion pricing;

- (C) deployment and operation of mobility services, including establishing account-based financial systems, commuter buses, commuter vans, express operations, paratransit, and on demand microtransit; and
- (D) incentive programs that encourage travelers to carpool, use nonhighway travel modes during peak period, or travel during nonpeak periods.

(5) APPLICATION; SELECTION.—

- (A) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
- (B) PRIORITY.—In providing grants under the program, the Secretary shall give priority to projects in urbanized areas that are experiencing a high degree of recurrent congestion.
- (C) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under the program shall not exceed 80 percent of the total project cost.
- (D) MINIMUM AWARD.—A grant provided under the program shall be not less than \$10,000,000.

(6) USE OF TOLLING.—

(A) IN GENERAL.—Notwithstanding subsection (a)(1) and section 301 and subject to subparagraphs (B) and (C), the Secretary shall allow the use of tolls on the Interstate System as part of a project carried out with a grant under the program.

(B) REQUIREMENTS.—The Secretary may only approve the use of tolls under subparagraph (A) if—

- (i) the eligible entity has authority under State, and if applicable, local, law to assess the applicable toll;
- (ii) the maximum toll rate for any vehicle class is not greater than the product obtained by multiplying—
 - (I) the toll rate for any other vehicle class; and
 - (II) 5;
- (iii) the toll rates are not charged or varied on the basis of State residency;
- (iv) the Secretary determines that the use of tolls will enable the eligible entity to achieve the program goals under paragraph (3) without a significant impact to safety or mobility within the urbanized area in which the project is located; and
- (v) the use of toll revenues complies with subsection (a)(3).

(C) LIMITATION.—The Secretary may not approve the use of tolls on the Interstate System under the program in more than 10 urbanized areas.

(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—A project under the program—

- (A) shall include, if appropriate, an analysis of the potential effects of the project on low-income drivers; and
- (B) may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

(b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Section 129(a) of title 23, United States Code, is amended—

- (1) by redesignating paragraph (10) as paragraph (11); and
- (2) by inserting after paragraph (9) the following:

(10) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Notwithstanding section 102(a), in the case of a toll facility that is on the Interstate System and that is constructed or converted after the date of enactment of the America’s Transportation Infrastructure Act of 2019, the public authority with jurisdiction over the toll facility shall allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a discount rate or without charge, unless the public authority, in consultation with the Secretary, determines that the number of those vehicles using the facility reduces the travel time reliability of the facility.

Sec. 1503. Transfer and sale of toll credits.

(a) DEFINITIONS.—In this section:

- (1) ORIGINATING STATE.—The term “originating State” means a State that—
 - (A) is eligible to use a credit under section 120(i) of title 23, United States Code; and
 - (B) has been selected by the Secretary under subsection (d)(2).
- (2) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).
- (3) RECIPIENT STATE.—The term “recipient State” means a State that receives a credit by transfer or by sale under this section from an originating State.
- (4) STATE.—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish and implement a toll credit exchange pilot program in accordance with this section.

(c) PURPOSES.—The purposes of the pilot program are—

- (1) to identify the extent of the demand to purchase toll credits;
- (2) to identify the cash price of toll credits through bilateral transactions between States;
- (3) to analyze the impact of the purchase or sale of toll credits on transportation expenditures;
- (4) to test the feasibility of expanding the pilot program to allow all States to participate on a permanent basis; and
- (5) to identify any other repercussions of the toll credit exchange.

(d) SELECTION OF ORIGINATING STATES.—

- (1) APPLICATION.—In order to participate in the pilot program as an originating State, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, such information as is required for the Secretary to verify—
 - (A) the amount of unused toll credits for which the State has submitted certification to the Secretary that are available to be sold or transferred under the pilot program, including—
 - (i) toll revenue generated and the sources of that revenue;
 - (ii) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and
 - (iii) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;
 - (B) the documentation of maintenance of effort for toll credits earned by the originating State; and

(C) the accuracy of the accounting system of the State to earn and track toll credits.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as an originating State.

(3) LIMITATION ON SALES.—At any time, the Secretary may limit the amount of unused toll credits that may be offered for sale under the pilot program.

(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall provide that an originating State may transfer or sell to a recipient State a credit not previously used by the originating State under section 120(i) of title 23, United States Code.

(2) WEBSITE SUPPORT.—The Secretary shall make available a publicly accessible website on which originating States shall post the amount of toll credits, verified under subsection (d)(1)(A), that are available for sale or transfer to a recipient State.

(3) BILATERAL TRANSACTIONS.—An originating State and a recipient State may enter into a bilateral transaction to sell or transfer verified toll credits.

(4) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold, the originating State and the recipient State shall jointly submit to the Secretary a written notification of the transfer or sale, including details on—

(A) the amount of toll credits that have been sold or transferred;

(B) the price paid or other value transferred in exchange for the toll credits;

(C) the intended use by the recipient State of the toll credits, if known;

(D) the intended use by the originating State of the cash or other value transferred;

(E) an update on the toll credit balance of the originating State and the recipient State; and

(F) any other information about the transaction that the Secretary may require.

(5) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code, in accordance with section 120(i) of title 23, United States Code.

(6) USE OF PROCEEDS FROM SALE OF CREDITS.—An originating State shall use the proceeds from the sale of a credit under paragraph (1) for the construction costs of any project in the originating State that is eligible under title 23, United States Code.

(f) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date on which the pilot program is established, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the pilot program.

(2) FINAL REPORT.—Not later than 3 years after the date on which the pilot program is established, the Secretary shall—

- (A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—
- (i) determines whether a toll credit marketplace is viable and cost-effective;
 - (ii) describes the buying and selling activities under the pilot program;
 - (iii) describes the average sale price of toll credits;
 - (iv) determines whether the pilot program could be expanded to more States or all States or to non-State operators of toll facilities;
 - (v) provides updated information on the toll credit balance accumulated by each State; and
 - (vi) describes the list of projects that were assisted by the pilot program; and
- (B) make the report under subparagraph (A) publicly available on the website of the Department.

(g) TERMINATION.—

- (1) IN GENERAL.—The Secretary may terminate the pilot program or the participation of any State in the pilot program if the Secretary determines that—
- (A) the pilot program is not serving a public benefit; or
 - (B) it is not cost effective to carry out the pilot program.
- (2) PROCEDURES.—The termination of the pilot program or the participation of a State in the pilot program shall be carried out consistent with Federal requirements for project closeout, adjustment, and continuing responsibilities.

SEC. 1529. OVER-THE-ROAD BUS TOLLING EQUITY.

Section 129(a) of title 23, United States Code, is amended—

- (1) in paragraph (3)(B)(i), by inserting “, together with the results of the audit under paragraph (9)(C),” after “the audits”; and
- (2) in paragraph (9)—
 - (A) by striking “An over-the-road” and inserting the following:

“(A) IN GENERAL.—An over-the-road”;

(B) in subparagraph (A) (as so designated), by striking “public transportation buses” and inserting “public transportation vehicles”; and

(C) by adding at the end the following:

“(B) REPORTS.—

“(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subparagraph, a public authority that operates a toll facility shall report to the Secretary any rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses.

“(ii) UPDATES.—A public authority that operates a toll facility shall report to the Secretary any change to the rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses by not later than 30 days after the date on which the change takes effect.

“(iii) PUBLICATION.—The Secretary shall publish information reported to the Secretary under clauses (i) and (ii) on a publicly accessible internet website.

“(C) ANNUAL AUDIT.—

“(i) IN GENERAL.—A public authority (as defined in section 101(a)) with jurisdiction over a toll facility shall—

“(I) conduct or have an independent auditor conduct an annual audit of toll facility records to verify compliance with this paragraph; and

“(II) report the results of the audit, together with the results of the audit under paragraph (3)(B), to the Secretary.

“(ii) RECORDS.—After providing reasonable notice, a public authority described in clause (i) shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

“(iii) NONCOMPLIANCE.—If the Secretary determines that a public authority described in clause (i) has not complied with this paragraph, the Secretary may require the public authority to discontinue collecting tolls until an agreement with the Secretary is reached to achieve compliance.”.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

SEC. 3001. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall establish a program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the State, regional, and national level.

(b) STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall provide grants to States and groups of States to carry out pilot projects under this subsection.

(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State or group of States shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this subsection meet the following objectives:

(A) To test the design, acceptance, equity, and implementation of user-based alternative revenue mechanisms, including among—

(i) differing income groups; and

(ii) rural and urban drivers.

(B) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(C) To quantify and minimize the administrative costs of any potential user-based alternative revenue mechanisms.

(D) To test a variety of solutions, including the use of third-party vendors, for the collection of data and road usage fees, including the reliability and security of those solutions and vendors.

(E) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.

(F) To conduct public education and outreach to increase public awareness regarding the need for road usage fees or other user-based alternative revenue mechanisms for surface transportation programs.

(G) To evaluate the ease of compliance and enforcement of a variety of implementation approaches for different users of the transportation system.

(4) USE OF FUNDS.—A State or group of States that receives a grant under this subsection shall use the grant to carry out activities to address the objectives described in paragraph (3).

(5) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this subsection.

(6) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this subsection may not exceed 70 percent of the total cost of the activity.

(c) NATIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a research program to develop and test the feasibility of a nationwide alternative roadway funding mechanism to expand Federal funding for highway improvements.

(2) CONSULTATION.—In conducting the research program under this subsection, the Secretary shall coordinate with—

(A) appropriate State and Federal agencies; and

(B) the Federal System Funding Alternative Advisory Board established under subsection (d).

(3) PARTICIPANTS.—The research program under this subsection shall include voluntary participation by drivers or owners of commercial vehicles from a diversity of States and vehicle classes.

(4) OBJECTIVES.—The Secretary shall ensure that the research program under this subsection is designed to meet the following objectives:

(A) To evaluate the cost and feasibility of implementing a nationwide alternative roadway funding mechanism.

(B) To evaluate options for deployment of a nationwide alternative roadway funding mechanism, including options for—

(i) collection and enforcement mechanisms;

(ii) protection of privacy and data security; and

(iii) the structure for the implementation of a potential future nationwide program.

(C) To evaluate the impacts of the imposition of a nationwide alternative roadway funding mechanism on—

(i) transportation revenues;

(ii) personal mobility, driving patterns, and transportation costs; and

(iii) freight movement and costs.

(D) To evaluate options for the integration of a nationwide alternative roadway funding mechanism with—

(i) State-based transportation revenue collections and regulations;

(ii) toll revenue collection platforms;

(iii) transportation network company fees; and

(iv) any other relevant transportation revenue mechanisms.

(5) SAVINGS PROVISION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this subsection authorizes the Secretary to impose a Federal road usage fee.

(B) EXCLUSION.—As part of the research program under this subsection, the Secretary may test collection mechanisms for a nationwide alternative roadway funding mechanism, which may include the imposition on voluntary participants of fees that are—

- (i)(I) for testing purposes only; and
- (II) refunded to the pilot participant in a timely manner; or
- (ii) commensurate, on net, with incentives provided for participation in the research program.

(d) FEDERAL SYSTEM FUNDING ALTERNATIVE ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish an advisory board, to be known as the “Federal System Funding Alternative Advisory Board” (referred to in this subsection as the “advisory board”), to assist with—

- (A) advancing and implementing the national research program under subsection (c); and
- (B) developing the recommendations and reports under subsection (f).

(2) MEMBERS.—The advisory board shall, at a minimum, be composed of representatives of the following entities, to be appointed by the Secretary:

- (A) State departments of transportation.
- (B) Local transportation agencies located within a transportation management area (as identified or designated under section 134(k) of title 23, United States Code).
- (C) Any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).
- (D) Owners and operators of toll facilities.
- (E) Fleet operators of light-duty and heavy-duty vehicles.

(e) LIMITATION ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(f) RECOMMENDATIONS AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the Federal System Funding Alternative Advisory Board established under subsection (d) shall submit to Congress a report that—

- (1) summarizes the results of the State pilot projects under subsection (b) and the national research program under subsection (c); and
- (2) provides recommendations, if applicable, to enable potential implementation of a nationwide alternative roadway funding mechanism.

(g) FUNDING.—

(1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2021 through 2025—

- (A) \$12,500,000 shall be used for State pilot projects under subsection (b); and
- (B) \$12,500,000 shall be used for the national research program under subsection (c).

(2) EXCESS FUNDS.—Any excess funds remaining after making grants for State pilot projects under subsection (b) shall be available for the national research program under subsection (c).

(h) REPEAL.—

(1) IN GENERAL.—Section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 6020.