

1 Title: To amend title 23, United States Code, to authorize funds for Federal-aid highways and  
2 highway safety construction programs, and for other purposes.  
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5 Be it enacted by the Senate and House of Representatives of the United States of America in  
6 Congress assembled,

## 7 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

8 (a) Short Title.—This Act may be cited as the “Surface Transportation Reauthorization Act of  
9 2021”.

10 (b) Table of Contents.—The table of contents for this Act is as follows:

11 Sec.1.Short title; table of contents.

12 Sec.2.Definitions.

13 Sec.3.Effective date.

## 14 TITLE I—FEDERAL-AID HIGHWAYS

### 15 Subtitle A—Authorizations and Programs

16 Sec.1101.Authorization of appropriations.

17 Sec.1102.Obligation ceiling.

18 Sec.1103.Definitions.

19 Sec.1104.Appportionment.

20 Sec.1105.National highway performance program.

21 Sec.1106.Emergency relief.

22 Sec.1107.Federal share payable.

23 Sec.1108.Railway-highway grade crossings.

24 Sec.1109.Surface transportation block grant program.

25 Sec.1110.Nationally significant freight and highway projects.

26 Sec.1111.Highway safety improvement program.

27 Sec.1112.Federal lands transportation program.

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29 Sec.1114.National highway freight program.

30 Sec.1115.Congestion mitigation and air quality improvement program.

31 Sec.1116.Alaska Highway.

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33 Sec.1118.Bridge investment program.

- 1 Sec.1119.Safe routes to school.
- 2 Sec.1120.Highway use tax evasion projects.
- 3 Sec.1121.Construction of ferry boats and ferry terminal facilities.
- 4 Sec.1122.Vulnerable road user research.
- 5 Sec.1123.Wildlife crossing safety.
- 6 Sec.1124.Consolidation of programs.
- 7 Sec.1125.State freight advisory committees.
- 8 Sec.1126.Territorial and Puerto Rico highway program.
- 9 Sec.1127.Nationally significant Federal lands and Tribal projects program.
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- 13 Sec.1131.Rural opportunities to use transportation for economic success council.
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- 3 Sec.1308.Geomatic data.
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- 21 Transportation (PROTECT) program.
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- 32 partnerships.

- 1 Sec.1509.Reconnecting communities pilot program.
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- 11 Sec.1519.Emergency relief projects.
- 12 Sec.1520.Study on stormwater best management practices.
- 13 Sec.1521.Stormwater best management practices reports.
- 14 Sec.1522.Invasive plant elimination program.
- 15 Sec.1523.Over-the-road bus tolling equity.
- 16 Sec.1524.Bridge terminology.
- 17 Sec.1525.Study of impacts on roads from self-driving vehicles.
- 18 Sec.1526.Technical corrections.

19 **TITLE II—TRANSPORTATION INFRASTRUCTURE**  
20 **FINANCE AND INNOVATION**

- 21 Sec.2001.Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

22 **TITLE III—RESEARCH, TECHNOLOGY, AND**  
23 **EDUCATION**

- 24 Sec.3001.Strategic innovation for revenue collection.
- 25 Sec.3002.National motor vehicle per-mile user fee pilot.
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- 30 Sec.3007.Workforce development, training, and education.
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1 Sec.3010.Transportation access pilot program.

## 2 TITLE IV—INDIAN AFFAIRS

3 Sec.4001.Definition of Secretary.

4 Sec.4002.Environmental reviews for certain tribal transportation facilities.

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## 12 SEC. 2. DEFINITIONS.

13 In this Act:

14 (1) DEPARTMENT.—The term “Department” means the Department of Transportation.

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

## 16 SEC. 3. EFFECTIVE DATE.

17 This Act and the amendments made by this Act take effect on October 1, 2021.

## 18 TITLE I—FEDERAL-AID HIGHWAYS

### 19 Subtitle A—Authorizations and Programs

## 20 SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

21 (a) In General.—The following amounts are authorized to be appropriated out of the Highway  
22 Trust Fund (other than the Mass Transit Account):

23 (1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program  
24 under section 119 of title 23, United States Code, the surface transportation block grant  
25 program under section 133 of that title, the highway safety improvement program under  
26 section 148 of that title, the congestion mitigation and air quality improvement program  
27 under section 149 of that title, the national highway freight program under section 167 of  
28 that title, the carbon reduction program under section 175 of that title, to carry out  
29 subsection (c) of the PROTECT program under section 176 of that title, and to carry out  
30 section 134 of that title—

31 (A) \$52,488,065,375 for fiscal year 2022;

32 (B) \$53,537,826,683 for fiscal year 2023;

33 (C) \$54,608,583,217 for fiscal year 2024;

1 (D) \$55,700,754,881 for fiscal year 2025; and

2 (E) \$56,814,769,844 for fiscal year 2026.

3 (2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit  
4 assistance under the transportation infrastructure finance and innovation program under  
5 chapter 6 of title 23, United States Code, \$250,000,000 for each of fiscal years 2022  
6 through 2026.

7 (3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

8 (A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program  
9 under section 202 of title 23, United States Code—

10 (i) \$578,460,000 for fiscal year 2022;

11 (ii) \$589,960,000 for fiscal year 2023;

12 (iii) \$602,460,000 for fiscal year 2024;

13 (iv) \$612,960,000 for fiscal year 2025; and

14 (v) \$627,960,000 for fiscal year 2026.

15 (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

16 (i) IN GENERAL.—For the Federal lands transportation program under section  
17 203 of title 23, United States Code—

18 (I) \$421,965,000 for fiscal year 2022;

19 (II) \$429,965,000 for fiscal year 2023;

20 (III) \$438,965,000 for fiscal year 2024;

21 (IV) \$447,965,000 for fiscal year 2025; and

22 (V) \$455,965,000 for fiscal year 2026.

23 (ii) ALLOCATION.—Of the amount made available for a fiscal year under clause  
24 (i)—

25 (I) the amount for the National Park Service is—

26 (aa) \$361,965,000 for fiscal year 2022;

27 (bb) \$368,965,000 for fiscal year 2023;

28 (cc) \$376,965,000 for fiscal year 2024;

29 (dd) \$384,965,000 for fiscal year 2025; and

30 (ee) \$391,965,000 for fiscal year 2026;

31 (II) the amount for the United States Fish and Wildlife Service is  
32 \$36,000,000 for each of fiscal years 2022 through 2026; and

33 (III) the amount for the Forest Service is—

34 (aa) \$24,000,000 for fiscal year 2022;

35 (bb) \$25,000,000 for fiscal year 2023;

- 1 (cc) \$26,000,000 for fiscal year 2024;
- 2 (dd) \$27,000,000 for fiscal year 2025; and
- 3 (ee) \$28,000,000 for fiscal year 2026.

4 (C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program  
5 under section 204 of title 23, United States Code—

- 6 (i) \$285,975,000 for fiscal year 2022;
- 7 (ii) \$291,975,000 for fiscal year 2023;
- 8 (iii) \$296,975,000 for fiscal year 2024;
- 9 (iv) \$303,975,000 for fiscal year 2025; and
- 10 (v) \$308,975,000 for fiscal year 2026.

11 (4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto  
12 Rico highway program under section 165 of title 23, United States Code—

- 13 (A) \$219,000,000 for fiscal year 2022;
- 14 (B) \$224,000,000 for fiscal year 2023;
- 15 (C) \$228,000,000 for fiscal year 2024;
- 16 (D) \$232,500,000 for fiscal year 2025; and
- 17 (E) \$237,000,000 for fiscal year 2026.

18 (5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally  
19 significant freight and highway projects under section 117 of title 23, United States Code—

- 20 (A) \$1,000,000,000 for fiscal year 2022;
- 21 (B) \$1,000,000,000 for fiscal year 2023;
- 22 (C) \$1,000,000,000 for fiscal year 2024;
- 23 (D) \$900,000,000 for fiscal year 2025; and
- 24 (E) \$900,000,000 for fiscal year 2026.

25 (b) Other Programs.—

26 (1) IN GENERAL.—The following amounts are authorized to be appropriated out of the  
27 Highway Trust Fund (other than the Mass Transit Account):

28 (A) BRIDGE INVESTMENT PROGRAM.—To carry out the bridge investment program  
29 under section 124 of title 23, United States Code—

- 30 (i) \$600,000,000 for fiscal year 2022;
- 31 (ii) \$640,000,000 for fiscal year 2023;
- 32 (iii) \$650,000,000 for fiscal year 2024;
- 33 (iv) \$675,000,000 for fiscal year 2025; and
- 34 (v) \$700,000,000 for fiscal year 2026.

1 (B) CONGESTION RELIEF PROGRAM.—To carry out the congestion relief program  
2 under section 129(d) of title 23, United States Code, \$50,000,000 for each of fiscal  
3 years 2022 through 2026.

4 (C) CHARGING AND FUELING INFRASTRUCTURE GRANTS.—To carry out section 151(f)  
5 of title 23, United States Code, \$500,000,000 for each of fiscal years 2022 through  
6 2026.

7 (D) RURAL SURFACE TRANSPORTATION GRANT PROGRAM.—To carry out the rural  
8 surface transportation grant program under section 173 of title 23, United States  
9 Code—

- 10 (i) \$300,000,000 for fiscal year 2022;  
11 (ii) \$350,000,000 for fiscal year 2023;  
12 (iii) \$400,000,000 for fiscal year 2024;  
13 (iv) \$450,000,000 for fiscal year 2025; and  
14 (v) \$500,000,000 for fiscal year 2026.

15 (E) PROTECT GRANTS.—

16 (i) IN GENERAL.—To carry out subsection (d) of the PROTECT program under  
17 section 176 of title 23, United States Code, for each of fiscal years 2022 through  
18 2026—

- 19 (I) \$250,000,000 for fiscal year 2022;  
20 (II) \$250,000,000 for fiscal year 2023;  
21 (III) \$300,000,000 for fiscal year 2024;  
22 (IV) \$300,000,000 for fiscal year 2025; and  
23 (V) \$300,000,000 for fiscal year 2026.

24 (ii) ALLOCATION.—Of the amounts made available under clause (i)—

25 (I) for planning grants under paragraph (3) of that subsection—

- 26 (aa) \$25,000,000 for fiscal year 2022;  
27 (bb) \$25,000,000 for fiscal year 2023;  
28 (cc) \$30,000,000 for fiscal year 2024;  
29 (dd) \$30,000,000 for fiscal year 2025; and  
30 (ee) \$30,000,000 for fiscal year 2026;

31 (II) for resilience improvement grants under paragraph (4)(A) of that  
32 subsection—

- 33 (aa) \$175,000,000 for fiscal year 2022;  
34 (bb) \$175,000,000 for fiscal year 2023;  
35 (cc) \$210,000,000 for fiscal year 2024;

1 (dd) \$210,000,000 for fiscal year 2025; and

2 (ee) \$210,000,000 for fiscal year 2026;

3 (III) for community resilience and evacuation route grants under  
4 paragraph (4)(B) of that subsection—

5 (aa) \$25,000,000 for fiscal year 2022;

6 (bb) \$25,000,000 for fiscal year 2023;

7 (cc) \$30,000,000 for fiscal year 2024;

8 (dd) \$30,000,000 for fiscal year 2025; and

9 (ee) \$30,000,000 for fiscal year 2026; and

10 (IV) for at-risk coastal infrastructure grants under paragraph (4)(C) of that  
11 subsection—

12 (aa) \$25,000,000 for fiscal year 2022;

13 (bb) \$25,000,000 for fiscal year 2023;

14 (cc) \$30,000,000 for fiscal year 2024;

15 (dd) \$30,000,000 for fiscal year 2025; and

16 (ee) \$30,000,000 for fiscal year 2026.

17 (F) REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES.—

18 (i) IN GENERAL.—To carry out the reduction of truck emissions at port facilities  
19 under section 1402, \$50,000,000 for each of fiscal years 2022 through 2026.

20 (ii) TREATMENT.—Amounts made available under clause (i) shall be available  
21 for obligation in the same manner as if those amounts were apportioned under  
22 chapter 1 of title 23, United States Code.

23 (G) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS.—

24 (i) IN GENERAL.—To carry out the nationally significant Federal lands and  
25 tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note;  
26 Public Law 114–94), \$55,000,000 for each of fiscal years 2022 through 2026.

27 (ii) TREATMENT.—Amounts made available under clause (i) shall be available  
28 for obligation in the same manner as if those amounts were apportioned under  
29 chapter 1 of title 23, United States Code.

30 (2) GENERAL FUND.—

31 (A) BRIDGE INVESTMENT PROGRAM.—

32 (i) IN GENERAL.—In addition to amounts made available under paragraph  
33 (1)(A), there are authorized to be appropriated to carry out the bridge investment  
34 program under section 124 of title 23, United States Code—

35 (I) \$600,000,000 for fiscal year 2022;

36 (II) \$640,000,000 for fiscal year 2023;

1 (III) \$650,000,000 for fiscal year 2024;

2 (IV) \$675,000,000 for fiscal year 2025; and

3 (V) \$700,000,000 for fiscal year 2026.

4 (ii) ALLOCATION.—Amounts made available under clause (i) shall be allocated  
5 in the same manner as if made available under paragraph (1)(A).

6 (B) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—In  
7 addition to amounts made available under paragraph (1)(J), there is authorized to be  
8 appropriated to carry out section 1123 of the FAST Act (23 U.S.C. 201 note; Public  
9 Law 114–94) \$300,000,000 for each of fiscal years 2022 through 2026.

10 (C) HEALTHY STREETS PROGRAM.—There is authorized to be appropriated to carry  
11 out the Healthy Streets program under section 1407 \$100,000,000 for each of fiscal  
12 years 2022 through 2026.

13 (D) TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.—  
14 There is authorized to be appropriated to carry out section 520 of title 23, United States  
15 Code, \$100,000,000 for each of fiscal years 2022 through 2026.

16 (E) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—There is  
17 authorized to be appropriated to carry out the open challenge and research proposal  
18 pilot program under section 3006(e) \$15,000,000 for each of fiscal years 2022 through  
19 2026.

20 (c) Research, Technology, and Education Authorizations.—

21 (1) IN GENERAL.—The following amounts are authorized to be appropriated out of the  
22 Highway Trust Fund (other than the Mass Transit Account):

23 (A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section  
24 503(b) of title 23, United States Code, \$147,000,000 for each of fiscal years 2022  
25 through 2026.

26 (B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section  
27 503(c) of title 23, United States Code, \$110,000,000 for each of fiscal years 2022  
28 through 2026.

29 (C) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States  
30 Code—

31 (i) \$25,000,000 for fiscal year 2022;

32 (ii) \$25,250,000 for fiscal year 2023;

33 (iii) \$25,500,000 for fiscal year 2024;

34 (iv) \$25,750,000 for fiscal year 2025; and

35 (v) \$26,000,000 for fiscal year 2026.

36 (D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512  
37 through 518 of title 23, United States Code, \$110,000,000 for each of fiscal years 2022  
38 through 2026.

1 (E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505  
2 of title 49, United States Code—

- 3 (i) \$80,000,000 for fiscal year 2022;
- 4 (ii) \$80,500,000 for fiscal year 2023;
- 5 (iii) \$81,000,000 for fiscal year 2024;
- 6 (iv) \$81,500,000 for fiscal year 2025; and
- 7 (v) \$82,000,000 for fiscal year 2026.

8 (F) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49,  
9 United States Code—

- 10 (i) \$26,000,000 for fiscal year 2022;
- 11 (ii) \$26,250,000 for fiscal year 2023;
- 12 (iii) \$26,500,000 for fiscal year 2024;
- 13 (iv) \$26,750,000 for fiscal year 2025; and
- 14 (v) \$27,000,000 for fiscal year 2026.

15 (2) ADMINISTRATION.—The Federal Highway Administration shall—

16 (A) administer the programs described in subparagraphs (A), (B), and (C) of  
17 paragraph (1); and

18 (B) in consultation with relevant modal administrations, administer the programs  
19 described in paragraph (1)(D).

20 (3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Amounts authorized to be  
21 appropriated by paragraph (1) shall—

22 (A) be available for obligation in the same manner as if those funds were  
23 apportioned under chapter 1 of title 23, United States Code, except that the Federal  
24 share of the cost of a project or activity carried out using those funds shall be 80  
25 percent, unless otherwise expressly provided by this Act (including the amendments by  
26 this Act) or otherwise determined by the Secretary; and

27 (B) remain available until expended and not be transferable, except as otherwise  
28 provided by this Act.

29 (d) Pilot Programs.—The following amounts are authorized to be appropriated out of the  
30 Highway Trust Fund (other than the Mass Transit Account):

31 (1) WILDLIFE CROSSINGS PILOT PROGRAM.—For the wildlife crossings pilot program  
32 under section 171 of title 23, United States Code—

- 33 (A) \$60,000,000 for fiscal year 2022;
- 34 (B) \$65,000,000 for fiscal year 2023;
- 35 (C) \$70,000,000 for fiscal year 2024;
- 36 (D) \$75,000,000 for fiscal year 2025; and

1 (E) \$80,000,000 for fiscal year 2026.

2 (2) PRIORITIZATION PROCESS PILOT PROGRAM.—

3 (A) IN GENERAL.—For the prioritization process pilot program under section 1204,  
4 \$10,000,000 for each of fiscal years 2022 through 2026.

5 (B) TREATMENT.—Amounts made available under subparagraph (A) shall be  
6 available for obligation in the same manner as if those amounts were apportioned  
7 under chapter 1 of title 23, United States Code.

8 (3) RECONNECTING COMMUNITIES PILOT PROGRAM.—

9 (A) PLANNING GRANTS.—For planning grants under the reconnecting communities  
10 pilot program under section 1509(c), \$30,000,000 for each of fiscal years 2022 through  
11 2026.

12 (B) CAPITAL CONSTRUCTION GRANTS.—For capital construction grants under the  
13 reconnecting communities pilot program under section 1509(d)—

14 (i) \$65,000,000 for fiscal year 2022;

15 (ii) \$68,000,000 for fiscal year 2023;

16 (iii) \$70,000,000 for fiscal year 2024;

17 (iv) \$72,000,000 for fiscal year 2025; and

18 (v) \$75,000,000 for fiscal year 2026.

19 (C) TREATMENT.—Amounts made available under subparagraph (A) or (B) shall be  
20 available for obligation in the same manner as if those amounts were apportioned  
21 under chapter 1 of title 23, United States Code, except that those amounts shall remain  
22 available until expended.

23 (e) Disadvantaged Business Enterprises.—

24 (1) FINDINGS.—Congress finds that—

25 (A) while significant progress has occurred due to the establishment of the  
26 disadvantaged business enterprise program, discrimination and related barriers  
27 continue to pose significant obstacles for minority- and women-owned businesses  
28 seeking to do business in Federally assisted surface transportation markets across the  
29 United States;

30 (B) the continuing barriers described in subparagraph (A) merit the continuation of  
31 the disadvantaged business enterprise program;

32 (C) Congress has received and reviewed testimony and documentation of race and  
33 gender discrimination from numerous sources, including congressional hearings and  
34 roundtables, scientific reports, reports issued by public and private agencies, news  
35 stories, reports of discrimination by organizations and individuals, and discrimination  
36 lawsuits, which show that race- and gender-neutral efforts alone are insufficient to  
37 address the problem;

38 (D) the testimony and documentation described in subparagraph (C) demonstrate  
39 that discrimination across the United States poses a barrier to full and fair participation

1 in surface transportation-related businesses of women business owners and minority  
2 business owners and has impacted firm development and many aspects of surface  
3 transportation-related business in the public and private markets; and

4 (E) the testimony and documentation described in subparagraph (C) provide a strong  
5 basis that there is a compelling need for the continuation of the disadvantaged business  
6 enterprise program to address race and gender discrimination in surface transportation-  
7 related business.

8 (2) DEFINITIONS.—In this subsection:

9 (A) SMALL BUSINESS CONCERN.—

10 (i) IN GENERAL.—The term “small business concern” means a small business  
11 concern (as the term is used in section 3 of the Small Business Act (15 U.S.C.  
12 632)).

13 (ii) EXCLUSIONS.—The term “small business concern” does not include any  
14 concern or group of concerns controlled by the same socially and economically  
15 disadvantaged individual or individuals that have average annual gross receipts  
16 during the preceding 3 fiscal years in excess of \$25,790,000, as adjusted annually  
17 by the Secretary for inflation.

18 (B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term  
19 “socially and economically disadvantaged individuals” has the meaning given the term  
20 in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant  
21 subcontracting regulations issued pursuant to that Act, except that women shall be  
22 presumed to be socially and economically disadvantaged individuals for purposes of  
23 this subsection.

24 (3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary  
25 determines otherwise, not less than 10 percent of the amounts made available for any  
26 program under this Act and section 403 of title 23, United States Code, shall be expended  
27 through small business concerns owned and controlled by socially and economically  
28 disadvantaged individuals.

29 (4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall  
30 annually—

31 (A) survey and compile a list of the small business concerns referred to in paragraph  
32 (3) in the State, including the location of the small business concerns in the State; and

33 (B) notify the Secretary, in writing, of the percentage of the small business concerns  
34 that are controlled by—

35 (i) women;

36 (ii) socially and economically disadvantaged individuals (other than women);  
37 and

38 (iii) individuals who are women and are otherwise socially and economically  
39 disadvantaged individuals.

40 (5) UNIFORM CERTIFICATION.—

1 (A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use  
2 by State governments in certifying whether a concern qualifies as a small business  
3 concern for the purpose of this subsection.

4 (B) INCLUSIONS.—The minimum uniform criteria established under subparagraph  
5 (A) shall include, with respect to a potential small business concern—

6 (i) on-site visits;

7 (ii) personal interviews with personnel;

8 (iii) issuance or inspection of licenses;

9 (iv) analyses of stock ownership;

10 (v) listings of equipment;

11 (vi) analyses of bonding capacity;

12 (vii) listings of work completed;

13 (viii) examination of the resumes of principal owners;

14 (ix) analyses of financial capacity; and

15 (x) analyses of the type of work preferred.

16 (6) REPORTING.—The Secretary shall establish minimum requirements for use by State  
17 governments in reporting to the Secretary—

18 (A) information concerning disadvantaged business enterprise awards,  
19 commitments, and achievements; and

20 (B) such other information as the Secretary determines to be appropriate for the  
21 proper monitoring of the disadvantaged business enterprise program.

22 (7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility  
23 of an individual or entity to receive funds made available under this Act and section 403 of  
24 title 23, United States Code, if the entity or person is prevented, in whole or in part, from  
25 complying with paragraph (3) because a Federal court issues a final order in which the court  
26 finds that a requirement or the implementation of paragraph (3) is unconstitutional.

27 (8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUBCONTRACTORS.—It is the sense  
28 of Congress that—

29 (A) the Secretary should take additional steps to ensure that recipients comply with  
30 section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business  
31 enterprises prompt payment rule), or any corresponding regulation, in awarding  
32 Federally funded transportation contracts under laws and regulations administered by  
33 the Secretary; and

34 (B) such additional steps should include increasing the ability of the Department to  
35 track and keep records of complaints and to make that information publicly available.

## 36 SEC. 1102. OBLIGATION CEILING.

37 (a) General Limitation.—Subject to subsection (e), and notwithstanding any other provision of

1 law, the obligations for Federal-aid highway and highway safety construction programs shall not  
2 exceed—

- 3 (1) \$57,673,430,072 for fiscal year 2022;
- 4 (2) \$58,864,510,674 for fiscal year 2023;
- 5 (3) \$60,095,782,888 for fiscal year 2024;
- 6 (4) \$61,214,170,545 for fiscal year 2025; and
- 7 (5) \$62,457,105,821 for fiscal year 2026.

8 (b) Exceptions.—The limitations under subsection (a) shall not apply to obligations under or  
9 for—

- 10 (1) section 125 of title 23, United States Code;
- 11 (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144  
12 note; 92 Stat. 2714);
- 13 (3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
- 14 (4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of  
15 1982 (96 Stat. 2119);
- 16 (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform  
17 Relocation Assistance Act of 1987 (101 Stat. 198);
- 18 (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act  
19 of 1991 (105 Stat. 2027);
- 20 (7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
- 21 (8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through  
22 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- 23 (9) Federal-aid highway programs for which obligation authority was made available  
24 under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts  
25 for multiple years or to remain available until expended, but only to the extent that the  
26 obligation authority has not lapsed or been used;
- 27 (10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through  
28 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- 29 (11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent  
30 that funds obligated in accordance with that section were not subject to a limitation on  
31 obligations at the time at which the funds were initially made available for obligation;
- 32 (12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through  
33 2015, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- 34 (13) section 119 of title 23, United States Code (as in effect for fiscal years 2016 through  
35 2021, but only in an amount equal to \$639,000,000 for each of those fiscal years); and
- 36 (14) section 119 of title 23, United States Code (but, for fiscal years 2022 through 2026,  
37 only in an amount equal to \$639,000,000 for each of those fiscal years).

1 (c) Distribution of Obligation Authority.—For each of fiscal years 2022 through 2026, the  
2 Secretary—

3 (1) shall not distribute obligation authority provided by subsection (a) for the fiscal year  
4 for—

5 (A) amounts authorized for administrative expenses and programs by section 104(a)  
6 of title 23, United States Code; and

7 (B) amounts authorized for the Bureau of Transportation Statistics;

8 (2) shall not distribute an amount of obligation authority provided by subsection (a) that  
9 is equal to the unobligated balance of amounts—

10 (A) made available from the Highway Trust Fund (other than the Mass Transit  
11 Account) for Federal-aid highway and highway safety construction programs for  
12 previous fiscal years the funds for which are allocated by the Secretary (or apportioned  
13 by the Secretary under section 175, 176(c), 202, or 204 of title 23, United States  
14 Code); and

15 (B) for which obligation authority was provided in a previous fiscal year;

16 (3) shall determine the proportion that—

17 (A) the obligation authority provided by subsection (a) for the fiscal year, less the  
18 aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection;  
19 bears to

20 (B) the total of the sums authorized to be appropriated for the Federal-aid highway  
21 and highway safety construction programs (other than sums authorized to be  
22 appropriated for provisions of law described in paragraphs (1) through (13) of  
23 subsection (b) and sums authorized to be appropriated for section 119 of title 23,  
24 United States Code, equal to the amount referred to in subsection (b)(14) for the fiscal  
25 year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of  
26 this subsection;

27 (4) shall distribute the obligation authority provided by subsection (a), less the aggregate  
28 amounts not distributed under paragraphs (1) and (2), for each of the programs (other than  
29 programs to which paragraph (1) applies) that are allocated by the Secretary under this Act  
30 and title 23, United States Code, or apportioned by the Secretary under section 175, 176(c),  
31 202, or 204 of that title, by multiplying—

32 (A) the proportion determined under paragraph (3); by

33 (B) the amounts authorized to be appropriated for each such program for the fiscal  
34 year; and

35 (5) shall distribute the obligation authority provided by subsection (a), less the aggregate  
36 amounts not distributed under paragraphs (1) and (2) and the amounts distributed under  
37 paragraph (4), for Federal-aid highway and highway safety construction programs that are  
38 apportioned by the Secretary under title 23, United States Code (other than the amounts  
39 apportioned for the national highway performance program in section 119 of title 23, United  
40 States Code, that are exempt from the limitation under subsection (b)(14) and the amounts  
41 apportioned under sections 175, 176(c), 202, and 204 of that title) in the proportion that—

1 (A) amounts authorized to be appropriated for the programs that are apportioned  
2 under title 23, United States Code, to each State for the fiscal year; bears to

3 (B) the total of the amounts authorized to be appropriated for the programs that are  
4 apportioned under title 23, United States Code, to all States for the fiscal year.

5 (d) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (c), the  
6 Secretary shall, after August 1 of each of fiscal years 2022 through 2026—

7 (1) revise a distribution of the obligation authority made available under subsection (c) if  
8 an amount distributed cannot be obligated during that fiscal year; and

9 (2) redistribute sufficient amounts to those States able to obligate amounts in addition to  
10 those previously distributed during that fiscal year, giving priority to those States having  
11 large unobligated balances of funds apportioned under sections 144 (as in effect on the day  
12 before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405)) and 104 of  
13 title 23, United States Code.

14 (e) Applicability of Obligation Limitations to Transportation Research Programs.—

15 (1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by  
16 subsection (a) shall apply to contract authority for transportation research programs carried  
17 out under chapter 5 of title 23, United States Code.

18 (2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

19 (A) remain available for a period of 4 fiscal years; and

20 (B) be in addition to the amount of any limitation imposed on obligations for  
21 Federal-aid highway and highway safety construction programs for future fiscal years.

22 (f) Redistribution of Certain Authorized Funds.—

23 (1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation  
24 authority under subsection (c) for each of fiscal years 2022 through 2026, the Secretary  
25 shall distribute to the States any funds (excluding funds authorized for the program under  
26 section 202 of title 23, United States Code) that—

27 (A) are authorized to be appropriated for the fiscal year for Federal-aid highway  
28 programs; and

29 (B) the Secretary determines will not be allocated to the States (or will not be  
30 apportioned to the States under sections 175, 176(c), and 204 of title 23, United States  
31 Code), and will not be available for obligation, for the fiscal year because of the  
32 imposition of any obligation limitation for the fiscal year.

33 (2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the  
34 distribution of obligation authority under subsection (c)(5).

35 (3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be  
36 available for any purpose described in section 133(b) of title 23, United States Code.

## 37 SEC. 1103. DEFINITIONS.

38 Section 101(a) of title 23, United States Code, is amended—

1 (1) in paragraph (4)—

2 (A) in subparagraph (A), by inserting “assessing resilience,” after “surveying,”;

3 (B) in subparagraph (G), by striking “and” at the end;

4 (C) by redesignating subparagraph (H) as subparagraph (I); and

5 (D) by inserting after subparagraph (G) the following:

6 “(H) improvements that reduce the number of wildlife-vehicle collisions, such as  
7 wildlife crossing structures; and”;

8 (2) by redesignating paragraphs (17) through (34) as paragraphs (18), (19), (20), (21),  
9 (22), (23), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), and (36),  
10 respectively;

11 (3) by inserting after paragraph (16) the following:

12 “(17) NATURAL INFRASTRUCTURE.—The term ‘natural infrastructure’ means  
13 infrastructure that uses, restores, or emulates natural ecological processes and—

14 “(A) is created through the action of natural physical, geological, biological, and  
15 chemical processes over time;

16 “(B) is created by human design, engineering, and construction to emulate or act in  
17 concert with natural processes; or

18 “(C) involves the use of plants, soils, and other natural features, including through  
19 the creation, restoration, or preservation of vegetated areas using materials appropriate  
20 to the region to manage stormwater and runoff, to attenuate flooding and storm surges,  
21 and for other related purposes.”;

22 (4) by inserting after paragraph (23) (as so redesignated) the following:

23 “(24) RESILIENCE.—The term ‘resilience’, with respect to a project, means a project with  
24 the ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or  
25 recover rapidly from disruptions, including the ability—

26 “(A)(i) to resist hazards or withstand impacts from weather events and natural  
27 disasters; or

28 “(ii) to reduce the magnitude, duration, or impact of a disruptive weather event or  
29 natural disaster to a project; and

30 “(B) to have the absorptive capacity, adaptive capacity, and recoverability to  
31 decrease project vulnerability to weather events or other natural disasters.”; and

32 (5) in subparagraph (A) of paragraph (32) (as so redesignated)—

33 (A) by striking the period at the end and inserting “; and”;

34 (B) by striking “through the implementation” and inserting the following:  
35 “through—

36 “(i) the implementation”; and

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

1 “(ii) the consideration of incorporating natural infrastructure.”.

## 2 SEC. 1104. APPORTIONMENT.

3 (a) Administrative Expenses.—Section 104(a)(1) of title 23, United States Code, is amended  
4 by striking subparagraphs (A) through (E) and inserting the following:

5 “(A) \$490,964,697 for fiscal year 2022;

6 “(B) \$500,783,991 for fiscal year 2023;

7 “(C) \$510,799,671 for fiscal year 2024;

8 “(D) \$521,015,664 for fiscal year 2025; and

9 “(E) \$531,435,977 for fiscal year 2026.”.

10 (b) Division Among Programs of State Share.—Section 104(b) of title 23, United States Code,  
11 is amended in subsection (b)—

12 (1) in the matter preceding paragraph (1), by inserting “the carbon reduction program  
13 under section 175, to carry out subsection (c) of the PROTECT program under section 176,”  
14 before “and to carry out section 134”;

15 (2) in paragraph (1), by striking “63.7 percent” and inserting “59.0771195921461  
16 percent”;

17 (3) in paragraph (2), by striking “29.3 percent” and inserting “28.7402203421251  
18 percent”;

19 (4) in paragraph (3), by striking “7 percent” and inserting “6.70605141316253 percent”;

20 (5) by striking paragraph (4) and inserting the following:

21 “(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

22 “(A) IN GENERAL.—For the congestion mitigation and air quality improvement  
23 program, an amount determined for the State under subparagraphs (B) and (C).

24 “(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air  
25 quality improvement program for all States shall be—

26 “(i) \$2,536,490,803 for fiscal year 2022;

27 “(ii) \$2,587,220,620 for fiscal year 2023;

28 “(iii) \$2,638,965,032 for fiscal year 2024;

29 “(iv) \$2,691,744,332 for fiscal year 2025; and

30 “(v) \$2,745,579,213 for fiscal year 2026.

31 “(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the  
32 States the total amount for the congestion mitigation and air quality improvement  
33 program under subparagraph (B) so that each State receives an amount equal to the  
34 proportion that—

35 “(i) the amount apportioned to the State for the congestion mitigation and air  
36 quality improvement program for fiscal year 2020; bears to

1 “(ii) the total amount of funds apportioned to all States for that program for  
2 fiscal year 2020.”;

3 (6) in paragraph (5), by striking subparagraph (B) and inserting the following:

4 “(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight  
5 program for all States shall be—

6 “(i) \$1,373,932,519 for fiscal year 2022;

7 “(ii) \$1,401,411,169 for fiscal year 2023;

8 “(iii) \$1,429,439,392 for fiscal year 2024;

9 “(iv) \$1,458,028,180 for fiscal year 2025; and

10 “(v) \$1,487,188,740 for fiscal year 2026.”; and

11 (7) by striking paragraph (6) and inserting the following:

12 “(6) METROPOLITAN PLANNING.—

13 “(A) IN GENERAL.—To carry out section 134, an amount determined for the State  
14 under subparagraphs (B) and (C).

15 “(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States  
16 shall be—

17 “(i) \$ 438,121,139 for fiscal year 2022;

18 “(ii) \$446,883,562 for fiscal year 2023;

19 “(iii) \$455,821,233 for fiscal year 2024;

20 “(iv) \$464,937,657 for fiscal year 2025; and

21 “(v) \$474,236,409 for fiscal year 2026.

22 “(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the  
23 States the total amount to carry out section 134 under subparagraph (B) so that each  
24 State receives an amount equal to the proportion that—

25 “(i) the amount apportioned to the State to carry out section 134 for fiscal year  
26 2020; bears to

27 “(ii) the total amount of funds apportioned to all States to carry out section 134  
28 for fiscal year 2020.

29 “(7) CARBON REDUCTION PROGRAM.—For the carbon reduction program under section  
30 175, 2.56266964565637 percent of the amount remaining after distributing amounts under  
31 paragraphs (4), (5), and (6).

32 “(8) PROTECT FORMULA PROGRAM.—To carry out subsection (c) of the PROTECT  
33 program under section 176, 2.91393900690991 percent of the amount remaining after  
34 distributing amounts under paragraphs (4), (5), and (6).”.

35 (c) Calculation of Amounts.—Section 104(c) of title 23, United States Code, is amended—

36 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph (A), by striking “each of fiscal years 2016  
2 through 2020” and inserting “fiscal year 2022 and each fiscal year thereafter”;

3 (B) in subparagraph (A)—

4 (i) by striking clause (i) and inserting the following:

5 “(i) the base apportionment; by”; and

6 (ii) in clause (ii)(I), by striking “fiscal year 2015” and inserting “fiscal year  
7 2021”; and

8 (C) by striking subparagraph (B) and inserting the following:

9 “(B) GUARANTEED AMOUNTS.—The initial amounts resulting from the calculation  
10 under subparagraph (A) shall be adjusted to ensure that each State receives an  
11 aggregate apportionment that is—

12 “(i) equal to at least 95 percent of the estimated tax payments paid into the  
13 Highway Trust Fund (other than the Mass Transit Account) in the most recent  
14 fiscal year for which data are available that are—

15 “(I) attributable to highway users in the State; and

16 “(II) associated with taxes in effect on July 1, 2019, and only up to the rate  
17 those taxes were in effect on that date;

18 “(ii) at least 2 percent greater than the apportionment that the State received for  
19 fiscal year 2021; and

20 “(iii) at least 1 percent greater than the apportionment that the State received  
21 for the previous fiscal year.”; and

22 (2) in paragraph (2)—

23 (A) by striking “fiscal years 2016 through 2020” and inserting “fiscal year 2022 and  
24 each fiscal year thereafter”; and

25 (B) by inserting “the carbon reduction program under section 175, to carry out  
26 subsection (c) of the PROTECT program under section 176,” before “and to carry out  
27 section 134”.

28 (d) Supplemental Funds.—Section 104 of title 23, United States Code, is amended by striking  
29 subsection (h).

30 (e) Base Apportionment Defined.—Section 104 of title 23, United States Code, is amended—

31 (1) by redesignating subsection (i) as subsection (h); and

32 (2) in subsection (h) (as so redesignated)—

33 (A) by striking “means” in the matter preceding paragraph (1) and all that follows  
34 through “the combined amount” in paragraph (1) and inserting “means the combined  
35 amount”;

36 (B) by striking “and to carry out section 134; minus” and inserting “the carbon  
37 reduction program under section 175, to carry out subsection (c) of the PROTECT  
38 program under section 176, and to carry out section 134.”; and

1 (C) by striking paragraph (2).

2 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE**  
3 **PROGRAM.**

4 Section 119 of title 23, United States Code, is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2), by striking “and” at the end;

7 (B) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

9 “(4) to provide support for measures to increase the resiliency of the National Highway  
10 System to mitigate the cost of damages from sea level rise, extreme weather events,  
11 flooding, or other natural disasters.”;

12 (2) in subsection (d)(2), by adding at the end the following:

13 “(Q) Undergrounding public utility infrastructure carried out in conjunction with a  
14 project otherwise eligible under this section.

15 “(R) Resiliency improvements on the National Highway System, including  
16 protective features described in subsection (k)(2).

17 “(S) Implement measures to protect segments of the National Highway System from  
18 cybersecurity threats.”;

19 (3) in subsection (e)(4)(D), by striking “analysis” and inserting “analyses, both of which  
20 shall take into consideration extreme weather and resilience”; and

21 (4) by adding at the end the following:

22 “(k) Protective Features.—

23 “(1) IN GENERAL.—A State may use not more than 15 percent of the funds apportioned to  
24 the State under section 104(b)(1) for each fiscal year for 1 or more protective features on a  
25 Federal-aid highway or bridge not on the National Highway System, if the protective  
26 feature is designed to mitigate the risk of recurring damage or the cost of future repairs from  
27 extreme weather events, flooding, or other natural disasters.

28 “(2) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in paragraph (1)  
29 includes—

30 “(A) raising roadway grades;

31 “(B) relocating roadways in a base floodplain to higher ground above projected  
32 flood elevation levels or away from slide prone areas;

33 “(C) stabilizing slide areas;

34 “(D) stabilizing slopes;

35 “(E) lengthening or raising bridges to increase waterway openings;

36 “(F) increasing the size or number of drainage structures;

- 1           “(G) replacing culverts with bridges or upsizing culverts;  
2           “(H) installing seismic retrofits on bridges;  
3           “(I) adding scour protection at bridges, installing riprap, or adding other scour,  
4           stream stability, coastal, or other hydraulic countermeasures, including spur dikes; and  
5           “(J) the use of natural infrastructure to mitigate the risk of recurring damage or the  
6           cost of future repair from extreme weather events, flooding, or other natural disasters.  
7           “(3) SAVINGS PROVISION.—Nothing in this subsection limits the ability of a State to carry  
8           out a project otherwise eligible under subsection (d) using funds apportioned under section  
9           104(b)(1).”.

## 10 SEC. 1106. EMERGENCY RELIEF.

- 11       Section 125 of title 23, United States Code, is amended—  
12           (1) in subsection (a)(1), by inserting “wildfire,” after “severe storm,”;  
13           (2) by striking subsection (b) and inserting the following:  
14           “(b) Restriction on Eligibility.—Funds under this section shall not be used for the repair or  
15           reconstruction of a bridge that has been permanently closed to all vehicular traffic by the State or  
16           responsible local official because of imminent danger of collapse due to a structural deficiency or  
17           physical deterioration.”; and  
18           (3) in subsection (d)—  
19           (A) in paragraph (2)(A)—  
20               (i) by striking the period at the end and inserting “; and”  
21               (ii) by striking “a facility that meets the current” and inserting the following: “a  
22               facility that—  
23               “(i) meets the current”; and  
24               (iii) by adding at the end the following:  
25               “(ii) incorporates economically justifiable improvements that will mitigate the  
26               risk of recurring damage from extreme weather, flooding, and other natural  
27               disasters.”;  
28           (B) by redesignating paragraph (3) as paragraph (4); and  
29           (C) by inserting after paragraph (2) the following:  
30       “(3) PROTECTIVE FEATURES.—  
31           “(A) IN GENERAL.—The cost of an improvement that is part of a project under this  
32           section shall be an eligible expense under this section if the improvement is a  
33           protective feature that will mitigate the risk of recurring damage or the cost of future  
34           repair from extreme weather, flooding, and other natural disasters.  
35           “(B) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in  
36           subparagraph (A) includes—

- 1                   “(i) raising roadway grades;
- 2                   “(ii) relocating roadways in a floodplain to higher ground above projected flood  
3 elevation levels or away from slide prone areas;
- 4                   “(iii) stabilizing slide areas;
- 5                   “(iv) stabilizing slopes;
- 6                   “(v) lengthening or raising bridges to increase waterway openings;
- 7                   “(vi) increasing the size or number of drainage structures;
- 8                   “(vii) replacing culverts with bridges or upsizing culverts;
- 9                   “(viii) installing seismic retrofits on bridges;
- 10                  “(ix) adding scour protection at bridges, installing riprap, or adding other scour,  
11 stream stability, coastal, or other hydraulic countermeasures, including spur dikes;  
12 and
- 13                  “(x) the use of natural infrastructure to mitigate the risk of recurring damage or  
14 the cost of future repair from extreme weather, flooding, and other natural  
15 disasters.”.

## 16 SEC. 1107. FEDERAL SHARE PAYABLE.

17 Section 120 of title 23, United States Code, is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1), in the first sentence, by inserting “vehicle-to-infrastructure  
20 communication equipment,” after “breakaway utility poles,”;

21 (B) in subparagraph (3)(B)—

22 (i) in clause (v), by striking “or” at the end;

23 (ii) by redesignating clause (vi) as clause (vii); and

24 (iii) by inserting after clause (v) the following:

25 “(vi) contractual provisions that provide safety contingency funds to  
26 incorporate safety enhancements to work zones prior to or during roadway  
27 construction activities; or”; and

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

29 “(4) POOLED FUNDING.—Notwithstanding any other provision of law, the Secretary may  
30 waive the non-Federal share of the cost of a project or activity under section 502(b)(6) that  
31 is carried out with amounts apportioned under section 104(b)(2) after considering  
32 appropriate factors, including whether—

33 “(A) decreasing or eliminating the non-Federal share would best serve the interests  
34 of the Federal-aid highway program; and

35 “(B) the project or activity addresses national or regional high priority research,  
36 development, and technology transfer problems in a manner that would benefit

1 multiple States or metropolitan planning organizations.”;

2 (2) in subsection (e)—

3 (A) in paragraph (1), by striking “180 days” and inserting “270 days”; and

4 (B) in paragraph (4), by striking “permanent”; and

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

6 “(I) Federal Share Flexibility Pilot Program.—

7 “(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Surface  
8 Transportation Reauthorization Act of 2021, the Secretary shall establish a pilot program  
9 (referred to in this subsection as the ‘pilot program’) to give States additional flexibility  
10 with respect to the Federal requirements under this section.

11 “(2) PROGRAM.—

12 “(A) IN GENERAL.—Notwithstanding any other provision of law, a State  
13 participating in the pilot program (referred to in this subsection as a ‘participating  
14 State’) may determine the Federal share on a project, multiple-project, or program  
15 basis for projects under any of the following:

16 “(i) The national highway performance program under section 119.

17 “(ii) The surface transportation block grant program under section 133.

18 “(iii) The highway safety improvement program under section 148.

19 “(iv) The congestion mitigation and air quality improvement program under  
20 section 149.

21 “(v) The national highway freight program under section 167.

22 “(B) REQUIREMENTS.—

23 “(i) MAXIMUM FEDERAL SHARE.—Subject to clause (iii), the Federal share of  
24 the cost of an individual project carried out under a program described in  
25 subparagraph (A) by a participating State and to which the participating State is  
26 applying the Federal share requirements under the pilot program may be up to 100  
27 percent.

28 “(ii) MINIMUM FEDERAL SHARE.—No individual project carried out under a  
29 program described in subparagraph (A) by a participating State and to which the  
30 participating State is applying the Federal share requirements under the pilot  
31 program shall have a Federal share of 0 percent.

32 “(iii) DETERMINATION.—The average annual Federal share of the total cost of  
33 all projects authorized under a program described in subparagraph (A) to which a  
34 participating State is applying the Federal share requirements under the pilot  
35 program shall be not more than the average of the maximum Federal share of  
36 those projects if those projects were not carried out under the pilot program.

37 “(C) SELECTION.—

38 “(i) APPLICATION.—A State seeking to be a participating State shall—

1 “(I) submit to the Secretary an application in such form, at such time, and  
2 containing such information as the Secretary may require; and

3 “(II) have in place adequate financial controls to allow the State to  
4 determine the average annual Federal share requirements under the pilot  
5 program.

6 “(ii) REQUIREMENT.—For each of fiscal years 2022 through 2026, the Secretary  
7 shall select not more than 10 States to be participating States.”.

## 8 SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.

9 (a) In General.—Section 130(e) of title 23, United States Code, is amended—

10 (1) in the heading, by striking “Protective Devices” and inserting “Railway-Highway  
11 Grade Crossings”; and

12 (2) in paragraph (1)—

13 (A) in subparagraph (A), by striking “and the installation of protective devices at  
14 railway-highway crossings” in the matter preceding clause (i) and all that follows  
15 through “2020.” in clause (v) and inserting the following: “, the installation of  
16 protective devices at railway-highway crossings, the replacement of functionally  
17 obsolete warning devices, and as described in subparagraph (B), not less than  
18 \$245,000,000 for each of fiscal years 2022 through 2026.”; and

19 (B) by striking subparagraph (B) and inserting the following:

20 “(B) REDUCING TRESPASSING FATALITIES AND INJURIES.—A State may use funds set  
21 aside under subparagraph (A) for projects to reduce pedestrian fatalities and injuries  
22 from trespassing at grade crossings.”.

23 (b) Federal Share.—Section 130(f)(3) of title 23, United States Code, is amended by striking  
24 “90 percent” and inserting “100 percent”.

25 (c) Incentive Payments for At-grade Crossing Closures.—Section 130(i)(3)(B) of title 23,  
26 United States Code, is amended by striking “\$7,500” and inserting “\$100,000”.

27 (d) GAO Study.—Not later than 3 years after the date of enactment of this Act, the  
28 Comptroller General of the United States shall submit to Congress a report that includes an  
29 analysis of the effectiveness of the railway-highway crossings program under section 130 of title  
30 23, United States Code.

31 (e) Sense of Congress Relating to Trespasser Deaths Along Railroad Rights-of-way.—It is the  
32 sense of Congress that the Department should, where feasible, coordinate departmental efforts to  
33 prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway  
34 crossings.

## 35 SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT 36 PROGRAM.

37 (a) In General.—Section 133 of title 23, United States Code, is amended—

38 (1) in subsection (b)—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (B)—
- 3 (I) by adding “or” at the end;
- 4 (II) by striking “facilities eligible” and inserting the following:
- 5 “facilities—
- 6 “(i) that are eligible”; and
- 7 (III) by adding at the end the following:
- 8 “(ii) that are privately or majority-privately owned, but that the Secretary
- 9 determines provide a substantial public transportation benefit or otherwise meet
- 10 the foremost needs of the surface transportation system described in section
- 11 101(b)(3)(D);”;
- 12 (ii) in subparagraph (E), by striking “and” at the end;
- 13 (iii) in subparagraph (F), by striking the period at the end and inserting “; and”;
- 14 and
- 15 (iv) by adding at the end the following:
- 16 “(G) wildlife crossing structures.”;
- 17 (B) in paragraph (3), by inserting “148(a)(4)(B)(xvii),” after “119(g),”;
- 18 (C) by redesignating paragraphs (4) through (15) as paragraphs (5), (6), (7), (8), (9),
- 19 (10), (11), (12), (13), (20), (21), and (22), respectively;
- 20 (D) in paragraph (5) (as so redesignated), by striking “railway-highway grade
- 21 crossings” and inserting “projects eligible under section 130 and installation of safety
- 22 barriers and nets on bridges”;
- 23 (E) in paragraph (7) (as so redesignated)—
- 24 (i) by inserting “including the maintenance and restoration of existing
- 25 recreational trails,” after “section 206”; and
- 26 (ii) by striking “the safe routes to school program under section 1404 of
- 27 SAFETEA–LU (23 U.S.C. 402 note)” and inserting “the safe routes to school
- 28 program under section 208”;
- 29 (F) by inserting after paragraph (13) (as so redesignated) the following:
- 30 “(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions,
- 31 including project-related planning, design, construction, monitoring, and preventative
- 32 maintenance.
- 33 “(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid
- 34 infrastructure.
- 35 “(16) The installation and deployment of current and emerging intelligent transportation
- 36 technologies, including the ability of vehicles to communicate with infrastructure,
- 37 buildings, and other road users.

1 “(17) Planning and construction of projects that facilitate intermodal connections between  
2 emerging transportation technologies, such as magnetic levitation and hyperloop.

3 “(18) Protective features, including natural infrastructure, to enhance the resilience of a  
4 transportation facility otherwise eligible for assistance under this section.

5 “(19) Measures to protect a transportation facility otherwise eligible for assistance under  
6 this section from cybersecurity threats.”; and

7 (G) by adding at the end the following:

8 “(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with  
9 subsection (j).

10 “(24) Projects to enhance travel and tourism.”;

11 (2) in subsection (c)—

12 (A) in paragraph (2), by striking “paragraphs (4) through (11)” and inserting  
13 “paragraphs (5) through (15) and paragraph (23)”;

14 (B) in paragraph (3), by striking “and” at the end;

15 (C) by redesignating paragraph (4) as paragraph (5); and

16 (D) by inserting after paragraph (3) the following:

17 “(4) for a bridge project for the replacement of a low water crossing (as defined by the  
18 Secretary) with a bridge; and”;

19 (3) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subparagraph (A), by striking “reservation” and  
22 inserting “set aside”; and

23 (ii) in subparagraph (A)—

24 (I) in the matter preceding clause (i), by striking “the percentage specified  
25 in paragraph (6) for a fiscal year” and inserting “55 percent for each of fiscal  
26 years 2022 through 2026”; and

27 (II) by striking clauses (ii) and (iii) and inserting the following:

28 “(ii) in urbanized areas of the State with an urbanized area population of not  
29 less than 50,000 and not more than 200,000;

30 “(iii) in urban areas of the State with a population not less than 5,000 and not  
31 more than 49,999; and

32 “(iv) in other areas of the State with a population less than 5,000; and”;

33 (B) by striking paragraph (3) and inserting the following:

34 “(3) LOCAL CONSULTATION.—

35 “(A) CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For  
36 purposes of clause (ii) of paragraph (1)(A), a State shall—

1 “(i) establish a process to consult with all metropolitan planning organizations  
2 in the State that represent an urbanized area described in that clause; and

3 “(ii) describe how funds allocated for areas described in that clause will be  
4 allocated equitably among the applicable urbanized areas during the period of  
5 fiscal years 2022 through 2026.

6 “(B) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING  
7 ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before  
8 obligating funding attributed to an area with a population less than 50,000, a State shall  
9 consult with the regional transportation planning organizations that represent the area,  
10 if any.”; and

11 (C) by striking paragraph (6);

12 (4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “fiscal  
13 years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;

14 (5) in subsection (f)—

15 (A) in paragraph (1)—

16 (i) by inserting “or low water crossing (as defined by the Secretary)” after “a  
17 highway bridge”; and

18 (ii) by inserting “or low water crossing (as defined by the Secretary)” after  
19 “other than a bridge”;

20 (B) in paragraph (2)(A)—

21 (i) by striking “activities described in subsection (b)(2) for off-system bridges”  
22 and inserting “activities described in paragraphs (1)(A) and (10) of subsection (b)  
23 for off-system bridges, projects and activities described in subsection (b)(1)(A)  
24 for the replacement of low water crossings with bridges, and projects and  
25 activities described in subsection (b)(10) for low water crossings (as defined by  
26 the Secretary),”; and

27 (ii) by striking “15 percent” and inserting “20 percent”; and

28 (C) in paragraph (3), in the matter preceding subparagraph (A)—

29 (i) by striking “bridge or rehabilitation of a bridge” and inserting “bridge,  
30 rehabilitation of a bridge, or replacement of a low water crossing (as defined by  
31 the Secretary) with a bridge”; and

32 (ii) by inserting “or, in the case of a replacement of a low water crossing with a  
33 bridge, is determined by the Secretary on completion to have improved the safety  
34 of the location” after “no longer a deficient bridge”;

35 (6) in subsection (g)—

36 (A) in the subsection heading, by striking “Less Than 5,000” and inserting “Less  
37 Than 50,000”; and

38 (B) by striking paragraph (1) and inserting the following:

39 “(1) IN GENERAL.—Notwithstanding subsection (c), and except as provided in paragraph

1 (2), up to 15 percent of the amounts required to be obligated by a State under clauses (iii)  
2 and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on—

3 “(A) roads functionally classified as rural minor collectors or local roads; or

4 “(B) on critical rural freight corridors designated under section 167(e).”; and

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

6 “(j) Rural Barge Landing, Dock, and Waterfront Infrastructure Projects.—

7 “(1) IN GENERAL.—A State may use not more than 5 percent of the funds apportioned to  
8 the State under section 104(b)(2) for eligible rural barge landing, dock, and waterfront  
9 infrastructure projects described in paragraph (2).

10 “(2) ELIGIBLE PROJECTS.—An eligible rural barge landing, dock, or waterfront  
11 infrastructure project referred to in paragraph (1) is a project for the planning, designing,  
12 engineering, or construction of a barge landing, dock, or other waterfront infrastructure in a  
13 rural community or a Native village (as defined in section 3 of the Alaska Native Claims  
14 Settlement Act (43 U.S.C. 1602))—

15 “(A) that is off the road system; and

16 “(B) for which the Secretary determines there is a lack of adequate infrastructure.

17 “(k) Projects in Rural Areas.—

18 “(1) SET ASIDE.—Notwithstanding subsection (c), in addition to the activities described in  
19 subsection (b), of the amounts apportioned to a State for each fiscal year to carry out this  
20 section, not more than 15 percent may be—

21 “(A) used on eligible projects under subsection (b) or maintenance activities on  
22 roads functionally classified as rural minor collectors or local roads, ice roads, or  
23 seasonal roads; or

24 “(B) transferred to—

25 “(i) the Appalachian Highway System Program under 14501 of title 40; or

26 “(ii) the Denali access system program under section 309 of the Denali  
27 Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277).

28 “(2) SAVINGS CLAUSE.—Amounts allocated under subsection (d) shall not be used to  
29 carry out this subsection, except at the request of the applicable metropolitan planning  
30 organization.”.

31 (b) Set-aside.—

32 (1) IN GENERAL.—Section 133(h) of title 23, United States Code, is amended—

33 (A) in paragraph (1)—

34 (i) in the heading, by striking “RESERVATION OF FUNDS” and inserting “IN  
35 GENERAL”; and

36 (ii) in the matter preceding subparagraph (A), by striking “for each fiscal year”  
37 and all that follows through “and” at the end of subparagraph (A)(ii) and inserting  
38 the following: “for fiscal year 2022 and each fiscal year thereafter—

1           “(A) the Secretary shall set aside an amount equal to 10 percent to carry out this  
2 subsection; and”;

3           (B) by striking paragraph (2) and inserting the following:

4           “(2) ALLOCATION WITHIN A STATE.—

5           “(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a  
6 State under paragraph (1) shall be obligated within that State in the manner described  
7 in subsection (d), except that, for purposes of this paragraph (after funds are made  
8 available under paragraph (5))—

9           “(i) for fiscal year 2022 and each fiscal year thereafter, the percentage referred  
10 to in paragraph (1)(A) of that subsection shall be deemed to be 59 percent; and

11           “(ii) paragraph (3) of subsection (d) shall not apply.

12           “(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred  
13 to in subparagraph (A)(i) if—

14           “(i) the State submits to the Secretary a plan that describes—

15           “(I) how funds will be allocated to counties, metropolitan planning  
16 organizations, regional transportation planning organizations as described in  
17 section 135(m), or local governments;

18           “(II) how the entities described in subclause (I) will carry out a  
19 competitive process to select projects for funding and report selected projects  
20 to the State;

21           “(III) the legal, financial, and technical capacity of the entities described in  
22 subclause (I);

23           “(IV) how input was gathered from the entities described in subclause (I)  
24 to ensure those entities will be able to comply with the requirements of this  
25 subsection; and

26           “(V) how the State will comply with paragraph (8); and

27           “(ii) the Secretary approves the plan submitted under clause (i).”;

28           (C) by striking paragraph (3) and inserting the following:

29           “(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for—

30           “(A) projects or activities described in section 101(a)(29) or 213, as those provisions  
31 were in effect on the day before the date of enactment of the FAST Act (Public Law  
32 114–94; 129 Stat. 1312);

33           “(B) projects and activities under the safe routes to school program under section  
34 208; and

35           “(C) activities in furtherance of a vulnerable road user safety assessment (as defined  
36 in section 148(a)).”;

37           (D) in paragraph (4)—

38           (i) by striking subparagraph (A);

- 1 (ii) by redesignating subparagraph (B) as subparagraph (A);  
2 (iii) in subparagraph (A) (as so redesignated)—  
3 (I) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix),  
4 respectively;  
5 (II) by inserting after clause (vi) the following:  
6 “(vii) a metropolitan planning organization that serves an urbanized area with a  
7 population of 200,000 or fewer;”;  
8 (III) in clause (viii) (as so redesignated), by striking “responsible” and all  
9 that follows through “programs; and” and inserting a semicolon;  
10 (IV) in clause (ix) (as so redesignated)—  
11 (aa) by inserting “that serves an urbanized area with a population of  
12 over 200,000” after “metropolitan planning organization”; and  
13 (bb) by striking the period at the end and inserting “; and”; and  
14 (V) by adding at the end the following:  
15 “(x) a State, at the request of an entity described in clauses (i) through (ix).”;  
16 and  
17 (iv) by adding at the end the following:  
18 “(B) COMPETITIVE PROCESS.—A State or metropolitan planning organization  
19 required to obligate funds in accordance with paragraph (2) shall develop a competitive  
20 process to allow eligible entities to submit projects for funding that achieve the  
21 objectives of this subsection.  
22 “(C) SELECTION.—A metropolitan planning organization for an area described in  
23 subsection (d)(1)(A)(i) shall select projects under the competitive process described in  
24 subparagraph (B) in consultation with the relevant State.  
25 “(D) PRIORITIZATION.—The competitive process described in subparagraph (B) shall  
26 include prioritization of project location and impact in high-need areas as defined by  
27 the State, such as low-income, transit-dependent, rural, or other areas.”;  
28 (E) in paragraph (5)(A), by striking “reserved under this section” and inserting “set  
29 aside under this subsection”;  
30 (F) in paragraph (6)—  
31 (i) in subparagraph (B), by striking “reserved” and inserting “set aside”; and  
32 (ii) by adding at the end the following:  
33 “(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—  
34 “(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent  
35 of the funds set aside for the State under this subsection, after allocating funds in  
36 accordance with paragraph (2)(A), to improve the ability of applicants to access  
37 funding for projects under this subsection in an efficient and expeditious manner  
38 by providing—

1 “(I) to applicants for projects under this subsection application assistance,  
2 technical assistance, and assistance in reducing the period of time between  
3 the selection of the project and the obligation of funds for the project; and

4 “(II) funding for 1 or more full-time State employee positions to  
5 administer this subsection.

6 “(ii) USE OF FUNDS.—Amounts used under clause (i) may be expended—

7 “(I) directly by the State; or

8 “(II) through contracts with State agencies, private entities, or nonprofit  
9 entities.”;

10 (G) by redesignating paragraph (7) as paragraph (8);

11 (H) by inserting after paragraph (6) the following:

12 “(7) FEDERAL SHARE.—

13 “(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-  
14 Federal share of the total cost of all projects for which funds are obligated under this  
15 subsection in a State for a fiscal year shall be not less than the average non-Federal  
16 share of the cost of the projects that would otherwise apply.

17 “(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section  
18 120—

19 “(i) funds made available to carry out section 148 may be credited toward the  
20 non-Federal share of the costs of a project under this subsection if the project—

21 “(I) is an eligible project described in section 148(e)(1); and

22 “(II) is consistent with the State strategic highway safety plan (as defined  
23 in section 148(a));

24 “(ii) the non-Federal share for a project under this subsection may be calculated  
25 on a project, multiple-project, or program basis; and

26 “(iii) the Federal share of the cost of an individual project in this section may  
27 be up to 100 percent.

28 “(C) REQUIREMENT.—Subparagraph (B) shall only apply to a State if the State has  
29 adequate financial controls, as certified by the Secretary, to account for the average  
30 annual non-Federal share under this paragraph.”; and

31 (I) in subparagraph (A) of paragraph (8) (as so redesignated)—

32 (i) in the matter preceding clause (i), by striking “describes” and inserting  
33 “includes”; and

34 (ii) by striking clause (ii) and inserting the following:

35 “(ii) a list of each project selected for funding for each fiscal year, including,  
36 for each project—

37 “(I) the fiscal year during which the project was selected;

1 “(II) the fiscal year in which the project is anticipated to be funded;  
2 “(III) the recipient;  
3 “(IV) the location, including the congressional district;  
4 “(V) the type;  
5 “(VI) the cost; and  
6 “(VII) a brief description.”.

7 (2) STATE TRANSFERABILITY.—Section 126(b)(2) of title 23, United States Code, is  
8 amended—

9 (A) by striking the period at the end and inserting “; and”;

10 (B) by striking “reserved for a State under section 133(h) for a fiscal year may” and  
11 inserting the following: “set aside for a State under section 133(h) for a fiscal year—

12 “(A) may”; and

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

14 “(B) may only be transferred if the Secretary certifies that the State—

15 “(i) held a competition in compliance with the guidance issued to carry out  
16 section 133(h) and provided sufficient time for applicants to apply;

17 “(ii) offered to each eligible entity, and provided on request of an eligible  
18 entity, technical assistance; and

19 “(iii) demonstrates that there were not sufficiently suitable applications from  
20 eligible entities to use the funds to be transferred.”.

## 21 SEC. 1110. NATIONALLY SIGNIFICANT FREIGHT AND 22 HIGHWAY PROJECTS.

23 (a) In General.—Section 117 of title 23, United States Code, is amended—

24 (1) in subsection (a)(2)—

25 (A) in subparagraph (A), by inserting “in and across rural and urban areas” after  
26 “people”; and

27 (B) in subparagraph (F), by inserting “, including highways that support movement  
28 of energy equipment” after “security”;

29 (2) in subsection (b), by adding at the end the following:

30 “(3) GRANT ADMINISTRATION.—The Secretary may—

31 “(A) retain not more than a total of 2 percent of the funds made available to carry  
32 out this section for the National Surface Transportation and Innovative Finance Bureau  
33 to review applications for grants under this section; and

34 “(B) transfer portions of the funds retained under subparagraph (A) to the relevant  
35 Administrators to fund the award and oversight of grants provided under this section.”;

1 (3) in subsection (d)—

2 (A) in paragraph (1)(A)—

3 (i) in clause (iii)(II), by striking “or” at the end;

4 (ii) in clause (iv), by striking “and” at the end; and

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

6 “(v) a wildlife crossing project;

7 “(vi) a surface transportation infrastructure project that—

8 “(I) is located within the boundaries of or functionally connected to an  
9 international border crossing area in the United States;

10 “(II) improves a transportation facility owned by a Federal, State, or local  
11 government entity; and

12 “(III) increases throughput efficiency of the border crossing described in  
13 subclause (I), including—

14 “(aa) a project to add lanes;

15 “(bb) a project to add technology; and

16 “(cc) other surface transportation improvements; or

17 “(vii) a project for a marine highway corridor designated by the Secretary under  
18 section 55601(c) of title 46 (including an inland waterway corridor), if the  
19 Secretary determines that the project—

20 “(I) is functionally connected to the National Highway Freight Network;  
21 and

22 “(II) is likely to reduce on-road mobile source emissions; and”; and

23 (B) in paragraph (2)(A), in the matter preceding clause (i)—

24 (i) by striking “\$500,000,000” and inserting “30 percent”; and

25 (ii) by striking “fiscal years 2016 through 2020, in the aggregate,” and inserting  
26 “each of fiscal years 2022 through 2026”; and

27 (4) in subsection (e)—

28 (A) in paragraph (1), by striking “10 percent” and inserting “not less than 15  
29 percent”;

30 (B) in paragraph (3)—

31 (i) in subparagraph (A), by striking “and” at the end;

32 (ii) in subparagraph (B), by striking the period at the end and inserting “; and”;  
33 and

34 (iii) by adding at the end the following:

35 “(C) the effect of the proposed project on safety on freight corridors with significant  
36 hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire,

1 wildlife crossing onto the roadway, or steep grades.”; and

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

3 “(4) REQUIREMENT.—Of the amounts reserved under paragraph (1), not less than 30  
4 percent shall be used for projects in rural areas (as defined in subsection (i)(3)).”;

5 (5) in subsection (h)—

6 (A) in paragraph (2), by striking “and” at the end;

7 (B) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

9 “(4) enhancement of freight resilience to natural hazards or disasters, including high  
10 winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the  
11 roadway, or steep grades.”;

12 (6) in subsection (i)(2), by striking “other grants under this section” and inserting “grants  
13 under subsection (e)”;

14 (7) in subsection (j)—

15 (A) by striking the subsection designation and heading and all that follows through  
16 “The Federal share” in paragraph (1) and inserting the following:

17 “(j) Federal Assistance.—

18 “(1) FEDERAL SHARE.—

19 “(A) IN GENERAL.—Except as provided in subparagraph (B) or for a grant under  
20 subsection (q), the Federal share”;

21 (B) in paragraph (1), by adding at the end the following:

22 “(B) SMALL PROJECTS.—In the case of a project described in subsection (e)(1), the  
23 Federal share of the cost of the project shall be 80 percent.”; and

24 (C) in paragraph (2)—

25 (i) by striking “Federal assistance other” and inserting “Except for grants under  
26 subsection (q), Federal assistance other”; and

27 (ii) by striking “except that the total Federal” and inserting the following:  
28 “except that—

29 “(A) for a State with a population density of not more than 80 persons per square  
30 mile of land area, based on the 2010 census, the maximum share of the total Federal  
31 assistance provided for a project receiving a grant under this section shall be the  
32 applicable share under section 120(b); and

33 “(B) for a State not described in subparagraph (A), the total Federal”;

34 (8) by redesignating subsections (k) through (n) as subsections (l), (m), (n), and (p),  
35 respectively;

36 (9) by inserting after subsection (j) the following:

1 “(k) Efficient Use of Non-Federal Funds.—

2 “(1) IN GENERAL.—Notwithstanding any other provision of law and subject to approval  
3 by the Secretary under paragraph (2)(B), in the case of any grant for a project under this  
4 section, during the period beginning on the date on which the grant recipient is selected and  
5 ending on the date on which the grant agreement is signed—

6 “(A) the grant recipient may obligate and expend non-Federal funds with respect to  
7 the project for which the grant is provided; and

8 “(B) any non-Federal funds obligated or expended in accordance with subparagraph  
9 (A) shall be credited toward the non-Federal cost share for the project for which the  
10 grant is provided.

11 “(2) REQUIREMENTS.—

12 “(A) APPLICATION.—In order to obligate and expend non-Federal funds under  
13 paragraph (1), the grant recipient shall submit to the Secretary a request to obligate and  
14 expend non-Federal funds under that paragraph, including—

15 “(i) a description of the activities the grant recipient intends to fund;

16 “(ii) a justification for advancing the activities described in clause (i), including  
17 an assessment of the effects to the project scope, schedule, and budget if the  
18 request is not approved; and

19 “(iii) the level of risk of the activities described in clause (i).

20 “(B) APPROVAL.—The Secretary shall approve or disapprove each request submitted  
21 under subparagraph (A).

22 “(C) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds  
23 obligated or expended under paragraph (1) shall comply with all applicable  
24 requirements, including any requirements included in the grant agreement.

25 “(3) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance  
26 with this subsection shall not—

27 “(A) affect the signing of a grant agreement or other applicable grant procedures  
28 with respect to the applicable grant;

29 “(B) create an obligation on the part of the Federal Government to repay any non-  
30 Federal funds if the grant agreement is not signed; or

31 “(C) affect the ability of the recipient of the grant to obligate or expend non-Federal  
32 funds to meet the non-Federal cost share for the project for which the grant is provided  
33 after the period described in paragraph (1).”;

34 (10) by inserting after subsection (n) (as so redesignated) the following:

35 “(o) Applicant Notification.—

36 “(1) IN GENERAL.—Not later than 60 days after the date on which a grant recipient for a  
37 project under this section is selected, the Secretary shall provide to each eligible applicant  
38 not selected for that grant a written notification that the eligible applicant was not selected.

39 “(2) INCLUSION.—A written notification under paragraph (1) shall include an offer for a

1 written or telephonic debrief by the Secretary that will provide—

2 “(A) detail on the evaluation of the application of the eligible applicant; and

3 “(B) an explanation of and guidance on the reasons the application was not selected  
4 for a grant under this section.

5 “(3) RESPONSE.—

6 “(A) IN GENERAL.—Not later than 30 days after the eligible applicant receives a  
7 written notification under paragraph (1), if the eligible applicant opts to receive a  
8 debrief described in paragraph (2), the eligible applicant shall notify the Secretary that  
9 the eligible applicant is requesting a debrief.

10 “(B) DEBRIEF.—If the eligible applicant submits a request for a debrief under  
11 subparagraph (A), the Secretary shall provide the debrief by not later than 60 days after  
12 the date on which the Secretary receives the request for a debrief.”; and

13 (11) by striking subsection (p) (as so redesignated) and inserting the following:

14 “(p) Reports.—

15 “(1) ANNUAL REPORT.—

16 “(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 30  
17 days after the date on which the Secretary selects a project for funding under this  
18 section, the Secretary shall submit to the Committee on Environment and Public  
19 Works of the Senate and the Committee on Transportation and Infrastructure of the  
20 House of Representatives a report that describes the reasons for selecting the project,  
21 based on any criteria established by the Secretary in accordance with this section.

22 “(B) INCLUSIONS.—The report submitted under subparagraph (A) shall specify each  
23 criterion established by the Secretary that the project meets.

24 “(C) AVAILABILITY.—The Secretary shall make available on the website of the  
25 Department of Transportation the report submitted under subparagraph (A).

26 “(D) APPLICABILITY.—This paragraph applies to all projects described in  
27 subparagraph (A) that the Secretary selects on or after January 1, 2021.

28 “(2) COMPTROLLER GENERAL.—

29 “(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an  
30 assessment of the establishment, solicitation, selection, and justification process with  
31 respect to the funding of projects under this section.

32 “(B) REPORT.—Not later than 1 year after the date of enactment of the Surface  
33 Transportation Reauthorization Act of 2021 and annually thereafter, the Comptroller  
34 General of the United States shall submit to the Committee on Environment and Public  
35 Works of the Senate and the Committee on Transportation and Infrastructure of the  
36 House of Representatives a report that describes, for each project selected to receive  
37 funding under this section—

38 “(i) the process by which each project was selected;

39 “(ii) the factors that went into the selection of each project; and

1                   “(iii) the justification for the selection of each project based on any criteria  
2                   established by the Secretary in accordance with this section.

3                   “(3) INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of the  
4                   Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Inspector  
5                   General of the Department of Transportation shall—

6                   “(A) conduct an assessment of the establishment, solicitation, selection, and  
7                   justification process with respect to the funding of projects under this section; and

8                   “(B) submit to the Committee on Environment and Public Works of the Senate and  
9                   the Committee on Transportation and Infrastructure of the House of Representatives a  
10                  final report that describes the findings of the Inspector General of the Department of  
11                  Transportation with respect to the assessment conducted under subparagraph (A).

12                  “(q) State Incentives Pilot Program.—

13                  “(1) ESTABLISHMENT.—There is established a pilot program to award grants to eligible  
14                  applicants for projects eligible for grants under this section (referred to in this subsection as  
15                  the ‘pilot program’).

16                  “(2) PRIORITY.—In awarding grants under the pilot program, the Secretary shall give  
17                  priority to an application that offers a greater non-Federal share of the cost of a project  
18                  relative to other applications under the pilot program.

19                  “(3) FEDERAL SHARE.—

20                  “(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal share  
21                  of the cost of a project assisted with a grant under the pilot program may not exceed 50  
22                  percent.

23                  “(B) NO FEDERAL INVOLVEMENT.—

24                  “(i) IN GENERAL.—For grants awarded under the pilot program, except as  
25                  provided in clause (ii), an eligible applicant may not use Federal assistance to  
26                  satisfy the non-Federal share of the cost under subparagraph (A).

27                  “(ii) EXCEPTION.—An eligible applicant may use funds from a secured loan (as  
28                  defined in section 601(a)) to satisfy the non-Federal share of the cost under  
29                  subparagraph (A) if the loan is repayable from non-Federal funds.

30                  “(4) RESERVATION.—

31                  “(A) IN GENERAL.—Of the amounts made available to provide grants under this  
32                  section, the Secretary shall reserve for each fiscal year \$150,000,000 to provide grants  
33                  under the pilot program.

34                  “(B) UNUTILIZED AMOUNTS.—In any fiscal year during which applications under  
35                  this subsection are insufficient to effect an award or allocation of the entire amount  
36                  reserved under subparagraph (A), the Secretary shall use the unutilized amounts to  
37                  provide other grants under this section.

38                  “(5) SET-ASIDES.—

39                  “(A) SMALL PROJECTS.—

1 “(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the  
2 Secretary shall reserve for each fiscal year not less than 10 percent for projects  
3 eligible for a grant under subsection (e).

4 “(ii) REQUIREMENT.—For a grant awarded from the amount reserved under  
5 clause (i)—

6 “(I) the requirements of subsection (e) shall apply; and

7 “(II) the requirements of subsection (g) shall not apply.

8 “(B) RURAL PROJECTS.—

9 “(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the  
10 Secretary shall reserve for each fiscal year not less than 25 percent for projects  
11 eligible for a grant under subsection (i).

12 “(ii) REQUIREMENT.—For a grant awarded from the amount reserved under  
13 clause (i), the requirements of subsection (i) shall apply.

14 “(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this  
15 subsection, the Secretary shall submit to the Committee on Environment and Public Works  
16 of the Senate and the Committee on Transportation and Infrastructure of the House of  
17 Representatives a report that describes the administration of the pilot program, including—

18 “(A) the number, types, and locations of eligible applicants that have applied for  
19 grants under the pilot program;

20 “(B) the number, types, and locations of grant recipients under the pilot program;

21 “(C) an assessment of whether implementation of the pilot program has incentivized  
22 eligible applicants to offer a greater non-Federal share for grants under the pilot  
23 program; and

24 “(D) any recommendations for modifications to the pilot program.”.

25 (b) Efficient Use of Non-Federal Funds.—

26 (1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a grant  
27 described in paragraph (2), section 117(k) of title 23, United States Code, shall apply to the  
28 grant as if the grant was a grant provided under that section.

29 (2) GRANT DESCRIBED.—A grant referred to in paragraph (1) is a grant that is—

30 (A) provided under a competitive discretionary grant program administered by the  
31 Federal Highway Administration;

32 (B) for a project eligible under title 23, United States Code; and

33 (C) in an amount greater than \$5,000,000.

## 34 SEC. 1111. HIGHWAY SAFETY IMPROVEMENT 35 PROGRAM.

36 (a) In General.—Section 148 of title 23, United States Code, is amended—

37 (1) in subsection (a)—

1 (A) in paragraph (4)(B)—

2 (i) in clause (i), by inserting “that provides for the safety of all road users, as  
3 appropriate, including a multimodal roundabout” after “improvement”;

4 (ii) in clause (vi), by inserting “or a grade separation project” after “devices”;

5 (iii) by striking clause (viii) and inserting the following:

6 “(viii) Construction or installation of features, measures, and road designs to  
7 calm traffic and reduce vehicle speeds.”;

8 (iv) by striking clause (xxvi) and inserting the following:

9 “(xxvi) Installation or upgrades of traffic control devices for pedestrians and  
10 bicyclists, including pedestrian hybrid beacons and the addition of bicycle  
11 movement phases to traffic signals.”; and

12 (v) by striking clauses (xxvii) and (xxviii) and inserting the following:

13 “(xxvii) Roadway improvements that provide separation between pedestrians  
14 and motor vehicles or between bicyclists and motor vehicles, including medians,  
15 pedestrian crossing islands, protected bike lanes, and protected intersection  
16 features.

17 “(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

18 “(xxix) A physical infrastructure safety project not described in clauses (i)  
19 through (xxviii).”;

20 (B) by redesignating paragraphs (9) through (12) as paragraphs (10), (12), (13), and  
21 (14), respectively;

22 (C) by inserting after paragraph (8) the following:

23 “(9) SAFE SYSTEM APPROACH.—The term ‘safe system approach’ means a roadway  
24 design—

25 “(A) that emphasizes minimizing the risk of injury or fatality to road users; and

26 “(B) that—

27 “(i) takes into consideration the possibility and likelihood of human error;

28 “(ii) accommodates human injury tolerance by taking into consideration likely  
29 accident types, resulting impact forces, and the ability of the human body to  
30 withstand impact forces; and

31 “(iii) takes into consideration vulnerable road users.”;

32 (D) by inserting after paragraph (10) (as so redesignated) the following:

33 “(11) SPECIFIED SAFETY PROJECT.—

34 “(A) IN GENERAL.—The term ‘specified safety project’ means a project carried out  
35 for the purpose of safety under any other section of this title that is consistent with the  
36 State strategic highway safety plan.

37 “(B) INCLUSION.—The term ‘specified safety project’ includes a project that—

1 “(i) promotes public awareness and informs the public regarding highway  
2 safety matters (including safety for motorcyclists, bicyclists, pedestrians,  
3 individuals with disabilities, and other road users);

4 “(ii) facilitates enforcement of traffic safety laws;

5 “(iii) provides infrastructure and infrastructure-related equipment to support  
6 emergency services;

7 “(iv) conducts safety-related research to evaluate experimental safety  
8 countermeasures or equipment; or

9 “(v) supports safe routes to school noninfrastructure-related activities described  
10 in section 208(g)(2).”;

11 (E) in paragraph (13) (as so redesignated)—

12 (i) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I),  
13 and (J), respectively; and

14 (ii) by inserting after subparagraph (F) the following;

15 “(G) includes a vulnerable road user safety assessment;” and

16 (F) by adding at the end the following:

17 “(15) VULNERABLE ROAD USER.—The term ‘vulnerable road user’ means a nonmotorist—

18 “(A) with a fatality analysis reporting system person attribute code that is included  
19 in the definition of the term ‘number of non-motorized fatalities’ in section 490.205 of  
20 title 23, Code of Federal Regulations (or successor regulations); or

21 “(B) described in the term ‘number of non-motorized serious injuries’ in that  
22 section.

23 “(16) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term ‘vulnerable road user  
24 safety assessment’ means an assessment of the safety performance of the State with respect  
25 to vulnerable road users and the plan of the State to improve the safety of vulnerable road  
26 users as described in subsection (1).”;

27 (2) in subsection (c)—

28 (A) in paragraph (1)(A), by striking “subsections (a)(11)” and inserting “subsections  
29 (a)(13)” and

30 (B) in paragraph (2)—

31 (i) in subparagraph (A)(vi), by inserting “and to differentiate the safety data for  
32 vulnerable road users, including bicyclists, motorcyclists, and pedestrians, from  
33 other road users” after “crashes”;

34 (ii) in subparagraph (B)(i), by striking “(including motorcyclists), bicyclists,  
35 pedestrians,” and inserting “, vulnerable road users (including motorcyclists,  
36 bicyclists, pedestrians),”; and

37 (iii) in subparagraph (D)—

38 (I) in clause (iv), by striking “and” at the end;

1 (II) in clause (v), by striking the semicolon at the end and inserting “;  
2 and”; and

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

4 “(vi) improves the ability of the State to differentiate the fatalities and serious  
5 injuries of vulnerable road users, including bicyclists, motorcyclists, and  
6 pedestrians, from other road users;”;

7 (3) in subsection (d)(2)(B)(i), by striking “subsection (a)(11)” and inserting “subsection  
8 (a)(13)”;

9 (4) in subsection (e), by adding at the end the following:

10 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

11 “(A) IN GENERAL.—To advance the implementation of a State strategic highway  
12 safety plan, a State may use not more than 10 percent of the amounts apportioned to  
13 the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

14 “(B) RULE OF CONSTRUCTION.—Nothing in this paragraph requires a State to revise  
15 any State process, plan, or program in effect on the date of enactment of this  
16 paragraph.

17 “(C) EFFECT OF PARAGRAPH.—

18 “(i) REQUIREMENTS.—A project carried out under this paragraph shall be  
19 subject to all requirements under this section that apply to a highway safety  
20 improvement project.

21 “(ii) OTHER APPORTIONED PROGRAMS.—Nothing in this paragraph prohibits the  
22 use of funds made available under other provisions of this title for a specified  
23 safety project that is a noninfrastructure project.”;

24 (5) in subsection (g), by adding at the end the following:

25 “(3) VULNERABLE ROAD USER SAFETY.—If the total annual fatalities of vulnerable road  
26 users in a State represents not less than 15 percent of the total annual crash fatalities in the  
27 State, that State shall be required to obligate not less than 15 percent of the amounts  
28 apportioned to the State under section 104(b)(3) for the following fiscal year for highway  
29 safety improvement projects to address the safety of vulnerable road users.”; and

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

31 “(l) Vulnerable Road User Safety Assessment.—

32 “(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection,  
33 each State shall complete a vulnerable road user safety assessment.

34 “(2) CONTENTS.—A vulnerable road user safety assessment under paragraph (1) shall  
35 include—

36 “(A) a quantitative analysis of vulnerable road user fatalities and serious injuries  
37 that—

38 “(i) includes data such as location, roadway functional classification, design  
39 speed, speed limit, and time of day;

1 “(ii) considers the demographics of the locations of fatalities and serious  
2 injuries, including race, ethnicity, income, and age; and

3 “(iii) based on the data, identifies areas as ‘high-risk’ to vulnerable road users;  
4 and

5 “(B) a program of projects or strategies to reduce safety risks to vulnerable road  
6 users in areas identified as high-risk under subparagraph (A)(iii).

7 “(3) USE OF DATA.—In carrying out a vulnerable road user safety assessment under  
8 paragraph (1), a State shall use data from the most recent 5-year period for which data is  
9 available.

10 “(4) REQUIREMENTS.—In carrying out a vulnerable road user safety assessment under  
11 paragraph (1), a State shall—

12 “(A) take into consideration a safe system approach; and

13 “(B) consult with local governments, metropolitan planning organizations, and  
14 regional transportation planning organizations that represent a high-risk area identified  
15 under paragraph (2)(A)(iii).

16 “(5) UPDATE.—A State shall update the vulnerable road user safety assessment of the  
17 State in accordance with the updates required to the State strategic highway safety plan  
18 under subsection (d).

19 “(6) REQUIREMENT FOR TRANSPORTATION SYSTEM ACCESS.—The program of projects  
20 developed under paragraph (2)(B) may not degrade transportation system access for  
21 vulnerable road users.

22 “(7) GUIDANCE.—

23 “(A) IN GENERAL.—Not later than 1 year after the date of enactment of this  
24 subsection, the Secretary shall develop guidance for States to carry out this subsection.

25 “(B) CONSULTATION.—In developing the guidance under this paragraph, the  
26 Secretary shall consult with the States and relevant safety stakeholders.”.

27 (b) High-risk Rural Roads.—

28 (1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary  
29 shall update the study under section 1112(b)(1) of MAP-21 (23 U.S.C. 148 note; Public  
30 Law 112-141).

31 (2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this  
32 Act, the Secretary shall publish on the website of the Department of Transportation an  
33 update to the report described in section 1112(b)(2) of MAP-21 (23 U.S.C. 148 note; Public  
34 Law 112-141).

35 (3) BEST PRACTICES MANUAL.—Not later than 180 days after the date on which the report  
36 is published under paragraph (2), the Secretary shall update the best practices manual  
37 described in section 1112(b)(3) of MAP-21 (23 U.S.C. 148 note; Public Law 112-141).

38 **SEC. 1112. FEDERAL LANDS TRANSPORTATION**  
39 **PROGRAM.**

1 Section 203(a) of title 23, United States Code, is amended—

2 (1) in paragraph (1)(D), by striking “\$10,000,000” and inserting “\$20,000,000”; and

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

4 “(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1),  
5 the entity carrying out the activity shall consider, to the maximum extent practicable—

6 “(A) the use of locally adapted native plant materials; and

7 “(B) designs that minimize runoff and heat generation.”.

## 8 SEC. 1113. FEDERAL LANDS ACCESS PROGRAM.

9 (a) Federal Share.—Section 201 of title 23, United States Code, is amended—

10 (1) in subsection (b)(7)(B), by striking “determined in accordance with section 120”, and  
11 inserting “be up to 100 percent”; and

12 (2) in subsection (c)(8)(A), by striking “5 percent” and inserting “20 percent”.

13 (b) Federal Lands Access Program.—Section 204(a) of title 23, United States Code, is  
14 amended—

15 (1) in paragraph (1)(A)—

16 (A) in the matter preceding clause (i), by inserting “context-sensitive solutions,”  
17 after “restoration,”;

18 (B) in clause (i), by inserting “, including interpretive panels in or adjacent to those  
19 areas” after “areas”;

20 (C) in clause (v), by striking “and” at the end;

21 (D) by redesignating clause (vi) as clause (ix); and

22 (E) by inserting after clause (v) the following:

23 “(vi) contextual wayfinding markers;

24 “(vii) landscaping;

25 “(viii) cooperative mitigation of visual blight, including screening or removal;  
26 and”;

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

28 “(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1),  
29 the Secretary shall ensure that the entity carrying out the activity considers, to the maximum  
30 extent practicable—

31 “(A) the use of locally adapted native plant materials; and

32 “(B) designs that minimize runoff and heat generation.”.

## 33 SEC. 1114. NATIONAL HIGHWAY FREIGHT PROGRAM.

34 Section 167 of title 23, United States Code, is amended—

1 (1) in subsection (e)—

2 (A) in paragraph (2), by striking “150 miles” and inserting “300 miles”; and

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

4 “(3) RURAL STATES.—Notwithstanding paragraph (2), a State with a population per  
5 square mile of area that is less than the national average, based on the 2010 census, may  
6 designate as critical rural freight corridors a maximum of 600 miles of highway or 25  
7 percent of the primary highway freight system mileage in the State, whichever is greater.”;

8 (2) in subsection (f)(4), by striking “75 miles” and inserting “150 miles”; and

9 (3) in subsection (i)(5)(B)—

10 (A) in the matter preceding clause (i), by striking “10 percent” and inserting “30  
11 percent”;

12 (B) in clause (i), by striking “and” at the end;

13 (C) in clause (ii), by striking the period at the end and inserting a semicolon; and

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

15 “(iii) for the modernization or rehabilitation of a lock and dam, if the Secretary  
16 determines that the project—

17 “(I) is functionally connected to the National Highway Freight Network;  
18 and

19 “(II) is likely to reduce on-road mobile source emissions; and

20 “(iv) on a marine highway corridor, connector, or crossing designated by the  
21 Secretary under section 55601(c) of title 46 (including an inland waterway  
22 corridor, connector, or crossing), if the Secretary determines that the project—

23 “(I) is functionally connected to the National Highway Freight Network;  
24 and

25 “(II) is likely to reduce on-road mobile source emissions.”.

26 **SEC. 1115. CONGESTION MITIGATION AND AIR**  
27 **QUALITY IMPROVEMENT PROGRAM.**

28 Section 149 of title 23, United States Code, is amended—

29 (1) in subsection (b)—

30 (A) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting  
31 “subsections (d) and (m)(1)(B)(ii)”

32 (B) in paragraph (7), by inserting “shared micromobility (including bikesharing and  
33 shared scooter systems),” after “carsharing,”;

34 (C) in paragraph (8)—

35 (i) in subparagraph (A)—

1 (I) in the matter preceding clause (i), by inserting “replacements or” before  
2 “retrofits”;

3 (II) by striking clause (i) and inserting the following:

4 “(i) verified technologies (as defined in section 791 of the Energy Policy Act of  
5 2005 (42 U.S.C. 16131)) for motor vehicles (as defined in section 216 of the  
6 Clean Air Act (42 U.S.C. 7550)); or”; and

7 (III) in clause (ii)(II), by striking “or” at the end; and

8 (ii) in subparagraph (B), by inserting “replacements or” before “retrofits”; and

9 (iii) by adding at the end the following:

10 “(C) the purchase of medium- or heavy-duty zero emission vehicles and related  
11 charging equipment;”;

12 (D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

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

14 “(10) if the project is for the modernization or rehabilitation of a lock and dam that—

15 “(A) is functionally connected to the Federal-aid highway system; and

16 “(B) the Secretary determines is likely to contribute to the attainment or  
17 maintenance of a national ambient air quality standard; or

18 “(11) if the project is on a marine highway corridor, connector, or crossing designated by  
19 the Secretary under section 55601(c) of title 46 (including an inland waterway corridor,  
20 connector, or crossing) that—

21 “(A) is functionally connected to the Federal-aid highway system; and

22 “(B) the Secretary determines is likely to contribute to the attainment or  
23 maintenance of a national ambient air quality standard.”;

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

25 “(4) LOCKS AND DAMS; MARINE HIGHWAYS.—For each fiscal year, a State may not  
26 obligate more than 10 percent of the funds apportioned to the State under section 104(b)(4)  
27 for projects described in paragraphs (10) and (11) of subsection (b).”;

28 (3) in subsection (f)(4)(A), by inserting “and nonroad vehicles and nonroad engines used  
29 in construction projects or port-related freight operations” after “motor vehicles”;

30 (4) in subsection (g)—

31 (A) in paragraph (1)(B)—

32 (i) in the subparagraph heading, by inserting “REPLACEMENT OR” before  
33 “RETROFIT”;

34 (ii) by striking “The term ‘diesel retrofit’” and inserting “The term ‘diesel  
35 replacement or retrofit’”; and

36 (iii) by inserting “or retrofit” after “replacement”;

1 (B) in paragraph (2), in the matter preceding subparagraph (A), by inserting  
2 “replacement or” before “retrofit”; and

3 (C) in paragraph (3), by inserting “replacements or” before “retrofits”;

4 (5) in subsection (k)(1), by striking “that reduce such fine particulate matter emissions in  
5 such area, including diesel retrofits.” and inserting “that—

6 “(A) reduce such fine particulate matter emissions in such area, including diesel  
7 replacements or retrofits; and

8 “(B) to the extent practicable, prioritize benefits to minority populations or low-  
9 income populations living in, or immediately adjacent to, such area.”;

10 (6) in subsection (l), by adding at the following:

11 “(3) ASSISTANCE TO METROPOLITAN PLANNING ORGANIZATIONS.—

12 “(A) IN GENERAL.—On the request of a metropolitan planning organization, the  
13 Secretary may assist the metropolitan planning organization tracking progress made in  
14 minority or low-income populations as part of a performance plan under this  
15 subsection.

16 “(B) SAVINGS PROVISION.—Nothing in this paragraph provides the Secretary the  
17 authority—

18 “(i) to change the performance measures under section 150(c)(5) or the  
19 performance targets established under section 134(h)(2) or 150(d); or

20 “(ii) to establish any other Federal requirement.”; and

21 (7) by striking subsection (m) and inserting the following:

22 “(m) Operating Assistance.—

23 “(1) IN GENERAL.—A State may obligate funds apportioned under section 104(b)(4) in an  
24 area of the State that is otherwise eligible for obligations of such funds for operating costs—

25 “(A) under chapter 53 of title 49; or

26 “(B) on—

27 “(i) a system for which CMAQ funding was eligible, made available, obligated,  
28 or expended in fiscal year 2012; or

29 “(ii) a State-supported Amtrak route with a valid cost-sharing agreement under  
30 section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49  
31 U.S.C. 24101 note; Public Law 110–432) and no current nonattainment areas  
32 under subsection (d).

33 “(2) NO TIME LIMITATION.—Operating assistance provided under paragraph (1) shall have  
34 no imposed time limitation if the operating assistance is for—

35 “(A) a route described in subparagraph (B)(ii) of that paragraph; or

36 “(B) a transit system that is located in—

37 “(i) a non-urbanized area; or

1 “(ii) an urbanized area with a population of 200,000 or fewer.”.

## 2 SEC. 1116. ALASKA HIGHWAY.

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

### 4 “218. Alaska Highway

5 “(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States  
6 from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon  
7 Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in  
8 Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the  
9 highway using funds awarded through an applicable competitive grant program, if the highway  
10 meets all applicable eligibility requirements for the program, except for the specific requirements  
11 established by the agreement for the Alaska Highway Project between the Government of the  
12 United States and the Government of Canada. In addition to the funds described in the previous  
13 sentence, notwithstanding any other provision of law and on agreement with the State of Alaska,  
14 the Secretary is authorized to expend on such highway or the Alaska Marine Highway System  
15 any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal  
16 share of 100 per centum. No expenditures shall be made for the construction of the portion of  
17 such highways that are in Canada unless an agreement is in place between the Government of  
18 Canada and the Government of the United States (including an agreement in existence on the  
19 date of enactment of the Surface Transportation Reauthorization Act of 2021) that provides, in  
20 part, that the Canadian Government—

21 “(1) will provide, without participation of funds authorized under this title, all necessary  
22 right-of-way for the reconstruction of such highways;

23 “(2) will not impose any highway toll, or permit any such toll to be charged for the use of  
24 such highways by vehicles or persons;

25 “(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use  
26 of such highways by vehicles or persons from the United States that does not apply equally  
27 to vehicles or persons of Canada;

28 “(4) will continue to grant reciprocal recognition of vehicle registration and driver’s  
29 licenses in accordance with agreements between the United States and Canada; and

30 “(5) will maintain such highways after their completion in proper condition adequately to  
31 serve the needs of present and future traffic.

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

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

## 38 SEC. 1117. TOLL ROADS, BRIDGES, TUNNELS, AND 39 FERRIES.

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

6 (b) Diesel Fuel Ferry Vessels.—

7 (1) IN GENERAL.—Notwithstanding section 147(b), in the case of a project to replace or  
8 retrofit a diesel fuel ferry vessel that provides substantial emissions reductions, the Federal  
9 share of the cost of the project may be up to 85 percent, as determined by the State.

10 (2) SUNSET.—The authority provided by paragraph (1) shall terminate on September 30,  
11 2025.

## 12 SEC. 1118. BRIDGE INVESTMENT PROGRAM.

13 (a) In General.—Chapter 1 of title 23, United States Code, is amended by inserting after  
14 section 123 the following:

### 15 “124. Bridge investment program

16 “(a) Definitions.—In this section:

17 “(1) ELIGIBLE PROJECT.—

18 “(A) IN GENERAL.—The term ‘eligible project’ means a project to replace,  
19 rehabilitate, preserve, or protect 1 or more bridges on the National Bridge Inventory  
20 under section 144(b).

21 “(B) INCLUSIONS.—The term ‘eligible project’ includes—

22 “(i) a bundle of projects described in subparagraph (A), regardless of whether  
23 the bundle of projects meets the requirements of section 144(j)(5); and

24 “(ii) a project to replace or rehabilitate culverts for the purpose of improving  
25 flood control and improved habitat connectivity for aquatic species.

26 “(2) LARGE PROJECT.—The term ‘large project’ means an eligible project with total  
27 eligible project costs of greater than \$100,000,000.

28 “(3) PROGRAM.—The term ‘program’ means the bridge investment program established  
29 by subsection (b)(1).

30 “(b) Establishment of Bridge Investment Program.—

31 “(1) IN GENERAL.—There is established a bridge investment program to provide financial  
32 assistance for eligible projects under this section.

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

34 “(A) to improve the safety, efficiency, and reliability of the movement of people and  
35 freight over bridges;

36 “(B) to improve the condition of bridges in the United States by reducing—

37 “(i) the number of bridges—

1                   “(I) in poor condition; or  
2                   “(II) in fair condition and at risk of falling into poor condition within the  
3                   next 3 years;  
4                   “(ii) the total person miles traveled over bridges—  
5                   “(I) in poor condition; or  
6                   “(II) in fair condition and at risk of falling into poor condition within the  
7                   next 3 years;  
8                   “(iii) the number of bridges that—  
9                   “(I) do not meet current geometric design standards; or  
10                  “(II) cannot meet the load and traffic requirements typical of the regional  
11                  transportation network; and  
12                  “(iv) the total person miles traveled over bridges that—  
13                  “(I) do not meet current geometric design standards; or  
14                  “(II) cannot meet the load and traffic requirements typical of the regional  
15                  transportation network; and  
16                  “(C) to provide financial assistance that leverages and encourages non-Federal  
17                  contributions from sponsors and stakeholders involved in the planning, design, and  
18                  construction of eligible projects.

19           “(c) Grant Authority.—

20                  “(1) IN GENERAL.—In carrying out the program, the Secretary may award grants, on a  
21                  competitive basis, in accordance with this section.

22                  “(2) GRANT AMOUNTS.—Except as otherwise provided, a grant under the program shall  
23                  be—

24                       “(A) in the case of a large project, in an amount that is—

25                           “(i) adequate to fully fund the project (in combination with other financial  
26                           resources identified in the application); and

27                           “(ii) not less than \$50,000,000; and

28                       “(B) in the case of any other eligible project, in an amount that is—

29                           “(i) adequate to fully fund the project (in combination with other financial  
30                           resources identified in the application); and

31                           “(ii) not less than \$2,500,000.

32                  “(3) MAXIMUM AMOUNT.—Except as otherwise provided, for an eligible project receiving  
33                  assistance under the program, the amount of assistance provided by the Secretary under this  
34                  section, as a share of eligible project costs, shall be—

35                       “(A) in the case of a large project, not more than 50 percent; and

36                       “(B) in the case of any other eligible project, not more than 80 percent.

1 “(4) FEDERAL SHARE.—

2 “(A) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant  
3 under the program may be used to satisfy the non-Federal share of the cost of a project  
4 for which a grant is made, except that the total Federal assistance provided for a project  
5 receiving a grant under the program may not exceed the Federal share for the project  
6 under section 120.

7 “(B) OFF-SYSTEM BRIDGES.—In the case of an eligible project for an off-system  
8 bridge (as defined in section 133(f)(1))—

9 “(i) Federal assistance other than a grant under the program may be used to  
10 satisfy the non-Federal share of the cost of a project; and

11 “(ii) notwithstanding subparagraph (A), the total Federal assistance provided  
12 for the project shall not exceed 90 percent of the total eligible project costs.

13 “(C) FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—  
14 Notwithstanding any other provision of law, Federal funds other than Federal funds  
15 made available under this section may be used to pay the remaining share of the cost of  
16 a project under the program by a Federal land management agency or a Tribal  
17 government or consortium of Tribal governments.

18 “(5) CONSIDERATIONS.—

19 “(A) IN GENERAL.—In awarding grants under the program, the Secretary shall  
20 consider—

21 “(i) in the case of a large project, the ratings assigned under subsection  
22 (g)(5)(A);

23 “(ii) in the case of an eligible project other than a large project, the quality  
24 rating assigned under subsection (f)(3)(A)(ii);

25 “(iii) the average daily person and freight throughput supported by the eligible  
26 project;

27 “(iv) the number and percentage of bridges within the same State as the eligible  
28 project that are in poor condition;

29 “(v) the extent to which the eligible project demonstrates cost savings by  
30 bundling multiple bridge projects;

31 “(vi) in the case of an eligible project of a Federal land management agency,  
32 the extent to which the grant would reduce a Federal liability or Federal  
33 infrastructure maintenance backlog;

34 “(vii) geographic diversity among grant recipients, including the need for a  
35 balance between the needs of rural and urban communities; and

36 “(viii) the extent to which a bridge that would be assisted with a grant—

37 “(I) is, without that assistance—

38 “(aa) at risk of falling into or remaining in poor condition; or

39 “(bb) in fair condition and at risk of falling into poor condition within

- 1 the next 3 years;
- 2 “(II) does not meet current geometric design standards based on—
- 3 “(aa) the current use of the bridge; or
- 4 “(bb) load and traffic requirements typical of the regional corridor or
- 5 local network in which the bridge is located; or
- 6 “(III) does not meet current seismic design standards.
- 7 “(B) REQUIREMENT.—The Secretary shall—
- 8 “(i) give priority to an application for an eligible project that is located within a
- 9 State for which—
- 10 “(I) 2 or more applications for eligible projects within the State were
- 11 submitted for the current fiscal year and an average of 2 or more applications
- 12 for eligible projects within the State were submitted in prior fiscal years of
- 13 the program; and
- 14 “(II) fewer than 2 grants have been awarded for eligible projects within the
- 15 State under the program;
- 16 “(ii) during the period of fiscal years 2022 through 2026, for each State
- 17 described in clause (i), select—
- 18 “(I) not fewer than 1 large project that the Secretary determines is justified
- 19 under the evaluation under subsection (g)(4); or
- 20 “(II) 2 eligible projects that are not large projects that the Secretary
- 21 determines are justified under the evaluation under subsection (f)(3); and
- 22 “(iii) not be required to award a grant for an eligible project that the Secretary
- 23 does not determine is justified under an evaluation under subsection (f)(3) or
- 24 (g)(4).
- 25 “(6) CULVERT LIMITATION.—Not more than 5 percent of the amounts made available for
- 26 each fiscal year for grants under the program may be used for eligible projects that consist
- 27 solely of culvert replacement or rehabilitation.
- 28 “(d) Eligible Entity.—The Secretary may make a grant under the program to any of the
- 29 following:
- 30 “(1) A State or a group of States.
- 31 “(2) A metropolitan planning organization that serves an urbanized area (as designated by
- 32 the Bureau of the Census) with a population of over 200,000.
- 33 “(3) A unit of local government or a group of local governments.
- 34 “(4) A political subdivision of a State or local government.
- 35 “(5) A special purpose district or public authority with a transportation function.
- 36 “(6) A Federal land management agency.
- 37 “(7) A Tribal government or a consortium of Tribal governments.

1 “(8) A multistate or multijurisdictional group of entities described in paragraphs (1)  
2 through (7).

3 “(e) Eligible Project Requirements.—The Secretary may make a grant under the program only  
4 to an eligible entity for an eligible project that—

5 “(1) in the case of a large project, the Secretary recommends for funding in the annual  
6 report on funding recommendations under subsection (g)(6);

7 “(2) is reasonably expected to begin construction not later than 18 months after the date  
8 on which funds are obligated for the project; and

9 “(3) is based on the results of preliminary engineering.

10 “(f) Competitive Process and Evaluation of Eligible Projects Other Than Large Projects.—

11 “(1) COMPETITIVE PROCESS.—

12 “(A) IN GENERAL.—The Secretary shall—

13 “(i) for the first fiscal year for which funds are made available for obligation  
14 under the program, not later than 60 days after the date on which the template  
15 under subparagraph (B)(i) is developed, and in subsequent fiscal years, not later  
16 than 60 days after the date on which amounts are made available for obligation  
17 under the program, solicit grant applications for eligible projects other than large  
18 projects; and

19 “(ii) not later than 120 days after the date on which the solicitation under clause  
20 (i) expires, conduct evaluations under paragraph (3).

21 “(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall—

22 “(i) develop a template for applicants to use to summarize project needs and  
23 benefits, including benefits described in paragraph (3)(B)(i); and

24 “(ii) enable applicants to use data from the National Bridge Inventory under  
25 section 144(b) to populate templates described in clause (i), as applicable.

26 “(2) APPLICATIONS.—An eligible entity shall submit to the Secretary an application at  
27 such time, in such manner, and containing such information as the Secretary may require.

28 “(3) EVALUATION.—

29 “(A) IN GENERAL.—Prior to providing a grant under this subsection, the Secretary  
30 shall—

31 “(i) conduct an evaluation of each eligible project for which an application is  
32 received under this subsection; and

33 “(ii) assign a quality rating to the eligible project on the basis of the evaluation  
34 under clause (i).

35 “(B) REQUIREMENTS.—In carrying out an evaluation under subparagraph (A), the  
36 Secretary shall—

37 “(i) consider information on project benefits submitted by the applicant using  
38 the template developed under paragraph (1)(B)(i), including whether the project

1 will generate, as determined by the Secretary—

2 “(I) costs avoided by the prevention of closure or reduced use of the  
3 bridge to be improved by the project;

4 “(II) in the case of a bundle of projects, benefits from executing the  
5 projects as a bundle compared to as individual projects;

6 “(III) safety benefits, including the reduction of accidents and related  
7 costs;

8 “(IV) person and freight mobility benefits, including congestion reduction  
9 and reliability improvements;

10 “(V) national or regional economic benefits;

11 “(VI) benefits from long-term resiliency to extreme weather events,  
12 flooding, or other natural disasters;

13 “(VII) benefits from protection (as described in section 133(b)(10)),  
14 including improving seismic or scour protection;

15 “(VIII) environmental benefits, including wildlife connectivity;

16 “(IX) benefits to nonvehicular and public transportation users;

17 “(X) benefits of using—

18 “(aa) innovative design and construction techniques; or

19 “(bb) innovative technologies; or

20 “(XI) reductions in maintenance costs, including, in the case of a  
21 federally-owned bridge, cost savings to the Federal budget; and

22 “(ii) consider whether and the extent to which the benefits, including the  
23 benefits described in clause (i), are more likely than not to outweigh the total  
24 project costs.

25 “(g) Competitive Process, Evaluation, and Annual Report for Large Projects.—

26 “(1) IN GENERAL.—The Secretary shall establish an annual date by which an eligible  
27 entity submitting an application for a large project shall submit to the Secretary such  
28 information as the Secretary may require, including information described in paragraph (2),  
29 in order for a large project to be considered for a recommendation by the Secretary for  
30 funding in the next annual report under paragraph (6).

31 “(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) includes—

32 “(A) all necessary information required for the Secretary to evaluate the large  
33 project; and

34 “(B) information sufficient for the Secretary to determine that—

35 “(i) the large project meets the applicable requirements under this section; and

36 “(ii) there is a reasonable likelihood that the large project will continue to meet  
37 the requirements under this section.

1 “(3) DETERMINATION; NOTICE.—On making a determination that information submitted  
2 to the Secretary under paragraph (1) is sufficient, the Secretary shall provide a written  
3 notice of that determination to—

4 “(A) the eligible entity that submitted the application;

5 “(B) the Committee on Environment and Public Works of the Senate; and

6 “(C) the Committee on Transportation and Infrastructure of the House of  
7 Representatives.

8 “(4) EVALUATION.—The Secretary may recommend a large project for funding in the  
9 annual report under paragraph (6) only if the Secretary evaluates the proposed project and  
10 determines that the project is justified because the project—

11 “(A) addresses a need to improve the condition of the bridge, as determined by the  
12 Secretary, consistent with the goals of the program under subsection (b)(2);

13 “(B) will generate, as determined by the Secretary—

14 “(i) costs avoided by the prevention of closure or reduced use of the bridge to  
15 be improved by the project;

16 “(ii) in the case of a bundle of projects, benefits from executing the projects as  
17 a bundle compared to as individual projects;

18 “(iii) safety benefits, including the reduction of accidents and related costs;

19 “(iv) person and freight mobility benefits, including congestion reduction and  
20 reliability improvements;

21 “(v) national or regional economic benefits;

22 “(vi) benefits from long-term resiliency to extreme weather events, flooding, or  
23 other natural disasters;

24 “(vii) benefits from protection (as described in section 133(b)(10)), including  
25 improving seismic or scour protection;

26 “(viii) environmental benefits, including wildlife connectivity;

27 “(ix) benefits to nonvehicular and public transportation users;

28 “(x) benefits of using—

29 “(I) innovative design and construction techniques; or

30 “(II) innovative technologies; or

31 “(xi) reductions in maintenance costs, including, in the case of a federally-  
32 owned bridge, cost savings to the Federal budget;

33 “(C) is cost effective based on an analysis of whether the benefits and avoided costs  
34 described in subparagraph (B) are expected to outweigh the project costs;

35 “(D) is supported by other Federal or non-Federal financial commitments or  
36 revenues adequate to fund ongoing maintenance and preservation; and

37 “(E) is consistent with the objectives of an applicable asset management plan of the

1 project sponsor, including a State asset management plan under section 119(e) in the  
2 case of a project on the National Highway System that is sponsored by a State.

3 “(5) RATINGS.—

4 “(A) IN GENERAL.—The Secretary shall develop a methodology to evaluate and rate  
5 a large project on a 5-point scale (the points of which include ‘high’, ‘medium-high’,  
6 ‘medium’, ‘medium-low’, and ‘low’) for each of—

7 “(i) paragraph (4)(B);

8 “(ii) paragraph (4)(C); and

9 “(iii) paragraph (4)(D).

10 “(B) REQUIREMENT.—To be considered justified and receive a recommendation for  
11 funding in the annual report under paragraph (6), a project shall receive a rating of not  
12 less than ‘medium’ for each rating required under subparagraph (A).

13 “(6) ANNUAL REPORT ON FUNDING RECOMMENDATIONS FOR LARGE PROJECTS.—

14 “(A) IN GENERAL.—Not later than the first Monday in February of each year, the  
15 Secretary shall submit to the Committees on Transportation and Infrastructure and  
16 Appropriations of the House of Representatives and the Committees on Environment  
17 and Public Works and Appropriations of the Senate a report that includes—

18 “(i) a list of large projects that have requested a recommendation for funding  
19 under a new grant agreement from funds anticipated to be available to carry out  
20 this subsection in the next fiscal year;

21 “(ii) the evaluation under paragraph (4) and ratings under paragraph (5) for  
22 each project referred to in clause (i);

23 “(iii) the grant amounts that the Secretary recommends providing to large  
24 projects in the next fiscal year, including—

25 “(I) scheduled payments under previously signed multiyear grant  
26 agreements under subsection (j);

27 “(II) payments for new grant agreements, including single-year grant  
28 agreements and multiyear grant agreements; and

29 “(III) a description of how amounts anticipated to be available for the  
30 program from the Highway Trust Fund for that fiscal year will be distributed;  
31 and

32 “(iv) for each project for which the Secretary recommends a new multiyear  
33 grant agreement under subsection (j), the proposed payout schedule for the  
34 project.

35 “(B) LIMITATIONS.—

36 “(i) IN GENERAL.—The Secretary shall not recommend in an annual report  
37 under this paragraph a new multiyear grant agreement provided from funds from  
38 the Highway Trust Fund unless the Secretary determines that the project can be  
39 completed using funds that are anticipated to be available from the Highway Trust

1 Fund in future fiscal years.

2 “(ii) GENERAL FUND PROJECTS.—The Secretary—

3 “(I) may recommend for funding in an annual report under this paragraph  
4 a large project using funds from the general fund of the Treasury; but

5 “(II) shall not execute a grant agreement for that project unless—

6 “(aa) funds other than from the Highway Trust Fund have been made  
7 available for the project; and

8 “(bb) the Secretary determines that the project can be completed  
9 using funds other than from the Highway Trust Fund that are  
10 anticipated to be available in future fiscal years.

11 “(C) CONSIDERATIONS.—In selecting projects to recommend for funding in the  
12 annual report under this paragraph, the Secretary shall—

13 “(i) consider the amount of funds available in future fiscal years for multiyear  
14 grant agreements as described in subparagraph (B); and

15 “(ii) assume the availability of funds in future fiscal years for multiyear grant  
16 agreements that extend beyond the period of authorization based on the amount  
17 made available for large projects under the program in the last fiscal year of the  
18 period of authorization.

19 “(D) PROJECT DIVERSITY.—In selecting projects to recommend for funding in the  
20 annual report under this paragraph, the Secretary shall ensure diversity among projects  
21 recommended based on—

22 “(i) the amount of the grant requested; and

23 “(ii) grants for an eligible project for 1 bridge compared to an eligible project  
24 that is a bundle of projects.

25 “(h) Eligible Project Costs.—A grant received for an eligible project under the program may  
26 be used for—

27 “(1) development phase activities, including planning, feasibility analysis, revenue  
28 forecasting, environmental review, preliminary engineering and design work, and other  
29 preconstruction activities;

30 “(2) construction, reconstruction, rehabilitation, acquisition of real property (including  
31 land related to the project and improvements to the land), environmental mitigation,  
32 construction contingencies, acquisition of equipment, and operational improvements  
33 directly related to improving system performance; and

34 “(3) expenses related to the protection (as described in section 133(b)(10)) of a bridge,  
35 including seismic or scour protection.

36 “(i) TIFIA Program.—On the request of an eligible entity carrying out an eligible project, the  
37 Secretary may use amounts awarded to the entity to pay subsidy and administrative costs  
38 necessary to provide to the entity Federal credit assistance under chapter 6 with respect to the  
39 eligible project for which the grant was awarded.

1 “(j) Multiyear Grant Agreements for Large Projects.—

2 “(1) IN GENERAL.—A large project that receives a grant under the program in an amount  
3 of not less than \$100,000,000 may be carried out through a multiyear grant agreement in  
4 accordance with this subsection.

5 “(2) REQUIREMENTS.—A multiyear grant agreement for a large project described in  
6 paragraph (1) shall—

7 “(A) establish the terms of participation by the Federal Government in the project;

8 “(B) establish the maximum amount of Federal financial assistance for the project in  
9 accordance with paragraphs (3) and (4) of subsection (c);

10 “(C) establish a payout schedule for the project that provides for disbursement of the  
11 full grant amount by not later than 4 fiscal years after the fiscal year in which the initial  
12 amount is provided;

13 “(D) determine the period of time for completing the project, even if that period  
14 extends beyond the period of an authorization; and

15 “(E) attempt to improve timely and efficient management of the project, consistent  
16 with all applicable Federal laws (including regulations).

17 “(3) SPECIAL FINANCIAL RULES.—

18 “(A) IN GENERAL.—A multiyear grant agreement under this subsection—

19 “(i) shall obligate an amount of available budget authority specified in law; and

20 “(ii) may include a commitment, contingent on amounts to be specified in law  
21 in advance for commitments under this paragraph, to obligate an additional  
22 amount from future available budget authority specified in law.

23 “(B) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the  
24 contingent commitment is not an obligation of the Federal Government.

25 “(C) INTEREST AND OTHER FINANCING COSTS.—

26 “(i) IN GENERAL.—Interest and other financing costs of carrying out a part of  
27 the project within a reasonable time shall be considered a cost of carrying out the  
28 project under a multiyear grant agreement, except that eligible costs may not be  
29 more than the cost of the most favorable financing terms reasonably available for  
30 the project at the time of borrowing.

31 “(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the  
32 applicant has shown reasonable diligence in seeking the most favorable financing  
33 terms.

34 “(4) ADVANCE PAYMENT.—Notwithstanding any other provision of law, an eligible entity  
35 carrying out a large project under a multiyear grant agreement—

36 “(A) may use funds made available to the eligible entity under this title for eligible  
37 project costs of the large project until the amount specified in the multiyear grant  
38 agreement for the project for that fiscal year becomes available for obligation; and

39 “(B) if the eligible entity uses funds as described in subparagraph (A), the funds

1 used shall be reimbursed from the amount made available under the multiyear grant  
2 agreement for the project.

3 “(k) Undertaking Parts of Projects in Advance Under Letters of No Prejudice.—

4 “(1) IN GENERAL.—The Secretary may pay to an applicant all eligible project costs under  
5 the program, including costs for an activity for an eligible project incurred prior to the date  
6 on which the project receives funding under the program if—

7 “(A) before the applicant carries out the activity, the Secretary approves through a  
8 letter to the applicant the activity in the same manner as the Secretary approves other  
9 activities as eligible under the program;

10 “(B) a record of decision, a finding of no significant impact, or a categorical  
11 exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
12 seq.) has been issued for the eligible project; and

13 “(C) the activity is carried out without Federal assistance and in accordance with all  
14 applicable procedures and requirements.

15 “(2) INTEREST AND OTHER FINANCING COSTS.—

16 “(A) IN GENERAL.—For purposes of paragraph (1), the cost of carrying out an  
17 activity for an eligible project includes the amount of interest and other financing costs,  
18 including any interest earned and payable on bonds, to the extent interest and other  
19 financing costs are expended in carrying out the activity for the eligible project, except  
20 that interest and other financing costs may not be more than the cost of the most  
21 favorable financing terms reasonably available for the eligible project at the time of  
22 borrowing.

23 “(B) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant  
24 has shown reasonable diligence in seeking the most favorable financing terms under  
25 subparagraph (A).

26 “(3) NO OBLIGATION OR INFLUENCE ON RECOMMENDATIONS.—An approval by the  
27 Secretary under paragraph (1)(A) shall not—

28 “(A) constitute an obligation of the Federal Government; or

29 “(B) alter or influence any evaluation under subsection (f)(3)(A)(i) or (g)(4) or any  
30 recommendation by the Secretary for funding under the program.

31 “(l) Federally-owned Bridges.—

32 “(1) DIVESTITURE CONSIDERATION.—In the case of a bridge owned by a Federal land  
33 management agency for which that agency applies for a grant under the program, the  
34 agency—

35 “(A) shall consider options to divest the bridge to a State or local entity after  
36 completion of the project; and

37 “(B) may apply jointly with the State or local entity to which the bridge may be  
38 divested.

39 “(2) TREATMENT.—Notwithstanding any other provision of law, section 129 shall apply  
40 to a bridge that was previously owned by a Federal land management agency and has been

1 transferred to a non-Federal entity under paragraph (1) in the same manner as if the bridge  
2 was never federally owned.

3 “(m) Congressional Notification.—Not later than 30 days before making a grant for an eligible  
4 project under the program, the Secretary shall submit to the Committee on Transportation and  
5 Infrastructure of the House of Representatives and the Committee on Environment and Public  
6 Works of the Senate a written notification of the proposed grant that includes—

7 “(1) an evaluation and justification for the eligible project; and

8 “(2) the amount of the proposed grant.

9 “(n) Reports.—

10 “(1) ANNUAL REPORT.—Not later than August 1 of each fiscal year, the Secretary shall  
11 make available on the website of the Department of Transportation an annual report that  
12 lists each eligible project for which a grant has been provided under the program during the  
13 fiscal year.

14 “(2) GAO ASSESSMENT AND REPORT.—Not later than 3 years after the date of enactment  
15 of the Surface Transportation Reauthorization Act of 2021, the Comptroller General of the  
16 United States shall—

17 “(A) conduct an assessment of the administrative establishment, solicitation,  
18 selection, and justification process with respect to the funding of grants under the  
19 program; and

20 “(B) submit to the Committee on Transportation and Infrastructure of the House of  
21 Representatives and the Committee on Environment and Public Works of the Senate a  
22 report that describes—

23 “(i) the adequacy and fairness of the process under which each eligible project  
24 that received a grant under the program was selected; and

25 “(ii) the justification and criteria used for the selection of each eligible project.

26 “(o) Limitation.—

27 “(1) LARGE PROJECTS.—Of the amounts made available out of the Highway Trust Fund  
28 (other than the Mass Transit Account) to carry out this section for each of fiscal years 2022  
29 through 2026, not less than 50 percent, in aggregate, shall be used for large projects.

30 “(2) UNUTILIZED AMOUNTS.—If, in fiscal year 2026, the Secretary determines that grants  
31 under the program will not allow for the requirement under paragraph (1) to be met, the  
32 Secretary shall use the unutilized amounts to make other grants under the program during  
33 that fiscal year.

34 “(p) Tribal Transportation Facility Bridge Set Aside.—

35 “(1) IN GENERAL.—Of the amounts made available from the Highway Trust Fund (other  
36 than the Mass Transit Account) for a fiscal year to carry out this section, the Secretary shall  
37 use, to carry out section 202(d)—

38 “(A) \$16,000,000 for fiscal year 2022;

39 “(B) \$18,000,000 for fiscal year 2023;

- 1           “(C) \$20,000,000 for fiscal year 2024;  
2           “(D) \$22,000,000 for fiscal year 2025; and  
3           “(E) \$24,000,000 for fiscal year 2026.

4           “(2) TREATMENT.—For purposes of section 201, funds made available for section 202(d)  
5           under paragraph (1) shall be considered to be part of the tribal transportation program.”.

6           (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, is  
7           amended by inserting after the item relating to section 123 the following:

8           “124. Bridge investment program.”.

## 9   SEC. 1119. SAFE ROUTES TO SCHOOL.

10          (a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after  
11          section 207 the following:

### 12   “208. Safe routes to school

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

14               “(1) IN THE VICINITY OF SCHOOLS.—The term ‘in the vicinity of schools’, with respect to  
15               a school, means the approximately 2-mile area within bicycling and walking distance of the  
16               school.

17               “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term ‘primary, middle, and high  
18               schools’ means schools providing education from kindergarten through 12th grade.

19          “(b) Establishment.—Subject to the requirements of this section, the Secretary shall establish  
20          and carry out a safe routes to school program for the benefit of children in primary, middle, and  
21          high schools.

22          “(c) Purposes.—The purposes of the program established under subsection (b) shall be—

23               “(1) to enable and encourage children, including those with disabilities, to walk and  
24               bicycle to school;

25               “(2) to make bicycling and walking to school a safer and more appealing transportation  
26               alternative, thereby encouraging a healthy and active lifestyle from an early age; and

27               “(3) to facilitate the planning, development, and implementation of projects and activities  
28               that will improve safety and reduce traffic, fuel consumption, and air pollution in the  
29               vicinity of schools.

30          “(d) Apportionment of Funds.—

31               “(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to  
32               carry out this section for a fiscal year shall be apportioned among the States so that each  
33               State receives the amount equal to the proportion that—

34                       “(A) the total student enrollment in primary, middle, and high schools in each State;  
35                       bears to

36                       “(B) the total student enrollment in primary, middle, and high schools in all States.

1 “(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this  
2 section for a fiscal year of less than \$1,000,000.

3 “(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this  
4 subsection amounts made available to carry out this section for a fiscal year, the Secretary  
5 shall set aside not more than \$3,000,000 of those amounts for the administrative expenses of  
6 the Secretary in carrying out this section.

7 “(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection  
8 relating to student enrollments shall be made by the Secretary.

9 “(e) Administration of Amounts.—Amounts apportioned to a State under this section shall be  
10 administered by the State department of transportation.

11 “(f) Eligible Recipients.—Amounts apportioned to a State under this section shall be used by  
12 the State to provide financial assistance to State, local, Tribal, and regional agencies, including  
13 nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

14 “(g) Eligible Projects and Activities.—

15 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

16 “(A) IN GENERAL.—Amounts apportioned to a State under this section may be used  
17 for the planning, design, and construction of infrastructure-related projects that will  
18 substantially improve the ability of students to walk and bicycle to school, including  
19 sidewalk improvements, traffic calming and speed reduction improvements, pedestrian  
20 and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and  
21 pedestrian facilities, secure bicycle parking facilities, and traffic diversion  
22 improvements in the vicinity of schools.

23 “(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph  
24 (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail  
25 in the vicinity of schools.

26 “(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

27 “(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts  
28 apportioned to a State under this section may be used for noninfrastructure-related  
29 activities to encourage walking and bicycling to school, including public awareness  
30 campaigns and outreach to press and community leaders, traffic education and  
31 enforcement in the vicinity of schools, student sessions on bicycle and pedestrian  
32 safety, health, and environment, and funding for training, volunteers, and managers of  
33 safe routes to school programs.

34 “(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the  
35 amount apportioned to a State under this section for a fiscal year shall be used for  
36 noninfrastructure-related activities under this paragraph.

37 “(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State shall use a sufficient amount  
38 of the apportionment of the State for each fiscal year to fund a full-time position of  
39 coordinator of the safe routes to school program of the State.

40 “(h) Clearinghouse.—

1 “(1) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization  
2 engaged in promoting safe routes to schools—

3 “(A) to operate a national safe routes to school clearinghouse;

4 “(B) to develop information and educational programs on safe routes to school; and

5 “(C) to provide technical assistance and disseminate techniques and strategies used  
6 for successful safe routes to school programs.

7 “(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for  
8 administrative expenses under subsection (d)(3).

9 “(i) Treatment of Projects.—Notwithstanding any other provision of law, a project assisted  
10 under this section shall be treated as a project on a Federal-aid highway under chapter 1.”.

11 (b) Conforming Amendments.—

12 (1) The analysis for chapter 2 of title 23, United States Code, is amended by inserting  
13 after the item relating to section 207 the following:

14 “208. Safe routes to school.”.

15 (2) Section 1404 of SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59) is repealed.

16 (3) The table of contents in section 1(b) of SAFETEA–LU (Public Law 109–59; 119 Stat.  
17 1144) is amended by striking the item relating to section 1404.

## 18 SEC. 1120. HIGHWAY USE TAX EVASION PROJECTS.

19 Section 143(b)(2)(A) of title 23, United States Code, is amended by striking “fiscal years 2016  
20 through 2020” and inserting “fiscal years 2022 through 2026”.

## 21 SEC. 1121. CONSTRUCTION OF FERRY BOATS AND 22 FERRY TERMINAL FACILITIES.

23 Section 147 of title 23, United States Code, is amended by striking subsection (h) and  
24 inserting the following:

25 “(h) Authorization of Appropriations.—There are authorized to be appropriated out of the  
26 Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

27 “(1) \$110,000,000 for fiscal year 2022;

28 “(2) \$112,000,000 for fiscal year 2023;

29 “(3) \$114,000,000 for fiscal year 2024;

30 “(4) \$116,000,000 for fiscal year 2025; and

31 “(5) \$118,000,000 for fiscal year 2026.”.

## 32 SEC. 1122. VULNERABLE ROAD USER RESEARCH.

33 (a) Definitions.—In this subsection:

34 (1) ADMINISTRATOR.—The term “Administrator” means the Secretary, acting through the

1 Administrator of the Federal Highway Administration.

2 (2) VULNERABLE ROAD USER.—The term “vulnerable road user” has the meaning given  
3 the term in section 148(a) of title 23, United States Code.

4 (b) Establishment of Research Plan.—The Administrator shall establish a research plan to  
5 prioritize research on roadway designs, the development of safety countermeasures to minimize  
6 fatalities and serious injuries to vulnerable road users, and the promotion of bicycling and  
7 walking, including research relating to—

8 (1) roadway safety improvements, including traffic calming techniques and vulnerable  
9 road user accommodations appropriate in a suburban arterial context;

10 (2) the impacts of traffic speeds, and access to low-traffic stress corridors, on safety and  
11 rates of bicycling and walking;

12 (3) tools to evaluate the impact of transportation improvements on projected rates and  
13 safety of bicycling and walking; and

14 (4) other research areas to be determined by the Administrator.

15 (c) Vulnerable Road User Assessments.—The Administrator shall—

16 (1) review each vulnerable road user safety assessment submitted by a State under section  
17 148(l) of title 23, United States Code, and other relevant sources of data to determine what,  
18 if any, standard definitions and methods should be developed through guidance to enable a  
19 State to collect pedestrian injury and fatality data; and

20 (2) in the first progress update under subsection (d)(2), provide—

21 (A) the results of the determination described in paragraph (1); and

22 (B) the recommendations of the Secretary with respect to the collection and  
23 reporting of data on the safety of vulnerable road users.

24 (d) Submission; Publication.—

25 (1) SUBMISSION OF PLAN.—Not later than 180 days after the date of enactment of this  
26 Act, the Administrator shall submit to the Committee on Environment and Public Works of  
27 the Senate and the Committee on Transportation and Infrastructure of the House of  
28 Representatives the research plan described in subsection (b).

29 (2) PROGRESS UPDATES.—Not later than 2 years after the date of enactment of this Act,  
30 and biannually thereafter, the Administrator shall submit to the Committees described in  
31 paragraph (1)—

32 (A) updates on the progress and findings of the research conducted pursuant to the  
33 plan described in subsection (b); and

34 (B) in the first submission under this paragraph, the results and recommendations  
35 described in subsection (c)(2).

## 36 SEC. 1123. WILDLIFE CROSSING SAFETY.

37 (a) Declaration of Policy.—Section 101(b)(3)(D) of title 23, United States Code, is amended,  
38 in the matter preceding clause (i), by inserting “resilient,” after “efficient.”

1 (b) Wildlife Crossings Pilot Program.—

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

4 “171. Wildlife crossings pilot program

5 “(a) Finding.—Congress finds that greater adoption of wildlife-vehicle collision safety  
6 countermeasures is in the public interest because—

7 “(1) according to the report of the Federal Highway Administration entitled ‘Wildlife-  
8 Vehicle Collision Reduction Study’, there are more than 1,000,000 wildlife-vehicle  
9 collisions every year;

10 “(2) wildlife-vehicle collisions—

11 “(A) present a danger to—

12 “(i) human safety; and

13 “(ii) wildlife survival; and

14 “(B) represent a persistent concern that results in tens of thousands of serious  
15 injuries and hundreds of fatalities on the roadways of the United States; and

16 “(3) the total annual cost associated with wildlife-vehicle collisions has been estimated to  
17 be \$8,388,000,000; and

18 “(4) wildlife-vehicle collisions are a major threat to the survival of species, including  
19 birds, reptiles, mammals, and amphibians.

20 “(b) Establishment.—The Secretary shall establish a competitive wildlife crossings pilot  
21 program (referred to in this section as the ‘pilot program’) to provide grants for projects that seek  
22 to achieve—

23 “(1) a reduction in the number of wildlife-vehicle collisions; and

24 “(2) in carrying out the purpose described in paragraph (1), improved habitat connectivity  
25 for terrestrial and aquatic species.

26 “(c) Eligible Entities.—An entity eligible to apply for a grant under the pilot program is—

27 “(1) a State highway agency, or an equivalent of that agency;

28 “(2) a metropolitan planning organization (as defined in section 134(b));

29 “(3) a unit of local government;

30 “(4) a regional transportation authority;

31 “(5) a special purpose district or public authority with a transportation function, including  
32 a port authority;

33 “(6) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a  
34 Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims  
35 Settlement Act (43 U.S.C. 1602));

36 “(7) a Federal land management agency; or

1 “(8) a group of any of the entities described in paragraphs (1) through (7).

2 “(d) Applications.—

3 “(1) IN GENERAL.—To be eligible to receive a grant under the pilot program, an eligible  
4 entity shall submit to the Secretary an application at such time, in such manner, and  
5 containing such information as the Secretary may require.

6 “(2) REQUIREMENT.—If an application under paragraph (1) is submitted by an eligible  
7 entity other than an eligible entity described in paragraph (1) or (7) of subsection (c), the  
8 application shall include documentation that the State highway agency, or an equivalent of  
9 that agency, of the State in which the eligible entity is located was consulted during the  
10 development of the application.

11 “(3) GUIDANCE.—To enhance consideration of current and reliable data, eligible entities  
12 may obtain guidance from an agency in the State with jurisdiction over fish and wildlife.

13 “(e) Considerations.—In selecting grant recipients under the pilot program, the Secretary shall  
14 take into consideration the following:

15 “(1) Primarily, the extent to which the proposed project of an eligible entity is likely to  
16 protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and  
17 improve habitat connectivity for terrestrial and aquatic species.

18 “(2) Secondly, the extent to which the proposed project of an eligible entity is likely to  
19 accomplish the following:

20 “(A) Leveraging Federal investment by encouraging non-Federal contributions to  
21 the project, including projects from public-private partnerships.

22 “(B) Supporting local economic development and improvement of visitation  
23 opportunities.

24 “(C) Incorporation of innovative technologies, including advanced design  
25 techniques and other strategies to enhance efficiency and effectiveness in reducing  
26 wildlife-vehicle collisions and improving habitat connectivity for terrestrial and  
27 aquatic species.

28 “(D) Provision of educational and outreach opportunities.

29 “(E) Monitoring and research to evaluate, compare effectiveness of, and identify  
30 best practices in, selected projects.

31 “(F) Any other criteria relevant to reducing the number of wildlife-vehicle collisions  
32 and improving habitat connectivity for terrestrial and aquatic species, as the Secretary  
33 determines to be appropriate, subject to the condition that the implementation of the  
34 pilot program shall not be delayed in the absence of action by the Secretary to identify  
35 additional criteria under this subparagraph.

36 “(f) Use of Funds.—

37 “(1) IN GENERAL.—The Secretary shall ensure that a grant received under the pilot  
38 program is used for a project to reduce wildlife-vehicle collisions.

39 “(2) GRANT ADMINISTRATION.—

1           “(A) IN GENERAL.—A grant received under the pilot program shall be administered  
2           by—

3                   “(i) in the case of a grant to a Federal land management agency or an Indian  
4                   tribe (as defined in section 207(m)(1), including a Native village and a Native  
5                   Corporation (as those terms are defined in section 3 of the Alaska Native Claims  
6                   Settlement Act (43 U.S.C. 1602))), the Federal Highway Administration, through  
7                   an agreement; and

8                   “(ii) in the case of a grant to an eligible entity other than an eligible entity  
9                   described in clause (i), the State highway agency, or an equivalent of that agency,  
10                  for the State in which the project is to be carried out.

11           “(B) PARTNERSHIPS.—

12                   “(i) IN GENERAL.—A grant received under the pilot program may be used to  
13                   provide funds to eligible partners of the project for which the grant was received  
14                   described in clause (ii), in accordance with the terms of the project agreement.

15                   “(ii) ELIGIBLE PARTNERS DESCRIBED.—The eligible partners referred to in  
16                   clause (i) include—

17                           “(I) a metropolitan planning organization (as defined in section 134(b));

18                           “(II) a unit of local government;

19                           “(III) a regional transportation authority;

20                           “(IV) a special purpose district or public authority with a transportation  
21                           function, including a port authority;

22                           “(V) an Indian tribe (as defined in section 207(m)(1)), including a Native  
23                           village and a Native Corporation (as those terms are defined in section 3 of  
24                           the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

25                           “(VI) a Federal land management agency;

26                           “(VII) a foundation, nongovernmental organization, or institution of  
27                           higher education;

28                           “(VIII) a Federal, Tribal, regional, or State government entity; and

29                           “(IX) a group of any of the entities described in subclauses (I) through  
30                           (VIII).

31           “(3) COMPLIANCE.—An eligible entity that receives a grant under the pilot program and  
32           enters into a partnership described in paragraph (2) shall establish measures to verify that an  
33           eligible partner that receives funds from the grant complies with the conditions of the pilot  
34           program in using those funds.

35           “(g) Requirement.—The Secretary shall ensure that not less than 60 percent of the amounts  
36           made available for grants under the pilot program each fiscal year are for projects located in rural  
37           areas.

38           “(h) Annual Report to Congress.—

39                   “(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall

1 submit to Congress, and make publicly available, a report describing the activities under the  
2 pilot program for the fiscal year that ends during that calendar year.

3 “(2) CONTENTS.—The report under paragraph (1) shall include—

4 “(A) a detailed description of the activities carried out under the pilot program;

5 “(B) an evaluation of the effectiveness of the pilot program in meeting the purposes  
6 described in subsection (b); and

7 “(C) policy recommendations to improve the effectiveness of the pilot program.”.

8 (2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is  
9 amended by inserting after the item relating to section 170 the following:

10 “171. Wildlife crossings pilot program.”.

11 (c) Wildlife Vehicle Collision Reduction and Habitat Connectivity Improvement.—

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

14 **“172. Wildlife-vehicle collision reduction and habitat**  
15 **connectivity improvement**

16 “(a) Study.—

17 “(1) IN GENERAL.—The Secretary shall conduct a study (referred to in this subsection as  
18 the ‘study’) of the state, as of the date of the study, of the practice of methods to reduce  
19 collisions between motorists and wildlife (referred to in this section as ‘wildlife-vehicle  
20 collisions’).

21 “(2) CONTENTS.—

22 “(A) AREAS OF STUDY.—The study shall—

23 “(i) update and expand on, as appropriate—

24 “(I) the report entitled ‘Wildlife Vehicle Collision Reduction Study: 2008  
25 Report to Congress’; and

26 “(II) the document entitled ‘Wildlife Vehicle Collision Reduction Study:  
27 Best Practices Manual’ and dated October 2008; and

28 “(ii) include—

29 “(I) an assessment, as of the date of the study, of—

30 “(aa) the causes of wildlife-vehicle collisions;

31 “(bb) the impact of wildlife-vehicle collisions on motorists and  
32 wildlife; and

33 “(cc) the impacts of roads and traffic on habitat connectivity for  
34 terrestrial and aquatic species; and

35 “(II) solutions and best practices for—

1                   “(aa) reducing wildlife-vehicle collisions; and  
2                   “(bb) improving habitat connectivity for terrestrial and aquatic  
3 species.

4           “(B) METHODS.—In carrying out the study, the Secretary shall—

5                   “(i) conduct a thorough review of research and data relating to—

6                           “(I) wildlife-vehicle collisions; and

7                           “(II) habitat fragmentation that results from transportation infrastructure;

8                   “(ii) survey current practices of the Department of Transportation and State  
9 departments of transportation to reduce wildlife-vehicle collisions; and

10                   “(iii) consult with—

11                           “(I) appropriate experts in the field of wildlife-vehicle collisions; and

12                           “(II) appropriate experts on the effects of roads and traffic on habitat  
13 connectivity for terrestrial and aquatic species.

14           “(3) REPORT.—

15                   “(A) IN GENERAL.—Not later than 18 months after the date of enactment of the  
16 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to  
17 Congress a report on the results of the study.

18                   “(B) CONTENTS.—The report under subparagraph (A) shall include—

19                           “(i) a description of—

20                                   “(I) the causes of wildlife-vehicle collisions;

21                                   “(II) the impacts of wildlife-vehicle collisions; and

22                                   “(III) the impacts of roads and traffic on—

23   “(aa) species listed as threatened species or endangered species under  
24 the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

25   “(bb) species identified by States as species of greatest conservation  
26 need;

27   “(cc) species identified in State wildlife plans; and

28   “(dd) medium and small terrestrial and aquatic species;

29                   “(ii) an economic evaluation of the costs and benefits of installing highway  
30 infrastructure and other measures to mitigate damage to terrestrial and aquatic  
31 species, including the effect on jobs, property values, and economic growth to  
32 society, adjacent communities, and landowners;

33                   “(iii) recommendations for preventing wildlife-vehicle collisions, including  
34 recommended best practices, funding resources, or other recommendations for  
35 addressing wildlife-vehicle collisions; and

36                   “(iv) guidance, developed in consultation with Federal land management

1 agencies and State departments of transportation, State fish and wildlife agencies,  
2 and Tribal governments that agree to participate, for developing, for each State  
3 that agrees to participate, a voluntary joint statewide transportation and wildlife  
4 action plan—

5 “(I) to address wildlife-vehicle collisions; and

6 “(II) to improve habitat connectivity for terrestrial and aquatic species.

7 “(b) Workforce Development and Technical Training.—

8 “(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Surface  
9 Transportation Reauthorization Act of 2021, the Secretary shall, based on the study  
10 conducted under subsection (a), develop a series of in-person and online workforce  
11 development and technical training courses—

12 “(A) to reduce wildlife-vehicle collisions; and

13 “(B) to improve habitat connectivity for terrestrial and aquatic species.

14 “(2) AVAILABILITY.—The Secretary shall—

15 “(A) make the series of courses developed under paragraph (1) available for  
16 transportation and fish and wildlife professionals; and

17 “(B) update the series of courses not less frequently than once every 2 years.

18 “(c) Standardization of Wildlife Collision and Carcass Data.—

19 “(1) STANDARDIZED METHODOLOGY.—

20 “(A) IN GENERAL.—The Secretary, acting through the Administrator of the Federal  
21 Highway Administration (referred to in this subsection as the ‘Secretary’), shall  
22 develop a quality standardized methodology for collecting and reporting spatially  
23 accurate wildlife collision and carcass data for the National Highway System,  
24 considering the practicability of the methodology with respect to technology and cost.

25 “(B) METHODOLOGY.—In developing the standardized methodology under  
26 subparagraph (A), the Secretary shall—

27 “(i) survey existing methodologies and sources of data collection, including the  
28 Fatality Analysis Reporting System, the General Estimates System of the National  
29 Automotive Sampling System, and the Highway Safety Information System; and

30 “(ii) to the extent practicable, identify and correct limitations of those existing  
31 methodologies and sources of data collection.

32 “(C) CONSULTATION.—In developing the standardized methodology under  
33 subparagraph (A), the Secretary shall consult with—

34 “(i) the Secretary of the Interior;

35 “(ii) the Secretary of Agriculture, acting through the Chief of the Forest  
36 Service;

37 “(iii) Tribal, State, and local transportation and wildlife authorities;

38 “(iv) metropolitan planning organizations (as defined in section 134(b));

1 “(v) members of the American Association of State Highway Transportation  
2 Officials;

3 “(vi) members of the Association of Fish and Wildlife Agencies;

4 “(vii) experts in the field of wildlife-vehicle collisions;

5 “(viii) nongovernmental organizations; and

6 “(ix) other interested stakeholders, as appropriate.

7 “(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE  
8 IMPLEMENTATION.—The Secretary shall—

9 “(A) develop a template for State implementation of a standardized national wildlife  
10 collision and carcass data system for the National Highway System that is based on the  
11 standardized methodology developed under paragraph (1); and

12 “(B) encourage the voluntary implementation of the template developed under  
13 subparagraph (A).

14 “(3) REPORTS.—

15 “(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing  
16 the standardized methodology developed under paragraph (1) not later than the later  
17 of—

18 “(i) the date that is 18 months after the date of enactment of the Surface  
19 Transportation Reauthorization Act of 2021; and

20 “(ii) the date that is 180 days after the date on which the Secretary completes  
21 the development of the standardized methodology.

22 “(B) IMPLEMENTATION.—Not later than 4 years after the date of enactment of the  
23 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to  
24 Congress a report describing—

25 “(i) the status of the voluntary implementation of the standardized methodology  
26 developed under paragraph (1) and the template developed under paragraph  
27 (2)(A);

28 “(ii) whether the implementation of the standardized methodology developed  
29 under paragraph (1) and the template developed under paragraph (2)(A) has  
30 impacted efforts by States, units of local government, and other entities—

31 “(I) to reduce the number of wildlife-vehicle collisions; and

32 “(II) to improve habitat connectivity;

33 “(iii) the degree of the impact described in clause (ii); and

34 “(iv) the recommendations of the Secretary, including recommendations for  
35 further study aimed at reducing motorist collisions involving wildlife and  
36 improving habitat connectivity for terrestrial and aquatic species on the National  
37 Highway System, if any.

38 “(d) National Threshold Guidance.—The Secretary shall—

1 “(1) establish guidance, to be carried out by States on a voluntary basis, that contains a  
2 threshold for determining whether a highway shall be evaluated for potential mitigation  
3 measures to reduce wildlife-vehicle collisions and increase habitat connectivity for  
4 terrestrial and aquatic species, taking into consideration—

5 “(A) the number of wildlife-vehicle collisions on the highway that pose a human  
6 safety risk;

7 “(B) highway-related mortality and the effects of traffic on the highway on—

8 “(i) species listed as endangered species or threatened species under the  
9 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

10 “(ii) species identified by a State as species of greatest conservation need;

11 “(iii) species identified in State wildlife plans; and

12 “(iv) medium and small terrestrial and aquatic species; and

13 “(C) habitat connectivity values for terrestrial and aquatic species and the barrier  
14 effect of the highway on the movements and migrations of those species.”.

15 (2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code  
16 (as amended by subsection (b)(2)) is amended by inserting after the item relating to section  
17 171 the following:

18 “172. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

19 (d) Wildlife Crossings Standards.—Section 109(c)(2) of title 23, United States Code, is  
20 amended—

21 (1) in subparagraph (E), by striking “and” at the end;

22 (2) by redesignating subparagraph (F) as subparagraph (G); and

23 (3) by inserting after subparagraph (E) the following:

24 “(F) the publication of the Federal Highway Administration entitled ‘Wildlife  
25 Crossing Structure Handbook: Design and Evaluation in North America’ and dated  
26 March 2011; and”.

27 (e) Wildlife Habitat Connectivity and National Bridge and Tunnel Inventory and Inspection  
28 Standards.—Section 144 of title 23, United States Code, is amended—

29 (1) in subsection (a)(2)—

30 (A) in subparagraph (B), by inserting “, resilience,” after “safety”;

31 (B) in subparagraph (D), by striking “and” at the end;

32 (C) in subparagraph (E), by striking the period at the end and inserting “; and”; and

33 (D) by adding at the end the following:

34 “(F) to ensure adequate passage of aquatic and terrestrial species, where  
35 appropriate.”;

36 (2) in subsection (b)—

- 1 (A) in paragraph (4), by striking “and” at the end;
- 2 (B) in paragraph (5), by striking the period at the end and inserting “; and”; and
- 3 (C) by adding at the end the following:
  - 4 “(6) determine if the replacement or rehabilitation of bridges and tunnels should include
  - 5 measures to enable safe and unimpeded movement for terrestrial and aquatic species.”; and
  - 6 (3) in subsection (i), by adding at the end the following:
    - 7 “(3) REQUIREMENT.—The first revision under paragraph (2) after the date of enactment of
    - 8 the Surface Transportation Reauthorization Act of 2021 shall include techniques to assess
    - 9 passage of aquatic and terrestrial species and habitat restoration potential.”.

## 10 SEC. 1124. CONSOLIDATION OF PROGRAMS.

11 Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574; 129 Stat. 1423) is amended,  
12 in the matter preceding paragraph (1), by striking “fiscal years 2016 through 2020” and inserting  
13 “fiscal years 2022 through 2026”.

## 14 SEC. 1125. STATE FREIGHT ADVISORY COMMITTEES.

15 Section 70201 of title 49, United States Code, is amended—

- 16 (1) in subsection (a), by striking “representatives of ports, freight railroads,” and all that
- 17 follows through the period at the end and inserting the following: “representatives of—
  - 18 “(1) ports, if applicable;
  - 19 “(2) freight railroads, if applicable;
  - 20 “(3) shippers;
  - 21 “(4) carriers;
  - 22 “(5) freight-related associations;
  - 23 “(6) third-party logistics providers;
  - 24 “(7) the freight industry workforce;
  - 25 “(8) the transportation department of the State;
  - 26 “(9) metropolitan planning organizations;
  - 27 “(10) local governments;
  - 28 “(11) the environmental protection department of the State, if applicable;
  - 29 “(12) the air resources board of the State, if applicable; and
  - 30 “(13) economic development agencies of the State.”;
- 31 (2) in subsection (b)(5), by striking “70202.” and inserting “70202, including by
- 32 providing advice regarding the development of the freight investment plan.”;
- 33 (3) by redesignating subsection (b) as subsection (c); and
- 34 (4) by inserting after subsection (a) the following:

1 “(b) Qualifications.—Each member of a freight advisory committee established under  
2 subsection (a) shall have qualifications sufficient to serve on a freight advisory committee,  
3 including, as applicable—

4 “(1) general business and financial experience;

5 “(2) experience or qualifications in the areas of freight transportation and logistics;

6 “(3) experience in transportation planning;

7 “(4) experience representing employees of the freight industry; or

8 “(5) experience representing a State, local government, or metropolitan planning  
9 organization.”.

## 10 SEC. 1126. TERRITORIAL AND PUERTO RICO HIGHWAY 11 PROGRAM.

12 Section 165 of title 23, United States Code, is amended—

13 (1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

14 “(1) for the Puerto Rico highway program under subsection (b)—

15 “(A) \$173,010,000 shall be for fiscal year 2022;

16 “(B) \$176,960,000 shall be for fiscal year 2023;

17 “(C) \$180,120,000 shall be for fiscal year 2024;

18 “(D) \$183,675,000 shall be for fiscal year 2025; and

19 “(E) \$187,230,000 shall be for fiscal year 2026; and

20 “(2) for the territorial highway program under subsection (c)—

21 “(A) \$45,990,000 shall be for fiscal year 2022;

22 “(B) \$47,040,000 shall be for fiscal year 2023;

23 “(C) \$47,880,000 shall be for fiscal year 2024;

24 “(D) \$48,825,000 shall be for fiscal year 2025; and

25 “(E) \$49,770,000 shall be for fiscal year 2026.”;

26 (2) in subsection (b)(2)(C)(iii), by inserting “and preventative maintenance on the  
27 National Highway System” after “chapter 1”; and

28 (3) in subsection (c)(7), by striking “paragraphs (1) through (4) of section 133(c) and  
29 section 133(b)(12)” and inserting “paragraphs (1), (2), (3), and (5) of section 133(c) and  
30 section 133(b)(13)”.

## 31 SEC. 1127. NATIONALLY SIGNIFICANT FEDERAL 32 LANDS AND TRIBAL PROJECTS PROGRAM.

33 Section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) is amended—

34 (1) in subsection (c)(3), by striking “\$25,000,000” and all that follows through the period

1 at the end and inserting “\$12,500,000.”;

2 (2) in subsection (g)—

3 (A) by striking the subsection designation and heading and all that follows through  
4 “The Federal” in paragraph (1) and inserting the following:

5 “(g) Cost Share.—

6 “(1) FEDERAL SHARE.—

7 “(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal”;

8 (B) in paragraph (1), by adding at the end the following:

9 “(B) TRIBAL PROJECTS.—In the case of a project on a tribal transportation facility (as  
10 defined in section 101(a) of title 23, United States Code), the Federal share of the cost  
11 of the project shall be 100 percent.”; and

12 (C) in paragraph (2), by striking “other than those made available under title 23 or  
13 title 49, United States Code,”; and

14 (3) by striking subsection (h) and inserting the following:

15 “(h) Use of Funds.—

16 “(1) IN GENERAL.—For each fiscal year, of the amounts made available to carry out this  
17 section—

18 “(A) 50 percent shall be used for eligible projects on Federal lands transportation  
19 facilities and Federal lands access transportation facilities (as those terms are defined  
20 in section 101(a) of title 23, United States Code); and

21 “(B) 50 percent shall be used for eligible projects on tribal transportation facilities  
22 (as defined in section 101(a) of title 23, United States Code).

23 “(2) REQUIREMENT.—Not less than 1 eligible project carried out using the amount  
24 described in paragraph (1)(A) shall be in a unit of the National Park System with not less  
25 than 3,000,000 annual visitors.

26 “(3) AVAILABILITY.—Amounts made available under to carry out this section shall  
27 remain available for a period of 3 fiscal years following the fiscal year for which the  
28 amounts are appropriated.”.

## 29 SEC. 1128. TRIBAL HIGH PRIORITY PROJECTS 30 PROGRAM.

31 Section 1123(h) of MAP–21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

32 (1) by redesignating paragraph (2) as paragraph (3);

33 (2) in paragraph (3) (as so redesignated), in the matter preceding subparagraph (A), by  
34 striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

35 (3) by striking the subsection designation and heading and all that follows through the  
36 period at the end of paragraph (1) and inserting the following:

1 “(h) Funding.—

2 “(1) SET-ASIDE.—For each of fiscal years 2022 through 2026, of the amounts made  
3 available to carry out the tribal transportation program under section 202 of title 23, United  
4 States Code, for that fiscal year, the Secretary shall use \$9,000,000 to carry out the program.

5 “(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under  
6 paragraph (1), there is authorized to be appropriated \$30,000,000 out of the general fund of  
7 the Treasury to carry out the program for each of fiscal years 2022 through 2026.”.

## 8 SEC. 1129. STANDARDS.

9 Section 109 of title 23, United States Code, is amended—

10 (1) in subsection (d)—

11 (A) by striking “(d) On any” and inserting the following:

12 “(d) Manual on Uniform Traffic Control Devices.—

13 “(1) IN GENERAL.—On any”;

14 (B) in paragraph (1) (as so designated), by striking “promote the safe” and inserting  
15 “promote the safety, inclusion, and mobility of all users”; and

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

17 “(2) UPDATES.—Not later than 18 months after the date of enactment of the Surface  
18 Transportation Reauthorization Act of 2021 and not less frequently than every 3 years  
19 thereafter, the Secretary shall update the Manual on Uniform Traffic Control Devices.”;

20 (2) in subsection (o)—

21 (A) by striking “Projects” and inserting:

22 “(A) IN GENERAL.—Projects”; and

23 (B) by inserting at the end the following:

24 “(B) LOCAL JURISDICTIONS.—Notwithstanding subparagraph (A), a local jurisdiction  
25 may use a roadway design guide recognized by the Federal Highway Administration  
26 and adopted by the local jurisdiction that is different from the roadway design guide  
27 used by the State in which the local jurisdiction is located for the design of projects on  
28 all roadways under the ownership of the local jurisdiction (other than a highway on the  
29 National Highway System) for which the local jurisdiction is the project sponsor,  
30 provided that the design complies with all other applicable Federal laws.”; and

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

32 “(s) Electric Vehicle Charging Stations.—

33 “(1) STANDARDS.—Electric vehicle charging infrastructure installed using funds provided  
34 under this title shall provide, at a minimum—

35 “(A) non-proprietary charging connectors that meet applicable industry safety  
36 standards; and

37 “(B) open access to payment methods that are available to all members of the public

1 to ensure secure, convenient, and equal access to the electric vehicle charging  
2 infrastructure that shall not be limited by membership to a particular payment provider.

3 “(2) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project to  
4 install electric vehicle charging infrastructure using funds provided under this title shall be  
5 treated as if the project is located on a Federal-aid highway.”.

## 6 SEC. 1130. PUBLIC TRANSPORTATION.

7 (a) In General.—Section 142(a) of title 23, United States Code, is amended by adding at the  
8 end the following:

9 “(3) BUS CORRIDORS.—In addition to the projects described in paragraphs (1) and (2), the  
10 Secretary may approve payment from sums apportioned under paragraph (2) or (7) of  
11 section 104(b) for carrying out a capital project for the construction of a bus rapid transit  
12 corridor or dedicated bus lanes, including the construction or installation of—

13 “(A) traffic signaling and prioritization systems;

14 “(B) redesigned intersections that are necessary for the establishment of a bus rapid  
15 transit corridor;

16 “(C) on-street stations;

17 “(D) fare collection systems;

18 “(E) information and wayfinding systems; and

19 “(F) depots.”.

20 (b) Technical Correction.—Section 142 of title 23, United States Code, is amended by striking  
21 subsection (i).

## 22 SEC. 1131. RURAL OPPORTUNITIES TO USE 23 TRANSPORTATION FOR ECONOMIC SUCCESS 24 COUNCIL.

25 (a) Definitions.—In this section:

26 (1) COUNCIL.—The term “Council” means the Rural Opportunities to Use Transportation  
27 for Economic Success Council, or the ROUTES Council, established under subsection (b).

28 (2) DISADVANTAGED RURAL COMMUNITY.—The term “disadvantaged rural community”  
29 means a community—

30 (A) in a rural area; and

31 (B) the annual median household income of which is less than 80 percent of the  
32 annual median household income of the State in which the community is located.

33 (3) DISCRETIONARY FUNDING AND FINANCING PROGRAMS.—The term “discretionary  
34 funding and financing programs” means—

35 (A) the programs described in section 116(d)(1) of title 49, United States Code; and

36 (B) any other program of the Department, as determined by the Secretary.

1 (4) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4  
2 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

3 (5) RURAL AREA.—The term “rural area” means an area that is outside an urbanized area  
4 with a population of over 200,000.

5 (b) Establishment.—The Secretary shall establish in the Department a council, to be known as  
6 the “Rural Opportunities to Use Transportation for Economic Success Council”, or the  
7 “ROUTES Council”, to coordinate with—

8 (1) modal administrations and offices of the Department; and

9 (2) other Federal agencies, as appropriate—

10 (A) to ensure that the unique transportation needs and attributes of rural areas,  
11 Indian Tribes, and disadvantaged rural communities are fully addressed during the  
12 development and implementation of programs, policies, and activities of the  
13 Department;

14 (B) to increase coordination of programs, policies, and activities of the Department  
15 in a manner that improves and expands transportation infrastructure in order to further  
16 economic development in, and the quality of life of, rural areas, Indian Tribes, and  
17 disadvantaged rural communities; and

18 (C) to provide rural areas, Indian Tribes, and disadvantaged rural communities with  
19 proactive outreach—

20 (i) to improve access to discretionary funding and financing programs; and

21 (ii) to facilitate timely resolution on environmental reviews for complex or  
22 high-priority projects.

23 (c) Membership; Chairperson.—The Council shall be composed of—

24 (1) the Deputy Secretary of Transportation, who shall serve as the chairperson of the  
25 Council;

26 (2) the Under Secretary of Transportation for Policy;

27 (3) the General Counsel of the Department;

28 (4) the Chief Financial Officer and Assistant Secretary for Budget and Programs;

29 (5) the Assistant Secretary for Research and Technology;

30 (6) the Assistant Secretary for Transportation Policy;

31 (7) the Deputy Assistant Secretary for Tribal Government Affairs;

32 (8) the Administrator of each of—

33 (A) the Federal Highway Administration;

34 (B) the Federal Railroad Administration; and

35 (C) the Federal Transit Administration; and

36 (9) such other individuals, who shall serve as at-large members, as the Secretary may  
37 designate.

1 (d) Duties.—The Council shall—

2 (1) educate and provide technical assistance to rural areas, Indian Tribes, and  
3 disadvantaged rural communities with respect to discretionary funding and financing  
4 programs;

5 (2) carry out research and utilize innovative approaches to resolve the transportation  
6 challenges faced by rural areas, Indian Tribes, and disadvantaged rural communities;

7 (3) gather input from knowledgeable entities and the public relating to—

8 (A) the benefits of transportation projects to rural areas, Indian Tribes, and  
9 disadvantaged rural communities; and

10 (B) the barriers to advancing those projects; and

11 (4) perform such other duties, as determined by the Secretary.

12 (e) Additional Staffing.—The Secretary shall ensure the Council has adequate staff support to  
13 carry out the duties of the Council under subsection (d).

14 (f) Report.—The Council shall submit to the Committee on Environment and Public Works of  
15 the Senate and the Committee on Transportation and Infrastructure of the House of  
16 Representatives an annual report that describes the activities carried out by the Council under  
17 subsection (d).

## 18 SEC. 1132. RESERVATION OF CERTAIN FUNDS.

19 (a) Open Container Requirements.—Section 154(c)(2) of title 23, United States Code, is  
20 amended—

21 (1) in the paragraph heading, by striking “2012” and inserting “2022”;

22 (2) by striking subparagraph (A) and inserting the following:

23 “(A) RESERVATION OF FUNDS.—

24 “(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the  
25 case of a State described in clause (ii), the Secretary shall reserve an amount equal  
26 to 2.5 percent of the funds to be apportioned to the State on that date under each  
27 of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary  
28 the means by which the State will use those reserved funds in accordance with  
29 subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

30 “(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

31 “(I) that has not enacted or is not enforcing an open container law  
32 described in subsection (b); and

33 “(II) for which the Secretary determined for the prior fiscal year that the  
34 State had not enacted or was not enforcing an open container law described  
35 in subsection (b).”; and

36 (3) in subparagraph (B), in the matter preceding clause (i), by striking “subparagraph  
37 (A)” and inserting “subparagraph (A)(i)”.

38 (b) Repeat Intoxicated Driver Laws.—Section 164(b)(2) of title 23, United States Code, is

1 amended—

2 (1) in the paragraph heading, by striking “2012” and inserting “2022”;

3 (2) by striking subparagraph (A) and inserting the following:

4 “(A) RESERVATION OF FUNDS.—

5 “(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the  
6 case of a State described in clause (ii), the Secretary shall reserve an amount equal  
7 to 2.5 percent of the funds to be apportioned to the State on that date under each  
8 of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary  
9 the means by which the State will use those reserved funds in accordance with  
10 subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

11 “(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

12 “(I) that has not enacted or is not enforcing a repeat intoxicated driver law;  
13 and

14 “(II) for which the Secretary determined for the prior fiscal year that the  
15 State had not enacted or was not enforcing a repeat intoxicated driver law.”;  
16 and

17 (3) in subparagraph (B), in the matter preceding clause (i), by striking “subparagraph  
18 (A)” and inserting “subparagraph (A)(i)”.

## 19 SEC. 1133. RURAL SURFACE TRANSPORTATION GRANT 20 PROGRAM.

21 (a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1123(c)(1)),  
22 is amended by adding at the end the following:

### 23 “173. Rural surface transportation grant program

24 “(a) Definitions.—In this section:

25 “(1) PROGRAM.—The term ‘program’ means the program established under subsection  
26 (b)(1).

27 “(2) RURAL AREA.—The term ‘rural area’ means an area that is outside an urbanized area  
28 with a population of over 200,000.

29 “(b) Establishment.—

30 “(1) IN GENERAL.—The Secretary shall establish a rural surface transportation grant  
31 program to provide grants, on a competitive basis, to eligible entities to improve and expand  
32 the surface transportation infrastructure in rural areas.

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

34 “(A) to increase connectivity;

35 “(B) to improve the safety and reliability of the movement of people and freight; and

36 “(C) to generate regional economic growth and improve quality of life.

1 “(c) Eligible Entities.—The Secretary may make a grant under the program to—

2 “(1) a State;

3 “(2) a regional transportation planning organization;

4 “(3) a unit of local government;

5 “(4) a Tribal government or a consortium of Tribal governments; and

6 “(5) a multijurisdictional group of entities described in paragraphs (1) through (4).

7 “(d) Applications.—To be eligible to receive a grant under the program, an eligible entity shall  
8 submit to the Secretary an application in such form, at such time, and containing such  
9 information as the Secretary may require.

10 “(e) Eligible Projects.—

11 “(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may make a grant  
12 under the program only for a project that is—

13 “(A) a highway, bridge, or tunnel project eligible under section 119(d);

14 “(B) a highway, bridge, or tunnel project eligible under section 133(b);

15 “(C) a project eligible under section 202(a);

16 “(D) a highway freight project eligible under section 167(h)(5);

17 “(E) a highway safety improvement project, including a project to improve a high  
18 risk rural road (as those terms are defined in section 148(a));

19 “(F) a project on a publicly-owned highway or bridge that provides or increases  
20 access to an agricultural, commercial, energy, or intermodal facility that supports the  
21 economy of a rural area; or

22 “(G) a project to develop, establish, or maintain an integrated mobility management  
23 system, a transportation demand management system, or on-demand mobility services.

24 “(2) BUNDLING OF ELIGIBLE PROJECTS.—

25 “(A) IN GENERAL.—An eligible entity may bundle 2 or more similar eligible projects  
26 under the program that are—

27 “(i) included as a bundled project in a statewide transportation improvement  
28 program under section 135; and

29 “(ii) awarded to a single contractor or consultant pursuant to a contract for  
30 engineering and design or construction between the contractor and the eligible  
31 entity.

32 “(B) ITEMIZATION.—Notwithstanding any other provision of law (including  
33 regulations), a bundling of eligible projects under this paragraph may be considered to  
34 be a single project, including for purposes of section 135.

35 “(f) Eligible Project Costs.—An eligible entity may use funds from a grant under the program  
36 for—

37 “(1) development phase activities, including planning, feasibility analysis, revenue

1 forecasting, environmental review, preliminary engineering and design work, and other  
2 preconstruction activities; and

3 “(2) construction, reconstruction, rehabilitation, acquisition of real property (including  
4 land related to the project and improvements to the land), environmental mitigation,  
5 construction contingencies, acquisition of equipment, and operational improvements.

6 “(g) Project Requirements.—The Secretary may provide a grant under the program to an  
7 eligible project only if the Secretary determines that the project—

8 “(1) will generate regional economic, mobility, or safety benefits;

9 “(2) will be cost effective;

10 “(3) will contribute to the accomplishment of 1 or more of the national goals under  
11 section 150;

12 “(4) is based on the results of preliminary engineering; and

13 “(5) is reasonably expected to begin construction not later than 18 months after the date  
14 of obligation of funds for the project.

15 “(h) Additional Considerations.—In providing grants under the program, the Secretary shall  
16 consider the extent to which an eligible project will—

17 “(1) improve the state of good repair of existing highway, bridge, and tunnel facilities;

18 “(2) increase the capacity or connectivity of the surface transportation system and  
19 improve mobility for residents of rural areas;

20 “(3) address economic development and job creation challenges, including energy sector  
21 job losses in energy communities as identified in the report released in April 2021 by the  
22 interagency working group established by section 218 of Executive Order 14008 (86 Fed.  
23 Reg. 7628 (February 1, 2021));

24 “(4) enhance recreational and tourism opportunities by providing access to Federal land,  
25 national parks, national forests, national recreation areas, national wildlife refuges,  
26 wilderness areas, or State parks;

27 “(5) contribute to geographic diversity among grant recipients;

28 “(6) utilize innovative project delivery approaches or incorporate transportation  
29 technologies;

30 “(7) coordinate with projects to address broadband infrastructure needs; or

31 “(8) improve access to emergency care, essential services, healthcare providers, or drug  
32 and alcohol treatment and rehabilitation resources.

33 “(i) Grant Amount.—Except as provided in subsection (k)(1), a grant under the program shall  
34 be in an amount that is not less than \$25,000,000.

35 “(j) Federal Share.—

36 “(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of a  
37 project carried out with a grant under the program may not exceed 80 percent.

38 “(2) FEDERAL SHARE FOR CERTAIN PROJECTS.—The Federal share of the cost of an

1 eligible project that furthers the completion of a designated segment of the Appalachian  
2 Development Highway System under section 14501 of title 40, or addresses a surface  
3 transportation infrastructure need identified for the Denali access system program under  
4 section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–  
5 277) shall be up to 100 percent, as determined by the State.

6 “(3) USE OF OTHER FEDERAL ASSISTANCE.—Federal assistance other than a grant under  
7 the program may be used to satisfy the non-Federal share of the cost of a project carried out  
8 with a grant under the program.

9 “(k) Set Asides.—

10 “(1) SMALL PROJECTS.—The Secretary shall use not more than 10 percent of the amounts  
11 made available for the program for each fiscal year to provide grants for eligible projects in  
12 an amount that is less than \$25,000,000.

13 “(2) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—The Secretary shall reserve 25  
14 percent of the amounts made available for the program for each fiscal year for eligible  
15 projects that further the completion of designated routes of the Appalachian Development  
16 Highway System under section 14501 of title 40.

17 “(3) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants  
18 under this subsection do not allow for the amounts reserved under paragraphs (1) or (2) to  
19 be fully utilized, the Secretary shall use the unutilized amounts to make other grants under  
20 this section.

21 “(l) Congressional Review.—

22 “(1) NOTIFICATION.—Not less than 60 days before providing a grant under the program,  
23 the Secretary shall submit to the Committee on Environment and Public Works of the  
24 Senate and the Committee on Transportation and Infrastructure of the House of  
25 Representatives—

26 “(A) a list of all applications determined to be eligible for a grant by the Secretary;

27 “(B) each application proposed to be selected for a grant, including a justification for  
28 the selection; and

29 “(C) proposed grant amounts.

30 “(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in  
31 paragraph (1), each Committee described in paragraph (1) shall review the list of proposed  
32 projects submitted by the Secretary.

33 “(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other  
34 obligation or commitment to fund a project under the program if a joint resolution is  
35 enacted disapproving funding for the project before the last day of the 60-day period  
36 described in paragraph (1).

37 “(m) Transparency.—

38 “(1) IN GENERAL.—Not later than 30 days after providing a grant for a project under the  
39 program, the Secretary shall provide to all applicants, and publish on the website of the  
40 Department of Transportation, the information described in subsection (l)(1).

1           “(2) BRIEFING.—The Secretary shall provide, on the request of an eligible entity, the  
2           opportunity to receive a briefing to explain any reasons the eligible entity was not selected  
3           to receive a grant under the program.

4           “(n) Reports.—

5           “(1) ANNUAL REPORT.—The Secretary shall make available on the website of the  
6           Department of Transportation at the end of each fiscal year an annual report that lists each  
7           project for which a grant has been provided under the program during that fiscal year.

8           “(2) COMPTROLLER GENERAL.—

9           “(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an  
10           assessment of the administrative establishment, solicitation, selection, and justification  
11           process with respect to the awarding of grants under the program for each fiscal year.

12           “(B) REPORT.—Each fiscal year, the Comptroller General shall submit to the  
13           Committee on Environment and Public Works of the Senate and the Committee on  
14           Transportation and Infrastructure of the House of Representatives a report that  
15           describes, for the fiscal year—

16                   “(i) the adequacy and fairness of the process by which each project was  
17                   selected, if applicable; and

18                   “(ii) the justification and criteria used for the selection of each project, if  
19                   applicable.”.

20           (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code (as  
21           amended by section (1123(c)(2)), is amended by inserting after the item relating to section 172  
22           the following:

23           “173. Rural surface transportation grant program.”.

## 24           SEC. 1134. BICYCLE TRANSPORTATION AND 25           PEDESTRIAN WALKWAYS.

26           Section 217 of title 23, United States Code, is amended—

27           (1) in subsection (a)—

28                   (A) by striking “pedestrian walkways and bicycle” and inserting “pedestrian  
29                   walkways and bicycle and shared micromobility”; and

30                   (B) by striking “safe bicycle use” and inserting “safe access for bicyclists and  
31                   pedestrians”;

32           (2) in subsection (d), by striking “a position” and inserting “up to 2 positions”;

33           (3) in subsection (e), by striking “bicycles” each place it appears and inserting  
34           “pedestrians or bicyclists”;

35           (4) in subsection (f), by striking “and a bicycle” and inserting “or a bicycle or shared  
36           micromobility”; and

37           (5) in subsection (j), by striking paragraph (2) and inserting the following:

1 “(2) ELECTRIC BICYCLE.—

2 “(A) IN GENERAL.—The term ‘electric bicycle’ means a bicycle—

3 “(i) equipped with fully operable pedals, a saddle or seat for the rider, and an  
4 electric motor of less than 750 watts;

5 “(ii) that can safely share a bicycle transportation facility with other users of  
6 such facility; and

7 “(iii) that is a class 1 electric bicycle, class 2 electric bicycle, or class 3 electric  
8 bicycle.

9 “(B) CLASSES OF ELECTRIC BICYCLES.—

10 “(i) CLASS 1 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the  
11 term ‘class 1 electric bicycle’ means an electric bicycle, other than a class 3  
12 electric bicycle, equipped with a motor that—

13 “(I) provides assistance only when the rider is pedaling; and

14 “(II) ceases to provide assistance when the speed of the bicycle reaches or  
15 exceeds 20 miles per hour.

16 “(ii) CLASS 2 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the  
17 term ‘class 2 electric bicycle’ means an electric bicycle equipped with a motor  
18 that—

19 “(I) may be used exclusively to propel the bicycle; and

20 “(II) is not capable of providing assistance when the speed of the bicycle  
21 reaches or exceeds 20 miles per hour.

22 “(iii) CLASS 3 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the  
23 term ‘class 3 electric bicycle’ means an electric bicycle equipped with a motor  
24 that—

25 “(I) provides assistance only when the rider is pedaling; and

26 “(II) ceases to provide assistance when the speed of the bicycle reaches or  
27 exceeds 28 miles per hour.”.

## 28 SEC. 1135. RECREATIONAL TRAILS PROGRAM.

29 Section 206 of title 23, United States Code, is amended by adding at the end the following:

30 “(j) Use of Other Apportioned Funds.—Funds apportioned to a State under section 104(b) that  
31 are obligated for a recreational trail or a related project shall be administered as if the funds were  
32 made available to carry out this section.”.

## 33 SEC. 1136. UPDATES TO MANUAL ON UNIFORM 34 TRAFFIC CONTROL DEVICES.

35 In carrying out the first update to the Manual on Uniform Traffic Control Devices under  
36 section 109(d)(2) of title 23, United States Code, to the greatest extent practicable, the Secretary  
37 shall include updates necessary to provide for—

1 (1) the protection of vulnerable road users (as defined in section 148(a) of title 23, United  
2 States Code);

3 (2) supporting the safe testing of automated vehicle technology and any preparation  
4 necessary for the safe integration of automated vehicles onto public streets;

5 (3) appropriate use of variable message signs to enhance public safety;

6 (4) the minimum retroreflectivity of traffic control devices and pavement markings; and

7 (5) any additional recommendations made by the National Committee on Uniform Traffic  
8 Control Devices that have not been incorporated into the Manual on Uniform Traffic  
9 Control Devices.

## 10 Subtitle B—Planning and Performance Management

### 11 SEC. 1201. TRANSPORTATION PLANNING.

12 (a) Metropolitan Transportation Planning.—Section 134 of title 23, United States Code, is  
13 amended—

14 (1) in subsection (d)—

15 (A) in paragraph (3), by adding at the end the following:

16 “(D) CONSIDERATIONS.—In designating officials or representatives under paragraph  
17 (2) for the first time, subject to the bylaws or enabling statute of the metropolitan  
18 planning organization, the metropolitan planning organization shall consider the  
19 equitable and proportional representation of the population of the metropolitan  
20 planning area.”; and

21 (B) in paragraph (7)—

22 (i) by striking “an existing metropolitan planning area” and inserting “an  
23 urbanized area (as defined by the Bureau of the Census)”; and

24 (ii) by striking “the existing metropolitan planning area” and inserting “the  
25 area”;

26 (2) in subsection (g)—

27 (A) in paragraph (1), by striking “a metropolitan area” and inserting “an urbanized  
28 area (as defined by the Bureau of the Census)”; and

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

30 “(4) COORDINATION BETWEEN MPOS.—If more than 1 metropolitan planning  
31 organization is designated within an urbanized area (as defined by the Bureau of the  
32 Census) under subsection (d)(7), the metropolitan planning organizations designated within  
33 the area shall ensure, to the maximum extent practicable, the consistency of any data used in  
34 the planning process, including information used in forecasting travel demand.

35 “(5) SAVINGS CLAUSE.—Nothing in this subsection requires metropolitan planning  
36 organizations designated within a single urbanized area to jointly develop planning  
37 documents, including a unified long-range transportation plan or unified TIP.”; and

1 (3) in subsection (i)(6), by adding at the end the following:

2 “(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social  
3 media and other web-based tools—

4 “(i) to further encourage public participation; and

5 “(ii) to solicit public feedback during the transportation planning process.”.

6 (b) Statewide and Nonmetropolitan Transportation Planning.—Section 135(f)(3) of title 23,  
7 United States Code, is amended by adding at the end the following:

8 “(C) USE OF TECHNOLOGY.—A State may use social media and other web-based  
9 tools—

10 “(i) to further encourage public participation; and

11 “(ii) to solicit public feedback during the transportation planning process.”.

## 12 SEC. 1202. FISCAL CONSTRAINT ON LONG-RANGE 13 TRANSPORTATION PLANS.

14 Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section  
15 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a  
16 metropolitan transportation plan are defined as “beyond the first 4 years”.

## 17 SEC. 1203. STATE HUMAN CAPITAL PLANS.

18 (a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1133(a)), is  
19 amended by adding at the end the following:

### 20 “174. State human capital plans

21 “(a) In General.—Not later than 18 months after the date of enactment of this section, the  
22 Secretary shall encourage each State to develop a voluntary plan, to be known as a ‘human  
23 capital plan’, that provides for the immediate and long-term personnel and workforce needs of  
24 the State with respect to the capacity of the State to deliver transportation and public  
25 infrastructure eligible under this title.

26 “(b) Plan Contents.—

27 “(1) IN GENERAL.—A human capital plan developed by a State under subsection (a) shall,  
28 to the maximum extent practicable, take into consideration—

29 “(A) significant transportation workforce trends, needs, issues, and challenges with  
30 respect to the State;

31 “(B) the human capital policies, strategies, and performance measures that will  
32 guide the transportation-related workforce investment decisions of the State;

33 “(C) coordination with educational institutions, industry, organized labor, workforce  
34 boards, and other agencies or organizations to address the human capital transportation  
35 needs of the State;

36 “(D) a workforce planning strategy that identifies current and future human capital

1 needs, including the knowledge, skills, and abilities needed to recruit and retain skilled  
2 workers in the transportation industry;

3 “(E) a human capital management strategy that is aligned with the transportation  
4 mission, goals, and organizational objectives of the State;

5 “(F) an implementation system for workforce goals focused on addressing continuity  
6 of leadership and knowledge sharing across the State;

7 “(G) an implementation system that addresses workforce competency gaps,  
8 particularly in mission-critical occupations;

9 “(H) in the case of public-private partnerships or other alternative project delivery  
10 methods to carry out the transportation program of the State, a description of  
11 workforce needs—

12 “(i) to ensure that the transportation mission, goals, and organizational  
13 objectives of the State are fully carried out; and

14 “(ii) to ensure that procurement methods provide the best public value;

15 “(I) a system for analyzing and evaluating the performance of the State department  
16 of transportation with respect to all aspects of human capital management policies,  
17 programs, and activities; and

18 “(J) the manner in which the plan will improve the ability of the State to meet the  
19 national policy in support of performance management established under section 150.

20 “(2) PLANNING PERIOD.—If a State develops a human capital plan under subsection (a),  
21 the plan shall address a 5-year forecast period.

22 “(c) Plan Updates.—If a State develops a human capital plan under subsection (a), the State  
23 shall update the plan not less frequently than once every 5 years.

24 “(d) Relationship to Long-range Plan.—

25 “(1) IN GENERAL.—Subject to paragraph (2), a human capital plan developed by a State  
26 under subsection (a) may be developed separately from, or incorporated into, the long-range  
27 statewide transportation plan required under section 135.

28 “(2) EFFECT OF SECTION.—Nothing in this section requires a State, or authorizes the  
29 Secretary to require a State, to incorporate a human capital plan into the long-range  
30 statewide transportation plan required under section 135.

31 “(e) Public Availability.—Each State that develops a human capital plan under subsection (a)  
32 shall make a copy of the plan available to the public in a user-friendly format on the website of  
33 the State department of transportation.

34 “(f) Savings Provision.—Nothing in this section prevents a State from carrying out  
35 transportation workforce planning—

36 “(1) not described in this section; or

37 “(2) not in accordance with this section.”.

38 (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code (as  
39 amended by section 1133(b)), is amended by inserting after the item relating to section 173 the

1 following:

2 “174. State human capital plans.”.

### 3 SEC. 1204. PRIORITIZATION PROCESS PILOT PROGRAM.

4 (a) Definitions.—In this section:

5 (1) ELIGIBLE ENTITY.—The term “eligible entity” means—

6 (A) a metropolitan planning organization that serves an area with a population of  
7 over 200,000; and

8 (B) a State.

9 (2) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning  
10 organization” has the meaning given the term in section 134(b) of title 23, United States  
11 Code.

12 (3) PRIORITIZATION PROCESS PILOT PROGRAM.—The term “prioritization process pilot  
13 program” means the pilot program established under subsection (b)(1).

14 (b) Establishment.—

15 (1) IN GENERAL.—The Secretary shall establish, and solicit applications for a  
16 prioritization process pilot program.

17 (2) PURPOSE.—The purpose of the prioritization process pilot program shall be to support  
18 data-driven approaches to planning that, on completion, can be evaluated for public benefit.

19 (c) Pilot Program Administration.—

20 (1) IN GENERAL.—An eligible entity participating in the prioritization process pilot  
21 program shall—

22 (A) use priority objectives that are developed—

23 (i) in the case of an urbanized area with a population of over 200,000, by the  
24 metropolitan planning organization that serves the area, in consultation with the  
25 State;

26 (ii) in the case of an urbanized area with a population of 200,000 or fewer, by  
27 the State in consultation with all metropolitan planning organizations in the State;  
28 and

29 (iii) through a public process that provides an opportunity for public input;

30 (B) assess and score projects and strategies on the basis of—

31 (i) the contribution and benefits of the project or strategy to each priority  
32 objective developed under subparagraph (A);

33 (ii) the cost of the project or strategy relative to the contribution and benefits  
34 assessed and scored under clause (i); and

35 (iii) public support;

36 (C) use the scores assigned under subparagraph (B) to guide project selection in the

1 development of the transportation plan and transportation improvement program; and

2 (D) ensure that the public—

3 (i) has opportunities to provide public comment on projects before decisions  
4 are made on the transportation plan and the transportation improvement program;  
5 and

6 (ii) has access to clear reasons why each project or strategy was selected or not  
7 selected.

8 (2) REQUIREMENTS.—An eligible entity that receives a grant under the prioritization  
9 process pilot program shall use the funds as described in each of the following, as  
10 applicable:

11 (A) METROPOLITAN TRANSPORTATION PLANNING.—In the case of a metropolitan  
12 planning organization that serves an area with a population of over 200,000, the entity  
13 shall—

14 (i) develop and implement a publicly accessible, transparent prioritization  
15 process for the selection of projects for inclusion on the transportation plan for the  
16 metropolitan planning area under section 134(i) of title 23, United States Code,  
17 and section 5303(i) of title 49, United States Code, which shall—

18 (I) include criteria identified by the metropolitan planning organization,  
19 which may be weighted to reflect the priority objectives developed under  
20 paragraph (1)(A), that the metropolitan planning organization has determined  
21 support—

22 (aa) factors described in section 134(h) of title 23, United States  
23 Code, and section 5303(h) of title 49, United States Code;

24 (bb) targets for national performance measures under section 150(b)  
25 of title 23, United States Code;

26 (cc) applicable transportation goals in the metropolitan planning area  
27 or State set by the applicable transportation agency; and

28 (dd) priority objectives developed under paragraph (1)(A);

29 (II) evaluate the outcomes for each proposed project on the basis of the  
30 benefits of the proposed project with respect to each of the criteria described  
31 in subclause (I) relative to the cost of the proposed project; and

32 (III) use the evaluation under subclause (II) to create a ranked list of  
33 proposed projects; and

34 (ii) with respect to the priority list under section 134(j)(2)(A) of title 23 and  
35 section 5303(j)(2)(A) of title 49, United States Code, include projects according  
36 to the rank of the project under clause (i)(III), except as provided in subparagraph  
37 (D).

38 (B) STATEWIDE TRANSPORTATION PLANNING.—In the case of a State, the State  
39 shall—

40 (i) develop and implement a publicly accessible, transparent process for the

1 selection of projects for inclusion on the long-range statewide transportation plan  
2 under section 135(f) of title 23, United States Code, which shall—

3 (I) include criteria identified by the State, which may be weighted to  
4 reflect statewide priorities, that the State has determined support—

5 (aa) factors described in section 135(d) of title 23, United States  
6 Code, and section 5304(d) of title 49, United States Code;

7 (bb) national transportation goals under section 150(b) of title 23,  
8 United States Code;

9 (cc) applicable transportation goals in the State; and

10 (dd) the priority objectives developed under paragraph (1)(A);

11 (II) evaluate the outcomes for each proposed project on the basis of the  
12 benefits of the proposed project with respect to each of the criteria described  
13 in subclause (I) relative to the cost of the proposed project; and

14 (III) use the evaluation under subclause (II) to create a ranked list of  
15 proposed projects; and

16 (ii) with respect to the statewide transportation improvement program under  
17 section 135(g) of title 23, United States Code, and section 5304(g) of title 49,  
18 United States Code, include projects according to the rank of the project under  
19 clause (i)(III), except as provided in subparagraph (D).

20 (C) ADDITIONAL TRANSPORTATION PLANNING.—If the eligible entity has  
21 implemented, and has in effect, the requirements under subparagraph (A) or (B), as  
22 applicable, the eligible entity may use any remaining funds from a grant provided  
23 under the pilot program for any transportation planning purpose.

24 (D) EXCEPTIONS TO PRIORITY RANKING.—In the case of any project that the eligible  
25 entity chooses to include or not include in the transportation improvement program  
26 under section 134(j) of title 23, United States Code, or the statewide transportation  
27 improvement program under section 135(g) of title 23, United States Code, as  
28 applicable, in a manner that is contrary to the priority ranking for that project  
29 established under subparagraph (A)(i)(III) or (B)(i)(III), the eligible entity shall make  
30 publicly available an explanation for the decision, including—

31 (i) a review of public comments regarding the project;

32 (ii) an evaluation of public support for the project;

33 (iii) an assessment of geographic balance of projects of the eligible entity; and

34 (iv) the number of projects of the eligible entity in economically distressed  
35 areas.

36 (3) MAXIMUM AMOUNT.—The maximum amount of a grant under the prioritization  
37 process pilot program is \$2,000,000.

38 (d) Applications.—To be eligible to participate in the prioritization process pilot program, an  
39 eligible entity shall submit to the Secretary an application at such time, in such manner, and  
40 containing such information as the Secretary may require.

## 1 SEC. 1205. NATIONAL GOALS AND PERFORMANCE 2 MANAGEMENT MEASURES.

3 Section 150 of title 23, United States Code, is amended—

4 (1) in subsection (b)(6), by striking “protecting and enhancing the natural environment.”  
5 and inserting “protecting, enhancing, and mitigating impacts on the natural environment,  
6 supporting the reduction of carbon dioxide emissions from on-road highway sources, and  
7 improving the resilience of the transportation system.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1), by striking “Not later” and inserting “Except as provided in  
10 paragraph (7), not later”;

11 (B) in paragraph (2), in the matter preceding subparagraph (A), by striking “In  
12 carrying out” and inserting “Except as provided in paragraph (7), in carrying out”; and

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

14 “(7) GREENHOUSE GAS EMISSIONS.—

15 “(A) DEVELOPMENT OF DATA ELEMENTS.—

16 “(i) IN GENERAL.—Not later than 1 year after the date of enactment of the  
17 Surface Transportation Reauthorization Act of 2021, the Secretary shall, in  
18 consultation with the Administrator of the Environmental Protection Agency,  
19 promulgate a rulemaking that establishes the data elements necessary for States to  
20 estimate carbon dioxide emissions from on-road highway sources.

21 “(ii) ADMINISTRATION.—In carrying out clause (i), the Secretary shall comply  
22 with subparagraphs (A) and (B) of paragraph (2).

23 “(B) DEVELOPMENT OF PERFORMANCE MEASURES.—

24 “(i) IN GENERAL.—Not later than 1 year after the date on which the Secretary  
25 promulgates the rulemaking required under subparagraph (A)(i), the Secretary  
26 shall, in consultation with State departments of transportation, metropolitan  
27 planning organizations, and other stakeholders, promulgate a rulemaking that  
28 establishes measures for States to support the reduction in carbon dioxide  
29 emissions from on-road highway sources.

30 “(ii) ADMINISTRATION.—In carrying out clause (i), the Secretary shall comply  
31 with paragraph (2).”;

32 (3) in subsection (d)—

33 (A) in paragraph (1), by striking “Not later” and inserting “Except as provided in  
34 paragraph (2), not later”;

35 (B) by redesignating paragraph (2) as paragraph (3); and

36 (C) by inserting after paragraph (1) the following:

37 “(2) GREENHOUSE GAS EMISSIONS.—Not later than 1 year after the date on which the  
38 Secretary promulgates the rulemaking required under subsection (c)(7)(B)(i), each State

1 shall set performance targets that reflect the measures identified in subsection (c)(7).”;

2 (4) in subsection (e), in the matter preceding paragraph (1), by striking “Not later” and all  
3 that follows through “a report” and inserting the following “A State shall submit to the  
4 Secretary a biennial report”; and

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

6 “(f) Exemptions for Low Population Density States.—

7 “(1) IN GENERAL.—On the election of and in consultation with a State, the Secretary shall  
8 grant an exemption from 1 or more of the requirements described in paragraph (2)(A) if the  
9 State—

10 “(A) is included on the list of eligible States under paragraph (5) for the applicable  
11 performance period; and

12 “(B) submits to the Secretary a written notice of the election in accordance with  
13 paragraph (4)(A).

14 “(2) REQUIREMENTS DESCRIBED.—

15 “(A) STATE REQUIREMENTS.—The requirements referred to in paragraph (1) from  
16 which a State may elect to use an exemption under that paragraph are—

17 “(i) the requirements established under subclauses (IV) and (V) of subsection  
18 (c)(3)(A)(ii);

19 “(ii) the requirements established under subsection (c)(5)(A);

20 “(iii) the requirements established under subsection (c)(6);

21 “(iv) the requirements established under subsection (c)(7); and

22 “(v) targeting, data, reporting, or administrative requirements established under  
23 subsection (d) or (e) that are related to a requirement described in clauses (i)  
24 through (iv) to which the State elects to use an exemption.

25 “(B) METROPOLITAN PLANNING ORGANIZATION REQUIREMENTS.—A metropolitan  
26 planning organization with a metropolitan planning area that is located entirely within  
27 a State that elects to use an exemption under paragraph (1) shall be exempt from the  
28 requirements under section 134(h)(2)(B) that relate to each requirement described in  
29 subparagraph (A) for which the State has elected to use an exemption.

30 “(3) TERM.—An exemption under paragraph (1)—

31 “(A) shall be in effect until the date that is 4 years after the date on which the  
32 performance period promulgated by the Secretary under subsection (d) that is in effect  
33 at the time the exemption is applied ends; and

34 “(B) may be renewed by a State for an additional 4-year term at the end of each  
35 performance period promulgated by the Secretary under subsection (d) if—

36 “(i) the State submits another written notice in accordance with paragraph  
37 (4)(A); and

38 “(ii) the State continues to be included on the list of eligible States under

1 paragraph (5).

2 “(4) NOTIFICATION OF ELECTION.—

3 “(A) IN GENERAL.—To be eligible to make an election under paragraph (1), not later  
4 than September 1 of the calendar year preceding the calendar year in which the next  
5 performance period promulgated by the Secretary under subsection (d) begins, a State  
6 included on the list of eligible States under paragraph (5)—

7 “(i) shall submit to the Secretary a written notice that—

8 “(I) identifies the 1 or more requirements described in paragraph (2)(A)  
9 for which the State is electing to use an exemption under paragraph (1); and

10 “(II) includes a statement that the State is not experiencing significant  
11 performance issues on the surface transportation system of the State with  
12 respect to each requirement identified under subclause (I); and

13 “(ii) may submit with the written notice under clause (i) any other information  
14 or materials that the State determines to be appropriate.

15 “(B) SPECIAL RULE.—Notwithstanding the deadline described in subparagraph (A), a  
16 State on the list of eligible States described in paragraph (5) may submit a notice under  
17 that subparagraph at any time before September 1, 2022.

18 “(5) ELIGIBLE STATES.—

19 “(A) IN GENERAL.—Not later than 60 days after the date of enactment of this  
20 subsection, the Secretary shall publish a list of States that may elect to receive an  
21 exemption from a requirement described in paragraph (2)(A).

22 “(B) INCLUSION.—The Secretary shall include on the list under subparagraph (A)  
23 each State that—

24 “(i)(I) has a population per square mile of area that is less than the average  
25 population per square mile of area of the United States, based on the latest  
26 available data from the Bureau of the Census;

27 “(II) does not contain an urbanized area with a population of more than  
28 200,000, based on the latest available data from the Bureau of the Census; or

29 “(III) has no repeated delays or other persistent impediments to travel reliability  
30 on the portions of the National Highway System within the State that the  
31 Secretary determines to be excessive; or

32 “(ii)(I) has a population density of less than 15 persons per square mile of area,  
33 based on the latest available data from the Bureau of the Census; or

34 “(II) does not contain an urbanized area with a population of more than  
35 200,000, based on the latest available data from the Bureau of the Census.

36 “(C) UPDATES REQUIRED.—The Secretary shall publish a revised list under  
37 subparagraph (A) not later than September 1 of the calendar year that is 2 years before  
38 the calendar year in which the next performance period promulgated by the Secretary  
39 under subsection (d) begins.

1 “(6) NATIONAL REPORTING.—

2 “(A) ELIGIBLE STATES.—Not later than 180 days after the date on which the  
3 Secretary publishes or revises the list of eligible States under paragraph (5), for each  
4 State included on that list, the Secretary shall submit to the Committee on Environment  
5 and Public Works of the Senate and the Committee on Transportation and  
6 Infrastructure of the House of Representatives a report that describes the status of  
7 traffic congestion, travel reliability, truck travel reliability, and any other relevant  
8 performance metrics on the portions of the National Highway System within the State,  
9 including any delays or impediments that the Secretary determines to be excessive.

10 “(B) EXEMPT STATES.—For each State that elects to use an exemption under  
11 paragraph (1), for each performance period promulgated by the Secretary under  
12 subsection (d), the Secretary shall—

13 “(i) submit to the Committee on Environment and Public Works of the Senate  
14 and the Committee on Transportation and Infrastructure of the House of  
15 Representatives a report on the results of performance measures for all  
16 exemptions applied to the State under this subsection; and

17 “(ii) make publicly available as part of the State performance dashboard on the  
18 website of the Department of Transportation information with respect to the  
19 performance of the State with respect to any requirements from which the State is  
20 exempt under that exemption.”.

## 21 SEC. 1206. TRAVEL DEMAND DATA AND MODELING.

22 (a) Definition of Metropolitan Planning Organization.—In this section, the term “metropolitan  
23 planning organization” has the meaning given the term in section 134(b) of title 23, United States  
24 Code.

25 (b) Study.—

26 (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not  
27 less frequently than once every 5 years thereafter, the Secretary shall carry out a study  
28 that—

29 (A) gathers travel data and travel demand forecasts from a representative sample of  
30 States and metropolitan planning organizations;

31 (B) uses the data and forecasts gathered under subparagraph (A) to compare travel  
32 demand forecasts with the observed data, including—

33 (i) traffic counts;

34 (ii) travel mode share and public transit ridership; and

35 (iii) vehicle occupancy measures; and

36 (C) uses the information described in subparagraphs (A) and (B)—

37 (i) to develop best practices or guidance for States and metropolitan planning  
38 organizations to use in forecasting travel demand for future investments in  
39 transportation improvements;

1 (ii) to evaluate the impact of transportation investments, including new  
2 roadway capacity, on travel behavior and travel demand, including public  
3 transportation ridership, induced highway travel, and congestion;

4 (iii) to support more accurate travel demand forecasting by States and  
5 metropolitan planning organizations; and

6 (iv) to enhance the capacity of States and metropolitan planning  
7 organizations—

8 (I) to forecast travel demand; and

9 (II) to track observed travel behavior responses, including induced travel,  
10 to changes in transportation capacity, pricing, and land use patterns.

11 (2) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the  
12 transportation planning processes under sections 134 and 135 of title 23, United States  
13 Code, through the provision of data to States and metropolitan planning organizations to  
14 improve the quality of plans, models, and forecasts described in this subsection.

15 (3) EVALUATION TOOL.—The Secretary shall develop a publicly available multimodal  
16 web-based tool for the purpose of enabling States and metropolitan planning organizations  
17 to evaluate the effect of investments in highway and public transportation projects on the  
18 use and conditions of all transportation assets within the State or area served by the  
19 metropolitan planning organization, as applicable.

## 20 SEC. 1207. INCREASING SAFE AND ACCESSIBLE 21 TRANSPORTATION OPTIONS.

22 (a) Definition of Complete Streets Standards or Policies.—In this section, the term “Complete  
23 Streets standards or policies” means standards or policies that ensure the safe and adequate  
24 accommodation of all users of the transportation system, including pedestrians, bicyclists, public  
25 transportation users, children, older individuals, individuals with disabilities, motorists, and  
26 freight vehicles.

27 (b) Funding Requirement.—Notwithstanding any other provision of law, each State and  
28 metropolitan planning organization shall use to carry out 1 or more activities described in  
29 subsection (c)—

30 (1) in the case of a State, not less than 2.5 percent of the amounts made available to the  
31 State to carry out section 505 of title 23, United States Code; and

32 (2) in the case of a metropolitan planning organization, not less than 2.5 percent of the  
33 amounts made available to the metropolitan planning organization under section 104(d) of  
34 title 23, United States Code.

35 (c) Activities Described.—An activity referred to in subsection (b) is an activity to increase  
36 safe and accessible options for multiple travel modes for people of all ages and abilities, which,  
37 if permissible under applicable State and local laws, may include—

38 (1) adoption of Complete Streets standards or policies;

39 (2) development of a Complete Streets prioritization plan that identifies a specific list of

1 Complete Streets projects to improve the safety, mobility, or accessibility of a street;

2 (3) development of transportation plans—

3 (A) to create a network of active transportation facilities, including sidewalks,  
4 bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations  
5 such as workplaces, schools, residences, businesses, recreation areas, healthcare and  
6 child care services, or other community activity centers;

7 (B) to integrate active transportation facilities with public transportation service or  
8 improve access to public transportation;

9 (C) to create multiuse active transportation infrastructure facilities, including  
10 bikeways or pedestrian and bicycle trails, that make connections within or between  
11 communities;

12 (D) to increase public transportation ridership; and

13 (E) to improve the safety of bicyclists and pedestrians;

14 (4) regional and megaregional planning to address travel demand and capacity constraints  
15 through alternatives to new highway capacity, including through intercity passenger rail;  
16 and

17 (5) development of transportation plans and policies that support transit-oriented  
18 development.

19 (d) Federal Share.—The Federal share of the cost of an activity carried out under this section  
20 shall be 80 percent, unless the Secretary determines that the interests of the Federal-aid highway  
21 program would be best served by decreasing or eliminating the non-Federal share.

22 (e) State Flexibility.—A State or metropolitan planning organization, with the approval of the  
23 Secretary, may opt out of the requirements of this section if the State or metropolitan planning  
24 organization demonstrates to the Secretary, by not later than 30 days before the Secretary  
25 apportions funds for a fiscal year under section 104, that the State or metropolitan planning  
26 organization—

27 (1) has Complete Streets standards and policies in place; and

28 (2) has developed an up-to-date Complete Streets prioritization plan as described in  
29 subsection (c)(2).

## 30 Subtitle C—Project Delivery and Process Improvement

### 31 SEC. 1301. CODIFICATION OF ONE FEDERAL DECISION.

32 (a) In General.—Section 139 of title 23, United States Code, is amended—

33 (1) in the section heading, by striking “decisionmaking” and inserting “decisionmaking  
34 and One Federal Decision”;

35 (2) in subsection (a)—

36 (A) by redesignating paragraphs (2) through (8) as paragraphs (4), (5), (6), (8), (9),  
37 (10), and (11), respectively;

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

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

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

9 (C) in subparagraph (B) of paragraph (5) (as so redesignated), by striking “process  
10 for and completion of any environmental permit” and inserting “process and schedule,  
11 including a timetable for and completion of any environmental permit”; and

12 (D) by inserting after paragraph (6) (as so redesignated) the following:

13 “(7) MAJOR PROJECT.—

14 “(A) IN GENERAL.—The term ‘major project’ means a project for which—

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

18 “(ii) the project sponsor has identified the reasonable availability of funds  
19 sufficient to complete the project;

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

22 “(iv)(I) the head of the lead agency has determined that an environmental  
23 impact statement is required; or

24 “(II) the head of the lead agency has determined that an environmental  
25 assessment is required, and the project sponsor requests that the project be treated  
26 as a major project.

27 “(B) CLARIFICATION.—In this section, the term ‘major project’ does not have the  
28 same meaning as the term ‘major project’ as described in section 106(h).”;

29 (3) in subsection (b)(1)—

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

31 (B) by inserting “as requested by a project sponsor and” after “applied,”;

32 (4) in subsection (c)—

33 (A) in paragraph (6)—

34 (i) in subparagraph (B), by striking “and” at the end;

35 (ii) in subparagraph (C), by striking the period at the end and inserting “; and”;  
36 and

37 (iii) by adding at the end the following:

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

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

4 “(7) PROCESS IMPROVEMENTS FOR PROJECTS.—

5 “(A) IN GENERAL.—The Secretary shall review—

6 “(i) existing practices, procedures, rules, regulations, and applicable laws to  
7 identify impediments to meeting the requirements applicable to projects under this  
8 section; and

9 “(ii) best practices, programmatic agreements, and potential changes to internal  
10 departmental procedures that would facilitate an efficient environmental review  
11 process for projects.

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

15 “(C) REPORT.—Not later than 2 years after the date of enactment of the Surface  
16 Transportation Reauthorization Act of 2021, the Secretary shall submit to the  
17 Committee on Environment and Public Works of the Senate and the Committee on  
18 Transportation and Infrastructure of the House of Representatives a report that  
19 includes—

20 “(i) the results of the review under subparagraph (A); and

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

23 (5) in subsection (d)—

24 (A) in paragraph (8)—

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

27 (ii) in subparagraph (A)—

28 (I) by inserting “and except as provided in subparagraph (D)” after  
29 “paragraph (7)”;

30 (II) by striking “permits” and inserting “authorizations”; and

31 (III) by striking “single environment document” and inserting “single  
32 environmental document for each kind of environmental document”;

33 (iii) in subparagraph (B)(i)—

34 (I) by striking “an environmental document” and inserting “environmental  
35 documents”; and

36 (II) by striking “permits issued” and inserting “authorizations”; and

37 (iv) by adding at the end the following:

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

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

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

8 “(iii) the lead agency determines that reliance on a single environmental  
9 document (as described in subparagraph (A)) would not facilitate timely  
10 completion of the environmental review process for the project.”; and

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

12 “(10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS.—

13 “(A) DEADLINE.—Except as provided in subparagraph (C), all authorization  
14 decisions necessary for the construction of a major project shall be completed by not  
15 later than 90 days after the date of the issuance of a record of decision for the major  
16 project.

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

20 “(C) EXTENSION OF DEADLINE.—The head of the lead agency may extend the  
21 deadline under subparagraph (A) if—

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

24 “(ii) the project sponsor requests that the permit or approval follow a different  
25 timeline; or

26 “(iii) an extension would facilitate completion of the environmental review and  
27 authorization process of the major project.”;

28 (6) in subsection (g)(1)—

29 (A) in subparagraph (B)—

30 (i) in clause (ii)(IV), by striking “schedule for and cost of” and inserting “time  
31 required by an agency to conduct an environmental review and make decisions  
32 under applicable Federal law relating to a project (including the issuance or denial  
33 of a permit or license) and the cost of”; and

34 (ii) by adding at the end the following:

35 “(iii) MAJOR PROJECT SCHEDULE.—To the maximum extent practicable and  
36 consistent with applicable Federal law, in the case of a major project, the lead  
37 agency shall develop, in concurrence with the project sponsor, a schedule for the  
38 major project that is consistent with an agency average of not more than 2 years  
39 for the completion of the environmental review process for major projects, as  
40 measured from, as applicable—

1 “(I) the date of publication of a notice of intent to prepare an  
2 environmental impact statement to the record of decision; or

3 “(II) the date on which the head of the lead agency determines that an  
4 environmental assessment is required to a finding of no significant impact.”;

5 (B) by striking subparagraph (D) and inserting the following:

6 “(D) MODIFICATION.—

7 “(i) IN GENERAL.—Except as provided in clause (ii), the lead agency may  
8 lengthen or shorten a schedule established under subparagraph (B) for good cause.

9 “(ii) EXCEPTIONS.—

10 “(I) MAJOR PROJECTS.—In the case of a major project, the lead agency  
11 may lengthen a schedule under clause (i) for a cooperating Federal agency by  
12 not more than 1 year after the latest deadline established for the major  
13 project by the lead agency.

14 “(II) SHORTENED SCHEDULES.—The lead agency may not shorten a  
15 schedule under clause (i) if doing so would impair the ability of a  
16 cooperating Federal agency to conduct necessary analyses or otherwise carry  
17 out relevant obligations of the Federal agency for the project.”;

18 (C) by redesignating subparagraph (E) as subparagraph (F); and

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

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

22 “(i) the cooperating Federal agency shall submit to the Secretary a report that  
23 describes the reasons why the deadline was not met; and

24 “(ii) the Secretary shall—

25 “(I) transmit to the Committee on Environment and Public Works of the  
26 Senate and the Committee on Transportation and Infrastructure of the House  
27 of Representatives a copy of the report under clause (i); and

28 “(II) make the report under clause (i) publicly available on the internet.”;

29 (7) in subsection (n), by adding at the end the following:

30 “(3) LENGTH OF ENVIRONMENTAL DOCUMENT.—

31 “(A) IN GENERAL.—Notwithstanding any other provision of law and except as  
32 provided in subparagraph (B), to the maximum extent practicable, the text of the items  
33 described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of  
34 Federal Regulations (or successor regulations), of an environmental impact statement  
35 for a project shall be 200 pages or fewer.

36 “(B) EXEMPTION.—An environmental impact statement for a project may exceed  
37 200 pages, if the lead agency establishes a new page limit for the environmental impact  
38 statement for that project.”; and

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

2 “(p) Accountability and Reporting for Major Projects.—

3 “(1) IN GENERAL.—The Secretary shall establish a performance accountability system to  
4 track each major project.

5 “(2) REQUIREMENTS.—The performance accountability system under paragraph (1) shall,  
6 for each major project, track, at a minimum—

7 “(A) the environmental review process for the major project, including the project  
8 schedule;

9 “(B) whether the lead agency, cooperating agencies, and participating agencies are  
10 meeting the schedule established for the environmental review process; and

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

12 “(q) Development of Categorical Exclusions.—

13 “(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection,  
14 and every 4 years thereafter, the Secretary shall—

15 “(A) in consultation with the agencies described in paragraph (2), identify the  
16 categorical exclusions described in section 771.117 of title 23, Code of Federal  
17 Regulations (or successor regulations), that would accelerate delivery of a project if  
18 those categorical exclusions were available to those agencies;

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

21 “(C) provide to each agency described in paragraph (2)—

22 “(i) a list of the categorical exclusions identified under subparagraph (A); and

23 “(ii) the documentation and substantiating information under subparagraph (B).

24 “(2) AGENCIES DESCRIBED.—The agencies referred to in paragraph (1) are—

25 “(A) the Department of the Interior;

26 “(B) the Department of the Army;

27 “(C) the Department of Commerce;

28 “(D) the Department of Agriculture;

29 “(E) the Department of Energy;

30 “(F) the Department of Defense; and

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

33 “(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—

34 “(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary  
35 provides a list under paragraph (1)(C), an agency described in paragraph (2) shall  
36 publish a notice of proposed rulemaking to propose any categorical exclusions from

1 the list applicable to the agency, subject to the condition that the categorical exclusion  
2 identified under paragraph (1)(A) meets the criteria for a categorical exclusion under  
3 section 1501.4 of title 40, Code of Federal Regulations (or successor regulations).

4 “(B) PUBLIC COMMENT.—In a notice of proposed rulemaking under subparagraph  
5 (A), the applicable agency may solicit comments on whether any of the proposed new  
6 categorical exclusions meet the criteria for a categorical exclusion under section  
7 1501.4 of title 40, Code of Federal Regulations (or successor regulations).”.

8 (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, is  
9 amended by striking the item relating to section 139 and inserting the following:

10 “139. Efficient environmental reviews for project decisionmaking and One Federal Decision.”.

## 11 SEC. 1302. WORK ZONE PROCESS REVIEWS.

12 The Secretary shall amend section 630.1008(e) of title 23, Code of Federal Regulations, to  
13 ensure that the work zone process review under that subsection is required not more frequently  
14 than once every 5 years.

## 15 SEC. 1303. TRANSPORTATION MANAGEMENT PLANS.

16 (a) In General.—The Secretary shall amend section 630.1010(c) of title 23, Code of Federal  
17 Regulations, to ensure that only a project described in that subsection with a lane closure for 3 or  
18 more consecutive days shall be considered to be a significant project for purposes of that section.

19 (b) Non-Interstate Projects.—Notwithstanding any other provision of law, a State shall not be  
20 required to develop or implement a transportation management plan (as described in section  
21 630.1012 of title 23, Code of Federal Regulations (or successor regulations)) for a highway  
22 project not on the Interstate System if the project requires not more than 3 consecutive days of  
23 lane closures.

## 24 SEC. 1304. INTELLIGENT TRANSPORTATION SYSTEMS.

25 (a) In General.—The Secretary shall develop guidance for using existing flexibilities with  
26 respect to the systems engineering analysis described in part 940 of title 23, Code of Federal  
27 Regulations (or successor regulations).

28 (b) Implementation.—The Secretary shall ensure that any guidance developed under  
29 subsection (a)—

30 (1) clearly identifies criteria for low-risk and exempt intelligent transportation systems  
31 projects, with a goal of minimizing unnecessary delay or paperwork burden;

32 (2) is consistently implemented by the Department nationwide; and

33 (3) is disseminated to Federal-aid recipients.

34 (c) Savings Provision.—Nothing in this section prevents the Secretary from amending part  
35 940 of title 23, Code of Federal Regulations (or successor regulations), to reduce State  
36 administrative burdens.

## 37 SEC. 1305. ALTERNATIVE CONTRACTING METHODS.

1 (a) Alternative Contracting Methods for Federal Land Management Agencies and Tribal  
2 Governments.—Section 201 of title 23, United States Code, is amended by adding at the end the  
3 following:

4 “(f) Alternative Contracting Methods.—

5 “(1) IN GENERAL.—Notwithstanding any other provision of law (including the Federal  
6 Acquisition Regulation), a contracting method available to a State under this title may be  
7 used by the Secretary, on behalf of—

8 “(A) a Federal land management agency, in using any funds pursuant to section 203,  
9 204, or 308;

10 “(B) a Federal land management agency, in using any funds pursuant to section  
11 1535 of title 31 for any of the eligible uses described in sections 203(a)(1) and  
12 204(a)(1) and paragraphs (1) and (2) of section 308(a); or

13 “(C) a Tribal government, in using funds pursuant to section 202(b)(7)(D).

14 “(2) METHODS DESCRIBED.—The contracting methods referred to in paragraph (1) shall  
15 include, at a minimum—

16 “(A) project bundling;

17 “(B) bridge bundling;

18 “(C) design-build contracting;

19 “(D) 2-phase contracting;

20 “(E) long-term concession agreements; and

21 “(F) any method tested, or that could be tested, under an experimental program  
22 relating to contracting methods carried out by the Secretary.

23 “(3) EFFECT.—Nothing in this subsection—

24 “(A) affects the application of the Federal share for the project carried out with a  
25 contracting method under this subsection; or

26 “(B) modifies the point of obligation of Federal salaries and expenses.”.

27 (b) Cooperation With Federal and State Agencies and Foreign Countries.—Section 308(a) of  
28 title 23, United States Code, is amended by adding at the end the following:

29 “(4) ALTERNATIVE CONTRACTING METHODS.—

30 “(A) IN GENERAL.—Notwithstanding any other provision of law (including the  
31 Federal Acquisition Regulation), in performing services under paragraph (1), the  
32 Secretary may use any contracting method available to a State under this title.

33 “(B) METHODS DESCRIBED.—The contracting methods referred to in subparagraph  
34 (A) shall include, at a minimum—

35 “(i) project bundling;

36 “(ii) bridge bundling;

37 “(iii) design-build contracting;

1 “(iv) 2-phase contracting;

2 “(v) long-term concession agreements; and

3 “(vi) any method tested, or that could be tested, under an experimental program  
4 relating to contracting methods carried out by the Secretary.”.

5 (c) Use of Alternative Contracting Methods.—In carrying out an alternative contracting  
6 method under section 201(f) or 308(a)(4) of title 23, United States Code, the Secretary shall—

7 (1) in consultation with the applicable Federal land management agencies, establish clear  
8 procedures that are—

9 (A) applicable to the alternative contracting method; and

10 (B) to the maximum extent practicable, consistent with the requirements applicable  
11 to Federal procurement transactions;

12 (2) solicit input on the use of the alternative contracting method from the affected  
13 industry prior to using the method; and

14 (3) analyze and prepare an evaluation of the use of the alternative contracting method.

## 15 SEC. 1306. FLEXIBILITY FOR PROJECTS.

16 Section 1420 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is amended—

17 (1) in subsection (a), by striking “and on request by a State, the Secretary may” in the  
18 matter preceding paragraph (1) and all that follows through the period at the end of  
19 paragraph (2) and inserting the following: “, on request by a State, and if in the public  
20 interest (as determined by the Secretary), the Secretary shall exercise all existing  
21 flexibilities under—

22 “(1) the requirements of title 23, United States Code; and

23 “(2) other requirements administered by the Secretary, in whole or in part.”; and

24 (2) in subsection (b)(2)(A), by inserting “(including regulations)” after “environmental  
25 law”.

## 26 SEC. 1307. IMPROVED FEDERAL-STATE STEWARDSHIP 27 AND OVERSIGHT AGREEMENTS.

28 (a) Definition of Template.—In this section, the term “template” means a template created by  
29 the Secretary for Federal-State stewardship and oversight agreements that—

30 (1) includes all standard terms found in stewardship and oversight agreements, including  
31 any terms in an attachment to the agreement;

32 (2) is developed in accordance with section 106 of title 23, United States Code, or any  
33 other applicable authority; and

34 (3) may be developed with consideration of relevant regulations, guidance, or policies.

35 (b) Request for Comment.—

36 (1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the

1 Secretary shall publish in the Federal Register the template and a notice requesting public  
2 comment on ways to improve the template.

3 (2) COMMENT PERIOD.—The Secretary shall provide a period of not less than 60 days for  
4 public comment on the notice under paragraph (1).

5 (3) CERTAIN ISSUES.—The notice under paragraph (1) shall allow comment on any aspect  
6 of the template and shall specifically request public comment on—

7 (A) whether the template should be revised to delete standard terms requiring  
8 approval by the Secretary of the policies, procedures, processes, or manuals of the  
9 States, or other State actions, if Federal law (including regulations) does not  
10 specifically require an approval;

11 (B) opportunities to modify the template to allow adjustments to the review  
12 schedules for State practices or actions, including through risk-based approaches,  
13 program reviews, process reviews, or other means; and

14 (C) any other matters that the Secretary determines to be appropriate.

15 (c) Notice of Action; Updates.—

16 (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, after  
17 considering the comments received in response to the Federal Register notice under  
18 subsection (b), the Secretary shall publish in the Federal Register a notice that—

19 (A) describes any proposed changes to be made, and any alternatives to such  
20 changes, to the template;

21 (B) addresses comments in response to which changes were not made to the  
22 template; and

23 (C) prescribes a schedule and a plan to execute a process for implementing the  
24 changes referred to in subparagraph (A).

25 (2) APPROVAL REQUIREMENTS.—In addressing comments under paragraph (1)(B), the  
26 Secretary shall include an explanation of the basis for retaining any requirement for  
27 approval of State policies, procedures, processes, or manuals, or other State actions, if  
28 Federal law (including regulations) does not specifically require the approval.

29 (3) IMPLEMENTATION.—

30 (A) IN GENERAL.—Not later than 60 days after the date on which the notice under  
31 paragraph (1) is published, the Secretary shall make changes to the template in  
32 accordance with—

33 (i) the changes described in the notice under paragraph (1)(A); and

34 (ii) the schedule and plan described in the notice under paragraph (1)(C).

35 (B) UPDATES.—Not later than 1 year after the date on which the revised template  
36 under subparagraph (A) is published, the Secretary shall update existing agreements  
37 with States according to the template updated under subparagraph (A).

38 (d) Inclusion of Non-standard Terms.—Nothing in this section precludes the inclusion in a  
39 Federal-State stewardship and oversight agreement of non-standard terms to address a State-

1 specific matter, including risk-based stewardship and Department oversight involvement in  
2 individual projects of division interest.

3 (e) Compliance With Non-statutory Terms.—

4 (1) IN GENERAL.—The Secretary shall not enforce or otherwise require a State to comply  
5 with approval requirements that are not required by Federal law (including regulations) in a  
6 Federal-State stewardship and oversight agreement.

7 (2) APPROVAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary  
8 shall not assert approval authority over any matter in a Federal-State stewardship and  
9 oversight agreement reserved to States.

10 (f) Frequency of Reviews.—Section 106(g)(3) of title 23, United States Code, is amended—

11 (1) by striking “annual”;

12 (2) by striking “The Secretary” and inserting the following:

13 “(A) IN GENERAL.—The Secretary”; and

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

15 “(B) FREQUENCY.—

16 “(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary  
17 shall carry out a review under subparagraph (A) not less frequently than once  
18 every 2 years.

19 “(ii) CONSULTATION WITH STATE.—The Secretary, after consultation with a  
20 State, may make a determination to carry out a review under subparagraph (A) for  
21 that State less frequently than provided under clause (i).

22 “(iii) CAUSE.—If the Secretary determines that there is a specific reason to  
23 require a review more frequently than provided under clause (i) with respect to a  
24 State, the Secretary may carry out a review more frequently than provided under  
25 that clause.”.

## 26 SEC. 1308. GEOMATIC DATA.

27 (a) In General.—The Secretary shall develop guidance for the acceptance and use of  
28 information obtained from a non-Federal entity through geomatic techniques, including remote  
29 sensing and land surveying, cartography, geographic information systems, global navigation  
30 satellite systems, photogrammetry, or other remote means.

31 (b) Considerations.—In carrying out this section, the Secretary shall ensure that acceptance or  
32 use of information described in subsection (a) meets the data quality and operational  
33 requirements of the Secretary.

34 (c) Public Comment.—Before issuing any final guidance under subsection (a), the Secretary  
35 shall provide to the public—

36 (1) notice of the proposed guidance; and

37 (2) an opportunity to comment on the proposed guidance.

38 (d) Savings Clause.—Nothing in this section—

1 (1) requires the Secretary to accept or use information that the Secretary determines does  
2 not meet the guidance developed under this section; or

3 (2) changes the current statutory or regulatory requirements of the Department.

## 4 SEC. 1309. EVALUATION OF PROJECTS WITHIN AN 5 OPERATIONAL RIGHT-OF-WAY.

6 (a) In General.—Chapter 3 of title 23, United States Code, is amended by adding at the end the  
7 following:

### 8 “331. Evaluation of projects within an operational right-of-way

9 “(a) Definitions.—

10 “(1) ELIGIBLE PROJECT OR ACTIVITY.—

11 “(A) IN GENERAL.—In this section, the term ‘eligible project or activity’ means a  
12 project or activity within an existing operational right-of-way (as defined in section  
13 771.117(c)(22) of title 23, Code of Federal Regulations (or successor regulations))—

14 “(i)(I) eligible for assistance under this title; or

15 “(II) administered as if made available under this title;

16 “(ii) that is—

17 “(I) a preventive maintenance, preservation, or highway safety  
18 improvement project (as defined in section 148(a)); or

19 “(II) a new turn lane that the State advises in writing to the Secretary  
20 would assist public safety; and

21 “(iii) that—

22 “(I) is classified as a categorical exclusion under section 771.117 of title  
23 23, Code of Federal Regulations (or successor regulations); or

24 “(II) if the project or activity does not receive assistance described in  
25 clause (i) would be considered a categorical exclusion if the project or  
26 activity received assistance described in clause (i).

27 “(B) EXCLUSION.—The term ‘eligible project or activity’ does not include a project  
28 to create a new travel lane.

29 “(2) PRELIMINARY EVALUATION.—The term ‘preliminary evaluation’, with respect to an  
30 application described in subsection (b)(1), means an evaluation that is customary or  
31 practicable for the relevant agency to complete within a 45-day period for similar  
32 applications.

33 “(3) RELEVANT AGENCY.—The term ‘relevant agency’ means a Federal agency, other  
34 than the Federal Highway Administration, with responsibility for review of an application  
35 from a State for a permit, approval, or jurisdictional determination for an eligible project or  
36 activity.

37 “(b) Action Required.—

1 “(1) IN GENERAL.—Subject to paragraph (2), not later than 45 days after the date of  
2 receipt of an application by a State for a permit, approval, or jurisdictional determination for  
3 an eligible project or activity, the head of the relevant agency shall—

4 “(A) make at least a preliminary evaluation of the application; and

5 “(B) notify the State of the results of the preliminary evaluation under subparagraph  
6 (A).

7 “(2) EXTENSION.—The head of the relevant agency may extend the review period under  
8 paragraph (1) by not more than 30 days if the head of the relevant agency provides to the  
9 State written notice that includes an explanation of the need for the extension.

10 “(3) FAILURE TO ACT.—If the head of the relevant agency fails to meet a deadline under  
11 paragraph (1) or (2), as applicable, the head of the relevant agency shall—

12 “(A) not later than 30 days after the date of the missed deadline, submit to the State,  
13 the Committee on Environment and Public Works of the Senate, and the Committee on  
14 Transportation and Infrastructure of the House of Representatives a report that  
15 describes why the deadline was missed; and

16 “(B) not later than 14 days after the date on which a report is submitted under  
17 subparagraph (A), make publicly available, including on the internet, a copy of that  
18 report.”.

19 (b) Clerical Amendment.—The analysis for chapter 3 of title 23, United States Code, is  
20 amended by adding at the end the following:

21 “331. Evaluation of projects within an operational right-of-way.”.

## 22 SEC. 1310. PRELIMINARY ENGINEERING.

23 (a) In General.—Section 102 of title 23, United States Code, is amended—

24 (1) by striking subsection (b); and

25 (2) in subsection (a), in the second sentence, by striking “Nothing in this subsection” and  
26 inserting the following:

27 “(b) Savings Provision.—Nothing in this section”.

28 (b) Conforming Amendment.—Section 144(j) of title 23, United States Code, is amended by  
29 striking paragraph (6).

## 30 SEC. 1311. EFFICIENT IMPLEMENTATION OF NEPA FOR 31 FEDERAL LAND MANAGEMENT PROJECTS.

32 Section 203 of title 23, United States Code, is amended by adding at the end the following:

33 “(e) Efficient Implementation of NEPA.—

34 “(1) DEFINITIONS.—In this subsection:

35 “(A) ENVIRONMENTAL DOCUMENT.—The term ‘environmental document’ means an  
36 environmental impact statement, environmental assessment, categorical exclusion, or  
37 other document prepared under the National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.).

2 “(B) PROJECT.—The term ‘project’ means a highway project, public transportation  
3 capital project, or multimodal project that—

4 “(i) receives funds under this title; and

5 “(ii) is authorized under this section or section 204.

6 “(C) PROJECT SPONSOR.—The term ‘project sponsor’ means the Federal land  
7 management agency that seeks or receives funds under this title for a project.

8 “(2) ENVIRONMENTAL REVIEW TO BE COMPLETED BY FEDERAL HIGHWAY  
9 ADMINISTRATION.—The Federal Highway Administration may prepare an environmental  
10 document pursuant to the implementing procedures of the Federal Highway Administration  
11 to comply with the requirements of the National Environmental Policy Act of 1969 (42  
12 U.S.C. 4321 et seq.) if requested by a project sponsor.

13 “(3) FEDERAL LAND MANAGEMENT AGENCIES ADOPTION OF EXISTING ENVIRONMENTAL  
14 REVIEW DOCUMENTS.—

15 “(A) IN GENERAL.—To the maximum extent practicable, if the Federal Highway  
16 Administration prepares an environmental document pursuant to paragraph (2), that  
17 environmental document shall address all areas of analysis required by a Federal land  
18 management agency.

19 “(B) INDEPENDENT EVALUATION.—Notwithstanding any other provision of law, a  
20 Federal land management agency shall not be required to conduct an independent  
21 evaluation to determine the adequacy of an environmental document prepared by the  
22 Federal Highway Administration pursuant to paragraph (2).

23 “(C) USE OF SAME DOCUMENT.—In authorizing or implementing a project, a Federal  
24 land management agency may use an environmental document previously prepared by  
25 the Federal Highway Administration for a project addressing the same or substantially  
26 the same action to the same extent that the Federal land management agency could  
27 adopt or use a document previously prepared by another Federal agency.

28 “(4) APPLICATION BY FEDERAL LAND MANAGEMENT AGENCIES OF CATEGORICAL  
29 EXCLUSIONS ESTABLISHED BY FEDERAL HIGHWAY ADMINISTRATION.—In carrying out  
30 requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
31 for a project, the project sponsor may use categorical exclusions designated under that Act  
32 in the implementing regulations of the Federal Highway Administration, subject to the  
33 conditions that—

34 “(A) the project sponsor makes a determination, in consultation with the Federal  
35 Highway Administration, that the categorical exclusion applies to the project;

36 “(B) the project satisfies the conditions for a categorical exclusion under the  
37 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

38 “(C) the use of the categorical exclusion does not otherwise conflict with the  
39 implementing regulations of the project sponsor, except any list of the project sponsor  
40 that designates categorical exclusions.

1 “(5) MITIGATION COMMITMENTS.—The Secretary shall assist the Federal land  
2 management agency with all design and mitigation commitments made jointly by the  
3 Secretary and the project sponsor in any environmental document prepared by the Secretary  
4 in accordance with this subsection.”.

## 5 SEC. 1312. NATIONAL ENVIRONMENTAL POLICY ACT 6 OF 1969 REPORTING PROGRAM.

7 (a) In General.—Chapter 1 of title 23, United States Code, is amended by inserting after  
8 section 156 the following:

### 9 “157. National Environmental Policy Act of 1969 reporting 10 program

11 “(a) Definitions.—In this section:

12 “(1) CATEGORICAL EXCLUSION.—The term ‘categorical exclusion’ has the meaning given  
13 the term in section 771.117(c) of title 23, Code of Federal Regulations (or a successor  
14 regulation).

15 “(2) DOCUMENTED CATEGORICAL EXCLUSION.—The term ‘documented categorical  
16 exclusion’ has the meaning given the term in section 771.117(d) of title 23, Code of Federal  
17 Regulations (or a successor regulation).

18 “(3) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ has the  
19 meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a  
20 successor regulation).

21 “(4) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’  
22 means a detailed statement required under section 102(2)(C) of the National Environmental  
23 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

24 “(5) FEDERAL AGENCY.—The term ‘Federal agency’ includes a State that has assumed  
25 responsibility under section 327.

26 “(6) NEPA PROCESS.—The term ‘NEPA process’ means the entirety of the development  
27 and documentation of the analysis required under the National Environmental Policy Act of  
28 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts,  
29 alternatives, and mitigation of a proposed action, and any interagency participation and  
30 public involvement required to be carried out before the Secretary undertakes a proposed  
31 action.

32 “(7) PROPOSED ACTION.—The term ‘proposed action’ means an action (within the  
33 meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under  
34 this title that the Secretary proposes to carry out.

35 “(8) SECRETARY.—The term ‘Secretary’ includes the governor or head of an applicable  
36 State agency of a State that has assumed responsibility under section 327.

37 “(b) Report on NEPA Data.—

38 “(1) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit

1 to the Committee on Environment and Public Works of the Senate and the Committee on  
2 Transportation and Infrastructure of the House of Representatives a report containing, the  
3 information described in paragraph (3).

4 “(2) TIME TO COMPLETE.—For purposes of paragraph (2), the NEPA process—

5 “(A) for an environmental impact statement—

6 “(i) begins on the date on which the Notice of Intent is published in the Federal  
7 Register; and

8 “(ii) ends on the date on which the Secretary issues a record of decision,  
9 including, if necessary, a revised record of decision; and

10 “(B) for an environmental assessment—

11 “(i) begins on the date on which the Secretary makes a determination to prepare  
12 an environmental assessment; and

13 “(ii) ends on the date on which the Secretary issues a finding of no significant  
14 impact.

15 “(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with  
16 respect to the Department of Transportation—

17 “(A) the number of proposed actions for which a categorical exclusion was issued  
18 during the reporting period;

19 “(B) the number of proposed actions for which a documented categorical exclusion  
20 was issued by the Department of Transportation during the reporting period;

21 “(C) the number of proposed actions pending on the date on which the report is  
22 submitted for which the issuance of a categorical exclusion by the Department of  
23 Transportation is pending;

24 “(D) the number of proposed actions for which an environmental assessment was  
25 issued by the Department of Transportation during the reporting period;

26 “(E) the length of time the Department of Transportation took to complete each  
27 environmental assessment described in subparagraph (D);

28 “(F) the number of proposed actions pending on the date on which the report is  
29 submitted for which an environmental assessment is being drafted by the Department  
30 of Transportation;

31 “(G) the number of proposed actions for which an environmental impact statement  
32 was completed by the Department of Transportation during the reporting period;

33 “(H) the length of time that the Department of Transportation took to complete each  
34 environmental impact statement described in subparagraph (G);

35 “(I) the number of proposed actions pending on the date on which the report is  
36 submitted for which an environmental impact statement is being drafted; and

37 “(J) for the proposed actions reported under subparagraphs (F) and (I), the  
38 percentage of those proposed actions for which—

1                   “(i) funding has been identified; and  
2                   “(ii) all other Federal, State, and local activities that are required to allow the  
3                   proposed action to proceed are completed.”.

4           (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, is  
5 amended by inserting after the item relating to section 156 the following:

6 “157. National Environmental Policy Act of 1969 reporting program.”.

## 7 **SEC. 1313. SURFACE TRANSPORTATION PROJECT** 8 **DELIVERY PROGRAM WRITTEN AGREEMENTS.**

9           Section 327 of title 23, United States Code, is amended—

10           (1) in subsection (a)(2)(G), by inserting “, including the payment of fees awarded under  
11 section 2412 of title 28” before the period at the end;

12           (2) in subsection (c)—

13                   (A) by striking paragraph (5) and inserting the following:

14                   “(5) except as provided under paragraph (7), have a term of not more than 5 years;”;

15                   (B) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

17                   “(7) for any State that has participated in a program under this section (or under a  
18 predecessor program) for at least 10 years, have a term of 10 years.”;

19           (3) in subsection (g)(1)—

20                   (A) in subparagraph (B), by striking “and” at the end;

21                   (B) in subparagraph (C), by striking “annual”;

22                   (C) by redesignating subparagraph (C) as subparagraph (D); and

23                   (D) by inserting after subparagraph (B) the following:

24                   “(C) in the case of an agreement period of greater than 5 years pursuant to  
25 subsection (c)(7), conduct an audit covering the first 5 years of the agreement period;  
26 and”; and

27           (4) by adding at the end the following:

28           “(m) Agency Deemed to Be Federal Agency.—A State agency that is assigned a responsibility  
29 under an agreement under this section shall be deemed to be an agency for the purposes of  
30 section 2412 of title 28.”.

## 31 **SEC. 1314. STATE ASSUMPTION OF RESPONSIBILITY** 32 **FOR CATEGORICAL EXCLUSIONS.**

33           Section 326(c)(3) of title 23, United States Code, is amended—

34           (1) by striking subparagraph (A) and inserting the following:

1 “(A) except as provided under subparagraph (C), shall have a term of not more than  
2 3 years;”;

3 (2) in subparagraph (B), by striking the period at the end and inserting “; and”; and  
4 (3) by adding at the end the following:

5 “(C) shall have a term of 5 years, in the case of a State that has assumed the  
6 responsibility for categorical exclusions under this section for not fewer than 10  
7 years.”.

8 **SEC. 1315. EARLY UTILITY RELOCATION PRIOR TO**  
9 **TRANSPORTATION PROJECT ENVIRONMENTAL**  
10 **REVIEW.**

11 Section 123 of title 23, United States Code, is amended to read as follows:

12 **“123. Relocation of utility facilities**

13 “(a) Definitions.—In this section:

14 “(1) COST OF RELOCATION.—The term ‘cost of relocation’ includes the entire amount  
15 paid by a utility properly attributable to the relocation of a utility facility, minus any  
16 increase in the value of the new facility and any salvage value derived from the old facility.

17 “(2) EARLY UTILITY RELOCATION PROJECT.—The term ‘early utility relocation project’  
18 means utility relocation activities identified by the State for performance before completion  
19 of the environmental review process for the transportation project.

20 “(3) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ has  
21 the meaning given the term in section 139(a).

22 “(4) TRANSPORTATION PROJECT.—The term ‘transportation project’ means a project.

23 “(5) UTILITY FACILITY.—The term ‘utility facility’ means any privately, publicly, or  
24 cooperatively owned line, facility, or system for producing, transmitting, or distributing  
25 communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste,  
26 stormwater not connected with highway drainage, or any other similar commodity,  
27 including any fire or police signal system or street lighting system, that directly or indirectly  
28 serves the public.

29 “(6) UTILITY RELOCATION ACTIVITY.—The term ‘utility relocation activity’ means an  
30 activity necessary for the relocation of a utility facility, including preliminary and final  
31 design, surveys, real property acquisition, materials acquisition, and construction.

32 “(b) Reimbursement to States.—

33 “(1) IN GENERAL.—If a State pays for the cost of relocation of a utility facility  
34 necessitated by the construction of a transportation project, Federal funds may be used to  
35 reimburse the State for the cost of relocation in the same proportion as Federal funds are  
36 expended on the transportation project.

37 “(2) LIMITATION.—Federal funds shall not be used to reimburse a State under this section  
38 if the payment to the utility—

1           “(A) violates the law of the State; or

2           “(B) violates a legal contract between the utility and the State.

3           “(3) REQUIREMENT.—A reimbursement under paragraph (1) shall be made only if the  
4 State demonstrates to the satisfaction of the Secretary that the State paid the cost of the  
5 utility relocation activity from funds of the State with respect to transportation projects for  
6 which Federal funds are obligated subsequent to April 16, 1958, for work, including utility  
7 relocation activities.

8           “(4) REIMBURSEMENT ELIGIBILITY FOR EARLY RELOCATION PRIOR TO TRANSPORTATION  
9 PROJECT ENVIRONMENTAL REVIEW PROCESS.—

10           “(A) IN GENERAL.—In addition to the requirements under paragraphs (1) through  
11 (3), a State may carry out, at the expense of the State, an early utility relocation project  
12 for a transportation project before completion of the environmental review process for  
13 the transportation project.

14           “(B) REQUIREMENTS FOR REIMBURSEMENT.—Funds apportioned to a State under this  
15 title may be used to pay the costs incurred by the State for an early utility relocation  
16 project only if the State demonstrates to the Secretary, and the Secretary finds that—

17           “(i) the early utility relocation project is necessary to accommodate a  
18 transportation project;

19           “(ii) the State provides adequate documentation to the Secretary of eligible  
20 costs incurred by the State for the early utility relocation project;

21           “(iii) before the commencement of the utility relocation activities, an  
22 environmental review process was completed for the early utility relocation  
23 project that resulted in a finding that the early utility relocation project—

24           “(I) would not result in significant adverse environmental impacts; and

25           “(II) would comply with other applicable Federal environmental  
26 requirements;

27           “(iv) the early utility relocation project did not influence—

28           “(I) the environmental review process for the transportation project;

29           “(II) the decision relating to the need to construct the transportation  
30 project; or

31           “(III) the selection of the transportation project design or location;

32           “(v) the early utility relocation project complies with all applicable provisions  
33 of law, including regulations issued pursuant to this title;

34           “(vi) the early utility relocation project follows applicable financial procedures  
35 and requirements, including documentation of eligible costs and the requirements  
36 under section 109(l), but not including requirements applicable to authorization  
37 and obligation of Federal funds;

38           “(vii) the transportation project for which the early utility relocation project  
39 was necessitated was included in the applicable transportation improvement

1 program under section 134 or 135;

2 “(viii) before the cost incurred by a State is approved for Federal participation,  
3 environmental compliance pursuant to the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.) has been completed for the transportation project  
5 for which the early utility relocation project was necessitated; and

6 “(ix) the transportation project that necessitated the utility relocation activity is  
7 approved for construction.

8 “(C) SAVINGS PROVISION.—Nothing in this paragraph affects other eligibility  
9 requirements or authorities for Federal participation in payment of costs incurred for  
10 utility relocation activities.”.

## 11 SEC. 1316. STREAMLINING OF SECTION 4(F) REVIEWS.

12 Section 138(a) of title 23, United States Code, is amended—

13 (1) in the fourth sentence, by striking “In carrying out” and inserting the following:

14 “(4) STUDIES.—In carrying out”;

15 (2) in the third sentence—

16 (A) by striking “such land, and (2) such program” and inserting the following: “the  
17 land; and

18 “(B) the program”;

19 (B) by striking “unless (1) there is” and inserting the following: “unless—

20 “(A) there is”; and

21 (C) by striking “After the” and inserting the following:

22 “(3) REQUIREMENT.—After the”;

23 (3) in the second sentence—

24 (A) by striking “The Secretary of Transportation” and inserting the following:

25 “(2) COOPERATION AND CONSULTATION.—

26 “(A) IN GENERAL.—The Secretary”; and

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

28 “(B) TIMELINE FOR APPROVALS.—

29 “(i) IN GENERAL.—The Secretary shall—

30 “(I) provide an evaluation under this section to the Secretaries described in  
31 subparagraph (A); and

32 “(II) provide a period of 30 days for receipt of comments.

33 “(ii) ASSUMED ACCEPTANCE.—If the Secretary does not receive comments by  
34 15 days after the deadline under clause (i)(II), the Secretary shall assume a lack of  
35 objection and proceed with the action.

1           “(C) EFFECT.—Nothing in subparagraph (B) affects the requirements under—  
2           “(i) subsections (b) through (f); or  
3           “(ii) the consultation process under section 306108 of title 54.”; and  
4       (4) in the first sentence, by striking “It is declared to be” and inserting the following:  
5       “(1) IN GENERAL.—It is”.

## 6   SEC. 1317. CATEGORICAL EXCLUSION FOR PROJECTS 7   OF LIMITED FEDERAL ASSISTANCE.

8       Section 1317(1) of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—  
9       (1) in subparagraph (A), by striking “\$5,000,000” and inserting “\$6,000,000”; and  
10      (2) in subparagraph (B), by striking “\$30,000,000” and inserting “\$35,000,000”.

## 11   SEC. 1318. CERTAIN GATHERING LINES LOCATED ON 12   FEDERAL LAND AND INDIAN LAND.

13      (a) Definitions.—In this section:

14          (1) FEDERAL LAND.—

15              (A) IN GENERAL.—The term “Federal land” means land the title to which is held by  
16              the United States.

17              (B) EXCLUSIONS.—The term “Federal land” does not include—

- 18                  (i) a unit of the National Park System;  
19                  (ii) a unit of the National Wildlife Refuge System;  
20                  (iii) a component of the National Wilderness Preservation System;  
21                  (iv) a wilderness study area within the National Forest System; or  
22                  (v) Indian land.

23          (2) GATHERING LINE AND ASSOCIATED FIELD COMPRESSION OR PUMPING UNIT.—

24              (A) IN GENERAL.—The term “gathering line and associated field compression or  
25              pumping unit” means—

- 26                  (i) a pipeline that is installed to transport oil, natural gas and related  
27                  constituents, or produced water from 1 or more wells drilled and completed to  
28                  produce oil or gas; and  
29                  (ii) if necessary, 1 or more compressors or pumps to raise the pressure of the  
30                  transported oil, natural gas and related constituents, or produced water to higher  
31                  pressures necessary to enable the oil, natural gas and related constituents, or  
32                  produced water to flow into pipelines and other facilities.

33              (B) INCLUSIONS.—The term “gathering line and associated field compression or  
34              pumping unit” includes a pipeline or associated compression or pumping unit that is

1 installed to transport oil or natural gas from a processing plant to a common carrier  
2 pipeline or facility.

3 (C) EXCLUSIONS.—The term “gathering line and associated field compression or  
4 pumping unit” does not include a common carrier pipeline.

5 (3) INDIAN LAND.—The term “Indian land” means land the title to which is held by—

6 (A) the United States in trust for an Indian Tribe or an individual Indian; or

7 (B) an Indian Tribe or an individual Indian subject to a restriction by the United  
8 States against alienation.

9 (4) PRODUCED WATER.—The term “produced water” means water produced from an oil  
10 or gas well bore that is not a fluid prepared at, or transported to, the well site to resolve a  
11 specific oil or gas well bore or reservoir condition.

12 (5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

13 (b) Certain Gathering Lines.—

14 (1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-  
15 way for a gathering line and associated field compression or pumping unit that is located on  
16 Federal land or Indian land and that services any oil or gas well may be considered by the  
17 Secretary to be an action that is categorically excluded (as defined in section 1508.1 of title  
18 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for  
19 purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the  
20 gathering line and associated field compression or pumping unit—

21 (A) are within a field or unit for which an approved land use plan or an  
22 environmental document prepared pursuant to the National Environmental Policy Act  
23 of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of oil, natural gas, or  
24 produced water from 1 or more oil or gas wells in the field or unit as a reasonably  
25 foreseeable activity;

26 (B) are located adjacent to or within—

27 (i) any existing disturbed area; or

28 (ii) an existing corridor for a right-of-way; and

29 (C) would reduce—

30 (i) in the case of a gathering line and associated field compression or pumping  
31 unit transporting methane, the total quantity of methane that would otherwise be  
32 vented, flared, or unintentionally emitted from the field or unit; or

33 (ii) in the case of a gathering line and associated field compression or pumping  
34 unit not transporting methane, the vehicular traffic that would otherwise service  
35 the field or unit.

36 (2) APPLICABILITY.—Paragraph (1) shall apply to Indian land, or a portion of Indian  
37 land—

38 (A) to which the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
39 seq.) applies; and

1 (B) for which the Indian Tribe with jurisdiction over the Indian land submits to the  
2 Secretary a written request that paragraph (1) apply to that Indian land (or portion of  
3 Indian land).

4 (c) Effect on Other Law.—Nothing in this section—

5 (1) affects or alters any requirement—

6 (A) relating to prior consent under—

7 (i) section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C.  
8 324); or

9 (ii) section 16(e) of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 102  
10 Stat. 2939; 114 Stat. 47; 25 U.S.C. 5123(e)) (commonly known as the “Indian  
11 Reorganization Act”);

12 (B) under section 306108 of title 54, United States Code; or

13 (C) under any other Federal law (including regulations) relating to Tribal consent for  
14 rights-of-way across Indian land; or

15 (2) makes the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
16 applicable to land to which that Act otherwise would not apply.

## 17 Subtitle D—Climate Change

### 18 SEC. 1401. GRANTS FOR CHARGING AND FUELING 19 INFRASTRUCTURE.

20 (a) Purpose.—The purpose of this section is to establish a grant program to strategically  
21 deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling  
22 infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along  
23 designated alternative fuel corridors or in certain other locations that will be accessible to all  
24 drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles.

25 (b) Grant Program.—Section 151 of title 23, United States Code, is amended—

26 (1) in subsection (a)—

27 (A) by striking “Not later than 1 year after the date of enactment of the FAST Act,  
28 the Secretary shall” and inserting “The Secretary shall periodically”; and

29 (B) by striking “to improve the mobility” and inserting “to support changes in the  
30 transportation sector that help achieve a reduction in greenhouse gas emissions and  
31 improve the mobility”;

32 (2) in subsection (b)(2), by inserting “previously designated by the Federal Highway  
33 Administration or” before “designated by”;

34 (3) by striking subsection (d) and inserting the following:

35 “(d) Redesignation.—

36 “(1) INITIAL REDESIGNATION.—Not later than 180 days after the date of enactment of the  
37 Surface Transportation Reauthorization Act of 2021, the Secretary shall update and

1 redesignate the corridors under subsection (a).

2 “(2) SUBSEQUENT REDESIGNATION.—The Secretary shall establish a recurring process to  
3 regularly update and redesignate the corridors under subsection (a).”;

4 (4) in subsection (e)—

5 (A) in paragraph (1), by striking “and” at the end;

6 (B) in paragraph (2)—

7 (i) by striking “establishes an aspirational goal of achieving” and inserting  
8 “describes efforts, including through funds awarded through the grant program  
9 under subsection (f), that will aid efforts to achieve”; and

10 (ii) by striking “by the end of fiscal year 2020.” and inserting “; and”; and

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

12 “(3) summarizes best practices and provides guidance, developed through consultation  
13 with the Secretary of Energy, for project development of electric vehicle charging  
14 infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure and natural  
15 gas fueling infrastructure at the State, Tribal, and local level to allow for the predictable  
16 deployment of that infrastructure.”; and

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

18 “(f) Grant Program.—

19 “(1) DEFINITION OF PRIVATE ENTITY.—In this subsection, the term ‘private entity’ means  
20 an entity that is not a unit of government, including a corporation, partnership, company, or  
21 nonprofit organization.

22 “(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface  
23 Transportation Reauthorization Act of 2021, the Secretary shall establish a grant program to  
24 award grants to eligible entities to carry out the activities described in paragraph (6).

25 “(3) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is—

26 “(A) a State or political subdivision of a State;

27 “(B) a metropolitan planning organization;

28 “(C) a unit of local government;

29 “(D) a special purpose district or public authority with a transportation function,  
30 including a port authority;

31 “(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and  
32 Education Assistance Act (25 U.S.C. 5304));

33 “(F) a territory of the United States;

34 “(G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more  
35 entities described in subparagraphs (A) through (F); or

36 “(H) a group of entities described in subparagraphs (A) through (G).

37 “(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible

1 entity shall submit to the Secretary an application at such time, in such manner, and  
2 containing such information as the Secretary shall require, including—

3 “(A) a description of how the eligible entity has considered—

4 “(i) public accessibility of charging or fueling infrastructure proposed to be  
5 funded with a grant under this subsection, including—

6 “(I) charging or fueling connector types and publicly available information  
7 on real-time availability; and

8 “(II) payment methods to ensure secure, convenient, fair, and equal  
9 access;

10 “(ii) collaborative engagement with stakeholders (including automobile  
11 manufacturers, utilities, infrastructure providers, technology providers, electric  
12 charging, hydrogen, propane, and natural gas fuel providers, metropolitan  
13 planning organizations, States, Indian tribes, and units of local governments, fleet  
14 owners, fleet managers, fuel station owners and operators, labor organizations,  
15 infrastructure construction and component parts suppliers, and multi-State and  
16 regional entities)—

17 “(I) to foster enhanced, coordinated, public-private or private investment  
18 in electric vehicle charging infrastructure, hydrogen fueling infrastructure,  
19 propane fueling infrastructure, or natural gas fueling infrastructure;

20 “(II) to expand deployment of electric vehicle charging infrastructure,  
21 hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas  
22 fueling infrastructure;

23 “(III) to protect personal privacy and ensure cybersecurity; and

24 “(IV) to ensure that a properly trained workforce is available to construct  
25 and install electric vehicle charging infrastructure, hydrogen fueling  
26 infrastructure, propane fueling infrastructure, or natural gas fueling  
27 infrastructure;

28 “(iii) the location of the station or fueling site, such as consideration of—

29 “(I) the availability of onsite amenities for vehicle operators, such as  
30 restrooms or food facilities;

31 “(II) access in compliance with the Americans with Disabilities Act of  
32 1990 (42 U.S.C. 12101 et seq.);

33 “(III) height and fueling capacity requirements for facilities that charge or  
34 refuel large vehicles, such as semi-trailer trucks; and

35 “(IV) appropriate distribution to avoid redundancy and fill charging or  
36 fueling gaps;

37 “(iv) infrastructure installation that can be responsive to technology  
38 advancements, such as accommodating autonomous vehicles, vehicle-to-grid  
39 technology, and future charging methods; and

40 “(v) the long-term operation and maintenance of the electric vehicle charging

1 infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or  
2 natural gas fueling infrastructure, to avoid stranded assets and protect the  
3 investment of public funds in that infrastructure; and

4 “(B) an assessment of the estimated emissions that will be reduced through the use  
5 of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane  
6 fueling infrastructure, or natural gas fueling infrastructure, which shall be conducted  
7 using the Alternative Fuel Life-Cycle Environmental and Economic Transportation  
8 (AFLEET) tool developed by Argonne National Laboratory (or a successor tool).

9 “(5) CONSIDERATIONS.—In selecting eligible entities to receive a grant under this  
10 subsection, the Secretary shall—

11 “(A) consider the extent to which the application of the eligible entity would—

12 “(i) improve alternative fueling corridor networks by—

13 “(I) converting corridor-pending corridors to corridor-ready corridors; or

14 “(II) in the case of corridor-ready corridors, providing redundancy—

15 “(aa) to meet excess demand for charging or fueling infrastructure; or

16 “(bb) to reduce congestion at existing charging or fueling  
17 infrastructure in high-traffic locations;

18 “(ii) meet current or anticipated market demands for charging or fueling  
19 infrastructure;

20 “(iii) enable or accelerate the construction of charging or fueling infrastructure  
21 that would be unlikely to be completed without Federal assistance;

22 “(iv) support a long-term competitive market for electric vehicle charging  
23 infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or  
24 natural gas fueling infrastructure that does not significantly impair existing  
25 electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane  
26 fueling infrastructure, or natural gas fueling infrastructure providers;

27 “(v) provide access to electric vehicle charging infrastructure, hydrogen fueling  
28 infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure  
29 in areas with a current or forecasted need; and

30 “(vi) deploy electric vehicle charging infrastructure, hydrogen fueling  
31 infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure  
32 for medium- and heavy-duty vehicles (including along the National Highway  
33 Freight Network established under section 167(c)) and in proximity to intermodal  
34 transfer stations;

35 “(B) ensure, to the maximum extent practicable, geographic diversity among grant  
36 recipients to ensure that electric vehicle charging infrastructure, hydrogen fueling  
37 infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure is  
38 available throughout the United States;

39 “(C) consider whether the private entity that the eligible entity contracts with under  
40 paragraph (6)—

1                   “(i) submits to the Secretary the most recent year of audited financial  
2                   statements; and

3                   “(ii) has experience in installing and operating electric vehicle charging  
4                   infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or  
5                   natural gas fueling infrastructure; and

6                   “(D) consider whether, to the maximum extent practicable, the eligible entity and the  
7                   private entity that the eligible entity contracts with under paragraph (6) enter into an  
8                   agreement—

9                   “(i) to operate and maintain publicly available electric vehicle charging  
10                  infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or  
11                  natural gas infrastructure; and

12                  “(ii) that provides a remedy and an opportunity to cure if the requirements  
13                  described in clause (i) are not met.

14                  “(6) USE OF FUNDS.—

15                  “(A) IN GENERAL.—An eligible entity receiving a grant under this subsection shall  
16                  only use the funds in accordance with this paragraph to contract with a private entity  
17                  for acquisition and installation of publicly accessible electric vehicle charging  
18                  infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or  
19                  natural gas fueling infrastructure that is directly related to the charging or fueling of a  
20                  vehicle.

21                  “(B) LOCATION OF INFRASTRUCTURE.—Any publicly accessible electric vehicle  
22                  charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure,  
23                  or natural gas fueling infrastructure acquired and installed with a grant under this  
24                  subsection shall be located along an alternative fuel corridor designated under this  
25                  section, on the condition that any affected Indian tribes are consulted before the  
26                  designation.

27                  “(C) OPERATING ASSISTANCE.—

28                  “(i) IN GENERAL.—Subject to clauses (ii) and (iii), an eligible entity that  
29                  receives a grant under this subsection may use a portion of the funds to provide to  
30                  a private entity operating assistance for the first 5 years of operations after the  
31                  installation of publicly available electric vehicle charging infrastructure, hydrogen  
32                  fueling infrastructure, propane fueling infrastructure, or natural gas fueling  
33                  infrastructure while the facility transitions to independent system operations.

34                  “(ii) INCLUSIONS.—Operating assistance under this subparagraph shall be  
35                  limited to costs allocable to operating and maintaining the electric vehicle  
36                  charging infrastructure, hydrogen fueling infrastructure, propane fueling  
37                  infrastructure, or natural gas fueling infrastructure and service.

38                  “(iii) LIMITATION.—Operating assistance under this subparagraph may not  
39                  exceed the amount of a contract under subparagraph (A) to acquire and install  
40                  publicly accessible electric vehicle charging infrastructure, hydrogen fueling  
41                  infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

1 “(D) TRAFFIC CONTROL DEVICES.—

2 “(i) IN GENERAL.—Subject to this paragraph, an eligible entity that receives a  
3 grant under this subsection may use a portion of the funds to acquire and install  
4 traffic control devices located in the right-of-way to provide directional  
5 information to publicly accessible electric vehicle charging infrastructure,  
6 hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas  
7 fueling infrastructure acquired, installed, or operated with the grant.

8 “(ii) APPLICABILITY.—Clause (i) shall apply only to an eligible entity that—

9 “(I) receives a grant under this subsection; and

10 “(II) is using that grant for the acquisition and installation of publicly  
11 accessible electric vehicle charging infrastructure, hydrogen fueling  
12 infrastructure, propane fueling infrastructure, or natural gas fueling  
13 infrastructure.

14 “(iii) LIMITATION ON AMOUNT.—The amount of funds used to acquire and  
15 install traffic control devices under clause (i) may not exceed the amount of a  
16 contract under subparagraph (A) to acquire and install publicly accessible  
17 charging or fueling infrastructure.

18 “(iv) NO NEW AUTHORITY CREATED.—Nothing in this subparagraph authorizes  
19 an eligible entity that receives a grant under this subsection to acquire and install  
20 traffic control devices if the entity is not otherwise authorized to do so.

21 “(E) REVENUE.—

22 “(i) IN GENERAL.—An eligible entity receiving a grant under this subsection  
23 and a private entity referred to in subparagraph (A) may enter into a cost-sharing  
24 agreement under which the private entity submits to the eligible entity a portion of  
25 the revenue from the electric vehicle charging infrastructure, hydrogen fueling  
26 infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

27 “(ii) USES OF REVENUE.—An eligible entity that receives revenue from a cost-  
28 sharing agreement under clause (i) may only use that revenue for a project that is  
29 eligible under this title.

30 “(7) CERTAIN FUELS.—The use of grants for propane fueling infrastructure under this  
31 subsection shall be limited to infrastructure for medium- and heavy-duty vehicles.

32 “(8) COMMUNITY GRANTS.—

33 “(A) IN GENERAL.—Notwithstanding paragraphs (4), (5), and (6), the Secretary shall  
34 reserve 50 percent of the amounts made available each fiscal year to carry out this  
35 section to provide grants to eligible entities in accordance with this paragraph.

36 “(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, an  
37 eligible entity shall submit to the Secretary an application at such time, in such manner,  
38 and containing such information as the Secretary may require.

39 “(C) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this paragraph  
40 is—

1                   “(i) an entity described in paragraph (3); and

2                   “(ii) a State or local authority with ownership of publicly accessible  
3                   transportation facilities.

4                   “(D) ELIGIBLE PROJECTS.—The Secretary may provide a grant under this paragraph  
5                   for a project that is expected to reduce greenhouse gas emissions and to expand or fill  
6                   gaps in access to publicly accessible electric vehicle charging infrastructure, hydrogen  
7                   fueling infrastructure, propane fueling infrastructure, or natural gas fueling  
8                   infrastructure, including—

9                   “(i) development phase activities, including planning, feasibility analysis,  
10                  revenue forecasting, environmental review, preliminary engineering and design  
11                  work, and other preconstruction activities; and

12                  “(ii) the acquisition and installation of electric vehicle charging infrastructure,  
13                  hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas  
14                  fueling infrastructure that is directly related to the charging or fueling of a vehicle,  
15                  including any related construction or reconstruction and the acquisition of real  
16                  property directly related to the project, such as locations described in  
17                  subparagraph (E), to expand access to electric vehicle charging infrastructure,  
18                  hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas  
19                  fueling infrastructure.

20                  “(E) PROJECT LOCATIONS.—A project receiving a grant under this paragraph may be  
21                  located on any public road or in other publicly accessible locations, such as parking  
22                  facilities at public buildings, public schools, and public parks, or in publicly accessible  
23                  parking facilities owned or managed by a private entity.

24                  “(F) PRIORITY.—In providing grants under this paragraph, the Secretary shall give  
25                  priority to projects that expand access to electric vehicle charging infrastructure,  
26                  hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling  
27                  infrastructure within—

28                  “(i) rural areas;

29                  “(ii) low- and moderate-income neighborhoods; and

30                  “(iii) communities with a low ratio of private parking spaces to households or a  
31                  high ratio of multiunit dwellings to single family homes, as determined by the  
32                  Secretary.

33                  “(G) ADDITIONAL CONSIDERATIONS.—In providing grants under this paragraph, the  
34                  Secretary shall consider the extent to which the project—

35                  “(i) contributes to geographic diversity among eligible entities, including  
36                  achieving a balance between urban and rural communities; and

37                  “(ii) meets current or anticipated market demands for charging or fueling  
38                  infrastructure, including faster charging speeds with high-powered capabilities  
39                  necessary to minimize the time to charge or refuel current and anticipated  
40                  vehicles.

41                  “(H) PARTNERING WITH PRIVATE ENTITIES.—An eligible entity that receives a grant

1 under this paragraph may use the grant funds to contract with a private entity for the  
2 acquisition, construction, installation, maintenance, or operation of electric vehicle  
3 charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure,  
4 or natural gas fueling infrastructure that is directly related to the charging or fueling of  
5 a vehicle.

6 “(I) MAXIMUM GRANT AMOUNT.—The amount of a grant under this paragraph shall  
7 not be more than \$15,000,000.

8 “(J) TECHNICAL ASSISTANCE.—Of the amounts reserved under subparagraph (A), the  
9 Secretary may use not more than 1 percent to provide technical assistance to eligible  
10 entities.

11 “(K) ADDITIONAL ACTIVITIES.—The recipient of a grant under this paragraph may  
12 use not more than 5 percent of the grant funds on educational and community  
13 engagement activities to develop and implement education programs through  
14 partnerships with schools, community organizations, and vehicle dealerships to support  
15 the use of zero-emission vehicles and associated infrastructure.

16 “(9) REQUIREMENTS.—

17 “(A) PROJECT TREATMENT.—Notwithstanding any other provision of law, any  
18 project funded by a grant under this subsection shall be treated as a project on a  
19 Federal-aid highway under this chapter.

20 “(B) SIGNS.—Any traffic control device or on-premises sign acquired, installed, or  
21 operated with a grant under this subsection shall comply with—

22 “(i) the Manual on Uniform Traffic Control Devices, if located in the right-of-  
23 way; and

24 “(ii) other provisions of Federal, State, and local law, as applicable.

25 “(10) FEDERAL SHARE.—

26 “(A) IN GENERAL.—The Federal share of the cost of a project carried out with a  
27 grant under this subsection shall not exceed 80 percent of the total project cost.

28 “(B) RESPONSIBILITY OF PRIVATE ENTITY.—As a condition of contracting with an  
29 eligible entity under paragraph (6) or (8), a private entity shall agree to pay the share of  
30 the cost of a project carried out with a grant under this subsection that is not paid by  
31 the Federal Government under subparagraph (A).

32 “(11) REPORT.—Not later than 3 years after the date of enactment of this subsection, the  
33 Secretary shall submit to the Committee on Environment and Public Works of the Senate  
34 and the Committee on Transportation and Infrastructure of the House of Representatives  
35 and make publicly available a report on the progress and implementation of this  
36 subsection.”.

## 37 SEC. 1402. REDUCTION OF TRUCK EMISSIONS AT PORT 38 FACILITIES.

39 (a) Establishment of Program.—

1 (1) IN GENERAL.—The Secretary shall establish a program to reduce idling at port  
2 facilities, under which the Secretary shall—

3 (A) study how ports and intermodal port transfer facilities would benefit from  
4 increased opportunities to reduce emissions at ports, including through the  
5 electrification of port operations;

6 (B) study emerging technologies and strategies that may help reduce port-related  
7 emissions from idling trucks; and

8 (C) coordinate and provide funding to test, evaluate, and deploy projects that reduce  
9 port-related emissions from idling trucks, including through the advancement of port  
10 electrification and improvements in efficiency, focusing on port operations, including  
11 heavy-duty commercial vehicles, and other related projects.

12 (2) CONSULTATION.—In carrying out the program under this subsection, the Secretary  
13 may consult with the Secretary of Energy and the Administrator of the Environmental  
14 Protection Agency.

15 (b) Grants.—

16 (1) IN GENERAL.—In carrying out subsection (a)(1)(C), the Secretary shall award grants  
17 to fund projects that reduce emissions at ports, including through the advancement of port  
18 electrification.

19 (2) COST SHARE.—A grant awarded under paragraph (1) shall not exceed 80 percent of  
20 the total cost of the project funded by the grant.

21 (3) COORDINATION.—In carrying out the grant program under this subsection, the  
22 Secretary shall—

23 (A) to the maximum extent practicable, leverage existing resources and programs of  
24 the Department and other relevant Federal agencies; and

25 (B) coordinate with other Federal agencies, as the Secretary determines to be  
26 appropriate.

27 (4) APPLICATION; SELECTION.—

28 (A) APPLICATION.—The Secretary shall solicit applications for grants under  
29 paragraph (1) at such time, in such manner, and containing such information as the  
30 Secretary determines to be necessary.

31 (B) SELECTION.—The Secretary shall make grants under paragraph (1) by not later  
32 than April 1 of each fiscal year for which funding is made available.

33 (5) REQUIREMENT.—Notwithstanding any other provision of law, any project funded by a  
34 grant under this subsection shall be treated as a project on a Federal-aid highway under  
35 chapter 1 of title 23, United States Code.

36 (c) Report.—Not later than 1 year after the date on which all of the projects funded with a  
37 grant under subsection (b) are completed, the Secretary shall submit to Congress a report that  
38 includes—

39 (1) the findings of the studies described in subparagraphs (A) and (B) of subsection  
40 (a)(1);

1 (2) the results of the projects that received a grant under subsection (b);

2 (3) any recommendations for workforce development and training opportunities with  
3 respect to port electrification; and

4 (4) any policy recommendations based on the findings and results described in  
5 paragraphs (1) and (2).

## 6 SEC. 1403. CARBON REDUCTION PROGRAM.

7 (a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1203(a)), is  
8 amended by adding at the end the following:

### 9 “175. Carbon reduction program

10 “(a) Definitions.—In this section:

11 “(1) METROPOLITAN PLANNING ORGANIZATION; URBANIZED AREA.—The terms  
12 ‘metropolitan planning organization’ and ‘urbanized area’ have the meaning given those  
13 terms in section 134(b).

14 “(2) TRANSPORTATION EMISSIONS.—The term ‘transportation emissions’ means carbon  
15 dioxide emissions from on-road highway sources of those emissions within a State.

16 “(3) TRANSPORTATION MANAGEMENT AREA.—The term ‘transportation management area’  
17 means a transportation management area identified or designated by the Secretary under  
18 section 134(k)(1).

19 “(b) Establishment.—The Secretary shall establish a carbon reduction program to reduce  
20 transportation emissions.

21 “(c) Eligible Projects.—

22 “(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to a State under section  
23 104(b)(7) may be obligated for projects to support the reduction of transportation emissions,  
24 including—

25 “(A) a project described in section 149(b)(4) to establish or operate a traffic  
26 monitoring, management, and control facility or program, including advanced truck  
27 stop electrification systems;

28 “(B) a public transportation project that is eligible for assistance under section 142;

29 “(C) a project described in section 101(a)(29) (as in effect on the day before the date  
30 of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312)), including the  
31 construction, planning, and design of on-road and off-road trail facilities for  
32 pedestrians, bicyclists, and other nonmotorized forms of transportation;

33 “(D) a project described in section 503(c)(4)(E) for advanced transportation and  
34 congestion management technologies;

35 “(E) a project for the deployment of infrastructure-based intelligent transportation  
36 systems capital improvements and the installation of vehicle-to-infrastructure  
37 communications equipment;

38 “(F) a project to replace street lighting and traffic control devices with energy-

- 1 efficient alternatives;
- 2 “(G) the development of a carbon reduction strategy in accordance with subsection  
3 (d);
- 4 “(H) a project or strategy that is designed to support congestion pricing, shifting  
5 transportation demand to nonpeak hours or other transportation modes, increasing  
6 vehicle occupancy rates, or otherwise reducing demand for roads, including electronic  
7 toll collection, and travel demand management strategies and programs;
- 8 “(I) efforts to reduce the environmental and community impacts of freight  
9 movement;
- 10 “(J) a project to support deployment of alternative fuel vehicles, including—
- 11 “(i) the acquisition, installation, or operation of publicly accessible electric  
12 vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle  
13 fueling infrastructure; and
- 14 “(ii) the purchase or lease of zero-emission construction equipment and  
15 vehicles, including the acquisition, construction, or leasing of required supporting  
16 facilities;
- 17 “(K) a project described in section 149(b)(8) for a diesel engine retrofit;
- 18 “(L) a project described in section 149(b)(5) that does not result in the construction  
19 of new capacity; and
- 20 “(M) a project that reduces transportation emissions at port facilities, including  
21 through the advancement of port electrification.
- 22 “(2) FLEXIBILITY.—In addition to the eligible projects under paragraph (1), a State may  
23 use funds apportioned under section 104(b)(7) for a project eligible under section 133(b) if  
24 the Secretary certifies that the State has demonstrated a reduction in transportation  
25 emissions—
- 26 “(A) as estimated on a per capita basis; and
- 27 “(B) as estimated on a per unit of economic output basis.
- 28 “(d) Carbon Reduction Strategy.—
- 29 “(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Surface  
30 Transportation Reauthorization Act of 2021, a State, in consultation with any metropolitan  
31 planning organization designated within the State, shall develop a carbon reduction strategy  
32 in accordance with this subsection.
- 33 “(2) REQUIREMENTS.—The carbon reduction strategy of a State developed under  
34 paragraph (1) shall—
- 35 “(A) support efforts to reduce transportation emissions;
- 36 “(B) identify projects and strategies to reduce transportation emissions, which may  
37 include projects and strategies for safe, reliable, and cost-effective options—
- 38 “(i) to reduce traffic congestion by facilitating the use of alternatives to single-  
39 occupant vehicle trips, including public transportation facilities, pedestrian

1 facilities, bicycle facilities, and shared or pooled vehicle trips within the State or  
2 an area served by the applicable metropolitan planning organization, if any;

3 “(ii) to facilitate the use of vehicles or modes of travel that result in lower  
4 transportation emissions per person-mile traveled as compared to existing  
5 vehicles and modes; and

6 “(iii) to facilitate approaches to the construction of transportation assets that  
7 result in lower transportation emissions as compared to existing approaches;

8 “(C) support the achievement of targets for the reduction of transportation emissions  
9 of the State consistent with subsection (d)(2) of section 150;

10 “(D) at the discretion of the State, quantify the total carbon emissions from the  
11 production, transport, and use of materials used in the construction of transportation  
12 facilities within the State; and

13 “(E) be appropriate to the population density and context of the State, including any  
14 metropolitan planning organization designated within the State.

15 “(3) UPDATES.—The carbon reduction strategy of a State developed under paragraph (1)  
16 shall be updated not less frequently than once every 4 years.

17 “(4) REVIEW.—Not later than 90 days after the date on which a State submits a request  
18 for the approval of a carbon reduction strategy developed by the State under paragraph (1),  
19 the Secretary shall—

20 “(A) review the process used to develop the carbon reduction strategy; and

21 “(B)(i) certify that the carbon reduction strategy meets the requirements of  
22 paragraph (2); or

23 “(ii) deny certification of the carbon reduction strategy and specify the actions  
24 necessary for the State to take to correct the deficiencies in the process of the State in  
25 developing the carbon reduction strategy.

26 “(5) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall provide  
27 technical assistance in the development of the carbon reduction strategy under paragraph  
28 (1).

29 “(6) FLEXIBILITY.—The Secretary may allow a State that is exempted under subsection  
30 (f) of section 150 from the requirements of that section to also be exempt from the  
31 requirement to develop a carbon reduction strategy under paragraph (1).

32 “(e) Suballocation.—

33 “(1) IN GENERAL.—For each fiscal year, of the funds apportioned to the State under  
34 section 104(b)(7)—

35 “(A) 65 percent shall be obligated, in proportion to their relative shares of the  
36 population of the State—

37 “(i) in urbanized areas of the State with an urbanized area population of more  
38 than 200,000;

39 “(ii) in urbanized areas of the State with an urbanized population of not less

1 than 50,000 and not more than 200,000;

2 “(iii) in urban areas of the State with a population of not less than 5,000 and not  
3 more than 49,999; and

4 “(iv) in other areas of the State with a population of less than 5,000; and

5 “(B) the remainder may be obligated in any area of the State.

6 “(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph  
7 (1)(A)(i) may be obligated in the metropolitan area established under section 134 that  
8 encompasses the urbanized area.

9 “(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 50,000 POPULATION.—

10 “(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts that a  
11 State is required to obligate under clauses (i) and (ii) of paragraph (1)(A) shall be  
12 obligated in urbanized areas described in those clauses based on the relative population  
13 of the areas.

14 “(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph  
15 (A) based on other factors if—

16 “(i) the State and the relevant metropolitan planning organizations jointly apply  
17 to the Secretary for the permission to base the obligation on other factors; and

18 “(ii) the Secretary grants the request.

19 “(4) COORDINATION IN URBANIZED AREAS.—Before obligating funds for an eligible  
20 project under subsection (c) in an urbanized area that is not a transportation management  
21 area, a State shall coordinate with any metropolitan planning organization that represents  
22 the urbanized area prior to determining which activities should be carried out under the  
23 project.

24 “(5) CONSULTATION IN RURAL AREAS.—Before obligating funds for an eligible project  
25 under subsection (c) in a rural area, a State shall consult with any regional transportation  
26 planning organization or metropolitan planning organization that represents the rural area  
27 prior to determining which activities should be carried out under the project.

28 “(6) OBLIGATION AUTHORITY.—

29 “(A) IN GENERAL.—A State that is required to obligate in an urbanized area with an  
30 urbanized area population of 50,000 or more under this subsection funds apportioned  
31 to the State under section 104(b)(7) shall make available during the period of fiscal  
32 years 2022 through 2026 an amount of obligation authority distributed to the State for  
33 Federal-aid highways and highway safety construction programs for use in the area  
34 that is equal to the amount obtained by multiplying—

35 “(i) the aggregate amount of funds that the State is required to obligate in the  
36 area under this subsection during the period; and

37 “(ii) the ratio that—

38 “(I) the aggregate amount of obligation authority distributed to the State  
39 for Federal-aid highways and highway safety construction programs during  
40 the period; bears to

1 “(II) the total of the sums apportioned to the State for Federal-aid  
2 highways and highway safety construction programs (excluding sums not  
3 subject to an obligation limitation) during the period.

4 “(B) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning  
5 organization, and the Secretary shall jointly ensure compliance with subparagraph (A).

6 “(f) Federal Share.—The Federal share of the cost of a project carried out using funds under  
7 subparagraph (A) shall be determined in accordance with section 120.”.

8 (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code (as  
9 amended by section 1203(b)) is amended by inserting after the item relating to section 174 the  
10 following:

11 “175. Carbon reduction program.”.

## 12 SEC. 1404. CONGESTION RELIEF PROGRAM.

13 (a) In General.—Section 129 of title 23, United States Code, is amended by adding at the end  
14 the following:

15 “(d) Congestion Relief Program.—

16 “(1) DEFINITIONS.—In this subsection:

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

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

20 “(ii) a metropolitan planning organization, city, or municipality, for the purpose  
21 of carrying out a project in an urbanized area with a population of more than  
22 1,000,000.

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

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

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

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

39 “(A) improving intermodal integration with highways, highway operations, and

1 highway performance;

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

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

5 “(i) parking;

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

7 “(iii) congestion.

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

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

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

14 “(C) deployment and operation of mobility services, including establishing account-  
15 based financial systems, commuter buses, commuter vans, express operations,  
16 paratransit, and on-demand microtransit; and

17 “(D) incentive programs that encourage travelers to carpool, use nonhighway travel  
18 modes during peak period, or travel during nonpeak periods.

19 “(5) APPLICATION; SELECTION.—

20 “(A) APPLICATION.—To be eligible to receive a grant under the program, an eligible  
21 entity shall submit to the Secretary an application at such time, in such manner, and  
22 containing such information as the Secretary may require.

23 “(B) PRIORITY.—In providing grants under the program, the Secretary shall give  
24 priority to projects in urbanized areas that are experiencing a high degree of recurrent  
25 congestion.

26 “(C) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a  
27 grant under the program shall not exceed 80 percent of the total project cost.

28 “(D) MINIMUM AWARD.—A grant provided under the program shall be not less than  
29 \$10,000,000.

30 “(6) USE OF TOLLING.—

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

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

36 “(i) the eligible entity has authority under State, and if applicable, local, law to  
37 assess the applicable toll;

38 “(ii) the maximum toll rate for any vehicle class is not greater than the product

1 obtained by multiplying—

2 “(I) the toll rate for any other vehicle class; and

3 “(II) 5;

4 “(iii) the toll rates are not charged or varied on the basis of State residency;

5 “(iv) the Secretary determines that the use of tolls will enable the eligible entity  
6 to achieve the program goals under paragraph (3) without a significant impact to  
7 safety or mobility within the urbanized area in which the project is located; and

8 “(v) the use of toll revenues complies with subsection (a)(3).

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

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

12 “(A) shall include, if appropriate, an analysis of the potential effects of the project  
13 on low-income drivers; and

14 “(B) may include mitigation measures to deal with any potential adverse financial  
15 effects on low-income drivers.”.

16 (b) High Occupancy Vehicle Use of Certain Toll Facilities.—Section 129(a) of title 23, United  
17 States Code, is amended—

18 (1) by redesignating paragraph (10) as paragraph (11); and

19 (2) by inserting after paragraph (9) the following:

20 “(10) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Notwithstanding  
21 section 102(a), in the case of a toll facility that is on the Interstate System and that is  
22 constructed or converted after the date of enactment of the Surface Transportation  
23 Reauthorization Act of 2021, the public authority with jurisdiction over the toll facility shall  
24 allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a  
25 discount rate or without charge, unless the public authority, in consultation with the  
26 Secretary, determines that the number of those vehicles using the facility reduces the travel  
27 time reliability of the facility.”.

## 28 SEC. 1405. FREIGHT PLANS.

29 (a) National and State Freight Plans.—

30 (1) NATIONAL FREIGHT STRATEGIC PLAN.—Section 70102(b) of title 49, United States  
31 Code, is amended—

32 (A) in paragraph (10), by striking “and” at the end;

33 (B) in paragraph (11), by striking the period at the end and inserting a semicolon;  
34 and

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

36 “(12) possible strategies to increase the resilience of the freight system, including the  
37 ability to anticipate, prepare for, or adapt to conditions, or withstand, respond to, or recover

1 rapidly from disruptions, including extreme weather and natural disasters;

2 “(13) strategies to promote United States economic growth and international  
3 competitiveness; and

4 “(14) strategies to reduce local air pollution from freight movement, stormwater runoff,  
5 and wildlife habitat loss resulting from freight facilities, freight vehicles, or freight  
6 activity.”.

7 (2) STATE FREIGHT PLANS.—Section 70202 of title 49, United States Code, is amended—

8 (A) in subsection (b)—

9 (i) in paragraph (9), by striking “and” at the end;

10 (ii) by redesignating paragraph (10) as paragraph (12); and

11 (iii) by inserting after paragraph (9) the following:

12 “(10) the most recent commercial motor vehicle parking facilities assessment conducted  
13 under subsection (f);

14 “(11) strategies and goals to decrease—

15 “(A) the severity of impacts of extreme weather and natural disasters on freight  
16 mobility;

17 “(B) the impacts of freight movement on local air pollution;

18 “(C) the impacts of freight movement on flooding and stormwater runoff; and

19 “(D) the impacts of freight movement on wildlife habitat loss; and”;

20 (B) by redesignating subsection (e) as subsection (h); and

21 (C) by inserting after subsection (d) the following:

22 “(e) Priority.—Each State freight plan under this section shall include a requirement that the  
23 State, in carrying out activities under the State freight plan—

24 “(1) enhance reliability or redundancy of freight transportation; or

25 “(2) incorporate the ability to rapidly restore access and reliability of freight  
26 transportation.

27 “(f) Commercial Motor Vehicle Parking Facilities Assessments.—As part of the development  
28 or updating, as applicable, of the State freight plan under this section, each State that receives  
29 funding under section 167 of title 23, in consultation with relevant State motor carrier safety  
30 personnel, shall conduct an assessment of—

31 “(1) the capability of the State, together with the private sector in the State, to provide  
32 adequate parking facilities and rest facilities for commercial motor vehicles engaged in  
33 interstate transportation;

34 “(2) the volume of commercial motor vehicle traffic in the State; and

35 “(3) whether there are any areas within the State that have a shortage of adequate  
36 commercial motor vehicle parking facilities, including an analysis (economic or otherwise,  
37 as the State determines to be appropriate) of the underlying causes of any such shortages.

1 “(g) Approval.—

2 “(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan  
3 described in subsection (a) if the plan achieves compliance with the requirements of this  
4 section.

5 “(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural  
6 requirements for the approval of a State freight plan described in subsection (a).”.

7 (b) Studies.—For the purpose of facilitating the integration of intelligent transportation  
8 systems into the freight transportation network powered by electricity, the Secretary, acting  
9 through the Administrator of the Federal Highway Administration, shall conduct a study relating  
10 to—

11 (1) preparing to supply power to applicable electrical freight infrastructure; and

12 (2) safely integrating freight into intelligent transportation systems.

13 **SEC. 1406. PROMOTING RESILIENT OPERATIONS FOR**  
14 **TRANSFORMATIVE, EFFICIENT, AND COST-SAVING**  
15 **TRANSPORTATION (PROTECT) PROGRAM.**

16 (a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1403(a)), is  
17 amended by adding at the end the following:

18 **“176. Promoting Resilient Operations for Transformative,**  
19 **Efficient, and Cost-saving Transportation (PROTECT) program**

20 “(a) Definitions.—In this section:

21 “(1) EMERGENCY EVENT.—The term ‘emergency event’ means a natural disaster or  
22 catastrophic failure resulting in—

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

25 “(B) an emergency or disaster declared by the President.

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

28 “(A) is owned, operated, or maintained by a Federal, State, Tribal, or local  
29 government;

30 “(B) is used—

31 “(i) to transport the public away from emergency events; or

32 “(ii) to transport emergency responders and recovery resources; and

33 “(C) is designated by the eligible entity with jurisdiction over the area in which the  
34 route is located for the purposes described in subparagraph (B).

35 “(3) PROGRAM.—The term ‘program’ means the program established under subsection  
36 (b)(1).

1 “(4) RESILIENCE IMPROVEMENT.—The term ‘resilience improvement’ means the use of  
2 materials or structural or nonstructural techniques, including natural infrastructure—

3 “(A) that allow a project—

4 “(i) to better anticipate, prepare for, and adapt to changing conditions and to  
5 withstand and respond to disruptions; and

6 “(ii) to be better able to continue to serve the primary function of the project  
7 during and after weather events and natural disasters for the expected life of the  
8 project; or

9 “(B) that—

10 “(i) reduce the magnitude and duration of impacts of current and future weather  
11 events and natural disasters to a project; or

12 “(ii) have the absorptive capacity, adaptive capacity, and recoverability to  
13 decrease project vulnerability to current and future weather events or natural  
14 disasters.

15 “(b) Establishment.—

16 “(1) IN GENERAL.—The Secretary shall establish a program, to be known as the  
17 ‘Promoting Resilient Operations for Transformative, Efficient, and Cost-saving  
18 Transportation program’ or the ‘PROTECT program’.

19 “(2) PURPOSE.—The purpose of the program is to provide grants for resilience  
20 improvements through—

21 “(A) formula funding distributed to States to carry out subsection (c);

22 “(B) competitive planning grants to enable communities to assess vulnerabilities to  
23 current and future weather events and natural disasters and changing conditions,  
24 including sea level rise, and plan transportation improvements and emergency response  
25 strategies to address those vulnerabilities; and

26 “(C) competitive resilience improvement grants to protect—

27 “(i) surface transportation assets by making the assets more resilient to current  
28 and future weather events and natural disasters, such as severe storms, flooding,  
29 drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise,  
30 extreme weather, including extreme temperature, and earthquakes;

31 “(ii) communities through resilience improvements and strategies that allow for  
32 the continued operation or rapid recovery of surface transportation systems that—

33 “(I) serve critical local, regional, and national needs, including evacuation  
34 routes; and

35 “(II) provide access or service to hospitals and other medical or  
36 emergency service facilities, major employers, critical manufacturing  
37 centers, ports and intermodal facilities, utilities, and Federal facilities;

38 “(iii) coastal infrastructure, such as a tide gate to protect highways, that is at  
39 long-term risk to sea level rise; and

1                   “(iv) natural infrastructure that protects and enhances surface transportation  
2                   assets while improving ecosystem conditions, including culverts that ensure  
3                   adequate flows in rivers and estuarine systems.

4           “(c) Eligible Activities for Apportioned Funding.—

5                   “(1) IN GENERAL.—Except as provided in paragraph (2), funds apportioned to the State  
6                   under section 104(b)(8) shall be obligated for activities eligible under subparagraph (A),  
7                   (B), or (C) of subsection (d)(4).

8                   “(2) PLANNING SET-ASIDE.—Of the funds apportioned to a State under section 104(b)(8)  
9                   for each fiscal year, not less than 2 percent shall be for activities described in subsection  
10                   (d)(3).

11                   “(3) REQUIREMENTS.—

12                   “(A) PROJECTS IN CERTAIN AREAS.—If a project under this subsection is carried out,  
13                   in whole or in part, within a base floodplain, the State shall—

14                           “(i) identify the base floodplain in which the project is to be located and  
15                           disclose that information to the Secretary; and

16                           “(ii) indicate to the Secretary whether the State plans to implement 1 or more  
17                           components of the risk mitigation plan under section 322 of the Robert T. Stafford  
18                           Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to  
19                           the area.

20                   “(B) ELIGIBILITIES.—A State shall use funds apportioned to the State under section  
21                   104(b)(8) for—

22                           “(i) a highway project eligible for assistance under this title;

23                           “(ii) a public transportation facility or service eligible for assistance under  
24                           chapter 53 of title 49; or

25                           “(iii) a port facility, including a facility that—

26                                   “(I) connects a port to other modes of transportation;

27                                   “(II) improves the efficiency of evacuations and disaster relief; or

28                                   “(III) aids transportation.

29                   “(C) SYSTEM RESILIENCE.—A project carried out by a State with funds apportioned  
30                   to the State under section 104(b)(8) may include the use of natural infrastructure or the  
31                   construction or modification of storm surge, flood protection, or aquatic ecosystem  
32                   restoration elements that are functionally connected to a transportation improvement,  
33                   such as—

34                           “(i) increasing marsh health and total area adjacent to a highway right-of-way  
35                           to promote additional flood storage;

36                           “(ii) upgrades to and installing of culverts designed to withstand 100-year flood  
37                           events;

38                           “(iii) upgrades to and installation of tide gates to protect highways; and

1 “(iv) upgrades to and installation of flood gates to protect tunnel entrances.

2 “(D) FEDERAL COST SHARE.—

3 “(i) IN GENERAL.—Except as provided in subsection (e)(1), the Federal share of  
4 the cost of a project carried out using funds apportioned to the State under section  
5 104(b)(8) shall not exceed 80 percent of the total project cost.

6 “(ii) NON-FEDERAL SHARE.—A State may use Federal funds other than Federal  
7 funds apportioned to the State under section 104(b)(8) to meet the non-Federal  
8 cost share requirement for a project under this subsection.

9 “(E) ELIGIBLE PROJECT COSTS.—

10 “(i) IN GENERAL.—Except as provided in clause (ii), eligible project costs for  
11 activities carried out by a State with funds apportioned to the State under section  
12 104(b)(8) may include the costs of—

13 “(I) development phase activities, including planning, feasibility analysis,  
14 revenue forecasting, environmental review, preliminary engineering and  
15 design work, and other preconstruction activities; and

16 “(II) construction, reconstruction, rehabilitation, and acquisition of real  
17 property (including land related to the project and improvements to land),  
18 environmental mitigation, construction contingencies, acquisition of  
19 equipment directly related to improving system performance, and operational  
20 improvements.

21 “(ii) ELIGIBLE PLANNING COSTS.—In the case of a planning activity described in  
22 subsection (d)(3) that is carried out by a State with funds apportioned to the State  
23 under section 104(b)(8), eligible costs may include development phase activities,  
24 including planning, feasibility analysis, revenue forecasting, environmental  
25 review, preliminary engineering and design work, other preconstruction activities,  
26 and other activities consistent with carrying out the purposes of subsection (d)(3).

27 “(F) LIMITATIONS.—A State—

28 “(i) may use not more than 40 percent of the amounts apportioned to the State  
29 under section 104(b)(8) for the construction of new capacity; and

30 “(ii) may use not more than 10 percent of the amounts apportioned to the State  
31 under section 104(b)(8) for activities described in subparagraph (E)(i)(I).

32 “(d) Competitive Awards.—

33 “(1) IN GENERAL.—In addition to funds apportioned to States under section 104(b)(8) to  
34 carry out activities under subsection (c), the Secretary shall provide grants on a competitive  
35 basis under this subsection to eligible entities described in paragraph (2).

36 “(2) ELIGIBLE ENTITIES.—Except as provided in paragraph (4)(C), the Secretary may  
37 make a grant under this subsection to any of the following:

38 “(A) A State or political subdivision of a State.

39 “(B) A metropolitan planning organization.

- 1           “(C) A unit of local government.
- 2           “(D) A special purpose district or public authority with a transportation function,  
3 including a port authority.
- 4           “(E) An Indian tribe (as defined in section 207(m)(1)).
- 5           “(F) A Federal land management agency that applies jointly with a State or group of  
6 States.
- 7           “(G) A multi-State or multijurisdictional group of entities described in  
8 subparagraphs (A) through (F).

9           “(3) PLANNING GRANTS.—Using funds made available under this subsection, the  
10 Secretary shall provide planning grants to eligible entities for the purpose of—

11           “(A) in the case of a State or metropolitan planning organization, developing a  
12 resilience improvement plan under subsection (e)(2);

13           “(B) resilience planning, predesign, design, or the development of data tools to  
14 simulate transportation disruption scenarios, including vulnerability assessments;

15           “(C) technical capacity building by the eligible entity to facilitate the ability of the  
16 eligible entity to assess the vulnerabilities of the surface transportation assets and  
17 community response strategies of the eligible entity under current conditions and a  
18 range of potential future conditions; or

19           “(D) evacuation planning and preparation.

20           “(4) RESILIENCE GRANTS.—

21           “(A) RESILIENCE IMPROVEMENT GRANTS.—

22           “(i) IN GENERAL.—Using funds made available under this subsection, the  
23 Secretary shall provide resilience improvement grants to eligible entities to carry  
24 out 1 or more eligible activities under clause (ii).

25           “(ii) ELIGIBLE ACTIVITIES.—

26           “(I) IN GENERAL.—An eligible entity may use a resilience improvement  
27 grant under this subparagraph for 1 or more construction activities to enable  
28 an existing surface transportation asset to withstand 1 or more elements of a  
29 weather event or natural disaster, or to increase the resilience of surface  
30 transportation infrastructure from the impacts of changing conditions, such  
31 as sea level rise, flooding, extreme weather events, and other natural  
32 disasters.

33           “(II) INCLUSIONS.—An activity eligible to be carried out under this  
34 subparagraph includes—

35           “(aa) resurfacing, restoration, rehabilitation, reconstruction,  
36 replacement, improvement, or realignment of an existing surface  
37 transportation facility eligible for assistance under this title;

38           “(bb) the incorporation of natural infrastructure;

39           “(cc) the upgrade of an existing surface transportation facility to meet

1 or exceed Federal Highway Administration approved design standards;

2 “(dd) the installation of mitigation measures that prevent the intrusion  
3 of floodwaters into surface transportation systems;

4 “(ee) strengthening systems that remove rainwater from surface  
5 transportation facilities;

6 “(ff) a resilience project that addresses identified vulnerabilities  
7 described in the resilience improvement plan of the eligible entity, if  
8 applicable;

9 “(gg) relocating roadways in a base floodplain to higher ground  
10 above projected flood elevation levels, or away from slide prone areas;

11 “(hh) stabilizing slide areas or slopes;

12 “(ii) installing riprap;

13 “(jj) lengthening or raising bridges to increase waterway openings,  
14 including to respond to extreme weather;

15 “(kk) increasing the size or number of drainage structures;

16 “(ll) installing seismic retrofits on bridges;

17 “(mm) adding scour protection at bridges;

18 “(nn) adding scour, stream stability, coastal, and other hydraulic  
19 countermeasures, including spur dikes; and

20 “(oo) any other protective features, including natural infrastructure,  
21 as determined by the Secretary.

22 “(iii) PRIORITY.—The Secretary shall prioritize a resilience improvement grant  
23 to an eligible entity if—

24 “(I) the Secretary determines—

25 “(aa) the benefits of the eligible activity proposed to be carried out by  
26 the eligible entity exceed the costs of the activity; and

27 “(bb) there is a need to address the vulnerabilities of surface  
28 transportation assets of the eligible entity with a high risk of, and  
29 impacts associated with, failure due to the impacts of weather events,  
30 natural disasters, or changing conditions, such as sea level rise and  
31 increased flood risk; or

32 “(II) the eligible activity proposed to be carried out by the eligible entity is  
33 included in the applicable resilience improvement plan under subsection  
34 (e)(2).

35 “(B) COMMUNITY RESILIENCE AND EVACUATION ROUTE GRANTS.—

36 “(i) IN GENERAL.—Using funds made available under this subsection, the  
37 Secretary shall provide community resilience and evacuation route grants to  
38 eligible entities to carry out 1 or more eligible activities under clause (ii).

1           “(ii) ELIGIBLE ACTIVITIES.—An eligible entity may use a community resilience  
2 and evacuation route grant under this subparagraph for 1 or more projects that  
3 strengthen and protect evacuation routes that are essential for providing and  
4 supporting evacuations caused by emergency events, including a project that—

5           “(I) is an eligible activity under subparagraph (A)(ii), if that eligible  
6 activity will improve an evacuation route;

7           “(II) ensures the ability of the evacuation route to provide safe passage  
8 during an evacuation and reduces the risk of damage to evacuation routes as  
9 a result of future emergency events, including restoring or replacing existing  
10 evacuation routes that are in poor condition or not designed to meet the  
11 anticipated demand during an emergency event, and including steps to  
12 protect routes from mud, rock, or other debris slides;

13           “(III) if the eligible entity notifies the Secretary that existing evacuation  
14 routes are not sufficient to adequately facilitate evacuations, including the  
15 transportation of emergency responders and recovery resources, expands the  
16 capacity of evacuation routes to swiftly and safely accommodate  
17 evacuations, including installation of—

18           “(aa) communications and intelligent transportation system  
19 equipment and infrastructure;

20           “(bb) counterflow measures; or

21           “(cc) shoulders;

22           “(IV) is for the construction of new or redundant evacuation routes, if the  
23 eligible entity notifies the Secretary that existing evacuation routes are not  
24 sufficient to adequately facilitate evacuations, including the transportation of  
25 emergency responders and recovery resources;

26           “(V) is for the acquisition of evacuation route or traffic incident  
27 management equipment or signage; or

28           “(VI) will ensure access or service to critical destinations, including  
29 hospitals and other medical or emergency service facilities, major employers,  
30 critical manufacturing centers, ports and intermodal facilities, utilities, and  
31 Federal facilities.

32           “(iii) PRIORITY.—The Secretary shall prioritize community resilience and  
33 evacuation route grants under this subparagraph for eligible activities that are  
34 cost-effective, as determined by the Secretary, taking into account—

35           “(I) current and future vulnerabilities to an evacuation route due to future  
36 occurrence or recurrence of emergency events that are likely to occur in the  
37 geographic area in which the evacuation route is located; and

38           “(II) projected changes in development patterns, demographics, and  
39 extreme weather events based on the best available evidence and analysis.

40           “(iv) CONSULTATION.—In providing grants for community resilience and  
41 evacuation routes under this subparagraph, the Secretary may consult with the

1 Administrator of the Federal Emergency Management Agency, who may provide  
2 technical assistance to the Secretary and to eligible entities.

3 “(C) AT-RISK COASTAL INFRASTRUCTURE GRANTS.—

4 “(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term ‘eligible  
5 entity’ means any of the following:

6 “(I) A State (including the United States Virgin Islands, Guam, American  
7 Samoa, and the Commonwealth of the Northern Mariana Islands) in, or  
8 bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico,  
9 Long Island Sound, or 1 or more of the Great Lakes.

10 “(II) A political subdivision of a State described in subclause (I).

11 “(III) A metropolitan planning organization in a State described in  
12 subclause (I).

13 “(IV) A unit of local government in a State described in subclause (I).

14 “(V) A special purpose district or public authority with a transportation  
15 function, including a port authority, in a State described in subclause (I).

16 “(VI) An Indian tribe in a State described in subclause (I).

17 “(VII) A Federal land management agency that applies jointly with a State  
18 or group of States described in subclause (I).

19 “(VIII) A multi-State or multijurisdictional group of entities described in  
20 subclauses (I) through (VII).

21 “(ii) GRANTS.—Using funds made available under this subsection, the  
22 Secretary shall provide at-risk coastal infrastructure grants to eligible entities to  
23 carry out 1 or more eligible activities under clause (iii).

24 “(iii) ELIGIBLE ACTIVITIES.—An eligible entity may use an at-risk coastal  
25 infrastructure grant under this subparagraph for strengthening, stabilizing,  
26 hardening, elevating, relocating, or otherwise enhancing the resilience of highway  
27 and non-rail infrastructure, including bridges, roads, pedestrian walkways, and  
28 bicycle lanes, and associated infrastructure, such as culverts and tide gates to  
29 protect highways, that are subject to, or face increased long-term future risks of, a  
30 weather event, a natural disaster, or changing conditions, including coastal  
31 flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to  
32 improve transportation and public safety and to reduce costs by avoiding larger  
33 future maintenance or rebuilding costs.

34 “(iv) CRITERIA.—The Secretary shall provide at-risk coastal infrastructure  
35 grants under this subparagraph for a project—

36 “(I) that addresses the risks from a current or future weather event or  
37 natural disaster, including coastal flooding, coastal erosion, wave action,  
38 storm surge, or sea level change; and

39 “(II) that reduces long-term infrastructure costs by avoiding larger future  
40 maintenance or rebuilding costs.

1 “(v) COASTAL BENEFITS.—In addition to the criteria under clause (iv), for the  
2 purpose of providing at-risk coastal infrastructure grants under this subparagraph,  
3 the Secretary shall evaluate the extent to which a project will provide—

4 “(I) access to coastal homes, businesses, communities, and other critical  
5 infrastructure, including access by first responders and other emergency  
6 personnel; or

7 “(II) access to a designated evacuation route.

8 “(5) GRANT REQUIREMENTS.—

9 “(A) SOLICITATIONS FOR GRANTS.—In providing grants under this subsection, the  
10 Secretary shall conduct a transparent and competitive national solicitation process to  
11 select eligible projects to receive grants under paragraph (3) and subparagraphs (A),  
12 (B), and (C) of paragraph (4).

13 “(B) APPLICATIONS.—

14 “(i) IN GENERAL.—To be eligible to receive a grant under paragraph (3) or  
15 subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to  
16 the Secretary an application in such form, at such time, and containing such  
17 information as the Secretary determines to be necessary.

18 “(ii) PROJECTS IN CERTAIN AREAS.—If a project is proposed to be carried out by  
19 the eligible entity, in whole or in part, within a base floodplain, the eligible entity  
20 shall—

21 “(I) as part of the application, identify the floodplain in which the project  
22 is to be located and disclose that information to the Secretary; and

23 “(II) indicate in the application whether, if selected, the eligible entity will  
24 implement 1 or more components of the risk mitigation plan under section  
25 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act  
26 (42 U.S.C. 5165) with respect to the area.

27 “(C) ELIGIBILITIES.—The Secretary may make a grant under paragraph (3) or  
28 subparagraph (A), (B), or (C) of paragraph (4) only for—

29 “(i) a highway project eligible for assistance under this title;

30 “(ii) a public transportation facility or service eligible for assistance under  
31 chapter 53 of title 49;

32 “(iii) a facility or service for intercity rail passenger transportation (as defined  
33 in section 24102 of title 49); or

34 “(iv) a port facility, including a facility that—

35 “(I) connects a port to other modes of transportation;

36 “(II) improves the efficiency of evacuations and disaster relief; or

37 “(III) aids transportation.

38 “(D) SYSTEM RESILIENCE.—A project for which a grant is provided under paragraph  
39 (3) or subparagraph (A), (B), or (C) of paragraph (4) may include the use of natural

1 infrastructure or the construction or modification of storm surge, flood protection, or  
2 aquatic ecosystem restoration elements that the Secretary determines are functionally  
3 connected to a transportation improvement, such as—

4 “(i) increasing marsh health and total area adjacent to a highway right-of-way  
5 to promote additional flood storage;

6 “(ii) upgrades to and installing of culverts designed to withstand 100-year flood  
7 events;

8 “(iii) upgrades to and installation of tide gates to protect highways; and

9 “(iv) upgrades to and installation of flood gates to protect tunnel entrances.

10 “(E) FEDERAL COST SHARE.—

11 “(i) PLANNING GRANT.—The Federal share of the cost of a planning activity  
12 carried out using a planning grant under paragraph (3) shall be 100 percent.

13 “(ii) RESILIENCE GRANTS.—

14 “(I) IN GENERAL.—Except as provided in subclause (II) and subsection  
15 (e)(1), the Federal share of the cost of a project carried out using a grant  
16 under subparagraph (A), (B), or (C) of paragraph (4) shall not exceed 80  
17 percent of the total project cost.

18 “(II) TRIBAL PROJECTS.—On the determination of the Secretary, the  
19 Federal share of the cost of a project carried out using a grant under  
20 subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined  
21 in section 207(m)(1)) may be up to 100 percent.

22 “(iii) NON-FEDERAL SHARE.—The eligible entity may use Federal funds other  
23 than Federal funds provided under this subsection to meet the non-Federal cost  
24 share requirement for a project carried out with a grant under this subsection.

25 “(F) ELIGIBLE PROJECT COSTS.—

26 “(i) RESILIENCE GRANT PROJECTS.—Eligible project costs for activities funded  
27 with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the  
28 costs of—

29 “(I) development phase activities, including planning, feasibility analysis,  
30 revenue forecasting, environmental review, preliminary engineering and  
31 design work, and other preconstruction activities; and

32 “(II) construction, reconstruction, rehabilitation, and acquisition of real  
33 property (including land related to the project and improvements to land),  
34 environmental mitigation, construction contingencies, acquisition of  
35 equipment directly related to improving system performance, and operational  
36 improvements.

37 “(ii) PLANNING GRANTS.—Eligible project costs for activities funded with a  
38 grant under paragraph (3) may include the costs of development phase activities,  
39 including planning, feasibility analysis, revenue forecasting, environmental  
40 review, preliminary engineering and design work, other preconstruction activities,

1 and other activities consistent with carrying out the purposes of that paragraph.

2 “(G) LIMITATIONS.—

3 “(i) IN GENERAL.—An eligible entity that receives a grant under subparagraph  
4 (A), (B), or (C) of paragraph (4)—

5 “(I) may use not more than 40 percent of the amount of the grant for the  
6 construction of new capacity; and

7 “(II) may use not more than 10 percent of the amount of the grant for  
8 activities described in subparagraph (F)(i)(I).

9 “(ii) LIMIT ON CERTAIN ACTIVITIES.—For each fiscal year, not more than 25  
10 percent of the total amount provided under this subsection may be used for  
11 projects described in subparagraph (C)(iii).

12 “(H) DISTRIBUTION OF GRANTS.—

13 “(i) IN GENERAL.—Subject to the availability of funds, an eligible entity may  
14 request and the Secretary may distribute funds for a grant under this subsection on  
15 a multiyear basis, as the Secretary determines to be necessary.

16 “(ii) RURAL SET-ASIDE.—Of the amounts made available to carry out this  
17 subsection for each fiscal year, the Secretary shall use not less than 25 percent for  
18 grants for projects located in areas that are outside an urbanized area with a  
19 population of over 200,000.

20 “(iii) TRIBAL SET-ASIDE.—Of the amounts made available to carry out this  
21 subsection for each fiscal year, the Secretary shall use not less than 2 percent for  
22 grants to Indian tribes (as defined in section 207(m)(1)).

23 “(iv) REALLOCATION.—For any fiscal year, if the Secretary determines that the  
24 amount described in clause (ii) or (iii) will not be fully utilized for the grant  
25 described in that clause, the Secretary may reallocate the unutilized funds to  
26 provide grants to other eligible entities under this subsection.

27 “(6) CONSULTATION.—In carrying out this subsection, the Secretary shall—

28 “(A) consult with the Assistant Secretary of the Army for Civil Works, the  
29 Administrator of the Environmental Protection Agency, the Secretary of the Interior,  
30 and the Secretary of Commerce; and

31 “(B) solicit technical support from the Administrator of the Federal Emergency  
32 Management Agency.

33 “(e) Resilience Improvement Plan and Lower Non-Federal Share.—

34 “(1) FEDERAL SHARE REDUCTIONS.—

35 “(A) IN GENERAL.—A State that receives funds apportioned to the State under  
36 section 104(b)(8) or an eligible entity that receives a grant under subsection (d) shall  
37 have the non-Federal share of a project carried out with the funds or grant, as  
38 applicable, reduced by an amount described in subparagraph (B) if the State or eligible  
39 entity meets the applicable requirements under that subparagraph.

1 “(B) AMOUNT OF REDUCTIONS.—

2 “(i) RESILIENCE IMPROVEMENT PLAN.—Subject to clause (iii), the amount of the  
3 non-Federal share of the costs of a project carried out with funds apportioned to a  
4 State under section 104(b)(8) or a grant under subsection (d) shall be reduced by 7  
5 percentage points if—

6 “(I) in the case of a State or an eligible entity that is a State or a  
7 metropolitan planning organization, the State or eligible entity has—

8 “(aa) developed a resilience improvement plan in accordance with  
9 this subsection; and

10 “(bb) prioritized the project on that resilience improvement plan; and

11 “(II) in the case of an eligible entity not described in subclause (I), the  
12 eligible entity is located in a State or an area served by a metropolitan  
13 planning organization that has—

14 “(aa) developed a resilience improvement plan in accordance with  
15 this subsection; and

16 “(bb) prioritized the project on that resilience improvement plan.

17 “(ii) INCORPORATION OF RESILIENCE IMPROVEMENT PLAN IN OTHER  
18 PLANNING.—Subject to clause (iii), the amount of the non-Federal share of the  
19 cost of a project carried out with funds under subsection (c) or a grant under  
20 subsection (d) shall be reduced by 3 percentage points if—

21 “(I) in the case of a State or an eligible entity that is a State or a  
22 metropolitan planning organization, the resilience improvement plan  
23 developed in accordance with this subsection has been incorporated into the  
24 metropolitan transportation plan under section 134 or the long-range  
25 statewide transportation plan under section 135, as applicable; and

26 “(II) in the case of an eligible entity not described in subclause (I), the  
27 eligible entity is located in a State or an area served by a metropolitan  
28 planning organization that incorporated a resilience improvement plan into  
29 the metropolitan transportation plan under section 134 or the long-range  
30 statewide transportation plan under section 135, as applicable.

31 “(iii) LIMITATIONS.—

32 “(I) MAXIMUM REDUCTION.—A State or eligible entity may not receive a  
33 reduction under this paragraph of more than 10 percentage points for any  
34 single project carried out with funds under subsection (c) or a grant under  
35 subsection (d).

36 “(II) NO NEGATIVE NON-FEDERAL SHARE.—A reduction under this  
37 paragraph shall not reduce the non-Federal share of the costs of a project  
38 carried out with funds under subsection (c) or a grant under subsection (d) to  
39 an amount that is less than zero.

40 “(2) PLAN CONTENTS.—A resilience improvement plan referred to in paragraph (1)—

1 “(A) shall be for the immediate and long-range planning activities and investments  
2 of the State or metropolitan planning organization with respect to resilience of the  
3 surface transportation system within the boundaries of the State or metropolitan  
4 planning organization, as applicable;

5 “(B) shall demonstrate a systemic approach to surface transportation system  
6 resilience and be consistent with and complementary of the State and local mitigation  
7 plans required under section 322 of the Robert T. Stafford Disaster Relief and  
8 Emergency Assistance Act (42 U.S.C. 5165);

9 “(C) shall include a risk-based assessment of vulnerabilities of transportation assets  
10 and systems to current and future weather events and natural disasters, such as severe  
11 storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea  
12 level rise, extreme weather, including extreme temperatures, and earthquakes;

13 “(D) may—

14 “(i) designate evacuation routes and strategies, including multimodal facilities,  
15 designated with consideration for individuals without access to personal vehicles;

16 “(ii) plan for response to anticipated emergencies, including plans for the  
17 mobility of—

18 “(I) emergency response personnel and equipment; and

19 “(II) access to emergency services, including for vulnerable or  
20 disadvantaged populations;

21 “(iii) describe the resilience improvement policies, including strategies, land-  
22 use and zoning changes, investments in natural infrastructure, or performance  
23 measures that will inform the transportation investment decisions of the State or  
24 metropolitan planning organization with the goal of increasing resilience;

25 “(iv) include an investment plan that—

26 “(I) includes a list of priority projects; and

27 “(II) describes how funds apportioned to the State under section 104(b)(8)  
28 or provided by a grant under the program would be invested and matched,  
29 which shall not be subject to fiscal constraint requirements; and

30 “(v) use science and data and indicate the source of data and methodologies;  
31 and

32 “(E) shall, as appropriate—

33 “(i) include a description of how the plan will improve the ability of the State  
34 or metropolitan planning organization—

35 “(I) to respond promptly to the impacts of weather events and natural  
36 disasters; and

37 “(II) to be prepared for changing conditions, such as sea level rise and  
38 increased flood risk;

39 “(ii) describe the codes, standards, and regulatory framework, if any, adopted

1 and enforced to ensure resilience improvements within the impacted area of  
2 proposed projects included in the resilience improvement plan;

3 “(iii) consider the benefits of combining hard surface transportation assets, and  
4 natural infrastructure, through coordinated efforts by the Federal Government and  
5 the States;

6 “(iv) assess the resilience of other community assets, including buildings and  
7 housing, emergency management assets, and energy, water, and communication  
8 infrastructure;

9 “(v) use a long-term planning period; and

10 “(vi) include such other information as the State or metropolitan planning  
11 organization considers appropriate.

12 “(3) NO NEW PLANNING REQUIREMENTS.—Nothing in this section requires a metropolitan  
13 planning organization or a State to develop a resilience improvement plan or to include a  
14 resilience improvement plan under the metropolitan transportation plan under section 134 or  
15 the long-range statewide transportation plan under section 135, as applicable, of the  
16 metropolitan planning organization or State.

17 “(f) Monitoring.—

18 “(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section,  
19 the Secretary shall—

20 “(A) establish, for the purpose of evaluating the effectiveness and impacts of  
21 projects carried out with a grant under subsection (d)—

22 “(i) subject to paragraph (2), transportation and any other metrics as the  
23 Secretary determines to be necessary; and

24 “(ii) procedures for monitoring and evaluating projects based on those metrics;  
25 and

26 “(B) select a representative sample of projects to evaluate based on the metrics and  
27 procedures established under subparagraph (A).

28 “(2) NOTICE.—Before adopting any metrics described in paragraph (1), the Secretary  
29 shall—

30 “(A) publish the proposed metrics in the Federal Register; and

31 “(B) provide to the public an opportunity for comment on the proposed metrics.

32 “(g) Reports.—

33 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not later than 1 year after the date on which a  
34 project carried out with a grant under subsection (d) is completed, the eligible entity that  
35 carried out the project shall submit to the Secretary a report on the results of the project and  
36 the use of the funds awarded.

37 “(2) REPORTS TO CONGRESS.—

38 “(A) ANNUAL REPORTS.—The Secretary shall submit to the Committee on  
39 Environment and Public Works of the Senate and the Committee on Transportation

1 and Infrastructure of the House of Representatives, and publish on the website of the  
2 Department of Transportation, an annual report that describes the implementation of  
3 the program during the preceding calendar year, including—

4 “(i) each project for which a grant was provided under subsection (d);

5 “(ii) information relating to project applications received;

6 “(iii) the manner in which the consultation requirements were implemented  
7 under subsection (d);

8 “(iv) recommendations to improve the administration of subsection (d),  
9 including whether assistance from additional or fewer agencies to carry out the  
10 program is appropriate;

11 “(v) the period required to disburse grant funds to eligible entities based on  
12 applicable Federal coordination requirements; and

13 “(vi) a list of facilities that repeatedly require repair or reconstruction due to  
14 emergency events.

15 “(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the  
16 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to  
17 Congress a report that includes the results of the reports submitted under subparagraph  
18 (A).

19 “(h) Administrative Expenses.—The Secretary shall use not more than 5 percent of the  
20 amounts made available to carry out the program for each fiscal year for the costs of  
21 administering the program, including monitoring and evaluation under subsection (f).”.

22 (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code (as  
23 amended by section 1403(b)), is amended by inserting after the item relating to section 175 the  
24 following:

25 “176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving  
26 Transportation (PROTECT) program.”.

## 27 SEC. 1407. HEALTHY STREETS PROGRAM.

28 (a) Definitions.—In this section:

29 (1) COMMUNITY OF COLOR.—The term “community of color” means, in a State, a census  
30 block group for which the aggregate percentage of residents who identify as Black, African-  
31 American, American Indian, Alaska Native, Native Hawaiian, Asian, Pacific Islander,  
32 Hispanic, Latino, other nonwhite race, or linguistically isolated is—

33 (A) not less than 50 percent; or

34 (B) significantly higher, as determined by the Secretary, than the State average.

35 (2) COOL PAVEMENT.—The term “cool pavement” means a pavement with reflective  
36 surfaces with higher albedo to decrease the surface temperature of that pavement.

37 (3) ELIGIBLE ENTITY.—The term “eligible entity” means—

38 (A) a State;

- 1 (B) a metropolitan planning organization;
- 2 (C) a unit of local government;
- 3 (D) a Tribal government; and
- 4 (E) a nonprofit organization working in coordination with an entity described in
- 5 subparagraphs (A) through (D).

6 (4) LOW-INCOME COMMUNITY.—The term “low-income community” means a census  
7 block group in which not less than 30 percent of the population lives below the poverty line  
8 (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

9 (5) POROUS PAVEMENT.—The term “porous pavement” means a paved surface with a  
10 higher than normal percentage of air voids to allow water to pass through the surface and  
11 infiltrate into the subsoil.

12 (6) PROGRAM.—The term “program” means the Healthy Streets program established  
13 under subsection (b).

14 (7) STATE.—The term “State” has the meaning given the term in section 101(a) of title  
15 23, United States Code.

16 (8) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized  
17 governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village,  
18 community, component band, or component reservation, individually identified (including  
19 parenthetically) in the list published most recently as of the date of enactment of this Act  
20 pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25  
21 U.S.C. 5131).

22 (b) Establishment.—The Secretary shall establish a discretionary grant program, to be known  
23 as the “Healthy Streets program”, to provide grants to eligible entities—

- 24 (1) to deploy cool pavements and porous pavements; and
- 25 (2) to expand tree cover.

26 (c) Goals.—The goals of the program are—

- 27 (1) to mitigate urban heat islands;
- 28 (2) to improve air quality; and
- 29 (3) to reduce—
  - 30 (A) the extent of impervious surfaces;
  - 31 (B) stormwater runoff and flood risks; and
  - 32 (C) heat impacts to infrastructure and road users.

33 (d) Application.—

34 (1) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity  
35 shall submit to the Secretary an application at such time, in such manner, and containing  
36 such information as the Secretary may require.

37 (2) REQUIREMENTS.—The application submitted by an eligible entity under paragraph (1)

1 shall include a description of—

2 (A) how the eligible entity would use the grant funds; and

3 (B) the contribution that the projects intended to be carried out with grant funds  
4 would make to improving the safety, health outcomes, natural environment, and  
5 quality of life in low-income communities and communities of color.

6 (e) Use of Funds.—An eligible entity that receives a grant under the program may use the  
7 grant funds for 1 or more of the following activities:

8 (1) Conducting an assessment of urban heat islands to identify hot spot areas of extreme  
9 heat or elevated air pollution.

10 (2) Conducting a comprehensive tree canopy assessment, which shall assess the current  
11 tree locations and canopy, including—

12 (A) an inventory of the location, species, condition, and health of existing tree  
13 canopies and trees on public facilities; and

14 (B) an identification of—

15 (i) the locations where trees need to be replaced;

16 (ii) empty tree boxes or other locations where trees could be added; and

17 (iii) flood-prone locations where trees or other natural infrastructure could  
18 mitigate flooding.

19 (3) Conducting an equity assessment by mapping tree canopy gaps, flood-prone  
20 locations, and urban heat island hot spots as compared to—

21 (A) pedestrian walkways and public transportation stop locations;

22 (B) low-income communities; and

23 (C) communities of color.

24 (4) Planning activities, including developing an investment plan based on the results of  
25 the assessments carried out under paragraphs (1), (2), and (3).

26 (5) Purchasing and deploying cool pavements to mitigate urban heat island hot spots.

27 (6) Purchasing and deploying porous pavement to mitigate flooding and stormwater  
28 runoff in—

29 (A) pedestrian-only areas; and

30 (B) areas of low-volume, low-speed vehicular use.

31 (7) Purchasing of trees, site preparation, planting of trees, ongoing maintenance and  
32 monitoring of trees, and repairing of storm damage to trees, with priority given to—

33 (A) to the extent practicable, the planting of native species; and

34 (B) projects located in a neighborhood with lower tree cover or higher maximum  
35 daytime summer temperatures compared to surrounding neighborhoods.

36 (8) Assessing underground infrastructure and coordinating with local transportation and

1 utility providers.

2 (9) Hiring staff to conduct any of the activities described in paragraphs (1) through (8).

3 (f) Priority.—In awarding grants to eligible entities under the program, the Secretary shall give  
4 priority to an eligible entity—

5 (1) proposing to carry out an activity or project in a low-income community or a  
6 community of color;

7 (2) that has entered into a community benefits agreement with representatives of the  
8 community; or

9 (3) that is partnering with a qualified youth or conservation corps (as defined in section  
10 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

11 (g) Distribution Requirement.—Of the amounts made available to carry out the program for  
12 each fiscal year, not less than 80 percent shall be provided for projects in urbanized areas (as  
13 defined in section 101(a) of title 23, United States Code).

14 (h) Federal Share.—

15 (1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost  
16 of a project carried out under the program shall be 80 percent.

17 (2) WAIVER.—The Secretary may increase the Federal share requirement under  
18 paragraph (1) to 100 percent for projects carried out by an eligible entity that demonstrates  
19 economic hardship, as determined by the Secretary.

20 (i) Maximum Grant Amount.—An individual grant under this section shall not exceed  
21 \$15,000,000.

## 22 Subtitle E—Miscellaneous

### 23 SEC. 1501. ADDITIONAL DEPOSITS INTO HIGHWAY 24 TRUST FUND.

25 (a) In General.—Section 105 of title 23, United States Code, is repealed.

26 (b) Clerical Amendment.—The analysis for chapter 1 of title 23, United States Code, is  
27 amended by striking the item relating to section 105.

### 28 SEC. 1502. STOPPING THREATS ON PEDESTRIANS.

29 (a) Definition of Bollard Installation Project.—In this section, the term “bollard installation  
30 project” means a project to install raised concrete or metal posts on a sidewalk adjacent to a  
31 roadway that are designed to slow or stop a motor vehicle.

32 (b) Establishment.—Not later than 1 year after the date of enactment of this Act and subject to  
33 the availability of appropriations, the Secretary shall establish and carry out a competitive grant  
34 pilot program to provide assistance to State departments of transportation and local government  
35 entities for bollard installation projects designed to prevent pedestrian injuries and acts of  
36 terrorism in areas used by large numbers of pedestrians.

37 (c) Application.—To be eligible to receive a grant under this section, a State department of

1 transportation or local government entity shall submit to the Secretary an application at such  
2 time, in such form, and containing such information as the Secretary determines to be  
3 appropriate, which shall include, at a minimum—

- 4 (1) a description of the proposed bollard installation project to be carried out;
- 5 (2) a description of the pedestrian injury or terrorism risks with respect to the proposed  
6 installation area; and
- 7 (3) an analysis of how the proposed bollard installation project will mitigate those risks.

8 (d) Use of Funds.—A recipient of a grant under this section may only use the grant funds for a  
9 bollard installation project.

10 (e) Federal Share.—The Federal share of the costs of a bollard installation project carried out  
11 with a grant under this section may be up to 100 percent.

12 (f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary  
13 to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

## 14 SEC. 1503. TRANSFER AND SALE OF TOLL CREDITS.

15 (a) Definitions.—In this section:

- 16 (1) ORIGINATING STATE.—The term “originating State” means a State that—
  - 17 (A) is eligible to use a credit under section 120(i) of title 23, United States Code;
  - 18 and
  - 19 (B) has been selected by the Secretary under subsection (d)(2).

20 (2) PILOT PROGRAM.—The term “pilot program” means the pilot program established  
21 under subsection (b).

22 (3) RECIPIENT STATE.—The term “recipient State” means a State that receives a credit by  
23 transfer or by sale under this section from an originating State.

24 (4) STATE.—The term “State” has the meaning given the term in section 101(a) of title  
25 23, United States Code.

26 (b) Establishment of Pilot Program.—The Secretary shall establish and implement a toll credit  
27 exchange pilot program in accordance with this section.

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

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

36 (d) Selection of Originating States.—

1 (1) APPLICATION.—In order to participate in the pilot program as an originating State, a  
2 State shall submit to the Secretary an application at such time, in such manner, and  
3 containing such information as the Secretary may require, including, at a minimum, such  
4 information as is required for the Secretary to verify—

5 (A) the amount of unused toll credits for which the State has submitted certification  
6 to the Secretary that are available to be sold or transferred under the pilot program,  
7 including—

8 (i) toll revenue generated and the sources of that revenue;

9 (ii) toll revenue used by public, quasi-public, and private agencies to build,  
10 improve, or maintain highways, bridges, or tunnels that serve the public purpose  
11 of interstate commerce; and

12 (iii) an accounting of any Federal funds used by the public, quasi-public, or  
13 private agency to build, improve, or maintain the toll facility, to validate that the  
14 credit has been reduced by a percentage equal to the percentage of the total cost of  
15 building, improving, or maintaining the facility that was derived from Federal  
16 funds;

17 (B) the documentation of maintenance of effort for toll credits earned by the  
18 originating State; and

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

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

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

24 (e) Transfer or Sale of Credits.—

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

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

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

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

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

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

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

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

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

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

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

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

11 (f) Reporting Requirements.—

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

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

18 (A) submit to the Committee on Environment and Public Works of the Senate and  
19 the Committee on Transportation and Infrastructure of the House of Representatives a  
20 report that—

21 (i) determines whether a toll credit marketplace is viable and cost-effective;

22 (ii) describes the buying and selling activities under the pilot program;

23 (iii) describes the average sale price of toll credits;

24 (iv) determines whether the pilot program could be expanded to more States or  
25 all States or to non-State operators of toll facilities;

26 (v) provides updated information on the toll credit balance accumulated by  
27 each State; and

28 (vi) describes the list of projects that were assisted by the pilot program; and

29 (B) make the report under subparagraph (A) publicly available on the website of the  
30 Department.

31 (g) Termination.—

32 (1) IN GENERAL.—The Secretary may terminate the pilot program or the participation of  
33 any State in the pilot program if the Secretary determines that—

34 (A) the pilot program is not serving a public benefit; or

35 (B) it is not cost effective to carry out the pilot program.

36 (2) PROCEDURES.—The termination of the pilot program or the participation of a State in  
37 the pilot program shall be carried out consistent with Federal requirements for project  
38 closeout, adjustment, and continuing responsibilities.

1 SEC. 1504. FOREST SERVICE LEGACY ROADS AND  
2 TRAILS REMEDIATION PROGRAM.

3 Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the “Forest Roads and Trails  
4 Act”) is amended by adding at the end the following:

5 “SEC. 8. FOREST SERVICE LEGACY ROADS AND  
6 TRAILS REMEDIATION PROGRAM.

7 “(a) In General.—Not later than 180 days after the date of enactment of this section, the  
8 Secretary, acting through the Chief of the Forest Service, shall establish, and develop a national  
9 strategy to carry out, a program, to be known as the ‘Forest Service Legacy Roads and Trails  
10 Remediation Program’, within the National Forest System, to carry out critical maintenance and  
11 urgent repairs and improvements on National Forest System roads, trails, and bridges.

12 “(b) Priority.—In implementing the program under this section, the Secretary may give  
13 priority to any project that protects or restores—

14 “(1) water quality;

15 “(2) a watershed that feeds a public drinking water system;

16 “(3) important wildlife habitat, as determined by the Secretary, in consultation with each  
17 affected State, including habitat of threatened, endangered, or sensitive fish or wildlife  
18 species; or

19 “(4) historic public access for authorized multiple uses of National Forest System land in  
20 accordance with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.),  
21 including grazing, recreation, hunting, fishing, forest management, wildfire mitigation, and  
22 ecosystem restoration.

23 “(c) National Forest System.—Except as authorized under section 323 of the Department of  
24 the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a), each project  
25 carried out under this section shall be on a National Forest System road or trail.

26 “(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary  
27 to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026, to remain  
28 available until expended.”.

29 SEC. 1505. DISASTER RELIEF MOBILIZATION STUDY.

30 (a) Definition of Local Community.—In this section, the term “local community” means—

31 (1) a unit of local government;

32 (2) a political subdivision of a State or local government;

33 (3) a metropolitan planning organization (as defined in section 134(b) of title 23, United  
34 States Code);

35 (4) a rural planning organization; or

36 (5) a Tribal government.

1 (b) Study.—

2 (1) IN GENERAL.—The Secretary shall carry out a study to determine the utility of  
3 incorporating the use of bicycles into the disaster preparedness and disaster response plans  
4 of local communities.

5 (2) REQUIREMENTS.—The study carried out under paragraph (1) shall include—

6 (A) a vulnerability assessment of the infrastructure in local communities as of the  
7 date of enactment of this Act that supports active transportation, including bicycling,  
8 walking, and personal mobility devices, with a particular focus on areas in local  
9 communities that—

10 (i) have low levels of vehicle ownership; and

11 (ii) lack sufficient active transportation infrastructure routes to public  
12 transportation;

13 (B) an evaluation of whether disaster preparedness and disaster response plans  
14 should include the use of bicycles by first responders, emergency workers, and  
15 community organization representatives—

16 (i) during a mandatory or voluntary evacuation ordered by a Federal, State,  
17 Tribal, or local government entity—

18 (I) to notify residents of the need to evacuate;

19 (II) to evacuate individuals and goods; and

20 (III) to reach individuals who are in need of first aid and medical  
21 assistance; and

22 (ii) after a disaster or emergency declared by a Federal, State, Tribal, or local  
23 government entity—

24 (I) to participate in search and rescue activities;

25 (II) to carry commodities to be used for life-saving or life-sustaining  
26 purposes, including—

27 (aa) water;

28 (bb) food;

29 (cc) first aid and other medical supplies; and

30 (dd) power sources and electric supplies, such as cell phones, radios,  
31 lights, and batteries;

32 (III) to reach individuals who are in need of the commodities described in  
33 subclause (II); and

34 (IV) to assist with other disaster relief tasks, as appropriate; and

35 (C) a review of training programs for first responders, emergency workers, and  
36 community organization representatives relating to—

37 (i) competent bicycle skills, including the use of cargo bicycles and electric

- 1 bicycles, as applicable;
- 2 (ii) basic bicycle maintenance;
- 3 (iii) compliance with relevant traffic safety laws;
- 4 (iv) methods to use bicycles to carry out the activities described in clauses (i)
- 5 and (ii) of subparagraph (2)(B); and
- 6 (v) exercises conducted for the purpose of—
- 7 (I) exercising the skills described in clause (i); and
- 8 (II) maintaining bicycles and related equipment.

9 (c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall

10 submit to the Committee on Environment and Public Works of the Senate and the Committee on

11 Transportation and Infrastructure of the House of Representatives a report that—

- 12 (1) describes the results of the study carried out under subsection (b); and
- 13 (2) provides recommendations, if any, relating to—
- 14 (A) the methods by which to incorporate bicycles into disaster preparedness and
- 15 disaster response plans of local communities; and
- 16 (B) improvements to training programs described in subsection (b)(2)(C).

## 17 SEC. 1506. APPALACHIAN REGIONAL COMMISSION.

18 (a) Definitions.—Section 14102(a)(1) of title 40, United States Code, is amended—

19 (1) in subparagraph (G)—

- 20 (A) by inserting “Catawba,” after “Caldwell,”; and
- 21 (B) by inserting “Cleveland,” after “Clay,”; and

22 (2) in subparagraph (M), by inserting “, of which the counties of Brooke, Hancock,

23 Marshall, and Ohio shall be considered to be located in the North Central subregion” after

24 “West Virginia”.

25 (b) Functions.—Section 14303(a) of title 40, United States Code, is amended—

- 26 (1) in paragraph (9), by striking “and” at the end;
- 27 (2) in paragraph (10), by striking the period at the end and inserting “; and”; and
- 28 (3) by adding at the end the following:
- 29 “(11) support broadband access in the Appalachian region.”.

30 (c) Congressional Notification.—

31 (1) IN GENERAL.—Subchapter II of chapter 143 of subtitle IV of title 40, United States

32 Code, is amended by adding at the end the following:

### 33 “14323. Congressional notification

34 “(a) In General.—In the case of a project described in subsection (b), the Appalachian

1 Regional Commission shall provide to the Committee on Transportation and Infrastructure of the  
2 House of Representatives and the Committee on Environment and Public Works of the Senate  
3 notice of the award of a grant or other financial assistance not less than 3 full business days  
4 before awarding the grant or other financial assistance.

5 “(b) Projects Described.—A project referred to in subsection (a) is a project that the  
6 Appalachian Regional Commission has selected to receive a grant or other financial assistance  
7 under this subtitle in an amount not less than \$50,000.”.

8 (2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 143 of subtitle IV  
9 of title 40, United States Code, is amended by adding at the end the following:

10 “14323. Congressional notification.”.

11 (d) High-speed Broadband Deployment Initiative.—Section 14509 of title 40, United States  
12 Code, is amended—

13 (1) by striking subsection (a) and inserting the following:

14 “(a) In General.—The Appalachian Regional Commission may provide technical assistance,  
15 make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the  
16 Appalachian region for projects and activities to increase affordable access to broadband  
17 networks throughout the Appalachian region.”;

18 (2) by redesignating subsections (b) through (d) as subsections (c) through (e),  
19 respectively;

20 (3) by inserting after subsection (a) the following:

21 “(b) Eligible Projects and Activities.—A project or activity eligible to be carried out under this  
22 section is a project or activity—

23 “(1) to conduct research, analysis, and training to increase broadband adoption efforts in  
24 the Appalachian region; or

25 “(2) for the construction and deployment of broadband service-related infrastructure in  
26 the Appalachian region.”;

27 (4) in subsection (d) (as so redesignated), in the matter preceding paragraph (1), by  
28 striking “subsection (b)” and inserting “subsection (c)”; and

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

30 “(f) Request for Data.—Before making a grant for a project or activity described in subsection  
31 (b)(2), the Appalachian Regional Commission shall request from the Federal Communications  
32 Commission, the National Telecommunications and Information Administration, the Economic  
33 Development Administration, and the Department of Agriculture data on—

34 “(1) the level and extent of broadband service that exists in the area proposed to be served  
35 by the broadband service-related infrastructure; and

36 “(2) the level and extent of broadband service that will be deployed in the area proposed  
37 to be served by the broadband service-related infrastructure pursuant to another Federal  
38 program.

39 “(g) Requirement.—For each fiscal year, not less than 65 percent of the amounts made

1 available to carry out this section shall be used for grants for projects and activities described in  
2 subsection (b)(2).”.

3 (e) Appalachian Regional Energy Hub Initiative.—

4 (1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States  
5 Code, is amended by adding at the end the following:

## 6 “14511. Appalachian regional energy hub initiative

7 “(a) In General.—The Appalachian Regional Commission may provide technical assistance to,  
8 make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities  
9 in the Appalachian region for projects and activities—

10 “(1) to conduct research and analysis regarding the economic impact of an ethane storage  
11 hub in the Appalachian region that supports a more-effective energy market performance  
12 due to the scale of the project, such as a project with the capacity to store and distribute  
13 more than 100,000 barrels per day of hydrocarbon feedstock with a minimum gross heating  
14 value of 1,700 Btu per standard cubic foot;

15 “(2) with the potential to significantly contribute to the economic resilience of the area in  
16 which the project is located; and

17 “(3) that will help establish a regional energy hub in the Appalachian region for natural  
18 gas and natural gas liquids, including hydrogen produced from the steam methane  
19 reforming of natural gas feedstocks.

20 “(b) Limitation on Available Amounts.—Of the cost of any project or activity eligible for a  
21 grant under this section—

22 “(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be  
23 provided from amounts made available to carry out this section;

24 “(2) in the case of a project or activity to be carried out in a county for which a distressed  
25 county designation is in effect under section 14526, not more than 80 percent may be  
26 provided from amounts made available to carry out this section; and

27 “(3) in the case of a project or activity to be carried out in a county for which an at-risk  
28 county designation is in effect under section 14526, not more than 70 percent may be  
29 provided from amounts made available to carry out this section.

30 “(c) Sources of Assistance.—Subject to subsection (b), a grant provided under this section  
31 may be provided from amounts made available to carry out this section, in combination with  
32 amounts made available—

33 “(1) under any other Federal program; or

34 “(2) from any other source.

35 “(d) Federal Share.—Notwithstanding any provision of law limiting the Federal share under  
36 any other Federal program, amounts made available to carry out this section may be used to  
37 increase that Federal share, as the Appalachian Regional Commission determines to be  
38 appropriate.”.

39 (2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 145 of title 40,

1 United States Code, is amended by adding at the end the following:

2 “14511. Appalachian regional energy hub initiative.”

3 (f) Authorization of Appropriations.—Section 14703 of title 40, United States Code, is  
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (4), by striking “and” at the end;

7 (B) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

9 “(6) \$200,000,000 for each of fiscal years 2022 through 2026.”;

10 (2) in subsection (c), by striking “\$10,000,000 may be used to carry out section 14509 for  
11 each of fiscal years 2016 through 2021” and inserting “\$20,000,000 may be used to carry  
12 out section 14509 for each of fiscal years 2022 through 2026”;

13 (3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

14 (4) by inserting after subsection (c) the following:

15 “(d) Appalachian Regional Energy Hub Initiative.—Of the amounts made available under  
16 subsection (a), \$5,000,000 shall be used to carry out section 14511 for each of fiscal years 2022  
17 through 2026.”.

18 (g) Termination.—Section 14704 of title 40, United States Code, is amended by striking  
19 “2021” and inserting “2026”.

## 20 SEC. 1507. DENALI COMMISSION TRANSFERS OF 21 FUNDS.

22 Section 311(c) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–  
23 277) is amended—

24 (1) in paragraph (1), by striking “and” at the end;

25 (2) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

27 “(3) notwithstanding any other provision of law, shall—

28 “(A) be treated as if directly appropriated to the Commission and subject to  
29 applicable provisions of this Act; and

30 “(B) not be subject to any requirements that applied to the funds before the transfer,  
31 including a requirement in an appropriations Act or a requirement or regulation of the  
32 Federal agency from which the funds are transferred.”.

## 33 SEC. 1508. REQUIREMENTS FOR TRANSPORTATION 34 PROJECTS CARRIED OUT THROUGH PUBLIC-PRIVATE 35 PARTNERSHIPS.

1 (a) Definitions.—In this section:

2 (1) PROJECT.—The term “project” means a project (as defined in section 101 of title 23,  
3 United States Code) that—

4 (A) is carried out, in whole or in part, using Federal financial assistance; and

5 (B) has an estimated total cost of \$100,000,000 or more.

6 (2) PUBLIC-PRIVATE PARTNERSHIP.—The term “public-private partnership” means an  
7 agreement between a public agency and a private entity to finance, build, and maintain or  
8 operate a project.

9 (b) Requirements for Projects Carried Out Through Public-private Partnerships.—With respect  
10 to a public-private partnership, as a condition of receiving Federal financial assistance for a  
11 project, the Secretary shall require the public partner, not later than 3 years after the date of  
12 opening of the project to traffic—

13 (1) to conduct a review of the project, including a review of the compliance of the private  
14 partner with the terms of the public-private partnership agreement;

15 (2)(A) to certify to the Secretary that the private partner of the public-private partnership  
16 is meeting the terms of the public-private partnership agreement for the project; or

17 (B) to notify the Secretary that the private partner of the public-private partnership has  
18 not met 1 or more of the terms of the public-private partnership agreement for the project,  
19 including a brief description of each violation of the public-private partnership agreement;  
20 and

21 (3) to make publicly available the certification or notification, as applicable, under  
22 paragraph (2) in a form that does not disclose any proprietary or confidential business  
23 information.

24 (c) Notification.—If the Secretary provides Federal financial assistance to a project carried out  
25 through a public-private partnership, not later than 30 days after the date on which the Federal  
26 financial assistance is first obligated, the Secretary shall submit to the Committee on  
27 Environment and Public Works of the Senate and the Committee on Transportation and  
28 Infrastructure of the House of Representatives a notification of the Federal financial assistance  
29 made available for the project.

30 (d) Value for Money Analysis.—

31 (1) PROJECT APPROVAL AND OVERSIGHT.—Section 106(h)(3) of title 23, United States  
32 Code, is amended—

33 (A) in subparagraph (C), by striking “and” at the end;

34 (B) by redesignating subparagraph (D) as subparagraph (E); and

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

36 “(D) for a project in which the project sponsor intends to carry out the project  
37 through a public-private partnership agreement, shall include a detailed value for  
38 money analysis or similar comparative analysis for the project; and”.

39 (2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Paragraph (21) of section

1 133(b) of title 23, United States Code (as redesignated by section 1109(a)(1)(C)), is  
2 amended by inserting “, including conducting value for money analyses or similar  
3 comparative analyses,” after “oversight”.

4 (3) TIFIA.—Section 602(a) of title 23, United States Code, is amended by adding at the  
5 end the following:

6 “(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the case of a project to be carried out through  
7 a public-private partnership, the public partner shall have—

8 “(A) conducted a value for money analysis or similar comparative analysis; and

9 “(B) determined the appropriateness of the public-private partnership agreement.”.

10 (e) Applicability.—This section and the amendments made by this section shall only apply to  
11 a public-private partnership agreement entered into on or after the date of enactment of this Act.

## 12 SEC. 1509. RECONNECTING COMMUNITIES PILOT 13 PROGRAM.

14 (a) Definition of Eligible Facility.—

15 (1) IN GENERAL.—In this section, the term “eligible facility” means a highway or other  
16 transportation facility that creates a barrier to community connectivity, including barriers to  
17 mobility, access, or economic development, due to high speeds, grade separations, or other  
18 design factors.

19 (2) INCLUSIONS.—In this section, the term “eligible facility” may include—

20 (A) a limited access highway;

21 (B) a viaduct; and

22 (C) any other principal arterial facility.

23 (b) Establishment.—The Secretary shall establish a pilot program through which an eligible  
24 entity may apply for funding, in order to restore community connectivity—

25 (1) to study the feasibility and impacts of removing, retrofitting, or mitigating an existing  
26 eligible facility;

27 (2) to conduct planning activities necessary to design a project to remove, retrofit, or  
28 mitigate an existing eligible facility; and

29 (3) to conduct construction activities necessary to carry out a project to remove, retrofit,  
30 or mitigate an existing eligible facility.

31 (c) Planning Grants.—

32 (1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a  
33 “planning grant”) to carry out planning activities described in paragraph (2) to—

34 (A) a State;

35 (B) a unit of local government;

36 (C) a Tribal government;

1 (D) a metropolitan planning organization; and

2 (E) a nonprofit organization.

3 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1)  
4 are—

5 (A) planning studies to evaluate the feasibility of removing, retrofitting, or  
6 mitigating an existing eligible facility to restore community connectivity, including  
7 evaluations of—

8 (i) current traffic patterns on the eligible facility proposed for removal, retrofit,  
9 or mitigation and the surrounding street network;

10 (ii) the capacity of existing transportation networks to maintain mobility needs;

11 (iii) an analysis of alternative roadway designs or other uses for the right-of-  
12 way of the eligible facility, including an analysis of whether the available right-  
13 of-way would suffice to create an alternative roadway design;

14 (iv) the effect of the removal, retrofit, or mitigation of the eligible facility on  
15 the mobility of freight and people;

16 (v) the effect of the removal, retrofit, or mitigation of the eligible facility on the  
17 safety of the traveling public;

18 (vi) the cost to remove, retrofit, or mitigate the eligible facility—

19 (I) to restore community connectivity; and

20 (II) to convert the eligible facility to a different roadway design or use,  
21 compared to any expected costs for necessary maintenance or reconstruction  
22 of the eligible facility;

23 (vii) the anticipated economic impact of removing, retrofitting, or mitigating  
24 and converting the eligible facility and any economic development opportunities  
25 that would be created by removing, retrofitting, or mitigating and converting the  
26 eligible facility; and

27 (viii) the environmental impacts of retaining or reconstructing the eligible  
28 facility and the anticipated effect of the proposed alternative use or roadway  
29 design;

30 (B) public engagement activities to provide opportunities for public input into a plan  
31 to remove and convert an eligible facility; and

32 (C) other transportation planning activities required in advance of a project to  
33 remove, retrofit, or mitigate an existing eligible facility to restore community  
34 connectivity, as determined by the Secretary.

35 (3) TECHNICAL ASSISTANCE PROGRAM.—

36 (A) IN GENERAL.—The Secretary may provide technical assistance described in  
37 subparagraph (B) to an eligible entity.

38 (B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in  
39 subparagraph (A) is technical assistance in building organizational or community

1 capacity—

2 (i) to engage in transportation planning; and

3 (ii) to identify innovative solutions to infrastructure challenges, including  
4 reconnecting communities that—

5 (I) are bifurcated by eligible facilities; or

6 (II) lack safe, reliable, and affordable transportation choices.

7 (C) PRIORITIES.—In selecting recipients of technical assistance under subparagraph  
8 (A), the Secretary shall give priority to an application from a community that is  
9 economically disadvantaged.

10 (4) SELECTION.—The Secretary shall—

11 (A) solicit applications for—

12 (i) planning grants; and

13 (ii) technical assistance under paragraph (3); and

14 (B) evaluate applications for a planning grant on the basis of the demonstration by  
15 the applicant that—

16 (i) the eligible facility is aged and is likely to need replacement or significant  
17 reconstruction within the 20-year period beginning on the date of the submission  
18 of the application;

19 (ii) the eligible facility—

20 (I) creates barriers to mobility, access, or economic development; or

21 (II) is not justified by current and forecast future travel demand; and

22 (iii) on the basis of preliminary investigations into the feasibility of removing,  
23 retrofitting, or mitigating the eligible facility to restore community connectivity,  
24 further investigation is necessary and likely to be productive.

25 (5) AWARD AMOUNTS.—A planning grant may not exceed \$2,000,000 per recipient.

26 (6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which  
27 a planning grant is used shall not exceed 80 percent.

28 (d) Capital Construction Grants.—

29 (1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a  
30 “capital construction grant”) to the owner of an eligible facility to carry out an eligible  
31 project described in paragraph (3) for which all necessary feasibility studies and other  
32 planning activities have been completed.

33 (2) PARTNERSHIPS.—An owner of an eligible facility may, for the purposes of submitting  
34 an application for a capital construction grant, if applicable, partner with—

35 (A) a State;

36 (B) a unit of local government;

- 1 (C) a Tribal government;
- 2 (D) a metropolitan planning organization; or
- 3 (E) a nonprofit organization.

4 (3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction  
5 grant includes—

- 6 (A) the removal, retrofit, or mitigation of an eligible facility; and
- 7 (B) the replacement of an eligible facility with a new facility that—

- 8 (i) restores community connectivity; and

- 9 (ii) is—

- 10 (I) sensitive to the context of the surrounding community; and

- 11 (II) otherwise eligible for funding under title 23, United States Code.

12 (4) SELECTION.—The Secretary shall—

- 13 (A) solicit applications for capital construction grants; and

- 14 (B) evaluate applications on the basis of—

- 15 (i) the degree to which the project will improve mobility and access through the  
16 removal of barriers;

- 17 (ii) the appropriateness of removing, retrofitting, or mitigating the eligible  
18 facility, based on current traffic patterns and the ability of the replacement facility  
19 and the regional transportation network to absorb transportation demand and  
20 provide safe mobility and access;

- 21 (iii) the impact of the project on freight movement;

- 22 (iv) the results of a cost-benefit analysis of the project;

- 23 (v) the opportunities for inclusive economic development;

- 24 (vi) the degree to which the eligible facility is out of context with the current or  
25 planned land use;

- 26 (vii) the results of any feasibility study completed for the project; and

- 27 (viii) the plan of the applicant for—

- 28 (I) employing residents in the area impacted by the project through  
29 targeted hiring programs, in partnership with registered apprenticeship  
30 programs, if applicable; and

- 31 (II) contracting and subcontracting with disadvantaged business  
32 enterprises.

33 (5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not  
34 less than \$5,000,000 per recipient.

35 (6) FEDERAL SHARE.—

- 36 (A) IN GENERAL.—Subject to subparagraph (B), a capital construction grant may not

1 exceed 50 percent of the total cost of the project for which the grant is awarded.

2 (B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital  
3 construction grant may be used to satisfy the non-Federal share of the cost of a project  
4 for which the grant is awarded, except that the total Federal assistance provided for a  
5 project for which the grant is awarded may not exceed 80 percent of the total cost of  
6 the project.

7 (7) COMMUNITY ADVISORY BOARD.—

8 (A) IN GENERAL.—To help achieve inclusive economic development benefits with  
9 respect to the project for which a grant is awarded, a grant recipient may form a  
10 community advisory board, which shall—

11 (i) facilitate community engagement with respect to the project; and

12 (ii) track progress with respect to commitments of the grant recipient to  
13 inclusive employment, contracting, and economic development under the project.

14 (B) MEMBERSHIP.—If a grant recipient forms a community advisory board under  
15 subparagraph (A), the community advisory board shall be composed of representatives  
16 of—

17 (i) the community;

18 (ii) owners of businesses that serve the community;

19 (iii) labor organizations that represent workers that serve the community; and

20 (iv) State and local government.

21 (e) Reports.—

22 (1) USDOT REPORT ON PROGRAM.—Not later than January 1, 2026, the Secretary shall  
23 submit to the Committee on Environment and Public Works of the Senate and the  
24 Committee on Transportation and Infrastructure of the House of Representatives a report  
25 that evaluates the program under this section, including—

26 (A) information about the level of applicant interest in planning grants, technical  
27 assistance under subsection (c)(3), and capital construction grants, including the extent  
28 to which overall demand exceeded available funds; and

29 (B) for recipients of capital construction grants, the outcomes and impacts of the  
30 highway removal project, including—

31 (i) any changes in the overall level of mobility, congestion, access, and safety  
32 in the project area; and

33 (ii) environmental impacts and economic development opportunities in the  
34 project area.

35 (2) GAO REPORT ON HIGHWAY REMOVALS.—Not later than 2 years after the date of  
36 enactment of this Act, the Comptroller General of the United States shall issue a report  
37 that—

38 (A) identifies examples of projects to remove highways using Federal highway  
39 funds;

1 (B) evaluates the effect of highway removal projects on the surrounding area,  
2 including impacts to the local economy, congestion effects, safety outcomes, and  
3 impacts on the movement of freight and people;

4 (C) evaluates the existing Federal-aid program eligibility under title 23, United  
5 States Code, for highway removal projects;

6 (D) analyzes the costs and benefits of and barriers to removing underutilized  
7 highways that are nearing the end of their useful life compared to replacing or  
8 reconstructing the highway; and

9 (E) provides recommendations for integrating those assessments into transportation  
10 planning and decision-making processes.

11 (f) Technical Assistance.—Of the funds made available to carry out this section for planning  
12 grants, the Secretary may use not more than \$15,000,000 during the period of fiscal years 2022  
13 through 2026 to provide technical assistance under subsection (c)(3).

## 14 SEC. 1510. CYBERSECURITY TOOL; CYBER 15 COORDINATOR.

16 (a) Definitions.—In this section:

17 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal  
18 Highway Administration.

19 (2) CYBER INCIDENT.—The term “cyber incident” has the meaning given the term  
20 “significant cyber incident” in Presidential Policy Directive–41 (July 26, 2016, relating to  
21 cyber incident coordination).

22 (3) TRANSPORTATION AUTHORITY.—The term “transportation authority” means—

23 (A) a public authority (as defined in section 101(a) of title 23, United States Code);

24 (B) an owner or operator of a highway (as defined in section 101(a) of title 23,  
25 United States Code);

26 (C) a manufacturer that manufactures a product related to transportation; and

27 (D) a division office of the Federal Highway Administration.

28 (b) Cybersecurity Tool.—

29 (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the  
30 Administrator shall develop a tool to assist transportation authorities in identifying,  
31 detecting, protecting against, responding to, and recovering from cyber incidents.

32 (2) REQUIREMENTS.—In developing the tool under paragraph (1), the Administrator  
33 shall—

34 (A) use the cybersecurity framework established by the National Institute of  
35 Standards and Technology and required by Executive Order 13636 of February 12,  
36 2013 (78 Fed. Reg. 11739; relating to improving critical infrastructure cybersecurity);

37 (B) establish a structured cybersecurity assessment and development program;

1 (C) consult with appropriate transportation authorities, operating agencies, industry  
2 stakeholders, and cybersecurity experts; and

3 (D) provide for a period of public comment and review on the tool.

4 (c) Designation of Cyber Coordinator.—

5 (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the  
6 Administrator shall designate an office as a “cyber coordinator”, which shall be responsible  
7 for monitoring, alerting, and advising transportation authorities of cyber incidents.

8 (2) REQUIREMENTS.—The office designated under paragraph (1) shall—

9 (A) provide to transportation authorities a secure method of notifying a single  
10 Federal entity of cyber incidents;

11 (B) monitor cyber incidents that affect transportation authorities;

12 (C) alert transportation authorities to cyber incidents that affect those transportation  
13 authorities;

14 (D) investigate unaddressed cyber incidents that affect transportation authorities;  
15 and

16 (E) provide to transportation authorities educational resources, outreach, and  
17 awareness on fundamental principles and best practices in cybersecurity for  
18 transportation systems.

## 19 SEC. 1511. REPORT ON EMERGING ALTERNATIVE FUEL 20 VEHICLES AND INFRASTRUCTURE.

21 (a) Definitions.—In this section:

22 (1) EMERGING ALTERNATIVE FUEL VEHICLE.—The term “emerging alternative fuel  
23 vehicle” means a vehicle fueled by hydrogen, natural gas, or propane.

24 (2) EMERGING ALTERNATIVE FUELING INFRASTRUCTURE.—The term “emerging  
25 alternative fueling infrastructure” means infrastructure for fueling an emerging alternative  
26 fuel vehicle.

27 (b) Report.—Not later than 1 year after the date of enactment of this Act, to help guide future  
28 investments for emerging alternative fueling infrastructure, the Secretary shall submit to  
29 Congress and make publicly available a report that—

30 (1) includes an evaluation of emerging alternative fuel vehicles and projections for  
31 potential locations of emerging alternative fuel vehicle owners during the 5-year period  
32 beginning on the date of submission of the report;

33 (2) identifies areas where emerging alternative fueling infrastructure will be needed to  
34 meet the current and future needs of drivers during the 5-year period beginning on the date  
35 of submission of the report;

36 (3) identifies specific areas, such as a lack of pipeline infrastructure, that may impede  
37 deployment and adoption of emerging alternative fuel vehicles;

38 (4) includes a map that identifies concentrations of emerging alternative fuel vehicles to

1 meet the needs of current and future emerging alternative fueling infrastructure;

2 (5) estimates the future need for emerging alternative fueling infrastructure to support the  
3 adoption and use of emerging alternative fuel vehicles; and

4 (6) includes a tool to allow States to compare and evaluate different adoption and use  
5 scenarios for emerging alternative fuel vehicles, with the ability to adjust factors to account  
6 for regionally specific characteristics.

## 7 SEC. 1512. NONHIGHWAY RECREATIONAL FUEL 8 STUDY.

9 (a) Definitions.—In this section:

10 (1) HIGHWAY TRUST FUND.—The term “Highway Trust Fund” means the Highway Trust  
11 Fund established by section 9503(a) of the Internal Revenue Code of 1986.

12 (2) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term “nonhighway recreational fuel  
13 taxes” means taxes under section 4041 and 4081 of the Internal Revenue Code of 1986 with  
14 respect to fuel used in vehicles on recreational trails or back country terrain (including  
15 vehicles registered for highway use when used on recreational trails, trail access roads not  
16 eligible for funding under title 23, United States Code, or back country terrain).

17 (3) RECREATIONAL TRAILS PROGRAM.—The term “recreational trails program” means the  
18 recreational trails program under section 206 of title 23, United States Code.

19 (b) Assessment; Report.—

20 (1) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act and not  
21 less frequently than once every 5 years thereafter, as determined by the Secretary, the  
22 Secretary shall carry out an assessment of the best available estimate of the total amount of  
23 nonhighway recreational fuel taxes received by the Secretary of the Treasury and  
24 transferred to the Highway Trust Fund for the period covered by the assessment.

25 (2) REPORT.—After carrying out each assessment under paragraph (1), the Secretary shall  
26 submit to the Committees on Finance and Environment and Public Works of the Senate and  
27 the Committees on Ways and Means and Transportation and Infrastructure of the House of  
28 Representatives a report that includes—

29 (A) to assist Congress in determining an appropriate funding level for the  
30 recreational trails program—

31 (i) a description of the results of the assessment; and

32 (ii) an evaluation of whether the current recreational trails program funding  
33 level reflects the amount of nonhighway recreational fuel taxes collected and  
34 transferred to the Highway Trust Fund; and

35 (B) in the case of the first report submitted under this paragraph, an estimate of the  
36 frequency with which the Secretary anticipates carrying out the assessment under  
37 paragraph (1), subject to the condition that such an assessment shall be carried out not  
38 less frequently than once every 5 years.

39 (c) Consultation.—In carrying out an assessment under subsection (b)(1), the Secretary may

1 consult with, as the Secretary determines to be appropriate—

2 (1) the heads of—

3 (A) State agencies designated by Governors pursuant to section 206(c)(1) of title 23,  
4 United States Code, to administer the recreational trails program; and

5 (B) division offices of the Department;

6 (2) the Secretary of the Treasury;

7 (3) the Administrator of the Federal Highway Administration; and

8 (4) groups representing recreational activities and interests, including hiking, biking and  
9 mountain biking, horseback riding, water trails, snowshoeing, cross-country skiing,  
10 snowmobiling, off-highway motorcycling, all-terrain vehicles and other offroad motorized  
11 vehicle activities, and recreational trail advocates.

## 12 SEC. 1513. BUY AMERICA.

13 Section 313 of title 23, United States Code, is amended—

14 (1) by redesignating subsection (g) as subsection (h); and

15 (2) by inserting after subsection (f) the following:

16 “(g) Waivers.—

17 “(1) IN GENERAL.—Not less than 15 days before issuing a waiver under this section, the  
18 Secretary shall provide to the public—

19 “(A) notice of the proposed waiver;

20 “(B) an opportunity for comment on the proposed waiver; and

21 “(C) the reasons for the proposed waiver.

22 “(2) REPORT.—Not less frequently than annually, the Secretary shall submit to the  
23 Committee on Environment and Public Works of the Senate and the Committee on  
24 Transportation and Infrastructure of the House of Representatives a report on the waivers  
25 provided under this section.”.

## 26 SEC. 1514. HIGH PRIORITY CORRIDORS ON THE 27 NATIONAL HIGHWAY SYSTEM.

28 (a) High Priority Corridors.—Section 1105(c) of the Intermodal Surface Transportation  
29 Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat. 3018) is amended by  
30 adding at the end the following:

31 “(92) United States Route 421 from the interchange with Interstate Route 85 in  
32 Greensboro, North Carolina, to the interchange with Interstate Route 95 in Dunn, North  
33 Carolina.

34 “(93) The South Mississippi Corridor from the Louisiana and Mississippi border near  
35 Natchez, Mississippi, to Gulfport, Mississippi, shall generally follow—

36 “(A) United States Route 84 from the Louisiana border at the Mississippi River

1 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins,  
2 Mississippi, to the logical terminus with Interstate Route 59 in the vicinity of Laurel,  
3 Mississippi, and continuing on Interstate Route 59 south to the vicinity of Hattiesburg,  
4 Mississippi; and

5 “(B) United States Route 49 from the vicinity of Hattiesburg, Mississippi, south to  
6 Interstate Route 10 in the vicinity of Gulfport, Mississippi, following Mississippi  
7 Route 601 south and terminating near the Mississippi State Port at Gulfport.

8 “(94) The Kosciusko to Gulf Coast corridor commencing at the logical terminus of  
9 Interstate Route 55 near Vaiden, Mississippi, running south and passing east of the vicinity  
10 of the Jackson Urbanized Area, connecting to United States Route 49 north of Hattiesburg,  
11 Mississippi, and generally following United States Route 49 to a logical connection with  
12 Interstate Route 10 in the vicinity of Gulfport, Mississippi.

13 “(95) The Interstate Route 22 spur from the vicinity of Tupelo, Mississippi, running south  
14 generally along United States Route 45 to the vicinity of Shannon, Mississippi.

15 “(96) The route that generally follows United States Route 412 from its intersection with  
16 Interstate Route 35 in Noble County, Oklahoma, passing through Tulsa, Oklahoma, to its  
17 intersection with Interstate Route 49 in Springdale, Arkansas.

18 “(97) The Louie B. Nunn Cumberland Expressway from the interchange with Interstate  
19 Route 65 in Barren County, Kentucky, east to the interchange with United States Highway  
20 27 in Somerset, Kentucky.”.

21 (b) Designation as Future Interstates.—Section 1105(e)(5)(A) of the Intermodal Surface  
22 Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 597; 133 Stat. 3018) is  
23 amended in the first sentence by striking “and subsection (c)(91)” and inserting “subsection  
24 (c)(91), subsection (c)(92), subsection (c)(93)(A), subsection (c)(94), subsection (c)(95),  
25 subsection (c)(96), and subsection (c)(97)”.

26 (c) Numbering of Parkway.—Section 1105(e)(5)(C)(i) of the Intermodal Surface  
27 Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is  
28 amended by adding at the end the following: “The route referred to in subsection (c)(97) is  
29 designated as Interstate Route I–365.”.

30 (d) GAO Report on Designation of Segments as Part of Interstate System.—

31 (1) DEFINITION OF APPLICABLE SEGMENT.—In this subsection, the term “applicable  
32 segment” means the route described in paragraph (92) of section 1105(c) of the Intermodal  
33 Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

34 (2) REPORT.—

35 (A) IN GENERAL.—Not later than 2 years after the date on which the applicable  
36 segment is open for operations as part of the Interstate System, the Comptroller  
37 General of the United States shall submit to Congress a report on the impact, if any,  
38 during that 2-year period of allowing the continuation of weight limits that applied  
39 before the designation of the applicable segment as a route on the Interstate System.

40 (B) REQUIREMENTS.—The report under subparagraph (A) shall—

41 (i) be informed by the views and documentation provided by the State highway

1 agency (or equivalent agency) in the State in which the applicable segment is  
2 located;

3 (ii) describe any impacts on safety and infrastructure on the applicable  
4 segment;

5 (iii) describe any view of the State highway agency (or equivalent agency) in  
6 the State in which the applicable segment is located on the impact of the  
7 applicable segment; and

8 (iv) focus only on the applicable segment.

## 9 SEC. 1515. INTERSTATE WEIGHT LIMITS.

10 Section 127 of title 23, United States Code, is amended—

11 (1) in subsection (l)(3)(A)—

12 (A) in the matter preceding clause (i), in the first sentence, by striking “clauses (i)  
13 through (iv) of this subparagraph” and inserting “clauses (i) through (v)”;

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

15 “(v) The Louie B. Nunn Cumberland Expressway (to be designated as a spur of  
16 Interstate Route 65) from the interchange with Interstate Route 65 in Barren  
17 County, Kentucky, east to the interchange with United States Highway 27 in  
18 Somerset, Kentucky.”; and

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

20 “(v) Operation of Vehicles on Certain North Carolina Highways.—If any segment in the State  
21 of North Carolina of United States Route 17, United States Route 29, United States Route 52,  
22 United States Route 64, United States Route 70, United States Route 74, United States Route  
23 117, United States Route 220, United States Route 264, or United States Route 421 is designated  
24 as a route on the Interstate System, a vehicle that could operate legally on that segment before  
25 the date of such designation may continue to operate on that segment, without regard to any  
26 requirement under subsection (a).

27 “(w) Operation of Vehicles on Certain Oklahoma Highways.—If any segment of the highway  
28 referred to in paragraph (96) of section 1105(c) of the Intermodal Surface Transportation  
29 Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032) is designated as a route on the  
30 Interstate System, a vehicle that could operate legally on that segment before the date of such  
31 designation may continue to operate on that segment, without any regard to any requirement  
32 under this section.”

## 33 SEC. 1516. REPORT ON AIR QUALITY IMPROVEMENTS.

34 (a) In General.—Not later than 3 years after the date of enactment of this Act, the Comptroller  
35 General of the United States shall submit a report that evaluates the congestion mitigation and air  
36 quality improvement program under section 149 of title 23, United States Code (referred to in  
37 this section as the “program”), to—

38 (1) the Committee on Environment and Public Works of the Senate; and

39 (2) the Committee on Transportation and Infrastructure of the House of Representatives.

1 (b) Contents.—The evaluation under subsection (a) shall include an evaluation of—

2 (1) the reductions of ozone, carbon monoxide, and particulate matter that result from  
3 projects under the program;

4 (2) the cost-effectiveness of the reductions described in paragraph (1);

5 (3) the result of investments of funding under the program in minority and low-income  
6 communities that are disproportionately affected by ozone, carbon monoxide, and  
7 particulate matter;

8 (4) the effectiveness, with respect to the attainment or maintenance of national ambient  
9 air quality standards under section 109 of the Clean Air Act (42 U.S.C. 7409) for ozone,  
10 carbon monoxide, and particulate matter, of performance measures established under  
11 section 150(c)(5) of title 23, United States Code, and performance targets established under  
12 subsection (d) of that section for traffic congestion and on-road mobile source emissions;

13 (5) the extent to which there are any types of projects that are not eligible funding under  
14 the program that would be likely to contribute to the attainment or maintenance of the  
15 national ambient air quality standards described in paragraph (4); and

16 (6) the extent to which projects under the program reduce sulfur dioxide, nitrogen  
17 dioxide, and lead.

## 18 SEC. 1517. ROADSIDE HIGHWAY SAFETY HARDWARE.

19 (a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary  
20 shall implement, to the maximum extent practicable, the following recommendations from the  
21 report of the Government Accountability Office entitled “Highway Safety: More Robust DOT  
22 Oversight of Guardrails and Other Roadside Hardware Could Further Enhance Safety” published  
23 in June 2016 and numbered GAO–16–575:

24 (1) Develop a process for third party verification of full-scale crash testing results from  
25 crash test labs to include a process for—

26 (A) formally verifying the testing outcomes; and

27 (B) providing for an independent pass/fail determination.

28 (2) Establish a process to enhance the independence of crash test labs by ensuring that  
29 those labs have a clear separation between device development and testing in cases in which  
30 lab employees test devices that were developed within the parent organization of the  
31 employee.

32 (b) Continued Issuance of Eligibility Letters.—Until the implementation of the  
33 recommendations described in subsection (a) is complete, the Secretary shall ensure that the  
34 Administrator of the Federal Highway Administration continues to issue Federal-aid  
35 reimbursement eligibility letters as a service to States.

## 36 SEC. 1518. PERMEABLE PAVEMENTS STUDY.

37 (a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary  
38 shall carry out a study—

39 (1) to gather existing information on the effects of permeable pavements on flood control

1 in different contexts, including in urban areas, and over the lifetime of the permeable  
2 pavement;

3 (2) to perform research to fill gaps in the existing information gathered under paragraph  
4 (1); and

5 (3) to develop—

6 (A) models for the performance of permeable pavements in flood control; and

7 (B) best practices for designing permeable pavement to meet flood control  
8 requirements.

9 (b) Data Survey.—In carrying out the study under subsection (a), the Secretary shall  
10 develop—

11 (1) a summary, based on available literature and models, of localized flood control  
12 capabilities of permeable pavement that considers long-term performance and cost  
13 information; and

14 (2) best practices for the design of localized flood control using permeable pavement that  
15 considers long-term performance and cost information.

16 (c) Publication.—The Secretary shall make a report describing the results of the study under  
17 subsection (a) publicly available.

## 18 SEC. 1519. EMERGENCY RELIEF PROJECTS.

19 (a) Definition of Emergency Relief Project.—In this section, the term “emergency relief  
20 project” means a project carried out under the emergency relief program under section 125 of  
21 title 23, United States Code.

22 (b) Improving the Emergency Relief Program.—Not later than 90 days after the date of  
23 enactment of this Act, the Secretary shall—

24 (1) revise the emergency relief manual of the Federal Highway Administration—

25 (A) to include and reflect the definition of the term “resilience” (as defined in  
26 section 101(a) of title 23, United States Code);

27 (B) to identify procedures that States may use to incorporate resilience into  
28 emergency relief projects; and

29 (C) to encourage the use of Complete Streets design principles and consideration of  
30 access for moderate- and low-income families impacted by a declared disaster;

31 (2) develop best practices for improving the use of resilience in—

32 (A) the emergency relief program under section 125 of title 23, United States Code;  
33 and

34 (B) emergency relief efforts;

35 (3) provide to division offices of the Federal Highway Administration and State  
36 departments of transportation information on the best practices developed under paragraph  
37 (2); and

1 (4) develop and implement a process to track—

2 (A) the consideration of resilience as part of the emergency relief program under  
3 section 125 of title 23, United States Code; and

4 (B) the costs of emergency relief projects.

5 **SEC. 1520. STUDY ON STORMWATER BEST**  
6 **MANAGEMENT PRACTICES.**

7 (a) Study.—Not later than 180 days after the date of enactment of this Act, the Secretary and  
8 the Administrator of the Environment Protection Agency shall offer to enter into an agreement  
9 with the Transportation Research Board of the National Academy of Sciences to conduct a  
10 study—

11 (1) to estimate pollutant loads from stormwater runoff from highways and pedestrian  
12 facilities eligible for assistance under title 23, United States Code, to inform the  
13 development of appropriate total maximum daily load (as defined in section 130.2 of title  
14 40, Code of Federal Regulations (or successor regulations)) requirements;

15 (2) to provide recommendations regarding the evaluation and selection by State  
16 departments of transportation of potential stormwater management and total maximum daily  
17 load compliance strategies within a watershed, including environmental restoration and  
18 pollution abatement carried out under section 328 of title 23, United States Code (including  
19 any revisions to law (including regulations) that the Transportation Research Board  
20 determines to be appropriate); and

21 (3) to examine the potential for the Secretary to assist State departments of transportation  
22 in carrying out and communicating stormwater management practices for highways and  
23 pedestrian facilities that are eligible for assistance under title 23, United States Code,  
24 through information-sharing agreements, database assistance, or an administrative platform  
25 to provide the information described in paragraphs (1) and (2) to entities issued permits  
26 under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

27 (b) Requirements.—If the Transportation Research Board enters into an agreement under  
28 subsection (a), in conducting the study under that subsection, the Transportation Research Board  
29 shall—

30 (1) review and supplement, as appropriate, the methodologies examined and  
31 recommended in the report of the National Academies of Sciences, Engineering, and  
32 Medicine entitled “Approaches for Determining and Complying with TMDL Requirements  
33 Related to Roadway Stormwater Runoff” and dated 2019;

34 (2) consult with—

35 (A) the Secretary;

36 (B) the Administrator of the Environmental Protection Agency;

37 (C) the Secretary of the Army, acting through the Chief of Engineers; and

38 (D) State departments of transportation; and

39 (3) solicit input from—

1 (A) stakeholders with experience in implementing stormwater management practices  
2 for projects; and

3 (B) educational and technical stormwater management groups.

4 (c) Report.—If the Transportation Research Board enters into an agreement under subsection  
5 (a), not later than 18 months after the date of enactment of this Act, the Transportation Research  
6 Board shall submit to the Secretary, the Committee on Environment and Public Works of the  
7 Senate, and the Committee on Transportation and Infrastructure of the House of Representatives  
8 a report describing the results of the study.

## 9 SEC. 1521. STORMWATER BEST MANAGEMENT 10 PRACTICES REPORTS.

11 (a) Definitions.—In this section:

12 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal  
13 Highway Administration.

14 (2) BEST MANAGEMENT PRACTICES REPORT.—The term “best management practices  
15 report” means—

16 (A) the 2014 report sponsored by the Administrator entitled “Determining the State  
17 of the Practice in Data Collection and Performance Measurement of Stormwater Best  
18 Management Practices”; and

19 (B) the 1997 report sponsored by the Administrator entitled “Stormwater Best  
20 Management Practices in an Ultra-Urban Setting: Selection and Monitoring”.

21 (b) Reissuance.—Not later than 1 year after the date of enactment of this Act, the  
22 Administrator shall update and reissue each best management practices report to reflect new  
23 information and advancements in stormwater management.

24 (c) Updates.—Not less frequently than once every 5 years after the date on which the  
25 Administrator reissues a best management practices report described in subsection (b), the  
26 Administrator shall update and reissue the best management practices report until the earlier of  
27 the date on which—

28 (1) the best management practices report is withdrawn; or

29 (2) the contents of the best management practices report are incorporated (including by  
30 reference) into applicable regulations of the Administrator.

## 31 SEC. 1522. INVASIVE PLANT ELIMINATION PROGRAM.

32 (a) Definitions.—In this section:

33 (1) INVASIVE PLANT.—The term “invasive plant” means a nonnative plant, tree, grass, or  
34 weed species, including, at a minimum, cheatgrass, Ventenata dubia, medusahead, bulbous  
35 bluegrass, Japanese brome, rattail fescue, Japanese honeysuckle, phragmites, autumn olive,  
36 Bradford pear, wild parsnip, sericea lespedeza, spotted knapweed, garlic mustard, and  
37 palmer amaranth.

38 (2) PROGRAM.—The term “program” means the grant program established under

1 subsection (b).

2 (3) TRANSPORTATION CORRIDOR.—The term “transportation corridor” means a road,  
3 highway, railroad, or other surface transportation route.

4 (b) Establishment.—The Secretary shall carry out a program to provide grants to States to  
5 eliminate or control existing invasive plants or prevent introduction of or encroachment by new  
6 invasive plants along and in areas adjacent to transportation corridor rights-of-way.

7 (c) Application.—To be eligible to receive a grant under the program, a State shall submit to  
8 the Secretary an application at such time, in such manner, and containing such information as the  
9 Secretary may require.

10 (d) Eligible Activities.—

11 (1) IN GENERAL.—Subject to this subsection, a State that receives a grant under the  
12 program may use the grant funds to carry out activities to eliminate or control existing  
13 invasive plants or prevent introduction of or encroachment by new invasive plants along  
14 and in areas adjacent to transportation corridor rights-of-way.

15 (2) PRIORITIZATION OF PROJECTS.—In carrying out the program, the Secretary shall give  
16 priority to projects that utilize revegetation with native plants and wildflowers, including  
17 those that are pollinator-friendly.

18 (3) PROHIBITION ON CERTAIN USES OF FUNDS.—Amounts provided to a State under the  
19 program may not be used for costs relating to mowing a transportation corridor right-of-way  
20 or the adjacent area unless—

21 (A) mowing is identified as the best means of treatment according to best  
22 management practices; or

23 (B) mowing is used in conjunction with another treatment.

24 (4) LIMITATION.—Not more than 10 percent of the amounts provided to a State under the  
25 program may be used for the purchase of equipment.

26 (5) ADMINISTRATIVE AND INDIRECT COSTS.—Not more than 5 percent of the amounts  
27 provided to a State under the program may be used for the administrative and other indirect  
28 costs (such as full time employee salaries, rent, insurance, subscriptions, utilities, and office  
29 supplies) of carrying out eligible activities.

30 (e) Requirements.—

31 (1) COORDINATION.—In carrying out eligible activities with a grant under the program, a  
32 State shall coordinate with—

33 (A) units of local government, political subdivisions of the State, and Tribal  
34 authorities that are carrying out eligible activities in the areas to be treated;

35 (B) local regulatory authorities, in the case of a treatment along or adjacent to a  
36 railroad right-of-way; and

37 (C) with respect to the most effective roadside control methods, State and Federal  
38 land management agencies and any relevant Tribal authorities.

39 (2) ANNUAL REPORT.—Not later than 1 year after the date on which a State receives a

1 grant under the program, and annually thereafter, that State shall provide to the Secretary an  
2 annual report on the treatments carried out using funds from the grant.

3 (f) Federal Share.—

4 (1) IN GENERAL.—The Federal share of the cost of an eligible activity carried out using  
5 funds from a grant under the program shall be—

6 (A) in the case of a project that utilizes revegetation with native plants and  
7 wildflowers, including those that are pollinator-friendly, 75 percent; and

8 (B) in the case of any other project not described in subparagraph (A), 50 percent.

9 (2) CERTAIN FUNDS COUNTED TOWARD NON-FEDERAL SHARE.—A State may include  
10 amounts expended by the State or a unit of local government in the State to address current  
11 invasive plant populations and prevent future infestation along or in areas adjacent to  
12 transportation corridor rights-of-way in calculating the non-Federal share required under the  
13 program.

14 (g) Funding.—There is authorized to be appropriated to carry out the program \$50,000,000 for  
15 each of fiscal years 2022 through 2026.

## 16 SEC. 1523. OVER-THE-ROAD BUS TOLLING EQUITY.

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

18 (1) in paragraph (3)(B)(i), by inserting “, together with the results of the audit under  
19 paragraph (9)(C),” after “the audits”; and

20 (2) in paragraph (9)—

21 (A) by striking “An over-the-road” and inserting the following:

22 “(A) IN GENERAL.—An over-the-road”;

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

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

26 “(B) REPORTS.—

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

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

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

1 “(C) ANNUAL AUDIT.—

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

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

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

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

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

## 15 SEC. 1524. BRIDGE TERMINOLOGY.

16 (a) Condition of NHS Bridges.—Section 119(f)(2) of title 23, United States Code, is amended  
17 by striking “structurally deficient” each place it appears and inserting “in poor condition”.

18 (b) National Bridge and Tunnel Inventories.—Section 144(b)(5) of title 23, United States  
19 Code, is amended by striking “structurally deficient bridge” and inserting “bridge classified as in  
20 poor condition”.

21 (c) Tribal Transportation Facility Bridges.—Section 202(d) of title 23, United States Code, is  
22 amended—

23 (1) in paragraph (1), by striking “deficient bridges eligible for the tribal transportation  
24 program” and inserting “bridges eligible for the tribal transportation program classified as in  
25 poor condition, having low load capacity, or needing geometric improvements”; and

26 (2) in paragraph (3)(C), by striking “structurally deficient or functionally obsolete” and  
27 inserting “classified as in poor condition, having a low load capacity, or needing geometric  
28 improvements”.

## 29 SEC. 1525. STUDY OF IMPACTS ON ROADS FROM SELF- 30 DRIVING VEHICLES.

31 (a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary  
32 shall initiate a study on the existing and future impacts of self-driving vehicles to transportation  
33 infrastructure, mobility, the environment, and safety, including impacts on—

34 (1) the Interstate System (as defined in section 101(a) of title 23, United States Code);

35 (2) urban roads;

36 (3) rural roads;

37 (4) corridors with heavy traffic congestion;

- 1 (5) transportation systems optimization; and
- 2 (6) any other areas or issues relevant to operations of the Federal Highway  
3 Administration that the Secretary determines to be appropriate.
- 4 (b) Contents of Study.—The study under subsection (a) shall include specific  
5 recommendations for both rural and urban communities regarding the impacts of self-driving  
6 vehicles on existing transportation system capacity.
- 7 (c) Considerations.—In carrying out the study under subsection (a), the Secretary shall—
- 8 (1) consider the need for and recommend any policy changes to be undertaken by the  
9 Federal Highway Administration on the impacts of self-driving vehicles as identified under  
10 paragraph (2); and
- 11 (2) for both rural and urban communities, include a discussion of—
- 12 (A) the impacts that self-driving vehicles will have on existing transportation  
13 infrastructure, such as signage and markings, traffic lights, and highway capacity and  
14 design;
- 15 (B) the impact on commercial and private traffic flows;
- 16 (C) infrastructure improvement needs that may be necessary for transportation  
17 infrastructure to accommodate self-driving vehicles;
- 18 (D) the impact of self-driving vehicles on the environment, congestion, and vehicle  
19 miles traveled; and
- 20 (E) the impact of self-driving vehicles on mobility.
- 21 (d) Coordination.—In carrying out the study under subsection (a), the Secretary shall consider  
22 and incorporate relevant current and ongoing research of the Department.
- 23 (e) Consultation.—In carrying out the study under subsection (a), the Secretary shall convene  
24 and consult with a panel of national experts in both rural and urban transportation, including—
- 25 (1) operators and users of the Interstate System (as defined in section 101(a) of title 23,  
26 United States Code), including private sector stakeholders;
- 27 (2) States and State departments of transportation;
- 28 (3) metropolitan planning organizations;
- 29 (4) the motor carrier industry;
- 30 (5) representatives of public transportation agencies or organizations;
- 31 (6) highway safety and academic groups;
- 32 (7) nonprofit entities with experience in transportation policy;
- 33 (8) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42  
34 U.S.C. 15801));
- 35 (9) environmental stakeholders; and
- 36 (10) self-driving vehicle producers, manufacturers, and technology developers.

1 (f) Report.—Not later than 1 year after the date on which the study under subsection (a) is  
2 initiated, the Secretary shall submit a report on the results of the study to—

3 (1) the Committee on Environment and Public Works of the Senate; and

4 (2) the Committee on Transportation and Infrastructure of the House of Representatives.

## 5 SEC. 1526. TECHNICAL CORRECTIONS.

6 (a) Section 101(b)(1) of title 23, United States Code, is amended by inserting “Highways”  
7 after “and Defense”.

8 (b) Section 104(f)(3) of title 23, United States Code, is amended—

9 (1) in the paragraph heading, by striking “FEDERAL HIGHWAY ADMINISTRATION” and  
10 inserting “AN OPERATING ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION”; and

11 (2) in subparagraph (A), by striking “the Federal Highway Administration” and inserting  
12 “an operating administration of the Department of Transportation”.

13 (c) Section 108(c)(3)(F) of title 23, United States Code, is amended—

14 (1) by inserting “of 1969 (42 U.S.C. 4321 et seq.)” after “Policy Act”; and

15 (2) by striking “this Act” and inserting “this title”.

16 (d) Section 112(b)(2) of title 23, United States Code, is amended by striking “(F) (F)  
17 Subparagraphs” and inserting the following:

18 “(F) EXCLUSION.—Subparagraphs”.

19 (e) Section 115(c) of title 23, United States Code, is amended by striking “section 135(f)” and  
20 inserting “section 135(g)”.

21 (f) Section 130(g) of title 23, United States Code, is amended—

22 (1) in the third sentence—

23 (A) by striking “and Transportation,” and inserting “and Transportation”; and

24 (B) by striking “thereafter,,” and inserting “thereafter,”; and

25 (2) in the fifth sentence, by striking “railroad highway” and inserting “railway-highway”.

26 (g) Section 135(g) of title 23, United States Code, is amended—

27 (1) in paragraph (3), by striking “operators),,” and inserting “operators),”; and

28 (2) in paragraph (6)(B), by striking “5310, 5311, 5316, and 5317” and inserting “5310  
29 and 5311”.

30 (h) Section 139 of title 23, United States Code (as amended by section 1301), is amended—

31 (1) in subsection (b)(1), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”;

32 (2) in subsection (c), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969” each place it  
33 appears; and

34 (3) in subsection (k)(2), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”.

35 (i) Section 140(a) of title 23, United States Code, is amended, in the third sentence, by

1 inserting a comma after “Secretary”.

2 (j) Section 148(i)(2)(D) of title 23, United States Code, is amended by striking “safety safety”  
3 and inserting “safety”.

4 (k) Section 166(a)(1) of title 23, United States Code, is amended by striking the paragraph  
5 designation and heading and all that follows through “A public authority” and inserting the  
6 following:

7 “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A public authority”.

8 (l) Section 201(c)(6)(A)(ii) of title 23, United States Code, is amended by striking “(25 U.S.C.  
9 450 et seq.)” and inserting “(25 U.S.C. 5301 et seq.)”.

10 (m) Section 202 of title 23, United States Code, is amended—

11 (1) by striking “(25 U.S.C. 450 et seq.)” each place it appears and inserting “(25 U.S.C.  
12 5301 et seq.)”;

13 (2) in subsection (a)(10)(B), by striking “(25 U.S.C. 450e(b))” and inserting “(25 U.S.C.  
14 5307(b))”; and

15 (3) in subsection (b)(5), in the matter preceding subparagraph (A), by inserting “the” after  
16 “agreement under”.

17 (n) Section 206(d)(2)(G) of title 23, United States Code, is amended by striking “use of  
18 recreational trails” and inserting “uses of recreational trails”.

19 (o) Section 207 of title 23, United States Code, is amended—

20 (1) in subsection (g)—

21 (A) by striking “(25 U.S.C. 450j–1)” and inserting “(25 U.S.C. 5325)”; and

22 (B) by striking “(25 U.S.C. 450j–1(f))” and inserting “(25 U.S.C. 5325(f))”;

23 (2) in subsection (l)—

24 (A) in paragraph (1), by striking “(25 U.S.C. 458aaa–5)” and inserting “(25 U.S.C.  
25 5386)”;

26 (B) in paragraph (2), by striking “(25 U.S.C. 458aaa–6)” and inserting “(25 U.S.C.  
27 5387)”;

28 (C) in paragraph (3), by striking “(25 U.S.C. 458aaa–7)” and inserting “(25 U.S.C.  
29 5388)”;

30 (D) in paragraph (4), by striking “(25 U.S.C. 458aaa–9)” and inserting “(25 U.S.C.  
31 5390)”;

32 (E) in paragraph (5), by striking “(25 U.S.C. 458aaa–10)” and inserting “(25 U.S.C.  
33 5391)”;

34 (F) in paragraph (6), by striking “(25 U.S.C. 458aaa–11)” and inserting “(25 U.S.C.  
35 5392)”;

36 (G) in paragraph (7), by striking “(25 U.S.C. 458aaa–14)” and inserting “(25 U.S.C.  
37 5395)”;

1 (H) in paragraph (8), by striking “(25 U.S.C. 458aaa–15)” and inserting “(25 U.S.C.  
2 5396)”;

3 (I) in paragraph (9), by striking “(25 U.S.C. 458aaa–17)” and inserting “(25 U.S.C.  
4 5398)”;

5 (3) in subsection (m)(2)—

6 (A) by striking “505” and inserting “501”; and

7 (B) by striking “(25 U.S.C. 450b; 458aaa)” and inserting “(25 U.S.C. 5304; 5381)”.

8 (p) Section 217(d) of title 23, United States Code, is amended by striking “104(b)(3)” and  
9 inserting “104(b)(4)”.

10 (q) Section 323(d) of title 23, United States Code, is amended in the matter preceding  
11 paragraph (1), in the second sentence, by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”.

12 (r) Section 325 of title 23, United States Code, is repealed.

13 (s) Section 504(g)(6) of title 23, United States Code, is amended by striking “make grants or  
14 to” and inserting “make grants to”.

15 (t) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item  
16 relating to section 325.

17 **TITLE II—TRANSPORTATION INFRASTRUCTURE**  
18 **FINANCE AND INNOVATION**

19 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE**  
20 **FINANCE AND INNOVATION ACT OF 1998**  
21 **AMENDMENTS.**

22 (a) Definitions.—Section 601(a) of title 23, United States Code, is amended—

23 (1) by redesignating paragraphs (1) through (22) as paragraphs (2) through (23),  
24 respectively;

25 (2) by inserting before paragraph (2) (as so redesignated) the following:

26 “(1) ADMINISTRATIVELY ALLOCATED.—The term ‘administratively allocated’ means the  
27 allocation by the Secretary of budget authority for a project under the TIFIA program that  
28 occurs when—

29 “(A) a potential applicant has been invited into the creditworthiness phase for a  
30 project under the TIFIA program; or

31 “(B) the project is subject to a master credit agreement, in accordance with section  
32 602(b)(2).”;

33 (3) in subparagraph (E) of paragraph (11) (as so redesignated), by striking “3 years” and  
34 inserting “5 years”; and

35 (4) in paragraph (13) (as so redesignated)—

1 (A) by striking subparagraph (E) and inserting the following:

2 “(E) a project to improve or construct public infrastructure—

3 “(i) that—

4 “(I) is located within walking distance of, and accessible to, a fixed  
5 guideway transit facility, passenger rail station, intercity bus station, or  
6 intermodal facility, including a transportation, public utility, or capital  
7 project described in section 5302(3)(G)(v) of title 49, and related  
8 infrastructure; or

9 “(II) is a project for economic development, including commercial and  
10 residential development, and related infrastructure and activities—

11 “(aa) that incorporates private investment;

12 “(bb) that is physically or functionally related to a passenger rail  
13 station or multimodal station that includes rail service;

14 “(cc) for which the project sponsor has a high probability of  
15 commencing the contracting process for construction by not later than  
16 90 days after the date on which credit assistance under the TIFIA  
17 program is provided for the project; and

18 “(dd) that has a high probability of reducing the need for financial  
19 assistance under any other Federal program for the relevant passenger  
20 rail station or service by increasing ridership, tenant lease payments, or  
21 other activities that generate revenue exceeding costs; and

22 “(ii) for which, by not later than September 30, 2026, the Secretary has—

23 “(I) received a letter of interest; and

24 “(II) determined that the project is eligible for assistance;”;

25 (B) in subparagraph (F), by striking the period at the end and inserting a semicolon;  
26 and

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

28 “(G) an eligible airport-related project (as defined in section 40117(a) of title 49) for  
29 which, not later than September 30, 2025, the Secretary has—

30 “(i) received a letter of interest; and

31 “(ii) determined that the project is eligible for assistance; and

32 “(H) a project for the acquisition of plant and wildlife habitat pursuant to a  
33 conservation plan that—

34 “(i) has been approved by the Secretary of the Interior pursuant to section 10 of  
35 the Endangered Species Act of 1973 (16 U.S.C. 1539); and

36 “(ii) in the judgment of the Secretary, would mitigate the environmental  
37 impacts of transportation infrastructure projects otherwise eligible for assistance  
38 under this title.”.

1 (b) Eligibility.—Section 602(a) of title 23, United States Code, is amended—

2 (1) in paragraph (2)—

3 (A) in subparagraph (A)(iv)—

4 (i) by striking “a rating” and inserting “an investment-grade rating”; and

5 (ii) by striking “\$75,000,000” and inserting “\$150,000,000”; and

6 (B) in subparagraph (B)—

7 (i) by striking “the senior debt” and inserting “senior debt”; and

8 (ii) by striking “credit instrument is for an amount less than \$75,000,000” and  
9 inserting “total amount of other senior debt and the Federal credit instrument is  
10 less than \$150,000,000”; and

11 (2) in paragraph (5)(B)(ii), by striking “section 601(a)(12)(E)” and inserting “section  
12 601(a)(13)(E)”.

13 (c) Processing Timelines.—Section 602(d) of title 23, United States Code, is amended—

14 (1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

15 (2) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting  
16 “paragraph (2)”; and

17 (3) by inserting before paragraph (2) (as so redesignated) the following:

18 “(1) PROCESSING TIMELINES.—Except in the case of an application described in  
19 subsection (a)(8) and to the maximum extent practicable, the Secretary shall provide an  
20 applicant with a specific estimate of the timeline for the approval or disapproval of the  
21 application of the applicant, which, to the maximum extent practicable, the Secretary shall  
22 endeavor to complete by not later than 150 days after the date on which the applicant  
23 submits a letter of interest to the Secretary.”.

24 (d) Secured Loans.—Section 603(c)(4)(A) of title 23, United States Code, is amended—

25 (1) by striking “Any excess” and inserting the following:

26 “(i) IN GENERAL.—Except as provided in clause (ii), any excess”; and

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

28 “(ii) CERTAIN APPLICANTS.—In the case of a secured loan or other secured  
29 Federal credit instrument provided after the date of enactment of the Surface  
30 Transportation Reauthorization Act of 2021, if the obligor is a governmental  
31 entity, agency, or instrumentality, the obligor shall not be required to prepay the  
32 secured loan or other secured Federal credit instrument with any excess revenues  
33 described in clause (i) if the obligor enters into an agreement to use those excess  
34 revenues only for purposes authorized under this title or title 49.”.

35 (e) Technical Amendment.—Section 602(e) of title 23, United States Code, is amended by  
36 striking “section 601(a)(1)(A)” and inserting “section 601(a)(3)(A)”.

37 (f) Streamlined Application Process.—Section 603(f) of title 23, United States Code, is  
38 amended by adding at the end the following:

1 “(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

2 “(A) IN GENERAL.—Not later than 120 days after the date of enactment of this  
3 paragraph, the Secretary shall implement an expedited decision timeline for public  
4 agency borrowers seeking secured loans that meet—

5 “(i) the terms under paragraph (2); and

6 “(ii) the additional criteria described in subparagraph (B).

7 “(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph  
8 (A)(ii) are the following:

9 “(i) The secured loan is made on terms and conditions that substantially  
10 conform to the conventional terms and conditions established by the National  
11 Surface Transportation Innovative Finance Bureau.

12 “(ii) The secured loan is rated in the A category or higher.

13 “(iii) The TIFIA program share of eligible project costs is 33 percent or less.

14 “(iv) The applicant demonstrates a reasonable expectation that the contracting  
15 process for the project can commence by not later than 90 days after the date on  
16 which a Federal credit instrument is obligated for the project under the TIFIA  
17 program.

18 “(v) The project has received a categorical exclusion, a finding of no significant  
19 impact, or a record of decision under the National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.).

21 “(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a  
22 secured loan under the expedited decision process under this paragraph a written notice  
23 informing the applicant whether the Secretary has approved or disapproved the  
24 application by not later than 180 days after the date on which the Secretary submits to  
25 the applicant a letter indicating that the National Surface Transportation Innovative  
26 Finance Bureau has commenced the creditworthiness review of the project.”.

27 (g) Funding.—

28 (1) IN GENERAL.—Section 608(a) of title 23, United States Code, is amended—

29 (A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

30 (B) by inserting after paragraph (3) the following:

31 “(4) LIMITATION FOR CERTAIN PROJECTS.—

32 “(A) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—For each fiscal year, the  
33 Secretary may use to carry out projects described in section 601(a)(13)(E) not more  
34 than 15 percent of the amounts made available to carry out the TIFIA program for that  
35 fiscal year.

36 “(B) AIRPORT-RELATED PROJECTS.—The Secretary may use to carry out projects  
37 described in section 601(a)(13)(G)—

38 “(i) for each fiscal year, not more than 15 percent of the amounts made  
39 available to carry out the TIFIA program under the Surface Transportation

1 Reauthorization Act of 2021 for that fiscal year; and

2 “(ii) for the period of fiscal years 2022 through 2026, not more than 15 percent  
3 of the unobligated carryover balances (as of October 1, 2020) made available to  
4 carry out the TIFIA program, less the total amount administratively allocated by  
5 the Secretary as of that date.”; and

6 (C) by striking paragraph (6) (as so redesignated) and inserting the following:

7 “(6) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA  
8 program, the Secretary may use not more than \$10,000,000 for each of fiscal years 2022  
9 through 2026 for the administration of the TIFIA program.”.

10 (2) CONFORMING AMENDMENT.—Section 605(f)(1) of title 23, United States Code, is  
11 amended by striking “section 608(a)(5)” and inserting “section 608(a)(6)”.

12 (h) Status Reports.—Section 609 of title 23, United States Code, is amended by adding at the  
13 end the following:

14 “(c) Status Reports.—

15 “(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

16 “(A) on a monthly basis, a current status report on all submitted letters of interest  
17 and applications received for assistance under the TIFIA program; and

18 “(B) on a quarterly basis, a current status report on all approved applications for  
19 assistance under the TIFIA program.

20 “(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall  
21 include, at a minimum, with respect to each project included in the status report—

22 “(A) the name of the party submitting the letter of interest or application;

23 “(B) the name of the project;

24 “(C) the date on which the letter of interest or application was received;

25 “(D) the estimated project eligible costs;

26 “(E) the type of credit assistance sought; and

27 “(F) the anticipated fiscal year and quarter for closing of the credit assistance.”.

28 (i) State Infrastructure Bank Program.—Section 610 of title 23, United States Code, is  
29 amended—

30 (1) in subsection (d)—

31 (A) in paragraph (1)(A), by striking “fiscal years 2016 through 2020” and inserting  
32 “fiscal years 2022 through 2026”;

33 (B) in paragraph (2), by striking “fiscal years 2016 through 2020” and inserting  
34 “fiscal years 2022 through 2026”; and

35 (C) in paragraph (3), by striking “fiscal years 2016 through 2020” and inserting  
36 “fiscal years 2022 through 2026”; and

37 (2) in subsection (k), by striking “fiscal years 2016 through 2020” and inserting “fiscal

1 years 2022 through 2026”.

2 (j) Report.—Not later than September 30, 2025, the Secretary shall submit to the Committee  
3 on Environment and Public Works of the Senate and the Committee on Transportation and  
4 Infrastructure of the House of Representatives a report on the impact of the amendment relating  
5 to airport-related projects under subsection (a)(4)(C) and subsection (g)(1)(B), including—

6 (1) information on the use of TIFIA program (as defined in section 601(a) of title 23,  
7 United States Code) funds for eligible airport-related projects (as defined in section  
8 40117(a) of title 49, United States Code); and

9 (2) recommendations for modifications to the TIFIA program.

## 10 TITLE III—RESEARCH, TECHNOLOGY, AND 11 EDUCATION

### 12 SEC. 3001. STRATEGIC INNOVATION FOR REVENUE 13 COLLECTION.

14 (a) In General.—The Secretary shall establish a program to test the feasibility of a road usage  
15 fee and other user-based alternative revenue mechanisms (referred to in this section as “user-  
16 based alternative revenue mechanisms”) to help maintain the long-term solvency of the Highway  
17 Trust Fund, through pilot projects at the State, local, and regional level.

18 (b) Grants.—

19 (1) IN GENERAL.—The Secretary shall provide grants to eligible entities to carry out pilot  
20 projects under this section.

21 (2) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall  
22 submit to the Secretary an application at such time, in such manner, and containing such  
23 information as the Secretary may require.

24 (3) OBJECTIVES.—The Secretary shall ensure that, in the aggregate, the pilot projects  
25 carried out using funds provided under this section meet the following objectives:

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

28 (i) differing income groups; and

29 (ii) rural and urban drivers, as applicable.

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

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

34 (D) To test a variety of solutions, including the use of independent and private third-  
35 party vendors, for the collection of data and fees from user-based alternative revenue  
36 mechanisms, including the reliability and security of those solutions and vendors.

37 (E) To test solutions to ensure the privacy and security of data collected for the

1 purpose of implementing a user-based alternative revenue mechanism.

2 (F) To conduct public education and outreach to increase public awareness  
3 regarding the need for user-based alternative revenue mechanisms for surface  
4 transportation programs.

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

7 (H) To ensure, to the greatest extent practicable, the use of innovation.

8 (I) To consider, to the greatest extent practicable, the potential for revenue collection  
9 along a network of alternative fueling stations.

10 (J) To evaluate the impacts of the imposition of a user-based alternative revenue  
11 mechanism on—

12 (i) transportation revenues;

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

15 (iii) freight movement and costs.

16 (K) To evaluate options for the integration of a user-based alternative revenue  
17 mechanism with—

18 (i) nationwide transportation revenue collections and regulations;

19 (ii) toll revenue collection platforms;

20 (iii) transportation network company fees; and

21 (iv) any other relevant transportation revenue mechanisms.

22 (4) ELIGIBLE ENTITY.—An entity eligible to apply for a grant under this section is—

23 (A) a State or a group of States;

24 (B) a local government or a group of local governments; or

25 (C) a metropolitan planning organization (as defined in section 134(b) of title 23,  
26 United States Code) or a group of metropolitan planning organizations.

27 (5) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use  
28 the grant to carry out a pilot project to address 1 or more of the objectives described in  
29 paragraph (3).

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

32 (7) FEDERAL SHARE.—The Federal share of the cost of a pilot project carried out under  
33 this section may not exceed—

34 (A) 80 percent of the total cost of a project carried out by an eligible entity that has  
35 not otherwise received a grant under this section; and

36 (B) 70 percent of the total cost of a project carried out by an eligible entity that has  
37 received at least 1 grant under this section.

1 (c) Limitation on Revenue Collected.—Any revenue collected through a user-based alternative  
2 revenue mechanism established using funds provided under this section shall not be considered a  
3 toll under section 301 of title 23, United States Code.

4 (d) Recommendations and Report.—Not later than 3 years after the date of enactment of this  
5 Act, the Secretary, in coordination with the Secretary of the Treasury and the Federal System  
6 Funding Alternative Advisory Board established under section 3002(g)(1), shall submit to the  
7 Committee on Environment and Public Works of the Senate and the Committee on  
8 Transportation and Infrastructure of the House of Representatives a report that—

9 (1) summarizes the results of the pilot projects under this section and the national pilot  
10 program under section 3002; and

11 (2) provides recommendations, if applicable, to enable potential implementation of a  
12 nationwide user-based alternative revenue mechanism.

13 (e) Funding.—

14 (1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23,  
15 United States Code, for each of fiscal years 2022 through 2026 \$15,000,000 shall be used  
16 for pilot projects under this section.

17 (2) FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there  
18 are not enough grant applications to meet the requirements of this section for that fiscal  
19 year, the Secretary shall transfer to the national pilot program under section 3002 or to the  
20 highway research and development program under section 503(b) of title 23, United States  
21 Code—

22 (A) any funds reserved for a fiscal year under paragraph (1) that the Secretary has  
23 not yet awarded under this section; and

24 (B) an amount of obligation limitation equal to the amount of funds that the  
25 Secretary transfers under subparagraph (A).

26 (f) Repeal.—

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

29 (2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act  
30 (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section  
31 6020.

## 32 SEC. 3002. NATIONAL MOTOR VEHICLE PER-MILE 33 USER FEE PILOT.

34 (a) Definitions.—In this section:

35 (1) ADVISORY BOARD.—The term “advisory board” means the Federal System Funding  
36 Alternative Advisory Board established under subsection (g)(1).

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

39 (3) HIGHWAY TRUST FUND.—The term “Highway Trust Fund” means the Highway Trust

1 Fund established under section 9503 of the Internal Revenue Code of 1986.

2 (4) LIGHT TRUCK.—The term “light truck” has the meaning given the term in section  
3 523.2 of title 49, Code of Federal Regulations (or successor regulations).

4 (5) MEDIUM- AND HEAVY-DUTY TRUCK.—The term “medium- and heavy-duty truck” has  
5 the meaning given the term “commercial medium- and heavy-duty on-highway vehicle” in  
6 section 32901(a) of title 49, United States Code.

7 (6) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” has the meaning  
8 given the term in section 32101 of title 49, United States Code.

9 (7) PER-MILE USER FEE.—The term “per-mile user fee” means a revenue mechanism  
10 that—

11 (A) is applied to road users operating motor vehicles on the surface transportation  
12 system; and

13 (B) is based on the number of vehicle miles traveled by an individual road user.

14 (8) PILOT PROGRAM.—The term “pilot program” means the pilot program established  
15 under subsection (b)(1).

16 (9) VOLUNTEER PARTICIPANT.—The term “volunteer participant” means—

17 (A) an owner or lessee of a private, personal motor vehicle who volunteers to  
18 participate in the pilot program;

19 (B) a commercial vehicle operator who volunteers to participate in the pilot  
20 program; or

21 (C) an owner of a motor vehicle fleet who volunteers to participate in the pilot  
22 program.

23 (b) Establishment.—

24 (1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Treasury, and  
25 consistent with the recommendations of the advisory board, shall establish a pilot program  
26 to demonstrate a national motor vehicle per-mile user fee—

27 (A) to restore and maintain the long-term solvency of the Highway Trust Fund; and

28 (B) to improve and maintain the surface transportation system.

29 (2) OBJECTIVES.—The objectives of the pilot program are—

30 (A) to test the design, acceptance, implementation, and financial sustainability of a  
31 national motor vehicle per-mile user fee;

32 (B) to address the need for additional revenue for surface transportation  
33 infrastructure and a national motor vehicle per-mile user fee; and

34 (C) to provide recommendations relating to the adoption and implementation of a  
35 national motor vehicle per-mile user fee.

36 (c) Parameters.—In carrying out the pilot program, the Secretary, in coordination with the  
37 Secretary of the Treasury, shall—

1 (1) provide different methods that volunteer participants can choose from to track motor  
2 vehicle miles traveled;

3 (2) solicit volunteer participants from all 50 States, the District of Columbia, and the  
4 Commonwealth of Puerto Rico;

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

7 (4) include commercial vehicles and passenger motor vehicles; and

8 (5) use components of and, where appropriate, coordinate with—

9 (A) the States that received a grant under section 6020 of the FAST Act (23 U.S.C.  
10 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of  
11 this Act); and

12 (B) eligible entities that received a grant under section 3001.

13 (d) Methods.—

14 (1) TOOLS.—In selecting the methods described in subsection (c)(1), the Secretary shall  
15 coordinate with entities that voluntarily provide to the Secretary for use under the pilot  
16 program any of the following vehicle-miles-traveled collection tools:

17 (A) Third-party on-board diagnostic (OBD-II) devices.

18 (B) Smart phone applications.

19 (C) Telemetric data collected by automakers.

20 (D) Motor vehicle data obtained by car insurance companies.

21 (E) Data from the States that received a grant under section 6020 of the FAST Act  
22 (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of  
23 enactment of this Act).

24 (F) Motor vehicle data obtained from fueling stations.

25 (G) Any other method that the Secretary considers appropriate.

26 (2) COORDINATION.—

27 (A) SELECTION.—The Secretary shall determine which collection tools under  
28 paragraph (1) are selected for the pilot program.

29 (B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers  
30 appropriate, the Secretary shall enable each volunteer participant to choose 1 of the  
31 selected collection tools under paragraph (1).

32 (e) Motor Vehicle Per-mile User Fees.—For the purposes of the pilot program, the Secretary  
33 of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor  
34 vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between  
35 vehicle types and weight classes to reflect estimated impacts on infrastructure, safety,  
36 congestion, the environment, or other related social impacts.

37 (f) Volunteer Participants.—The Secretary, in coordination with the Secretary of the Treasury,  
38 shall—

1 (1)(A) ensure, to the extent practicable, that the greatest number of volunteer participants  
2 participate in the pilot program; and

3 (B) ensure that such volunteer participants represent geographically diverse regions of the  
4 United States, including from urban and rural areas; and

5 (2) issue policies relating to the protection of volunteer participants, including policies  
6 that—

7 (A) protect the privacy of volunteer participants; and

8 (B) secure the data provided by volunteer participants.

9 (g) Federal System Funding Alternative Advisory Board.—

10 (1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the  
11 Secretary shall establish an advisory board, to be known as the “Federal System Funding  
12 Alternative Advisory Board”, to assist with—

13 (A) providing the Secretary with recommendations related to the structure, scope,  
14 and methodology for developing and implementing the pilot program;

15 (B) carrying out the public awareness campaign under subsection (h); and

16 (C) developing the report under subsection (n).

17 (2) MEMBERSHIP.—The advisory board shall include, at a minimum, the following  
18 representatives and entities, to be appointed by the Secretary:

19 (A) State departments of transportation.

20 (B) Any public or nonprofit entity that led a surface transportation system funding  
21 alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note;  
22 Public Law 114–94) (as in effect on the day before the date of enactment of this Act).

23 (C) Representatives of the trucking industry, including owner-operator independent  
24 drivers.

25 (D) Data security experts with expertise in personal privacy.

26 (E) Academic experts on surface transportation systems.

27 (F) Consumer advocates, including privacy experts.

28 (G) Advocacy groups focused on equity.

29 (H) Owners of motor vehicle fleets.

30 (I) Owners and operators of toll facilities.

31 (J) Tribal groups or representatives.

32 (K) Any other representatives or entities, as determined appropriate by the  
33 Secretary.

34 (3) RECOMMENDATIONS.—Not later than 1 year after the date on which the advisory  
35 board is established under paragraph (1), the advisory board shall provide the Secretary with  
36 the recommendations described in subparagraph (A) of that paragraph, which the Secretary  
37 shall use in implementing the pilot program.

1 (h) Public Awareness Campaign.—

2 (1) IN GENERAL.—The Secretary, with guidance from the advisory board, may carry out a  
3 public awareness campaign to increase public awareness regarding a national motor vehicle  
4 per-mile user fee, including distributing information—

5 (A) related to the pilot program;

6 (B) from the State surface transportation system funding alternatives pilot program  
7 under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in  
8 effect on the day before the date of enactment of this Act); and

9 (C) related to consumer privacy.

10 (2) CONSIDERATIONS.—In carrying out the public awareness campaign under this  
11 subsection, the Secretary shall consider issues unique to each State.

12 (i) Revenue Collection.—The Secretary of the Treasury, in coordination with the Secretary,  
13 shall establish a mechanism to collect motor vehicle per-mile user fees established under  
14 subsection (e) from volunteer participants, which—

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

16 (2) may allow independent and private third-party vendors to collect the motor vehicle  
17 per-mile user fees and forward such fees to the Treasury.

18 (j) Agreement.—The Secretary may enter into an agreement with a volunteer participant  
19 containing such terms and conditions as the Secretary considers necessary for participation in the  
20 pilot program.

21 (k) Limitation.—Any revenue collected through the mechanism established under subsection  
22 (i) shall not be considered a toll under section 301 of title 23, United States Code.

23 (l) Highway Trust Fund.—The Secretary of the Treasury shall ensure that any revenue  
24 collected under subsection (i) is deposited into the Highway Trust Fund.

25 (m) Refund.—Not more than 45 days after the end of each calendar quarter in which a  
26 volunteer participant has participated in the pilot program, the Secretary of the Treasury shall  
27 calculate and issue an equivalent refund to such volunteer participant for applicable Federal  
28 motor fuel taxes under section 4041 and section 4081 of the Internal Revenue Code of 1986.

29 (n) Report to Congress.—Not later than 1 year after the date on which volunteer participants  
30 begin participating in the pilot program, and each year thereafter for the duration of the pilot  
31 program, the Secretary and the Secretary of the Treasury shall submit to the Committee on  
32 Environment and Public Works of the Senate and the Committee on Transportation and  
33 Infrastructure of the House of Representatives a report that includes an analysis of—

34 (1) whether the objectives described in subsection (b)(2) were achieved;

35 (2) how volunteer participant protections in subsection (f)(2) were complied with;

36 (3) whether motor vehicle per-mile user fees can maintain the long-term solvency of the  
37 Highway Trust Fund and improve and maintain the surface transportation system, which  
38 shall include estimates of administrative costs related to collecting such motor vehicle per  
39 mile user fees;

- 1 (4) how the privacy of volunteers was maintained; and  
2 (5) equity impacts of the pilot program, including the impacts of the pilot program on  
3 low-income commuters.

4 (o) Funding.—

5 (1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23,  
6 United States Code, for each of fiscal years 2022 through 2026 \$10,000,000 shall be used to  
7 carry out the pilot program under this section.

8 (2) EXCESS FUNDS.—Any excess funds remaining after carrying out the pilot program  
9 under this section shall be available to make grants for pilot projects under section 3001.

10 **SEC. 3003. PERFORMANCE MANAGEMENT DATA**  
11 **SUPPORT PROGRAM.**

12 Section 6028(c) of the FAST Act (23 U.S.C. 150 note; Public Law 114–94) is amended by  
13 striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”.

14 **SEC. 3004. DATA INTEGRATION PILOT PROGRAM.**

15 (a) Establishment.—The Secretary shall establish a pilot program—

16 (1) to provide research and develop models that integrate, in near-real-time, data from  
17 multiple sources, including geolocated—

18 (A) weather conditions;

19 (B) roadway conditions;

20 (C) incidents, work zones, and other nonrecurring events related to emergency  
21 planning; and

22 (D) information from emergency responders; and

23 (2) to facilitate data integration between the Department, the National Weather Service,  
24 and other sources of data that provide real-time data with respect to roadway conditions  
25 during or as a result of severe weather events, including, at a minimum—

26 (A) winter weather;

27 (B) heavy rainfall; and

28 (C) tropical weather events.

29 (b) Requirements.—In carrying out subsection (a)(1), the Secretary shall—

30 (1) address the safety, resiliency, and vulnerability of the transportation system to  
31 disasters; and

32 (2) develop tools for decisionmakers and other end-users who could use or benefit from  
33 the integrated data described in that subsection to improve public safety and mobility.

34 (c) Treatment.—Except as otherwise provided in this section, the Secretary shall carry out  
35 activities under the pilot program under this section as if—

1 (1) those activities were authorized under chapter 5 of title 23, United States Code; and

2 (2) the funds made available to carry out the pilot program were made available under  
3 that chapter.

4 (d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this  
5 section \$2,500,000 for each of fiscal years 2022 through 2026, to remain available until  
6 expended.

## 7 SEC. 3005. EMERGING TECHNOLOGY RESEARCH PILOT 8 PROGRAM.

9 (a) Establishment.—The Secretary shall establish a pilot program to conduct emerging  
10 technology research in accordance with this section.

11 (b) Activities.—The pilot program under this section shall include—

12 (1) research and development activities relating to leveraging advanced and additive  
13 manufacturing technologies to increase the structural integrity and cost-effectiveness of  
14 surface transportation infrastructure; and

15 (2) research and development activities (including laboratory and test track supported  
16 accelerated pavement testing research regarding the impacts of connected, autonomous, and  
17 platooned vehicles on pavement and infrastructure performance)—

18 (A) to reduce the impact of automated and connected driving systems and advanced  
19 driver-assistance systems on pavement and infrastructure performance; and

20 (B) to improve transportation infrastructure design in anticipation of increased usage  
21 of automated driving systems and advanced driver-assistance systems.

22 (c) Treatment.—Except as otherwise provided in this section, the Secretary shall carry out  
23 activities under the pilot program under this section as if—

24 (1) those activities were authorized under chapter 5 of title 23, United States Code; and

25 (2) the funds made available to carry out the pilot program were made available under  
26 that chapter.

27 (d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this  
28 section \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until  
29 expended.

## 30 SEC. 3006. RESEARCH AND TECHNOLOGY 31 DEVELOPMENT AND DEPLOYMENT.

32 (a) In General.—Section 503 of title 23, United States Code, is amended—

33 (1) in subsection (a)(2), by striking “section 508” and inserting “section 6503 of title 49”;

34 (2) in subsection (b)—

35 (A) in paragraph (1)—

36 (i) in subparagraph (C), by striking “and” at the end;

1 (ii) in subparagraph (D), by striking the period at the end and inserting a  
2 semicolon; and

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

4 “(E) engage with public and private entities to spur advancement of emerging  
5 transformative innovations through accelerated market readiness; and

6 “(F) consult frequently with public and private entities on new transportation  
7 technologies.”;

8 (B) in paragraph (2)(C)—

9 (i) by redesignating clauses (x) through (xv) as clauses (xi) through (xvi),  
10 respectively; and

11 (ii) by inserting after clause (ix) the following:

12 “(x) safety measures to reduce the number of wildlife-vehicle collisions;”;

13 (C) in paragraph (3)—

14 (i) in subparagraph (B)(viii), by inserting “weather” after “extreme”; and

15 (ii) in subparagraph (C)—

16 (I) in clause (xv), by inserting “extreme weather events and” after  
17 “withstand”;

18 (II) in clause (xviii), by striking “and” at the end;

19 (III) in clause (xix), by striking the period at the end and inserting “; and”;  
20 and

21 (IV) by adding at the end the following:

22 “(xx) studies on the deployment and revenue potential of the deployment of  
23 energy and broadband infrastructure in highway rights-of-way, including potential  
24 adverse impacts of the use or nonuse of those rights-of-way.”;

25 (D) in paragraph (6)—

26 (i) in subparagraph (A), by striking “and” at the end;

27 (ii) in subparagraph (B), by striking the period at the end and inserting “; and”;  
28 and

29 (iii) by adding at the end the following:

30 “(C) to support research on non-market-ready technologies in consultation with  
31 public and private entities.”;

32 (E) in paragraph (7)(B)—

33 (i) in the matter preceding clause (i), by inserting “innovations by leading” after  
34 “support”;

35 (ii) in clause (iii), by striking “and” at the end;

36 (iii) in clause (iv), by striking the period at the end and inserting “; and”; and

- 1 (iv) by adding at the end the following:
- 2 “(v) the evaluation of information from accelerated market readiness efforts,  
3 including non-market-ready technologies, in consultation with other offices of the  
4 Federal Highway Administration and key partners.”;
- 5 (F) in paragraph (8)(A), by striking “future highway” and all that follows through  
6 “needs.” and inserting the following: “current conditions and future needs of highways,  
7 bridges, and tunnels of the United States, including—
- 8 “(i) the conditions and performance of the highway network for freight  
9 movement;
- 10 “(ii) intelligent transportation systems;
- 11 “(iii) resilience needs; and
- 12 “(iv) the backlog of current highway, bridge, and tunnel needs.”; and
- 13 (G) by adding at the end the following:
- 14 “(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and  
15 databases that—
- 16 “(A) track the full condition of highway assets, including interchanges, and the  
17 reconstruction history of those assets;
- 18 “(B) can be used to assess transportation options;
- 19 “(C) allow for the monitoring and modeling of network-level traffic flows on  
20 highways; and
- 21 “(D) further Federal and State understanding of the importance of national and  
22 regional connectivity and the need for long-distance and interregional passenger and  
23 freight travel by highway and other surface transportation modes.”; and
- 24 (3) in subsection (c)—
- 25 (A) in paragraph (1)—
- 26 (i) in the matter preceding subparagraph (A), by inserting “use of rights-of-way  
27 permissible under applicable law,” after “structures,”;
- 28 (ii) in subparagraph (D), by striking “and” at the end;
- 29 (iii) in subparagraph (E), by striking the period at the end and inserting “; and”;  
30 and
- 31 (iv) by adding at the end the following:
- 32 “(F) disseminating and evaluating information from accelerated market readiness  
33 efforts, including non-market-ready technologies, to public and private entities.”;
- 34 (B) in paragraph (2)—
- 35 (i) in subparagraph (B)(iii), by striking “improved tools and methods to  
36 accelerate the adoption” and inserting “and deploy improved tools and methods to  
37 accelerate the adoption of early-stage and proven innovative practices and

1 technologies and, as the Secretary determines to be appropriate, support continued  
2 implementation”; and

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

4 “(D) REPORT.—Not later than 2 years after the date of enactment of this  
5 subparagraph and every 2 years thereafter, the Secretary shall submit to the Committee  
6 on Environment and Public Works of the Senate and the Committee on Transportation  
7 and Infrastructure of the House of Representatives and make publicly available on an  
8 internet website a report that describes—

9 “(i) the activities the Secretary has undertaken to carry out the program  
10 established under paragraph (1); and

11 “(ii) how and to what extent the Secretary has worked to disseminate non-  
12 market-ready technologies to public and private entities.”;

13 (C) in paragraph (3)—

14 (i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E),  
15 respectively;

16 (ii) by inserting after subparagraph (B) the following:

17 “(C) HIGH-FRICTION SURFACE TREATMENT APPLICATION STUDY.—

18 “(i) DEFINITION OF INSTITUTION.—In this subparagraph, the term ‘institution’  
19 means a private sector entity, public agency, research university or other research  
20 institution, or organization representing transportation and technology leaders or  
21 other transportation stakeholders that, as determined by the Secretary, is capable  
22 of working with State highway agencies, the Federal Highway Administration,  
23 and the highway construction industry to develop and evaluate new products,  
24 design technologies, and construction methods that quickly lead to pavement  
25 improvements.

26 “(ii) STUDY.—The Secretary shall seek to enter into an agreement with an  
27 institution to carry out a study on the use of natural and synthetic calcined bauxite  
28 as a high-friction surface treatment application on pavement.

29 “(iii) REPORT.—Not later than 18 months after the date of enactment of the  
30 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit a  
31 report on the results of the study under clause (ii) to—

32 “(I) the Committee on Environment and Public Works of the Senate;

33 “(II) the Committee on Transportation and Infrastructure of the House of  
34 Representatives;

35 “(III) the Federal Highway Administration; and

36 “(IV) the American Association of State Highway and Transportation  
37 Officials.”;

38 (iii) in subparagraph (D) (as so redesignated), by striking “fiscal years 2016  
39 through 2020” and inserting “fiscal years 2022 through 2026”; and

1 (iv) in subparagraph (E) (as so redesignated)—

2 (I) in clause (i), by striking “annually” and inserting “once every 3 years”;  
3 and

4 (II) in clause (ii)—

5 (aa) in subclause (III), by striking “and” at the end;

6 (bb) in subclause (IV), by striking the period at the end and inserting  
7 a semicolon; and

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

9 “(V) pavement monitoring and data collection practices;

10 “(VI) pavement durability and resilience;

11 “(VII) stormwater management;

12 “(VIII) impacts on vehicle efficiency;

13 “(IX) the energy efficiency of the production of paving materials and the  
14 ability of paving materials to enhance the environment and promote  
15 sustainability; and

16 “(X) integration of renewable energy in pavement designs.”; and

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

18 “(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL  
19 CONSTRUCTION MANAGEMENT SYSTEMS.—

20 “(A) IN GENERAL.—The Secretary shall establish and implement a program under  
21 the technology and innovation deployment program established under paragraph (1) to  
22 promote, implement, deploy, demonstrate, showcase, support, and document the  
23 application of advanced digital construction management systems, practices,  
24 performance, and benefits.

25 “(B) GOALS.—The goals of the accelerated implementation and deployment of  
26 advanced digital construction management systems program established under  
27 subparagraph (A) shall include—

28 “(i) accelerated State adoption of advanced digital construction management  
29 systems applied throughout the construction lifecycle (including through the  
30 design and engineering, construction, and operations phases) that—

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

33 “(II) boost productivity;

34 “(III) manage complexity;

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

36 “(V) enhance safety and quality;

37 “(ii) more timely and productive information-sharing among stakeholders

1 through reduced reliance on paper to manage construction processes and  
2 deliverables such as blueprints, design drawings, procurement and supply-chain  
3 orders, equipment logs, daily progress reports, and punch lists;

4 “(iii) deployment of digital management systems that enable and leverage the  
5 use of digital technologies on construction sites by contractors, such as state-of-  
6 the-art automated and connected machinery and optimized routing software that  
7 allows construction workers to perform tasks faster, safer, more accurately, and  
8 with minimal supervision;

9 “(iv) the development and deployment of best practices for use in digital  
10 construction management;

11 “(v) increased technology adoption and deployment by States and units of local  
12 government that enables project sponsors—

13 “(I) to integrate the adoption of digital management systems and  
14 technologies in contracts; and

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

17 “(vi) technology training and workforce development to build the capabilities  
18 of project managers and sponsors that enables States and units of local  
19 government—

20 “(I) to better manage projects using advanced construction management  
21 technologies; and

22 “(II) to properly measure and reward technology adoption across projects  
23 of the State or unit of local government;

24 “(vii) development of guidance to assist States in updating regulations of the  
25 State to allow project sponsors and contractors—

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

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

29 “(viii) reduction in the environmental footprint of construction projects using  
30 advanced digital construction management systems resulting from elimination of  
31 congestion through more efficient projects; and

32 “(ix) enhanced worker and pedestrian safety resulting from increased  
33 transparency.

34 “(C) FUNDING.—For each of fiscal years 2022 through 2026, the Secretary shall  
35 obligate from funds made available to carry out this subsection \$20,000,000 to  
36 accelerate the deployment and implementation of advanced digital construction  
37 management systems.

38 “(D) PUBLICATION.—

39 “(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue  
40 and make available to the public on a website a report on—

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

3 “(II) the costs and benefits of the deployment of new technology and  
4 innovations that substantially and directly resulted from the program  
5 established under this paragraph.

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

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

8 “(II) project delivery time improvements;

9 “(III) congestion impacts; and

10 “(IV) safety improvements for roadway users and construction workers.”.

11 (b) Advanced Transportation Technologies and Innovative Mobility Deployment.—Section  
12 503(c)(4) of title 23, United States Code, is amended—

13 (1) in the heading, by inserting “AND INNOVATIVE MOBILITY” before “DEPLOYMENT”;

14 (2) by striking subparagraph (A) and inserting the following:

15 “(A) IN GENERAL.—The Secretary shall provide grants to eligible entities to deploy,  
16 install, and operate advanced transportation technologies to improve safety, mobility,  
17 efficiency, system performance, intermodal connectivity, and infrastructure return on  
18 investment.”;

19 (3) in subparagraph (B)—

20 (A) in clause (i), by striking “the enhanced use” and inserting “optimization”;

21 (B) in clause (v)—

22 (i) by striking “transit,” and inserting “work zone, weather, transit,  
23 paratransit,”; and

24 (ii) by striking “and accessible transportation” and inserting “, accessible, and  
25 integrated transportation and transportation services”;

26 (C) by redesignating clauses (vi) through (viii) as clauses (vii), (viii), and (x),  
27 respectively;

28 (D) by inserting after clause (v) the following:

29 “(vi) facilitate account-based payments for transportation access and services  
30 and integrate payment systems across modes;”;

31 (E) in clause (viii) (as so redesignated), by striking “or” at the end; and

32 (F) by inserting after clause (viii) (as so redesignated) the following:

33 “(ix) incentivize travelers—

34 “(I) to share trips during periods in which travel demand exceeds system  
35 capacity; or

36 “(II) to shift trips to periods in which travel demand does not exceed

1 system capacity; or”;

2 (4) in subparagraph (C)—

3 (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and  
4 inserting “Each fiscal year for which funding is made available for activities under this  
5 paragraph”; and

6 (B) in clause (ii)—

7 (i) in subclause (I), by inserting “mobility,” after “safety,”; and

8 (ii) in subclause (II)—

9 (I) in item (bb), by striking “and” at the end;

10 (II) in item (cc), by striking the period at the end and inserting “; and”; and

11 (III) by adding at the end the following:

12 “(dd) facilitating payment for transportation services.”;

13 (5) in subparagraph (D)—

14 (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and  
15 inserting “Each fiscal year for which funding is made available for activities under this  
16 paragraph”; and

17 (B) in clause (ii)—

18 (i) by striking “In awarding” and inserting the following:

19 “(I) IN GENERAL.—Subject to subclause (II), in awarding”; and

20 (ii) by adding at the end the following:

21 “(II) RURAL SET-ASIDE.—Not less than 20 percent of the amounts made  
22 available to carry out this paragraph shall be reserved for projects serving  
23 rural areas.”;

24 (6) in subparagraph (E)—

25 (A) by redesignating clauses (iii) through (ix) as clauses (iv), (v), (vi), (vii), (viii),  
26 (xi), and (xiv), respectively;

27 (B) by inserting after clause (ii) the following:

28 “(iii) advanced transportation technologies to improve emergency evacuation  
29 and response by Federal, State, and local authorities.”;

30 (C) by inserting after clause (viii) (as so redesignated) the following:

31 “(ix) integrated corridor management systems;

32 “(x) advanced parking reservation or variable pricing systems.”;

33 (D) in clause (xi) (as so redesignated)—

34 (i) by inserting “, toll collection,” after “pricing”; and

35 (ii) by striking “or” at the end;

- 1 (E) by inserting after clause (xi) (as so redesignated) the following:  
2 “(xii) technology that enhances high occupancy vehicle toll lanes, cordon  
3 pricing, or congestion pricing;  
4 “(xiii) integration of transportation service payment systems; or”; and  
5 (F) in clause (xiv) (as so redesignated)—  
6 (i) by striking “and access” and inserting “, access, and on-demand  
7 transportation service”; and  
8 (ii) by inserting “and other shared-use mobility applications” after  
9 “ridesharing”;
- 10 (7) in subparagraph (F)(ii)(IV), by striking “efficiency and multimodal system  
11 performance” and inserting “mobility, efficiency, multimodal system performance, and  
12 payment system performance”;
- 13 (8) in subparagraph (G)—  
14 (A) by redesignating clauses (vi) through (viii) as clauses (vii) through (ix),  
15 respectively; and  
16 (B) by inserting after clause (v) the following:  
17 “(vi) improved integration of payment systems;”;
- 18 (9) in subparagraph (I)(i), by striking “fiscal years 2016 through 2020” and inserting  
19 “fiscal years 2022 through 2026”; and  
20 (10) in subparagraph (N)—  
21 (A) in clause (i), by striking “representing a population of over 200,000”; and  
22 (B) in clause (iii), in the matter preceding subclause (I), by striking “a any” and  
23 inserting “any”.
- 24 (c) Center of Excellence on New Mobility and Automated Vehicles.—Section 503(c) of title  
25 23, United States Code (as amended by subsection (a)(3)(D)), is amended by adding at the end  
26 the following:  
27 “(6) CENTER OF EXCELLENCE.—  
28 “(A) DEFINITIONS.—In this paragraph:  
29 “(i) AUTOMATED VEHICLE.—The term ‘automated vehicle’ means a motor  
30 vehicle that—  
31 “(I) has a taxable gross weight (as defined in section 41.4482(b)–1 of title  
32 26, Code of Federal Regulations (or successor regulations)) of 10,000  
33 pounds or less; and  
34 “(II) is capable of performing the entire task of driving (including steering,  
35 accelerating and decelerating, and reacting to external stimulus) without  
36 human intervention.  
37 “(ii) NEW MOBILITY.—The term ‘new mobility’ includes shared services such

1 as—

2 “(I) docked and dockless bicycles;

3 “(II) docked and dockless electric scooters; and

4 “(III) transportation network companies.

5 “(B) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the  
6 Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a  
7 Center of Excellence to collect, conduct, and fund research on the impacts of new  
8 mobility and automated vehicles on land use, urban design, transportation, real estate,  
9 equity, and municipal budgets.

10 “(C) PARTNERSHIPS.—In establishing the Center of Excellence under subparagraph  
11 (B), the Secretary shall enter into appropriate partnerships with any institution of  
12 higher education (as defined in section 101 of the Higher Education Act of 1965 (20  
13 U.S.C. 1001)) or public or private research entity.”.

14 (d) Accelerated Implementation and Deployment of Advanced Digital Construction  
15 Management Systems.—Not later than 1 year after the date of enactment of this Act, the  
16 Secretary shall submit to the Committee on Environment and Public Works of the Senate and the  
17 Committee on Transportation and Infrastructure of the House of Representatives a report that  
18 includes—

19 (1) a description of—

20 (A) the current status of the use of advanced digital construction management  
21 systems in each State; and

22 (B) the progress of each State toward accelerating the adoption of advanced digital  
23 construction management systems; and

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

26 (e) Open Challenge and Research Proposal Pilot Program.—

27 (1) IN GENERAL.—The Secretary shall establish an open challenge and research proposal  
28 pilot program under which eligible entities may propose open highway challenges and  
29 research proposals that are linked to identified or potential research needs.

30 (2) REQUIREMENTS.—A research proposal submitted to the Secretary by an eligible entity  
31 shall address—

32 (A) a research need identified by the Secretary or the Administrator of the Federal  
33 Highway Administration; or

34 (B) an issue or challenge that the Secretary determines to be important.

35 (3) ELIGIBLE ENTITIES.—An entity eligible to submit a research proposal under the pilot  
36 program under paragraph (1) is—

37 (A) a State;

38 (B) a unit of local government;

1 (C) a university transportation center under section 5505 of title 49, United States  
2 Code;

3 (D) a private nonprofit organization;

4 (E) a private sector organization working in collaboration with an entity described in  
5 subparagraphs (A) through (D); and

6 (F) any other individual or entity that the Secretary determines to be appropriate.

7 (4) PROJECT REVIEW.—The Secretary shall—

8 (A) review each research proposal submitted under the pilot program under  
9 paragraph (1); and

10 (B) provide to the eligible entity a written notice that—

11 (i) if the research proposal is not selected—

12 (I) notifies the eligible entity that the research proposal has not been  
13 selected for funding;

14 (II) provides an explanation as to why the research proposal was not  
15 selected, including if the research proposal does not cover an area of need;  
16 and

17 (III) if applicable, recommend that the research proposal be submitted to  
18 another research program and provide guidance and direction to the eligible  
19 entity and the proposed research program office; and

20 (ii) if the research proposal is selected, notifies the eligible entity that the  
21 research proposal has been selected for funding.

22 (5) FEDERAL SHARE.—

23 (A) IN GENERAL.—The Federal share of the cost of an activity carried out under this  
24 subsection shall not exceed 80 percent.

25 (B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners,  
26 including personnel, travel, facility, and hardware development costs, shall be credited  
27 toward the non-Federal share of the cost of an activity carried out under this  
28 subsection.

29 (f) Conforming Amendment.—Section 167 of title 23, United States Code, is amended—

30 (1) by striking subsection (h); and

31 (2) by redesignating subsections (i) through (l) as subsections (h) through (k),  
32 respectively.

## 33 SEC. 3007. WORKFORCE DEVELOPMENT, TRAINING, 34 AND EDUCATION.

35 (a) Surface Transportation Workforce Development, Training, and Education.—Section  
36 504(e) of title 23, United States Code, is amended—

37 (1) in paragraph (1)—

1 (A) by redesignating subparagraphs (D) through (G) as subparagraphs (E), (F), (H),  
2 and (I), respectively;

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

4 “(D) pre-apprenticeships, apprenticeships, and career opportunities for on-the-job  
5 training;”;

6 (C) in subparagraph (E) (as so redesignated), by striking “or community college”  
7 and inserting “, college, community college, or vocational school”; and

8 (D) by inserting after subparagraph (F) (as so redesignated) the following:

9 “(G) activities associated with workforce training and employment services, such as  
10 targeted outreach and partnerships with industry, economic development organizations,  
11 workforce development boards, and labor organizations;”;

12 (2) in paragraph (2), by striking “paragraph (1)(G)” and inserting “paragraph (1)(I)”; and

13 (3) in paragraph (3)—

14 (A) by striking the period at the end and inserting a semicolon;

15 (B) by striking “including activities” and inserting the following: “including—  
16 “(A) activities”; and

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

18 “(B) activities that address current workforce gaps, such as work on construction  
19 projects, of State and local transportation agencies;

20 “(C) activities to develop a robust surface transportation workforce with new skills  
21 resulting from emerging transportation technologies; and

22 “(D) activities to attract new sources of job-creating investment.”.

23 (b) Transportation Education and Training Development and Deployment Program.—Section  
24 504(f) of title 23, United States Code, is amended—

25 (1) in the subsection heading, by striking “Development” and inserting “and Training  
26 Development and Deployment”;

27 (2) by striking paragraph (1) and inserting the following:

28 “(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to  
29 educational institutions or State departments of transportation, in partnership with industry  
30 and relevant Federal departments and agencies—

31 “(A) to develop, test, and review new curricula and education programs to train  
32 individuals at all levels of the transportation workforce; or

33 “(B) to implement the new curricula and education programs to provide for hands-  
34 on career opportunities to meet current and future needs.”;

35 (3) in paragraph (2)—

36 (A) in the matter preceding subparagraph (A), by striking “shall” and inserting  
37 “may”;

1 (B) in subparagraph (A), by inserting “current or future” after “specific”; and

2 (C) in subparagraph (E)—

3 (i) by striking “in nontraditional departments”;

4 (ii) by inserting “construction,” after “such as”; and

5 (iii) by inserting “or emerging” after “industrial”;

6 (4) by redesignating paragraph (3) as paragraph (4); and

7 (5) by inserting after paragraph (2) the following:

8 “(3) REPORTING.—The Secretary shall establish minimum reporting requirements for  
9 grant recipients under this subsection, which may include, with respect to a program carried  
10 out with a grant under this subsection—

11 “(A) the percentage or number of program participants that are employed during the  
12 second quarter after exiting the program;

13 “(B) the percentage or number of program participants that are employed during the  
14 fourth quarter after exiting the program;

15 “(C) the median earnings of program participants that are employed during the  
16 second quarter after exiting the program;

17 “(D) the percentage or number of program participants that obtain a recognized  
18 postsecondary credential or a secondary school diploma (or a recognized equivalent)  
19 during participation in the program or by not later than 1 year after exiting the  
20 program; and

21 “(E) the percentage or number of program participants that, during a program year—

22 “(i) are in an education or training program that leads to a recognized  
23 postsecondary credential or employment; and

24 “(ii) are achieving measurable skill gains toward such a credential or  
25 employment.”.

26 (c) Use of Funds.—Section 504 of title 23, United States Code, is amended by adding at the  
27 end the following:

28 “(i) Use of Funds.—The Secretary may use funds made available to carry out this section to  
29 carry out activities related to workforce development and technical assistance and training if—

30 “(1) the activities are authorized by another provision of this title; and

31 “(2) the activities are for entities other than employees of the Secretary, such as States,  
32 units of local government, Federal land management agencies, and Tribal governments.”.

### 33 SEC. 3008. WILDLIFE-VEHICLE COLLISION RESEARCH.

34 (a) General Authorities and Requirements Regarding Wildlife and Habitat.—Section 515(h)(2)  
35 of title 23, United States Code, is amended—

36 (1) in subparagraph (K), by striking “and” at the end;

1 (2) by redesignating subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), and (L) as  
2 subparagraphs (E), (F), (G), (H), (I), (K), (L), (M), and (O), respectively;

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

4 “(D) a representative from a State, local, or regional wildlife, land use, or resource  
5 management agency;”;

6 (4) by inserting after subparagraph (I) (as so redesignated) the following:

7 “(J) an academic researcher who is a biological or ecological scientist with expertise  
8 in transportation issues;” and

9 (5) by inserting after subparagraph (M) (as so redesignated) the following:

10 “(N) a representative from a public interest group concerned with the impact of the  
11 transportation system on terrestrial and aquatic species and the habitat of those species;  
12 and”.

13 (b) Animal Detection Systems Research and Development.—Section 516(b)(6) of title 23,  
14 United States Code, is amended by inserting “, including animal detection systems to reduce the  
15 number of wildlife-vehicle collisions” after “systems”.

## 16 SEC. 3009. TRANSPORTATION RESILIENCE AND 17 ADAPTATION CENTERS OF EXCELLENCE.

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

### 20 “520. Transportation Resilience and Adaptation Centers of 21 Excellence

22 “(a) Definition of Center of Excellence.—In this section, the term ‘Center of Excellence’  
23 means a Center of Excellence for Resilience and Adaptation designated under subsection (b).

24 “(b) Designation.—The Secretary shall designate 10 regional Centers of Excellence for  
25 Resilience and Adaptation and 1 national Center of Excellence for Resilience and Adaptation,  
26 which shall serve as a coordinator for the regional Centers, to receive grants to advance research  
27 and development that improves the resilience of regions of the United States to natural disasters  
28 and extreme weather on surface transportation infrastructure and infrastructure dependent on  
29 surface transportation.

30 “(c) Eligibility.—An entity eligible to be designated as a Center of Excellence is—

31 “(1) an institution of higher education (as defined in section 102 of the Higher Education  
32 Act of 1965 (20 U.S.C. 1002)); or

33 “(2) a consortium of nonprofit organizations led by an institution of higher education.

34 “(d) Application.—To be eligible to be designated as a Center of Excellence, an eligible entity  
35 shall submit to the Secretary an application at such time, in such manner, and containing such  
36 information as the Secretary may require, including a proposal that includes a description of the  
37 activities to be carried out with a grant under this section.

1 “(e) Selection.—

2 “(1) REGIONAL CENTERS OF EXCELLENCE.—The Secretary shall designate 1 regional  
3 Center of Excellence in each of the 10 Federal regions that comprise the Standard Federal  
4 Regions established by the Office of Management and Budget in the document entitled  
5 ‘Standard Federal Regions’ and dated April 1974 (circular A–105).

6 “(2) NATIONAL CENTER OF EXCELLENCE.—The Secretary shall designate 1 national  
7 Center of Excellence to coordinate the activities of all 10 regional Centers of Excellence to  
8 minimize duplication and promote coordination and dissemination of research among the  
9 Centers.

10 “(3) CRITERIA.—In selecting eligible entities to designate as a Center of Excellence, the  
11 Secretary shall consider—

12 “(A) the past experience and performance of the eligible entity in carrying out  
13 activities described in subsection (g);

14 “(B) the merits of the proposal of an eligible entity and the extent to which the  
15 proposal would—

16 “(i) advance the state of practice in resilience planning and identify innovative  
17 resilience solutions for transportation assets and systems;

18 “(ii) support activities carried out under the PROTECT program under section  
19 176;

20 “(iii) support and build on work being carried out by another Federal agency  
21 relating to resilience;

22 “(iv) inform transportation decisionmaking at all levels of government;

23 “(v) engage local, regional, Tribal, State, and national stakeholders, including,  
24 if applicable, stakeholders representing transportation, transit, urban, and land use  
25 planning, natural resources, environmental protection, hazard mitigation, and  
26 emergency management; and

27 “(vi) engage community groups and other stakeholders that will be affected by  
28 transportation decisions, including underserved, economically disadvantaged,  
29 rural, and predominantly minority communities; and

30 “(C) the local, regional, Tribal, State, and national impacts of the proposal of the  
31 eligible entity.

32 “(f) Grants.—Subject to the availability of appropriations, the Secretary shall provide to each  
33 Center of Excellence a grant of not less than \$5,000,000 for each of fiscal years 2022 through  
34 2031 to carry out the activities described in subsection (g).

35 “(g) Activities.—In carrying out this section, the Secretary shall ensure that a Center of  
36 Excellence uses the funds from a grant under subsection (f) to promote resilient transportation  
37 infrastructure, including through—

38 “(1) supporting climate vulnerability assessments informed by climate change science,  
39 including national climate assessments produced by the United States Global Change  
40 Research Program under section 106 of the Global Change Research Act of 1990 (15

1 U.S.C. 2936), relevant feasibility analyses of resilient transportation improvements, and  
2 transportation resilience planning;

3 “(2) development of new design, operations, and maintenance standards for  
4 transportation infrastructure that can inform Federal and State decisionmaking;

5 “(3) research and development of new materials and technologies that could be integrated  
6 into existing and new transportation infrastructure;

7 “(4) development, refinement, and piloting of new and emerging resilience improvements  
8 and strategies, including natural infrastructure approaches and relocation;

9 “(5) development of and investment in new approaches for facilitating meaningful  
10 engagement in transportation decisionmaking by local, Tribal, regional, or national  
11 stakeholders and communities;

12 “(6) technical capacity building to facilitate the ability of local, regional, Tribal, State,  
13 and national stakeholders—

14 “(A) to assess the vulnerability of transportation infrastructure assets and systems;

15 “(B) to develop community response strategies;

16 “(C) to meaningfully engage with community stakeholders; and

17 “(D) to develop strategies and improvements for enhancing transportation  
18 infrastructure resilience under current conditions and a range of potential future  
19 conditions;

20 “(7) workforce development and training;

21 “(8) development and dissemination of data, tools, techniques, assessments, and  
22 information that informs Federal, State, Tribal, and local government decisionmaking,  
23 policies, planning, and investments;

24 “(9) education and outreach regarding transportation infrastructure resilience; and

25 “(10) technology transfer and commercialization.

26 “(h) Federal Share.—The Federal share of the cost of an activity under this section, including  
27 the costs of establishing and operating a Center of Excellence, shall be 50 percent.”.

28 (b) Clerical Amendment.—The analysis for chapter 5 of title 23, United States Code, is  
29 amended by adding at the end the following:

30 “520. Transportation Resilience and Adaptation Centers of Excellence.”.

## 31 SEC. 3010. TRANSPORTATION ACCESS PILOT 32 PROGRAM.

33 (a) Definitions.—In this section:

34 (1) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning  
35 organization” has the meaning given the term in section 134(b) of title 23, United States  
36 Code.

37 (2) STATE.—The term “State” has the meaning given the term in section 101(a) of title

1 23, United States Code.

2 (3) SURFACE TRANSPORTATION MODES.—The term “surface transportation modes”  
3 means—

4 (A) driving;

5 (B) public transportation;

6 (C) walking;

7 (D) cycling; and

8 (E) a combination of any of the modes of transportation described in subparagraphs  
9 (A) through (D).

10 (4) PILOT PROGRAM.—The term “pilot program” means the transportation pilot program  
11 established under subsection (b).

12 (5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term “regional  
13 transportation planning organization” has the meaning given the term in section 134(b) of  
14 title 23, United States Code.

15 (b) Establishment.—Not later than 1 year after the date of enactment of this Act, the Secretary  
16 shall establish a transportation pilot program.

17 (c) Purpose.—The purpose of the pilot program is to develop or procure an accessibility data  
18 set and make that data set available to each eligible entity selected to participate in the pilot  
19 program—

20 (1) to improve the transportation planning of those eligible entities by—

21 (A) measuring the level of access by surface transportation modes to important  
22 destinations, which may include—

23 (i) jobs;

24 (ii) health care facilities;

25 (iii) child care services;

26 (iv) educational and workforce training facilities;

27 (v) housing;

28 (vi) food sources;

29 (vii) points within the supply chain for freight commodities;

30 (viii) domestic or international markets; and

31 (ix) connections between surface transportation modes; and

32 (B) disaggregating the level of access by surface transportation modes by a variety  
33 of—

34 (i) population categories, which may include—

35 (I) low-income populations;

36 (II) minority populations;

- 1 (III) age;
- 2 (IV) disability; and
- 3 (V) geographical location; or
- 4 (ii) freight commodities, which may include—
- 5 (I) agricultural commodities;
- 6 (II) raw materials;
- 7 (III) finished products; and
- 8 (IV) energy commodities; and

9 (2) to assess the change in accessibility that would result from new transportation  
10 investments.

11 (d) Eligible Entities.—An entity eligible to participate in the pilot program is—

- 12 (1) a State;
- 13 (2) a metropolitan planning organization; or
- 14 (3) a regional transportation planning organization.

15 (e) Application.—To be eligible to participate in the pilot program, an eligible entity shall  
16 submit to the Secretary an application at such time, in such manner, and containing such  
17 information as the Secretary may require, including information relating to—

- 18 (1) previous experience of the eligible entity measuring transportation access or other  
19 performance management experience, if applicable;
- 20 (2) the types of important destinations to which the eligible entity intends to measure  
21 access;
- 22 (3) the types of data disaggregation the eligible entity intends to pursue;
- 23 (4) a general description of the methodology the eligible entity intends to apply; and
- 24 (5) if the applicant does not intend the pilot program to apply to the full area under the  
25 jurisdiction of the applicant, a description of the geographic area in which the applicant  
26 intends the pilot program to apply.

27 (f) Selection.—

28 (1) IN GENERAL.—The Secretary shall seek to achieve diversity of participants in the pilot  
29 program by selecting a range of eligible entities that shall include—

- 30 (A) States;
- 31 (B) metropolitan planning organizations that serve an area with a population of  
32 200,000 people or fewer;
- 33 (C) metropolitan planning organizations that serve an area with a population of over  
34 200,000 people; and
- 35 (D) regional transportation planning organizations.

36 (2) INCLUSIONS.—The Secretary shall seek to ensure that, among the eligible entities

1 selected under paragraph (1), there is—

2 (A) a range of capacity and previous experience with measuring transportation  
3 access; and

4 (B) a variety of proposed methodologies and focus areas for measuring level of  
5 access.

6 (g) Duties.—For each eligible entity participating in the pilot program, the Secretary shall—

7 (1) develop or acquire an accessibility data set described in subsection (c); and

8 (2) submit the data set to the eligible entity.

9 (h) Methodology.—In calculating the measures for the data set under the pilot program, the  
10 Secretary shall ensure that methodology is open source.

11 (i) Availability.—The Secretary shall make an accessibility data set under the pilot program  
12 available to—

13 (1) units of local government within the jurisdiction of the eligible entity participating in  
14 the pilot program; and

15 (2) researchers.

16 (j) Report.—Not later than 2 years after the date of enactment of this Act, and every 2 years  
17 thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the  
18 Senate and the Committee on Transportation and Infrastructure of the House of Representatives  
19 a report on the results of the pilot program, including the feasibility of developing and providing  
20 periodic accessibility data sets for all States, regions, and localities.

21 (k) Transportation System Access.—

22 (1) IN GENERAL.—The Secretary shall establish consistent measures that States,  
23 metropolitan planning organizations, and regional transportation planning organizations  
24 may choose to adopt to assess the level of safe and convenient access by surface  
25 transportation modes to important destinations as described in subsection (c)(1)(A).

26 (2) SAVINGS PROVISION.—Nothing in this section provides the Secretary the authority—

27 (A) to establish a performance measure or require States or metropolitan planning  
28 organizations to set a performance target for access as described in paragraph (1); or

29 (B) to establish any other Federal requirement.

30 (l) Funding.—The Secretary shall carry out the pilot program using amounts made available to  
31 the Secretary for administrative expenses to carry out programs under the authority of the  
32 Secretary.

33 (m) Sunset.—The pilot program shall terminate on the date that is 8 years after the date on  
34 which the pilot program is implemented.

## 35 TITLE IV—INDIAN AFFAIRS

### 36 SEC. 4001. DEFINITION OF SECRETARY.

37 In this title, the term “Secretary” means the Secretary of the Interior.

## SEC. 4002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIBAL TRANSPORTATION FACILITIES.

### (a) Definition of Tribal Transportation Safety Project.—

(1) IN GENERAL.—In this section, the term “tribal transportation safety project” means a project described in paragraph (2) that is eligible for funding under section 202 of title 23, United States Code.

(2) PROJECT DESCRIBED.—A project described in this paragraph is a project that corrects or improves a hazardous road location or feature or addresses a highway safety problem through 1 or more of the activities described in any of the clauses under section 148(a)(4)(B) of title 23, United States Code.

### (b) Reviews of Tribal Transportation Safety Projects.—

(1) IN GENERAL.—The Secretary or the Secretary of Transportation, as applicable, or the head of another Federal agency responsible for a decision related to a tribal transportation safety project shall complete any approval or decision for the review of the tribal transportation safety project required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable Federal law on an expeditious basis using the shortest existing applicable process.

(2) REVIEW OF APPLICATIONS.—Not later than 45 days after the date of receipt of a complete application by an Indian tribe for approval of a tribal transportation safety project, the Secretary or the Secretary of Transportation, as applicable, shall—

(A) take final action on the application; or

(B) provide the Indian tribe a schedule for completion of the review described in paragraph (1), including the identification of any other Federal agency that has jurisdiction with respect to the project.

(3) DECISIONS UNDER OTHER FEDERAL LAWS.—In any case in which a decision under any other Federal law relating to a tribal transportation safety project (including the issuance or denial of a permit or license) is required, not later than 45 days after the Secretary or the Secretary of Transportation, as applicable, has made all decisions of the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project, the head of the Federal agency responsible for the decision shall—

(A) make the applicable decision; or

(B) provide the Indian tribe a schedule for making the decision.

(4) EXTENSIONS.—The Secretary or the Secretary of Transportation, as applicable, or the head of the Federal agency may extend the period under paragraph (2) or (3), as applicable, by an additional 30 days by providing the Indian tribe notice of the extension, including a statement of the need for the extension.

(5) NOTIFICATION AND EXPLANATION.—In any case in which a required action is not completed by the deadline under paragraph (2), (3), or (4), as applicable, the Secretary, the Secretary of Transportation, or the head of a Federal agency, as applicable, shall—

1 (A) notify the Committees on Indian Affairs and Environment and Public Works of  
2 the Senate and the Committee on Natural Resources of the House of Representatives of  
3 the failure to comply with the deadline; and

4 (B) provide to the Committees described in subparagraph (A) a detailed explanation  
5 of the reasons for the failure to comply with the deadline.

## 6 SEC. 4003. PROGRAMMATIC AGREEMENTS FOR 7 TRIBAL CATEGORICAL EXCLUSIONS.

8 (a) In General.—The Secretary and the Secretary of Transportation shall enter into  
9 programmatic agreements with Indian tribes that establish efficient administrative procedures for  
10 carrying out environmental reviews for projects eligible for assistance under section 202 of title  
11 23, United States Code.

12 (b) Inclusions.—A programmatic agreement under subsection (a)—

13 (1) may include an agreement that allows an Indian tribe to determine, on behalf of the  
14 Secretary and the Secretary of Transportation, whether a project is categorically excluded  
15 from the preparation of an environmental assessment or environmental impact statement  
16 under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

17 (2) shall—

18 (A) require that the Indian tribe maintain adequate capability in terms of personnel  
19 and other resources to carry out applicable agency responsibilities pursuant to section  
20 1507.2 of title 40, Code of Federal Regulations (or successor regulations);

21 (B) set forth the responsibilities of the Indian tribe for making categorical exclusion  
22 determinations, documenting the determinations, and achieving acceptable quality  
23 control and quality assurance;

24 (C) allow—

25 (i) the Secretary and the Secretary of Transportation to monitor compliance of  
26 the Indian tribe with the terms of the agreement; and

27 (ii) the Indian tribe to execute any needed corrective action;

28 (D) contain stipulations for amendments, termination, and public availability of the  
29 agreement once the agreement has been executed; and

30 (E) have a term of not more than 5 years, with an option for renewal based on a  
31 review by the Secretary and the Secretary of Transportation of the performance of the  
32 Indian tribe.

## 33 SEC. 4004. USE OF CERTAIN TRIBAL TRANSPORTATION 34 FUNDS.

35 Section 202(d) of title 23, United States Code, is amended by striking paragraph (2) and  
36 inserting the following:

37 “(2) USE OF FUNDS.—Funds made available to carry out this subsection shall be used—

1 “(A) to carry out any planning, design, engineering, preconstruction, construction,  
2 and inspection of new or replacement tribal transportation facility bridges;

3 “(B) to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium  
4 acetate, sodium acetate/formate, or other environmentally acceptable, minimally  
5 corrosive anti-icing and deicing composition; or

6 “(C) to implement any countermeasure for tribal transportation facility bridges  
7 classified as in poor condition, having a low load capacity, or needing geometric  
8 improvements, including multiple-pipe culverts.”.

## 9 SEC. 4005. BUREAU OF INDIAN AFFAIRS ROAD 10 MAINTENANCE PROGRAM.

11 There are authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry  
12 out the road maintenance program of the Bureau—

- 13 (1) \$50,000,000 for fiscal year 2022;
- 14 (2) \$52,000,000 for fiscal year 2023;
- 15 (3) \$54,000,000 for fiscal year 2024;
- 16 (4) \$56,000,000 for fiscal year 2025; and
- 17 (5) \$58,000,000 for fiscal year 2026.

## 18 SEC. 4006. STUDY OF ROAD MAINTENANCE ON INDIAN 19 LAND.

20 (a) Definitions.—In this section:

21 (1) INDIAN LAND.—The term “Indian land” has the meaning given the term “Indian  
22 lands” in section 3 of the Native American Business Development, Trade Promotion, and  
23 Tourism Act of 2000 (25 U.S.C. 4302).

24 (2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4  
25 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

26 (3) ROAD.—The term “road” means a road managed in whole or in part by the Bureau of  
27 Indian Affairs.

28 (4) SECRETARY.—The term “Secretary” means the Secretary, acting through the Assistant  
29 Secretary for Indian Affairs.

30 (b) Study.—Not later than 2 years after the date of enactment of this Act, the Secretary, in  
31 consultation with the Secretary of Transportation, shall carry out a study to evaluate—

- 32 (1) the long-term viability and useful life of existing roads on Indian land;
- 33 (2) any steps necessary to achieve the goal of addressing the deferred maintenance  
34 backlog of existing roads on Indian land;
- 35 (3) programmatic reforms and performance enhancements necessary to achieve the goal  
36 of restructuring and streamlining road maintenance programs on existing or future roads

1 located on Indian land; and

2 (4) recommendations on how to implement efforts to coordinate with States, counties,  
3 municipalities, and other units of local government to maintain roads on Indian land.

4 (c) Tribal Consultation and Input.—Before beginning the study under subsection (b), the  
5 Secretary shall—

6 (1) consult with any Indian tribes that have jurisdiction over roads eligible for funding  
7 under the road maintenance program of the Bureau of Indian Affairs; and

8 (2) solicit and consider the input, comments, and recommendations of the Indian tribes  
9 described in paragraph (1).

10 (d) Report.—On completion of the study under subsection (b), the Secretary, in consultation  
11 with the Secretary of Transportation, shall submit to the Committees on Indian Affairs and  
12 Environment and Public Works of the Senate and the Committees on Natural Resources and  
13 Transportation and Infrastructure of the House of Representatives a report on the results and  
14 findings of the study.

15 (e) Status Report.—Not later than 2 years after the date of enactment of this Act, and not less  
16 frequently than every 2 years thereafter, the Secretary, in consultation with the Secretary of  
17 Transportation, shall submit to the Committees on Indian Affairs and Environment and Public  
18 Works of the Senate and the Committees on Natural Resources and Transportation and  
19 Infrastructure of the House of Representatives a report that includes a description of—

20 (1) the progress made toward addressing the deferred maintenance needs of the roads on  
21 Indian land, including a list of projects funded during the fiscal period covered by the  
22 report;

23 (2) the outstanding needs of the roads that have been provided funding to address the  
24 deferred maintenance needs;

25 (3) the remaining needs of any of the projects referred to in paragraph (1);

26 (4) how the goals described in subsection (b) have been met, including—

27 (A) an identification and assessment of any deficiencies or shortfalls in meeting the  
28 goals; and

29 (B) a plan to address the deficiencies or shortfalls in meeting the goals; and

30 (5) any other issues or recommendations provided by an Indian tribe under the  
31 consultation and input process under subsection (c) that the Secretary determines to be  
32 appropriate.

## 33 SEC. 4007. MAINTENANCE OF CERTAIN INDIAN 34 RESERVATION ROADS.

35 The Commissioner of U.S. Customs and Border Protection may transfer funds to the Director  
36 of the Bureau of Indian Affairs to maintain, repair, or reconstruct roads under the jurisdiction of  
37 the Director, subject to the condition that the Commissioner and the Director shall mutually  
38 agree that the primary user of the subject road is U.S. Customs and Border Protection.

## 1 SEC. 4008. TRIBAL TRANSPORTATION SAFETY NEEDS.

2 (a) Definitions.—In this section:

3 (1) ALASKA NATIVE.—The term “Alaska Native” has the meaning given the term  
4 “Native” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

5 (2) ALASKA NATIVE VILLAGE.—The term “Alaska Native village” has the meaning given  
6 the term “Native village” in section 3 of the Alaska Native Claims Settlement Act (43  
7 U.S.C. 1602).

8 (3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4  
9 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

10 (b) Best Practices, Standardized Crash Report Form.—

11 (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the  
12 Secretary of Transportation, in consultation with the Secretary, Indian tribes, Alaska Native  
13 villages, and State departments of transportation shall develop—

14 (A) best practices for the compiling, analysis, and sharing of motor vehicle crash  
15 data for crashes occurring on Indian reservations and in Alaska Native communities;  
16 and

17 (B) a standardized form for use by Indian tribes and Alaska Native communities to  
18 carry out those best practices.

19 (2) PURPOSE.—The purpose of the best practices and standardized form developed under  
20 paragraph (1) shall be to improve the quality and quantity of crash data available to and  
21 used by the Federal Highway Administration, State departments of transportation, Indian  
22 tribes, and Alaska Native villages.

23 (3) REPORT.—On completion of the development of the best practices and standardized  
24 form under paragraph (1), the Secretary of Transportation shall submit to the Committees  
25 on Indian Affairs and Environment and Public Works of the Senate and the Committees on  
26 Natural Resources and Transportation and Infrastructure of the House of Representatives a  
27 report describing the best practices and standardized form.

28 (c) Use of IMARS.—The Director of the Bureau of Indian Affairs shall require all law  
29 enforcement offices of the Bureau, for the purpose of reporting motor vehicle crash data for  
30 crashes occurring on Indian reservations and in Alaska Native communities—

31 (1) to use the crash report form of the applicable State; and

32 (2) to upload the information on that form to the Incident Management Analysis and  
33 Reporting System (IMARS) of the Department of the Interior.

34 (d) Tribal Transportation Program Safety Funding.—Section 202(e)(1) of title 23, United  
35 States Code, is amended by striking “2 percent” and inserting “4 percent”.

## 36 SEC. 4009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

37 Section 102 of title 49, United States Code, is amended—

38 (1) in subsection (e)(1)—

1 (A) in the matter preceding subparagraph (A), by striking “6 Assistant” and inserting  
2 “7 Assistant”;

3 (B) in subparagraph (C), by striking “and” after the semicolon;

4 (C) by redesignating subparagraph (D) as subparagraph (E); and

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

6 “(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed  
7 by the President; and”; and

8 (2) in subsection (f), by striking the subsection designation and heading and all that  
9 follows through the end of paragraph (1) and inserting the following:

10 “(f) Office of Tribal Government Affairs.—

11 “(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal  
12 Government Affairs, under the Assistant Secretary for Tribal Government Affairs—

13 “(A) to oversee the tribal self-governance program under section 207 of title 23;

14 “(B) to plan, coordinate, and implement policies and programs serving Indian Tribes  
15 and Tribal organizations;

16 “(C) to coordinate Tribal transportation programs and activities in all offices and  
17 administrations of the Department; and

18 “(D) to be a participant in any negotiated rulemakings relating to, or having an  
19 impact on, projects, programs, or funding associated with the Tribal transportation  
20 program under section 202 of title 23.”.