

114TH CONGRESS
1ST SESSION

H. R. 2410

To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

Mr. DEFAZIO (for himself, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. CAPUANO, Mrs. NAPOLITANO, Mr. COHEN, Mr. SIRES, Ms. EDWARDS, Mr. GARAMENDI, Mr. CARSON of Indiana, Mr. NOLAN, Mrs. KIRKPATRICK, Ms. TITUS, Ms. ESTY, Ms. FRANKEL of Florida, and Ms. BROWNLEY of California) (all by request) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, Science, Space, and Technology, Natural Resources, Oversight and Government Reform, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Generating Renewal, Opportunity, and Work with Accel-
 4 erated Mobility, Efficiency, and Rebuilding of Infrastruc-
 5 ture and Communities throughout America Act” or the
 6 “GROW AMERICA Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Effective date.

TITLE I—TRANSPORTATION INFRASTRUCTURE INITIATIVES

Subtitle A—Increasing Efficiency in Project Delivery

- Sec. 1001. Improving State and Federal agency engagement in environmental reviews.
- Sec. 1002. Environmental review alignment and reform.
- Sec. 1003. Improving collaboration for accelerated decisionmaking.
- Sec. 1004. Unreasonable obstruction of navigation determination.
- Sec. 1005. Satisfaction of requirements for certain historic sites.
- Sec. 1006. Rail and transit exemption from consideration under section 4(f).
- Sec. 1007. Multimodal categorical exclusions.
- Sec. 1008. Improving transparency in environmental reviews.
- Sec. 1009. Infrastructure Permitting Improvement Center.
- Sec. 1010. Clarification of transportation environmental authorities.
- Sec. 1011. Advance acquisition.
- Sec. 1012. Bridge exemption from consideration under section 4(f).

Subtitle B—Freight Policy and Financing

- Sec. 1101. Multimodal Freight Investment Program.
- Sec. 1102. Redesignation of the National Network.

Subtitle C—Planning

- Sec. 1201. Transportation system resilience assessment.
- Sec. 1202. Consolidated and high performing metropolitan planning organizations.
- Sec. 1203. Participation of public port authorities.
- Sec. 1204. Strengthening the statewide and nonmetropolitan planning process.
- Sec. 1205. Removal of the congestion management process.
- Sec. 1206. Public involvement in plan development.
- Sec. 1207. Connection to opportunities national goal and potential performance measure.
- Sec. 1208. Workforce development.
- Sec. 1209. Measuring transportation connectivity pilot activities.

- Sec. 1210. Performance-based project selection.
- Sec. 1211. Stormwater planning.

Subtitle D—Congestion Mitigation and Air Quality Improvement

- Sec. 1301. Eligible projects.
- Sec. 1302. Special rules.
- Sec. 1303. Priority consideration.
- Sec. 1304. Evaluation and assessment of projects.
- Sec. 1305. Electric vehicle charging stations and commercial motor vehicle anti-idling facilities in rest areas.

Subtitle E—Innovative Finance and Tolling

- Sec. 1401. 21st century infrastructure investments.
- Sec. 1402. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.
- Sec. 1403. Railroad rehabilitation and improvement financing.
- Sec. 1404. State infrastructure bank program.
- Sec. 1405. Toll roads, bridges, tunnels, and ferries.
- Sec. 1406. Tax-exempt financing for qualified surface transportation projects.
- Sec. 1407. Pay for success.
- Sec. 1408. Assistant Secretary for Innovative Finance.

TITLE II—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 2001. Authorization of appropriations.
- Sec. 2002. Obligation limitation.
- Sec. 2003. Apportionment.
- Sec. 2004. Federal lands transportation program.
- Sec. 2005. Emergency relief for federally owned roads.
- Sec. 2006. Tribal High Priority Projects Program and Tribal Transportation Program amendments.
- Sec. 2007. Federal lands access program Federal share.
- Sec. 2008. Nationally significant Federal lands and Tribal projects program.
- Sec. 2009. Federal lands programmatic activities.
- Sec. 2010. Bridges requiring closure or load restrictions.
- Sec. 2011. Broadband infrastructure deployment.
- Sec. 2012. Critical Immediate Investments Program.
- Sec. 2013. Appalachian Development Highway System.
- Sec. 2014. Highway safety data improvement.

Subtitle B—Performance Management

- Sec. 2101. Performance management data support program.
- Sec. 2102. Performance period adjustment.
- Sec. 2103. Multimodal accommodations.

Subtitle C—Improved Federal Stewardship

- Sec. 2201. Project approval and oversight.

Subtitle D—Other

- Sec. 2301. Letting of contracts.
- Sec. 2302. Construction of ferry boats and ferry terminal facilities.

- Sec. 2303. Green stormwater infrastructure.
- Sec. 2304. Elimination or modification of certain FHWA reporting requirements.

TITLE III—PUBLIC TRANSPORTATION

- Sec. 3001. Short title; amendments to title 49, United States Code.
- Sec. 3002. Definitions.
- Sec. 3002a. Capital investment grants.
- Sec. 3003. Formula grants for enhanced mobility.
- Sec. 3004. Formula grants for rural areas.
- Sec. 3005. Workforce development programs.
- Sec. 3006. General provisions.
- Sec. 3007. Public transportation local hiring.
- Sec. 3008. Public transportation safety program.
- Sec. 3009. Authorizations.
- Sec. 3010. Bus and bus facilities program.
- Sec. 3011. Rapid Growth Area Transit Program.
- Sec. 3012. Technical corrections.
- Sec. 3013. Technical corrections of title II, division B, of MAP-21.
- Sec. 3014. Elimination of FTA annual research reporting requirement.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Traffic Safety

- Sec. 4001. Authorization of appropriations.
- Sec. 4002. Highway safety programs.
- Sec. 4003. Amendment to section 405 national priority safety programs transfer authority.
- Sec. 4004. Amendment to motorcycle safety grant criteria.
- Sec. 4005. Amendment to graduated driver licensing incentive grant criteria.
- Sec. 4006. Amendment to ignition interlock grant criteria.
- Sec. 4007. Amendment to repeat offender and open container criteria.
- Sec. 4008. Amendment to distracted driving grant criteria.
- Sec. 4009. Streamlining of national priority safety programs.
- Sec. 4010. Amendment to highway research and development.

Subtitle B—Motor Vehicle Safety

- Sec. 4101. Authorization of appropriations.
- Sec. 4102. Recall obligations under bankruptcy.
- Sec. 4103. Prohibition on rendering safety elements inoperative and criminal penalties.
- Sec. 4104. Cooperation with foreign governments.
- Sec. 4105. Functional safety process.
- Sec. 4106. Notification of defect or noncompliance and imminent hazard authority.
- Sec. 4107. Amendment to judicial review provisions.
- Sec. 4108. Inspection authority under automobile fuel economy statute.
- Sec. 4109. Recall authority over rental car companies and used car dealers.
- Sec. 4110. Civil penalties.
- Sec. 4111. Technical corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.
- Sec. 4112. Tire registration by independent sellers.
- Sec. 4113. Extension of time period for remedy of tire defects.
- Sec. 4114. Dealer requirement to check for unremedied recall.

- Sec. 4115. Pilot grant program for state notification to consumers of motor vehicle recall status.

TITLE V—MOTOR CARRIER SAFETY PROGRAM

- Sec. 5001. Amendment of title 49, United States Code.

Subtitle A—Commercial Motor Vehicle Safety

- Sec. 5101. Commercial motor vehicle defined.
 Sec. 5102. Motor carrier operations affecting interstate commerce.
 Sec. 5103. Bus rentals and definition of employer.
 Sec. 5104. High-risk carrier reviews.
 Sec. 5105. New entrant safety audits.
 Sec. 5106. Imminent hazard actions.
 Sec. 5107. International commerce transported on highways through the United States.

Subtitle B—Driver Safety Provisions

- Sec. 5201. Commercial driver's license requirements.
 Sec. 5202. Disqualifications based on non-commercial motor vehicle operations.
 Sec. 5203. Recording of Federal disqualifications on CDLIS.
 Sec. 5204. Failure To pay civil penalty as a disqualifying offense.
 Sec. 5205. Controlled substance violations.

Subtitle C—Medical and Registration Provisions

- Sec. 5301. Effect of driving on commercial motor vehicle operators.
 Sec. 5302. Repeal of commercial jurisdiction exception for brokers of motor carriers of passengers.
 Sec. 5303. Revocation or suspension of registration.
 Sec. 5304. Revocation of registration for failure to respond to subpoena.
 Sec. 5305. Lapse of required financial security; suspension of registration.

Subtitle D—Grants and Authorizations

- Sec. 5401. FMCSA Financial Assistance Programs.

Subtitle E—Miscellaneous

- Sec. 5501. Motor Carrier Safety Advisory Committee.
 Sec. 5502. Unified Carrier Registration Plan.
 Sec. 5503. Self-insurance for motor carriers repealed.
 Sec. 5504. Electronic logging device recall authority.
 Sec. 5505. Repeal of motor carrier financial reporting requirement.
 Sec. 5506. Contractors exercising operational control over motor carrier operations.
 Sec. 5507. Driver compensation.
 Sec. 5508. Civil enforcement authority.
 Sec. 5509. Criminal penalties.
 Sec. 5510. Penalties for violations of out-of-service orders.
 Sec. 5511. Technical corrections.
 Sec. 5512. Audits and compliance investigations of Mexico-domiciled motor carriers.
 Sec. 5513. Administrative adjudication of violations of commercial regulations and statutes.
 Sec. 5514. Access to National Driver Register.

Sec. 5515. Elimination of certain FMCSA reporting requirements.

TITLE VI—HAZARDOUS MATERIAL TRANSPORTATION SAFETY

- Sec. 6001. Amendment of title 49, United States Code.
- Sec. 6002. Emergency operational controls.
- Sec. 6003. Enhanced registration requirements.
- Sec. 6004. User fees for special permits.
- Sec. 6005. National emergency and disaster response.
- Sec. 6006. Enhanced reporting.
- Sec. 6007. Improving publication of special permits.
- Sec. 6008. Hazard abatement authority.
- Sec. 6009. Inspection of non-domestic entities.
- Sec. 6010. Improving the effectiveness of the HMEP grant program.
- Sec. 6011. Civil penalty.
- Sec. 6012. General duty.
- Sec. 6013. Authorization of appropriations.
- Sec. 6014. Elimination of certain PHMSA reporting requirements.

TITLE VII—AMENDMENTS TO THE INTERNAL REVENUE CODE

- Sec. 7001. Amendment of 1986 Code.
- Sec. 7002. Extension of highway-related taxes.
- Sec. 7003. Extension of provisions related to the Sport Fish Restoration and Boating Trust Fund.
- Sec. 7004. Transportation Trust Fund.
- Sec. 7005. Effective date.

TITLE VIII—RESEARCH

Subtitle A—Funding

- Sec. 8001. Authorization of appropriations.

Subtitle B—Research, Technology, and Education

- Sec. 8101. National Cooperative Freight Transportation Research Program.
- Sec. 8102. Competitive University Transportation Centers Consortia Program.
- Sec. 8103. Priority Multimodal Research Program.
- Sec. 8104. Bureau of Transportation Statistics.
- Sec. 8105. ITS goals and purposes.
- Sec. 8106. ITS general authorities and requirements.
- Sec. 8107. ITS national architecture and standards.
- Sec. 8108. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.
- Sec. 8109. Infrastructure development.
- Sec. 8110. Departmental research programs; conforming amendments.
- Sec. 8111. Office of Intermodalism.
- Sec. 8112. Cooperation with Federal and State agencies and foreign countries.
- Sec. 8113. National ITS Program Plan.
- Sec. 8114. Research and development.

TITLE IX—RAIL SAFETY, RELIABILITY, AND EFFICIENCY

- Sec. 9001. Short title; amendment of title 49, United States Code.

Subtitle A—National High-Performance Rail System

- Sec. 9101. Purpose and objectives.
- Sec. 9102. Grant programs.
- Sec. 9103. Amtrak 5-year business planning.
- Sec. 9104. Clarification of grant conditions.
- Sec. 9105. Research and development.
- Sec. 9106. Miscellaneous revisions.

Subtitle B—Policy

- Sec. 9201. Regional rail development authorities.
- Sec. 9202. Northeast Corridor Infrastructure and Operations Advisory Commission.
- Sec. 9203. Standardization of passenger equipment and platforms.
- Sec. 9204. Next generation equipment committee.
- Sec. 9205. Buy America.
- Sec. 9206. Rail passenger transportation liability and mandatory coverage.
- Sec. 9207. Shared-use study.
- Sec. 9208. Disadvantaged business enterprises; disparity and availability study.

Subtitle C—Planning

- Sec. 9301. National and regional rail planning.
- Sec. 9302. State rail plans.

Subtitle D—Safety Improvements

- Sec. 9401. Requirement for uniform operating rules.
- Sec. 9402. Positive train control.
- Sec. 9403. Hours of service reform.
- Sec. 9404. Amendments to the safety appliance law.
- Sec. 9405. Amendments to the locomotive inspection law.
- Sec. 9406. Technical amendment to the provision on protection of railroad safety risk reduction program information.
- Sec. 9407. Noise emission standards.
- Sec. 9408. Technical amendment to chapter 201 general civil penalty provision.
- Sec. 9409. Miscellaneous authorization of appropriations.
- Sec. 9410. Repair and replacement of damaged track inspection equipment.

Subtitle E—Miscellaneous Revisions and Technical Corrections

- Sec. 9501. Authorization of appropriations.
- Sec. 9502. Technical corrections to the Rail Safety Improvement Act of 2008.
- Sec. 9503. Technical correction to introductory text of Public Law 110–432.
- Sec. 9504. Technical corrections to uncodified provisions of division A of Public Law 110–432, the Rail Safety Improvement Act of 2008.
- Sec. 9505. Technical corrections to provisions of the hours of service laws and related civil penalty provision.
- Sec. 9506. Elimination of certain FRA reporting requirements.

TITLE X—MISCELLANEOUS

- Sec. 10001. Consideration of travel and tourism in award of financial assistance.
- Sec. 10002. Electronic reports and report modification.
- Sec. 10003. Amendment of Federal Aid in Sport Fish Restoration Act.
- Sec. 10004. Amendments to chapter 537 of title 46.

Sec. 10005. Government-wide authority for electric charging infrastructure at no cost to the taxpayer.

TITLE XI—BUDGETARY INTERPRETATIONS AND TREATMENTS

Sec. 11001. Amounts in this Act.

Sec. 11002. Treatment for statutory PAYGO and related purposes.

Sec. 11003. Scoring of changes in contract authority in appropriations Acts.

Sec. 11004. Scoring of changes in obligation limits in appropriations Acts.

Sec. 11005. Scoring of transfers between the general fund and the Transportation Trust Fund.

Sec. 11006. Special rule.

Sec. 11007. Revised discretionary spending limits.

1 SEC. 2. DEFINITIONS.

2 In this Act, the following definitions apply:

3 (1) **DEPARTMENT.**—The term “Department”
4 means the Department of Transportation.

5 (2) **SECRETARY.**—The term “Secretary” means
6 the Secretary of Transportation.

7 SEC. 3. EFFECTIVE DATE.

8 Except as otherwise provided, this Act, and the
9 amendments made by this Act, shall take effect on Octo-
10 ber 1, 2015.

11 TITLE I—TRANSPORTATION
12 INFRASTRUCTURE INITIATIVES
13 Subtitle A—Increasing Efficiency
14 in Project Delivery

15 SEC. 1001. IMPROVING STATE AND FEDERAL AGENCY EN-
16 GAGEMENT IN ENVIRONMENTAL REVIEWS.

17 (a) **IN GENERAL.**—Title 49, United States Code, is
18 amended by inserting after section 306 the following:

1 **“§ 307. Improving State and Federal agency engage-**
2 **ment in environmental reviews**

3 “(a) IN GENERAL.—A public entity receiving finan-
4 cial assistance from the Department of Transportation for
5 one or more projects or for a program of projects, may
6 request that the Secretary allow the public entity to pro-
7 vide funds to Federal agencies, including the Department
8 of Transportation, State agencies, and Indian tribes par-
9 ticipating in the environmental planning and review proc-
10 ess for the project, projects, or program. The funds may
11 be provided only to support activities that directly and
12 meaningfully contribute to expediting and improving per-
13 mitting and review processes, including planning, approval
14 and consultation processes for the project, projects, or pro-
15 gram.

16 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
17 ties for which funds may be provided under subsection (a)
18 include transportation planning activities that precede the
19 initiation of the environmental review process, activities
20 directly related to the environmental review process, dedi-
21 cated staffing, training of agency personnel, information
22 gathering and mapping, and development of programmatic
23 agreements.

24 “(c) AMOUNTS.—Requests under subsection (a) may
25 be approved only for the additional amounts that the Sec-
26 retary determines are necessary for the Federal agencies,

1 State agencies, or Indian tribes participating in the envi-
 2 ronmental review process to timely conduct their review.

3 “(d) AGREEMENTS.—Prior to providing funds ap-
 4 proved by the Secretary for dedicated staffing at an af-
 5 fected Federal agency under subsection (a), the affected
 6 Federal agency and the requesting public entity shall enter
 7 into an agreement that establishes a process to identify
 8 projects or priorities to be addressed by the use of the
 9 funds.

10 “(e) EXISTING AUTHORITY.—Nothing in this section
 11 shall be construed as conflicting with the provisions of sec-
 12 tion 139(j) of title 23.”.

13 (b) CONFORMING AMENDMENT.—The analysis of
 14 chapter 3 of title 49, United States Code, is amended by
 15 inserting after the item relating to section 306 the fol-
 16 lowing:

“307. Improving State and Federal agency engagement in environmental re-
 views”.

17 **SEC. 1002. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**
 18 **FORM.**

19 (a) IN GENERAL.—Title 49, United States Code, is
 20 amended by inserting after section 309 the following:

21 **“§ 310. Aligning Federal environmental reviews**

22 “(a) COORDINATED AND CONCURRENT ENVIRON-
 23 MENTAL REVIEWS.—Within one year of the date of enact-
 24 ment of GROW AMERICA Act, the Department of Trans-

1 portation, in coordination with the Steering Committee,
2 shall develop a coordinated and concurrent environmental
3 review and permitting process for transportation projects
4 when initiating an environmental impact statement under
5 the National Environmental Policy Act (42 U.S.C. 4321
6 et seq.) (referred to as ‘NEPA’ in this section). This co-
7 ordinated and concurrent environmental review and per-
8 mitting process shall—

9 “(1) ensure that the Department of Transpor-
10 tation and agencies of jurisdiction possess sufficient
11 information early in the review process to determine
12 a statement of a transportation project’s purpose
13 and need and range of alternatives for analysis that
14 the lead agency and agencies of jurisdiction will rely
15 upon for concurrent environmental reviews and per-
16 mitting decisions required for the proposed project;

17 “(2) achieve early concurrence or issue resolu-
18 tion during the NEPA scoping process on the De-
19 partment of Transportation’s statement of a
20 project’s purpose and need and during development
21 of the environmental impact statement on the range
22 of alternatives for analysis that the lead agency and
23 agencies of jurisdiction will rely upon for concurrent
24 environmental reviews and permitting decisions re-
25 quired for the proposed project absent circumstances

1 that require reconsideration in order to meet an
2 agency of jurisdiction’s obligations under statute or
3 Executive order; and

4 “(3) achieve concurrence or issue resolution in
5 an expedited manner if circumstances arise that re-
6 quire a reconsideration of the purpose and need or
7 range of alternatives considered during any Federal
8 agency’s environmental or permitting review in order
9 to meet an agency of jurisdiction’s obligations under
10 statute or Executive order.

11 “(b) ENVIRONMENTAL CHECKLIST.—The Secretary
12 and Federal Agencies of jurisdiction likely to have sub-
13 stantive review or approval responsibilities on transpor-
14 tation projects shall, within 90 days of the date of enact-
15 ment of GROW AMERICA Act, jointly develop a checklist
16 to help project sponsors identify potential natural, cul-
17 tural, and historic resources in the area of a proposed
18 project. The purpose of the checklist is to—

19 “(1) identify agencies of jurisdiction and co-
20 operating agencies,

21 “(2) develop the information needed for the
22 purpose and need and alternatives for analysis; and

23 “(3) improve interagency collaboration to help
24 expedite the permitting process for the lead agency
25 and agencies of jurisdiction.

1 “(c) INTERAGENCY COLLABORATION.—Consistent
2 with Federal environmental statutes and the priority re-
3 form actions for Federal agency permitting and reviews
4 defined and identified by the Steering Committee de-
5 scribed in section 1009, the Secretary shall facilitate an-
6 nual interagency collaboration sessions at the appropriate
7 jurisdictional level to coordinate business plans and facili-
8 tate coordination of workload planning and workforce
9 management. This engagement shall also ensure agency
10 staff is fully engaged and utilizing the flexibility of existing
11 regulations, policies, and guidance and identifying addi-
12 tional actions to facilitate high quality, efficient, and tar-
13 geted environmental reviews and permitting decisions.
14 These sessions and the interagency collaborations they
15 generate shall also focus on how to work with State and
16 local transportation entities to improve project planning,
17 siting, and application quality and how to consult and co-
18 ordinate with relevant stakeholders and Federal, Tribal,
19 State, and local representatives early in permitting proc-
20 esses.

21 “(d) PERFORMANCE MEASUREMENT.—Within one
22 year of the date of enactment of GROW AMERICA Act,
23 the Department of Transportation, in coordination with
24 the Steering Committee, shall establish a program to

1 measure and report on progress towards aligning Federal
2 reviews as outlined in this section.”.

3 (b) CONFORMING AMENDMENT.—The analysis of
4 subchapter I of chapter 3 of title 49, United States Code,
5 is amended by adding at the end the following:

“310. Aligning Federal environmental reviews”.

6 **SEC. 1003. IMPROVING COLLABORATION FOR ACCELER-**
7 **ATED DECISIONMAKING.**

8 Section 139(h) of title 23, United States Code, is
9 amended—

10 (1) in paragraph (5)(A)(ii)(I), by inserting “,
11 including modifications to the project schedule”
12 after “review process”; and

13 (2) in paragraph (6)(B), by striking clause (ii)
14 and inserting the following:

15 “(ii) DESCRIPTION OF DATE.—The
16 date referred to in clause (i) is one of the
17 following:

18 “(I) The date that is 30 days
19 after the date for rendering a decision
20 as set in the project schedule created
21 pursuant to paragraph (g)(1)(B) of
22 this section.

23 “(II) If no schedule exists, the
24 later of—

1 “(aa) the date that is 180
2 days after the date on which an
3 application for the permit, license
4 or approval is complete; or

5 “(bb) the date that is 180
6 days after the date on which the
7 Federal lead agency issues a de-
8 cision on the project under the
9 National Environmental Policy
10 Act of 1969 (42 U.S.C. 4321 et
11 seq.).

12 “(III) A modified date consistent
13 with subsection (g)(1)(D) of this sec-
14 tion.”.

15 **SEC. 1004. UNREASONABLE OBSTRUCTION OF NAVIGATION**
16 **DETERMINATION.**

17 (a) BRIDGE ACT OF 1906.—Section 4 of the Bridge
18 Act of 1906 (33 U.S.C. 494) is amended—

19 (1) by designating the existing text as sub-
20 section (a); and

21 (2) by inserting at the end the following:

22 “(b) When determining whether a bridge unreason-
23 ably obstructs the free navigation of the waters over which
24 it is constructed, the Secretary shall, for projects that are

1 funded under title 23 or title 49, United States Code, con-
2 sider—

3 “(1) the necessities of rail, aviation, transit,
4 and highway traffic; and

5 “(2) construction, maintenance, and operation
6 costs of the proposed bridge.”.

7 (b) GENERAL BRIDGE ACT OF 1946.—Section 502
8 of the General Bridge Act of 1946 (33 U.S.C. 525) is
9 amended by inserting at the end the following:

10 “(d) UNREASONABLE OBSTRUCTION OF NAVIGATION
11 DETERMINATION.—When determining whether a bridge
12 unreasonably obstructs the free navigation of the waters
13 over which it is constructed, the Secretary shall, for
14 projects that are funded under title 23 or title 49, United
15 States Code, consider—

16 “(1) the necessities of rail, aviation, transit,
17 and highway traffic; and

18 “(2) construction, maintenance, and operation
19 costs of the proposed bridge.”.

20 **SEC. 1005. SATISFACTION OF REQUIREMENTS FOR CER-**
21 **TAIN HISTORIC SITES.**

22 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
23 United States Code, is amended by adding at the end the
24 following:

1 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
2 TAIN HISTORIC SITES.—

3 “(1) IN GENERAL.—The Secretary shall seek to
4 align the requirements of this section with the re-
5 quirements of the National Environmental Policy
6 Act (42 U.S.C. 4231 et seq.) (NEPA), section 106
7 of the National Historic Preservation Act (16 U.S.C.
8 470f) (referred to as section 106 in this section),
9 and their implementing regulations and will coordi-
10 nate with the Department of the Interior and the
11 Advisory Council on Historic Preservation to estab-
12 lish procedures that will satisfy the requirements of
13 both within 90 days of enactment of GROW AMER-
14 ICA Act.

15 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—If,
16 in an analysis required under NEPA the Secretary
17 determines that there is no feasible or prudent alter-
18 native to avoid a use of an historic site, the Sec-
19 retary may include the Secretary’s determination in
20 the NEPA analysis and notify the applicable State
21 historic preservation officer, tribal historic preserva-
22 tion officer, the Advisory Council on Historic Preser-
23 vation (if the Council is participating in the section
24 106 consultation process), and the Secretary of the
25 Interior of such findings and request concurrence

1 that such determination is sufficient to satisfy
2 (a)(1). If the applicable preservation officer, the
3 Council, and the Secretary of the Interior concur, no
4 further analysis under (a)(1) shall be required. The
5 Secretary's Record of Decision or Finding of No
6 Significant Impact shall include such a finding, as
7 well as documentation of the concurrence of the ap-
8 plicable preservation officer, the Council, and the
9 Secretary of the Interior. A notice of intent from the
10 Secretary of such a finding, as well as notice of the
11 concurrence of the applicable preservation officer,
12 the Council, and the Secretary of the Interior will be
13 posted on an appropriate Federal website within 3
14 days of their occurrence.

15 “(3) ALIGNING HISTORICAL REVIEWS.—If the
16 Secretary, the applicable preservation officer, the
17 Council, and the Secretary of the Interior concur
18 that no feasible and prudent alternative exists as de-
19 scribed in (2), the Secretary may then notify the ap-
20 plicable preservation officer, the Secretary of the In-
21 terior, and the Advisory Council on Historic Preser-
22 vation of the Department's intent to satisfy the con-
23 ditions of (a)(2) through the consultation require-
24 ments of section 106. The applicable preservation of-
25 ficer, the Council, and the Secretary of the Interior

1 must concur in the treatment of the historic site
2 agreed upon in the Memorandum of Agreement or
3 Programmatic Agreement developed in accordance
4 with section 106 in order to satisfy the conditions of
5 (a)(2).”.

6 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
7 United States Code, is amended—

8 (1) in subsection (c), by striking “subsection
9 (d)” and inserting “subsections (d) and (e)”; and

10 (2) by inserting at the end the following:

11 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
12 TAIN HISTORIC SITES.—

13 “(1) IN GENERAL.—The Secretary shall seek to
14 align the requirements of this section with the re-
15 quirements of the National Environmental Policy
16 Act (42 U.S.C. 4231 et seq.) (NEPA), section 106
17 of the National Historic Preservation Act (16 U.S.C.
18 470f) (referred to as section 106 in this section),
19 and their implementing regulations and will coordi-
20 nate with the Department of the Interior and the
21 Advisory Council on Historic Preservation to estab-
22 lish procedures that will satisfy the requirements of
23 both within 90 days of enactment of GROW AMER-
24 ICA Act.

1 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—If,
2 in an analysis required under NEPA the Secretary
3 determines that there is no feasible or prudent alter-
4 native to avoid a use of an historic site, the Sec-
5 retary may include the Secretary’s determination in
6 the NEPA analysis and notify the applicable State
7 historic preservation officer, tribal historic preserva-
8 tion officer, the Advisory Council on Historic Preser-
9 vation (if the Council is participating in the section
10 106 consultation process), and the Secretary of the
11 Interior of such findings and request concurrence
12 that such determination is sufficient to satisfy
13 (a)(1). If the applicable preservation officer, the
14 Council, and the Secretary of the Interior concur, no
15 further analysis under (a)(1) shall be required. The
16 Secretary’s Record of Decision or Finding of No
17 Significant Impact shall include such a finding, as
18 well as documentation of the concurrence of the ap-
19 plicable preservation officer, the Council, and the
20 Secretary of the Interior. A notice of intent from the
21 Secretary of such a finding, as well as notice of the
22 concurrence of the applicable preservation officer,
23 the Council, and the Secretary of the Interior will be
24 posted on an appropriate Federal website within 3
25 days of their occurrence.

1 “(3) ALIGNING HISTORICAL REVIEWS.—If the
2 Secretary, the applicable preservation officer, the
3 Council, and the Secretary of the Interior concur
4 that no feasible and prudent alternative exists as de-
5 scribed in (2), the Secretary may then notify the ap-
6 plicable preservation officer, the Secretary of the In-
7 terior, and the Advisory Council on Historic Preser-
8 vation of the Department’s intent to satisfy the con-
9 ditions of (a)(2) through the consultation require-
10 ments of section 106. The applicable preservation of-
11 ficer, the Council, and the Secretary of the Interior
12 must concur in the treatment of the historic site
13 agreed upon in the Memorandum of Agreement or
14 Programmatic Agreement developed in accordance
15 with section 106 in order to satisfy the conditions of
16 (a)(2).”.

17 **SEC. 1006. RAIL AND TRANSIT EXEMPTION FROM CONSID-**
18 **ERATION UNDER SECTION 4(f).**

19 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
20 United States Code, as amended by this Act, is further
21 amended by inserting the following after subsection (c):

22 “(d) RAIL AND TRANSIT.—Improvements to, or the
23 maintenance, rehabilitation, or operation of railroad or rail
24 transit lines or elements thereof, with the exception of sta-
25 tions, that are in-use or were historically used for trans-

1 portation of goods or passengers, shall not be considered
2 a use of an historic site under subsection (a), regardless
3 of whether the railroad or rail transit line or element
4 thereof is listed on, or eligible for listing on, the National
5 Register of Historic Places.”.

6 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
7 United States Code, as amended by this Act, is further
8 amended—

9 (1) in subsection (c), by striking “subsections
10 (d) and (e)” and inserting “subsections (d), (e) and
11 (f)”;

12 (2) by inserting the following after subsection
13 (e):

14 “(f) RAIL AND TRANSIT.—Improvements to, or the
15 maintenance, rehabilitation, or operation of railroad or rail
16 transit lines or elements thereof, with the exception of sta-
17 tions, that are in-use or were historically used for trans-
18 portation of goods or passengers, shall not be considered
19 a use of an historic site under subsection (c), regardless
20 of whether the railroad or rail transit line or element
21 thereof is listed on, or eligible for listing on, the National
22 Register of Historic Places.”.

23 **SEC. 1007. MULTIMODAL CATEGORICAL EXCLUSIONS.**

24 Section 304 of title 49, United States Code, is
25 amended as follows:

1 (1) Subsection (a)(1) is amended—

2 (A) by striking “operating authority” and
3 inserting “operating administration or secre-
4 tarial office”;

5 (B) by inserting “has expertise but” before
6 “is not the lead”; and

7 (C) by inserting “proposed multimodal”
8 before “project”.

9 (2) Subsection (a)(2) is amended to read as fol-
10 lows:

11 “(2) LEAD AUTHORITY.—The term ‘lead au-
12 thority’ means a Department of Transportation op-
13 erating administration or secretarial office that has
14 the lead responsibility for a proposed multimodal
15 project.”.

16 (3) Subsection (a)(3) is amended by striking
17 “has the meaning given the term in section 139(a)
18 of title 23” and inserting “means an action by the
19 Department of Transportation that involves exper-
20 tise of one or more Department of Transportation
21 operating administrations or secretarial offices”.

22 (4) Subsection (b) is amended by striking
23 “under this title” and inserting “by the Secretary”.

24 (5) Subsection (c) is amended—

1 (A) by striking “a categorical exclusion
2 designated under the implementing regulations
3 or” and inserting “categorical exclusions des-
4 ignated under the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321, et seq.) im-
6 plementing”;

7 (B) by striking “other components of the”
8 and inserting “a proposed multimodal”;

9 (C) by amending paragraphs (1) and (2)
10 to read as follows:

11 “(1) the lead authority makes a preliminary de-
12 termination on the applicability of a categorical ex-
13 clusion to a proposed multimodal project and notifies
14 the cooperating authority of its intent to apply the
15 cooperating authority categorical exclusion;

16 “(2) the cooperating authority does not object
17 to the lead authority’s preliminary determination of
18 its applicability;”;

19 (D) by amending paragraph (3) by insert-
20 ing “the lead authority determines that” at the
21 beginning, and “proposed multimodal” before
22 “project to be covered”; and

23 (E) by amending paragraph (4) to read as
24 follows:

1 “(4) the lead authority, with the concurrence of
2 the cooperating authority—

3 “(A) follows implementing regulations or
4 procedures under the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

6 “(B) determines that the proposed
7 multimodal project does not individually or cu-
8 mulatively have a significant impact on the en-
9 vironment; and

10 “(C) determines that extraordinary cir-
11 cumstances do not exist that merit additional
12 analysis and documentation in an environ-
13 mental impact statement or environmental as-
14 sessment required under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.).”.

17 (6) Subsection (d) is amended to read as fol-
18 lows:

19 “(d) COOPERATING AUTHORITY EXPERTISE.—A co-
20 operating authority shall provide expertise to the lead au-
21 thority on aspects of the multimodal project in which the
22 cooperating authority has expertise.”.

1 **SEC. 1008. IMPROVING TRANSPARENCY IN ENVIRON-**
2 **MENTAL REVIEWS.**

3 (a) IN GENERAL.—Title 49, United States Code, is
4 amended by inserting after section 310, as added by this
5 Act, the following:

6 **“§ 311. Improving transparency in environmental re-**
7 **views**

8 “(a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of GROW AMERICA Act, the Sec-
10 retary shall establish an online platform and, in coordina-
11 tion with agencies described in subsection (b), issue re-
12 porting standards to make publically available the status
13 and progress with respect to compliance with applicable
14 requirements under the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) and any other Fed-
16 eral approval required under applicable laws for projects
17 and activities requiring an environmental assessment or
18 an environmental impact statement.

19 “(b) FEDERAL AGENCY PARTICIPATION.—A Federal
20 agency of jurisdiction over an approval required for a
21 project under applicable laws shall provide information re-
22 garding the status and progress of the approval to the on-
23 line platform, consistent with the standards established
24 under subsection (a).

25 “(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity
26 with assigned authority for responsibilities under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
 2 et seq.), pursuant to section 326 or 327 of title 23, United
 3 States Code, shall be responsible for supplying project de-
 4 velopment and compliance status for all applicable
 5 projects.”.

6 (b) CONFORMING AMENDMENT.—The analysis of
 7 chapter 3 of title 49, United States Code, is amended by
 8 inserting after the item relating to section 310, as added
 9 by this Act, the following:

“311. Improving transparency in environmental reviews”.

10 **SEC. 1009. INFRASTRUCTURE PERMITTING IMPROVEMENT**
 11 **CENTER.**

12 (a) IN GENERAL.—Title 49, United States Code, is
 13 amended by inserting after section 311, as added by this
 14 Act, the following:

15 **“§ 312. Interagency infrastructure permitting im-**
 16 **provement center**

17 “(a) IN GENERAL.—There is established in the Office
 18 of the Secretary an Interagency Infrastructure Permitting
 19 Improvement Center (referred to in this section as the
 20 ‘Center’).

21 “(b) ROLES AND RESPONSIBILITIES.—

22 “(1) GOVERNANCE.—The Center shall report to
 23 the chair of the Steering Committee described in
 24 paragraph (2) to ensure that the perspectives of all
 25 member agencies are represented.

1 “(2) INFRASTRUCTURE PERMITTING STEERING
2 COMMITTEE.—An Infrastructure Permitting Steer-
3 ing Committee is established to oversee the work of
4 the Center. The Steering Committee shall be chaired
5 by the Federal Chief Performance Officer in con-
6 sultation with the Chair of the Council on Environ-
7 mental Quality and shall be comprised of Deputy-
8 level representatives from the following agencies:

9 “(A) The Department of Defense.

10 “(B) The Department of the Interior.

11 “(C) The Department of Agriculture.

12 “(D) The Department of Commerce.

13 “(E) The Department of Transportation.

14 “(F) The Department of Energy.

15 “(G) The Department of Homeland Secu-
16 rity.

17 “(H) The Environmental Protection Agen-
18 cy.

19 “(I) The Advisory Council on Historic
20 Preservation.

21 “(J) The Department of the Army.

22 “(K) The Department of Housing and
23 Urban Development.

24 “(L) Other agencies the Chair invites to
25 participate.

1 “(3) ACTIVITIES.—The Center shall support the
2 Chair of the Steering Committee described in para-
3 graph (2) and undertake the following:

4 “(A) Coordinate and support implementa-
5 tion of priority reform actions for Federal agen-
6 cy permitting and reviews for areas as defined
7 and identified by the Steering Committee de-
8 scribed in paragraph (2).

9 “(B) Support modernization efforts at
10 agencies and interagency pilots for innovative
11 approaches to the permitting and review of in-
12 frastructure projects.

13 “(C) Provide technical assistance and
14 training to field and headquarters staff of Fed-
15 eral agencies on policy changes, innovative ap-
16 proaches to project delivery and other topics as
17 appropriate.

18 “(D) Identify, develop and track metrics
19 for timeliness of permit reviews, permit deci-
20 sions, and project outcomes.

21 “(E) Administer and expand the use of on-
22 line transparency tools providing for—

23 “(i) tracking and reporting of metrics;

1 “(ii) development and posting of
2 schedules for permit reviews and permit
3 decisions; and

4 “(iii) sharing of best practices related
5 to efficient project permitting and reviews.

6 “(F) Provide reporting to the President on
7 progress towards achieving greater efficiency in
8 permitting decisions and review of infrastruc-
9 ture projects and progress towards achieving
10 better outcomes for communities and the envi-
11 ronment.

12 “(4) INFRASTRUCTURE SECTORS COVERED.—
13 The Center shall support process improvements in
14 the permitting and review of projects in the fol-
15 lowing sectors:

16 “(A) Surface transportation.

17 “(B) Aviation.

18 “(C) Ports and waterways.

19 “(D) Water resource projects.

20 “(E) Renewable energy generation.

21 “(F) Electricity transmission.

22 “(G) Broadband.

23 “(H) Pipelines.

1 “(I) Other sectors, as determined by the
2 Steering Committee described in subparagraph
3 (2).”.

4 (b) CONFORMING AMENDMENT.—The analysis of
5 chapter 3 of title 49, United States Code, is amended by
6 inserting after the item relating to section 312, as added
7 by this Act, the following:

 “312. Interagency Infrastructure Permitting Improvement Center.”.

8 **SEC. 1010. CLARIFICATION OF TRANSPORTATION ENVIRON-**
9 **MENTAL AUTHORITIES.**

10 (a) TITLE 49 REFERENCE TO SECTION 4(f).—Sec-
11 tion 303 of title 49, United States Code, as amended by
12 section 1012 of this Act, is further amended by inserting
13 at the end the following:

14 “(h) SECTION 4(f).—This section may be referred to
15 as ‘section 4(f)’ or ‘section 4(f) of title 49, United States
16 Code’.”.

17 (b) TITLE 23 REFERENCE TO SECTION 4(f).—Sec-
18 tion 138 of title 23, United States Code, as amended by
19 this Act, is further amended by adding at the end the fol-
20 lowing:

21 “(f) SECTION 4(f).—This section may be referred to
22 as ‘section 4(f)’ or ‘section 4(f) of title 23, United States
23 Code’.”.

24 (c) RELOCATION AND CLARIFICATION OF SECTION
25 1319 OF MAP-21.—

1 (1) REPEAL.—Section 1319 of the Moving
2 Ahead for Progress in the 21st Century Act (Public
3 Law 112–141, 126 Stat. 551; 42 U.S.C. 4332a) is
4 repealed.

5 (2) ACCELERATED DECISIONMAKING IN ENVI-
6 RONMENTAL REVIEWS.—Chapter 3 of title 49,
7 United States Code, is amended by inserting after
8 section 304 the following:

9 **“§ 304a. Accelerated decisionmaking in environ-**
10 **mental reviews**

11 “(a) IN GENERAL.—In preparing a final environ-
12 mental impact statement under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if
14 the Department of Transportation, when acting as lead
15 agency, modifies the statement in response to comments
16 that are minor and are confined to factual corrections or
17 explanations of why the comments do not warrant addi-
18 tional Departmental response, the Department may write
19 on errata sheets attached to the statement instead of re-
20 writing the draft statement, subject to the condition that
21 the errata sheets—

22 “(1) cite the sources, authorities, or reasons
23 that support the position of the Department; and

1 “(2) if appropriate, indicate the circumstances
2 that would trigger Departmental reappraisal or fur-
3 ther response.

4 “(b) INCORPORATION.—To the maximum extent
5 practicable, the Department shall expeditiously develop a
6 single document that consists of a final environmental im-
7 pact statement and a record of decision, unless—

8 “(1) the final environmental impact statement
9 makes substantial changes to the proposed action
10 that are relevant to environmental or safety con-
11 cerns; or

12 “(2) there are significant new circumstances or
13 information relevant to environmental concerns and
14 that bear on the proposed action or the impacts of
15 the proposed action.”.

16 (d) CONFORMING AMENDMENT.—The analysis of
17 chapter 3 of title 49, United States Code, is amended by
18 inserting the following after the item relating to section
19 304:

 “304a. Accelerated decisionmaking in environmental reviews.”.

20 (e) EFFECTIVE DATE.—The repeal and amendments
21 made by this section are effective on the date of enactment
22 of the Moving Ahead for Progress in the 21st Century Act.

1 **SEC. 1011. ADVANCE ACQUISITION.**

2 (a) ADVANCE ACQUISITION.—Chapter 241 of title
3 49, United States Code, is amended by inserting the fol-
4 lowing after section 24105:

5 **“§ 24106. Advance acquisition**

6 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
7 retary may assist a recipient of funding in acquiring right-
8 of-way and adjacent real property interests before or dur-
9 ing the completion of the environmental reviews for any
10 project receiving funding under subtitle V of title 49,
11 United States Code, that may use such property interests
12 if the acquisition is otherwise permitted under Federal
13 law, and the recipient requesting Federal funding for the
14 acquisition certifies, with the concurrence of the Secretary,
15 that—

16 “(1) the recipient has authority to acquire the
17 real property interest;

18 “(2) the acquisition of the real property inter-
19 est—

20 “(A) is for a transportation purpose;

21 “(B) will not cause significant adverse en-
22 vironmental impact;

23 “(C) will not limit the choice of reasonable
24 alternatives for the proposed project or other-
25 wise influence the decision of the Secretary on
26 any approval required for the project;

1 “(D) does not prevent the lead agency
2 from making an impartial decision as to wheth-
3 er to accept an alternative that is being consid-
4 ered;

5 “(E) complies with other applicable Fed-
6 eral laws and regulations;

7 “(F) will be acquired through negotiation,
8 without threat of condemnation; and

9 “(G) will not result in elimination or re-
10 duction of benefits or assistance to a displaced
11 person required by the Uniform Relocation As-
12 sistance and Real Property Acquisition Policies
13 Act of 1970 (42 U.S.C. 4601 et seq.) and title
14 VI of the Civil Rights Act of 1964 (42 U.S.C.
15 2000d et seq.).

16 “(b) ENVIRONMENTAL REVIEWS.—

17 “(1) COMPLETION OF NEPA REVIEW.—Before
18 authorizing Federal funding for an acquisition of a
19 real property interest, the Secretary shall complete
20 the review process under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
22 with respect to the acquisition.

23 “(2) COMPLETION OF SECTION 106.—An acqui-
24 sition of a real property interest involving an historic
25 site shall not occur unless the section 106 process

1 under the National Historic Preservation Act (16
2 U.S.C. 470f) (as described in 77 Fed. Reg. 68790)
3 is complete.

4 “(3) TIMING OF ACQUISITION.—A real property
5 interest acquired under subsection (a) may not be
6 developed in anticipation of the proposed project
7 until all required environmental reviews for the
8 project have been completed.”.

9 (b) CONFORMING AMENDMENT.—The analysis of
10 chapter 241 of title 49, United States Code, is amended
11 by inserting the following after the item relating to section
12 24105:

“Sec. 24106. Advance acquisition.”.

13 **SEC. 1012. BRIDGE EXEMPTION FROM CONSIDERATION**
14 **UNDER SECTION 4(f).**

15 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
16 United States Code, as amended by this Act, is further
17 amended by adding at the end the following:

18 “(e) BRIDGE EXEMPTION FROM CONSIDERATION
19 UNDER SECTION 4(f).—A common post-1945 concrete or
20 steel bridge or culvert that is exempt from individual re-
21 view under section 106 of the National Historic Preserva-
22 tion Act (16 U.S.C. 470f) (as described in 77 Fed. Reg.
23 68790) shall also be exempt from consideration under this
24 section.”.

1 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
 2 United States Code, as amended by this Act, is further
 3 amended by adding at the end the following:

4 “(g) BRIDGE EXEMPTION FROM CONSIDERATION
 5 UNDER SECTION 4(f).—A common post-1945 concrete or
 6 steel bridge or culvert that is exempt from individual re-
 7 view under section 106 of the National Historic Preserva-
 8 tion Act (16 U.S.C. 470f) (as described in 77 Fed. Reg.
 9 68790) shall also be exempt from consideration under this
 10 section.”.

11 **Subtitle B—Freight Policy and** 12 **Financing**

13 **SEC. 1101. MULTIMODAL FREIGHT INVESTMENT PROGRAM.**

14 (a) MULTIMODAL FREIGHT INCENTIVE PROGRAM.—

15 (1) ESTABLISHMENT.—Title 49, United States
 16 Code, is amended by adding after chapter 53 the fol-
 17 lowing:

“CHAPTER 54—FREIGHT

“Sec.

“5401. Multimodal freight incentive program.

“5402. National freight infrastructure program.

“5403. State freight advisory committees.

“5404. State freight plans.

“5405. National freight policy, network, plan and data.

18 **“§ 5401. Multimodal freight incentive program**

19 “(a) IN GENERAL.—Subject to the requirements of
 20 this section, the Secretary shall—

1 “(1) establish a program to make grants to
2 States to improve the efficiency and reliability of
3 freight movement in the United States;

4 “(2) under subsection (c), calculate the max-
5 imum amount of funding that the Secretary may al-
6 locate to a State under this section for a fiscal year;
7 and

8 “(3) under subsection (e), allocate to a State
9 one or more grants for which the State qualifies in
10 such fiscal year, based on the criteria specified in
11 such subsection.

12 “(b) DEFINITION.—In this section, the term ‘State’
13 means any of the 50 States, the District of Columbia, or
14 Puerto Rico.

15 “(c) CALCULATION.—

16 “(1) ANNUAL AMOUNT.—The Secretary shall
17 calculate the amount of funding available to be allo-
18 cated to a State under this section for a fiscal year
19 as follows—

20 “(A) the amount made available to provide
21 multimodal freight incentive grants under this
22 section for such fiscal year; multiplied by

23 “(B) the overall ratio specified in para-
24 graph (3).

1 “(2) FLOOR AMOUNT.—Under the calculations
2 in paragraph (1), a State’s amount for a fiscal year
3 shall not be less than 0.5 percent of the amount
4 made available to provide multimodal freight incen-
5 tive grants under this section for such fiscal year.

6 “(3) RATIO.—Subject to paragraph (2), the
7 Secretary shall determine the overall ratio referenced
8 in paragraph (1)(B) based on the following ratios:

9 “(A) 6.25 percent in the ratio that—

10 “(i) the number of ports in each
11 State; bears to

12 “(ii) the number of ports in all States.

13 “(B) 6.25 percent in the ratio that—

14 “(i) the number of rail track-miles
15 used for the movement of freight in each
16 State; bears to

17 “(ii) the number of such rail track-
18 miles in all States.

19 “(C) 6.25 percent in the ratio that—

20 “(i) the number of cargo-handling air-
21 ports in each State; bears to

22 “(ii) the number of such airports in
23 all States.

24 “(D) 6.25 percent in the ratio that—

1 “(i) the number of Interstate system
2 miles in each State; bears to

3 “(ii) the number of Interstate system
4 miles in all States.

5 “(E) 37.5 percent in the ratio that—

6 “(i) the tonnage of rail, waterborne,
7 highway, airport and pipeline freight
8 moved in each State; bears to

9 “(ii) the tonnage of such freight
10 moved in all States.

11 “(F) 37.5 percent in the ratio that—

12 “(i) the value of rail, waterborne,
13 highway, airport and pipeline freight
14 moved in each State; bears to

15 “(ii) the value of such freight moved
16 in all States.

17 “(d) ELIGIBILITY.—A State shall use a grant under
18 this section for—

19 “(1) the development of corridor freight plans
20 or regional freight plans; or

21 “(2) one or more phases of capital projects,
22 equipment or operational improvements on roads,
23 rails, landside infrastructure on ports and airports,
24 and intermodal connectors included in a State

1 freight plan under section 5404 of this title for
2 projects that—

3 “(A) maintain or improve the efficiency
4 and reliability of freight supply chains;

5 “(B) demonstrate public freight benefits;

6 “(C) improve modal components of a
7 multimodal corridor that is critical to a State or
8 region;

9 “(D) address freight needs to facilitate a
10 regionally or nationally significant economic de-
11 velopment issue;

12 “(E) are multimodal, multi-jurisdictional,
13 or corridor-based and address freight needs;

14 “(F) relieve freight or non-freight access,
15 congestion, or safety issues; or

16 “(G) address first and last mile connec-
17 tors.

18 “(e) GRANTS.—

19 “(1) IN GENERAL.—If during a fiscal year a
20 State meets the eligibility criteria specified in para-
21 graph (2) or (3) the Secretary shall allocate to the
22 State in such fiscal year a grant under such para-
23 graph. The determination of whether a State meets
24 such eligibility criteria shall be made by the Sec-
25 retary.

1 “(2) TIER I INCENTIVE GRANT.—

2 “(A) ALLOCATIONS OF FUNDING.—Subject
3 to paragraph (4), if a State meets the eligibility
4 criteria specified in subparagraph (B) during a
5 fiscal year, the Secretary shall allocate to the
6 State in such fiscal year 40 percent of the
7 amount of the funds available to be allocated to
8 the State in such fiscal year.

9 “(B) ELIGIBILITY CRITERIA.—The Sec-
10 retary may allocate funding to a State under
11 this paragraph in a fiscal year if the State—

12 “(i) has an established freight advi-
13 sory committee in accordance with section
14 5403 of this title;

15 “(ii) has an approved freight plan in
16 accordance with section 5404 of this title;

17 “(iii) has conducted a statewide anal-
18 ysis of freight needs and bottlenecks on all
19 modes of transportation, including inter-
20 modal and last mile needs;

21 “(iv) demonstrates use of the state-
22 wide analysis of freight needs in
23 prioritizing projects in the freight plan re-
24 quired by section 5404 of this title; and

1 “(v) demonstrates that it will use the
2 funding that it is allocated under this
3 paragraph for the highest priority projects
4 that are identified in the freight plan re-
5 quired by section 5404 of this title and are
6 ready to be advanced.

7 “(3) TIER II INCENTIVE GRANT.—

8 “(A) ALLOCATIONS OF FUNDING.—Subject
9 to paragraph (4), if a State meets the eligibility
10 criteria specified in subparagraph (B) during a
11 fiscal year, the Secretary shall allocate to the
12 State in such fiscal year 60 percent of the
13 amount of the funds available to be allocated to
14 the State in such fiscal year.

15 “(B) ELIGIBILITY CRITERIA.—The Sec-
16 retary may allocate funding to a State under
17 this paragraph in a fiscal year if the State—

18 “(i) has met the eligibility criteria
19 specified in paragraph (2)(B);

20 “(ii) has conducted, in cooperation
21 with at least one other State, a multistate
22 analysis of freight needs and bottlenecks
23 on all modes of transportation, including
24 intermodal and last mile needs along a
25 multistate freight corridor;

1 “(iii) has developed, in cooperation
2 with at least one other State or relevant
3 entities in Canada or Mexico, a regional
4 freight investment plan that focuses on the
5 end-to-end investment needs of critical
6 multistate freight corridors based on the
7 multistate analysis of freight needs and
8 bottlenecks on all modes of transportation,
9 including intermodal and last mile needs;
10 and

11 “(iv) demonstrates that it will use the
12 funding that it is allocated under this
13 paragraph for the highest priority projects
14 identified in the regional freight plan.

15 “(4) TIER I AND II ANALYSES AND PLANS.—

16 “(A) APPROVAL.—A State shall dem-
17 onstrate that it developed the analyses and
18 plans required under paragraphs (2) and (3)
19 with the approval of a State Freight Advisory
20 Committee.

21 “(B) CERTIFICATION.—The determination
22 of whether the analyses and plans required to
23 qualify under paragraphs (2) and (3) satisfy
24 the requirements of the paragraphs shall be at
25 the discretion of the Secretary.

1 “(C) FORECAST PERIOD.—All analyses and
2 plans required under paragraph (3) shall ad-
3 dress a 10-year and 20-year forecast period.

4 “(D) UPDATES.—In order to obligate
5 funding under paragraphs (2) and (3), a State
6 shall update all analyses and plans required
7 under such paragraph at least every 5 years.

8 “(f) TRANSFER AUTHORITY.—

9 “(1) ADMINISTRATION OF PROJECTS.—For the
10 purpose of administering a grant under this sub-
11 section, funds authorized for this section may be
12 transferred within the Department and administered
13 in accordance with the requirements of title 23 or 49
14 of the United States Code applicable to the agency
15 to which the funds are transferred and any other re-
16 quirements applicable to the project.

17 “(2) TRANSFER TO OTHER PROGRAMS.—Funds
18 authorized for this section may not be transferred to
19 any other program under title 23 or 49, United
20 States Code.

21 “(g) FEDERAL SHARE.—The Federal share for
22 projects funded under this section shall not exceed 80 per-
23 cent. Funds authorized for this section may not be applied
24 towards the non-Federal share of costs under another
25 Federal program.

1 “(h) TREATMENT FOR OBLIGATION LIMITATION DIS-
2 TRIBUTION.—For purposes of distributing obligation limi-
3 tation in any fiscal year, the Secretary shall provide funds
4 made available for this section with obligation limitation
5 as follows:

6 “(1) The Secretary shall provide funds author-
7 ized for that fiscal year with obligation limitation
8 under section 2002(c)(4) of the GROW AMERICA
9 Act or the equivalent provision of the relevant appro-
10 priations act for a fiscal year, as appropriate.

11 “(2) The Secretary shall provide funds carried
12 over from prior fiscal years with obligation limitation
13 under section 2002(c)(2) of such Act or the equiva-
14 lent provision of the relevant appropriations act for
15 a fiscal year, as appropriate.”.

16 (2) FUNDING.—

17 (A) AUTHORIZATION.—There is authorized
18 to be appropriated from the highway account of
19 the transportation trust fund to carry out sec-
20 tion 5401 of title 49, United States Code—

21 (i) \$500,000,000 for fiscal year 2016;

22 (ii) \$1,000,000,000 for fiscal year
23 2017;

24 (iii) \$1,500,000,000 for fiscal year
25 2018;

1 (iv) \$2,000,000,000 for fiscal year
2 2019;

3 (v) \$2,000,000,000 for fiscal year
4 2020; and

5 (vi) \$2,000,000,000 for fiscal year
6 2021.

7 (B) AVAILABILITY AND ADMINISTRA-
8 TION.—The funds authorized by subparagraph
9 (A) shall be—

10 (i) available for obligation on October
11 1 of the fiscal year for which they are au-
12 thorized;

13 (ii) available for obligation until ex-
14 pended; and

15 (iii) administered as if such funds
16 were apportioned under chapter 1 of title
17 23, United States Code.

18 (C) TRANSFER TO NATIONAL FREIGHT IN-
19 FRASTRUCTURE PROGRAM.—Notwithstanding
20 section 5401(f)(2) of title 49, United States
21 Code, as soon as practicable after October 1,
22 2017, and each fiscal year thereafter, the Sec-
23 retary shall transfer to the National Freight In-
24 frastructure Program under section 5402 of
25 such title—

1 (i) of the funds authorized under sub-
2 paragraph (A) to carry out section 5401 of
3 such title, any funds that—

4 (I) were available to be allocated
5 to a State for the prior fiscal year
6 under subsection (c) of such section;
7 but

8 (II) the Secretary did not allo-
9 cate to that State for that prior fiscal
10 year due to that State not meeting
11 the eligibility criteria specified under
12 subsection (e)(2) or (e)(3) of such sec-
13 tion; and

14 (ii) an amount of obligation limitation
15 equal to the amount of funds that the Sec-
16 retary transfers under clause (i).

17 (b) NATIONAL FREIGHT INFRASTRUCTURE PRO-
18 GRAM.—

19 (1) ESTABLISHMENT.—Chapter 54 of such title
20 is amended by adding at the end the following:

21 **“§ 5402. National Freight Infrastructure Program**

22 “(a) IN GENERAL.—The Secretary shall establish
23 and implement a National Freight Infrastructure Pro-
24 gram under this section.

25 “(b) GOALS.—The goals of the program shall be to—

1 “(1) reduce the cost of freight transportation;

2 “(2) improve the safety of freight transpor-
3 tation;

4 “(3) relieve bottlenecks in the freight transpor-
5 tation system;

6 “(4) improve the state of good repair of the
7 freight transportation system; and

8 “(5) reduce the adverse environmental and
9 community impacts of freight transportation.

10 “(c) DEFINITIONS.—In this section the following
11 definitions apply:

12 “(1) ELIGIBLE APPLICANT.—

13 “(A) IN GENERAL.—The term ‘eligible ap-
14 plicant’ means—

15 “(i) a State (as defined in section
16 101(a)(25) of title 23);

17 “(ii) American Samoa, the Common-
18 wealth of the Northern Mariana Islands,
19 Guam, or the U.S. Virgin Islands;

20 “(iii) a local government;

21 “(iv) a metropolitan planning organi-
22 zation;

23 “(v) a public transportation authority
24 (including a port authority);

25 “(vi) a tribal government; or

1 “(vii) a group of entities described in
2 clauses (i) through (vi).

3 “(B) GROUPS OF ENTITIES.—A group de-
4 scribed in clause (vii) of subparagraph (A) shall
5 submit an application through a lead applicant
6 that qualifies under one of the clauses (i)
7 through (vi) of that subparagraph. Public-pri-
8 vate partnerships are eligible provided the lead
9 applicant qualifies under one of the clauses (i)
10 through (vi) of subparagraph (A).

11 “(2) ELIGIBLE PROJECT.—

12 “(A) IN GENERAL.—The term ‘eligible
13 project’ means a capital investment for a trans-
14 portation infrastructure facility, or for an oper-
15 ational improvement or equipment for such a
16 facility—

17 “(i) that is for a facility significantly
18 used for the movement of freight, and that
19 is—

20 “(I) a road, rail, air, water, or
21 pipeline facility;

22 “(II) an intermodal facility such
23 as an intermodal facility serving a
24 seaport, a port on the inland water-

1 ways, or an airport; or a highway/rail
2 intermodal facility; or

3 “(III) a facility related to an
4 international border crossing;

5 “(ii) that the Secretary has deter-
6 mined will help to achieve the goals set out
7 in subsection (b);

8 “(iii) for which funding committed by
9 State and local governments and other
10 public and private partners, along with the
11 Federal funding requested, will be suffi-
12 cient to complete the capital investment;
13 and

14 “(iv) that upon completion will have
15 independent utility.

16 “(B) PLANS AND ANALYSES.—The term
17 ‘eligible project’ includes the development of
18 plans and analysis required by this chapter.

19 “(d) APPLICATIONS.—An eligible applicant seeking to
20 receive a grant under this section for an eligible project
21 shall submit to the Secretary an application in such form
22 and in accordance with such requirements as the Secretary
23 shall establish.

1 “(e) SELECTION OF PROJECTS.—The Secretary shall
2 select projects for funding based on the criteria specified
3 in subsection (f).

4 “(f) CRITERIA FOR SELECTION.—The Secretary shall
5 select eligible projects for funding based on the following
6 criteria:

7 “(1) The extent to which the project is likely to
8 advance the goals set forth in subsection (b).

9 “(2) The likely benefits of the project relative
10 to its costs.

11 “(3) The extent to which the project dem-
12 onstrates the use of innovative technology, strate-
13 gies, and practices.

14 “(4) The likely effect of the project on increas-
15 ing U.S. exports.

16 “(5) The consistency of the project with the
17 National Freight Strategic Plan under section 5405
18 of this title.

19 “(6) Inclusion of the project in the State freight
20 plan required under section 5404 of this title.

21 “(7) The extent to which the project leverages
22 Federal funds by matching State, local, tribal, or
23 private funds to the Federal funding requested
24 under this section.

1 “(8) The extent to which funds for the project
2 are not available from other sources.

3 “(g) RETROSPECTIVE ANALYSIS.—

4 “(1) ANALYSIS.—A grant agreement made
5 under this section between the Government and a
6 grantee shall specify that the grantee will collect
7 data and report to the Secretary, at times that the
8 Secretary shall specify, on—

9 “(A) the actual cost of constructing the
10 project;

11 “(B) the time required to complete the
12 project and put it into service;

13 “(C) the level of usage of the facility built
14 or improved by the project;

15 “(D) the benefits of the project, measured
16 in a way that is consistent with the benefits
17 that were estimated in the application for fund-
18 ing that was submitted to the Secretary; and

19 “(E) any costs resulting from the project
20 in addition to the costs of constructing the
21 project.

22 “(h) TERMS AND CONDITIONS.—The Secretary shall
23 determine such other terms and conditions, other than
24 those listed in this section, as are necessary and appro-
25 priate to implement this section.

1 “(i) ADMINISTRATIVE AND OVERSIGHT COSTS.—

2 “(1) IN GENERAL.—The Secretary may retain
3 up to one-half of 1 percent of the amounts author-
4 ized for each fiscal year under this section for—

5 “(A) administration of the National
6 Freight Infrastructure Program under this sec-
7 tion; and

8 “(B) oversight of projects funded under
9 this section.

10 “(2) TRANSFER OF FUNDS.—The Secretary
11 may transfer portions of the funds retained under
12 this subsection to the Administrators of the Federal
13 Highway Administration, the Federal Railroad Ad-
14 ministration, the Federal Aviation Administration,
15 and the Federal Maritime Administration to carry
16 out the administration and oversight of grants made
17 under this section.

18 “(j) FEDERAL SHARE.—The Federal share for
19 projects funded under this section shall not exceed 80 per-
20 cent.

21 “(k) ADMINISTRATION OF PROJECTS.—For the pur-
22 pose of administering a grant under this section, funds
23 authorized for this section may be transferred within the
24 Department and administered in accordance with the re-
25 quirements of title 23 or 49 of the United States Code

1 applicable to the agency to which the funds are transferred
2 and any other requirements applicable to the project.”.

3 (2) FUNDING.—

4 (A) IN GENERAL.—There is authorized to
5 be appropriated from the highway account of
6 the transportation trust fund to carry out this
7 section—

8 (i) \$500,000,000 for fiscal year 2016;

9 (ii) \$1,000,000,000 for fiscal year
10 2017;

11 (iii) \$1,500,000,000 for fiscal year
12 2018;

13 (iv) \$2,000,000,000 for fiscal year
14 2019;

15 (v) \$2,000,000,000 for fiscal year
16 2020; and

17 (vi) \$2,000,000,000 for fiscal year
18 2021.

19 (B) ADMINISTRATION OF FUNDS.—The
20 funds authorized by subparagraph (A) shall
21 be—

22 (i) available for obligation on October
23 1 of the fiscal year for which they are au-
24 thorized; and

1 (ii) available for obligation until ex-
2 pended.

3 (c) STATE FREIGHT ADVISORY COMMITTEE.—Chap-
4 ter 54 of such title is amended by adding at the end the
5 following:

6 **“§ 5403. State freight advisory committees**

7 “(a) IN GENERAL.—

8 “(1) FREIGHT ADVISORY COMMITTEE.—Each
9 State that receives a grant under this chapter shall
10 establish and maintain a freight advisory committee
11 consistent with criteria established by the Secretary
12 and consisting of a representative cross-section of
13 public and private sector freight stakeholders, in-
14 cluding—

15 “(A) all modes of freight transportation
16 active in the State, including airports, high-
17 ways, ports, and rail;

18 “(B) shippers;

19 “(C) carriers;

20 “(D) freight-related associations;

21 “(E) the freight industry workforce;

22 “(F) the transportation department of the
23 State;

24 “(G) metropolitan planning organizations;

25 and

1 “(H) local governments.

2 “(2) QUALIFICATIONS.—Individuals selected
3 under paragraph (1) must be widely recognized to
4 have qualifications sufficient to represent the inter-
5 ests of their specific stakeholder group, including—

6 “(A) general business and financial experi-
7 ence;

8 “(B) experience or qualifications in the
9 areas of freight transportation and logistics;

10 “(C) experience in transportation planning;

11 “(D) representing employees of the freight
12 industry; or

13 “(E) representing State or local govern-
14 ments, or metropolitan planning organizations.

15 “(b) ROLE OF COMMITTEE.—The freight advisory
16 committee shall—

17 “(1) advise the State on freight-related prior-
18 ities, issues, projects, and funding needs;

19 “(2) serve as a forum for discussion for State
20 transportation decisions affecting freight mobility;

21 “(3) communicate and coordinate regional pri-
22 orities with other organizations;

23 “(4) promote the sharing of information be-
24 tween the private and public sectors on freight
25 issues;

1 “(5) participate in the development of the State
2 freight plan, including advising on the development
3 of the freight investment plan; and

4 “(6) approve the State freight plan under sec-
5 tion 5404 of this title, including the freight invest-
6 ment plan required thereunder.”.

7 (d) STATE FREIGHT PLAN.—Chapter 54 of such title
8 is amended by adding at the end the following:

9 **“§ 5404. State freight plan**

10 “(a) IN GENERAL.—Each State that receives a grant
11 under this chapter shall develop a freight plan that pro-
12 vides a multimodal, comprehensive plan for the immediate
13 and long-range planning activities and investments of the
14 State with respect to freight. The freight plan shall include
15 a strategic, long-term component and a tactical, short-
16 term component.

17 “(b) PLAN CONTENTS.—The freight plan shall con-
18 sider all modes of freight transportation in the State and
19 include, at a minimum—

20 “(1) an identification of significant freight sys-
21 tem trends, needs, and issues with respect to a
22 State;

23 “(2) a description of the freight policies, strate-
24 gies, and performance measures that will guide the

1 freight-related transportation investment decisions of
2 the State;

3 “(3) a description of how the plan will improve
4 the ability of the State to meet the national freight
5 goals established under section 5405 of this title;

6 “(4) evidence of consideration of innovative
7 technologies and operational strategies, including in-
8 telligent transportation systems, that improve the
9 safety and efficiency of freight movement;

10 “(5) in the case of routes on which travel of
11 heavy vehicles (including mining, agricultural, en-
12 ergy cargo or equipment, and timber vehicles) is pro-
13 jected to substantially deteriorate the condition of
14 the roadways, a description of improvements that
15 may be required to reduce or impede the deteriora-
16 tion;

17 “(6) an inventory of facilities with freight mo-
18 bility issues, such as truck bottlenecks, within the
19 State, and a description of the strategies the State
20 is employing to address those freight mobility issues;
21 and

22 “(7) a freight investment plan that includes a
23 list of projects in order of priority and describes how
24 multimodal freight investment funds under section
25 5401 of this title would be invested and matched.

1 “(c) RELATIONSHIP TO LONG-RANGE PLAN.—

2 “(1) INCORPORATION.—The freight plan may
3 be developed separate from or incorporated into the
4 statewide strategic long-range transportation plan
5 required by section 135(f) of title 23, United States
6 Code.

7 “(2) REQUIREMENT OF ANTICIPATED FULL
8 FUNDING.—The priority freight investment plan
9 component of the freight plan shall include a project,
10 or an identified phase of a project, only if funding
11 for completion of the project can reasonably be an-
12 ticipated to be available for the project within the
13 time period identified in the freight investment plan.

14 “(d) CERTIFICATION.—The Secretary shall approve
15 State freight plans if they address the requirements of this
16 section and are consistent with the National Freight Stra-
17 tegic Plan.

18 “(e) FORECAST PERIOD.—The freight plan shall ad-
19 dress a 10-year forecast period.

20 “(f) UPDATES.—A State shall update the freight plan
21 at least every 5 years. The State may update the freight
22 investment plan on a more frequent basis.”.

23 (e) NATIONAL FREIGHT POLICY, NETWORK, PLAN,
24 AND DATA.—Chapter 54 of such title is amended by add-
25 ing at the end the following:

1 **“§ 5405. National freight policy, network, plan, and**
2 **data**

3 “(a) NATIONAL FREIGHT POLICY.—It is the policy
4 of the United States to improve the condition and per-
5 formance of the national freight system to ensure that the
6 national freight system provides the foundation for the
7 United States to compete in the global economy and
8 achieve each goal described in subsection (b).

9 “(b) GOALS.—The goals of the national freight policy
10 are—

11 “(1) to increase the productivity and efficiency
12 of the national freight system so as to enhance the
13 economic competitiveness of the United States;

14 “(2) to improve the safety, security, and resil-
15 ience of freight transportation; and

16 “(3) to improve quality of life by reducing,
17 eliminating or reversing adverse environmental and
18 community impacts of freight projects and goods
19 movement in the United States.

20 “(c) STRATEGY.—The strategies that the United
21 States shall use to achieve the goals set forth in subsection
22 (b) shall include—

23 “(1) support for or investment in infrastruc-
24 ture, equipment and operational improvements;

25 “(2) appropriate safety, environmental, energy,
26 and other transportation policies;

1 “(3) advanced technology and innovation;

2 “(4) enhancement of competition and account-
3 ability in the transportation industries; and

4 “(5) use of performance management.

5 “(d) NATIONAL FREIGHT SYSTEM DEFINED.—In
6 this section, the term ‘national freight system’ means the
7 publicly and privately owned transportation facilities that
8 are used in transporting freight within the United States,
9 including roads, railroads, ports, waterways, locks and
10 dams, airports, airways, pipelines, warehouses, distribu-
11 tion centers, and intermodal facilities.

12 “(e) MULTIMODAL NATIONAL FREIGHT NET-
13 WORK.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-
15 tablish a multimodal national freight network in ac-
16 cordance with this section to inform public and pri-
17 vate planning, to prioritize for Federal investment,
18 to aid the public and private sector in strategically
19 directing resources, and to support Federal decision-
20 making to achieve the national freight policy goals
21 set forth in subsection (b).

22 “(2) NETWORK COMPONENTS.—The national
23 freight network shall consist of such connectors, cor-
24 ridors and facilities in all freight transportation
25 modes as most critical to the current and future

1 movement of freight within the national freight sys-
2 tem.

3 “(3) INITIAL DESIGNATION OF THE NATIONAL
4 FREIGHT NETWORK.—

5 “(A) DESIGNATION.—The Secretary shall
6 designate a national freight network—

7 “(i) using measurable data to assess
8 the significance of goods movement, includ-
9 ing consideration of points of origin, des-
10 tination, and linking components of the
11 United States global and domestic supply
12 chains;

13 “(ii) fostering network connectivity;
14 and

15 “(iii) reflecting input collected from
16 stakeholders through a public process, in-
17 cluding input from metropolitan planning
18 organizations and States, to identify crit-
19 ical freight facilities that are vital links in
20 national or regionally significant goods
21 movement and supply chains.

22 “(B) FACTORS FOR DESIGNATION.—In
23 designating the national freight network, the
24 Secretary may consider—

1 “(i) volume, tonnage, and value of
2 freight;

3 “(ii) origins and destinations of
4 freight movement in, to, and from the
5 United States;

6 “(iii) land and maritime ports of
7 entry;

8 “(iv) population centers;

9 “(v) economic factors or other inputs
10 determined to be relevant by the Secretary;

11 “(vi) bottlenecks and other impedi-
12 ments contributing to significant measur-
13 able congestion and delay in freight move-
14 ment;

15 “(vii) facilities of future freight im-
16 portance based on input from stakeholders
17 and analysis of projections for future
18 growth and changes to the freight system;
19 and

20 “(viii) elements of the freight system
21 identified and documented by a metropoli-
22 tan planning organization and State using
23 national or local data as having critical
24 freight importance to the region.

1 “(4) REDESIGNATION OF THE NATIONAL
2 FREIGHT NETWORK.—Effective beginning 5 years
3 after the designation of the national freight network
4 and every 5 years thereafter, using the designation
5 factors described in paragraph (1), the Secretary
6 shall redesignate the national freight network.

7 “(f) NATIONAL FREIGHT STRATEGIC PLAN.—

8 “(1) ESTABLISHMENT OF PLAN.—Not later
9 than October 1, 2015, the Secretary shall, in con-
10 sultation with the Secretary of Homeland Security,
11 the Secretary of Commerce, the Assistant Secretary
12 of the Army for Civil Works, State departments of
13 transportation, and other appropriate public and pri-
14 vate transportation stakeholders, develop, maintain,
15 and post on the Department of Transportation pub-
16 lic website a national freight strategic plan that shall
17 include—

18 “(A) an assessment of the condition and
19 performance of the national freight system;

20 “(B) an identification of bottlenecks on the
21 national freight system that create significant
22 freight congestion problems, based on a quan-
23 titative methodology developed by the Secretary,
24 which shall, at a minimum, include—

1 “(i) information from the Freight
2 Analysis Framework of the Federal High-
3 way Administration; and

4 “(ii) to the maximum extent prac-
5 ticable, an estimate of the cost of address-
6 ing each bottleneck and any operational
7 improvements that could be implemented;

8 “(C) forecasts of freight volumes for 10-
9 year and 20-year periods beginning in the year
10 during which the plan is issued;

11 “(D) an identification of major trade gate-
12 ways and national freight corridors that connect
13 major population centers, trade gateways, and
14 other major freight generators for current and
15 forecasted traffic and freight volumes, the iden-
16 tification of which shall be revised, as appro-
17 priate, in subsequent plans;

18 “(E) an assessment of statutory, regu-
19 latory, technological, institutional, financial,
20 and other barriers to improved freight transpor-
21 tation performance (including opportunities for
22 overcoming the barriers);

23 “(F) an identification of routes providing
24 access to energy exploration, development, in-
25 stallation, or production areas;

1 “(G) best practices for improving the per-
2 formance of the national freight system;

3 “(H) best practices for addressing the im-
4 pacts of freight movement on communities;

5 “(I) a process for addressing multistate
6 projects and encouraging jurisdictions to col-
7 laborate; and

8 “(J) strategies to improve freight
9 connectivity between modes of transportation.

10 “(2) UPDATES TO NATIONAL FREIGHT STRA-
11 TEGIC PLAN.—Not later than 5 years after the date
12 of completion of the first national freight strategic
13 plan under paragraph (1), and every 5 years there-
14 after, the Secretary shall update and repost on the
15 Department of Transportation public website a re-
16 vised national freight strategic plan.

17 “(g) FREIGHT TRANSPORTATION CONDITIONS AND
18 PERFORMANCE REPORTS.—Not later than October 1,
19 2016, and biennially thereafter, the Secretary shall pre-
20 pare a report that contains a description of the conditions
21 and performance of the national freight system in the
22 United States.

23 “(h) TRANSPORTATION INVESTMENT DATA AND
24 PLANNING TOOLS.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 new tools and improve existing tools to support an
3 outcome-oriented, performance-based approach to
4 evaluate proposed freight-related and other transpor-
5 tation projects, including—

6 “(A) methodologies for systematic analysis
7 of benefits and costs;

8 “(B) freight forecasting models;

9 “(C) tools for ensuring that the evaluation
10 of freight-related and other transportation
11 projects can consider safety, economic competi-
12 tiveness, environmental sustainability, and sys-
13 tem condition in the project selection process;
14 and

15 “(D) other elements to assist in effective
16 transportation planning.

17 “(2) FREIGHT DATA.—In support of these
18 tools, and to support a broad range of evaluation
19 methods and techniques to assist in making trans-
20 portation investment decisions, the Secretary shall—

21 “(A) direct the collection of appropriate
22 transportation-related data, including data to
23 measure the condition and performance of the
24 national freight system; and

1 “(B) consider any improvements to exist-
 2 ing freight data collection efforts that could re-
 3 duce identified freight data gaps and defi-
 4 ciencies and help improve forecasts of freight
 5 transportation demand.

6 “(3) CONSULTATION.—The Secretary shall con-
 7 sult with Federal, State, and other stakeholders to
 8 develop, improve, and implement the tools and col-
 9 lect the data identified pursuant to this subsection.

10 “(4) MULTIMODAL FREIGHT MEASURE.—The
 11 Secretary shall evaluate the analyses and plans re-
 12 quired under section 5401(e) (2) and (3) of this title
 13 and consider development of a national performance
 14 measure to assess the efficiency of the multimodal
 15 freight network in accordance with the National
 16 Freight Strategic Plan.”.

17 (f) CONFORMING AMENDMENTS.—

18 (1) TABLE OF CHAPTERS.—The table of chap-
 19 ters for such title is amended by inserting after the
 20 item related to chapter 53 the following:

“54. Freight 5401”.

21 (2) REPEALS.—

22 (A) MAP-21.—Sections 1116, 1117, and
 23 1118 of MAP-21 (Public Law 112-141) are re-
 24 pealed.

1 (B) TITLE 23.—Section 167 of title 23,
2 United States Code, is repealed.

3 (3) CROSS-REFERENCE.—Section 505(a)(3) of
4 title 23, United States Code, is amended by striking
5 “149, and 167” and inserting “and 149, and section
6 5405 of title 49”.

7 **SEC. 1102. REDESIGNATION OF THE NATIONAL NETWORK.**

8 (a) OPERATION OF COMMERCIAL VEHICLES ON THE
9 NATIONAL HIGHWAY SYSTEM AND THE NATIONAL
10 FREIGHT NETWORK.—

11 (1) SECTION 31111 AMENDMENT.—Section
12 31111 of title 49, United States Code, is amended—

13 (A) in subsection (b)(1)(A) by striking
14 “the Dwight D. Eisenhower System of Inter-
15 state and Defense Highways (except a segment
16 exempted under subsection (f) of this section)
17 and those classes of qualifying Federal-aid Pri-
18 mary System highways designated by the Sec-
19 retary of Transportation under subsection (e) of
20 this section” and inserting “the National High-
21 way System and the National Freight Network
22 (except a segment exempted under subsection
23 (e) of this section)”;

24 (B) in subsection (c) by striking “the
25 Dwight D. Eisenhower System of Interstate

1 and Defense Highways (except a segment ex-
2 empted under subsection (f) of this section) and
3 those classes of qualifying Federal-aid Primary
4 System highways designated by the Secretary of
5 Transportation under subsection (e) of this sec-
6 tion” and inserting “the National Highway Sys-
7 tem and the National Freight Network (except
8 a segment exempted under subsection (e) of
9 this section)”;

10 (C) by striking subsection (e);

11 (D) by redesignating subsections (f) and
12 (g) as subsections (e) and (f), respectively; and

13 (E) in subsection (e), as redesignated—

14 (i) in paragraph (1) by striking “the
15 Dwight D. Eisenhower System of Inter-
16 state and Defense Highways” and insert-
17 ing “the National Highway System or the
18 National Freight Network”;

19 (ii) in paragraph (2) by striking “the
20 Dwight D. Eisenhower System of Inter-
21 state and Defense Highways” and insert-
22 ing “the National Highway System or the
23 National Freight Network”; and

24 (iii) in paragraph (4)(A) by striking
25 “the Dwight D. Eisenhower System of

1 Interstate and Defense Highways” and in-
2 sserting “the National Highway System or
3 the National Freight Network”.

4 (2) SECTION 31112 AMENDMENT.—Section
5 31112 of title 49, United States Code, is amended
6 in subsection (b) by striking “by the Secretary of
7 Transportation under section 31111(e) of this title”
8 and inserting “in part 658 of title 23, Code of Fed-
9 eral Regulations”.

10 (3) SECTION 31113 AMENDMENT.—Section
11 31113 of title 49, United States Code, is amended—

12 (A) by amending subsection (a) to read as
13 follows:

14 “(a) GENERAL LIMITATIONS.—Except as provided in
15 subsection (e) of this section, a State (except Hawaii) may
16 not prescribe or enforce a regulation of commerce that im-
17 poses a vehicle width limitation of more or less than 102
18 inches on a commercial motor vehicle operating on the Na-
19 tional Highway System or the National Freight Net-
20 work.”;

21 (B) in subsection (d) by striking “the
22 Dwight D. Eisenhower System of Interstate
23 and Defense Highways (except a segment ex-
24 empted under subsection (e) of this section) or
25 other qualifying Federal-aid highway designated

1 by the Secretary” and inserting “the National
2 Highway System or National Freight Net-
3 work”; and

4 (C) in subsection (e)—

5 (i) in paragraph (1) by striking “the
6 Dwight D. Eisenhower System of Inter-
7 state and Defense Highways” and insert-
8 ing “the National Highway System or Na-
9 tional Freight Network”;

10 (ii) in paragraph (2) by striking “the
11 Dwight D. Eisenhower System of Inter-
12 state and Defense Highways” and insert-
13 ing “the National Highway System or Na-
14 tional Freight Network”; and

15 (iii) in paragraph (4)(A) by striking
16 “the Dwight D. Eisenhower System of
17 Interstate and Defense Highways” and in-
18 serting “the National Highway System or
19 National Freight Network”.

20 (4) SECTION 31114 AMENDMENT.—Section
21 31114 of title 49, United States Code, is amended—

22 (A) in the section heading by striking
23 “Interstate System” and inserting “National
24 Highway System and National Freight Net-
25 work”; and

1 (B) by amending subsection (a)(1) to read
2 as follows:

3 “(1) the National Highway System or the Na-
4 tional Freight Network; and”.

5 (b) DELAYED APPLICABILITY.—The Secretary shall
6 not enforce the amendments made by this section until
7 3 years after the effective date of this Act.

8 **Subtitle C—Planning**

9 **SEC. 1201. TRANSPORTATION SYSTEM RESILIENCE ASSESS-** 10 **MENT.**

11 (a) SECTION 134 AMENDMENT.—Section 134 of title
12 23, United States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraphs (1), (2),
15 (3), (4), (5), (6), and (7) as paragraphs (4),
16 (5), (6), (7), (8), (10), and (11), respectively;

17 (B) by inserting before paragraph (4), as
18 redesignated, the following:

19 “(1) ADAPTATION.—The term ‘adaptation’
20 means adjustment in natural or human systems in
21 anticipation of or response to a changing environ-
22 ment in a way that effectively uses beneficial oppor-
23 tunities or moderates negative effects of extreme
24 weather events or climate change.

1 “(2) CLIMATE CHANGE.—The term ‘climate
2 change’ means any significant change in the meas-
3 ures of climate lasting for an extended period of
4 time. This may include major changes in tempera-
5 ture, precipitation, or wind patterns, among others,
6 that occur over several decades or longer.

7 “(3) CRITICAL HIGHWAY AND TRANSIT AS-
8 SETS.—The term ‘critical highway and transit as-
9 sets’ means transportation facilities considered crit-
10 ical to support population centers, freight movement
11 and economic activity, or evacuation, recovery or na-
12 tional security functions.”; and

13 (C) by inserting before paragraph (10), as
14 redesignated, the following:

15 “(9) RESILIENCE.—The term ‘resilience’ means
16 the ability to anticipate, prepare for, and adapt to
17 changing conditions and to withstand, respond to,
18 and recover rapidly from disruptions, including ex-
19 treme weather events and climate change.”; and

20 (2) in subsection (i)(2)—

21 (A) by redesignating subparagraphs (E),
22 (F), (G), and (H), as subparagraphs (F), (G),
23 (H), and (I), respectively; and

24 (B) by inserting before subparagraph (F),
25 as redesignated, the following:

1 “(E) ADAPTATION AND RESILIENCE.—

2 “(i) IN GENERAL.—In order to pro-
3 tect the integrity and enhance the resil-
4 ience of the transportation system and to
5 ensure the efficient use of Federal re-
6 sources, the long-range transportation plan
7 shall include—

8 “(I) an analysis of potential
9 vulnerabilities and risks of critical
10 highway and transit assets to the im-
11 pacts of current and future extreme
12 weather and climate change effects;
13 and

14 “(II) an explanation of potential
15 strategies for the adaptation of those
16 critical assets.

17 “(ii) CONSULTATION AND COORDINA-
18 TION.—The analysis shall be developed in
19 consultation with Federal, State, local and
20 Tribal agencies, as appropriate. The anal-
21 ysis and strategies shall take into consider-
22 ation the risk management analysis in the
23 State’s asset management plan, developed
24 pursuant to section 119 of this title, and
25 the State’s evaluation of reasonable alter-

1 natives to roads, highways, and bridges
2 that repeatedly require repair and recon-
3 struction activities due to emergency
4 events, carried out in accordance with sec-
5 tion 1315(b) of Public Law 112–141 (126
6 Stat. 549).”.

7 (b) SECTION 135 AMENDMENT.—Section 135(f) of
8 title 23, United States Code, is amended by adding at the
9 end the following:

10 “(10) ADAPTATION AND RESILIENCE.—

11 “(A) IN GENERAL.—To protect the integ-
12 rity and enhance the resilience of the transpor-
13 tation system and to ensure the efficient use of
14 Federal resources, the long-range transpor-
15 tation plan shall include—

16 “(i) an analysis of potential
17 vulnerabilities and risks of critical highway
18 and transit assets to the impacts of cur-
19 rent and future extreme weather and cli-
20 mate change effects; and

21 “(ii) an explanation of potential strat-
22 egies for the adaptation of those critical
23 assets.

24 “(B) CONSULTATION AND COORDINA-
25 TION.—The analysis shall be developed in con-

1 sultation with Federal, State, local and Tribal
2 agencies, as appropriate. The analysis and
3 strategies shall take into consideration the risk
4 management analysis in the State’s asset man-
5 agement plan, developed pursuant to section
6 119 of this title, and the State’s evaluation of
7 reasonable alternatives to roads, highways, and
8 bridges that repeatedly require repair and re-
9 construction activities due to emergency events,
10 carried out in accordance with section 1315(b)
11 of Public Law 112–141 (126 Stat. 549).”.

12 (c) SECTION 5303 AMENDMENT.—Section 5303 of
13 title 49, United States Code, is amended—

14 (1) in subsection (b)—

15 (A) by redesignating paragraphs (1), (2),
16 (3), (4), (5), (6), and (7) as paragraphs (4),
17 (5), (6), (7), (8), (10), and (11), respectively;

18 (B) by inserting before paragraph (4), as
19 redesignated, the following:

20 “(1) ADAPTATION.—The term ‘adaptation’
21 means an adjustment in natural or human systems
22 in anticipation of or response to a changing environ-
23 ment in a way that effectively uses beneficial oppor-
24 tunities or moderates negative effects of extreme
25 weather events or climate change.

1 “(2) CLIMATE CHANGE.—The term ‘climate
2 change’ means any significant change in the meas-
3 ures of climate lasting for an extended period of
4 time. This may include major changes in tempera-
5 ture, precipitation, or wind patterns, among others,
6 that occur over several decades or longer.

7 “(3) CRITICAL HIGHWAY AND TRANSIT AS-
8 SETS.—The term ‘critical highway and transit as-
9 sets’ means transportation facilities considered crit-
10 ical to support population centers, freight movement
11 and economic activity, or evacuation, recovery or na-
12 tional security functions.”; and

13 (C) by inserting before paragraph (10), as
14 redesignated, the following:

15 “(9) RESILIENCE.—The term ‘resilience’ means
16 the ability to anticipate, prepare for, and adapt to
17 changing conditions and to withstand, respond to,
18 and recover rapidly from disruptions, including ex-
19 treme weather events and climate change.”; and

20 (2) in subsection (i)(2)—

21 (A) by redesignating subparagraphs (E),
22 (F), (G), and (H), as subparagraphs (F), (G),
23 (H), and (I), respectively; and

24 (B) by inserting before subparagraph (F),
25 as redesignated, the following:

1 “(E) ADAPTATION AND RESILIENCE.—

2 “(i) IN GENERAL.—To protect the in-
3 tegrity and enhance the resilience of the
4 transportation system and to ensure the
5 efficient use of Federal resources, the long-
6 range transportation plan shall include—

7 “(I) an analysis of potential
8 vulnerabilities and risks of critical
9 highway and transit assets to the im-
10 pacts of current and future extreme
11 weather and climate change effects;
12 and

13 “(II) an explanation of potential
14 strategies for the adaptation of those
15 critical assets.

16 “(ii) CONSULTATION AND COORDINA-
17 TION.—The analysis shall be developed in
18 consultation with Federal, State, local and
19 Tribal agencies, as appropriate. The anal-
20 ysis and strategies shall take into consider-
21 ation the risk management analysis in the
22 State’s asset management plan, developed
23 pursuant to section 119 of this title, and
24 the State’s evaluation of reasonable alter-
25 natives to roads, highways, and bridges

1 that repeatedly require repair and recon-
2 struction activities due to emergency
3 events, carried out in accordance with sec-
4 tion 1315(b) of Public Law 112–141 (126
5 Stat. 549).”.

6 (d) SECTION 5304 AMENDMENT.—Section 5304(f) of
7 title 49, United States Code, is amended by adding at the
8 end the following:

9 “(10) ADAPTATION AND RESILIENCE.—

10 “(A) IN GENERAL.—To protect the integ-
11 rity and enhance the resilience of the transpor-
12 tation system and ensure the efficient use of
13 Federal resources, the long-range transpor-
14 tation plan shall include—

15 “(i) an analysis of potential
16 vulnerabilities and risks of critical highway
17 and transit assets to the impacts of cur-
18 rent and future extreme weather and cli-
19 mate change effects; and

20 “(ii) an explanation of potential strat-
21 egies for the adaptation of those critical
22 assets.

23 “(B) CONSULTATION AND COORDINA-
24 TION.—The analysis shall be developed in con-
25 sultation with Federal, State, local and Tribal

1 agencies, as appropriate. The analysis and
2 strategies shall take into consideration the risk
3 management analysis in the State’s asset man-
4 agement plan, developed pursuant to section
5 119 of this title, and the State’s evaluation of
6 reasonable alternatives to roads, highways, and
7 bridges that repeatedly require repair and re-
8 construction activities due to emergency events,
9 carried out in accordance with section 1315(b)
10 of Public Law 112–141 (126 Stat. 549).”.

11 **SEC. 1202. CONSOLIDATED AND HIGH PERFORMING MET-**
12 **ROPOLITAN PLANNING ORGANIZATIONS.**

13 (a) CONSOLIDATION OF METROPOLITAN PLANNING
14 ORGANIZATIONS.—

15 (1) SECTION 134 AMENDMENT.—Section
16 134(d)(6) of title 23, United States Code, is amend-
17 ed to read as follows:

18 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
19 NING ORGANIZATIONS WITHIN URBANIZED AREAS.—

20 “(A) LIMITATION ON NEW METROPOLITAN
21 PLANNING ORGANIZATION DESIGNATIONS.—A
22 metropolitan planning organization shall not be
23 newly designated—

24 “(i) within a metropolitan statistical
25 area if another metropolitan planning or-

1 organization already exists within the bound-
2 aries of the metropolitan statistical area;
3 or

4 “(ii) outside of a metropolitan statis-
5 tical area.

6 “(B) MULTIPLE EXISTING METROPOLITAN
7 PLANNING ORGANIZATIONS.—If multiple exist-
8 ing metropolitan planning organizations are
9 designated within a metropolitan statistical
10 area—

11 “(i) the metropolitan planning organi-
12 zations may—

13 “(I) retain their designation as
14 distinct metropolitan planning organi-
15 zations; or

16 “(II) be consolidated by agree-
17 ment between the metropolitan plan-
18 ning organizations;

19 “(ii) the Governor (or Governors) and
20 the existing metropolitan planning organi-
21 zations shall—

22 “(I) revisit a determination to re-
23 main unconsolidated every 10 years,
24 beginning two years after the next de-
25 cennial census; and

1 “(II) provide justification to the
2 Secretary of the continued necessity of
3 the designation of multiple metropoli-
4 tan planning organizations in the
5 area; and

6 “(iii) where multiple metropolitan
7 planning organizations exist within a single
8 metropolitan statistical area, they shall co-
9 operate with one another to—

10 “(I) develop a single transpor-
11 tation improvement plan and a single
12 long-range plan for use by all metro-
13 politan planning organizations within
14 the metropolitan statistical area when
15 developing their individual plans; and

16 “(II) establish a single set of per-
17 formance targets that address the per-
18 formance measures described in sec-
19 tion 150(c) for use in developing indi-
20 vidual performance targets in accord-
21 ance with section 134(h)(2).”.

22 (2) SECTION 5303 AMENDMENT.—Section
23 5303(d)(6) of title 49, United States Code, is
24 amended to read as follows:

1 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
2 NING ORGANIZATIONS WITHIN URBANIZED AREAS.—

3 “(A) LIMITATION ON NEW METROPOLITAN
4 PLANNING ORGANIZATION DESIGNATIONS.—A
5 metropolitan planning organization shall not be
6 newly designated—

7 “(i) within a metropolitan statistical
8 area if another metropolitan planning or-
9 ganization already exists within the bound-
10 aries of the metropolitan statistical area;
11 or

12 “(ii) outside of a metropolitan statis-
13 tical area.

14 “(B) MULTIPLE EXISTING METROPOLITAN
15 PLANNING ORGANIZATIONS.—If multiple exist-
16 ing metropolitan planning organizations are
17 designated within a metropolitan statistical
18 area—

19 “(i) the metropolitan planning organi-
20 zations may—

21 “(I) retain their designation as
22 distinct metropolitan planning organi-
23 zations; or

1 “(II) be consolidated by agree-
2 ment between the metropolitan plan-
3 ning organizations;

4 “(ii) the Governor (or Governors) and
5 the existing metropolitan planning organi-
6 zations shall—

7 “(I) revisit a determination to re-
8 main unconsolidated every 10 years,
9 beginning two years after the next de-
10 cennial census; and

11 “(II) provide justification to the
12 Secretary of the continued necessity of
13 the designation of multiple metropoli-
14 tan planning organizations in the
15 area; and

16 “(iii) where multiple metropolitan
17 planning organizations exist within a single
18 metropolitan statistical area, they shall co-
19 operate with one another to—

20 “(I) develop a single transpor-
21 tation improvement plan and a single
22 long-range plan for use by all metro-
23 politan planning organizations within
24 the metropolitan statistical area when
25 developing their individual plans; and

1 “(II) establish a single set of per-
2 formance targets that address the per-
3 formance measures described in sec-
4 tion 150(c) of title 23, United States
5 Code, for use in developing individual
6 performance targets in accordance
7 with subsection (h)(2) and sections
8 5326(e) and 5329(d) of this title.”.

9 (3) DEFINITIONS.—

10 (A) HIGHWAY DEFINITION.—Section
11 134(b) of title 23, United States Code, as
12 amended by section 1201(a) of this Act, is fur-
13 ther amended by—

14 (i) redesignating paragraphs (3)
15 through (11) as paragraphs (4) through
16 (12); and

17 (ii) inserting after paragraph (2) the
18 following:

19 “(3) CONSOLIDATED METROPOLITAN PLANNING
20 ORGANIZATION.—The term ‘consolidated metropoli-
21 tan planning organization’ means a sole metropoli-
22 tan planning organization that serves a metropolitan
23 statistical area.”.

24 (B) TRANSIT DEFINITION.—Section
25 5303(b) of title 49, United States Code, as

1 amended by section 1201(c) of this Act is fur-
2 ther amended by—

3 (i) redesignating paragraphs (3)
4 through (11) as paragraphs (4) through
5 (12); and

6 (ii) inserting after paragraph (2) the
7 following:

8 “(3) CONSOLIDATED METROPOLITAN PLANNING
9 ORGANIZATION.—The term ‘consolidated metropoli-
10 tan planning organization’ means a sole metropoli-
11 tan planning organization that serves a metropolitan
12 statistical area.”.

13 (b) DESIGNATION OF HIGH PERFORMING METRO-
14 POLITAN PLANNING ORGANIZATIONS.—

15 (1) SECTION 134 AMENDMENT.—Section 134 of
16 title 23, United States Code, as amended by this
17 Act, is further amended by adding at the end the
18 following:

19 “(r) HIGH PERFORMING METROPOLITAN PLANNING
20 ORGANIZATIONS.—

21 “(1) IN GENERAL.—A metropolitan planning
22 organization that represents an urbanized area with
23 a population of over 200,000 individuals may re-
24 quest a high performing metropolitan planning orga-
25 nization designation from the Secretary.

1 “(2) CRITERIA.—In making a high performing
2 metropolitan planning organization designation, the
3 Secretary shall consider—

4 “(A) the extent to which the metropolitan
5 planning organization has an equitable and re-
6 gional approach to decisionmaking;

7 “(B) the extent to which the metropolitan
8 planning organization has incorporated its per-
9 formance targets established pursuant to sec-
10 tion 150 of this title and sections 5303(h)(2),
11 5326(c) and 5329(d) of title 49 into its plan-
12 ning process;

13 “(C) whether the metropolitan planning or-
14 ganization is a consolidated metropolitan plan-
15 ning organization;

16 “(D) if the metropolitan planning organi-
17 zation is not a consolidated metropolitan plan-
18 ning organization, the extent to which the met-
19 ropolitan planning organization is coordinating
20 with all other metropolitan planning organiza-
21 tions designated for the same metropolitan sta-
22 tistical area;

23 “(E) the technical capacity of the metro-
24 politan planning organization; and

1 “(F) other criteria established by the Sec-
2 retary in guidance.

3 “(3) REVIEW.—A designation under paragraph
4 (1) shall stay in effect for 10 years from the date
5 of designation.”.

6 (2) SECTION 5303 AMENDMENT.—Section 5303
7 of title 49, United States Code, as amended by this
8 Act, is further amended by adding at the end the
9 following:

10 “(r) HIGH PERFORMING METROPOLITAN PLANNING
11 ORGANIZATIONS.—

12 “(1) IN GENERAL.—A metropolitan planning
13 organization that represents an urbanized area with
14 a population of over 200,000 individuals may re-
15 quest a high performing metropolitan planning orga-
16 nization designation from the Secretary.

17 “(2) CRITERIA.—In making a high performing
18 metropolitan planning organization designation, the
19 Secretary shall consider—

20 “(A) the extent to which the metropolitan
21 planning organization has an equitable and re-
22 gional approach to decisionmaking;

23 “(B) the extent to which the metropolitan
24 planning organization has incorporated its per-
25 formance targets established pursuant to sec-

1 tion 150 of title 23, United States Code, sub-
2 section (h)(2), and sections 5326(e) and
3 5329(d) of this title into its planning process;

4 “(C) whether the metropolitan planning or-
5 ganization is a consolidated metropolitan orga-
6 nization;

7 “(D) if the metropolitan planning organi-
8 zation is not a consolidated metropolitan plan-
9 ning organization, the extent to which the met-
10 ropolitan planning organization is coordinating
11 with all other metropolitan planning organiza-
12 tions designated for the same metropolitan sta-
13 tistical area;

14 “(E) the technical capacity of the metro-
15 politan planning organization; and

16 “(F) other criteria established by the Sec-
17 retary in guidance.

18 “(3) REVIEW.—A designation under paragraph
19 (1) shall stay in effect for 10 years from the date
20 of designation.”.

21 (c) SURFACE TRANSPORTATION INCENTIVE
22 FUNDS.—Section 133(d)(1) of title 23, United States
23 Code, is amended to read as follows:

1 “(1) CALCULATION.—The funds apportioned to
2 a State under section 104(b)(2) shall be obligated as
3 follows:

4 “(A) SUBALLOCATED FUNDS.—50 percent
5 of the funds for a fiscal year shall be obligated
6 under this section, in proportion to their rel-
7 ative shares of the population of the State—

8 “(i) in urbanized areas of the State
9 with an urbanized area population over
10 200,000;

11 “(ii) in urban areas of the State with
12 a population of 5,000 to 200,000; and

13 “(iii) in areas of the State with a pop-
14 ulation of fewer than 5,000.

15 “(B) STATEWIDE FUNDS.—25 percent of
16 the funds for a fiscal year may be obligated in
17 any area of the State.

18 “(C) HIGH PERFORMING METROPOLITAN
19 PLANNING ORGANIZATIONS.—

20 “(i) IN GENERAL.—25 percent of the
21 funds for a fiscal year shall be obligated
22 under this section in urbanized areas
23 under subparagraph (A)(i) that are served
24 by high performing metropolitan planning
25 organizations (as designated by the Sec-

1 retary under section 134(r) or section
2 5303(r) of title 49, United States Code).
3 Any funds remaining under this clause
4 shall be obligated in any area of the State
5 under subparagraph (B).

6 “(ii) AMOUNT.—The amount to be ob-
7 ligated under clause (i) in an urbanized
8 area served by a high performing metro-
9 politan planning organization shall equal
10 50 percent of the amount to be obligated
11 in that urbanized area under paragraph
12 (4) and is in addition to the amount under
13 such paragraph.”.

14 (d) TRANSPORTATION ALTERNATIVES INCENTIVE
15 FUNDS.—Section 213(c)(1) of such title is amended to
16 read as follows:

17 “(1) CALCULATION.—The funds reserved to a
18 State shall be obligated as follows:

19 “(A) SUBALLOCATED FUNDS.—50 percent
20 of the funds for a fiscal year shall be obligated
21 under this section to any eligible entity in pro-
22 portion to its relative share of the population of
23 the State—

1 “(i) in urbanized areas of the State
2 with an urbanized area population over
3 200,000;

4 “(ii) in urban areas of the State with
5 a population of 5,000 to 200,000; and

6 “(iii) in areas of the State with a pop-
7 ulation of fewer than 5,000.

8 “(B) STATEWIDE FUNDS.—25 percent of
9 the funds for a fiscal year may be obligated in
10 any area of the State.

11 “(C) HIGH PERFORMING METROPOLITAN
12 PLANNING ORGANIZATIONS.—

13 “(i) IN GENERAL.—25 percent of the
14 funds for a fiscal year shall be obligated
15 under this section in urbanized areas
16 under subparagraph (A)(i) that are served
17 by high performing metropolitan planning
18 organizations (as designated by the Sec-
19 retary under section 134(r) or section
20 5303(r) of title 49, United States Code).
21 Any funds remaining under this clause
22 shall be obligated in any area of the State
23 under subparagraph (B).

24 “(ii) AMOUNT.—The amount to be ob-
25 ligated under clause (i) in an urbanized

1 area served by a high performing metro-
2 politan planning organization shall equal
3 50 percent of the amount to be obligated
4 in that urbanized area under paragraph
5 (3) and is in addition to the amount under
6 such paragraph.”.

7 (e) OBLIGATION AUTHORITY.—Section 133(f) of
8 such title is amended—

9 (1) in paragraph (1), by—

10 (A) striking “A State” and inserting “Ex-
11 cept as provided in paragraph (2), a State”;
12 and

13 (B) striking “fiscal years 2011 through
14 2014” and inserting “fiscal years 2016 through
15 2018 and the period of fiscal years 2019
16 through 2021”;

17 (2) by redesignating paragraph (2) as para-
18 graph (3) and inserting after paragraph (1) the fol-
19 lowing:

20 “(2) HIGH PERFORMING METROPOLITAN PLAN-
21 NING ORGANIZATIONS.—

22 “(A) IN GENERAL.—A State that is re-
23 quired to obligate in an urbanized area under
24 subsections (d)(1)(A)(i) and (d)(1)(C)(i) shall
25 make available to such urbanized area on an

1 annual basis an amount of obligation authority
2 distributed to the State for Federal-aid high-
3 ways and highway safety construction programs
4 for use in the area that is equal to the amount
5 obtained by multiplying—

6 “(i) the amount of funds that the
7 State is required to obligate in the area
8 under such subsections; and

9 “(ii) the ratio specified in paragraph
10 (1)(B).

11 “(B) AVAILABILITY.—The obligation au-
12 thority that a State makes available to an ur-
13 banized area under subparagraph (A) shall re-
14 main available for a period of four fiscal
15 years.”; and

16 (3) in paragraph (3), as redesignated, by strik-
17 ing “paragraph (1)” and inserting “paragraphs (1)
18 and (2)”.

19 (f) DISTRIBUTION OF METROPOLITAN PLANNING
20 FUNDS.—Section 104(d)(2)(A) of such title is amended—

21 (1) in clause (i), by striking “; and” and insert-
22 ing “;”;

23 (2) by redesignating clause (ii) as clause (iii);

24 and

25 (3) by inserting after clause (i) the following:

1 “(ii) prioritizes the needs of high per-
2 forming metropolitan planning organiza-
3 tions (as designated by the Secretary
4 under section 134(r) or section 5303(r) of
5 title 49, United States Code); and”.

6 (g) TECHNICAL CORRECTION.—Subsection 133(h)(1)
7 of such title is amended by striking “for each of fiscal
8 years 2013 through 2014” and inserting “each fiscal
9 year”.

10 **SEC. 1203. PARTICIPATION OF PUBLIC PORT AUTHORITIES.**

11 (a) SECTION 134 AMENDMENT.—Section
12 134(i)(6)(A) of title 23, United States Code, is amended
13 by inserting “public ports,” before “freight shippers”.

14 (b) SECTION 135 AMENDMENT.—Section 135(g)(3)
15 of title 23, United States Code, is amended by inserting
16 “public ports,” before “freight shippers”.

17 (c) SECTION 5303 AMENDMENT.—Section
18 5303(i)(6)(A) of title 49, United States Code, is amended
19 by inserting “public ports,” before “freight shippers”.

20 (d) SECTION 5304 AMENDMENT.—Section
21 5304(g)(3) of title 49, United States Code, is amended
22 by inserting “public ports,” before “freight shippers”.

1 **SEC. 1204. STRENGTHENING THE STATEWIDE AND NON-**
2 **METROPOLITAN PLANNING PROCESS.**

3 (a) SECTION 135 AMENDMENT.—Section 135 of title
4 23, United States Code, is amended—

5 (1) in subsection (f)(5) by striking “may” and
6 inserting “shall”;

7 (2) in subsection (f)(7)—

8 (A) by striking “should” and inserting
9 “shall”; and

10 (B) by striking the final “;” and inserting
11 “.”;

12 (3) in subsection (g)(5)(F)(i) by striking “may”
13 and inserting “shall”; and

14 (4) by striking subsection (g)(8) and inserting
15 the following:

16 “(8) CERTIFICATION PROCESS.—

17 “(A) IN GENERAL.—At least once every 4
18 years the Secretary shall certify that each State
19 has met the requirements of—

20 “(i) this section; and

21 “(ii) other Federal laws, regulations,
22 and orders applicable to the statewide and
23 nonmetropolitan and the metropolitan
24 planning processes.

25 “(B) FAILURE TO MEET CERTIFICATION.—

26 If a State does not meet such certification, the

1 Secretary may withhold up to 20 percent of the
2 funds attributable to such State for projects
3 funded under this title and chapter 53 of title
4 49.

5 “(C) RESTORATION OF FUNDS.—The with-
6 held funds shall be restored to the State at such
7 time as the State process is certified by the
8 Secretary.

9 “(D) PUBLIC INVOLVEMENT.—In making
10 the certification determinations under this para-
11 graph, the Secretary shall provide for public in-
12 volvement appropriate to the State under re-
13 view.”.

14 (b) SECTION 5304 AMENDMENT.—Section 5304 of
15 title 49, United States Code, is amended—

16 (1) in subsection (f)(5) by striking “may” and
17 inserting “shall”;

18 (2) in subsection (f)(7) by striking “should”
19 and inserting “shall”;

20 (3) in subsection (g)(5)(F)(i) by striking “may”
21 and inserting “shall”; and

22 (4) by striking subsection (g)(8) and inserting
23 the following:

24 “(8) CERTIFICATION PROCESS.—

1 “(A) IN GENERAL.—At least once every 4
2 years the Secretary shall certify that each State
3 has met the requirements of—

4 “(i) this section; and

5 “(ii) other Federal laws, regulations,
6 and orders applicable to the statewide and
7 nonmetropolitan and the metropolitan
8 planning processes.

9 “(B) FAILURE TO MEET CERTIFICATION.—
10 If a State does not meet such certification, the
11 Secretary may withhold up to 20 percent of the
12 funds attributable to such State for projects
13 funded under this title and chapter 53 of title
14 49.

15 “(C) RESTORATION OF FUNDS.—The with-
16 held funds shall be restored to the State at such
17 time as the State process is certified by the
18 Secretary.

19 “(D) PUBLIC INVOLVEMENT.—In making
20 the certification determinations under this para-
21 graph, the Secretary shall provide for public in-
22 volvement appropriate to the State under re-
23 view.”.

1 **SEC. 1205. REMOVAL OF THE CONGESTION MANAGEMENT**
2 **PROCESS.**

3 (a) SECTION 134 AMENDMENT.—Section 134 of title
4 23, United States Code, is amended—

5 (1) by striking subsection (k)(3) and redesignating
6 subsections (k)(4) and (k)(5) as subsections
7 (k)(3) and (k)(4), respectively; and

8 (2) by striking subsection (n) and redesignating
9 subsections (o) through (q) as subsections (n)
10 through (p), respectively.

11 (b) SECTION 135 AMENDMENT.—Section 135 of title
12 23, United States Code, is amended by striking subsection
13 (j) and redesignating subsections (k) through (m) as sub-
14 sections (j) through (l), respectively.

15 (c) SECTION 5303 AMENDMENT.—Section 5303 of
16 title 49, United States Code, is amended—

17 (1) by striking subsection (k)(3) and redesignating
18 subsections (k)(4) and (k)(5) as subsections
19 (k)(3) and (k)(4), respectively; and

20 (2) by striking subsection (n) and redesignating
21 subsections (o) through (q) as subsections (n)
22 through (p), respectively.

23 (d) SECTION 5304 AMENDMENT.—Section 5304 of
24 title 49, United States Code, is amended by striking sub-
25 section (i) and redesignating subsections (j) through (l)
26 as subsections (i) through (k), respectively.

1 **SEC. 1206. PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.**

2 (a) SECTION 134 AMENDMENT.—Section 134(i) of
3 title 23, United States Code, is amended—

4 (1) in paragraph (4), by inserting after sub-
5 paragraph (C) the following:

6 “(D) PUBLIC INVOLVEMENT.—Metropoli-
7 tan planning organizations shall offer interested
8 parties, such as those described in paragraph
9 (6), a reasonable opportunity to participate in
10 the development and consideration of sce-
11 narios.”; and

12 (2) in paragraph (6), by striking “comment on
13 the transportation plan” and inserting “provide
14 input during the development and implementation of
15 the transportation plan”.

16 (b) SECTION 135 AMENDMENT.—Section
17 135(f)(3)(A)(ii) of title 23, United States Code, is amend-
18 ed by striking “comment on the transportation plan” and
19 inserting “provide input during the development of the
20 transportation plan”.

21 (c) SECTION 5303 AMENDMENT.—Section 5303(i) of
22 title 49, United States Code, is amended—

23 (1) in paragraph (4), by inserting after sub-
24 paragraph (C) the following:

25 “(D) PUBLIC INVOLVEMENT.—Metropoli-
26 tan planning organizations shall offer interested

1 parties, such as those described in paragraph
 2 (6), a reasonable opportunity to participate in
 3 the development and consideration of sce-
 4 narios.”; and

5 (2) in paragraph (6), by striking “comment on
 6 the transportation plan” and inserting “provide
 7 input during the development and implementation of
 8 the transportation plan”.

9 (d) SECTION 5304 AMENDMENT.—Section
 10 5304(f)(3)(A)(ii) of title 49, United States Code, is
 11 amended by striking “comment on the proposed plan” and
 12 inserting “provide input during the development of the
 13 transportation plan”.

14 **SEC. 1207. CONNECTION TO OPPORTUNITIES NATIONAL**
 15 **GOAL AND POTENTIAL PERFORMANCE MEAS-**
 16 **URE.**

17 (a) TRANSPORTATION CONNECTIONS TO OPPORTUNI-
 18 TIES.—Section 150(b) of title 23, United States Code, is
 19 amended—

20 (1) in paragraph (2), by striking “highway in-
 21 frastructure asset system” and inserting “infrastruc-
 22 ture asset system under title 23”; and

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

24 “(8) MULTIMODAL CONNECTIVITY.—To achieve
 25 an interconnected transportation system which con-

1 nects people to jobs, schools, and other essential
2 services through a multimodal network.”.

3 (b) ESTABLISHMENT OF PERFORMANCE MEAS-
4 URES.—Section 150(e) of title 23, United States Code, is
5 amended—

6 (1) in paragraph (1), by inserting “as listed in
7 paragraphs (3), (4), (5) and (6)” before the period
8 at the end; and

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

10 “(7) MULTIMODAL FREIGHT.—The Secretary
11 may, in accordance with the National Freight Stra-
12 tegic Plan, establish Performance Measures to as-
13 sess the efficiency of the multimodal freight network.

14 “(8) TRANSPORTATION CONNECTIVITY.—The
15 Secretary may, in accordance with the framework es-
16 tablished in section 134 of this title (Measuring
17 Transportation Connections to Opportunity), estab-
18 lish a Performance Measure to be used by MPOs to
19 assess the degree to which the transportation system
20 provides multimodal connections to economic oppor-
21 tunities, particularly for disadvantaged popu-
22 lations.”.

23 **SEC. 1208. WORKFORCE DEVELOPMENT.**

24 Section 140(b) of title 23, United States Code, is
25 amended to read as follows:

1 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

2 “(1) IN GENERAL.—The Secretary, in coopera-
3 tion with the Secretary of Labor and any other de-
4 partment or agency of the Government, State agen-
5 cy, authority, association, institution, Indian tribal
6 government, corporation (profit or nonprofit), or any
7 other organization or person, is authorized to de-
8 velop, conduct, and administer surface transpor-
9 tation and technology training, including skill im-
10 provement programs, and to develop and fund sum-
11 mer transportation institutes.

12 “(2) STATE DOT RESPONSIBILITIES.—A State
13 department of transportation participating in the
14 program shall—

15 “(A) develop a workforce plan that identi-
16 fies immediate and anticipated workforce gaps
17 and underrepresentation of women and minori-
18 ties, and a detailed plan to fill gaps and address
19 such underrepresentation;

20 “(B) establish a ‘workforce development
21 compact’ with the State workforce development
22 board and appropriate agencies to provide a co-
23 ordinated approach to workforce training, job
24 placement, and identification of training and
25 skill development program needs, which shall be

1 coordinated to the extent practical with an in-
2 stitution or agency, such as a State workforce
3 development board under 29 U.S.C. 3111, that
4 has established skills training, recruitment, and
5 placement resources; and

6 “(C) demonstrate program outcomes, in-
7 cluding—

8 “(i) impact on areas with transpor-
9 tation workforce shortages;

10 “(ii) diversity of training participants;

11 “(iii) number and percentage of par-
12 ticipants obtaining certifications or creden-
13 tials required for specific types of employ-
14 ment;

15 “(iv) employment outcome, including
16 job placement and job retention rates and
17 earnings, using performance metrics estab-
18 lished in consultation with the Secretary of
19 Labor and consistent with metrics used by
20 programs under the Workforce Innovation
21 and Opportunity Act (29 U.S.C. 3101 et
22 seq.); and

23 “(v) to the extent practical, evidence
24 that the program did not preclude workers
25 that participate in training or registered

1 apprenticeship activities under the pro-
2 gram from being referred to, or hired on,
3 projects funded under this chapter.

4 “(3) FUNDING.—Funds authorized for the pro-
5 gram under paragraph (1) of this subsection shall
6 remain available until expended.

7 “(4) NONAPPLICABILITY OF TITLE 41.—The
8 provisions of section 6101 (b) through (d) of title 41
9 shall not be applicable to contracts and agreements
10 made under the authority granted under this sub-
11 section to the Secretary.

12 “(5) USE OF SURFACE TRANSPORTATION AND
13 NATIONAL HIGHWAY PERFORMANCE PROGRAM
14 FUNDS.—Notwithstanding any other provision of
15 law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
16 tioned to a State under section 104(b) (1) or (2)
17 may be available to carry out this subsection upon
18 request of the State transportation department to
19 the Secretary.

20 “(6) JOB-DRIVEN SKILLS TRAINING INCEN-
21 TIVE.—

22 “(A) IN GENERAL.—In a fiscal year, the
23 Secretary shall provide incentive funding to
24 States for transportation workforce develop-
25 ment, including skills training, on-the-job train-

1 ing, and work-based learning, including appren-
2 ticeship programs that are registered under the
3 National Apprenticeship Act (29 U.S.C. 50 et
4 seq.) leading to credential attainment, employ-
5 ment, and career pathways for disadvantaged
6 populations.

7 “(B) ELIGIBILITY.—

8 “(i) LEVERAGING EXISTING FUNDS.—

9 If a State agrees to obligate in a fiscal
10 year funds apportioned to the State under
11 section 104(b) (1) or (2) for the purposes
12 authorized in paragraph (1), the Secretary
13 may provide up to twice the amount the
14 State has agreed to obligate for such pur-
15 poses.

16 “(ii) DEMONSTRATING SUCCESS IN
17 SKILLS TRAINING, RECRUITMENT, AND JOB
18 PLACEMENT.—The Secretary may provide
19 incentive funding to up to 20 States that
20 demonstrate that their program under
21 paragraph (2)—

22 “(I) operates in partnership with
23 an institution or agency, such as a
24 State workforce development board
25 under 29 U.S.C. 3111, that has estab-

1 lished skills training, recruitment, and
2 placement resources;

3 “(II) successfully places individ-
4 uals in permanent jobs, as measured
5 by a job placement, retention, and
6 earnings metrics established by the
7 Secretary; and

8 “(III) establishes recruitment
9 strategies that result in positive em-
10 ployment outcomes for minorities,
11 women, and disadvantaged individ-
12 uals.

13 “(C) GRANTS.—

14 “(i) IN GENERAL.—A State may pro-
15 vide incentive funds received under this
16 paragraph to an institution or agency,
17 such as a State workforce development
18 board under 29 U.S.C. 3111, that has es-
19 tablished skills training, recruitment, and
20 placement resources for use consistent with
21 subparagraph (A).

22 “(ii) COMPLIANCE.—A State that pro-
23 vides funds to an entity under clause (i)
24 shall establish measures to verify that re-

1 recipients of such funds comply with the re-
2 quirements of this subsection.

3 “(D) FEDERAL SHARE.—The Federal
4 share for incentive funding under this para-
5 graph may be up to 100 percent.”.

6 **SEC. 1209. MEASURING TRANSPORTATION CONNECTIVITY**
7 **PILOT ACTIVITIES.**

8 (a) TITLE 23.—Section 134 of title 23, United States
9 Code, as amended by this Act, is further amended by in-
10 serting after subsection (p), as redesignated, the following:

11 “(q) MEASURING TRANSPORTATION CONNECTIONS
12 TO OPPORTUNITY.—

13 “(1) CONNECTION TO OPPORTUNITY PILOT
14 PROGRAM.—

15 “(A) ESTABLISHMENT.—The Secretary
16 shall establish a pilot program in which up to
17 ten metropolitan planning organizations shall
18 develop and deploy one or more pilot measures
19 and targets to improve multimodal connectivity
20 and increase connections for disadvantaged
21 Americans and neighborhoods with limited
22 transportation options.

23 “(B) PILOT LOCATIONS.—The Secretary
24 shall select up to ten metropolitan planning or-
25 ganizations in up to ten locations, each of which

1 is the sole metropolitan planning organization
2 serving an urbanized area of more than 1 mil-
3 lion residents, which shall include—

4 “(i) metropolitan planning organiza-
5 tions that can demonstrate previous suc-
6 cessful use of performance measurements
7 and performance-based planning efforts,
8 which the Secretary shall designate as
9 mentor grantees; and

10 “(ii) metropolitan planning organiza-
11 tions that have limited or no successful
12 previous experience in performance meas-
13 urements and performance-based planning
14 efforts, which the Secretary shall designate
15 as novice grantees.

16 “(C) PILOT PROGRAM ACTIVITIES.—

17 “(i) TRANSPORTATION CONNECTIVITY
18 INVENTORY.—Within 6 months of selection
19 as a pilot location, and in consultation with
20 appropriate States, transit agencies, and
21 local governments, metropolitan planning
22 organizations in pilot locations shall de-
23 velop an inventory of transportation assets
24 within the urbanized planning area they
25 represent, which will describe—

1 “(I) the condition of key high-
2 way, transit, bicycle, and pedestrian
3 facilities;

4 “(II) the degree to which these
5 facilities provide residents with con-
6 nections to economic opportunities, in-
7 cluding but not restricted to job cen-
8 ters and schools;

9 “(III) the identity and location of
10 disadvantaged populations within the
11 planning area; and

12 “(IV) local challenges to
13 multimodal connectivity, such as zon-
14 ing or land use issues, availability of
15 affordable housing, and physical bar-
16 riers that obstruct access from resi-
17 dential areas to economic opportuni-
18 ties.

19 “(ii) PERFORMANCE INDICATORS.—
20 Within one year of selection, metropolitan
21 planning organizations in pilot locations
22 shall apply the baseline data developed in
23 the Transportation Connectivity Inventory
24 to adopt one or more provisional indicators
25 to measure multimodal connectivity im-

1 provements in the transportation system,
2 including measurements of multimodal
3 connectivity improvements available to pop-
4 ulations identified in clause (i)(III), and
5 appropriate to local assets and needs.

6 “(iii) DATA COLLECTION AND RE-
7 PORTING.—Metropolitan planning organi-
8 zations in pilot locations shall collect and
9 report baseline and annual performance
10 data on multimodal transportation
11 connectivity to opportunity, and shall re-
12 port that data to the Secretary for the du-
13 ration of the pilot project.

14 “(iv) KNOWLEDGE-SHARING.—Metro-
15 politan planning organizations designated
16 as mentor grantees shall engage in knowl-
17 edge-sharing activities with novice grantees
18 to the extent feasible, which may include
19 peer exchanges and technical assistance, as
20 appropriate to their existing level of per-
21 formance measurement capacity.

22 “(v) PROJECT IMPLEMENTATION.—
23 Notwithstanding section 120 of this title, a
24 metropolitan planning organization may
25 use funds remaining after the completion

1 of the Transportation Connectivity Inven-
2 tory, provisional measure, and related
3 tracking activities for the non-Federal
4 share to implement projects within the
5 metropolitan planning area that are rea-
6 sonably anticipated to address system gaps
7 and improve performance according to the
8 locally adopted provisional multimodal
9 transportation connectivity measures.

10 “(2) NATIONAL PERFORMANCE MEASURE DE-
11 VELOPMENT ACTIVITIES.—The Secretary shall re-
12 serve up to a cumulative maximum of \$9,000,000 of
13 the amount authorized for this subsection over the
14 period of fiscal years 2016 through 2021 for use on
15 evaluation of multimodal connectivity measures de-
16 veloped by metropolitan planning organizations in
17 pilot locations, and to consider development of a na-
18 tional indicator to measure the multimodal connec-
19 tions to opportunities provided by the transportation
20 network, including the following activities:

21 “(A) NATIONAL TECHNICAL ASSISTANCE
22 AND PEER EXCHANGE FORUMS.—The Secretary
23 shall support the measure development and
24 data collection of metropolitan planning organi-
25 zations in pilot locations through technical as-

1 sistance and peer exchanges, and through work-
2 shops with States, transit agencies, and MPOs
3 to discuss Pilot Program findings, and shall es-
4 tablish an online collaboration center for local
5 jurisdictions to share ideas and challenges, and
6 document lessons learned.

7 “(B) CONNECTION TO OPPORTUNITY
8 FINAL REPORT.—At the end of the Connection
9 to Opportunity Pilot Program, the Department
10 shall produce in consultation with the Secretary
11 of the Department of Housing and Urban De-
12 velopment, the Secretary of the Department of
13 Commerce and the Administrator of the Envi-
14 ronmental Protection Agency, and seek public
15 comment on a final report that documents the
16 outcomes of the Connection to Opportunity
17 Pilot Program. The report shall provide rec-
18 ommendations on the establishment of one or
19 more national multimodal connectivity meas-
20 ures, and shall include—

21 “(i) results of the pilot locations’ ef-
22 forts to measure and improve multimodal
23 connectivity;

24 “(ii) the Secretary’s recommendations
25 for one or more national connectivity meas-

1 ures and integrating them into the Federal
2 transportation performance management
3 framework, in accordance with section 150
4 of this title; and

5 “(iii) an assessment of social out-
6 comes and impact that may result from the
7 pilot measures as well as estimated savings
8 to Federal, State and local social service
9 subsidy programs, as well as other costs
10 avoided and new tax revenues attributable
11 to increased connectivity.

12 “(C) POTENTIAL RULEMAKING.—Fol-
13 lowing publication of the Connection to Oppor-
14 tunity Final Report, the Secretary, in consulta-
15 tion with State Departments of Transportation,
16 metropolitan planning organizations, and other
17 stakeholders, may promulgate a rulemaking
18 that establishes performance measures and
19 standards as described in section 150(e)(8).”.

20 (b) CHAPTER 53.—Section 5303 of title 49, United
21 States Code, as amended by this Act, is further amended
22 by inserting after subsection (p), as redesignated, the fol-
23 lowing:

24 “(q) MEASURING TRANSPORTATION CONNECTIONS
25 TO OPPORTUNITY.—

1 “(1) CONNECTION TO OPPORTUNITY PILOT
2 PROGRAM.—

3 “(A) ESTABLISHMENT.—The Secretary
4 shall establish a pilot program in which up to
5 ten metropolitan planning organizations shall
6 develop and deploy one or more pilot measures
7 and targets to improve multimodal connectivity
8 and increase connections for disadvantaged
9 Americans and neighborhoods with limited
10 transportation options.

11 “(B) PILOT LOCATIONS.—The Secretary
12 shall select up to ten metropolitan planning or-
13 ganizations, each of which is the sole metropoli-
14 tan planning organization serving an urbanized
15 area of more than 1 million residents, which
16 shall include—

17 “(i) metropolitan planning organiza-
18 tions that can demonstrate previous suc-
19 cessful use of performance measurements
20 and performance-based planning efforts,
21 which the Secretary shall designate as
22 mentor grantees; and

23 “(ii) metropolitan planning organiza-
24 tions that have limited or no successful
25 previous experience in performance meas-

1 urements and performance-based planning
2 efforts, which the Secretary shall designate
3 as novice grantees.

4 “(C) PILOT PROGRAM ACTIVITIES.—

5 “(i) TRANSPORTATION CONNECTIVITY
6 INVENTORY.—Within 6 months of selection
7 as a pilot location, and in consultation with
8 appropriate States, transit agencies, and
9 local governments, metropolitan planning
10 organizations in pilot locations shall de-
11 velop an inventory of transportation assets
12 within the urbanized planning area they
13 represent, which will describe—

14 “(I) the condition of key high-
15 way, transit, bicycle, and pedestrian
16 facilities;

17 “(II) the degree to which these
18 facilities provide residents with con-
19 nections to economic opportunities, in-
20 cluding but not restricted to job cen-
21 ters and schools;

22 “(III) the identity and location of
23 disadvantaged populations within the
24 planning area; and

1 “(IV) local challenges to
2 multimodal connectivity, such as zon-
3 ing or land use issues, availability of
4 affordable housing, and physical bar-
5 riers that obstruct access from resi-
6 dential areas to economic opportuni-
7 ties.

8 “(ii) PERFORMANCE INDICATORS.—
9 Within one year of selection, metropolitan
10 planning organizations in pilot locations
11 shall apply the baseline data developed in
12 the Transportation Connectivity Inventory
13 to adopt one or more provisional indicators
14 to measure multimodal connectivity im-
15 provements in the transportation system,
16 including measurements of multimodal
17 connectivity improvements available to pop-
18 ulations identified in clause (i)(III), and
19 appropriate to local assets and needs.

20 “(iii) DATA COLLECTION AND RE-
21 PORTING.—Metropolitan planning organi-
22 zations in pilot locations shall collect and
23 report baseline and annual performance
24 data on multimodal transportation
25 connectivity to opportunity, and shall re-

1 port that data to the Secretary for the du-
2 ration of the pilot project.

3 “(iv) KNOWLEDGE-SHARING.—Metro-
4 politan planning organizations designated
5 as mentor grantees shall engage in knowl-
6 edge-sharing activities with novice grantees
7 to the extent feasible, which may include
8 peer exchanges and technical assistance, as
9 appropriate to their existing level of per-
10 formance measurement capacity.

11 “(v) PROJECT IMPLEMENTATION.—
12 Notwithstanding section 120 of this title, a
13 metropolitan planning organization may
14 use funds remaining after the completion
15 of the Transportation Connectivity Inven-
16 tory, provisional measure, and related
17 tracking activities for the non-Federal
18 share to implement projects within the
19 metropolitan planning area that are rea-
20 sonably anticipated to address system gaps
21 and improve performance according to the
22 locally adopted provisional multimodal
23 transportation connectivity measures.

24 “(2) NATIONAL PERFORMANCE MEASURE DE-
25 VELOPMENT ACTIVITIES.—The Secretary shall re-

1 serve up to a cumulative \$9,000,000 of the amount
2 authorized for this subsection over the period of fis-
3 cal years 2016 through 2021 for use on evaluation
4 of multimodal connectivity measures developed by
5 metropolitan planning organizations in pilot loca-
6 tions, and to consider development of a national in-
7 dicator to measure the multimodal connections to
8 opportunities provided by the transportation net-
9 work, including the following activities:

10 “(A) NATIONAL TECHNICAL ASSISTANCE
11 AND PEER EXCHANGE FORUMS.—The Secretary
12 shall support the measure development and
13 data collection of metropolitan planning organi-
14 zations in pilot locations through technical as-
15 sistance and peer exchanges, and through work-
16 shops with States, transit agencies, and MPOs
17 to discuss Pilot Program findings, and shall es-
18 tablish an online collaboration center for local
19 jurisdictions to share ideas and challenges, and
20 document lessons learned.

21 “(B) CONNECTION TO OPPORTUNITY
22 FINAL REPORT.—At the end of the Connection
23 to Opportunity Pilot Program, the Department
24 shall produce and seek public comment on a
25 final report that documents the outcomes of the

1 Connection to Opportunity Pilot Program. The
2 report shall provide recommendations on the es-
3 tablishment of one or more national multimodal
4 connectivity measures, and shall include—

5 “(i) results of the pilot locations’ ef-
6 forts to measure and improve multimodal
7 connectivity;

8 “(ii) the Secretary’s recommendations
9 for one or more national connectivity meas-
10 ures and integrating them into the Federal
11 transportation performance management
12 framework in accordance with section 150
13 of this title; and

14 “(iii) an assessment of social out-
15 comes and impact that may result from the
16 pilot measures as well as estimated savings
17 to Federal, State and local social service
18 subsidy programs, as well as other costs
19 avoided and new tax revenues attributable
20 to increased connectivity.

21 “(C) POTENTIAL RULEMAKING.—Within
22 two years of the publication of the Connection
23 to Opportunity Final Report, the Secretary, in
24 consultation with State Departments of Trans-
25 portation, metropolitan planning organizations,

1 and other stakeholders, may promulgate a rule-
2 making that establishes performance measures
3 and standards.”.

4 **SEC. 1210. PERFORMANCE-BASED PROJECT SELECTION.**

5 (a) SECTION 134 AMENDMENT.—Section
6 134(j)(2)(D) of title 23, United States Code, is amended
7 to read as follows:

8 “(D) PERFORMANCE TARGET ACHIEVE-
9 MENT.—In adding projects to a transportation
10 improvement program, a metropolitan planning
11 organization shall create a process to evaluate
12 and select each project or collection of projects
13 based on the project’s (or collection of projects’)
14 inclusion of elements that are known to sup-
15 port, or will foreseeably support outcomes that
16 will achieve the performance targets established
17 in the metropolitan transportation plan by the
18 metropolitan planning organization in accord-
19 ance with subsection (h)(2)(B).”.

20 (b) SECTION 135 AMENDMENT.—Section 135(g)(4)
21 of title 23, United States Code, is amended to read as
22 follows:

23 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
24 In adding projects to a State transportation im-
25 provement program, a State shall create a process to

1 evaluate and select each project or collection of
2 projects based on the project's (or collection of
3 projects') inclusion of elements that are known to
4 support, or will foreseeably support, outcomes that
5 will achieve the performance targets established in
6 the long-range statewide transportation plan in ac-
7 cordance with subsection (f)(7)(A).”.

8 (c) SECTION 5303 AMENDMENT.—Section
9 5303(j)(2)(D) of title 49, United States Code, is amended
10 to read as follows:

11 “(D) PERFORMANCE TARGET ACHIEVE-
12 MENT.—In adding projects to a transportation
13 improvement program, a metropolitan planning
14 organization shall create a process to evaluate
15 and select each project or collection of projects
16 based on the project's (or collection of projects')
17 inclusion of elements that are known to sup-
18 port, or will foreseeably support outcomes that
19 will achieve the performance targets established
20 in the metropolitan transportation plan by the
21 metropolitan planning organization in accord-
22 ance with section 134(h)(2)(B) of title 23.”.

23 (d) SECTION 5304 AMENDMENT.—Section
24 5304(g)(4) of title 49, United States Code, is amended
25 to read as follows:

1 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
2 In adding projects to a State transportation im-
3 provement program, a State shall create a process to
4 evaluate and select each project or collection of
5 projects based on the project’s (or collection of
6 projects’) inclusion of elements that are known to
7 support, or will foreseeably support, outcomes that
8 will achieve the performance targets established in
9 the long-range statewide transportation plan in ac-
10 cordance with section 135(f)(7)(A) of title 23.”.

11 **SEC. 1211. STORMWATER PLANNING.**

12 (a) SECTION 134 AMENDMENT.—Section 134(h)(1)
13 of title 23, United States Code, is amended—

14 (1) in subparagraph (G), by striking “; and”
15 and inserting “;”;

16 (2) in subparagraph (H), by striking the final
17 period and inserting “; and”; and

18 (3) by inserting the following at the end:

19 “(I) improve the resilience and reliability
20 of the transportation system and reduce or
21 mitigate stormwater impacts of surface trans-
22 portation.”.

23 (b) SECTION 135 AMENDMENT.—Section 135(d)(1)
24 of title 23, United States Code, is amended—

1 (1) in subparagraph (G), by striking “; and”
2 and inserting “;”;

3 (2) in subparagraph (H), by striking the final
4 period and inserting “; and”; and

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

6 “(I) improve the resilience and reliability
7 of the transportation system and reduce or
8 mitigate stormwater impacts of surface trans-
9 portation.”.

10 (c) SECTION 5303 AMENDMENT.—Section
11 5303(h)(1) of title 49, United States Code, is amended—

12 (1) in subparagraph (G), by striking “; and”
13 and inserting “;”;

14 (2) in subparagraph (H), by striking the final
15 period and inserting “; and”; and

16 (3) by inserting the following at the end:

17 “(I) improve the resilience and reliability
18 of the transportation system and reduce or
19 mitigate stormwater impacts of surface trans-
20 portation.”.

21 (d) SECTION 5304 AMENDMENT.—Section
22 5304(d)(1) of title 49, United States Code, is amended—

23 (1) in subparagraph (G), by striking “; and”
24 and inserting “;”;

1 (2) in subparagraph (H), by striking the final
2 period and inserting “; and”; and

3 (3) by inserting the following at the end:

4 “(I) improve the resilience and reliability
5 of the transportation system and reduce or
6 mitigate stormwater impacts of surface trans-
7 portation.”.

8 **Subtitle D—Congestion Mitigation**
9 **and Air Quality Improvement**

10 **SEC. 1301. ELIGIBLE PROJECTS.**

11 Section 149(b) of title 23, United States Code, is
12 amended—

13 (1) in paragraph (1)(A)(i)(I), by inserting “in
14 the designated nonattainment area” after “stand-
15 ard”;

16 (2) in paragraph (3), by inserting “or mainte-
17 nance” after “attainment,”;

18 (3) in paragraph (4), by striking “is likely to
19 contribute to the attainment of a national ambient
20 air quality standard” and inserting “is likely to con-
21 tribute to the area’s attainment or maintenance of
22 a national ambient air quality standard”; and

23 (4) in paragraph (5), by inserting “reduces air
24 pollution and” after “if the program or project”.

1 **SEC. 1302. SPECIAL RULES.**

2 (a) TRANSFERABILITY OF CMAQ FUNDS.—Section
3 126(a) of title 23, United States Code, is amended by in-
4 serting “(or, for an apportionment under section
5 104(b)(4), 25 percent of the amount apportioned for the
6 fiscal year)” after “for the fiscal year”.

7 (b) PM-10 NONATTAINMENT AND MAINTENANCE
8 AREAS.—Section 149(c)(1) of title 23, United States
9 Code, is amended by striking “for ozone or carbon mon-
10 oxide, or both, and for PM-10 resulting from transpor-
11 tation activities, without regard to any limitation of the
12 Department of Transportation relating to the type of am-
13 bient air quality standard such project or program ad-
14 dresses” and inserting “or maintenance for PM-10 result-
15 ing from transportation activities”.

16 **SEC. 1303. PRIORITY CONSIDERATION.**

17 Section 149(g)(3) of title 23, United States Code, is
18 amended to read as follows:

19 “(3) PRIORITY CONSIDERATION.—States and
20 metropolitan planning organizations shall give pri-
21 ority—

22 “(A) in areas designated as nonattainment
23 or maintenance for PM-2.5 under the Clean
24 Air Act (42 U.S.C. 7401 et seq.) in distributing
25 funds received for congestion mitigation and air
26 quality projects and programs from apporportion-

1 ments under section 104(b)(4) to projects and
2 programs that are likely to reduce emissions or
3 precursor emissions of PM–2.5, including diesel
4 retrofits; and

5 “(B) in areas designated as nonattainment
6 or maintenance for ozone under the Clean Air
7 Act (42 U.S.C. 7401 et seq.) in distributing
8 funds received for congestion mitigation and air
9 quality projects and programs from apportion-
10 ments under section 104(b)(4) to projects and
11 programs that are likely to reduce precursor
12 emissions of ozone.”.

13 **SEC. 1304. EVALUATION AND ASSESSMENT OF PROJECTS.**

14 Section 149(i)(1)(A) of title 23, United States Code,
15 is amended by inserting “that would contribute to attain-
16 ment or maintenance of a national ambient air quality
17 standard” before the period at the end.

18 **SEC. 1305. ELECTRIC VEHICLE CHARGING STATIONS AND**
19 **COMMERCIAL MOTOR VEHICLE ANTI-IDLING**
20 **FACILITIES IN REST AREAS.**

21 (a) IN GENERAL.—Section 111 of title 23, United
22 States Code, is amended by inserting at the end the fol-
23 lowing:

1 “(f) ELECTRIC VEHICLE CHARGING STATIONS AND
2 COMMERCIAL MOTOR VEHICLE ANTI-IDLING FACILITIES
3 IN REST AREAS.—

4 “(1) IN GENERAL.—Notwithstanding subsection
5 (a), a State may—

6 “(A) permit electric vehicle charging sta-
7 tions and commercial motor vehicle anti-idling
8 facilities in a rest area along a highway on the
9 Interstate System in the State, if such stations
10 or facilities will not impair the highway or
11 interfere with the free and safe flow of traffic
12 thereon; and

13 “(B) charge a fee, or permit the charging
14 of a fee, for the use of such stations or facili-
15 ties.

16 “(2) LIMITATION ON USE OF REVENUES.—Not-
17 withstanding subsection (b)(4), a State shall use any
18 revenues received from fees collected under para-
19 graph (1) for projects eligible under this title.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) CONGESTION MITIGATION AND AIR QUALITY
22 IMPROVEMENT PROGRAM.—Section 149(c)(2) of title
23 23, United States Code, is amended by striking “ex-
24 cept that such stations may not be established or
25 supported where commercial establishments serving

1 motor vehicle users are prohibited by section 111 of
2 title 23, United States Code”.

3 (2) JASON’S LAW.—Section 1401(d) of the
4 Moving Ahead for Progress in the 21st Century Act
5 (23 U.S.C. 137 note), is amended—

6 (A) in paragraph (1) by striking “Except
7 as provided in paragraph (2), a” and inserting
8 “A”;

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as
11 paragraph (2).

12 **Subtitle E—Innovative Finance** 13 **and Tolling**

14 **SEC. 1401. 21ST CENTURY INFRASTRUCTURE INVEST-** 15 **MENTS.**

16 (a) IN GENERAL.—Title 49, United States Code, is
17 amended by inserting the following after chapter 55:

18 **“CHAPTER 56—21ST CENTURY** 19 **INFRASTRUCTURE INVESTMENTS**

“Sec.

“5601. ‘TIGER’ infrastructure investment grants.

“5602. Fixing and Accelerating Surface Transportation grants.

20 **“§ 5601. ‘TIGER’ infrastructure investment grants**

21 “(a) ESTABLISHMENT.—There is established in the
22 Department a discretionary grant program, to be known
23 as the ‘TIGER Infrastructure Grant Program’ and to be
24 administered by the Secretary.

1 “(b) PURPOSE.—Funds authorized under this section
2 shall be available for discretionary grants to be provided
3 on a competitive basis for projects that will have a signifi-
4 cant impact on the Nation, a metropolitan area, or a re-
5 gion.

6 “(c) ELIGIBLE APPLICANTS.—Applicants eligible for
7 funding under this section include State, local, and Tribal
8 governments, including U.S. territories, transit agencies,
9 port authorities, metropolitan planning organizations,
10 other political subdivisions of State or local governments,
11 and multi-State or multi-jurisdictional groups applying
12 through a single lead applicant.

13 “(d) ELIGIBLE PROJECTS.—Projects eligible for
14 funding under this section include the following:

15 “(1) Highway or bridge projects eligible under
16 title 23, United States Code (including bicycle and
17 pedestrian related projects).

18 “(2) Public transportation projects eligible
19 under chapter 53 of title 49, United States Code.

20 “(3) Passenger and freight rail transportation
21 projects.

22 “(4) Port infrastructure investments.

23 “(5) Intermodal projects.

24 “(6) Activities related to—

1 “(A) the planning, preparation, or design
2 of a single surface transportation project; or

3 “(B) regional transportation investment
4 planning, including transportation planning
5 that is coordinated with interdisciplinary factors
6 including housing development, economic com-
7 petitiveness, network connectivity, stormwater
8 and other infrastructure investments, or that
9 addresses future risks and vulnerabilities, in-
10 cluding extreme weather and climate change.

11 “(e) GEOGRAPHIC DISTRIBUTION.—

12 “(1) EQUITABLE DISTRIBUTION.—In awarding
13 funds under this section, the Secretary shall take
14 measures to ensure an equitable geographic distribu-
15 tion of funds and an appropriate balance in address-
16 ing the needs of urban and rural communities and
17 the investment in a variety of transportation modes.

18 “(2) RURAL PROJECTS.—Not less than 20 per-
19 cent of the funds provided under this section shall
20 be for projects located in rural areas. For the pur-
21 poses of the TIGER program, rural areas are those
22 outside of an urbanized area as defined by the U.S.
23 Census Bureau.

1 “(3) LIMITATION BY STATE.—Not more than
2 25 percent of the funds provided under this section
3 may be awarded to projects in a single State.

4 “(f) GRANT PROGRAM CRITERIA, SOLICITATION AND
5 AWARD.—In administering the grant program under this
6 section, the Secretary shall, within 90 days of the enact-
7 ment of this section, publish grant program criteria on
8 which to base the competition for any grants awarded
9 under this section.

10 “(g) PLANNING GRANTS.—The Secretary may use up
11 to 10 percent of the funds authorized under this section
12 to fund the activities specified in subsection (d)(6).

13 “(h) FEDERAL SHARE.—

14 “(1) IN GENERAL.—The Federal share of the
15 costs for which an expenditure is made under this
16 section shall be up to 80 percent.

17 “(2) RURAL AREAS.—The Secretary may pro-
18 vide a Federal share of up to 100 percent for a
19 project in a rural area.

20 “(3) PRIORITY.—In establishing grant program
21 criteria pursuant to subsection (g), the Secretary
22 shall include priority for projects that request a
23 smaller Federal share.

24 “(i) DAVIS-BACON REQUIREMENT.—Projects con-
25 ducted using funds provided under this section shall com-

1 ply with the requirements of the Davis-Bacon Act, sub-
2 chapter IV of chapter 31 of title 40, United States Code.

3 “(j) ADMINISTRATIVE EXPENSES.—

4 “(1) IN GENERAL.—The Secretary may use up
5 to 1.5 percent of the funds authorized under this
6 section to administer—

7 “(A) the grant program authorized under
8 this section;

9 “(B) the Supplemental Discretionary
10 Grants for a National Surface Transportation
11 System provided for in Public Law 111–5; and

12 “(C) the National Infrastructure Invest-
13 ments provided for in Public Laws 111–117,
14 112–10, 113–6, and 113–235.

15 “(2) AVAILABILITY.—The funds made available
16 under paragraph (1) shall remain available until ex-
17 pended.

18 “(k) TIFIA SUBSIDY AND ADMINISTRATIVE
19 COSTS.—The Secretary may use up to 10 percent of the
20 funds authorized under this section to pay the subsidy and
21 administrative costs of projects eligible for Federal credit
22 assistance under chapter 6 of title 23, United States Code,
23 if the Secretary finds that the use of the funds would ad-
24 vance the purposes of this section.

1 “(1) TRANSFER AUTHORITY.—Funds authorized
2 under this section may be transferred within the Depart-
3 ment and administered in accordance with the require-
4 ments of title 23 or 49 of the United States Code applica-
5 ble to the agency to which the funds are transferred and
6 any other requirements applicable to the project.

7 “(m) INTERAGENCY COORDINATION AND COOPERA-
8 TION.—

9 “(1) IN GENERAL.—The Secretary shall coordi-
10 nate and cooperate with other Federal agencies in
11 carrying out the grant program authorized under
12 this section if the Secretary finds that such coordi-
13 nation and cooperation would advance the purposes
14 of this section.

15 “(2) INTERAGENCY AUTHORITY.—The Sec-
16 retary may accept and provide services from other
17 Federal agencies with or without reimbursement in
18 order to further the purposes of this section.

19 “(3) INTERAGENCY DELEGATION OF AUTHOR-
20 ITY.—The Secretary may delegate the authority to
21 issue or administer grants pursuant to this section
22 to other Federal agencies in the interest of adminis-
23 trative or programmatic efficiency if the Secretary
24 finds that such delegation would advance the pur-
25 poses of this section.

1 “(n) AUTHORIZATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated from the Multimodal Account of the
4 Transportation Trust Fund to carry out this sec-
5 tion—

6 “(A) \$1,250,000,000 for fiscal year 2016;

7 “(B) \$1,250,000,000 for fiscal year 2017;

8 “(C) \$1,250,000,000 for fiscal year 2018;

9 “(D) \$1,250,000,000 for fiscal year 2019;

10 “(E) \$1,250,000,000 for fiscal year 2020;

11 and

12 “(F) \$1,250,000,000 for fiscal year 2021.

13 “(2) AVAILABILITY.—Funds authorized under
14 this subsection—

15 “(A) shall be available for obligation on
16 October 1 of the fiscal year for which they are
17 authorized; and

18 “(B) except as specified in subsection (j),
19 shall remain available for obligation for a period
20 of 2 years after the year for which they are au-
21 thorized.

22 **“§ 5602. Fixing and accelerating surface transpor-**
23 **tation grants**

24 “(a) ESTABLISHMENT.—There is established in the
25 Department a discretionary grant program, to be known

1 as the ‘FAST Grant Program’ and to be administered by
2 the Secretary. The program shall be a competitive pro-
3 gram and designed to reform the way transportation in-
4 vestments and decisions are made, implemented, and
5 funded to achieve National transportation outcomes, by
6 promoting the implementation of policies and procedures
7 that generate long-term, institutionalized changes, and
8 support performance-based management of the transpor-
9 tation system to improve transportation outcomes.

10 “(b) BEST PRACTICES.—Evaluations of applications
11 for funding under this section shall be based in part on
12 the extent to which the applicant has adopted or imple-
13 mented best practices, including—

14 “(1) commitment to sustainable and innovative
15 non-Federal sources of transportation funding, in-
16 cluding value capture and authority for local govern-
17 ments to raise funding for transportation, that pro-
18 vide flexibility to make investments across all modes
19 of transportation and convey the full social cost of
20 travel decisions to users;

21 “(2) development and incorporation of analyt-
22 ical tools in the investment decisionmaking process,
23 including benefit cost analysis; other economic anal-
24 yses; watershed-driven web-based geographic infor-
25 mation systems; and use of innovations in design,

1 procurement and purchasing to improve project de-
2 livery and efficiency and reduce costs;

3 “(3) use of operating practices and deployment
4 of technologies that increase the efficient use of
5 transportation system capacity and reduce the need
6 to invest in new highway capacity;

7 “(4) adoption of laws, rules and regulations,
8 and commitment of resources toward practices that
9 have been demonstrated to reduce transportation-re-
10 lated fatalities and injuries;

11 “(5) integration of transportation planning and
12 investment decisions with other land-use and eco-
13 nomic development decisions, including water infra-
14 structure and broadband deployment, to improve
15 connectivity and accessibility and to focus transpor-
16 tation investments near existing infrastructure;

17 “(6) adoption of laws, regulations, and prac-
18 tices that have been demonstrated to reduce energy
19 use, improve air and water quality, reduce or miti-
20 gate stormwater impacts, promote long-term man-
21 agement of stormwater from surface transportation
22 assets, reduce greenhouse gas emissions, improve
23 community adaptability and resilience, enhance com-
24 munity health and quality of life, and expand trans-
25 portation choices; and

1 “(7) improvements to regional governance that
2 increase metropolitan planning organization capacity
3 and strengthens local and stakeholder input, particu-
4 larly traditionally underrepresented populations, into
5 project selection.

6 “(c) ELIGIBLE APPLICANTS.—States, the District of
7 Columbia, Puerto Rico, U.S. territories (as defined in sec-
8 tion 165(c) of title 23, United States Code), Tribal gov-
9 ernments, and metropolitan planning organizations are eli-
10 gible applicants for funding under this section, provided
11 that—

12 “(1) States, the District of Columbia, Puerto
13 Rico, U.S. territories, and Tribal applicants dem-
14 onstrate meaningful participation of metropolitan
15 planning organizations, local governments, or transit
16 agencies within the applicant’s jurisdiction in the de-
17 velopment of the application;

18 “(2) metropolitan planning organizations in-
19 clude, as partners in their applications, the State (or
20 the District of Columbia, as appropriate), local gov-
21 ernments, or transit agencies required to carry out
22 the best practices relied on in their application; and

23 “(3) the applicant has experience in successfully
24 and independently administering Federal-aid high-
25 way or transit programs or projects.

1 “(d) LIST OF PROJECTS.—Applicants shall submit a
2 program of transportation projects that are related to the
3 best practices identified in subsection (b) to demonstrate
4 how funds, if awarded under this section, will be spent.
5 The list of projects shall—

6 “(1) with regard to State applications, be devel-
7 oped with, and include priorities of, metropolitan
8 planning organizations within the applicant’s juris-
9 diction as identified in the metropolitan planning or-
10 ganization’s Transportation Improvement Programs;

11 “(2) demonstrate strong return on investment
12 and competitive value for taxpayer money by means
13 of a benefit-cost analysis and consideration of alter-
14 natives; and

15 “(3) further the best practices and reform ini-
16 tiatives identified under subsection (b) and relied
17 upon in the application.

18 “(e) AWARD OF FUNDS.—The Federal Highway Ad-
19 ministrator and Federal Transit Administrator shall—

20 “(1) competitively award funds under this sec-
21 tion in one fiscal year or over multiple fiscal years;

22 “(2) withhold a reasonable amount of funds
23 under this section for administration of the program,
24 but not to exceed \$25,000,000 per year;

1 “(3) devise a methodology for the size of
2 awards under this program based on an applicant’s
3 share of the Federal transportation allocated or for-
4 mula funding, subject to the provision in paragraph
5 (4);

6 “(4) make awards of no less than \$50,000,000,
7 except that this paragraph shall not apply to awards
8 made to a Tribal government or a U.S. territory;
9 and

10 “(5) in awarding funds under this section
11 (other than under subsection (j)), ensure an appro-
12 priate balance in addressing the needs of urban and
13 rural communities.

14 “(f) ELIGIBLE ACTIVITIES.—Funds provided under
15 this program shall be used for capital or planning expenses
16 for—

17 “(1) highway or bridge projects eligible for
18 funding under title 23, United States Code (includ-
19 ing bicycle and pedestrian-related projects);

20 “(2) public transportation projects eligible for
21 funding under chapter 53 of title 49, United States
22 Code;

23 “(3) passenger and freight rail transportation
24 projects;

1 “(4) maritime port infrastructure investments
2 eligible for funding under chapter 503 of title 46;

3 “(5) domestic short sea shipping projects eligi-
4 ble for funding under chapter 556 of title 46; and

5 “(6) intermodal projects combining any of the
6 above.

7 “(g) CRITERIA FOR GRANT SELECTION.—In award-
8 ing a grant under this subsection, the Secretary shall con-
9 sider the extent to which the application—

10 “(1) demonstrates the greatest performance as
11 well as applicants that have made the greatest
12 progress in implementing the best practices listed in
13 subsection (b);

14 “(2) promotes National transportation prior-
15 ities, including—

16 “(A) reducing transportation fatalities and
17 serious injuries;

18 “(B) strengthening economic competitive-
19 ness, including multimodal goods movement and
20 coordination of transportation and economic de-
21 velopment investments;

22 “(C) improving the state of repair of the
23 transportation system and enhancing commu-
24 nity adaptability and resilience;

1 “(D) enhancing community health and im-
2 proving quality of life by increasing access to
3 active transportation infrastructure, jobs and
4 essential services, particularly for underserved
5 populations;

6 “(E) improving asset performance by re-
7 ducing congestion through demand management
8 strategies, particularly strategies that curb de-
9 mand for single occupancy vehicle travel;

10 “(F) improving the efficiency of project de-
11 velopment and system performance and reduc-
12 ing the cost of projects and maintenance of the
13 transportation system; and

14 “(G) adoption of laws, regulations, and
15 practices that have been demonstrated to re-
16 duce energy use, improve air and water quality,
17 reduce or mitigate stormwater impacts, promote
18 long-term management of stormwater from sur-
19 face transportation assets, reduce greenhouse
20 gas emissions, improve community adaptability
21 and resilience, encourage groundwater recharge,
22 enhance community health and quality of life,
23 and expand transportation choices; and

24 “(3) meets other criteria the Secretary requires.

25 “(h) FUNDING.—

1 “(1) AUTHORIZED FUNDING.—There is author-
2 ized to be appropriated for each of fiscal years 2016
3 through 2021 to carry out this section—

4 “(A) \$500,000,000 from the Highway Ac-
5 count of the Transportation Trust Fund; and

6 “(B) \$500,000,000 from the Mass Transit
7 Account of the Transportation Trust Fund.

8 “(2) OBLIGATION.—

9 “(A) IN GENERAL.—The funds authorized
10 by paragraph (1) shall be—

11 “(i) available for obligation on Octo-
12 ber 1 of the fiscal year for which they are
13 authorized;

14 “(ii) available for obligation for a pe-
15 riod of 3 years after the last day of the fis-
16 cal year for which the funds are author-
17 ized; and

18 “(iii) subject to the limitation on obli-
19 gations under subparagraph (B).

20 “(B) OBLIGATION LIMITATION.—Notwith-
21 standing any other provision of law, in each of
22 fiscal years 2016 through 2021, obligations for
23 the program under this section shall not ex-
24 ceed—

25 “(i) \$1,000,000,000; plus

1 “(ii) any amount remaining available
2 for obligation under the program from
3 prior fiscal years.

4 “(3) FEDERAL SHARE.—The Federal share for
5 projects funded under this section may be up to 100
6 percent.

7 “(i) TRANSFER AUTHORITY.—Funds authorized
8 under this section may be transferred within the Depart-
9 ment and administered in accordance with the require-
10 ments of title 23 or 49 of the United States Code applica-
11 ble to the agency to which the funds are transferred and
12 any other requirements applicable to the project.

13 “(j) METROPOLITAN MOBILITY PROGRAM.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-
15 tablish a metropolitan mobility program under this
16 subsection.

17 “(2) RESERVATION OF FUNDS.—The Secretary
18 shall reserve up to \$1,000,000,000 made available
19 under this section over the period of fiscal years
20 2016 through 2021 for the program under this sub-
21 section. Any funds reserved under this paragraph
22 and not allocated under paragraph (3) shall be avail-
23 able for the FAST Grant Program.

24 “(3) ALLOCATION OF FUNDS.—

1 “(A) AMOUNT AVAILABLE FOR ALLOCA-
2 TION.—

3 “(i) IN GENERAL.—The amount of
4 funding available to be allocated under this
5 subsection for a fiscal year for use in an
6 urbanized area with a population over
7 200,000 individuals shall be—

8 “(I) \$250,000,000; multiplied by

9 “(II) the ratio that—

10 “(aa) the population of such
11 urbanized area; bears to

12 “(bb) the total population of
13 all urbanized areas with popu-
14 lations of over 200,000 individ-
15 uals.

16 “(ii) ADJUSTMENTS TO AMOUNTS.—
17 Notwithstanding clause (i), the Secretary
18 shall adjust the amounts determined under
19 clause (i) as follows:

20 “(I) MINIMUM AMOUNT.—The
21 amount available to be allocated under
22 this subsection for a fiscal year for
23 use in an urbanized area with a popu-
24 lation over 200,000 individuals shall
25 not be less than \$1,000,000.

1 “(II) MAXIMUM AMOUNT.—The
2 amount available to be allocated under
3 this subsection for a fiscal year for
4 use in an urbanized area with a popu-
5 lation over 200,000 individuals shall
6 not be greater than \$3,000,000.

7 “(B) AMOUNT TO ALLOCATE.—In a fiscal
8 year the Secretary shall make available to a
9 State, for use in an urbanized area served by a
10 high performing metropolitan planning organi-
11 zation, an amount of funds under this sub-
12 section equal to—

13 “(i) the amount available for alloca-
14 tion for that fiscal year in that urbanized
15 area under subparagraph (A); plus

16 “(ii) any amounts available for alloca-
17 tion in that urbanized area under that sub-
18 paragraph for any prior fiscal years—

19 “(I) beginning with fiscal year
20 2016; and

21 “(II) in which the urbanized area
22 was not served by a high performing
23 metropolitan planning organization.

24 “(4) ELIGIBLE USES OF FUNDS.—Funds pro-
25 vided under this subsection may be used—

1 “(A) for any project or activity eligible
2 under title 23;

3 “(B) for any project or activity eligible
4 under chapter 53, title 49; or

5 “(C) notwithstanding any other provision
6 of law, to pay the non-Federal share of the cost
7 of any project or activity funded under chapter
8 53 or 56 of this title or under title 23.

9 “(5) HIGH PERFORMING METROPOLITAN PLAN-
10 NING ORGANIZATION DEFINED.—In this subsection,
11 the term ‘high performing metropolitan planning or-
12 ganization’ means a metropolitan planning organiza-
13 tion that the Secretary has designated as high per-
14 forming under section 134(r) of title 23 or section
15 5303(r) of this title.”.

16 (b) CONFORMING AMENDMENT.—The analysis of
17 subtitle III of title 49, United States Code, is amended
18 by inserting the following after the item relating to chap-
19 ter 55:

“56. 21st Century Infrastructure Investments 5601”.

20 **SEC. 1402. TRANSPORTATION INFRASTRUCTURE FINANCE**
21 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

22 (a) DEFINITIONS.—

23 (1) MASTER CREDIT AGREEMENTS.—Section
24 601(a)(10) of title 23, United States Code, is
25 amended to read as follows:

1 “(10) MASTER CREDIT AGREEMENT.—The term
2 ‘master credit agreement’ means a conditional agree-
3 ment to extend credit assistance for a program of re-
4 lated projects secured by a common security pledge
5 (which shall receive an investment grade rating from
6 a rating agency) prior to the Secretary entering into
7 such master credit agreement under section
8 602(b)(2)(A), or for a single project covered under
9 section 602(b)(2)(B) that does not provide for a cur-
10 rent obligation of Federal funds and that would—

11 “(A) make contingent commitments of 1 or
12 more secured loans or other Federal credit in-
13 struments at future dates, subject to the avail-
14 ability of future funds being made available to
15 carry out this chapter and subject to the satis-
16 faction of all the conditions for the provision of
17 credit assistance under this chapter, including
18 section 603(b)(1);

19 “(B) establish the maximum amounts and
20 general terms and conditions of the secured
21 loans or other Federal credit instruments;

22 “(C) identify the 1 or more dedicated non-
23 Federal revenue sources that will secure the re-
24 payment of the secured loans or secured Fed-
25 eral credit instruments;

1 “(D) provide for the obligation of funds for
2 the secured loans or secured Federal credit in-
3 struments after all requirements have been met
4 for the projects subject to the master credit
5 agreement, including—

6 “(i) completion of an environmental
7 impact statement or similar analysis re-
8 quired under the National Environmental
9 Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.);

11 “(ii) compliance with such other re-
12 quirements as are specified in this chapter,
13 including sections 602(c) and 603(b)(1);
14 and

15 “(iii) the availability of funds to carry
16 out this chapter; and

17 “(E) require that contingent commitments
18 result in a financial close and obligation of
19 credit assistance not later than 3 years after
20 the date of entry into the master credit agree-
21 ment, or release of the commitment, unless oth-
22 erwise extended by the Secretary.”.

23 (2) RURAL INFRASTRUCTURE PROJECT.—Sec-
24 tion 601(a)(15) of title 23, United States Code, is
25 amended to read as follows:

1 “(15) RURAL INFRASTRUCTURE PROJECT.—
2 The term ‘rural infrastructure project’ means a sur-
3 face infrastructure project located outside of a Cen-
4 sus Bureau-defined urbanized area.”.

5 (b) MASTER CREDIT AGREEMENTS.—Section
6 602(b)(2) of title 23, United States Code, is amended to
7 read as follows:

8 “(2) MASTER CREDIT AGREEMENTS.—

9 “(A) PROGRAM OF RELATED PROJECTS.—
10 The Secretary may enter into a master credit
11 agreement for a program of related projects se-
12 cured by a common security pledge on terms
13 acceptable to the Secretary.

14 “(B) ADEQUATE FUNDING NOT AVAIL-
15 ABLE.—If the Secretary fully obligates funding
16 to eligible projects in a fiscal year, and ade-
17 quate funding is not available to fund a credit
18 instrument, a project sponsor of an eligible
19 project may elect to enter into a master credit
20 agreement and wait to execute a credit instru-
21 ment until the fiscal year during which addi-
22 tional funds are available to receive credit as-
23 sistance.”.

1 (c) APPLICATION PROCESSING PROCEDURES.—Sec-
2 tion 602(d)(2) of title 23, United States Code, is amended
3 to read as follows:

4 “(2) APPROVAL OR DENIAL OF APPLICATION.—
5 Not later than 60 days after the date of issuance of
6 the written notice of a complete application under
7 paragraph (1), the Secretary shall provide to the ap-
8 plicant a written notice informing the applicant
9 whether the Secretary has approved or disapproved
10 the application.”.

11 (d) AGREEMENTS.—Section 603(a)(1)(D) of title 23,
12 United States Code, is amended to read as follows:

13 “(D) to refinance long-term project obliga-
14 tions or Federal credit instruments, if the refi-
15 nancing provides additional demonstrated fund-
16 ing capacity for the completion, enhancement,
17 or expansion of any project that—

18 “(i) is selected under section 602; or

19 “(ii) otherwise meets the requirements
20 of section 602.”.

21 (e) LIMITATION ON REFINANCING OF INTERIM CON-
22 STRUCTION FINANCING.—Section 603(a)(2) of title 23,
23 United States Code, is amended to read as follows:

24 “(2) LIMITATION ON REFINANCING OF INTERIM
25 CONSTRUCTION FINANCING.—A loan under para-

1 graph (1) shall not refinance interim construction fi-
2 nancing under paragraph (1)(B)—

3 “(A) if the maturity of such interim con-
4 struction financing is later than one year after
5 the substantial completion of the project, and

6 “(B) later than one year after the date of
7 substantial completion of the project.”.

8 (f) PROGRAM ADMINISTRATION.—Section 605 of title
9 23, United States Code, is amended by inserting at the
10 end the following:

11 “(f) REDUCING BURDEN ON SMALL PROJECTS.—
12 The Secretary may use up to \$5,000,000 of funds made
13 available to carry out this chapter in a fiscal year in lieu
14 of fees collected under subsection (b) for projects under
15 this chapter having eligible project costs that are reason-
16 ably anticipated not to equal or exceed \$75,000,000.”.

17 (g) FUNDING.—

18 (1) Section 608(a) of title 23, United States
19 Code, is amended—

20 (A) by striking paragraph (4); and

21 (B) by renumbering paragraphs (5) and
22 (6) as (4) and (5), respectively.

23 (2) Section 608(a)(6) of title 23, United States
24 Code, is amended to read as follows:

1 “(6) ADMINISTRATIVE COSTS.—Of the amounts
2 made available to carry out this chapter, the Sec-
3 retary may use not more than \$10,000,000 in fiscal
4 year 2016, \$12,000,000 in fiscal year 2017,
5 \$14,000,000 in fiscal year 2018, \$15,000,000 in fis-
6 cal year 2019, \$15,000,000 in fiscal year 2020, and
7 \$15,000,000 in fiscal year 2021 for the administra-
8 tion of this chapter.”.

9 **SEC. 1403. RAILROAD REHABILITATION AND IMPROVE-**
10 **MENT FINANCING.**

11 (a) DEFINITIONS.—Section 501 of the Railroad Revi-
12 talization and Regulatory Reform Act of 1976 (45 U.S.C.
13 821) is amended by inserting at the end the following:

14 “(9) The term ‘railroad’ means a railroad car-
15 rier as that term is defined in section 20102 of title
16 49, United States Code.”.

17 (b) GENERAL AUTHORITY.—Section 502(a) of the
18 Railroad Revitalization and Regulatory Reform Act of
19 1976 (45 U.S.C. 822(a)) is amended—

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

22 “(5) joint ventures that include at least one of
23 the entities described in paragraphs (1) through (4)
24 or paragraph (6) of this section; and”;

1 (2) in paragraph (6), by striking “second” and
2 “that is served by no more than a single railroad”;
3 and

4 (3) in paragraph (6), by striking “limited op-
5 tion rail freight shippers” and inserting “limited op-
6 tion freight shippers”.

7 (c) ELIGIBLE PURPOSES.—Section 502(b) of the
8 Railroad Revitalization and Regulatory Reform Act of
9 1976 (45 U.S.C. 822(b)) is amended—

10 (1) in paragraph (1)(A), by striking “shops”
11 and inserting “shops, inclusive of costs related to
12 these activities, but not operating expenses”; and

13 (2) in paragraph (1)(B), by striking “subpara-
14 graph (A)” and inserting “subparagraph (A) or
15 (C)”.

16 (d) INFRASTRUCTURE PARTNERS.—Section 502(f) of
17 the Railroad Revitalization and Regulatory Reform Act of
18 1976 (45 U.S.C. 822(f)) is amended—

19 (1) in paragraph (1)—

20 (A) by inserting “including modifications
21 thereto” after “1990”;

22 (B) by inserting “and modification costs”
23 after “premiums” in the first sentence; and

24 (C) by inserting “or modification” after
25 “application” at the end of the first sentence;

1 (2) in paragraph (3), by inserting “, and in the
2 case of a modification, before the modification is ex-
3 ecuted” after “amounts”; and

4 (3) by striking paragraph (4).

5 (e) CONDITIONS OF ASSISTANCE.—Section 502(h) of
6 the Railroad Revitalization and Regulatory Reform Act of
7 1976 (45 U.S.C. 822(h)) is amended—

8 (1) in paragraph (2)—

9 (A) by striking “project” and inserting
10 “project, if applicable”;

11 (B) by striking “(2)” and inserting
12 “(2)(A)”; and

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

14 “(B) The Secretary may subordinate rights
15 of the Secretary under any provision of title 49
16 or title 23 of the United States Code, to the
17 rights of the Secretary under this section and
18 section 503 of this Act.”; and

19 (2) by inserting the following after subpara-
20 graph (3)(B):

21 “(4) The Secretary shall not provide assistance
22 under this section exceeding 80 percent of the rea-
23 sonably anticipated eligible project costs on
24 projects—

1 “(A) that receive a loan for which the Gov-
2 ernment pays the cost as defined by section 502
3 of the Federal Credit Reform Act; and

4 “(B) with total eligible project costs esti-
5 mated to exceed \$100,000,000.”.

6 (f) MODIFICATIONS.—Section 503(c) of the Railroad
7 Revitalization and Regulatory Reform Act of 1976 (45
8 U.S.C. 823(c)) is amended—

9 (1) in paragraph (1), by striking “and” from
10 the end;

11 (2) in paragraph (2), by striking the period and
12 inserting “; and”; and

13 (3) by adding the following after paragraph (2):

14 “(3) the modification cost has been covered
15 pursuant to section 502(f).”.

16 (g) EVALUATION, AWARD AND OVERSIGHT
17 CHARGES.—Section 503 of the Railroad Revitalization
18 and Regulatory Reform Act of 1976 (45 U.S.C. 823) is
19 amended by striking subsection (k) and inserting the fol-
20 lowing:

21 “(k) CHARGES.—

22 “(1) PURPOSE.—The Secretary may collect
23 from each applicant a reasonable charge for—

24 “(A) the cost of evaluating the application,
25 amendments, modifications, and waivers includ-

1 ing appraisal of the value of the equipment or
2 facilities for which the direct loan or loan guar-
3 antee is sought, and for making necessary de-
4 terminations and findings;

5 “(B) the cost of award and project man-
6 agement oversight;

7 “(C) the cost of services from expert firms,
8 including counsel, in the field of railroad, mu-
9 nicipal and project finance, to assist in the un-
10 derwriting, auditing, servicing and exercise of
11 rights with respect to direct loans and loan
12 guarantees; and

13 “(D) the cost of all other expenses in-
14 curred as a result of a breach of any term or
15 condition or any event of default on a direct
16 loan.

17 “(2) AMOUNT.—A charge under this subsection
18 shall not exceed one percent of the principal amount
19 requested in the application. The Secretary shall
20 prescribe standards for applying the charges to en-
21 sure that it does not prevent a Class II or Class III
22 railroad from having adequate access to direct loans
23 and loan guarantees under this title.

24 “(3) FEES CREDITED TO SAFETY ACCOUNT.—
25 Amounts collected under this subsection shall be

1 credited directly to the Safety and Operations ac-
2 count of the Federal Railroad Administration, and
3 shall remain available until expended to pay for the
4 costs described in this subsection.”.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary such
7 sums as may be necessary for the cost of direct loans and
8 loan guarantees pursuant to sections 502 through 504 of
9 the Railroad Revitalization and Regulatory Reform Act of
10 1976 (Public Law 94–210).

11 **SEC. 1404. STATE INFRASTRUCTURE BANK PROGRAM.**

12 Section 610 of title 23, United States Code, is
13 amended—

14 (1) in subsection (d)—

15 (A) by striking paragraph (1)(A) and in-
16 serting in its place the following:

17 “(A) 10 percent of the funds apportioned
18 to the State for each fiscal year under each of
19 sections 104(b)(1) and 104(b)(2); and”;

20 (B) in paragraph (2), by striking “of fiscal
21 years 2005 through 2009” and inserting “fiscal
22 year”; and

23 (C) in paragraph (3), by striking “of fiscal
24 years 2005 through 2009” and inserting “fiscal
25 year”; and

1 (2) in subsection (k), by striking “of fiscal
2 years 2005 through 2009” and inserting “fiscal
3 year”.

4 **SEC. 1405. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

5 (a) TOLLING.—Section 129(a) of title 23, United
6 States Code, is amended—

7 (1) in paragraph (1)—

8 (A) by striking subparagraphs (B), (G),
9 and (H) and redesignating—

10 (i) subparagraphs (C) through (F) as
11 subparagraphs (B) through (E), respec-
12 tively; and

13 (ii) subparagraph (I) as subparagraph
14 (H);

15 (B) in subparagraph (B), as redesignated,
16 by—

17 (i) inserting “, including such facili-
18 ties” after “tunnel” in the first place it ap-
19 pears; and

20 (ii) adding a comma after “Interstate
21 System”; and

22 (C) by inserting after subparagraph (E),
23 as redesignated, the following:

24 “(F) reconstruction of a toll-free Federal-
25 aid highway on the Interstate System and con-

1 version of the highway to a toll facility, subject
2 to the approval of the Secretary in accordance
3 with paragraph (12);

4 “(G) conversion of 1 or more lanes on a
5 toll-free highway, bridge or tunnel (including
6 highways, bridges or tunnels on the Interstate
7 System) to a toll facility for the purpose of re-
8 ducing or managing high levels of congestion,
9 subject to the approval of the Secretary in ac-
10 cordance with paragraph (12); and”;

11 (2) in paragraph (3)(A), by—

12 (A) striking “shall use” and inserting
13 “shall ensure that”;

14 (B) inserting “are used” after “toll facil-
15 ity” in the second place it appears;

16 (C) redesignating clauses (iv) and (v) as
17 clauses (vi) and (vii), respectively;

18 (D) inserting after clause (iii) the fol-
19 lowing:

20 “(iv) any costs necessary for the im-
21 provement and operation of public trans-
22 portation service that—

23 “(I) is provided within the trans-
24 portation corridor in which the toll fa-
25 cility is located; or

1 “(II) contributes to the improved
2 operation of the toll facility or the
3 highway on which the toll facility is
4 located;

5 “(v) any costs necessary for miti-
6 gating any adverse impacts related to the
7 tolling of the facility and identified under
8 the National Environmental Policy Act
9 process as a priority by the State or public
10 authority imposing the tolls;” and

11 (E) inserting “or chapter 53 of title 49”
12 before the period at the end of clause (vii), as
13 redesignated;

14 (3) by amending paragraph (4) to read as fol-
15 lows:

16 “(4) REQUIREMENTS FOR TOLLING FOR CON-
17 GESTION MANAGEMENT.—

18 “(A) IN GENERAL.—A public authority
19 with jurisdiction over a toll-free highway,
20 bridge, or tunnel that is converted to a toll fa-
21 cility that is tolled under paragraph (1)(G)
22 shall manage the demand to use the facility by
23 varying the toll amount that is charged.

24 “(B) HOV FACILITIES.—A high occupancy
25 vehicle facility converted to a toll facility under

1 paragraph (1)(G) shall be subject to the re-
2 quirements of section 166 of this title.”;

3 (4) by redesignating paragraph (10) as para-
4 graph (11);

5 (5) by inserting after paragraph (9) the fol-
6 lowing:

7 “(10) ELECTRONIC TOLL COLLECTION.—Fees
8 collected from motorists using a toll facility that is
9 tolled pursuant to this section and opened to traffic
10 on or after October 1, 2016, shall be collected only
11 through the use of noncash electronic technology
12 that optimizes the free flow of traffic on the toll fa-
13 cility.”; and

14 (6) by inserting at the end the following:

15 “(12) APPROVAL.—A facility tolled under para-
16 graph (1)(F) or (1)(G) shall receive the approval of
17 the Secretary according to criteria that the Sec-
18 retary shall publish in the Federal Register.”.

19 (b) FERRY BOATS.—Section 129(c)(2) of title 23,
20 United States Code, is amended by inserting “, ferry boats
21 carrying commercial motor vehicles and passengers,” be-
22 fore the phrase “and ferry boats carrying passengers
23 only.”.

24 (c) INTERSTATE SYSTEM RECONSTRUCTION AND RE-
25 HABILITATION PILOT PROGRAM.—Section 1216(b) of the

1 Transportation Equity Act for the 21st Century (Public
2 Law 105–178) is repealed.

3 **SEC. 1406. TAX-EXEMPT FINANCING FOR QUALIFIED SUR-**
4 **FACE TRANSPORTATION PROJECTS.**

5 Section 142(m)(2)(A) of the Internal Revenue Code
6 of 1986 (26 U.S.C. 142(m)(2)(A)) is amended by striking
7 “\$15,000,000,000” and inserting “\$19,000,000,000”.

8 **SEC. 1407. PAY FOR SUCCESS.**

9 To the extent practicable, the Secretary shall encour-
10 age the use of pay for success contracting in the imple-
11 mentation of the programs administered by the Depart-
12 ment.

13 **SEC. 1408. ASSISTANT SECRETARY FOR INNOVATIVE FI-**
14 **NANCE.**

15 (a) ESTABLISHMENT OF ASSISTANT SECRETARY PO-
16 SITION.—Section 102(e)(1) of title 49, as amended by sec-
17 tion 8110 of this Act, is further amended—

18 (1) by striking “6 Assistant Secretaries” and
19 inserting “7 Assistant Secretaries”; and

20 (2) in subparagraph (A), by inserting “an As-
21 sistant Secretary for Innovative Finance,” before
22 “and an Assistant Secretary”.

23 (b) CONFORMING AMENDMENT TO TITLE 5.—Sec-
24 tion 5315 of title 5, as amended by section 8110 of this
25 Act, is further amended by striking “(5)” in the undesig-

1 nated item relating to Assistant Secretaries of Transpor-
2 tation and inserting “(6)”.

3 **TITLE II—FEDERAL-AID**
4 **HIGHWAYS**
5 **Subtitle A—Authorizations and**
6 **Programs**

7 **SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) **IN GENERAL.**—The following sums are author-
9 ized to be appropriated out of the Highway Account of
10 the Transportation Trust Fund:

11 (1) **FEDERAL-AID HIGHWAY PROGRAM.**—For
12 the national highway performance program under
13 section 119 of title 23, United States Code, the sur-
14 face transportation program under section 133 of
15 such title, the highway safety improvement program
16 under section 148 of such title, the congestion miti-
17 gation and air quality improvement program under
18 section 149 of such title, and to carry out section
19 134 of such title—

20 (A) \$38,640,000,000 for fiscal year 2016;

21 (B) \$39,413,000,000 for fiscal year 2017;

22 (C) \$40,182,000,000 for fiscal year 2018;

23 (D) \$40,984,000,000 for fiscal year 2019;

24 (E) \$41,792,000,000 for fiscal year 2020;

25 and

1 (F) \$42,627,000,000 for fiscal year 2021.

2 (2) CRITICAL IMMEDIATE SAFETY INVEST-
3 MENTS PROGRAM.—For the critical immediate safety
4 investments program under section 2012 of this
5 Act—

6 (A) \$7,450,000,000 for fiscal year 2016;

7 (B) \$6,250,000,000 for fiscal year 2017;

8 (C) \$5,000,000,000 for fiscal year 2018;

9 (D) \$3,800,000,000 for fiscal year 2019;

10 (E) \$3,550,000,000 for fiscal year 2020;

11 and

12 (F) \$3,350,000,000 for fiscal year 2021.

13 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
14 TATION PROGRAMS.—

15 (A) TRIBAL TRANSPORTATION PRO-
16 GRAM.—For the Tribal transportation program
17 under section 202 of title 23, United States
18 Code—

19 (i) \$507,000,000 for fiscal year 2016;

20 (ii) \$517,000,000 for fiscal year 2017;

21 (iii) \$527,000,000 for fiscal year
22 2018;

23 (iv) \$538,000,000 for fiscal year
24 2019;

1 (v) \$548,760,000 for fiscal year 2020;

2 and

3 (vi) \$559,735,000 for fiscal year

4 2021.

5 (B) FEDERAL LANDS TRANSPORTATION

6 PROGRAM.—For the Federal lands transpor-

7 tation program under section 203 of such

8 title—

9 (i) \$370,000,000 for fiscal year 2016;

10 (ii) \$377,000,000 for fiscal year 2017;

11 (iii) \$385,000,000 for fiscal year

12 2018;

13 (iv) \$393,000,000 for fiscal year

14 2019;

15 (v) \$400,860,000 for fiscal year 2020;

16 and

17 (vi) \$408,877,000 for fiscal year

18 2021,

19 of which 5 percent of the amount made avail-

20 able for each fiscal year shall be for the United

21 States Army Corps of Engineers; 15 percent of

22 the amount made available for each fiscal year

23 shall be for the United States Forest Service;

24 and 80 percent of the amount made available

25 for each fiscal year shall be for the Department

1 of the Interior and divided by the Secretary of
2 the Interior, with notification to the Secretary,
3 among the National Park Service, the Fish and
4 Wildlife Service, the Bureau of Land Manage-
5 ment, and the Bureau of Reclamation.

6 (C) FEDERAL LANDS ACCESS PROGRAM.—

7 For the Federal lands access program under
8 section 204 of such title—

9 (i) \$250,000,000 for fiscal year 2016;

10 (ii) \$255,000,000 for fiscal year 2017;

11 (iii) \$260,000,000 for fiscal year

12 2018;

13 (iv) \$265,000,000 for fiscal year

14 2019;

15 (v) \$270,000,000 for fiscal year 2020;

16 and

17 (vi) \$275,000,000 for fiscal year

18 2021.

19 (D) NATIONALLY SIGNIFICANT FEDERAL

20 LANDS AND TRIBAL PROJECTS PROGRAM.—For

21 the nationally significant Federal lands and

22 Tribal projects program under section 2008 of

23 this Act, \$150,000,000 for each of fiscal years

24 2016 through 2021.

1 (4) TRANSPORTATION INFRASTRUCTURE FI-
2 NANCE AND INNOVATION PROGRAM.—For credit as-
3 sistance under the transportation infrastructure fi-
4 nance and innovation program under chapter 6 of
5 such title, \$1,000,000,000 for each of fiscal years
6 2016 through 2021.

7 (5) FEDERAL ALLOCATION PROGRAMS.—

8 (A) ON-THE-JOB TRAINING.—For surface
9 transportation and technology training and
10 summer transportation institutes under section
11 140(b) of such title—

12 (i) \$11,000,000 for fiscal year 2016;

13 (ii) \$11,000,000 for fiscal year 2017;

14 (iii) \$11,000,000 for fiscal year 2018;

15 (iv) \$12,000,000 for fiscal year 2019;

16 (v) \$12,000,000 for fiscal year 2020;

17 and

18 (vi) \$12,000,000 for fiscal year 2021.

19 (B) DISADVANTAGED BUSINESS ENTER-
20 PRISES.—For training programs and assistance
21 programs under section 140(c) of such title—

22 (i) \$11,000,000 for fiscal year 2016;

23 (ii) \$11,000,000 for fiscal year 2017;

24 (iii) \$11,000,000 for fiscal year 2018;

25 (iv) \$12,000,000 for fiscal year 2019;

1 (v) \$12,000,000 for fiscal year 2020;

2 and

3 (vi) \$12,000,000 for fiscal year 2021.

4 (C) HIGHWAY USE TAX EVASION
5 PROJECTS.—For highway use tax evasion
6 projects under section 143 of such title,
7 \$10,000,000 for each of fiscal years 2016
8 through 2021.

9 (D) CONSTRUCTION OF FERRY BOATS AND
10 FERRY TERMINAL FACILITIES.—For the con-
11 struction of ferry boats and ferry terminal fa-
12 cilities under section 147 of such title—

13 (i) \$70,000,000 for fiscal year 2016;

14 (ii) \$71,000,000 for fiscal year 2017;

15 (iii) \$73,000,000 for fiscal year 2018;

16 (iv) \$74,000,000 for fiscal year 2019;

17 (v) \$75,420,000 for fiscal year 2020;

18 and

19 (vi) \$76,868,000 for fiscal year 2021.

20 (E) PERFORMANCE MANAGEMENT DATA
21 SUPPORT PROGRAM.—For the performance
22 management data support program under sec-
23 tion 150(f) of title 23, United States Code,
24 \$10,000,000 for each of fiscal years 2016
25 through 2021.

1 (F) TERRITORIAL AND PUERTO RICO
2 HIGHWAY PROGRAM.—For the territorial and
3 Puerto Rico highway program under section
4 165 of such title—

5 (i) \$190,000,000 for fiscal year 2016;

6 (ii) \$194,000,000 for fiscal year 2017;

7 (iii) \$198,000,000 for fiscal year
8 2018;

9 (iv) \$202,000,000 for fiscal year
10 2019;

11 (v) \$206,040,000 for fiscal year 2020;

12 and

13 (vi) \$210,161,000 for fiscal year
14 2021.

15 (G) JOBS-DRIVEN SKILLS AND OPPOR-
16 TUNITY PROGRAMS.—\$100,000,000 in each of
17 fiscal years 2016 through 2021, of which—

18 (i) \$30,000,000 for each such fiscal
19 year shall be for the jobs-driven skills
20 training program under section 140(b) of
21 such title (as added by section 1208 of this
22 Act); and

23 (ii) \$70,000,000 for each such fiscal
24 year shall be for the connection to oppor-
25 tunity pilot program under section 134(q)

1 of such title and section 5303(q) of title
2 49, United States Code (as added by sec-
3 tion 1209 of this Act).

4 (b) DISADVANTAGED BUSINESS ENTERPRISES.—

5 (1) DEFINITIONS.—In this subsection, the fol-
6 lowing definitions apply:

7 (A) SMALL BUSINESS CONCERN.—

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

12 (ii) EXCLUSIONS.—The term “small
13 business concern” does not include any
14 concern or group of concerns controlled by
15 the same socially and economically dis-
16 advantaged individual or individuals that
17 have average annual gross receipts during
18 the preceding 3 fiscal years in excess of
19 \$22,410,000, as adjusted annually by the
20 Secretary for inflation.

21 (B) SOCIALLY AND ECONOMICALLY DIS-
22 ADVANTAGED INDIVIDUALS.—The term “so-
23 cially and economically disadvantaged individ-
24 uals” has the meaning given the term in section
25 8(d) of the Small Business Act (15 U.S.C.

1 637(d)) and relevant subcontracting regulations
2 issued pursuant to that Act, except that women
3 shall be presumed to be socially and economi-
4 cally disadvantaged individuals for purposes of
5 this subsection.

6 (2) AMOUNTS FOR SMALL BUSINESS CON-
7 CERNS.—Except to the extent that the Secretary de-
8 termines otherwise, not less than 10 percent of the
9 amounts made available for any program under ti-
10 tles II and III of this Act and section 403 of title
11 23, United States Code, shall be expended through
12 small business concerns owned and controlled by so-
13 cially and economically disadvantaged individuals.

14 (3) ANNUAL LISTING OF DISADVANTAGED BUSI-
15 NESS ENTERPRISES.—Each State that receives
16 funds under title II of this Act, title III of this Act,
17 title VIII of this Act, or section 403 of title 23,
18 United States Code, shall annually—

19 (A) survey and compile a list of the small
20 business concerns referred to in paragraph (2)
21 in the State, including the location of the small
22 business concerns in the State; and

23 (B) notify the Secretary, in writing, of the
24 percentage of the small business concerns that
25 are controlled by—

- 1 (i) women;
- 2 (ii) socially and economically dis-
- 3 advantaged individuals (other than
- 4 women); and
- 5 (iii) individuals who are women and
- 6 are otherwise socially and economically dis-
- 7 advantaged individuals.

8 (4) UNIFORM CERTIFICATION.—

9 (A) IN GENERAL.—The Secretary shall es-

10 tablish minimum uniform criteria for use by

11 State governments in certifying whether a con-

12 cern qualifies as a small business concern for

13 the purpose of this subsection.

14 (B) INCLUSIONS.—The minimum uniform

15 criteria established under subparagraph (A)

16 shall include, with respect to a potential small

17 business concern—

- 18 (i) on-site visits;
- 19 (ii) personal interviews with personnel;
- 20 (iii) issuance or inspection of licenses;
- 21 (iv) analyses of stock ownership;
- 22 (v) listings of equipment;
- 23 (vi) analyses of bonding capacity;
- 24 (vii) listings of work completed;

- 1 (viii) examination of the resumes of
2 principal owners;
3 (ix) analyses of financial capacity; and
4 (x) analyses of the type of work pre-
5 ferred.

6 (5) REPORTING.—The Secretary shall establish
7 minimum requirements for use by State govern-
8 ments in reporting to the Secretary—

9 (A) information concerning disadvantaged
10 business enterprise awards, commitments, and
11 achievements; and

12 (B) such other information as the Sec-
13 retary determines to be appropriate for the
14 proper monitoring of the disadvantaged busi-
15 ness enterprise program.

16 (6) COMPLIANCE WITH COURT ORDERS.—Noth-
17 ing in this subsection limits the eligibility of an indi-
18 vidual or entity to receive funds made available
19 under titles II and III of this Act and section 403
20 of title 23, United States Code, if the entity or per-
21 son is prevented, in whole or in part, from complying
22 with paragraph (2) because a Federal court issues a
23 final order in which the court finds that a require-
24 ment or the implementation of paragraph (2) is un-
25 constitutional.

1 (c) CONFORMING AMENDMENTS.—

2 (1) PUERTO RICO AND TERRITORIAL HIGH-
3 WAYS.—Section 165(a) of title 23, United States
4 Code, is amended to read as follows:

5 “(a) DIVISION OF FUNDS.—Of funds made available
6 for the territorial and Puerto Rico highway program—

7 “(1) for fiscal year 2016—

8 “(A) \$150,000,000 shall be for the Puerto
9 Rico highway program under subsection (b);
10 and

11 “(B) \$40,000,000 shall be for the terri-
12 torial highway program under subsection (c);

13 “(2) for fiscal year 2017—

14 “(A) \$153,000,000 shall be for the Puerto
15 Rico highway program under subsection (b);
16 and

17 “(B) \$41,000,000 shall be for the terri-
18 torial highway program under subsection (c);

19 “(3) for fiscal year 2018—

20 “(A) \$156,000,000 shall be for the Puerto
21 Rico highway program under subsection (b);
22 and

23 “(B) \$42,000,000 shall be for the terri-
24 torial highway program under subsection (c);

25 “(4) for fiscal year 2019—

1 “(A) \$159,000,000 shall be for the Puerto
2 Rico highway program under subsection (b);
3 and

4 “(B) \$43,000,000 shall be for the terri-
5 torial highway program under subsection (c);
6 “(5) for fiscal year 2020—

7 “(A) \$162,030,000 shall be for the Puerto
8 Rico highway program under subsection (b);
9 and

10 “(B) \$44,010,000 shall be for the terri-
11 torial highway program under subsection (c);
12 and

13 “(6) for fiscal year 2021—

14 “(A) \$165,120,750 shall be for the Puerto
15 Rico highway program under subsection (b);
16 and

17 “(B) \$45,040,250 shall be for the terri-
18 torial highway program under subsection (c).”.

19 (2) DISADVANTAGED BUSINESS ENTER-
20 PRISES.—Section 140(c) of such title is amended by
21 striking “From administrative funds made available
22 under section 104(a), the Secretary shall deduct
23 such sums as necessary, not to exceed \$10,000,000
24 per fiscal year, for the administration of this sub-
25 section.”.

1 (3) HIGHWAY USE TAX EVASION PROJECTS.—
2 Section 143(b)(2) of such title is amended to read
3 as follows:

4 “(2) FUNDING.—Funds made available to carry
5 out this section may be allocated to the Internal
6 Revenue Service and the States at the discretion of
7 the Secretary, except that of funds so made available
8 for each fiscal year, \$2,000,000 shall be available
9 only to carry out intergovernmental enforcement ef-
10 forts, including research and training.”.

11 (4) CONSTRUCTION OF FERRY BOATS AND
12 FERRY TERMINAL FACILITIES.—Section 147 of such
13 title is amended—

14 (A) by striking subsection (e); and

15 (B) by redesignating subsections (f) and
16 (g) as subsections (e) and (f), respectively.

17 **SEC. 2002. OBLIGATION LIMITATION.**

18 (a) GENERAL LIMITATION.—Subject to subsection
19 (e), and notwithstanding any other provision of law, the
20 obligations for Federal-aid highway and highway safety
21 construction programs shall not exceed—

22 (1) \$50,068,248,000 for fiscal year 2016;

23 (2) \$50,705,248,000 for fiscal year 2017;

24 (3) \$51,263,248,000 for fiscal year 2018;

25 (4) \$51,876,248,000 for fiscal year 2019;

1 (5) \$52,485,293,000 for fiscal year 2020; and

2 (6) \$53,169,199,000 for fiscal year 2021.

3 (b) EXCEPTIONS.—The limitations under subsection

4 (a) shall not apply to obligations under or for—

5 (1) section 125 of title 23, United States Code;

6 (2) section 147 of the Surface Transportation
7 Assistance Act of 1978 (23 U.S.C. 144 note; 92
8 Stat. 2714);

9 (3) section 9 of the Federal-Aid Highway Act
10 of 1981 (95 Stat. 1701);

11 (4) subsections (b) and (j) of section 131 of the
12 Surface Transportation Assistance Act of 1982 (96
13 Stat. 2119);

14 (5) subsections (b) and (c) of section 149 of the
15 Surface Transportation and Uniform Relocation As-
16 sistance Act of 1987 (101 Stat. 198);

17 (6) sections 1103 through 1108 of the Inter-
18 modal Surface Transportation Efficiency Act of
19 1991 (105 Stat. 2027);

20 (7) section 157 of title 23, United States Code
21 (as in effect on June 8, 1998);

22 (8) section 105 of title 23, United States Code
23 (as in effect for fiscal years 1998 through 2004, but
24 only in an amount equal to \$639,000,000 for each
25 of those fiscal years);

1 (9) Federal-aid highway programs for which ob-
2 ligation authority was made available under the
3 Transportation Equity Act for the 21st Century
4 (112 Stat. 107) or subsequent Acts for multiple
5 years or to remain available until expended, but only
6 to the extent that the obligation authority has not
7 lapsed or been used;

8 (10) section 105 of title 23, United States Code
9 (but, for each of fiscal years 2005 through 2012,
10 only in an amount equal to \$639,000,000 for each
11 of those fiscal years);

12 (11) section 1603 of SAFETEA-LU (23
13 U.S.C. 118 note; 119 Stat. 1248), to the extent that
14 funds obligated in accordance with that section were
15 not subject to a limitation on obligations at the time
16 at which the funds were initially made available for
17 obligation; and

18 (12) section 119 of title 23, United States Code
19 (but, for each of fiscal years 2013 through 2021,
20 only in an amount equal to \$639,000,000 for each
21 of those fiscal years).

22 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
23 For each of fiscal years 2015 through 2021, the Sec-
24 retary—

1 (1) shall not distribute obligation authority pro-
2 vided by subsection (a) for the fiscal year for—

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

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

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

11 (A) made available from the Highway
12 Trust Fund (other than the Mass Transit Ac-
13 count) or from the Highway Account of the
14 Transportation Trust Fund for Federal-aid
15 highway and highway safety construction pro-
16 grams for previous fiscal years the funds for
17 which are allocated by the Secretary (or appor-
18 tioned by the Secretary under section 202 or
19 204 of title 23, United States Code); and

20 (B) for which obligation authority was pro-
21 vided in a previous fiscal year;

22 (3) shall determine the proportion that—

23 (A) the obligation authority provided by
24 subsection (a) for the fiscal year, less the aggre-

1 gate of amounts not distributed under para-
2 graphs (1) and (2) of this subsection; bears to

3 (B) the total of the sums authorized to be
4 appropriated for the Federal-aid highway and
5 highway safety construction programs (other
6 than sums authorized to be appropriated for
7 provisions of law described in paragraphs (1)
8 through (11) of subsection (b) and sums au-
9 thorized to be appropriated for section 119 of
10 title 23, United States Code, equal to the
11 amount referred to in subsection (b)(12) for the
12 fiscal year), less the aggregate of the amounts
13 not distributed under paragraphs (1) and (2) of
14 this subsection;

15 (4) shall distribute the obligation authority pro-
16 vided by subsection (a), less the aggregate amounts
17 not distributed under paragraphs (1) and (2), for
18 each of the programs (other than programs to which
19 paragraph (1) applies) that are allocated by the Sec-
20 retary under this Act and title 23, United States
21 Code, or apportioned by the Secretary under section
22 202 or 204 of that title, by multiplying—

23 (A) the proportion determined under para-
24 graph (3); by

1 (B) the amounts authorized to be appro-
2 priated for each such program for the fiscal
3 year; and

4 (5) shall distribute the obligation authority pro-
5 vided by subsection (a), less the aggregate amounts
6 not distributed under paragraphs (1) and (2) and
7 the amounts distributed under paragraph (4), for
8 Federal-aid highway and highway safety construc-
9 tion programs that are apportioned by the Secretary
10 under title 23, United States Code (other than the
11 amounts apportioned for the national highway per-
12 formance program in section 119 of title 23, United
13 States Code, that are exempt from the limitation
14 under subsection (b)(12) and the amounts appor-
15 tioned under sections 202 and 204 of that title) or
16 under this Act in the proportion that—

17 (A) amounts authorized to be appropriated
18 for the programs that are apportioned under
19 title 23, United States Code, or under this Act
20 to each State for the fiscal year; bears to

21 (B) the total of the amounts authorized to
22 be appropriated for the programs that are ap-
23 portioned under title 23, United States Code, or
24 under this Act to all States for the fiscal year.

1 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
2 THORITY.—Notwithstanding subsection (c), the Secretary
3 shall, after August 1 of each of fiscal years 2016 through
4 2021—

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

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

17 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
18 TRANSPORTATION RESEARCH PROGRAMS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), obligation limitations imposed by sub-
21 section (a) shall apply to contract authority for
22 transportation research programs carried out
23 under—

24 (A) chapter 5 of title 23, United States
25 Code; and

1 (B) title VIII of this Act.

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

4 (A) remain available for a period of 4 fis-
5 cal years; and

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

10 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
11 FUNDS.—

12 (1) IN GENERAL.—Not later than 30 days after
13 the date of distribution of obligation authority under
14 subsection (c) for each of fiscal years 2016 through
15 2021, the Secretary shall distribute to the States
16 any funds (excluding funds authorized for the pro-
17 gram under section 202 of title 23, United States
18 Code) that—

19 (A) are authorized to be appropriated for
20 the fiscal year for Federal-aid highway pro-
21 grams; and

22 (B) the Secretary determines will not be
23 allocated to the States (or will not be appor-
24 tioned to the States under section 204 of title
25 23, United States Code), and will not be avail-

1 able for obligation, for the fiscal year because
2 of the imposition of any obligation limitation for
3 the fiscal year.

4 (2) **RATIO.**—Funds shall be distributed under
5 paragraph (1) in the same proportion as the dis-
6 tribution of obligation authority under subsection
7 (c)(5).

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

12 **SEC. 2003. APPORTIONMENT.**

13 (a) **SECTION 104 AMENDMENTS.**—Section 104 of
14 title 23, United States Code, is amended—

15 (1) by amending subsection (a)(1) to read as
16 follows:

17 “(1) **IN GENERAL.**—There are authorized to be
18 appropriated from the Highway Account of the
19 Transportation Trust Fund to be made available to
20 the Secretary for administrative expenses of the
21 Federal Highway Administration—

22 “(A) \$442,248,000 for fiscal year 2016;

23 “(B) \$451,248,000 for fiscal year 2017;

24 “(C) \$460,248,000 for fiscal year 2018;

25 “(D) \$469,248,000 for fiscal year 2019;

1 “(E) \$478,633,000 for fiscal year 2020;

2 and

3 “(F) \$488,206,000 for fiscal year 2021.”;

4 (2) in subsection (c)(2)—

5 (A) by adding “and thereafter” after

6 “2014” the first time it appears; and

7 (B) in subparagraph (A) by adding “and

8 each fiscal year thereafter” after “2014”; and

9 (3) by inserting at the end the following:

10 “(h) IMPLEMENTATION OF FUTURE STRATEGIC
11 HIGHWAY RESEARCH PROGRAM FINDINGS AND RE-
12 SULTS.—Before making an apportionment under sub-
13 section (c) for each of fiscal years 2016 through 2021,
14 the Secretary may set aside up to \$25,000,000 for each
15 fiscal year to carry out the implementation of future stra-
16 tegic highway research program findings and results
17 under section 503(c)(2)(C). Funds expended under this
18 subsection shall not be considered to be part of the extra-
19 mural budget of the agency for the purpose of section 9
20 of the Small Business Act (15 U.S.C. 638).”.

21 (b) CONFORMING AMENDMENT.—Section 505 of title
22 23, United States Code, is amended by striking subsection
23 (c) and redesignating subsections (d) and (e) as (c) and
24 (d), respectively.

1 **SEC. 2004. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 (a) DEFINITIONS.—Section 101(a) of title 23, United
3 States Code, is amended—

4 (1) in paragraph (8) by striking “is adjacent
5 to,”; and

6 (2) by striking paragraphs (9) and (10) and re-
7 designating paragraphs (11) through (34) as para-
8 graphs (9) through (32), respectively.

9 (b) OTHER AMENDMENTS.—Section 203 of title 23,
10 United States Code, is amended—

11 (1) in subsection (a)(1), by—

12 (A) striking “; and” at the end of subpara-
13 graph (C) and inserting a period; and

14 (B) striking subparagraph (D);

15 (2) in subsection (b)(1)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “2011” and inserting “2012”;
18 and

19 (B) in subparagraph (B)—

20 (i) by striking “; and” at the end of
21 clause (iv) and inserting a semicolon;

22 (ii) by striking the period at the end
23 of clause (v) and inserting “; and”; and

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

26 “(vi) the Bureau of Reclamation.”;

1 (3) at the end of subsection (c)(2)(B), by in-
2 serting the following:

3 “(vi) The Bureau of Reclamation.”;

4 and

5 (4) by striking subsection (d).

6 (c) PERFORMANCE MANAGEMENT.—Section
7 203(b)(2)(B) of title 23, United States Code, is amended
8 by inserting “performance management, including” after
9 “support”.

10 **SEC. 2005. EMERGENCY RELIEF FOR FEDERALLY OWNED**
11 **ROADS.**

12 (a) FEDERAL SHARE.—Section 120(e)(2) of title 23,
13 United States Code, is amended by striking “Federal land
14 access transportation facilities” and inserting “other fed-
15 erally owned roads that are open to public travel (as de-
16 fined in section 125(e)(1) of this title)”.

17 (b) ELIGIBILITY.—Section 125(d)(3) of title 23,
18 United States Code, is amended—

19 (1) at the end of subparagraph (A) by striking
20 “or”;

21 (2) at the end of subparagraph (B) by striking
22 the period and inserting “; or”; and

23 (3) by inserting at the end the following:

24 “(C) projects eligible for assistance under
25 this section located on Tribal transportation fa-

1 ilities, Federal lands transportation facilities,
2 or other federally owned roads that are open to
3 public travel.”.

4 (c) DEFINITION.—Section 125(e) of title 23, United
5 States Code, is amended by striking paragraph (1) and
6 inserting the following:

7 “(1) DEFINITIONS.—In this subsection—

8 “(A) ‘open to public travel’ means, with re-
9 spect to a road, that, except during scheduled
10 periods, extreme weather conditions, or emer-
11 gencies, the road is maintained and open to the
12 general public and can accommodate travel by
13 a standard passenger vehicle, without restrictive
14 gates or prohibitive signs or regulations, other
15 than for general traffic control or restrictions
16 based on size, weight, or class of registration;
17 and

18 “(B) ‘standard passenger vehicle’ means a
19 vehicle with six inches of clearance from the
20 lowest point of the frame, body, suspension, or
21 differential to the ground.”.

1 **SEC. 2006. TRIBAL HIGH PRIORITY PROJECTS PROGRAM**
2 **AND TRIBAL TRANSPORTATION PROGRAM**
3 **AMENDMENTS.**

4 (a) IN GENERAL.—Section 202 of title 23, United
5 States Code, is amended as follows:

6 (1) In subsection (a)(1)—

7 (A) in subparagraph (A), by striking the
8 final semicolon and inserting “; and”;

9 (B) in subparagraph (B), by striking “;
10 and” and inserting a period; and

11 (C) by striking subparagraph (C).

12 (2) In subsection (b)(3)(A)(i), by striking “and
13 subsections (c), (d), and (e)” and inserting “and
14 subsections (a)(6), (c), (d), (e), and (g)”.

15 (3) In subsection (c)(1), by striking “2 per-
16 cent” and inserting “3 percent”.

17 (4) In subsection (d)(2), by striking “2 per-
18 cent” and inserting “4 percent”.

19 (5) Inserting after subsection (f) the following:

20 “(g) TRIBAL HIGH PRIORITY PROJECTS PRO-
21 GRAM.—

22 “(1) FUNDING.—Before making any distribu-
23 tion under subsection (b), the Secretary shall set
24 aside not more than 7 percent of the funds made
25 available for the Tribal transportation program for
26 that fiscal year to carry out this subsection.

1 “(2) ELIGIBLE APPLICANTS.—Applicants eligi-
2 ble for program funds under this subsection in-
3 clude—

4 “(A) an Indian tribe whose annual alloca-
5 tion of funding under subsection (b) is insuffi-
6 cient to complete the highest priority project of
7 the Indian tribe;

8 “(B) a governmental subdivision of an In-
9 dian tribe—

10 “(i) that is authorized to administer
11 the funding of the Indian tribe under this
12 section; and

13 “(ii) for which the annual allocation
14 under subsection (b) is insufficient to com-
15 plete the highest priority project of the In-
16 dian tribe; or

17 “(C) any Indian tribe or governmental sub-
18 division of an Indian tribe that has an emer-
19 gency or disaster with respect to a transpor-
20 tation facility included on the national inventory
21 of Tribal transportation facilities under sub-
22 section (b)(1).

23 “(3) ELIGIBLE FACILITIES AND ACTIVITIES.—
24 To be funded under this subsection, a project—

1 “(A) shall be on a Tribal transportation
2 facility that is included in the national inven-
3 tory of Tribal transportation facilities under
4 subsection (b)(1); and

5 “(B) except as specified in paragraph (4),
6 shall be an activity eligible under—

7 “(i) subsection (a)(1); or

8 “(ii) the emergency relief program,
9 authorized under section 125 of this title,
10 but that does not meet the funding thresh-
11 olds under part 668 of title 23, Code of
12 Federal Regulations.

13 “(4) LIMITATION ON USE OF FUNDS.—Funds
14 under this subsection shall not be used for—

15 “(A) transportation planning;

16 “(B) research;

17 “(C) routine maintenance activities;

18 “(D) structures and erosion protection un-
19 related to transportation and roadways;

20 “(E) general reservation planning not in-
21 volving transportation;

22 “(F) landscaping and irrigation systems
23 not involving a transportation program or
24 project;

1 “(G) work performed on a project that is
2 not included on a transportation improvement
3 program approved by the Federal Highway Ad-
4 ministration, unless otherwise authorized by the
5 Secretary of the Interior and the Secretary;

6 “(H) the purchase of equipment, unless
7 otherwise authorized by Federal law; or

8 “(I) the condemnation of land for rec-
9 reational trails.

10 “(5) PROJECT APPLICATIONS; FUNDING.—

11 “(A) IN GENERAL.—To apply for funds
12 under this subsection, an eligible applicant shall
13 submit to the Department of the Interior or the
14 Department of Transportation an application
15 that includes—

16 “(i) project scope of work, including
17 deliverables, budget, and timeline;

18 “(ii) the amount of funds requested;

19 “(iii) project information addressing—

20 “(I) the ranking criteria identi-
21 fied in subparagraph (C); or

22 “(II) the nature of the emergency
23 or disaster;

24 “(iv) documentation that the project
25 meets the definition of a Tribal transpor-

1 tation facility and is included in the na-
2 tional inventory of Tribal transportation
3 facilities under subsection (b)(1);

4 “(v) documentation of official Tribal
5 action requesting the project;

6 “(vi) documentation from the Indian
7 tribe providing authority for the Secretary
8 of the Interior to place the project on a
9 transportation improvement program if the
10 project is selected and approved; and

11 “(vii) any other information the Sec-
12 retary of the Interior or Secretary con-
13 siders appropriate to make a determina-
14 tion.

15 “(B) LIMITATION ON APPLICATIONS.—An
16 applicant for funds under the program may
17 only have one application for assistance under
18 this subsection pending at any one time, includ-
19 ing any emergency or disaster project applica-
20 tion under paragraph (6).

21 “(C) APPLICATION RANKING.—

22 “(i) IN GENERAL.—The Secretary of
23 the Interior and the Secretary shall deter-
24 mine the eligibility of, and fund, program

1 applications, subject to the availability of
2 funds.

3 “(ii) RANKING CRITERIA.—The
4 project ranking criteria for applications
5 under this subsection shall include—

6 “(I) the existence of safety haz-
7 ards with documented fatality and in-
8 jury crashes;

9 “(II) the number of years since
10 the Indian tribe last completed a con-
11 struction project funded by the Indian
12 Reservation Roads program (as in ef-
13 fect the day before the date of enact-
14 ment of MAP-21) or the Tribal
15 Transportation Program under sec-
16 tion 202 of title 23, United States
17 Code;

18 “(III) the readiness of the Indian
19 tribe to proceed to construction or
20 bridge design need;

21 “(IV) the percentage of project
22 costs matched by funds that are not
23 provided under this section, with
24 projects with a greater percentage of

1 other sources of matching funds
2 ranked ahead of lesser matches);

3 “(V) the amount of funds re-
4 quested, with requests for lesser
5 amounts given greater priority;

6 “(VI) the challenges caused by
7 geographic isolation; and

8 “(VII) all-weather access for em-
9 ployment, commerce, health, safety,
10 educational resources, or housing.

11 “(iii) PROJECT SCORING MATRIX.—
12 The project scoring matrix established in
13 subpart I of part 170 of title 25, Code of
14 Federal Regulations (as in effect on July
15 19, 2004), shall be used to rank all appli-
16 cations accepted under this subsection.

17 “(D) FUNDING PRIORITY LIST.—

18 “(i) IN GENERAL.—The Secretary of
19 the Interior and the Secretary shall jointly
20 produce a funding priority list that ranks
21 the projects approved for funding under
22 the program.

23 “(ii) LIMITATION.—The number of
24 projects on the list shall be limited by the

1 amount of funding set aside for this sub-
2 section.

3 “(E) TIMELINE.—The Secretary of the In-
4 terior and the Secretary shall—

5 “(i) establish deadlines for applica-
6 tions;

7 “(ii) notify all applicants and Regions
8 in writing of acceptance of applications;

9 “(iii) rank all accepted applications in
10 accordance with the project scoring matrix,
11 develop the funding priority list, and re-
12 turn unaccepted applications to the appli-
13 cant with an explanation of deficiencies;

14 “(iv) notify all accepted applicants of
15 the projects included on the funding pri-
16 ority list; and

17 “(v) distribute funds to successful ap-
18 plicants.

19 “(6) EMERGENCY OR DISASTER PROJECT AP-
20 PPLICATIONS.—

21 “(A) IN GENERAL.—Notwithstanding para-
22 graph (5)(E), an eligible applicant may submit
23 an emergency or disaster project application at
24 any time.

1 “(B) CONSIDERATION AS PRIORITY.—The
2 Secretary of the Interior and the Secretary
3 shall—

4 “(i) consider project applications sub-
5 mitted under this paragraph to be a pri-
6 ority project under this subsection; and

7 “(ii) fund the project applications in
8 accordance with subparagraph (C).

9 “(C) FUNDING.—

10 “(i) IN GENERAL.—If an eligible ap-
11 plicant submits an application for a project
12 under this paragraph before the issuance
13 of the list under paragraph (5)(D) and the
14 project is determined to be eligible for pro-
15 gram funds, the Secretary of the Interior
16 and the Secretary shall provide funding for
17 the project before providing funding for
18 other approved projects on the list.

19 “(ii) SUBMISSION AFTER ISSUANCE
20 OF LIST.—If an eligible applicant submits
21 an application under this subsection after
22 the issuance of the list under paragraph
23 (5)(D) and the distribution of program
24 funds in accordance with the list, the Sec-
25 retary of the Interior and the Secretary

1 shall provide funding for the project on the
2 date on which unobligated funds provided
3 to projects on the list are returned to the
4 respective Department.

5 “(iii) EFFECT ON OTHER
6 PROJECTS.—If the Secretary of the Inte-
7 rior and the Secretary use funding pre-
8 viously designated for a project on the list
9 under paragraph (5)(D) to fund an emer-
10 gency or disaster project under this para-
11 graph, the project on the list that did not
12 receive funding as a result of the redesi-
13 gnation of funds shall move to the top of
14 the list the following year.

15 “(D) EMERGENCY OR DISASTER PROJECT
16 COST.—The cost of a project submitted as an
17 emergency or disaster under this paragraph
18 shall equal at least 10 percent of the distribu-
19 tion of funds of the Indian tribe under sub-
20 section (b).

21 “(7) LIMITATION ON PROJECT AMOUNTS.—
22 Project funding shall be limited to a maximum of
23 \$1,500,000 per application, except that funding for
24 disaster or emergency projects shall also be limited

1 to the estimated cost of repairing damage to the
2 Tribal transportation facility.

3 “(8) COST ESTIMATE CERTIFICATION.—All cost
4 estimates prepared for a project shall be required to
5 be submitted by the applicant to the Secretary of the
6 Interior or the Secretary for certification and ap-
7 proval.”.

8 (b) CONFORMING AMENDMENT.—Section 1123 of the
9 Moving Ahead for Progress in the 21st Century Act (Pub-
10 lic Law 112–141) is repealed.

11 **SEC. 2007. FEDERAL LANDS ACCESS PROGRAM FEDERAL**
12 **SHARE.**

13 Section 201(b)(7) of title 23, United States Code, is
14 amended—

15 (1) in subparagraph (A), by striking “shall be
16 100 percent” and inserting “may be up to 100 per-
17 cent”; and

18 (2) in subparagraph (B), by inserting before
19 the final period “, except that the Federal share for
20 the cost of a project on a Federal lands access trans-
21 portation facility owned by a county, town, township,
22 municipal, Tribal, or local government may be up to
23 95 percent”.

1 **SEC. 2008. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
2 **TRIBAL PROJECTS PROGRAM.**

3 (a) IN GENERAL.—Chapter 2 of title 23, United
4 States Code, is amended by inserting after section 206 the
5 following:

6 **“§ 207. Nationally significant Federal lands and tribal**
7 **projects program**

8 “(a) PURPOSE.—The Secretary shall establish a na-
9 tionally significant Federal lands and tribal projects pro-
10 gram to provide funding needed to construct, reconstruct,
11 or rehabilitate nationally significant Federal lands and
12 Tribal transportation projects.

13 “(b) APPLICANTS.—

14 “(1) IN GENERAL.—Except as specified in
15 paragraph (2), entities eligible to receive funds
16 under sections 201, 202, 203 and 204 of this title
17 may apply for funding under this program.

18 “(2) SPECIAL RULE.—A State, county or local
19 government may only apply if sponsored by an eligi-
20 ble Federal Land Management Agency or Indian
21 tribe.

22 “(c) ELIGIBLE PROJECTS.—An eligible project under
23 this section shall be a single continuous project—

24 “(1) on a Federal lands transportation facility,
25 a Federal lands access transportation facility, or a
26 Tribal transportation facility, as defined under sec-

1 tion 101 of this title, except that such facility is not
2 required to be included on an inventory as described
3 under section 202 or 203 of title 23, United States
4 Code;

5 “(2) for which completion of activities required
6 under the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) has been dem-
8 onstrated through a record of decision with respect
9 to the project, a finding that the project has no sig-
10 nificant impact, or a determination that the project
11 is categorically excluded; and

12 “(3) having an estimated cost, based on the re-
13 sults of preliminary engineering, equal to or exceed-
14 ing \$25,000,000, with priority consideration given to
15 projects with an estimated cost equal to or exceeding
16 \$50,000,000.

17 “(d) ELIGIBLE ACTIVITIES.—An applicant receiving
18 funds under this section may only use such funds for con-
19 struction, reconstruction, and rehabilitation activities, ex-
20 cept that activities related to project design are not eligi-
21 ble.

22 “(e) APPLICATIONS.—Applicants shall submit to the
23 Secretary an application in such form and in accordance
24 with such requirements as the Secretary shall establish.

1 “(f) SELECTION CRITERIA.—In selecting a project to
2 receive funds under this program the Secretary shall con-
3 sider the extent to which the project—

4 “(1) furthers Departmental goals such as state
5 of good repair, environmental sustainability, eco-
6 nomic competitiveness, quality of life, or safety;

7 “(2) improves the condition of critical
8 multimodal transportation facilities;

9 “(3) needs construction, reconstruction, or re-
10 habilitation;

11 “(4) is included in or eligible for inclusion in
12 the National Register of Historic Places;

13 “(5) enhances environmental ecosystems;

14 “(6) uses new technologies and innovations that
15 enhance the efficiency of the project;

16 “(7) is supported by funds other than those re-
17 ceived under this title to construct, maintain, and
18 operate the facility;

19 “(8) spans 2 or more States; and

20 “(9) serves lands owned by multiple Federal
21 agencies or Tribes.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) AVAILABILITY OF FUNDS.—Section 201(b)
24 of such title is amended—

1 (A) in paragraph (1), by inserting “nation-
2 ally significant Federal lands and tribal projects
3 program,” after “Federal lands transportation
4 program,”;

5 (B) in paragraph (4)(A), by inserting “na-
6 tionally significant Federal lands and tribal
7 projects program,” after “Federal lands trans-
8 portation program,”; and

9 (C) by adding at the end of paragraph (7)
10 the following:

11 “(C) **NATIONALLY SIGNIFICANT FEDERAL**
12 **LANDS AND TRIBAL PROJECTS PROGRAM.**—The
13 Federal share of the cost of a project carried
14 out under the nationally significant Federal
15 lands and tribal projects program may be up to
16 100 percent.”.

17 (2) **PLANNING.**—Section 201(c)(3) of such title
18 is amended by inserting “nationally significant Fed-
19 eral lands and tribal projects program” after “Fed-
20 eral lands transportation program,” the first time it
21 appears.

22 (3) **ANALYSIS.**—The analysis for chapter 2 of
23 such title is amended by inserting after the item re-
24 lated to 206 the following:

“207. Nationally significant Federal lands and tribal projects program.”.

1 **SEC. 2009. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

2 (a) TRANSPORTATION PLANNING.—Section 201(c) of
3 title 23, United States Code, is amended—

4 (1) in paragraph (6)(A) by—

5 (A) inserting a period after “Tribal trans-
6 portation program”;

7 (B) inserting “Data collected to implement
8 the Tribal transportation program shall be” be-
9 fore “in accordance with”; and

10 (C) striking “, including” and inserting “.
11 Data collected under this paragraph includes”;
12 and

13 (2) by striking paragraph (7) and inserting the
14 following:

15 “(7) COOPERATIVE RESEARCH AND TECH-
16 NOLOGY DEPLOYMENT.—The Secretary may conduct
17 cooperative research and technology deployment in
18 coordination with Federal land management agen-
19 cies, as deemed appropriate by the Secretary.

20 “(8) FUNDING.—

21 “(A) IN GENERAL.—To implement activi-
22 ties described in this subsection for Federal
23 lands transportation facilities, Federal lands ac-
24 cess transportation facilities, and other federally
25 owned roads open to public travel (as defined
26 under section 125 of this title), the Secretary

1 shall combine and use not more than 5 percent
2 for each fiscal year of the funds authorized for
3 programs under sections 203 and 204 of this
4 title.

5 “(B) OTHER ACTIVITIES.—In addition to
6 the activities specified in subparagraph (A),
7 funds described under such subparagraph may
8 also be used for—

9 “(i) bridge inspections on any feder-
10 ally owned bridge even if such bridge is not
11 included on the inventory, as described
12 under section 203 of this title; and

13 “(ii) transportation planning activities
14 undertaken by any Federal agency.

15 “(C) ELIGIBLE ENTITIES.—Funds de-
16 scribed under subparagraph (A) may be used by
17 the following agencies:

18 “(i) Bureau of Land Management.

19 “(ii) Bureau of Reclamation.

20 “(iii) Military Surface Deployment
21 and Distribution Command.

22 “(iv) National Park Service.

23 “(v) Tennessee Valley Authority.

24 “(vi) United States Air Force.

25 “(vii) United States Army.

1 “(viii) United States Army Corps of
2 Engineers.

3 “(ix) United States Fish & Wildlife
4 Service.

5 “(x) United States Forest Service.

6 “(xi) United States Navy.

7 “(D) SPECIAL RULE.—Notwithstanding
8 subparagraphs (A) through (C), a Federal
9 Land Management Agency receiving funds to
10 carry out section 203 of this title may use
11 funds authorized for that section to meet the
12 requirements of this subsection.”.

13 (b) COORDINATION.—Section 201 of such title is
14 amended by adding at the end the following:

15 “(f) FEDERAL LANDS TRANSPORTATION EXECUTIVE
16 COUNCIL.—The Secretary periodically shall convene and
17 chair a Federal Lands Transportation Executive Council,
18 which shall be composed of Secretaries of the appropriate
19 Federal Land Management Agencies or their designees,
20 and chaired by the Secretary or the Secretary’s designee.
21 The purpose of the Federal Lands Transportation Execu-
22 tive Council is to consult on interdepartmental data stand-
23 ardization, technology integration, and interdepartmental
24 consistency.”.

1 **SEC. 2010. BRIDGES REQUIRING CLOSURE OR LOAD RE-**
2 **STRICTIONS.**

3 Section 144(h) of title 23, United States Code, is
4 amended by—

5 (1) redesignating paragraphs (6) and (7) as
6 paragraphs (7) and (8), respectively;

7 (2) inserting after paragraph (5), the following
8 new paragraph:

9 “(6) BRIDGES REQUIRING CLOSURE OR LOAD
10 RESTRICTIONS.—

11 “(A) BRIDGES OWNED BY FEDERAL AGEN-
12 CIES OR TRIBAL GOVERNMENTS.—If a Federal
13 agency or Tribal government fails to ensure
14 that any highway bridge that is open to public
15 travel and is located within the jurisdiction of
16 the Federal agency or Tribal government is
17 properly closed or restricted to loads it can
18 carry safely, the Secretary—

19 “(i) shall, upon learning of the need
20 to close such bridge or to restrict loads on
21 it, require the Federal agency or Tribal
22 government to take action necessary to—

23 “(I) close the bridge within 48
24 hours; or

1 “(II) within 30 days, restrict
2 public travel on the bridge to loads
3 the bridge can carry safely; and

4 “(ii) may, if the Federal agency or
5 Tribal government fails to take action nec-
6 essary under clause (i), withhold all fund-
7 ing authorized under this title for the Fed-
8 eral agency or Tribal government.

9 “(B) OTHER BRIDGES.—If a State fails to
10 ensure that any highway bridge (other than a
11 bridge described in subparagraph (A)) that is
12 open to public travel and is located within the
13 boundaries of the State is properly closed or re-
14 stricted to loads it can carry safely, the Sec-
15 retary—

16 “(i) shall, upon learning of the need
17 to close such bridge or to restrict loads on
18 it, require the State to take action nec-
19 essary to—

20 “(I) close the bridge within 48
21 hours; or

22 “(II) within 30 days, restrict
23 public travel on the bridge to loads
24 the bridge can carry safely; and

1 “(ii) may, if the State fails to take ac-
2 tion necessary under clause (i), withhold
3 approval for Federal-aid projects in such
4 State.”; and

5 (3) in paragraph (8), as redesignated, by strik-
6 ing “(6)” and inserting “(7)”.

7 **SEC. 2011. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

8 (a) **POLICY.**—It is in the national interest for the De-
9 partment of Transportation and State departments of
10 transportation to expand the use of rights-of-way on Fed-
11 eral-aid highways to accommodate broadband infrastruc-
12 ture; to ensure the safe and efficient accommodation of
13 broadband infrastructure in the public right-of-way; to
14 identify areas where additional broadband infrastructure
15 is most needed; to include broadband stakeholders in the
16 transportation planning process; to coordinate highway
17 construction plans with other statewide telecommuni-
18 cations and broadband plans; and to improve broadband
19 connectivity to rural communities and improve broadband
20 services in urban areas.

21 (b) **ESTABLISHMENT OF BROADBAND INFRASTRUC-**
22 **TURE DEPLOYMENT INITIATIVE.**—

23 (1) **IN GENERAL.**—To advance the policy identi-
24 fied in subsection (a), the Secretary shall carry out

1 a broadband infrastructure deployment initiative
2 under this section.

3 (2) ADVANCING THE USE OF BEST PRAC-
4 TICES.—In order to expand the installation of
5 broadband infrastructure, the Secretary shall require
6 each State that receives funds under title II of this
7 Act to meet the following requirements:

8 (A) BROADBAND COORDINATION.—Each
9 State department of transportation shall—

10 (i) have a broadband utility coordi-
11 nator responsible for coordinating the
12 broadband infrastructure needs of the
13 State with Federal-aid highway projects;

14 (ii) provide for online registration of
15 broadband infrastructure entities that seek
16 to be included in such broadband infra-
17 structure coordination efforts within the
18 State;

19 (iii) coordinate with other State and
20 local agencies and broadband infrastruc-
21 ture entities registered with the State de-
22 partment of transportation under clause
23 (ii) and the First Responder Network Au-
24 thority (FirstNet) as established in section
25 6204 of the Middle Class Tax Relief and

1 Job Creation Act of 2012 (42 U.S.C.
2 1424), to review areas within the State
3 that are unserved or underserved by
4 broadband; and

5 (iv) include broadband infrastructure
6 entities registered with the State depart-
7 ment of transportation under clause (ii) in
8 the transportation planning processes
9 under sections 134 and 135 of title 23,
10 United States Code.

11 (B) BROADBAND INFRASTRUCTURE CO-
12 ORDINATION PLAN.—Each State department of
13 transportation shall—

14 (i) based on the coordination under
15 subparagraph (A), develop a comprehen-
16 sive State broadband infrastructure coordi-
17 nation plan to expand the adoption and de-
18 ployment of broadband infrastructure with-
19 in the State through, at a minimum, the
20 use of rights-of-way for Federal-aid high-
21 ways and strategies to support increased
22 availability and adoption in unserved and
23 underserved areas in accordance with para-
24 graph (2)(A)(iii);

1 (ii) to the extent practicable, coordi-
2 nate the State broadband infrastructure
3 coordination plan with other statewide tele-
4 communication or broadband plans, and
5 with State and local transportation and
6 land use plans;

7 (iii) include in its State broadband in-
8 frastructure coordination plan strategies to
9 minimize repeated excavations that involve
10 the installation of broadband infrastruc-
11 ture in the right-of-way; and

12 (iv) include in its State broadband in-
13 frastructure coordination plan strategies to
14 support increased broadband availability
15 and adoption in unserved and underserved
16 areas in accordance with paragraph
17 (2)(A)(iii).

18 (C) RIGHT-OF-WAY ACCESS.—Notwith-
19 standing any other provision of law—

20 (i) each State department of transpor-
21 tation shall—

22 (I) allow the installation of
23 broadband infrastructure in the right-
24 of-way of every Federal-aid highway
25 to the extent the State holds sufficient

1 ownership rights to authorize such ac-
2 commodation; and

3 (II) establish reasonable condi-
4 tions to provide right-of-way access to
5 broadband infrastructure entities to
6 construct, operate, and maintain
7 broadband infrastructure, and may
8 prohibit such uses that would ad-
9 versely affect highway or traffic safe-
10 ty. Such use and access shall be free
11 of charge to a broadband infrastruc-
12 ture entity requesting access for the
13 purposes of broadband infrastructure
14 installation; and

15 (ii) each State may—

16 (I) designate one or more longi-
17 tudinal areas within each right-of-way
18 to accommodate broadband infrastruc-
19 ture; and

20 (II) require all broadband infra-
21 structure entities to locate their
22 broadband infrastructure within such
23 longitudinal areas.

24 (D) INNOVATION.—Each State department
25 of transportation shall consider new technology

1 and construction practices that would allow for
2 the safe and efficient accommodation of
3 broadband infrastructure in the right-of-way.

4 (3) STATE FLEXIBILITY.—A State meeting the
5 requirements under paragraph (2) may use funds
6 authorized for the surface transportation program
7 under section 133 of title 23, United States Code,
8 and the national highway performance program
9 under section 119 of such title, to install broadband
10 infrastructure as part of a Federal-aid highway
11 project located in an area identified under paragraph
12 (2)(A)(iii), and the broadband infrastructure may be
13 utilized to support non-transportation purposes in
14 addition to transportation purposes.

15 (c) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) BROADBAND INFRASTRUCTURE.—The term
18 “broadband infrastructure” means buried or aerial
19 facilities, wireless or wireline connection that enables
20 users to send and receive voice, video, data, graph-
21 ics, or a combination thereof.

22 (2) BROADBAND INFRASTRUCTURE ENTITY.—
23 The term “broadband infrastructure entity” means
24 any entity that installs, owns, or operates broadband

1 infrastructure and provides services to members of
2 the public.

3 (3) RIGHT-OF-WAY.—The term “right-of-way”
4 means any real property, or interest therein, ac-
5 quired, dedicated, or reserved for the construction,
6 operation, and maintenance of a Federal-aid high-
7 way.

8 (4) STATE.—The term “State” means any of
9 the 50 States, the District of Columbia, or Puerto
10 Rico.

11 **SEC. 2012. CRITICAL IMMEDIATE INVESTMENTS PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary shall establish
13 a program under this section to make critical and imme-
14 diate improvements to infrastructure and highway safety.
15 This program shall include—

16 (1) the interstate bridge revitalization initiative
17 under subsection (b);

18 (2) the systemic safety initiative under sub-
19 section (c); and

20 (3) the state of good repair initiative under sub-
21 section (d).

22 (b) INTERSTATE BRIDGE REVITALIZATION INITIA-
23 TIVE.—

24 (1) APPORTIONMENT.—The Secretary shall ap-
25 portion funds made available to carry out this sub-

1 section for a fiscal year among States in the ratio
2 that—

3 (A) the amount of funds that the Secretary
4 apportions to the State for such fiscal year for
5 the national highway performance program
6 under section 104(b)(1) of title 23, United
7 States Code; bears to

8 (B) the amount of funds that the Sec-
9 retary apportions to all States for such fiscal
10 year for such program under such section.

11 (2) USE OF FUNDS.—

12 (A) IF ABOVE THRESHOLD.—If the Sec-
13 retary determines that more than 5 percent of
14 the total deck area of bridges on the Interstate
15 System in a State is located on bridges that the
16 Secretary has classified as structurally defi-
17 cient, the State may use funds under this sub-
18 section to repair, rehabilitate, or replace struc-
19 turally deficient bridges on the Interstate Sys-
20 tem.

21 (B) IF BELOW THRESHOLD.—If the Sec-
22 retary determines that less than 5 percent of
23 the total deck area of bridges on the Interstate
24 System in a State is located on bridges that the
25 Secretary has classified as structurally defi-

1 cient, the State may use funds under this sub-
2 section to repair, rehabilitate, or replace struc-
3 turally deficient bridges on the National High-
4 way System.

5 (C) EXCLUSION.—A State may not use
6 funds under this subsection to construct a new
7 bridge except as a replacement for an eligible
8 structurally deficient bridge.

9 (c) SYSTEMIC SAFETY INITIATIVE.—

10 (1) DISTRIBUTION OF FUNDS.—

11 (A) APPORTIONMENT.—Subject to sub-
12 paragraph (B), the Secretary shall apportion
13 funds made available to carry out this sub-
14 section for a fiscal year among States in the
15 ratio specified in subsection (b)(1).

16 (B) RESERVATION OF FUNDS.—Before ap-
17 portioning funds under paragraph (1) in a fis-
18 cal year, the Secretary shall reserve
19 \$150,000,000 under this subsection for use
20 under paragraph (3).

21 (2) ELIGIBLE USES OF FUNDS.—

22 (A) IN GENERAL.—A State may use funds
23 under this subsection on—

24 (i) systemic safety improvements that
25 are—

1 (I) eligible uses of funding under
2 section 148 of title 23, United States
3 Code;

4 (II) consistent with the State's
5 strategic highway safety plan under
6 such section; and

7 (III) located on a highway that is
8 not owned by the State; and

9 (ii) data improvement activities (or
10 safety data systems) related to highways
11 described in clause (i)(III).

12 (B) SPECIAL RULE.—Notwithstanding sub-
13 paragraph (A)(i)(III), if a State, in the judg-
14 ment of the Secretary, meets its infrastructure
15 safety needs relating to systemic safety im-
16 provements on highways that are not owned by
17 the State, the State may use funds under this
18 subsection on such an improvement—

19 (i) that is located on a highway owned
20 by the State; and

21 (ii) that meets the requirements of
22 subparagraphs (A)(i)(I) and (A)(i)(II).

23 (3) BUILD TO EVALUATE.—

24 (A) IN GENERAL.—The Secretary shall
25 provide grants under this paragraph to—

1 (i) allow local agencies to implement
2 systemic safety improvements; and

3 (ii) enable the Secretary to evaluate
4 the effectiveness and in-service perform-
5 ance of such improvements.

6 (B) ELIGIBLE APPLICANTS.—A local agen-
7 cy seeking to receive a grant under this para-
8 graph shall—

9 (i) submit to the Secretary an applica-
10 tion in such form and in accordance with
11 such requirements as the Secretary shall
12 establish; and

13 (ii) agree to provide the Secretary
14 with data and access sufficient, in the
15 judgment of the Secretary, to allow the
16 Secretary to rigorously evaluate the effec-
17 tiveness and in-service performance of the
18 projects that the agency implements with
19 such a grant.

20 (4) DEFINITIONS.—In this subsection, the
21 terms “data improvement activities,” “safety data
22 system,” “systemic safety improvement” and “stra-
23 tegic highway safety plan” have the same meaning
24 as in section 148 of title 23, United States Code.

25 (d) STATE OF GOOD REPAIR INITIATIVE.—

1 (1) APPORTIONMENT.—The Secretary shall ap-
2 portion funds made available to carry out this sub-
3 section for a fiscal year among States in the ratio
4 specified in subsection (b)(1).

5 (2) ELIGIBLE USES OF FUNDS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), a State may use funds under this
8 subsection to—

9 (i) reconstruct, resurface, restore, re-
10 habilitate, or preserve a highway on the
11 National Highway System; or

12 (ii) replace, rehabilitate, preserve, or
13 protect a bridge or tunnel on the National
14 Highway System.

15 (B) PRESERVATION PROJECTS.—A State
16 may use 50 percent of the funds that the Sec-
17 retary apportions to the State under paragraph
18 (1) only for preservation or rehabilitation
19 projects under subparagraph (A) that would
20 prevent or reduce the need for more costly fu-
21 ture repair or replacement.

22 (3) USE OF SYSTEMS.—In selecting projects to
23 fund under this subsection, a State shall use infor-
24 mation from its pavement and bridge management
25 systems to identify potential projects that need im-

1 mediate action to preserve the asset and avoid fur-
2 ther deterioration.

3 (e) TRANSFERS.—Notwithstanding subsection (d), a
4 State may transfer up to 100 percent of its apportionment
5 under such subsection—

6 (1) to its apportionment under subsection (b) if,
7 in the judgment of the Secretary, such transfer will
8 help the State to meet the performance targets that
9 the State has established under section 150(d) of
10 title 23, United States Code, in relation to the na-
11 tional highway performance program; or

12 (2) to its apportionment under subsection (c) if,
13 in the judgment of the Secretary, such transfer will
14 help the State to meet the performance targets that
15 the State has established under section 150(d) of
16 such title in relation to the highway safety improve-
17 ment program.

18 (f) ADMINISTRATION OF FUNDS.—

19 (1) AVAILABILITY OF FUNDS.—Of the funds
20 authorized for each fiscal year for the Critical Imme-
21 diate Safety Investments Program—

22 (A) 25 percent shall be available for the
23 Interstate Bridge Revitalization Initiative under
24 subsection (b);

1 (B) 25 percent shall be available for the
2 Systemic Safety Initiative under subsection (c);
3 and

4 (C) 50 percent shall be available for the
5 State of Good Repair Initiative under sub-
6 section (d).

7 (2) CONTRACT AUTHORITY.—Except as speci-
8 fied in paragraph (2), funds made available for the
9 program under this section shall be available for ob-
10 ligation and administered as if apportioned under
11 chapter 1 of title 23, United States Code.

12 (3) FEDERAL SHARE.—

13 (A) IN GENERAL.—The Federal share of
14 the cost of a project under this section may be
15 up to 80 percent of the total project cost.

16 (B) USE OF OTHER FEDERAL FUNDS.—A
17 State may use to pay the non-Federal share of
18 a project under this section Federal funds ap-
19 portioned or allocated to the State under title
20 23, United States Code.

21 **SEC. 2013. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
22 **TEM.**

23 Subsections (b) and (c) of section 1528 of the Moving
24 Ahead for Progress in the 21st Century Act (Public Law
25 112–141; 126 Stat. 582) are amended by striking “shall

1 be 100 percent” and inserting “shall be up to 100 per-
2 cent” each place it appears.

3 **SEC. 2014. HIGHWAY SAFETY DATA IMPROVEMENT.**

4 Section 148 of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(k) FUNDS FOR HIGHWAY SAFETY DATA IMPROVE-
7 MENT.—

8 “(1) RESERVATION OF FUNDS.—

9 “(A) IN GENERAL.—Before making an ap-
10 portionment under section 104(c) for a fiscal
11 year, the Secretary shall set aside, for highway
12 safety data improvement activities on all public
13 roads, from the funds described in subpara-
14 graph (B), the amount specified for that fiscal
15 year in subparagraph (C).

16 “(B) SOURCE OF FUNDS.—The funds re-
17 ferred to in subparagraph (A) are amounts au-
18 thorized to be appropriated out of the Highway
19 Account of the Transportation Trust Fund for
20 that fiscal year for the national highway per-
21 formance program under section 119, the sur-
22 face transportation program under section 133,
23 the highway safety improvement program under
24 section 148, the congestion mitigation and air

1 quality improvement program under section
2 149, and to carry out section 134.

3 “(C) AMOUNT RESERVED.—The amounts
4 to be reserved under subparagraph (A) are—

5 “(i) \$100,000,000 for fiscal year
6 2016;

7 “(ii) \$100,000,000 for fiscal year
8 2017;

9 “(iii) \$80,000,000 for fiscal year
10 2018;

11 “(iv) \$80,000,000 for fiscal year
12 2019;

13 “(v) \$70,000,000 for fiscal year 2020;
14 and

15 “(vi) \$70,000,000 for fiscal year
16 2021.

17 “(2) APPORTIONMENT TO STATES.—The Sec-
18 retary shall apportion funds set aside under this
19 subsection for a fiscal year among States in the
20 ratio that—

21 “(A) the amount of funds that the Sec-
22 retary apportions to each State for such fiscal
23 year for the highway safety improvement pro-
24 gram under section 104(b)(3); bears to

1 “(B) the amount of funds that the Sec-
2 retary apportions to all States for such fiscal
3 year for such program under such section.

4 “(3) USE OF FUNDS.—Before using funds set
5 aside under this subsection for other data improve-
6 ment activities eligible under this section, a State
7 shall first prioritize such funds for the collection,
8 maintenance, and use of the following data elements
9 as part of the State’s safety data system—

10 “(A) the subset of the model inventory of
11 roadway elements established under subsection
12 (f)(2) of this section;

13 “(B) horizontal curves; and

14 “(C) inventories of implemented safety im-
15 provements and sharing such information with
16 other States.

17 “(4) SPECIAL RULE.—A State may use funds
18 set aside under this subsection for any project eligi-
19 ble under this section if the State certifies to the
20 Secretary that the State has met all of the State’s
21 needs for highway safety data improvement.”.

1 **Subtitle B—Performance**
2 **Management**

3 **SEC. 2101. PERFORMANCE MANAGEMENT DATA SUPPORT**
4 **PROGRAM.**

5 (a) PERFORMANCE MANAGEMENT DATA SUPPORT
6 PROGRAM.—Section 150 of title 23, United States Code,
7 is amended by inserting at the end the following:

8 “(f) PERFORMANCE MANAGEMENT DATA SUP-
9 PORT.—To assist metropolitan planning organizations,
10 States, and the Department in carrying out performance
11 management analyses, including the performance manage-
12 ment requirements of this chapter, the Secretary shall cre-
13 ate and maintain data sets and data analysis tools. Such
14 activities may include—

15 “(1) collecting and distributing vehicle probe
16 data describing traffic on the National Highway
17 System;

18 “(2) collecting household travel behavior data
19 crossing local jurisdictional boundaries to accommo-
20 date external and through travel;

21 “(3) enhancing existing data collection and
22 analysis tools to accommodate performance meas-
23 ures, targets, and related data;

1 “(4) enhancing existing data analysis tools to
2 improve performance predictions in reports described
3 in subsection (e) or section 5405 of title 49; and

4 “(5) developing tools to improve performance
5 analysis and evaluate the effects of project invest-
6 ments on performance.”.

7 (b) FEDERAL SHARE.—Section 120 of such title is
8 amended by adding at the end the following:

9 “(1) PERFORMANCE MANAGEMENT DATA SUPPORT
10 PROGRAM.—The Federal share payable on account of an
11 activity under the performance management data support
12 program under section 150(f) shall be 100 percent of the
13 cost of the activity.”.

14 **SEC. 2102. PERFORMANCE PERIOD ADJUSTMENT.**

15 (a) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—
16 Section 148(i) of title 23, United States Code, is amended
17 in the matter preceding paragraph (1), by striking “by
18 the date that is 2 years after the date of the establishment
19 of the performance targets”.

20 (b) NATIONAL HIGHWAY PERFORMANCE PRO-
21 GRAM.—Section 119 of title 23, United States Code, is
22 amended—

23 (1) in subsection (e)(7), by striking “for 2 con-
24 secutive reports submitted under this paragraph
25 shall include in the next report submitted” and in-

1 serting “shall include as part of the performance
2 target report”; and

3 (2) in subsection (f)(1)(A), by striking “If, dur-
4 ing 2 consecutive reporting periods, the condition of
5 the Interstate System, excluding bridges on the
6 Interstate System, in a State falls” and inserting “If
7 a State reports that the condition of the Interstate
8 System, excluding bridges on the Interstate System,
9 has fallen”.

10 **SEC. 2103. MULTIMODAL ACCOMMODATIONS.**

11 (a) DESIGN STANDARDS.—Section 109 of title 23,
12 United States Code, is amended—

13 (1) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by striking “may take into ac-
16 count” and inserting “shall take into ac-
17 count”; and

18 (ii) by striking paragraph (1)(C) and
19 inserting the following:

20 “(C) access and safety for users of all fore-
21 seeable modes of transportation.”; and

22 (B) in paragraph (2), by striking “may de-
23 velop” and inserting “shall develop”; and

24 (2) in subsection (m), by—

25 (A) striking “and light motorcycles”; and

1 (B) inserting “, safe, convenient, and con-
2 tinuous” before “alternate route”.

3 (b) TRANSPORTATION ALTERNATIVES.—

4 (1) FEDERAL SHARE.—Section 120 of title 23,
5 United States Code, as amended by this Act, is fur-
6 ther amended by adding at the end the following:

7 “(m) TRANSPORTATION ALTERNATIVES PROGRAM.—
8 The Federal share requirements under this section appli-
9 cable to the transportation alternatives program under
10 section 213 of this title may be met based on—

11 “(1) an individual project or activity under that
12 section; or

13 “(2) a program of projects or activities ap-
14 proved under subsection (c)(6)(B) of that section.”.

15 (2) RESERVATION OF FUNDS.—Section 213 of
16 such title is amended in subsection (a)(1) by striking
17 “of fiscal years 2013 and 2014” and inserting “fis-
18 cal year”.

19 (3) ELIGIBLE ENTITIES.—Section 213(c)(4)(B)
20 of such title is amended by—

21 (A) redesignating clauses (vi) and (vii) as
22 clauses (viii) and (ix); and

23 (B) inserting after clause (v) the following:

24 “(vi) a nonprofit organization;

1 “(vii) a metropolitan planning organi-
2 zation that is not developing the competi-
3 tive process for funding;”.

4 (4) PROGRAM OF PROJECTS.—Section 213(c) of
5 such title is further amended by adding at the end
6 the following:

7 “(6) PROGRAM OF PROJECTS.—Funds may be
8 obligated under this section for—

9 “(A) a project or activity eligible under
10 subsection (b); or

11 “(B) a program of projects or activities eli-
12 gible under that subsection.

13 “(7) ADMINISTRATION.—

14 “(A) SUBMISSION OF PROJECT AGREE-
15 MENT.—For each fiscal year, each State shall
16 submit a project agreement that—

17 “(i) certifies that the State will meet
18 all the requirements of this section; and

19 “(ii) notifies the Secretary of the
20 amount of obligations needed to carry out
21 the program under this section.

22 “(B) REQUEST FOR ADJUSTMENTS OF
23 AMOUNTS.—Each State shall request from the
24 Secretary such adjustments to the amount of

1 obligations referred to in subparagraph (A)(ii)
2 as the State determines to be necessary.

3 “(C) EFFECT OF APPROVAL BY THE SEC-
4 RETARY.—Approval by the Secretary of a
5 project agreement under subparagraph (A)
6 shall be deemed a contractual obligation of the
7 United States to pay funds made available
8 under this title.”.

9 **Subtitle C—Improved Federal** 10 **Stewardship**

11 **SEC. 2201. PROJECT APPROVAL AND OVERSIGHT.**

12 Section 106(g)(4) of title 23, United States Code, is
13 amended by inserting at the end the following:

14 “(C) FUNDING.—

15 “(i) IN GENERAL.—Subject to project
16 approval by the Secretary, and the limita-
17 tion in clause (iv), a State may use funds
18 made available to the State under section
19 133(d)(1)(B) to carry out its administra-
20 tion and oversight responsibilities under
21 subparagraph (A).

22 “(ii) APPROVAL BY SECRETARY.—To
23 obligate such funds under this subpara-
24 graph, the State shall, prior to the begin-
25 ning of the fiscal year, submit to the Sec-

1 retary for review and approval an annual
2 work plan identifying activities to be car-
3 ried out during the fiscal year.

4 “(iii) FEDERAL SHARE.—The Federal
5 share of the cost of activities carried out in
6 accordance with this subparagraph shall
7 not exceed 80 percent.

8 “(iv) LIMITATION.—A State’s obliga-
9 tion of funds under this subparagraph
10 shall not exceed an amount equal to 3 per-
11 cent of the State’s apportioned funds avail-
12 able for obligation in a fiscal year as speci-
13 fied in section 133(d)(1)(B).”.

14 **Subtitle D—Other**

15 **SEC. 2301. LETTING OF CONTRACTS.**

16 Section 112 of title 23, United States Code, is
17 amended by inserting the following at the end:

18 “(h) LOCAL HIRING.—

19 “(1) IN GENERAL.—The Secretary or recipient
20 of assistance under the Federal-aid highway pro-
21 gram may advertise, post job opportunities on State
22 job banks and with One Stop centers established
23 under the Workforce Innovation and Opportunity
24 Act, and award a contract for construction con-
25 taining requirements for the employment of individ-

1 uals residing in or adjacent to any of the areas in
2 which the work is to be performed under the con-
3 tract, provided that—

4 “(A) all or part of the construction work
5 performed under the contract occurs in an area
6 that has—

7 “(i) a per capita income of 80 percent
8 or less of the national average; or

9 “(ii) an unemployment rate that is,
10 for the most recent 24-month period for
11 which data are available, at least 1 percent
12 greater than the national average unem-
13 ployment rate;

14 “(B) the estimated cost of the project of
15 which the contract is a part is greater than \$10
16 million; and

17 “(C) the recipient may not require the hir-
18 ing of individuals who do not have the nec-
19 essary skills to perform work in any craft or
20 trade, except for individuals who are subject to
21 skills training, on the job training, and work-
22 based learning, including apprenticeship pro-
23 grams that are registered under the National
24 Apprenticeship Act (29 U.S.C. 50 et seq.), or

1 other training program meeting the require-
2 ments of section 140 of this title.

3 “(2) ADVERTISEMENT.—In advertising and
4 awarding a contract under this subsection, the Sec-
5 retary or recipient of assistance shall ensure that the
6 requirements contained in the advertisement would
7 not—

8 “(A) compromise the quality of the project;

9 “(B) unreasonably delay the completion of
10 the project; or

11 “(C) unreasonably increase the cost of the
12 project.

13 “(i) PERMISSIBLE RESTRICTIONS.—A State or local
14 law governing contracting practices that prohibits the
15 awarding of contracts to businesses that have solicited or
16 made contributions to political candidates, political parties
17 and holders of public office does not violate the require-
18 ments of this section.”.

19 **SEC. 2302. CONSTRUCTION OF FERRY BOATS AND FERRY**
20 **TERMINAL FACILITIES.**

21 Section 1801(e) of the SAFETEA-LU (23 U.S.C.
22 129 note; Public Law 109–59), as amended by section
23 1121 of the MAP–21 (Public Law 112–141), is amended
24 in paragraph (4)(D) by striking “2014” and inserting
25 “2018”.

1 **SEC. 2303. GREEN STORMWATER INFRASTRUCTURE.**

2 (a) ELIGIBILITY FOR ENVIRONMENTAL RESTORA-
3 TION AND POLLUTION ABATEMENT.—Section 328(a) of
4 title 23, United States Code, is amended by striking “con-
5 struction of stormwater treatment systems” and inserting
6 “construction of stormwater treatment systems or green
7 stormwater infrastructure”.

8 (b) ELIGIBILITY UNDER SURFACE TRANSPORTATION
9 PROGRAM.—Section 133(b) of such title is amended—

10 (1) in paragraph (2) by inserting “and green
11 infrastructure” after “material”; and

12 (2) in paragraph (7) by striking “wildlife,” and
13 inserting “wildlife or stormwater,”.

14 **SEC. 2304. ELIMINATION OR MODIFICATION OF CERTAIN**
15 **FHWA REPORTING REQUIREMENTS.**

16 (a) FUNDAMENTAL PROPERTIES OF ASPHALTS RE-
17 PORT.—Section 6016 of the Intermodal Surface Transpor-
18 tation Efficiency Act of 1991 (23 U.S.C. 307 note) is
19 amended by striking subsection (g).

20 (b) PROJECTS OF REGIONAL AND NATIONAL SIG-
21 NIFICANCE ANNUAL REPORT.—Section 1301 of the Safe,
22 Accountable, Flexible, Efficient Transportation Equity
23 Act: A Legacy for Users (23 U.S.C. 101 note) is amended
24 by striking subsection (k).

25 (c) EXPRESS LANE DEMONSTRATION PROGRAM RE-
26 PORTS.—Section 1604 of the Safe, Accountable, Flexible,

1 Efficient Transportation Equity Act: A Legacy for Users
2 (23 U.S.C. 129 note) is amended by striking subsection
3 (b)(7)(B).

4 (d) SURFACE TRANSPORTATION PROJECT DELIVERY
5 PILOT PROGRAM.—Section 327 of title 23, United States
6 Code, is amended—

7 (1) by striking subsection (i); and

8 (2) by redesignating subsection (j) as sub-
9 section (i).

10 (e) EXPEDIENT DECISIONS AND REVIEWS RE-
11 PORT.—Section 139(h)(7)(B) of title 23, United States
12 Code, is amended by striking “every 120 days” and insert-
13 ing in its place “annually”.

14 **TITLE III—PUBLIC**
15 **TRANSPORTATION**

16 **SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49,**
17 **UNITED STATES CODE.**

18 (a) SHORT TITLE.—This title may be cited as the
19 “Federal Public Transportation Act of 2015”.

20 (b) AMENDMENT OF TITLE 49.—Except as otherwise
21 expressly provided, whenever in this title an amendment
22 or repeal is expressed in terms of an amendment to, or
23 a repeal of, a section or other provision, the reference shall
24 be considered to be made to a section or other provision
25 of title 49, United States Code.

1 **SEC. 3002. DEFINITIONS.**

2 Section 5302 is amended—

3 (1) by redesignating paragraphs (2) through
4 (23) as paragraphs (3) through (24), respectively;

5 (2) by inserting a new paragraph (2) to read as
6 follows:

7 “(2) **BASE-MODEL BUS.**—The term ‘base-model
8 bus’ means a heavy-duty public transportation bus
9 manufactured to meet, but not exceed, transit spe-
10 cific minimum performance criteria developed by the
11 Secretary.”;

12 (3) by revising paragraph (5), redesignated, to
13 read as follows:

14 “(5) **DESIGNATED RECIPIENT.**—The term ‘des-
15 ignated recipient’ means—

16 “(A) an entity designated, in accordance
17 with the planning process under sections 5303
18 and 5304 of this title, by the governor of a
19 State, responsible local officials, and publicly
20 owned operators of public transportation, to re-
21 ceive and apportion amounts under section
22 5336 of this title to urbanized areas of 200,000
23 or more in population;

24 “(B) a State that receives and apportions
25 amounts under sections 5310, 5336, 5337 and
26 5339 of this title to urbanized areas of less

1 than 200,000 in population notwithstanding
2 such an area's designated as a transportation
3 management area to pursuant section 5303; or

4 “(C) a State, or State authority, if the au-
5 thority is responsible under the laws of a State
6 for a capital project and for financing and di-
7 rectly providing public transportation.”; and

8 (4) by inserting a new paragraph at the end to
9 read as follows:

10 “(25) VALUE CAPTURE.—The term ‘value cap-
11 ture’ means recovering the increased value to prop-
12 erty located near public transportation resulting
13 from investments in public transportation.”.

14 **SEC. 3002a. CAPITAL INVESTMENT GRANTS.**

15 Section 5309 is amended—

16 (1) In subsection (a), by adding a new para-
17 graph (8) at the end to read as follows:

18 “(8) VERY SMALL STARTS.—The term ‘very
19 small starts’ means a project for new corridor or re-
20 gional based bus service with premium features that
21 is located in an area with a population of fewer than
22 200,000 individuals, as determined by the Bureau of
23 the Census.”;

24 (2) in subsection (b)—

25 (A) in paragraph (1) by striking “and”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by adding a new paragraph (2) to
4 reads as follows:

5 “(2) a very small starts project; and”;

6 (3) in subsection (c)(1), by striking “for new
7 fixed guideway capital projects, small start projects,
8 or core capacity improvement project,”;

9 (4) in subsection (l)(1), by adding at the end
10 the following:

11 “A grant for a very small starts project shall
12 not exceed 80 percent of the net capital project
13 cost.”; and

14 (5) by adding at the end a new subsection (p)
15 to read as follows:

16 “(p) VERY SMALL STARTS PROJECTS.—

17 “(1) IN GENERAL.—A very small starts project
18 shall be subject to the requirements of this sub-
19 section.

20 “(2) The Secretary shall define a process by
21 which an applicant develops sufficient information to
22 enable the Secretary to make findings of project jus-
23 tification and local financial commitment under this
24 subsection.

1 “(3) SELECTION CRITERIA.—The Secretary
2 may provide financial assistance for a very small
3 starts project under this subsection only if the Sec-
4 retary determines that the project—

5 “(A) is based on the results of an analysis
6 of the benefits of the project in accordance with
7 criteria established by the Secretary; and

8 “(B) is supported by an acceptable degree
9 of local financial commitment.

10 “(4) GRANTS AND EXPEDITED GRANT AGREE-
11 MENTS.—

12 “(A) IN GENERAL.—The Secretary, to the
13 maximum extent practicable, shall provide Fed-
14 eral assistance under this subsection in a single
15 grant. If the Secretary cannot provide such a
16 single grant, the Secretary may execute an ex-
17 pedited grant agreement in order to provide a
18 commitment on the part of the Secretary to
19 provide funding for the project in future fiscal
20 years.

21 “(B) TERMS OF EXPEDITED GRANT
22 AGREEMENTS.—In executing an expedited grant
23 agreement under this subsection, the Secretary
24 may include in the agreement similar terms to
25 those established under subsection (k)(2).

1 “(C) NOTICE OF PROPOSED GRANTS AND
2 EXPEDITED GRANT AGREEMENTS.—At least 10
3 days before making a grant award or entering
4 into a grant agreement for a project under this
5 subsection, the Secretary shall notify, in writ-
6 ing, the Committee on Transportation and In-
7 frastructure and the Committee on Appropria-
8 tions of the House of Representatives and the
9 Committee on Banking, Housing, and Urban
10 Affairs and the Committee on Appropriations of
11 the Senate of the proposed grant or expedited
12 grant agreement, as well as the evaluations and
13 ratings for the project.”.

14 **SEC. 3003. FORMULA GRANTS FOR ENHANCED MOBILITY.**

15 Section 5310(a)(1) of title 49, United States Code,
16 is amended by inserting “, a local governmental entity,”
17 after “designated recipient”.

18 **SEC. 3004. FORMULA GRANTS FOR RURAL AREAS.**

19 Section 5311 is amended—

20 (1) by revising subsection (c)(1)(B) to read as
21 follows:

22 “(B) \$30,000,000 in fiscal year 2016,
23 \$30,871,500 in fiscal year 2017, \$31,764,700
24 in fiscal year 2018, \$32,680,141 in fiscal year
25 2019, \$33,618,377 in fiscal year 2020, and

1 \$34,579,974 in fiscal year 2021 shall be appor-
2 tioned as formula grants, as provided in sub-
3 section (j).”;

4 (2) in subsection (g)(2)—

5 (A) in paragraph (A), by striking “by sub-
6 paragraph (B)” and inserting “otherwise in this
7 paragraph”; and

8 (B) by adding at the end as follows:

9 “(C) MAINTENANCE OF EFFORT.—Not-
10 withstanding subparagraphs (A) and (B), a
11 grant under this section for operating assist-
12 ance may be for 80 percent of the net operating
13 costs of the project, as determined by the Sec-
14 retary, provided the recipient shall enter into
15 such agreement as the Secretary may require to
16 ensure that the recipient will maintain its public
17 transportation capital and operating expendi-
18 tures in such fiscal year at or above the average
19 level of such expenditures for the preceding 3
20 fiscal years.

21 “(D) EXCEPTION.—A State entering into
22 an agreement pursuant to subparagraph (C)
23 and described in section 120(b) of title 23 shall
24 receive a Government share of the net operating

1 costs in accordance with the formula under that
2 section.”;

3 (3) in subsection (j)(1)(A)(iii), by striking
4 “Tribal lands (as defined by the Bureau of Census)”
5 and inserting “American Indian Areas, Alaska Na-
6 tive Areas, and Hawaiian Home Lands, as defined
7 by the Bureau of the Census,”; and

8 (4) by revising subsection (j)(1)(B) to read as
9 follows:

10 “(B) LIMITATION.—

11 “(i) Notwithstanding subparagraph
12 (A), no recipient shall receive an appor-
13 tionment under this subsection that is less
14 than \$20,000; and

15 “(ii) No recipient shall receive more
16 than \$300,000 of the amounts apportioned
17 under subparagraph (A)(iii) in a fiscal
18 year.”.

19 **SEC. 3005. WORKFORCE DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Section 5322 is amended to read
21 as follows:

22 **“§ 5322. Workforce development programs**

23 “(a) IN GENERAL.—The Secretary, in consultation
24 with the Secretary of Labor, may undertake, or make
25 grants, cooperative agreements, other agreements, or

1 enter into contracts for programs that address human re-
2 source needs as they apply to public transportation. A pro-
3 gram may include—

4 “(1) an employment training program;

5 “(2) an outreach program to increase employ-
6 ment of minorities, women, and individuals with dis-
7 abilities in public transportation activities;

8 “(3) research on public transportation per-
9 sonnel and training need; and

10 “(4) training and assistance for minority busi-
11 ness opportunities.

12 “(b) LADDERS OF OPPORTUNITY PUBLIC TRANSPOR-
13 TATION GRANT PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall under-
15 take, make grants or cooperative agreements, or
16 enter into contracts to establish, conduct and admin-
17 ister a public transportation workforce development
18 program that addresses critical workforce issues and
19 prepares individuals for employment and career
20 pathways in public transportation, including in the
21 area of public transportation technology.

22 “(2) PROGRAMS.—Eligible public transportation
23 workforce development programs under this sub-
24 section are skills training, on the job training, and
25 work-based learning, including apprenticeship pro-

1 grams that are registered under the National Ap-
2 prenticeship Act (29 U.S.C. 50 et seq.), that—

3 “(A) are, to the extent possible, nationally
4 or regionally significant in scope;

5 “(B) replicate a successful workforce devel-
6 opment model adopted in multiple geographic
7 locations;

8 “(C) target areas with high rates of unem-
9 ployment;

10 “(D) are designed to address current or
11 projected workforce shortages;

12 “(E) give priority to minorities, women, in-
13 dividuals with disabilities, veterans, low-income
14 populations and other underserved populations;

15 “(F) are designed to provide career path-
16 ways that support the movement of targeted
17 populations from initial or short-term employ-
18 ment opportunities to sustainable careers; and

19 “(G) other critical activities as identified
20 by the Secretary.

21 “(3) PROGRAM OUTCOMES.—Recipients of as-
22 sistance pursuant to this subsection shall require
23 that skills training, on the job training, and work-
24 based learning, including registered apprenticeships,

1 utilized to carry out this subsection demonstrate
2 program outcomes including—

3 “(A) impact on reducing public transpor-
4 tation workforce shortages in the area served;

5 “(B) diversity of training participants;

6 “(C) number of participants obtaining cer-
7 tifications or credentials required for specific
8 types of employment;

9 “(D) employment outcome, including job
10 placement, job retention, and wages, using per-
11 formance metrics established in consultation
12 with the Secretary of Labor and consistent with
13 metrics used by programs under the Workforce
14 Innovation and Opportunity Act; and

15 “(E) to the extent practical, evidence that
16 the program did not preclude workers that are
17 participating in skills training, on the job train-
18 ing, and work-based learning, including reg-
19 istered apprenticeships from being referred to,
20 or hired on, projects funded under this chapter
21 without regard to the length of time of their
22 participation in such program.

23 “(4) COORDINATION.—Recipients of assistance
24 under this subsection shall—

1 “(A) identify the training needs, to be im-
2 plemented at the local level in coordination with
3 entities such as local employers, local transit
4 operators, labor union organizations, Workforce
5 Development Boards, State workforce agencies,
6 State Apprenticeship Agencies (where applica-
7 ble), University Transportation Centers, Com-
8 munity Colleges, and community-based organi-
9 zations representing minority, disability, and
10 low-income populations; and

11 “(B) to the extent practicable, conduct
12 local training programs in coordination with ex-
13 isting local training programs supported by the
14 U.S. Department of Transportation, the U.S.
15 Department of Labor (including registered ap-
16 prenticeship programs), and the U.S. Depart-
17 ment of Education.

18 “(5) RESEARCH AND PROGRAM EVALUATION.—
19 The Secretary shall conduct research and an impact
20 evaluation based on measurable outcomes of the
21 training funded under this subsection. In the second,
22 fourth and sixth year following the enactment of this
23 subsection, the Secretary shall conduct an aggregate
24 analysis of the national impact related to workforce
25 shortage, diversity, and job placement.

1 “(c) NATIONAL PUBLIC TRANSPORTATION INSTI-
2 TUTE.—

3 “(1) IN GENERAL.—The Secretary may enter
4 into grants, contracts or cooperative agreements,
5 and other agreements, awarded on a competitive
6 basis, to conduct a national public transportation in-
7 stitute to develop and conduct training and edu-
8 cational programs for Federal, State, and local
9 transportation employees, United States citizens,
10 and foreign nationals engaged or to be engaged in
11 Government-aid public transportation work.

12 “(2) COOPERATIVE EFFORT.—In cooperation
13 with the Secretary, State transportation depart-
14 ments, public transportation authorities, State work-
15 force agencies, and national and international enti-
16 ties, the institute under paragraph (1) shall develop
17 and conduct training and educational programs for
18 Federal, State, and local transportation employees,
19 United States citizens, and foreign nationals en-
20 gaged or to be engaged in public transportation
21 work.

22 “(3) TRAINING AND EDUCATIONAL PRO-
23 GRAMS.—The training and educational programs de-
24 veloped under paragraph (2) may include courses in

1 recent developments, techniques, and procedures re-
2 lated to—

3 “(A) intermodal and public transportation
4 planning;

5 “(B) management;

6 “(C) environmental factors;

7 “(D) acquisition and joint use rights-of-
8 way;

9 “(E) engineering and architectural design;

10 “(F) procurement strategies for public
11 transportation systems;

12 “(G) turnkey approaches to delivering pub-
13 lic transportation systems;

14 “(H) new technologies;

15 “(I) emission reduction technologies;

16 “(J) ways to make public transportation
17 accessible to individuals with disabilities;

18 “(K) construction, construction manage-
19 ment, insurance, and risk management;

20 “(L) maintenance;

21 “(M) contract administration;

22 “(N) inspection;

23 “(O) innovative finance;

24 “(P) workplace safety; and

25 “(Q) public transportation security.

1 “(4) PROVIDING EDUCATION AND TRAINING.—
2 Education and training of Federal, State, and local
3 public transportation employees under this sub-
4 section shall be provided—

5 “(A) by the Secretary at no cost to the
6 States and local governments for subjects that
7 are a Government program responsibility; or

8 “(B) when the education and training are
9 paid under paragraph (5) of this subsection, by
10 the State, with the approval of the Secretary,
11 through grants and contracts with public and
12 private agencies, other institutions, individuals,
13 and the institute.

14 “(d) USE FOR ADMINISTRATION AND TECHNICAL AS-
15 SISTANCE.—The Secretary may use up to 1 percent of the
16 amounts made available to carry out this section to admin-
17 ister, oversee, and provide technical assistance for the ac-
18 tivities and programs developed and conducted with this
19 section.

20 “(e) GOVERNMENT’S SHARE OF COSTS.—A grant,
21 cooperative agreement, other agreement, or contract
22 awarded under this section may be up to 100 percent of
23 the cost of the project.

24 “(f) AVAILABILITY OF AMOUNTS.—

1 “(1) Up to 0.5 percent of the amounts made
2 available to a recipient under sections 5307, 5337
3 and 5339 is available for expenditure by the recipi-
4 ent, with the approval of the Secretary, to pay up
5 to 80 percent of the cost of eligible activities under
6 this section; and

7 “(2) A recipient may transfer amounts under
8 paragraph (1) to existing local training programs
9 supported by the Secretary, the U.S. Department of
10 Labor, and the U.S. Department of Education.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 53 is amended by striking the item relating to
13 section 5322 and inserting the following:

“5322. Workforce development programs.”.

14 **SEC. 3006. GENERAL PROVISIONS.**

15 Section 5323 is amended—

16 (1) In subsection (i), by redesignating para-
17 graphs (1) and (2) as (2) and (3), respectively and
18 inserting a new paragraph (1) to read as follows:

19 “(1) ACQUISITION OF BASE-MODEL BUSES.—A
20 grant for the acquisition of a base-model bus for use
21 in public transportation may be up to 85 percent of
22 the net project cost.”;

23 (2) in subsection (j)—

24 (A) by revising paragraph (2)(C) to read
25 as follows:

1 “(C) ROLLING STOCK PROCUREMENT.—

2 When procuring rolling stock (including train
3 control, communication, traction power equip-
4 ment, and rolling stock prototypes) under this
5 chapter—

6 “(i) the cost of components and sub-
7 components produced in the United
8 States—

9 “(I) for fiscal year 2016 is more
10 than 60 percent of the cost of all com-
11 ponents of the rolling stock;

12 “(II) for fiscal year 2017 is more
13 than 70 percent of the cost of all com-
14 ponents of the rolling stock;

15 “(III) for fiscal year 2018 is
16 more than 80 percent of the cost of
17 all components of the rolling stock;
18 and

19 “(IV) for fiscal year 2019 is
20 more than 90 percent of the cost of
21 all components of the rolling stock;
22 and

23 “(ii) final assembly of the rolling
24 stock, including rolling stock prototypes,
25 has occurred in the United States; or”;

1 (B) by redesignating paragraphs (3)
2 through (9) as paragraphs (4) through (10), re-
3 spectively; and

4 (C) by inserting a new paragraph (3) fol-
5 lowing paragraph (2), to read as follows:

6 “(3) ROLLING STOCK COST AND ASSEMBLY.—
7 Beginning in fiscal year 2019, when procuring roll-
8 ing stock, including rolling stock prototypes, the cost
9 of the components and subcomponents produced in
10 the United States shall be 100 percent and final as-
11 sembly shall occur in the United States.”; and

12 (3) by inserting a new subsection at the end to
13 read as follows:

14 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
15 LOCAL SHARE.—Notwithstanding any other provision of
16 law, a recipient of assistance under this chapter may use
17 the revenue generated from value capture financing mech-
18 anisms as local matching funds for capital projects and
19 operating costs eligible under this chapter.”.

20 **SEC. 3007. PUBLIC TRANSPORTATION LOCAL HIRING.**

21 Section 5325 is amended—

22 (1) in subsection (a) by striking “Recipients of
23 assistance” and inserting “Except as provided in
24 subsections (k) and (l), recipients of assistance”;

1 (2) in subsection (h), by striking “A grant
2 awarded” and inserting “Except as provided in sub-
3 sections (k) and (l), a grant awarded”; and

4 (3) by inserting a new subsection (l) at the end
5 to read as follows:

6 “(l) LOCAL HIRING.—

7 “(1) IN GENERAL.—A recipient of assistance
8 may post job opportunities on State job banks and
9 with One Stop Centers established under the Work-
10 force Investment Act, and may advertise and award
11 a contract for construction containing requirements
12 for the employment of individuals residing in or ad-
13 jacent to any of the areas in which the work to be
14 performed is for construction work required under
15 the contract, provided that—

16 “(A) all or part of the construction work
17 performed under the contract occurs in an area
18 that has—

19 “(i) a per capita income of 80 percent
20 or less of the national average; or

21 “(ii) an unemployment rate that is for
22 the most recent 24-month period for which
23 data are available at least 1 percent great-
24 er than the national average unemploy-
25 ment rate;

1 “(B) the estimated cost of the project of
2 which the contract is a part is greater than
3 \$10,000,000; and

4 “(C) the recipient may not require the hir-
5 ing of individuals who do not have the nec-
6 essary skills to perform work in any craft or
7 trade, except for individuals who are subject to
8 an apprenticeship program or other training
9 program meeting the requirements of section
10 5332 of this title.

11 “(2) ADVERTISEMENT.—In advertising and
12 awarding a contract under this subsection, the Sec-
13 retary or a recipient of assistance shall ensure that
14 the requirements contained in the advertisement
15 would not—

16 “(A) compromise the quality of the project;

17 “(B) unreasonably delay the completion of
18 the project; or

19 “(C) unreasonably increase the cost of the
20 project.”.

21 **SEC. 3008. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

22 (a) IN GENERAL.—Section 5329(e) is amended—

23 (1) by redesignating paragraphs (3) through
24 (9) as paragraphs (4) through (10), respectively;

25 (2) by adding the following after paragraph (2):

1 “(3) STATE PARTICIPATION.—

2 “(A) An eligible State having within its ju-
3 risdiction 1 or more rail fixed guideway public
4 transportation systems in revenue service, de-
5 sign or construction that have fewer than
6 1,000,000 combined actual and projected rail
7 fixed guideway revenue miles per year or which
8 provide fewer than 10,000,000 combined actual
9 and projected unlinked passenger trips per year
10 may request, in writing, that the Secretary
11 oversee the safety of such systems consistent
12 with the oversight and enforcement authority
13 under this section.

14 “(B) Should a State be granted an exemp-
15 tion under this subparagraph (C), the State will
16 not be subject to the State safety oversight re-
17 quirements under this subsection and shall not
18 be eligible to receive a State Safety Oversight
19 grant authorized under paragraph (6) of this
20 subsection.

21 “(C) The Secretary shall provide an ex-
22 emption to a State that meets the criteria
23 under subparagraph (A) within 30 days of the
24 Secretary’s receipt of the State’s request or in-

1 form the State of the reason an exemption can-
2 not be granted.”; and

3 (3) in paragraph (7), as redesignated—

4 (A) by striking “shall be 80” and insert
5 “may be up to 100”; and

6 (B) by striking clauses (ii) and (iii) and re-
7 designating clause (iv) as clause (ii).

8 (b) PUBLIC TRANSPORTATION SAFETY ENFORCE-
9 MENT.—Section 5329(g) is amended to read as follows:

10 “(g) ENFORCEMENT.—

11 “(1) TYPES OF ENFORCEMENT ACTIONS.—The
12 Secretary may take enforcement action against re-
13 cipient that does not comply with Federal law with
14 respect to the safety of the public transportation
15 system, including—

16 “(A) issuing directives;

17 “(B) requiring more frequent oversight of
18 the recipient by a State safety oversight agency
19 or the Secretary;

20 “(C) imposing more frequent reporting re-
21 quirements;

22 “(D) requiring that any Federal financial
23 assistance provided under this chapter be spent
24 on correcting safety deficiencies identified by
25 the Secretary or the State safety oversight

1 agency before such funds are spent on other
2 projects;

3 “(E) withholding financial assistance
4 under this chapter in an amount to be deter-
5 mined by the Secretary;

6 “(F) issuing penalties pursuant to para-
7 graph (2);

8 “(G) instituting a civil action pursuant to
9 paragraph (4); and

10 “(H) issuing orders, including orders
11 issued pursuant to paragraph (7).

12 “(2) PENALTIES.—The Secretary has the au-
13 thority—

14 “(A) to establish, impose and compromise
15 a civil penalty for a violation of a public trans-
16 portation safety regulation promulgated or
17 order issued under this section;

18 “(B) to establish, impose and compromise
19 a civil penalty for violation of the alcohol and
20 controlled substances testing provisions under
21 section 5331 of this chapter; and

22 “(C) to request an injunction for a viola-
23 tion of a public transportation safety regulation
24 promulgated or order issued under this section.

1 “(3) DEPOSIT OF CIVIL PENALTIES.—An
2 amount collected by the Secretary under this section
3 shall be credited to the Federal Transit Administra-
4 tion’s formula and bus appropriations account to
5 carry out subsection (e).

6 “(4) ENFORCEMENT BY THE ATTORNEY GEN-
7 ERAL.—At the request of the Secretary, the Attor-
8 ney General shall bring a civil action—

9 “(A) for appropriate injunctive relief to en-
10 sure compliance with this section;

11 “(B) to collect a civil penalty imposed or
12 an amount agreed upon in a compromise under
13 paragraph (1) of this subsection; or

14 “(C) to enforce a subpoena, request for ad-
15 missions, request for production of documents
16 or other tangible things, or request for testi-
17 mony by deposition issued by the Secretary
18 under this section.

19 “(5) JURISDICTION.—An action under para-
20 graph (3) of this subsection may be brought in a
21 district court of the United States in any State in
22 which the relief is required. On a proper showing,
23 the court shall issue a temporary restraining order
24 or preliminary or permanent injunction. An injunc-
25 tion under this section may order a public transpor-

1 tation agency receiving assistance under this chapter
2 to comply with this section, or a regulation promul-
3 gated under this section.

4 “(6) CRIMINAL PENALTY.—A person who know-
5 ingly violates this section or a public transportation
6 safety regulation or order issued under this section
7 shall be fined under title 18, United States Code,
8 imprisoned for not more than 5 years, or both; ex-
9 cept that the maximum amount of imprisonment
10 shall be 10 years in any case in which the violation
11 results in death or bodily injury to any person. For
12 purposes of this paragraph—

13 “(A) a person acts knowingly when the
14 person has actual knowledge of the facts giving
15 rise to the violation; and

16 “(B) actual knowledge of the existence of
17 a statutory provision, or a regulation or a re-
18 quirement imposed by the Secretary is not an
19 element of an offense under this paragraph.

20 “(7) EMERGENCY AUTHORITY.—

21 “(A) ORDERING RESTRICTIONS AND PRO-
22 HIBITIONS.—If, through testing, inspection, in-
23 vestigation, or research carried out under this
24 section, the Secretary decides that an unsafe
25 condition or practice, or a combination of un-

1 safe conditions and practices, causes an emer-
2 gency situation involving a hazard of death,
3 personal injury, or significant harm to the envi-
4 ronment, the Secretary immediately may order
5 restrictions and prohibitions, without regard to
6 section 553 and section 554 of title 5, United
7 States Code, that may be necessary to abate the
8 emergency situation.

9 “(B) EMERGENCY CONDITION OR PRAC-
10 TICE.—The order shall describe the condition or
11 practice, or a combination of conditions and
12 practices, that causes the emergency situation
13 and promulgate standards and procedures for
14 obtaining relief from the order. This paragraph
15 does not affect the Secretary’s discretion under
16 this subsection to maintain the order in effect
17 for as long as the emergency situation exists.

18 “(C) REVIEW OF ORDERS.—After issuing
19 an order under this subsection, the Secretary
20 shall provide an opportunity for review of the
21 order under section 554 of title 5, United
22 States Code. If a petition for review is filed and
23 the review is not completed by the end of the
24 30-day period beginning on the date the order
25 was issued, the order stops being effective at

1 the end of that period unless the Secretary de-
2 cides in writing that the emergency situation
3 still exists.

4 “(D) CIVIL ACTIONS TO COMPEL ISSUANCE
5 OF ORDERS.—An employee of a rail fixed guide-
6 way public transportation system provider who
7 may be exposed to imminent physical injury
8 during that employment because of the Sec-
9 retary’s failure, without any reasonable basis, to
10 issue an order under paragraph (1) of this sub-
11 section, or the employee’s authorized represent-
12 ative, may bring a civil action against the Sec-
13 retary in a district court of the United States
14 to compel the Secretary to issue an order. The
15 action shall be brought in the judicial district in
16 which the emergency situation is alleged to
17 exist, in which the employing provider has its
18 principal executive office, or in the District of
19 Columbia. The Secretary’s failure to issue an
20 order under paragraph (1) of this subsection
21 may be reviewed only under section 706 of title
22 5, United States Code.”.

23 (e) DISCLOSURE OF SAFETY INFORMATION.—Section
24 5329 is amended by inserting the following at the end:

1 “(1) LIMITATION ON PUBLIC DISCLOSURE OF SAFE-
2 TY INFORMATION.—

3 “(1) IN GENERAL.—A report, data, investiga-
4 tion, or other information, or any portion thereof,
5 submitted to, developed, produced, collected, or ob-
6 tained by the Secretary or his representative for pur-
7 poses of enhancing public transportation safety, in-
8 cluding information related to a transit provider’s
9 safety plan, safety risks, and mitigation measures,
10 shall not be disclosed to the public pursuant to sec-
11 tion 522(b)(3)(B) of title 5 if the Secretary or his
12 representative determines—

13 “(A) the receipt of the information aids in
14 fulfilling the Secretary’s safety responsibilities;
15 and

16 “(B) withholding such information from
17 disclosure is necessary to the safety or security
18 of public transportation systems.

19 “(2) EXCEPTION FOR DE-IDENTIFIED INFORMA-
20 TION.—

21 “(A) IN GENERAL.—Paragraph (1) shall
22 not apply to a report, data, investigation or
23 other information if the information contained
24 in the report, data, investigation or other infor-

1 mation collected or obtained by the Secretary or
2 his representative has been de-identified.

3 “(B) DE-IDENTIFIED DEFINED.—In this
4 subsection, the term ‘de-identified’ means the
5 process by which all information that is likely
6 to establish the identity of specific persons or
7 entities submitting reports, data, investigation
8 or other information is removed from the re-
9 ports, data, or investigation, or other informa-
10 tion.”.

11 **SEC. 3009. AUTHORIZATIONS.**

12 Section 5338 is amended to read as follows:

13 “(a) TRANSIT FORMULA GRANTS.—

14 “(1) IN GENERAL.—There shall be available
15 from the Mass Transit Account of the Transpor-
16 tation Trust Fund to carry out Federal public trans-
17 portation assistance program under sections 5305,
18 5307, 5310, 5311, 5318, 5322(d), 5334, 5335,
19 5337, 5339, and 5340 of this title, and section
20 20005(b) of the Federal Public Transportation Act
21 of 2012, as amended, \$13,914,400,000 in fiscal year
22 2016, \$14,140,000,000 in fiscal year 2017,
23 \$14,372,000,000 in fiscal year 2018,
24 \$14,610,000,000 in fiscal year 2019,

1 \$14,902,200,000 in fiscal year 2020, and
2 \$15,200,244,000 in fiscal year 2021.

3 “(2) ALLOCATION OF FUNDS.—Of the amounts
4 made available under paragraph (1)—

5 “(A) \$131,819,705 shall be available for
6 fiscal year 2016, \$135,103,394 for fiscal year
7 2017, \$138,494,393 for fiscal year 2018,
8 \$141,992,702 for fiscal year 2019,
9 \$146,589,866 for fiscal year 2020, and
10 \$151,316,746 for fiscal year 2021, to provide
11 financial assistance for planning under section
12 5305;

13 “(B) \$10,234,449 shall be available for fis-
14 cal year 2016, \$10,489,394 for fiscal year
15 2017, \$10,752,670 for fiscal year 2018,
16 \$11,024,278 for fiscal year 2019, \$11,381,201
17 for fiscal year 2020, and \$11,748,195 for fiscal
18 year 2021, to carry out the pilot program for
19 transit-oriented development planning under
20 section 20005(b) of Public Law 112–114, as
21 amended;

22 “(C) \$4,563,182,693 shall be available for
23 fiscal year 2016, \$4,676,853,640 for fiscal year
24 2017, \$4,794,239,323 for fiscal year 2018,
25 \$4,915,339,743 for fiscal year 2019,

1 \$5,074,479,068 for fiscal year 2020, and
2 \$5,238,108,767 for fiscal year 2021, to provide
3 financial assistance under the section 5307 ur-
4 banized area formula grant program pursuant
5 to section 5336;

6 “(D) \$264,355,823 shall be available for
7 fiscal year 2016, \$270,941,046 for fiscal year
8 2017, \$277,741,473 for fiscal year 2018,
9 \$284,757,103 for fiscal year 2019,
10 \$293,976,415 for fiscal year 2020, and
11 \$303,455,865 for fiscal year 2021, to provide
12 financial assistance for services for the en-
13 hanced mobility of seniors and individuals with
14 disabilities under section 5310;

15 “(E) \$622,049,823 shall be available for
16 fiscal year 2016, \$637,545,365 for fiscal year
17 2017, \$653,547,297 for fiscal year 2018,
18 \$670,055,621 for fiscal year 2019,
19 \$691,749,381 for fiscal year 2020, and
20 \$714,055,265 for fiscal year 2021, to provide
21 financial assistance for rural areas under sec-
22 tion 5311, of which \$35,000,000 in fiscal year
23 2016, \$35,871,500 in fiscal year 2017,
24 \$36,764,700 in fiscal year 2018, \$37,680,141
25 in fiscal year 2019, \$38,618,377 in fiscal year

1 2020, and \$39,579,974 in fiscal year 2021 shall
2 be available to carry out section 5311(c)(1) and
3 \$20,000,000 in each fiscal year 2016 through
4 2021 shall be available to carry of section
5 5311(c)(2);

6 “(F) \$3,070,335 shall be available for fis-
7 cal year 2016, \$3,146,818 for fiscal year 2017,
8 \$3,225,801 for fiscal year 2018, \$3,307,283 for
9 fiscal year 2019, \$3,414,360 for fiscal year
10 2020, and \$3,524,458 for fiscal year 2021, to
11 provide financial assistance for bus testing
12 under section 5318;

13 “(G) \$5,117,225 shall be available for fis-
14 cal year 2016, \$5,244,697 for fiscal year 2017,
15 \$5,376,335 for fiscal year 2018, \$5,512,139 for
16 fiscal year 2019, \$5,690,600 for fiscal year
17 2020, and \$5,874,097 for fiscal year 2021, to
18 provide financial assistance to the national
19 transit institute under section 5322(d);

20 “(H) \$114,400,000 shall be available for
21 fiscal year 2016, \$120,000,000 for fiscal year
22 2017, \$126,000,000 for fiscal year 2018,
23 \$132,000,000 for fiscal year 2019,
24 \$139,000,000 for fiscal year 2020, and
25 \$146,000,000 for fiscal year 2021, for the nec-

1 essary expenses attributable to the administra-
2 tion and operations of the Federal Transit Ad-
3 ministration;

4 “(I) \$3,940,263 shall be available for fiscal
5 year 2016, \$4,038,417 for fiscal year 2017,
6 \$4,139,778 for fiscal year 2018, \$4,244,347 for
7 fiscal year 2019, \$4,381,762 for fiscal year
8 2020, and \$4,523,055 for fiscal year 2021, to
9 carry out National Transit Database activities
10 under section 5335;

11 “(J) \$5,719,000,000 shall be available for
12 fiscal year 2016, \$5,775,000,000 for fiscal year
13 2017, \$5,832,000,000 for fiscal year 2018,
14 \$5,890,000,000 for fiscal year 2019,
15 \$5,949,000,000 for fiscal year 2020, and
16 \$6,007,800,000 for fiscal year 2021, to provide
17 financial assistance for state of good repair ac-
18 tivities under section 5337;

19 “(K) \$1,939,000,000 shall be available for
20 fiscal year 2016, \$1,950,000,000 for fiscal year
21 2017, \$1,961,000,000 for fiscal year 2018,
22 \$1,972,000,000 for fiscal year 2019,
23 \$1,984,000,000 for fiscal year 2020, and
24 \$1,996,000,000 for fiscal year 2021, to provide

1 financial assistance the bus and bus facilities
2 program under section 5339; and

3 “(L) \$538,229,684 shall be available for
4 fiscal year 2016, \$551,637,228 for fiscal year
5 2017, \$565,482,930 for fiscal year 2018,
6 \$579,766,784 for fiscal year 2019,
7 \$598,537,347 for fiscal year 2020, and
8 \$617,837,552 for fiscal year 2021, and shall be
9 allocated in accordance with section 5340 to
10 provide financial assistance for urbanized areas
11 under section 5307 and rural areas under sec-
12 tion 5311.

13 “(b) CAPITAL INVESTMENT GRANTS.—There shall be
14 available from the Mass Transit Account of the Transpor-
15 tation Trust Fund to carry out section 5309,
16 \$3,250,000,000 in fiscal year 2016, \$3,315,000,000 in fis-
17 cal year 2017, \$3,380,000,000 in fiscal year 2018,
18 \$3,450,000,000 in fiscal year 2019, \$3,520,000,000 in fis-
19 cal year 2020, and \$3,590,000,000 in fiscal year 2021.

20 “(c) TRANSIT RESEARCH AND TRAINING.—

21 “(1) IN GENERAL.—There shall be available
22 from the Mass Transit Account of the Transpor-
23 tation Trust Fund to carry out Federal public trans-
24 portation research and training programs under sec-
25 tions 5312, 5313, 5314, and 5322 (a), (b), (c) and

1 (e), \$60,000,000 for fiscal year 2016, \$61,000,000
2 for fiscal year 2017, \$63,000,000 for fiscal year
3 2018, \$67,000,000 for fiscal year 2019,
4 \$68,000,000 for fiscal year 2020, and \$70,000,000
5 for fiscal year 2021.

6 “(2) ALLOCATION OF FUNDS.—Of the amounts
7 made available under paragraph (1)—

8 “(A) \$26,000,000 shall be available for fis-
9 cal year 2016, \$27,000,000 for fiscal year
10 2017, \$29,000,000 for fiscal year 2018,
11 \$31,000,000 for fiscal year 2019, \$32,000,000
12 for fiscal year 2020, and \$34,000,000 for fiscal
13 year 2021, to carry out research under section
14 5312;

15 “(B) \$7,000,000 shall be available in each
16 fiscal year 2016 through 2021 to carry out
17 transit cooperative research under section 5313;

18 “(C) \$7,000,000 shall be available for each
19 fiscal year 2016 through 2018, and \$9,000,000
20 for each fiscal year 2019 through 2021, to
21 carry out technical assistance and standards de-
22 velopment under section 5314; and

23 “(D) \$20,000,000 shall be available for
24 each fiscal year 2016 through 2021 to carry out

1 human resources and training under section
2 5322 (a), (b), (c) and (e).

3 “(d) EMERGENCY RELIEF.—There shall be available
4 from the Mass Transit Account of the Transportation
5 Trust Fund to carry out section 5324 of this title,
6 \$25,000,000 for each fiscal year 2016 through 2021.

7 “(e) RAPID GROWTH AREA TRANSIT PROGRAM.—
8 There shall be available from the Mass Transit Account
9 of the Transportation Trust Fund to carry out section
10 5341 of this title, \$500,000,000 for fiscal year 2016,
11 \$525,000,000 for fiscal year 2017, \$550,000,000 for fis-
12 cal year 2018, \$600,000,000 for fiscal year 2019,
13 \$612,000,000 for fiscal year 2020, and \$624,240,000 for
14 fiscal year 2021.

15 “(f) OVERSIGHT.—

16 “(1) IN GENERAL.—Of the amounts made
17 available to carry out this chapter for a fiscal year,
18 the Secretary may use not more than the following
19 amounts for the activities described in paragraph
20 (2):

21 “(A) 0.5 percent of amounts made avail-
22 able to carry out section 5305.

23 “(B) 0.75 percent of amounts made avail-
24 able to carry out section 5307.

1 “(C) 1.5 percent of amounts made avail-
2 able to carry out section 5309.

3 “(D) 1 percent of amounts made available
4 to carry out section 601 of the Passenger Rail
5 Investment and Improvement Act of 2008
6 (Public Law 110–432; 126 Stat. 4968).

7 “(E) 0.5 percent of amounts made avail-
8 able to carry out section 5310.

9 “(F) 0.5 percent of amounts made avail-
10 able to carry out section 5311.

11 “(G) 0.75 percent of amounts made avail-
12 able to carry out section 5337.

13 “(H) 0.75 percent of amounts made avail-
14 able to carry out section 5339.

15 “(2) ACTIVITIES.—The activities described in
16 this paragraph are as follows:

17 “(A) Activities to oversee the construction
18 of a major capital project.

19 “(B) Activities to review and audit the
20 safety and security, procurement, management,
21 and financial compliance of a recipient or sub-
22 recipient of funds under this chapter.

23 “(C) Activities to provide technical assist-
24 ance generally, and to provide technical assist-
25 ance to correct deficiencies identified in compli-

1 ance reviews and audits carried out under this
2 section.

3 “(3) GOVERNMENT SHARE OF COSTS.—The
4 Government shall pay the entire cost of carrying out
5 a contract under this subsection.

6 “(4) AVAILABILITY OF CERTAIN FUNDS.—
7 Funds made available under paragraph (1)(C) shall
8 be made available to the Secretary before allocating
9 the funds appropriated to carry out any project
10 under a full funding grant agreement.

11 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—A
12 grant or contract that is approved by the Secretary and
13 financed with amounts made available from the Mass
14 Transit Account of the Highway Trust Fund pursuant to
15 this section is a contractual obligation of the Government
16 to pay the Government share of the cost of the project.

17 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
18 available by or appropriated under this section shall re-
19 main available until expended.”.

20 **SEC. 3010. BUS AND BUS FACILITIES PROGRAM.**

21 (a) IN GENERAL.—Section 5339 is amended as fol-
22 lows:

23 (1) The section heading is amended by striking
24 **“Formula”**.

25 (2) Subsection (c) is amended—

1 (A) by revising paragraph (1) to read as
2 follows:

3 “(1) RECIPIENTS.—Eligible recipients under
4 this section are States and local governmental enti-
5 ties that operate fixed route bus service or des-
6 ignated recipients that allocate funding to fixed
7 route bus operators.”; and

8 (B) in paragraph (2), by striking “des-
9 ignated”.

10 (3) Subsection (d) is amended—

11 (A) by striking the matter preceding para-
12 graph (1) and inserting:

13 “(d) DISTRIBUTION OF GRANT FUNDS.—Funds
14 made available under section 5338 to carry out this sec-
15 tion shall be allocated as follows:”;

16 (B) by redesignating paragraphs (1) and
17 (2) as paragraphs (2) and (3), respectively;

18 (C) in paragraph (3), as redesignated,
19 strike “paragraph (1)” and insert “paragraphs
20 (1) and (2)”;

21 (D) by inserting a new paragraph (1) to
22 read as follows:

23 “(1) COMPETITIVE ALLOCATION.—Thirty per-
24 cent shall be distributed on a competitive basis by

1 the Secretary, of which not less than 10 percent
2 shall be for projects located in rural areas.”.

3 (4) Subsection (e) is amended—

4 (A) in paragraph (1) by striking “sub-
5 section (d)(1)” and inserting “subsection
6 (d)(2)”; and

7 (B) in paragraph (2) by striking “sub-
8 section (d)(2)” and inserting “subsection
9 (d)(3)”.

10 (5) Subsection (g) is amended—

11 (A) by inserting at the end of the first sen-
12 tence “under subsections (d)(2) and (d)(3) or
13 three years after the fiscal year in which the
14 project competitively selected under subsection
15 (d)(1) is announced”; and

16 (B) by revising the second sentence to read
17 as follows: “Not later than 30 days after the
18 end of the 3-year period described in the pre-
19 ceding sentence—

20 “(1) any amount allocated under subsection
21 (d)(1) that is not obligated on the last day of that
22 period shall be added to the amount that may be
23 available under such subsection in the next fiscal
24 year; and

1 “(2) any amount apportioned under subsection
2 (d)(2) and (d)(3) that is not obligated on the last
3 day of that period shall be added to the amount that
4 may be apportioned under such subsections in the
5 next fiscal year.”.

6 (b) CHAPTER ANALYSIS.—The analysis for chapter
7 53 is amended by striking the item relating to section
8 5339 and inserting the following:

“5339. Bus and Bus Facilities Program.”.

9 **SEC. 3011. RAPID GROWTH AREA TRANSIT PROGRAM.**

10 (a) IN GENERAL.—Chapter 53 of title 49, United
11 States Code, is amended by inserting at the end the fol-
12 lowing:

13 **“§ 5341. Rapid Growth Area Transit Program**

14 “(a) IN GENERAL.—The Secretary may make grants
15 on a competitive basis to State and local governmental en-
16 tities for bus rapid transit projects, which may include ac-
17 quisition of right-of-way or land for purposes of future en-
18 hancements to public transportation in the project cor-
19 ridor. Such projects shall serve a high-traffic transpor-
20 tation artery located in an urbanized or rural area that—

21 “(1) has experienced moderate to significant
22 population growth between the 2000 and 2010 de-
23 cennial census of population; and

24 “(2) has a transit system in revenue service
25 that—

1 “(A) has experienced a moderate to signifi-
2 cant increase in ridership; and

3 “(B) has the financial capacity to pay op-
4 erating expenses for the existing system and an
5 expanded system.

6 “(b) GOVERNMENT’S SHARE OF COSTS.—

7 “(1) FEDERAL TRANSIT ASSISTANCE.—A grant
8 for a bus rapid transit project financed from
9 amounts made available to carry out this section
10 shall be for up to 50 percent of the net capital costs
11 of the project.

12 “(2) FEDERAL-AID HIGHWAY ASSISTANCE.—Up
13 to 30 percent of the net project costs may be derived
14 from the Surface Transportation Program and the
15 Congestion Mitigation and Air Quality Improvement
16 Program.

17 “(3) REMAINDER OF NET CAPITAL PROJECT
18 COST.—The remainder of the net capital project cost
19 shall be provided from an undistributed cash sur-
20 plus, a replacement or depreciation cash fund or re-
21 serve, or new capital.”.

22 (b) CHAPTER ANALYSIS.—The analysis for chapter
23 53 is amended by inserting at the end the following:

“5341. Rapid Growth Area Transit Program.”.

1 **SEC. 3012. TECHNICAL CORRECTIONS.**

2 (a) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 5304 is amended—

3 (1) in subsection (d)(2)(B)(ii)—

4 (A) by striking “urbanized”; and

5 (B) by striking “with a population of fewer
6 than 200,000, as calculated according to the
7 most recent decennial census, and”; and

8 (2) in subsection (d)(2)(C)—

9 (A) by striking “title 23” and by inserting
10 “this chapter”;

11 (B) by striking “urbanized”; and

12 (C) by striking “with a population of fewer
13 than 200,000, as calculated according to the
14 most recent decennial census, and”.

15 (b) URBANIZED AREA FORMULA GRANT PROGRAM.—Section 5307 is amended in subsection (a)(2) (A)
16 and (B), by inserting before “during” each place it ap-
17 pears the following: “or general demand response service”.

18 (c) FIXED GUIDEWAY CAPITAL INVESTMENT
19 GRANTS.—Section 5309 is amended—

20 (1) in subsections (d)(1)(B) and (g)(2)(A)(i),
21 by striking “policies and land use patterns that pro-
22 mote public transportation,” in each place it ap-
23 pears; and

24 (2) in subsection 5309(d)(2)(A)—

1 (A) in clause (iii) by inserting “and” after
2 the semicolon preceding the matter in subpara-
3 graph (iv);

4 (B) by striking clause (iv); and

5 (C) by redesignating clause (v) as clause
6 (iv).

7 (d) RESEARCH, DEVELOPMENT, DEMONSTRATION,
8 AND DEPLOYMENT PROJECTS.—Section 5312 is amend-
9 ed—

10 (1) in subsection (d)(5)(A)—

11 (A) in clause (i)(II), by striking “section
12 5303” and inserting “23 U.S.C. 101(a)(14)”;
13 and

14 (B) by striking clause (vi), and inserting
15 the following:

16 “(vi) RECIPIENT.—The term ‘recipi-
17 ent’ means a designated recipient, a local
18 governmental entity, or a State that re-
19 ceives a Federal low or no emissions vehi-
20 cle grant for an urbanized area eligible
21 under clause (i) of this paragraph directly
22 from the Government.”;

23 (2) in subsection (d)(5)(C)(ii), by striking
24 “5323(j)” and inserting “5323(i)”; and

1 (3) in subsection (d)(5)(D), by revising the
2 matter preceding clause (i) to read as follows:

3 “(D) ALLOCATIONS.—Of the amounts
4 made available to carry out this section in each
5 fiscal year, a sum, in an amount to be deter-
6 mined by the Secretary, shall be available to
7 carry out this paragraph, of which—”.

8 (e) BICYCLE FACILITIES.—Section 5319 is amend-
9 ed—

10 (1) in the first sentence, after “5307” by strik-
11 ing “, 5309,”;

12 (2) by striking “Notwithstanding sections
13 5307(d), 5309(l), and 5311(g), a” and inserting
14 “A”; and

15 (3) by striking “5307(d)(1)(K)” and inserting
16 “5307(c)(1)(K)”.

17 (f) HUMAN RESOURCES AND TRAINING.—Section
18 5322(d)(4) is amended by striking “subsection” and in-
19 serting “section.”.

20 (g) APPORTIONMENTS OF APPROPRIATIONS FOR
21 FORMULA GRANTS.—Section 5336(a) is amended by
22 striking “(h)(4)” and inserting “(h)(5)”.

23 (h) STATE OF GOOD REPAIR PROGRAM.—Section
24 5337 is amended—

1 (1) in subsection (c)(2)(B) by striking
2 “5336(b)(1)” and inserting “5336(b)(2”;

3 (2) in subsection (d)(1) by striking “a facility
4 with access for other high-occupancy vehicles” and
5 inserting “high occupancy vehicle lanes during peak
6 hours”;

7 (3) in subsection (d)(2) by inserting “vehicle”
8 after “motorbus”; and

9 (4) by inserting the following at the end:

10 “(e) GOVERNMENT SHARE OF COSTS.—

11 “(1) CAPITAL PROJECTS.—A grant for a capital
12 project under this section shall be for 80 percent of
13 the net project cost of the project. The recipient may
14 provide additional local matching amounts.

15 “(2) REMAINING COSTS.—The remainder of the
16 net project costs shall be provided from an undis-
17 tributed cash surplus, a replacement or depreciation
18 cash fund or reserve, or new capital.”.

19 (i) OVERSIGHT.—Section 5338(i)(1) is amended—

20 (1) in subparagraph (G), by striking “section
21 5337(c)” and inserting “section 5337”; and

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

23 “(H) 0.75 percent of the amounts made
24 available to carry out section 5339.”.

1 (j) BUS AND BUS FACILITIES FORMULA PRO-
2 GRAM.—Section 5339 is amended—

3 (1) in subsection (a)—

4 (A) by inserting before “financing” the fol-
5 lowing: “only for the purposes of”; and

6 (B) by striking “rehabilitate” and insert-
7 ing “rebuild”; and

8 (2) by revising subsection (c) to read as follows:

9 “(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

10 “(1) RECIPIENTS.—Eligible recipients under
11 this section are designated recipients that allocate
12 funds to fixed route bus operators or State or local
13 governmental entities that operate fixed route bus
14 service.

15 “(2) SUBRECIPIENTS.—A recipient that re-
16 ceives a grant under this section may allocate
17 amounts of the grant to subrecipients that are public
18 agencies or private nonprofit organizations engaged
19 in public transportation.”.

20 (k) GROWING STATES AND HIGH DENSITY
21 STATES.—Section 5340(b) is amended by striking
22 “5338(b)(2)(M)” and inserting “5338(a)(2)(K)”.

23 (l) TECHNICAL CORRECTIONS TO SURFACE TRANS-
24 PORTATION BOARD JURISDICTION.—Section 10501(c) is
25 amended—

1 (1) in clause (1)(A)(i), by striking “5302(a)”
2 and inserting “5302”;

3 (2) in subparagraph (1)(B), by striking “mass
4 transportation” and inserting “public transpor-
5 tation” and by striking “5302(a)” and inserting
6 “5302”; and

7 (3) in subparagraph (2)(A), by striking “mass
8 transportation” and inserting “public transpor-
9 tation”.

10 **SEC. 3013. TECHNICAL CORRECTIONS TO TITLE II, DIVI-**
11 **SION B, OF MAP-21.**

12 Section 20013(d) of Public Law 112–141 is amended
13 by striking “5307(c)” and inserting “5307(b)”.

14 **SEC. 3014. ELIMINATION OF FTA ANNUAL RESEARCH RE-**
15 **PORTING REQUIREMENT.**

16 Section 5312 is amended—

17 (1) by striking subsection (e); and

18 (2) by redesignating subsection (f) as sub-
19 section (e).

1 **TITLE IV—HIGHWAY AND MOTOR**
2 **VEHICLE SAFETY**
3 **Subtitle A—Traffic Safety**

4 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—The following sums are author-
6 ized to be appropriated out of the Highway Account of
7 the Transportation Trust Fund:

8 (1) HIGHWAY SAFETY PROGRAMS.—For car-
9 rying out section 402 of title 23, United States
10 Code—

- 11 (A) \$241,146,000 for fiscal year 2016;
12 (B) \$248,380,380 for fiscal year 2017;
13 (C) \$255,831,791 for fiscal year 2018;
14 (D) \$263,506,745 for fiscal year 2019;
15 (E) \$271,411,947 for fiscal year 2020; and
16 (F) \$279,554,306 for fiscal year 2021.

17 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
18 OPMENT.—For carrying out section 403 of title 23,
19 United States Code—

- 20 (A) \$152,000,000 for fiscal year 2016;
21 (B) \$158,840,000 for fiscal year 2017;
22 (C) \$166,146,640 for fiscal year 2018;
23 (D) \$173,457,092 for fiscal year 2019;
24 (E) \$181,783,033 for fiscal year 2020; and
25 (F) \$190,145,052 for fiscal year 2021.

1 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
2 For carrying out section 405 of title 23, United
3 States Code—

- 4 (A) \$278,705,000 for fiscal year 2016;
5 (B) \$287,066,150 for fiscal year 2017;
6 (C) \$295,678,135 for fiscal year 2018;
7 (D) \$304,548,479 for fiscal year 2019;
8 (E) \$313,684,933 for fiscal year 2020; and
9 (F) \$323,095,481 for fiscal year 2021.

10 (4) NATIONAL DRIVER REGISTER.—For car-
11 rying out section 303 of title 49, United States
12 Code—

- 13 (A) \$5,000,000 for fiscal year 2016;
14 (B) \$5,225,000 for fiscal year 2017;
15 (C) \$5,465,350 for fiscal year 2018;
16 (D) \$5,705,825 for fiscal year 2019;
17 (E) \$5,979,705 for fiscal year 2020; and
18 (F) \$6,254,771 for fiscal year 2021.

19 (5) HIGH VISIBILITY ENFORCEMENT PRO-
20 GRAM.—For carrying out section 2009 of
21 SAFETEA-LU (23 U.S.C. 402 note)—

- 22 (A) \$29,000,000 for fiscal year 2016;
23 (B) \$29,870,000 for fiscal year 2017;
24 (C) \$30,766,100 for fiscal year 2018;
25 (D) \$31,689,083 for fiscal year 2019;

1 (E) \$32,639,755 for fiscal year 2020; and

2 (F) \$33,618,948 for fiscal year 2021.

3 (6) ADMINISTRATIVE EXPENSES.—For adminis-
4 trative and related operating expenses of the Na-
5 tional Highway Traffic Safety Administration in car-
6 rying out chapter 4 of title 23, United States Code,
7 and this subtitle—

8 (A) \$28,149,000 for fiscal year 2016;

9 (B) \$28,993,470 for fiscal year 2017;

10 (C) \$29,863,274 for fiscal year 2018;

11 (D) \$30,759,172 for fiscal year 2019;

12 (E) \$31,681,947 for fiscal year 2020; and

13 (F) \$32,632,406 for fiscal year 2021.

14 (b) PROHIBITION ON OTHER USES.—Except as oth-
15 erwise provided in chapter 4 of title 23, United States
16 Code, in this subtitle and in the amendments made by this
17 subtitle, the amounts made available from the Highway
18 Account of the Transportation Trust Fund for a program
19 under such chapter—

20 (1) shall only be used to carry out such pro-
21 gram; and

22 (2) may not be used by States or local govern-
23 ments for construction purposes.

24 (c) APPLICABILITY OF TITLE 23.—Except as other-
25 wise provided in chapter 4 of title 23, United States Code,

1 and in this subtitle, amounts made available under sub-
2 section (a) for fiscal years 2016 through 2021 shall be
3 available for obligation in the same manner as if such
4 funds were apportioned or allocated under chapter 1 of
5 title 23, United States Code.

6 (d) REGULATORY AUTHORITY.—Grants awarded
7 under this subtitle shall be in accordance with regulations
8 issued by the Secretary.

9 (e) STATE MATCHING REQUIREMENTS.—If a grant
10 awarded under this subtitle requires a State to share in
11 the cost, the aggregate of all expenditures for highway
12 safety activities made during any fiscal year by the State
13 and its political subdivisions (exclusive of Federal funds)
14 for carrying out the grant (other than planning and ad-
15 ministration) shall be available for the purpose of crediting
16 the State during such fiscal year for the non-Federal share
17 of the cost of any project under this subtitle (other than
18 planning or administration) without regard to whether
19 such expenditures were actually made in connection with
20 such project.

21 (f) GRANT APPLICATION AND DEADLINE.—To re-
22 ceive a grant under this subtitle, a State shall submit an
23 application, and the Secretary shall establish a single
24 deadline for such applications to enable the award of
25 grants early in the next fiscal year.

1 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

2 (a) SECTION 402(a) AMENDMENTS.—Section
3 402(a)(2)(A) of title 23, United States Code, is amended
4 by—

- 5 (1) striking “and” at the end of clause (vi);
6 (2) redesignating clause (vii) as clause (ix); and
7 (3) inserting after clause (vi) the following:

8 “(vii) to reduce injuries and deaths to
9 older drivers;

10 “(viii) to improve emergency medical
11 services response to crash sites; and”.

12 (b) SECTION 402(b) AMENDMENTS.—Section
13 402(b)(1)(F) of title 23, United States Code, is amend-
14 ed—

15 (1) by redesignating clauses (iii) through (v) as
16 clauses (iv) through (vi), respectively; and

17 (2) by inserting after clause (ii) the following:

18 “(iii) countermeasures designed to de-
19 crease deaths and injuries to pedestrians
20 and bicyclists traveling in the roadways;”.

21 (c) SECTION 402(c) AMENDMENTS.—Section 402(c)
22 of title 23, United States Code, is amended—

23 (1) in paragraph (2) by striking “Funds appor-
24 tioned under this section to any State,” and all that
25 follows;

1 (2) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively;

3 (3) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) REDUCTION IN APPORTIONMENT.—

6 “(A) NONAPPROVED PROGRAMS.—Funds
7 appORTIONED under this section to any State,
8 that does not have a highway safety program
9 approved by the Secretary or that is not imple-
10 menting an approved program, shall be reduced
11 by amounts equal to not less than 20 percent
12 of the amounts that would otherwise be appor-
13 tioned to the State under this section, until
14 such time as the Secretary approves such pro-
15 gram or determines that the State is imple-
16 menting an approved program, as appropriate.
17 The Secretary shall consider the gravity of the
18 State’s failure to have or implement an ap-
19 proved program in determining the amount of
20 the reduction.

21 “(B) HIGH RISK.—In consultation with the
22 State, the Secretary shall take appropriate
23 steps to address any deficiencies if a State is
24 determined to be ‘high-risk’ under regulations
25 or procedures of the Secretary, taking into con-

1 sideration responsibility, financial stability, and
2 management and staffing capabilities. In the
3 fiscal year in which a State has been deter-
4 mined ‘high-risk’, the Secretary shall redirect
5 funds sufficient to address the deficiency. If the
6 State fails to take adequate steps to address the
7 deficiency within 12 months after a ‘high-risk’
8 designation, in the next fiscal year the Sec-
9 retary shall reduce funds under this section by
10 not less than 20 percent of the amounts that
11 would otherwise be apportioned to the State
12 under this section. The Secretary shall consider
13 the gravity of the State’s failure to address the
14 deficiency in determining the amount of the re-
15 duction. The Secretary shall increase the
16 amount of the reduction in each subsequent fis-
17 cal year in which the State fails to take ade-
18 quate steps to address the deficiency.”; and

19 (4) in paragraph (4), as redesignated—

20 (A) by striking “or” after “highway safety
21 program” and inserting a comma; and

22 (B) by inserting “or determines that the
23 State has taken adequate steps to address a de-
24 ficiency” after “approved program”.

1 (d) SECTION 402(g) AMENDMENT.—Section 402 of
2 title 23, United States Code, is amended by striking sub-
3 section (g) and inserting after subsection (f) the following:

4 “(g) RESTRICTION.—Nothing in this section may be
5 construed to authorize the appropriation or expenditure
6 of funds for highway construction, maintenance, or design
7 (other than design of safety features of highways to be
8 incorporated into guidelines).”.

9 **SEC. 4003. AMENDMENT TO SECTION 405 NATIONAL PRI-**
10 **ORITY SAFETY PROGRAMS TRANSFER AU-**
11 **THORITY.**

12 Section 405(a)(1)(G) of title 23, United States Code,
13 is amended by adding after the last sentence the following:
14 “If the Secretary reallocates any amounts to increase the
15 amount made available under section 402, the State shall
16 use not less than 30 percent for the purposes of pedestrian
17 and bicycle safety if the State’s combined pedestrian and
18 bicycle fatalities exceed 5 percent of the State’s total crash
19 fatalities, based on the most recently reported final data
20 from the Fatality Analysis Reporting System.”.

21 **SEC. 4004. AMENDMENT TO MOTORCYCLIST SAFETY GRANT**
22 **CRITERIA.**

23 Section 405(f) of title 23, United States Code, is
24 amended by inserting the following after paragraph (5):

1 “(6) SUPPORT ACTIVITY.—The Secretary or the
2 Secretary’s designee may engage in activities with
3 States and State legislators to consider proposals re-
4 lated to motorcycle helmet use laws.”.

5 **SEC. 4005. AMENDMENT TO GRADUATED DRIVER LICENS-**
6 **ING INCENTIVE GRANT CRITERIA.**

7 Section 405 of title 23, United States Code, is
8 amended by striking subsection (g) and inserting the fol-
9 lowing:

10 “(g) STATE GRADUATED DRIVER LICENSING INCEN-
11 TIVE GRANT.—

12 “(1) GRANTS AUTHORIZED.—The Secretary
13 shall award grants to States that adopt and imple-
14 ment graduated driver licensing laws that require
15 novice drivers younger than 18 years of age to com-
16 ply with the 2-stage licensing process described in
17 paragraph (2) before receiving an unrestricted driv-
18 er’s license.

19 “(2) MINIMUM REQUIREMENTS.—A State’s
20 driver’s license laws shall include—

21 “(A) a learner’s permit stage that—

22 “(i) is at least 6 months in duration,
23 but must remain in effect until the driver
24 reaches 16 years of age;

1 “(ii) requires that the driver be ac-
2 companied and supervised at all times
3 while such driver is operating a motor ve-
4 hicle by a licensed driver who is at least 21
5 years of age, is the driver’s parent or
6 guardian, or is a State-certified driving in-
7 structor; and

8 “(iii) has at least two of the following
9 criteria:

10 “(I) a prohibition on the driver
11 using a personal wireless communica-
12 tions device, as defined in subsection
13 (e)(9)(B), while driving except under
14 an exception permitted in subsection
15 (e)(4), and violation of which is a pri-
16 mary offense;

17 “(II) a requirement that the driv-
18 er obtain at least 40 hours of behind-
19 the-wheel training with a licensed
20 driver who is at least 21 years of age,
21 is the driver’s parent or guardian, or
22 is a State-certified driving instructor;

23 “(III) a requirement that the
24 driver attend a driver training course;
25 or

1 “(IV) a requirement that the
2 driver not be convicted, for a period of
3 six consecutive months immediately
4 prior to entering the intermediate
5 stage or receiving an unrestricted
6 driver’s license, of any offense under
7 State or local law relating to the use
8 or operation of a motor vehicle;

9 “(B) an intermediate stage that—

10 “(i) is at least 6 months in duration;

11 “(ii) restricts driving at night;

12 “(iii) for a period of not less than six
13 months, prohibits the driver from oper-
14 ating a motor vehicle with more than 1
15 nonfamilial passenger younger than 21
16 years of age unless a licensed driver who is
17 at least 21 years of age, is the driver’s par-
18 ent or guardian, or is a State-certified
19 driving instructor is in the motor vehicle;
20 and

21 “(iv) has at least one of the following
22 criteria:

23 “(I) a requirement that the inter-
24 mediate stage remain in effect until
25 the driver reaches 18 years of age;

1 “(II) a prohibition on the driver
2 using a personal wireless communica-
3 tions device, as defined in subsection
4 (e)(9)(B), while driving except under
5 an exception permitted in subsection
6 (e)(4), and violation of which is a pri-
7 mary offense; or

8 “(III) a requirement that the
9 driver not be convicted, for a period of
10 six consecutive months immediately
11 prior to receiving an unrestricted driv-
12 er’s license, of any offense under
13 State or local law relating to the use
14 or operation of a motor vehicle; and

15 “(C) any other requirement prescribed by
16 the Secretary.

17 “(3) EXCEPTION.—A State that otherwise
18 meets the minimum requirements set forth in para-
19 graph (2) shall be deemed by the Secretary to be in
20 compliance with the requirement set forth in para-
21 graph (2) if the State enacted a law before January
22 1, 2011, establishing a class of license that permits
23 licensees or applicants younger than 18 years of age
24 to drive a motor vehicle—

1 “(A) in connection with work performed
2 on, or for the operation of, a farm owned by
3 family members who are directly related to the
4 applicant or licensee; or

5 “(B) if demonstrable hardship would result
6 from the denial of a license to the licensees or
7 applicants.

8 “(4) GRANTS TO STATES THAT IMPLEMENT NA-
9 TIONAL DRIVER EDUCATION STANDARDS AND EN-
10 HANCED INTERMEDIATE STAGE RESTRICTIONS.—

11 “(A) IN GENERAL.—The Secretary shall
12 make a separate grant under this paragraph, in
13 accordance with subparagraphs (B) and (C), to
14 each State that implements national driver edu-
15 cation and training standards prescribed by the
16 National Highway Traffic Safety Administra-
17 tion and enhanced intermediate stage restric-
18 tions.

19 “(B) FIRST YEAR.—A State is eligible for
20 the grant described in this paragraph if the
21 State—

22 “(i) has not received a grant under
23 this paragraph in a prior fiscal year;

24 “(ii) receives a grant in the same fis-
25 cal year pursuant to paragraph (1);

1 “(iii) has satisfied the criterion de-
2 scribed in paragraph (2)(A)(iii)(III) for the
3 same fiscal year; and

4 “(iv) submits a plan, approved by the
5 Secretary, to implement national driver
6 education and training standards pre-
7 scribed by the National Highway Traffic
8 Safety Administration.

9 “(C) SUCCESSIVE YEARS.—A State is eligi-
10 ble for the grant described in this paragraph if
11 the State—

12 “(i) has received a grant under this
13 paragraph in a prior fiscal year;

14 “(ii) receives a grant in the same fis-
15 cal year pursuant to paragraph (1);

16 “(iii) has satisfied the criterion de-
17 scribed in paragraph (2)(A)(iii)(III) for the
18 same fiscal year;

19 “(iv) demonstrates, to the satisfaction
20 of the Secretary, that it is implementing
21 the plan described in subparagraph
22 (B)(iv);

23 “(v) imposes the restrictions described
24 in paragraph (2)(B)(ii) beginning no later
25 than 10:00 p.m.; and

1 “(vi) imposes the restrictions de-
2 scribed in paragraph (2)(B)(iii) for the en-
3 tire intermediate stage.

4 “(D) FUNDING.—Not more than 33 per-
5 cent of the amounts made available to carry out
6 this subsection in a fiscal year shall be made
7 available by the Secretary for making grants
8 under this paragraph.

9 “(5) GRANT AMOUNT.—The allocation of grant
10 funds to a State under this subsection for a fiscal
11 year shall be in proportion to the State’s apportion-
12 ment under section 402 for fiscal year 2009.

13 “(6) USE OF GRANT AMOUNTS.—Of the grant
14 funds received by a State under this subsection—

15 “(A) at least 25 percent shall be used
16 for—

17 “(i) enforcing a 2-stage licensing
18 process that complies with paragraph (2);

19 “(ii) training for law enforcement per-
20 sonnel and other relevant State agency
21 personnel relating to the enforcement de-
22 scribed in clause (i);

23 “(iii) publishing relevant educational
24 materials that pertain directly or indirectly
25 to the State graduated driver licensing law;

1 “(iv) carrying out other administrative
2 activities that the Secretary considers rel-
3 evant to the State’s 2-stage licensing proc-
4 ess; or

5 “(v) carrying out a teen traffic safety
6 program described in section 402(m); and

7 “(B) up to 75 percent may be used for any
8 eligible project or activity under section 402.”.

9 **SEC. 4006. AMENDMENT TO IGNITION INTERLOCK GRANT**
10 **CRITERIA.**

11 Section 405(d)(6) of title 23, United States Code, is
12 amended by striking subparagraph (A) and inserting the
13 following:

14 “(A) IN GENERAL.—The Secretary shall
15 make a separate grant under this subsection to
16 each State that adopts and is enforcing a law
17 that requires all individuals convicted of driving
18 under the influence of alcohol or of driving
19 while intoxicated to receive—

20 “(i) a restriction on driving privileges
21 that limits the individual to operating only
22 motor vehicles with an ignition interlock
23 installed; or

24 “(ii) a requirement to participate in a
25 24–7 sobriety program, if—

1 “(I) a State-certified ignition
2 interlock provider is not available
3 within 100 miles of the individual’s
4 residence; or

5 “(II) the individual is required to
6 operate an employer’s motor vehicle in
7 the course and scope of employment
8 and the business entity that owns the
9 vehicle is not owned or controlled by
10 the individual.”.

11 **SEC. 4007. AMENDMENT TO REPEAT OFFENDER AND OPEN**
12 **CONTAINER CRITERIA.**

13 (a) DEFINITIONS.—Section 164(a) of title 23, United
14 States Code, is amended—

15 (1) by redesignating paragraphs (1) through
16 (4) as paragraphs (2) through (5), respectively;

17 (2) by inserting before paragraph (2), as reded-
18 ignated, the following:

19 “(1) 24–7 SOBRIETY PROGRAM.—The term
20 ‘24–7 sobriety program’ means a State law or pro-
21 gram that authorizes a State court or a State agen-
22 cy to—

23 “(A) require an individual who plead guilty
24 or was convicted of driving under the influence

1 of alcohol to totally abstain from alcohol for a
2 period of time; and

3 “(B) require the individual to be subject to
4 testing for alcohol—

5 “(i) at least twice per day; or

6 “(ii) by continuous transdermal alco-
7 hol monitoring via an electronic monitoring
8 device.”;

9 (3) in paragraph (5), as redesignated, by strik-
10 ing subparagraph (A) and inserting the following:

11 “(A) receive, for a period of not less than
12 1 year, one or more of the following penalties—

13 “(i) a suspension of all driving privi-
14 leges;

15 “(ii) a restriction on driving privileges
16 that limits the individual to operating only
17 motor vehicles with an ignition interlock
18 device installed;

19 “(iii) a requirement to participate in a
20 24–7 sobriety program, if—

21 “(I) a State-certified ignition
22 interlock provider is not available
23 within 100 miles of the individual’s
24 residence; or

1 “(II) the individual is required to
2 operate an employer’s motor vehicle in
3 the course and scope of employment
4 and the business entity that owns the
5 vehicle is not owned or controlled by
6 the individual; or

7 “(iv) any other restriction established
8 by regulations promulgated by the Sec-
9 retary;”;

10 (4) in paragraph (5), as redesignated, by strik-
11 ing subparagraph (B); and

12 (5) in paragraph (5), as redesignated, by redesi-
13 gnating subparagraphs (C) and (D) as subpara-
14 graphs (B) and (C), respectively.

15 (b) TRANSFER OF FUNDS.—Section 164(b) of title
16 23, United States Code, is amended—

17 (1) in paragraph (2)(A), by striking “among
18 the uses authorized under subparagraphs (A) and
19 (B) of paragraph (1), and paragraph (3).” and in-
20 serting “among the uses authorized under subpara-
21 graphs (A) and (B) of paragraph (1), paragraph (3),
22 and, beginning in fiscal year 2016, subparagraph
23 (C).”; and

24 (2) by inserting the following after paragraph
25 (2)(B):

1 “(C) ADDITIONAL USES OF FUNDS.—Be-
2 ginning in fiscal year 2016, of the funds trans-
3 ferred under subparagraph (B)(i)—

4 “(i) not less than 5 percent shall be
5 expended for pedestrian and bicycle safety
6 activities if the State’s combined pedes-
7 trian and bicycle fatalities exceed 5 percent
8 of the State’s total crash fatalities, based
9 on the most recently reported final data
10 from the Fatality Analysis Reporting Sys-
11 tem; and

12 “(ii) not more than 60 percent may be
13 directed to State and local law enforcement
14 agencies for enforcement of laws that can
15 lead to the detection of impaired drivers,
16 including the purchase of equipment, the
17 training of officers, and the use of addi-
18 tional personnel dedicated to enforce-
19 ment.”.

20 (c) TRANSFER OF FUNDS.—Section 154(c) of title
21 23, United States Code, is amended—

22 (1) in paragraph (2)(A), by striking “use those
23 reserved funds in accordance with subparagraphs
24 (A) and (B) of paragraph (1) and paragraph (3).”
25 and inserting “use those reserved funds in accord-

1 ance with subparagraphs (A) and (B) of paragraph
2 (1), paragraph (3), and, beginning in fiscal year
3 2016, subparagraph (C).”; and

4 (2) by inserting the following after paragraph
5 (2)(B):

6 “(C) ADDITIONAL USES OF FUNDS.—Be-
7 ginning in fiscal year 2016, of the funds trans-
8 ferred under subparagraph (B)(i)—

9 “(i) not less than 5 percent shall be
10 expended for pedestrian and bicycle safety
11 activities if the State’s combined pedes-
12 trian and bicycle fatalities exceed 5 percent
13 of the State’s total crash fatalities, based
14 on the most recently reported final data
15 from the Fatality Analysis Reporting Sys-
16 tem; and

17 “(ii) not more than 60 percent may be
18 directed to State and local law enforcement
19 agencies for enforcement of laws that can
20 lead to the detection of impaired drivers,
21 including the purchase of equipment, the
22 training of officers, and the use of addi-
23 tional personnel dedicated to enforce-
24 ment.”.

1 **SEC. 4008. AMENDMENT TO DISTRACTED DRIVING GRANT**
2 **CRITERIA.**

3 Section 405(e) of title 23, United States Code, is
4 amended—

5 (1) in paragraph (3)—

6 (A) by inserting “and” at the end of sub-
7 paragraph (B); and

8 (B) by striking subparagraph (C) and re-
9 designating subparagraph (D) as subparagraph
10 (C);

11 (2) in paragraph (4)(C), by striking “section
12 31152” and inserting “section 31136”;

13 (3) in paragraph (5), by striking “Of” and in-
14 serting “Except as provided in paragraph (6)(B),
15 of”;

16 (4) by striking paragraph (6) and inserting
17 after paragraph (5) the following:

18 “(6) DISTRACTED DRIVING ENFORCEMENT
19 GRANTS.—

20 “(A) IN GENERAL.—The Secretary may
21 use up to 50 percent of the amounts available
22 for grants under this subsection to award
23 grants to a State that—

24 “(i) in fiscal year 2016—

25 “(I) has a basic text messaging
26 statute, as determined by the Sec-

1 retary, that is applicable to drivers of
2 all ages;

3 “(II) makes violation of the stat-
4 ute a primary offense;

5 “(III) participates in the annual
6 distracted driving law enforcement
7 mobilization coordinated by the Sec-
8 retary; and

9 “(IV) is otherwise ineligible for a
10 grant under this subsection;

11 “(ii) in fiscal year 2017—

12 “(I) meets the requirements of
13 subparagraph (A)(i); and

14 “(II) has a statute that estab-
15 lishes a minimum fine for a first vio-
16 lation and increased fines for repeat
17 violations of the statute; and

18 “(iii) in fiscal year 2018—

19 “(I) meets the requirements of
20 subparagraphs (A)(i) and (A)(ii); and

21 “(II) has a statute that prohibits
22 a driver who is younger than 18 years
23 of age from using a personal wireless
24 communications device while driving.

1 “(B) USE OF GRANT FUNDS; ENFORCE-
2 MENT GRANTS.—

3 “(i) Subject to subparagraphs (B)(ii)
4 and (B)(iii), amounts received by a State
5 under subparagraph (A) may be used for
6 activities related to the enforcement of dis-
7 tracted driving laws as follows:

8 “(ii) In fiscal year 2017, up to 15
9 percent for any eligible project or activity
10 under section 402.

11 “(iii) In fiscal year 2018, up to 25
12 percent for any eligible project or activity
13 under section 402.”; and

14 (5) by striking paragraph (8), redesignating
15 paragraph (7) as paragraph (8), and inserting after
16 paragraph (6), as amended by this Act, the fol-
17 lowing:

18 “(7) GRANT AMOUNT.—The allocation of grant
19 funds to a State under this subsection shall be in
20 proportion to the State’s apportionment under sec-
21 tion 402 for fiscal year 2009.”.

22 **SEC. 4009. STREAMLINING OF NATIONAL PRIORITY SAFETY**
23 **PROGRAMS.**

24 Section 405(a)(1) of title 23, United States Code, is
25 amended by striking subparagraph (H).

1 **SEC. 4010. AMENDMENT TO HIGHWAY RESEARCH AND DE-**
2 **VELOPMENT.**

3 Section 403 of title 23, United States Code, is
4 amended by inserting at the end the following:

5 “(i) FEDERAL SHARE.—The Federal share of the
6 cost of any project or activity carried out under this sec-
7 tion may be up to 100 percent if so specified in the project
8 agreement.”.

9 **Subtitle B—Motor Vehicle Safety**

10 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—The following sums are author-
12 ized to be appropriated out of the Highway Account of
13 the Transportation Trust Fund to carry out chapter 301
14 of title 49, United States Code, and part C of subtitle VI
15 of title 49, United States Code:

16 (1) \$179,000,000 for fiscal year 2016;

17 (2) \$187,055,000 for fiscal year 2017;

18 (3) \$195,659,530 for fiscal year 2018;

19 (4) \$204,268,549 for fiscal year 2019;

20 (5) \$214,073,440 for fiscal year 2020; and

21 (6) \$223,920,818 for fiscal year 2021.

22 (b) CONTRACT AUTHORITY.—The amounts made
23 available under subsection (a) shall be available for obliga-
24 tion in the same manner as if such funds were apportioned
25 or allocated under chapter 1 of title 23, United States
26 Code, except that the Federal share of the cost of any

1 project or activity carried out under chapter 301 of title
2 49, United States Code, or part C of subtitle VI of title
3 49, United States Code, shall be 100 percent or as other-
4 wise provided in the project agreement.

5 **SEC. 4102. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

6 Section 30120A of title 49, United States Code, is
7 amended to read as follows:

8 “Notwithstanding any provision of title 11, United
9 States Code, a manufacturer’s duty to comply with section
10 30112, sections 30115 through 30121, and section 30166
11 of this title shall be enforceable against a manufacturer
12 or a manufacturer’s successors-in-interest whether accom-
13 plished by merger or by acquisition of the manufacturer’s
14 stock, the acquisition of all or substantially all of the man-
15 ufacturer’s assets or a discrete product line, or confirma-
16 tion of any plan of reorganization under section 1129 of
17 title 11.”

18 **SEC. 4103. PROHIBITION ON RENDERING SAFETY ELE-**
19 **MENTS INOPERATIVE AND CRIMINAL PEN-**
20 **ALTIES.**

21 (a) IN GENERAL.—Section 30122 of title 49, United
22 States Code, is amended by revising subsection (b) to read
23 as follows:

24 “(b) PROHIBITION.—(1) Except as provided in para-
25 graph (2) of this subsection, a person may not knowingly

1 make inoperative any part of a device or element of design
2 installed on or in a motor vehicle or motor vehicle equip-
3 ment in compliance with an applicable motor vehicle safety
4 standard prescribed under this chapter unless the person
5 reasonably believes the vehicle or equipment will not be
6 used (except for testing or a similar purpose during main-
7 tenance or repair) when the device or element is inoper-
8 ative.

9 “(2) The prohibition in paragraph (1) does not apply
10 to modifications made by an individual to a motor vehicle
11 or item of equipment owned or leased by that individual.”.

12 (b) **CRIMINAL LIABILITY.**—Section 30170 of title 49,
13 United States Code, is amended by inserting after para-
14 graph (b) the following;

15 “(c) **CRIMINAL LIABILITY FOR TAMPERING WITH**
16 **MOTOR VEHICLE SAFETY ELEMENTS.**—Whoever willfully,
17 with intent to endanger the safety of any person on board
18 a motor vehicle or anyone who he believes will board the
19 same, or with a reckless disregard for the safety of human
20 life, violates section 30122(b) under this title shall be sub-
21 ject to criminal penalties under section 33(a) of title 18.”.

22 **SEC. 4104. COOPERATION WITH FOREIGN GOVERNMENTS.**

23 (a) **TITLE 49 AMENDMENT.**—Section 30182(b) of
24 title 49, United States Code, is amended by inserting after
25 paragraph (5) the following:

1 “(6) enter into cooperative agreements (in co-
2 ordination with the Department of State) and col-
3 laborative research and development agreements
4 with foreign governments.”.

5 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
6 United States Code, is amended—

7 (1) in subsection (b)(2)(C), by inserting “for-
8 eign government (in coordination with the Depart-
9 ment of State)” after “institution,”; and

10 (2) in subsection (c)(1)(A), by inserting “for-
11 eign governments,” after “local governments,”.

12 **SEC. 4105. FUNCTIONAL SAFETY PROCESS.**

13 (a) STANDARDS.—Section 30111 of title 49, United
14 States Code, is amended—

15 (1) by revising the heading of the section to
16 read as follows:

17 “**§ 30111. Standards and functional safety process**”;

18 and

19 (2) by inserting the following after subsection
20 (e):

21 “(f) **FUNCTIONAL SAFETY PROCESS.**—The Secretary
22 shall prescribe requirements or guidelines for the design,
23 functional safety process, verification and validation, and
24 development of safety-related electronics or software used
25 in motor vehicles and motor vehicle equipment to ensure

1 that they are likely to function as intended and contain
2 fail safe features. The requirements shall be in the form
3 of regulations or guidelines. In prescribing regulations or
4 guidelines under this subsection, the Secretary shall con-
5 sider existing relevant safety information and motor vehi-
6 cle safety standards.”.

7 (b) Section 30165(1) of title 49, United States Code,
8 is amended by inserting “30111(f),” after “section”.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 chapter 301 is amended by striking the item relating to
11 section 30111 and inserting the following:

“30111. Standards and functional safety process.”.

12 **SEC. 4106. NOTIFICATION OF DEFECT OR NONCOMPLIANCE**
13 **AND IMMINENT HAZARD AUTHORITY.**

14 (a) IN GENERAL.—Section 30118 of title 49, United
15 States Code, is amended in subsection (c), by inserting
16 “or electronic mail” after “certified mail”.

17 (b) IMMINENT HAZARD.—Title 49, United States
18 Code, is amended by inserting after section 30167 the fol-
19 lowing:

20 **“§ 30168. Imminent Hazard Authority**

21 “(a) IMMINENT HAZARD ORDERS.—

22 “(1) If, through testing, inspection, investiga-
23 tion, or research carried out under this chapter, the
24 Secretary of Transportation decides that an unsafe
25 condition or practice, or a combination of unsafe

1 conditions and practices, causes an emergency situa-
2 tion involving an imminent hazard of death, personal
3 injury, or significant harm to the public, the Sec-
4 retary immediately may issue an order prescribing
5 such restrictions and prohibitions as may be nec-
6 essary to abate the situation, without regard to re-
7 quirements for prior notice or hearings under this
8 chapter.

9 “(2) The order shall describe the condition or
10 practice, or the combination of conditions and prac-
11 tices, that causes the emergency situation and pre-
12 scribe standards and procedures for obtaining relief
13 from the order. This paragraph does not affect the
14 Secretary’s discretion under this section to maintain
15 the order in effect for as long as the emergency situ-
16 ation exists.

17 “(3) The failure to comply immediately with an
18 order under this section shall subject the person to
19 penalties prescribed in section 30165.

20 “(b) TIMELY REVIEW OF ORDERS.—The Secretary
21 shall provide opportunity for review of the order under sec-
22 tion 554 of title 5. If a petition for review is filed, the
23 order will cease to have effect 30 days after the date the
24 order was issued if review is not completed by that time,

1 unless the Secretary determines in writing that the emer-
2 gency situation still exists.”.

3 (c) CONFORMING AMENDMENT.—The analysis of
4 chapter 301 of title 49, United States Code, is amended
5 by inserting the following after the item relating to section
6 30167:

“30168. Imminent Hazard Authority.”.

7 **SEC. 4107. AMENDMENT TO JUDICIAL REVIEW PROVISIONS.**

8 (a) IN GENERAL.—Section 30161 of title 49, United
9 States Code, is amended—

10 (1) by revising the heading of the section to
11 read as follows:

12 **“§ 30161. Judicial review of orders and standards”;**

13 and

14 (2) by striking the first sentence of subsection
15 (a), and inserting the following:

16 “Except for an order to issue provisional notification
17 under section 30121 of this title, which may not be re-
18 viewed, a person adversely affected by an order issued
19 under this chapter, a rule prescribing a motor vehicle safe-
20 ty standard under this chapter, or any other final agency
21 action taken under this chapter may apply for review of
22 the order, rule, or action by filing a petition for review
23 in the Court of Appeals of the United States for the circuit
24 in which the person resides or has its principal place of
25 business or the District of Columbia Circuit.”.

1 (b) RECALLS ENFORCEMENT.—Section 30163 of title
2 49, United States Code, is amended by adding the fol-
3 lowing at the end:

4 “(f) ACTIONS TO ENFORCE RECALL ORDERS.—In an
5 action brought under subsection (a) of this section con-
6 cerning an order issued under section 30118(b) of this
7 title, the Attorney General need only prove that the Sec-
8 retary provided appropriate notification to the manufac-
9 turer under section 30118 and need not establish the sub-
10 stantive validity of the order, which may only be chal-
11 lenged by the manufacturer through the timely filing of
12 a petition under section 30161 of this title. If an action
13 is brought under subsection (a) of this section prior to
14 the expiration of the time available for the filing of a peti-
15 tion under section 30161, the manufacturer may seek a
16 stay of the district court action until the resolution of any
17 petition for review under section 30161.

18 “(g) ACTIONS TO COLLECT A CIVIL PENALTY.—The
19 Attorney General may bring a civil action in a United
20 States District Court to collect a civil penalty or to collect
21 an amount agreed upon in compromise by the Secretary
22 under section 30165 of this title.”.

23 (c) CONFORMING AMENDMENT.—The analysis for
24 chapter 301 is amended by striking the item relating to
25 section 30161 and inserting the following:

“30161. Judicial review of orders and standards.”.

1 **SEC. 4108. INSPECTION AUTHORITY UNDER AUTOMOBILE**
2 **FUEL ECONOMY STATUTE.**

3 Section 32910 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)(1)(A), by striking “inspect
6 and copy records of any person at reasonable times”,
7 and inserting “conduct an inspection or investigation
8 that may be necessary to enforce this chapter or a
9 regulation prescribed or order issued under this
10 chapter”; and

11 (2) by redesignating subsections (b), (c) and (d)
12 as (c), (d) and (e), respectively, and inserting after
13 subsection (a) the following:

14 “(b) **MATTERS THAT CAN BE INSPECTED AND IM-**
15 **POUNDMENT.**—In carrying out this chapter, an officer or
16 employee designated by the Secretary of Transportation—

17 “(1) at reasonable times, may inspect and copy
18 any record related to this chapter;

19 “(2) on request, may inspect records of a man-
20 ufacturer, distributor, or dealer to decide whether
21 the manufacturer, distributor, or dealer has com-
22 plied or is complying with this chapter or a regula-
23 tion prescribed or order issued under this chapter;
24 and

25 “(3) at reasonable times, in a reasonable way,
26 and on display of proper credentials and written no-

1 tice to an owner, operator, or agent in charge,
2 may—

3 “(A) enter and inspect with reasonable
4 promptness premises in which a motor vehicle
5 or motor vehicle equipment is manufactured,
6 held for introduction in interstate commerce, or
7 held for sale after introduction in interstate
8 commerce;

9 “(B) inspect with reasonable promptness
10 that vehicle or equipment; and

11 “(C) impound for not more than 72 hours
12 that vehicle or equipment.”.

13 **SEC. 4109. RECALL AUTHORITY OVER RENTAL CAR COMPA-**
14 **NIES AND USED CAR DEALERS.**

15 (a) SALE, LEASE OR RENTAL RESTRICTIONS.—Sec-
16 tion 30120(i) of title 49, United States Code, is amended
17 to read as follows:

18 “(i) LIMITATION ON SALE, LEASE OR RENTAL OF
19 VEHICLES OR EQUIPMENT.—(1) After receipt of a notifi-
20 cation of a defect or noncompliance about a motor vehicle
21 or new item of replacement equipment under section
22 30119 of this title, a dealer may sell or lease that motor
23 vehicle or new item of replacement equipment, and a rent-
24 al company may rent that vehicle, only if—

1 “(A) the defect or noncompliance is remedied as
2 required by this section before delivery under the
3 sale, lease or rental agreement; or

4 “(B) when the notification is required by an
5 order under section 30118(b) of this title, enforce-
6 ment of the order is restrained or the order is set
7 aside in a civil action to which section 30121(d) of
8 this title applies.

9 “(2) This subsection does not prohibit a dealer from
10 offering for sale or lease the vehicle or equipment.

11 “(3) As used in this subsection, the term ‘rental com-
12 pany’ means a person who is engaged in the business of
13 renting a motor vehicle that has a gross vehicle weight
14 rating of 10,000 pounds or less, is rented without a driver
15 for an initial term of less than 4 months and is part of
16 a motor vehicle fleet of 5 or more motor vehicles that are
17 used for rental purposes.”.

18 (b) SALE OR LEASE OF USED MOTOR VEHICLES.—
19 Section 30120 of title 49, United States Code, is amended
20 by adding at the end the following:

21 “(k) LIMITATION ON SALE OR LEASE OF USED
22 MOTOR VEHICLES.—(1) A person who sold at least 10
23 motor vehicles during the prior 12 months to purchasers
24 that in good faith purchase the vehicles other than for re-
25 sale, may not sell or lease a used motor vehicle until any

1 defect or noncompliance determined under section 30118
2 of this title with respect to the vehicle has been remedied.

3 “(2) Paragraph (1) shall not apply if—

4 “(A) notification of the defect or noncompliance
5 with respect to the vehicle is required under section
6 30118(b) but enforcement of the order is set aside
7 in a civil action to which section 30121(b) applies;
8 or

9 “(B) if at the time of sale or lease—

10 “(i) the recall information regarding a
11 used motor vehicle was not available using the
12 means established by the Secretary under sec-
13 tion 31301 of Public Law 112–141; and

14 “(ii) notification under section 30119 was
15 not received by the seller or lessor.

16 “(3) As used in this subsection, the term ‘used motor
17 vehicle’ means a motor vehicle that has been purchased
18 previously other than for resale.”.

19 **SEC. 4110. CIVIL PENALTIES.**

20 Section 30165(a) of title 49, United States Code, is
21 amended—

22 (1) in paragraph (1)—

23 (A) by inserting “or causes the violation
24 of” after “violates” in the first sentence;

1 (B) by striking “\$5,000” and inserting
2 “\$25,000”;

3 (C) by striking “\$35,000,000” and insert-
4 ing “\$300,000,000”; and

5 (D) by inserting at the end of the para-
6 graph the following:

7 “An individual is liable under this section only for willfully
8 causing or committing a violation. An individual who has
9 been instructed to commit a violation by a person of great-
10 er authority in the entity in which the individual is em-
11 ployed has not acted willfully.”;

12 (2) in paragraph (2)—

13 (A) by striking “\$10,000” in subparagraph
14 (A) and inserting “\$100,000”; and

15 (B) by striking “\$15,000,000” in subpara-
16 graph (B) and inserting “\$300,000,000”; and

17 (3) in paragraph (3)—

18 (A) by striking “\$5,000” and inserting
19 “\$25,000”; and

20 (B) by striking “\$35,000,000” and insert-
21 ing “\$300,000,000”.

1 **SEC. 4111. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-**
2 **CLE AND HIGHWAY SAFETY IMPROVEMENT**
3 **ACT OF 2012.**

4 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
5 title 23, United States Code is amended—

6 (1) in subsection (b)(1)(C), by striking “except
7 as provided in paragraph (3),”;

8 (2) in subsection (b)(1)(E)—

9 (A) by striking “in which a State” and in-
10 serting “for which a State”; and

11 (B) by striking “subsection (f)” and insert-
12 ing “subsection (k)”; and

13 (3) in subsection (k)(4), by striking “paragraph
14 (2)(A)” and inserting “paragraph (3)(A)”.

15 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
16 MENT.—Section 403(e) of title 23, United States Code is
17 amended by inserting “of title 49, United States Code”
18 after “chapter 301”.

19 (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-
20 tion 405 of title 23, United States Code is amended—

21 (1) in subsection (d)(5), by striking “section
22 402(c)” and inserting “section 402”;

23 (2) by striking subsection (f)(2), and inserting
24 the following:

25 “(2) GRANT AMOUNT.—The allocation of grant
26 funds to a State under this subsection for a fiscal

1 year shall be in proportion to the State’s apporportion-
2 ment under section 402 for fiscal year 2009, pro-
3 vided that the amount of a grant awarded to a State
4 for a fiscal year may not exceed 25 percent of the
5 amount apportioned to the State under section 402
6 for fiscal year 2009.”; and

7 (3) in subsection (f)(4)(A)(iv), by striking
8 “under subsection (g)”.

9 (d) OPEN CONTAINER REQUIREMENTS.—Section 154
10 of title 23, United States Code is amended—

11 (1) in subsection (c)(3)(A), by striking “trans-
12 ferred” and inserting “reserved”; and

13 (2) in subsection (c)(5), by inserting “or re-
14 leased” after “transferred”.

15 (e) MINIMUM PENALTIES FOR REPEAT OFFENDERS
16 FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER
17 THE INFLUENCE.—Section 164 of title 23, United States
18 Code is amended—

19 (1) in subsection (b)(3)(A), by striking “trans-
20 ferred” and inserting “reserved”; and

21 (2) in subsection (b)(5), by inserting “or re-
22 leased” after “transferred”.

1 **SEC. 4112. TIRE REGISTRATION BY INDEPENDENT SELL-**
2 **ERS.**

3 Subsection (b) of section 30117 of title 49, United
4 States Code, is amended by revising paragraph (3) to read
5 as follows:

6 “(3) The Secretary may initiate a rulemaking
7 to consider requiring a distributor or dealer of tires
8 that is not owned or controlled by a manufacturer
9 of tires to maintain records of the name and address
10 of tire purchasers and lessors and information iden-
11 tifying the tire that was purchased or leased, and
12 any additional records the Secretary deems appro-
13 priate. Such rulemaking may also consider requiring
14 a distributor or dealer of tires that is not owned or
15 controlled by a manufacturer of tires to electroni-
16 cally transmit such records to the manufacturer of
17 the tire by secure means at no cost to tire pur-
18 chasers or lessors.”.

19 **SEC. 4113. EXTENSION OF TIME PERIOD FOR REMEDY OF**
20 **TIRE DEFECTS.**

21 Subsection (b) of section 30120 of title 49, United
22 States Code, is amended—

23 (1) by striking “60 days” in paragraph (1) and
24 replacing it with “six months”; and

1 (2) by striking “60-day” in paragraph (2),
2 wherever it appears, and replacing it with “six-
3 month”.

4 **SEC. 4114. DEALER REQUIREMENT TO CHECK FOR**
5 **UNREMEDIED RECALL.**

6 Section 30120(f) of title 49, United States Code, is
7 amended by striking the period at the end and inserting
8 the following: “, provided that—

9 “(1) the dealer notifies the owner of each of the
10 manufacturer’s vehicles it services at the time of the
11 service of any defect or noncompliance remedy that
12 has not been performed; and

13 “(2) such notification is a requirement specified
14 in a franchise, operating or other agreement between
15 the dealer and manufacturer.”.

16 **SEC. 4115. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
17 **TION TO CONSUMERS OF MOTOR VEHICLE**
18 **RECALL STATUS.**

19 (a) **IN GENERAL.**—The Secretary shall conduct a
20 pilot program to evaluate the feasibility and effectiveness
21 of a State process for informing consumers of open motor
22 vehicle recalls at the time of motor vehicle registration in
23 the State.

24 (b) **GRANTS.**—To carry out this program, the Sec-
25 retary may make a grant to a State that agrees to comply

1 with the requirements of this section. Funds made avail-
2 able to a State shall be used for the project described in
3 this section.

4 (c) ELIGIBILITY.—To be eligible for a grant, a State
5 shall submit an application in which it agrees to notify,
6 at the time of registration, each owner or lessee of a motor
7 vehicle presented for registration in the State of any open
8 recall on that vehicle, and provide such other information
9 as the Secretary may require.

10 (d) AWARD.—In selecting an applicant for award
11 under this section, the Secretary shall consider the State’s
12 methodology for determining open recalls on a motor vehi-
13 cle and for informing consumers of such open recalls.

14 (e) PERFORMANCE PERIOD.—A grant awarded under
15 this section shall require a two-year performance period.

16 (f) REPORT.—Not later than 90 days after comple-
17 tion of performance under the grant, the grantee shall pro-
18 vide to the Secretary a report of performance containing
19 such information as the Secretary may require.

20 (g) EVALUATION.—One year after expiration of the
21 grant under this section, the Secretary shall evaluate the
22 extent to which open recalls identified under subsection
23 (c) have been remedied.

24 (h) FUNDING.—Notwithstanding the apportionment
25 formula set forth in 23 U.S.C. 402(e)(2), up to

1 \$2,000,000 of the amounts made available for apportion-
2 ment to the States for highway safety programs under 23
3 U.S.C. 402(c) in fiscal year 2017 shall be available for
4 grants under subsection (b).

5 (i) DEFINITIONS.—In this section:

6 (1) “Motor vehicle” has the meaning such term
7 has under section 30102(a)(6) of title 49, United
8 States Code.

9 (2) “Open recall” means a recall for which a
10 notification by a manufacturer is required under sec-
11 tion 30118 of title 49, United States Code and that
12 has not been remedied under section 30120 of title
13 49, United States Code.

14 (3) “Registration” means the process for reg-
15 istering vehicles for use in the State.

16 (4) “State” has the meaning such term has
17 under section 101(a) of title 23, United States Code.

18 **TITLE V—MOTOR CARRIER**

19 **SAFETY PROGRAM**

20 **SEC. 5001. AMENDMENT OF TITLE 49, UNITED STATES** 21 **CODE.**

22 Except as otherwise expressly provided, whenever in
23 this title an amendment or repeal is expressed in terms
24 of an amendment to, or a repeal of, a section or other
25 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States
2 Code.

3 **Subtitle A—Commercial Motor**
4 **Vehicle Safety**

5 **SEC. 5101. COMMERCIAL MOTOR VEHICLE DEFINED.**

6 Section 31101(1) is amended to read as follows:

7 “(1) ‘Commercial motor vehicle’ means (except
8 in section 31106 of this title) a self-propelled or
9 towed vehicle used on the highways in commerce to
10 transport passengers or property, if the vehicle—

11 “(A) has a gross vehicle weight rating or
12 gross vehicle weight of at least 10,001 pounds,
13 whichever is greater;

14 “(B) is designed or used to transport more
15 than 8 passengers (including the driver) for
16 compensation;

17 “(C) is designed or used to transport more
18 than 15 passengers, including the driver, and is
19 not used to transport passengers for compensa-
20 tion; or

21 “(D) is used in transporting material
22 found by the Secretary of Transportation to be
23 hazardous under section 5103 of this title and
24 transported in a quantity requiring placarding

1 under regulations prescribed by the Secretary
2 under section 5103 of this title.”.

3 **SEC. 5102. MOTOR CARRIER OPERATIONS AFFECTING**
4 **INTERSTATE COMMERCE.**

5 (a) PROHIBITED TRANSPORTATION.—Section
6 521(b)(5) is amended by inserting after paragraph (B) the
7 following:

8 “(C) If an employee, vehicle, or all or part
9 of an employer’s commercial motor vehicle oper-
10 ations has been ordered out of service pursuant
11 to paragraph (5)(A), the commercial motor ve-
12 hicle operations of the employee, vehicle or em-
13 ployer that affect interstate commerce are also
14 prohibited.”.

15 (b) PROHIBITION ON OPERATION IN INTERSTATE
16 COMMERCE AFTER NONPAYMENT OF PENALTIES.—Sec-
17 tion 521(b)(8) is amended—

18 (1) by striking “An owner or operator of a com-
19 mercial motor vehicle” and inserting “A person” in
20 subparagraph (A);

21 (2) by redesignating subparagraph (B) as sub-
22 paragraph (C);

23 (3) by inserting after subparagraph (A) the fol-
24 lowing:

1 “(B) A person prohibited from operating
2 in interstate commerce pursuant to paragraph
3 (8)(A) may not operate any commercial motor
4 vehicle where such operation affects interstate
5 commerce.”; and

6 (4) by striking “commercial motor vehicle own-
7 ers and operators” in subparagraph (C) (as redesign-
8 nated by paragraph (2)) and inserting “a person”.

9 **SEC. 5103. BUS RENTALS AND DEFINITION OF EMPLOYER.**

10 Paragraph (3) of section 31132 is amended to read
11 as follows:

12 “(3) ‘Employer’—

13 “(A) means a person engaged in a business
14 affecting interstate commerce that—

15 “(i) owns or leases a commercial
16 motor vehicle in connection with that busi-
17 ness, or assigns an employee to operate the
18 commercial motor vehicle; or

19 “(ii) offers for rent or lease a motor
20 vehicle designed or used to transport more
21 than 8 passengers, including the driver,
22 and from the same location or as part of
23 the same business provides names or con-
24 tact information of drivers, or holds itself

1 out to the public as a charter bus com-
2 pany; but

3 “(B) does not include the Government, a
4 State, or a political subdivision of a State.”.

5 **SEC. 5104. HIGH-RISK CARRIER REVIEWS.**

6 (a) HIGH-RISK CARRIER REVIEWS.—Section
7 31104(b) (as amended by section 5401) is amended by
8 adding at the end of paragraph (2) the following:

9 “From the funds authorized by this subsection, the Sec-
10 retary shall ensure that a review is completed on each
11 motor carrier that demonstrates through performance
12 data that it poses the highest safety risk. At a minimum,
13 a review shall be conducted whenever a motor carrier is
14 among the highest risk carriers for 2 consecutive
15 months.”.

16 (b) CONFORMING AMENDMENT.—Section 4138 of the
17 Safe, Accountable, Flexible, Efficient Transportation Eq-
18 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
19 repealed.

20 **SEC. 5105. NEW ENTRANT SAFETY AUDITS.**

21 Section 31144(g) is amended—

22 (1) in paragraph (1)(A)—

23 (A) by striking “shall” and inserting
24 “may”; and

1 (B) by striking “each owner and each op-
2 erator” and inserting “an owner or operator”;

3 (2) in paragraph (1)(B)—

4 (A) by striking “shall” and inserting
5 “may”; and

6 (B) by striking “each owner and each op-
7 erator” and inserting “an owner or operator”;

8 (3) by striking paragraph (3);

9 (4) by redesignating paragraphs (4) and (5) as
10 paragraphs (3) and (4), respectively; and

11 (5) in paragraph (3), as redesignated, by strik-
12 ing “after the date on which section 31148(b) is
13 first implemented shall” and inserting “may”.

14 **SEC. 5106. IMMINENT HAZARD ACTIONS.**

15 Section 521(b)(5)(A) is amended—

16 (1) by striking “that such” and inserting “that
17 a request for review must be made in writing within
18 15 days after issuance of the order, and if timely re-
19 quested, the”;

20 (2) by striking “occur” and inserting “com-
21 mence”; and

22 (3) by striking “issuance of such order” and in-
23 serting “receipt of the request for review”.

1 **SEC. 5107. INTERNATIONAL COMMERCE TRANSPORTED ON**
2 **HIGHWAYS THROUGH THE UNITED STATES.**

3 (a) Section 13501(1) is amended by—

4 (1) in subparagraph (D), striking “or”;

5 (2) in subparagraph (E), striking “and” at the
6 end and inserting “or”; and

7 (3) inserting the following:

8 “(F) a foreign country and another foreign
9 country, or between two places in the same for-
10 eign country, to the extent the transportation is
11 in the United States; and”.

12 (b) Section 31132(4) is amended by—

13 (1) striking “a place in a State and”;

14 (2) in subparagraph (A)—

15 (A) inserting “a place in a State and” be-
16 fore “a place outside that State”; and

17 (B) striking “or”; and

18 (3) in subparagraph (B)—

19 (A) inserting “a place in a State and” be-
20 fore “another place”;

21 (B) striking the period and inserting
22 “and”; and

23 (C) inserting at the end the following:

24 “(C) a foreign country and another foreign
25 country, or between two places in the same for-

1 eign country, to the extent the trade, traffic, or
2 transportation is in the United States.”.

3 **Subtitle B—Driver Safety** 4 **Provisions**

5 **SEC. 5201. COMMERCIAL DRIVER'S LICENSE REQUIRE-** 6 **MENTS.**

7 (a) LICENSING STANDARDS.—Section 31305(a)(7) is
8 amended by inserting “would not be subject to a disquali-
9 fication under section 31310(g) of this title and” after
10 “taking the tests”.

11 (b) DISQUALIFICATIONS.—Section 31310(g)(1) is
12 amended by deleting “who holds a commercial driver’s li-
13 cense and”.

14 **SEC. 5202. DISQUALIFICATIONS BASED ON NON-COMMER-** 15 **CIAL MOTOR VEHICLE OPERATIONS.**

16 (a) FIRST OFFENSE.—Section 31310(b)(1)(D) is
17 amended by deleting “commercial” twice, after “revoked,
18 suspended, or canceled based on the individual’s operation
19 of a” and again after “disqualified from operating a com-
20 mercial motor vehicle based on the individual’s operation
21 of a”.

22 (b) SECOND OFFENSE.—Section 31310(c)(1)(D) is
23 amended by striking “commercial” twice, after “revoked,
24 suspended, or canceled based on the individual’s operation
25 of a” and again after “disqualified from operating a com-

1 commercial motor vehicle based on the individual's operation
2 of a".

3 **SEC. 5203. RECORDING OF FEDERAL DISQUALIFICATIONS**
4 **ON CDLIS.**

5 Section 31311(a)(15) is amended by—

6 (1) inserting "(A)" after "(15)"; and

7 (2) inserting after clause (A), as redesignated,
8 the following:

9 " (B) Not later than 10 days after receiv-
10 ing notice from the Secretary that an individual
11 has been disqualified by the Secretary from op-
12 erating a commercial motor vehicle, the State
13 shall—

14 "(i) disqualify the individual from op-
15 erating a commercial motor vehicle for the
16 period of the Federal disqualification; and

17 "(ii) notify the operator of the infor-
18 mation system under section 31309 of this
19 title to record the disqualification and the
20 violation that resulted in the disqualifica-
21 tion.".

22 **SEC. 5204. FAILURE TO PAY CIVIL PENALTY AS A DISQUALI-**
23 **FYING OFFENSE.**

24 (a) IN GENERAL.—Chapter 311 is amended by in-
25 serting after section 31151 the following:

1 **“§ 31152. Disqualification for failure to pay**

2 “An individual assessed a civil penalty under this
3 chapter, or chapters 5, 51, or 149 of this title, or a regula-
4 tion issued under any of those provisions, who fails to pay
5 the penalty or fails to comply with the terms of a settle-
6 ment with the Secretary, shall be disqualified from oper-
7 ating a commercial motor vehicle. The disqualification
8 shall continue until the penalty has been paid, or the indi-
9 vidual complies with the terms of the settlement, unless
10 such nonpayment is because the individual is a debtor in
11 a case under chapter 11 of title 11, United States Code.”.

12 (b) TECHNICAL AMENDMENTS.—Section 31310 is
13 amended—

14 (1) by redesignating subsections (h) through (k)
15 as subsections (i) through (l), respectively;

16 (2) by inserting after subsection (g) the fol-
17 lowing:

18 “(h) DISQUALIFICATION FOR FAILURE TO PAY.—
19 The Secretary shall disqualify from operating a commer-
20 cial motor vehicle any individual failing to pay a civil pen-
21 alty within the prescribed period, or failing to conform to
22 the terms of any settlement with the Secretary. The dis-
23 qualification shall continue until the penalty has been
24 paid, or the individual conforms to the terms of the settle-
25 ment, unless the nonpayment is because the individual is

1 a debtor in a case under chapter 11 of title 11, United
2 States Code.”; and

3 (3) in subsection (i) (as redesignated by para-
4 graph (1) of this subsection) by striking “Notwith-
5 standing subsections (b) through (g)” and inserting
6 “Notwithstanding subsections (b) through (h)”.

7 (c) CONFORMING AMENDMENT.—The analysis of
8 chapter 311 is amended by inserting after the item relat-
9 ing to section 31151 the following:

“31152. Disqualification for failure to pay.”.

10 **SEC. 5205. CONTROLLED SUBSTANCE VIOLATIONS.**

11 Section 31310(d) is amended by—

12 (1) inserting after “CONTROLLED SUBSTANCE
13 VIOLATIONS.—” the following:

14 “(1) An individual who receives a verified posi-
15 tive DOT drug test is disqualified from operating a
16 commercial motor vehicle and remains disqualified
17 until the individual completes the substance abuse
18 professional evaluation and treatment and return to
19 duty process under part 40, subpart O of title 49,
20 Code of Federal Regulations.”; and

21 (2) inserting “(2)” before “The Secretary”.

1 **Subtitle C—Medical and**
2 **Registration Provisions**

3 **SEC. 5301. EFFECT OF DRIVING ON COMMERCIAL MOTOR**
4 **VEHICLE OPERATORS.**

5 Section 31136(a)(4) is amended to read as follows:

6 “(4) the operation of commercial motor vehicles
7 does not have a significantly adverse effect on the
8 physical condition of the operators; and”.

9 **SEC. 5302. REPEAL OF COMMERCIAL JURISDICTION EXCEP-**
10 **TION FOR BROKERS OF MOTOR CARRIERS OF**
11 **PASSENGERS.**

12 Section 13506(a) is amended by deleting paragraph
13 (14) and redesignating paragraph (15) as paragraph (14).

14 **SEC. 5303. REVOCATION OR SUSPENSION OF REGISTRA-**
15 **TION.**

16 Section 31134(c) is amended—

17 (1) by striking “The Secretary” and inserting
18 “(1) IN GENERAL.—The Secretary”;

19 (2) by redesignating paragraphs (1) through
20 (4) as subparagraphs (A) through (D), respectively;

21 (3) in subparagraph (1)(B) (as redesignated),
22 by striking “knowingly failed to comply with the re-
23 quirements listed in subsection (b)(1)” and inserting

24 “willfully failed to comply with—

25 “(i) this part;

1 “(ii) an applicable regulation or order
2 of the Secretary; or

3 “(iii) a condition of the registration.”;

4 (4) in subparagraph (1)(C) (as redesignated)—

5 (A) by striking “has not disclosed” and in-
6 serting “has—

7 “(i) failed to disclose”; and

8 (B) after the semicolon, inserting “or

9 “(ii) operated under a new identity or
10 as an affiliate to avoid—

11 “(I) an order of the Secretary;

12 “(II) a statutory or regulatory
13 requirement;

14 “(III) a civil penalty imposed
15 under chapter 5, 51, 149, or 311;

16 “(IV) an enforcement action ini-
17 tiated by the Secretary;

18 “(V) a final, proposed or poten-
19 tial adverse safety fitness determina-
20 tion; or

21 “(VI) a negative compliance his-
22 tory;”;

23 (5) in subparagraph (1)(D) (as redesignated),
24 by striking the period and inserting a semicolon; and

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

1 “(E) subject to paragraph (3) of this sub-
2 section, the employer or person failed—

3 “(i) to pay a civil penalty imposed
4 under chapter 5, 51, 149, or 311 of this
5 title;

6 “(ii) to arrange and abide by an ac-
7 ceptable payment plan for such civil pen-
8 alty, not later than 90 days after the date
9 specified by order of the Secretary for the
10 payment of such penalty; or

11 “(iii) to obey a subpoena issued by the
12 Secretary; or

13 “(F) the employer or person failed to dis-
14 close, in its application for registration, a mate-
15 rial fact relevant to its willingness and ability to
16 comply with—

17 “(i) this part;

18 “(ii) an applicable regulation or order
19 of the Secretary; or

20 “(iii) a condition of its registration.

21 “(2) SAFETY FITNESS; IMMINENT HAZARD.—

22 “(A) EXPEDITED PROCEDURE.—Notwith-
23 standing subchapter II of chapter 5 of title 5,
24 and subject to section 31144(c) of this title, the

1 Secretary shall revoke the registration of an
2 employer or person if the employer or person—

3 “(i) has been prohibited from oper-
4 ating a commercial motor vehicle in inter-
5 state commerce for failure to comply with
6 the safety fitness requirements of section
7 31144 of this title; or

8 “(ii) is or was conducting unsafe oper-
9 ations that are or were an imminent haz-
10 ard (as defined in section 521(b)(5)(B) of
11 this title) to public health or property.

12 “(B) NOTICE OF REVOCATION.—The Sec-
13 retary may revoke a registration under this
14 paragraph only after giving notice of the rev-
15 ocation to the registrant.

16 “(3) LIMITATION.—Paragraph (1)(E) (i) and
17 (ii) shall not apply to a person who is unable to pay
18 a civil penalty because the person is a debtor in a
19 case under chapter 11 of title 11.”.

20 **SEC. 5304. REVOCATION OF REGISTRATION FOR FAILURE**
21 **TO RESPOND TO SUBPOENA.**

22 Section 525 is amended by inserting “subchapter III
23 of chapter 311 or” before “chapter 139”.

1 **SEC. 5305. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**
2 **PENSION OF REGISTRATION.**

3 Section 13906(e) is amended by inserting “or sus-
4 pend” after “revoke”.

5 **Subtitle D—Grants and**
6 **Authorizations**

7 **SEC. 5401. FMCSA FINANCIAL ASSISTANCE PROGRAMS.**

8 (a) DEFINITION.—Section 31101 is amended—

9 (1) by redesignating paragraph (4) as para-
10 graph (5); and

11 (2) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) ‘Secretary’ means the Secretary of Trans-
14 portation.”.

15 (b) MCSAP AND HIGH PRIORITY PROGRAMS;
16 FMCSA AUTHORIZATIONS.—Sections 31102 through
17 31104 are amended to read as follows:

18 **“§ 31102. Motor carrier safety assistance program**

19 “(a) IN GENERAL.—

20 “(1) The Secretary shall administer a Motor
21 Carrier Safety Assistance Program funded under
22 section 31104 of this title.

23 “(2) The goal of the program is to ensure that
24 the Secretary, States, local governments, other polit-
25 ical jurisdictions, Federally recognized Indian
26 Tribes, and other persons work in partnership to es-

1 establish programs to improve motor carrier, commer-
2 cial motor vehicle, and driver safety to support a
3 safe and efficient surface transportation system by—

4 “(A) making targeted investments to pro-
5 mote safe commercial motor vehicle transpor-
6 tation, including the transportation of pas-
7 sengers and hazardous materials;

8 “(B) investing in activities likely to gen-
9 erate maximum reductions in the number and
10 severity of commercial motor vehicle crashes
11 and fatalities resulting from such crashes;

12 “(C) adopting and enforcing effective
13 motor carrier, commercial motor vehicle, and
14 driver safety regulations and practices con-
15 sistent with Federal requirements; and

16 “(D) assessing and improving statewide
17 performance by setting program goals and
18 meeting performance standards, measures, and
19 benchmarks.

20 “(b) STATE PLANS.—The Secretary shall prescribe
21 procedures for a State to submit a plan under which the
22 State agrees to assume responsibility for improving motor
23 carrier safety, adopting and enforcing regulations, stand-
24 ards, and orders of the Government on commercial motor
25 vehicle and hazardous materials transportation safety, and

1 adopting and enforcing compatible State regulations,
2 standards, and orders. The Secretary shall approve a plan
3 if the Secretary decides that the plan is adequate to pro-
4 mote the objectives of this section, and the plan—

5 “(1) implements performance-based activities,
6 including deployment of technology to enhance the
7 efficiency and effectiveness of commercial motor ve-
8 hicle safety programs;

9 “(2) designates a lead State motor vehicle safe-
10 ty agency responsible for administering the plan
11 throughout the State;

12 “(3) contains satisfactory assurances that the
13 lead State agency has or will have the legal author-
14 ity, resources, and qualified personnel necessary to
15 enforce the regulations, standards, and orders;

16 “(4) contains satisfactory assurances that the
17 State will devote adequate resources to the adminis-
18 tration of the plan and enforcement of the regula-
19 tions, standards, and orders;

20 “(5) provides a right of entry and inspection to
21 carry out the plan;

22 “(6) provides that all reports required under
23 this section be available to the Secretary on request;

24 “(7) provides that the lead State agency will
25 adopt the reporting requirements and use the forms

1 for recordkeeping, inspections, and investigations
2 that the Secretary prescribes;

3 “(8) requires registrants of commercial motor
4 vehicles to demonstrate knowledge of applicable safe-
5 ty regulations, standards, and orders of the Govern-
6 ment and the State;

7 “(9) provides that the State will grant max-
8 imum reciprocity for inspections conducted under
9 the North American Inspection Standards through
10 the use of a nationally accepted system that allows
11 ready identification of previously inspected commer-
12 cial motor vehicles;

13 “(10) ensures that activities described in sub-
14 section (g) of this section, if financed through grants
15 made under this section, will not diminish the effec-
16 tiveness of the development and implementation of
17 commercial motor vehicle safety programs described
18 in subsection (a) of this section;

19 “(11) ensures that the lead State agency will
20 coordinate the plan, data collection, and information
21 systems with the State highway safety improvement
22 program required under section 148(e) of title 23;

23 “(12) ensures participation in appropriate Fed-
24 eral Motor Carrier Safety Administration informa-
25 tion technology and data systems and other informa-

1 tion systems by all appropriate jurisdictions receiv-
2 ing Motor Carrier Safety Assistance Program fund-
3 ing;

4 “(13) ensures that information is exchanged
5 among the States in a timely manner;

6 “(14) provides satisfactory assurances that the
7 State will undertake efforts that will emphasize and
8 improve enforcement of State and local traffic safety
9 laws and regulations related to commercial motor ve-
10 hicle safety;

11 “(15) provides satisfactory assurances that the
12 State will promote activities in support of national
13 priorities and performance goals, including—

14 “(A) activities aimed at removing impaired
15 commercial motor vehicle drivers from the high-
16 ways of the United States through adequate en-
17 forcement of regulations on the use of alcohol
18 and controlled substances and by ensuring
19 ready roadside access to alcohol detection and
20 measuring equipment;

21 “(B) activities aimed at providing an ap-
22 propriate level of training to State Motor Car-
23 rier Safety Assistance Program officers and em-
24 ployees on recognizing drivers impaired by alco-
25 hol or controlled substances; and

1 “(C) when conducted with an appropriate
2 commercial motor vehicle inspection, interdiction
3 activities, and appropriate strategies for
4 carrying out those activities, including activities
5 that affect the transportation of controlled substances,
6 as defined under section 102 of the
7 Comprehensive Drug Abuse Prevention and
8 Control Act of 1970 (21 U.S.C. 802) and listed
9 in part 1308 of title 21, Code of Federal Regulations,
10 as updated and republished from time
11 to time, by any occupant of a commercial motor
12 vehicle;

13 “(16) provides that the State has established
14 and dedicated sufficient resources to a program to
15 ensure that—

16 “(A) the State collects and reports to the
17 Secretary accurate, complete, and timely motor
18 carrier safety data; and

19 “(B) the State participates in a national
20 motor carrier safety data correction system prescribed
21 by the Secretary;

22 “(17) ensures that the State will cooperate in
23 the enforcement of financial responsibility requirements
24 under sections 13906, 31138, and 31139 of

1 this title, and regulations issued under these sec-
2 tions;

3 “(18) ensures consistent, effective, and reason-
4 able sanctions;

5 “(19) ensures that roadside inspections will be
6 conducted at locations that are adequate to protect
7 the safety of drivers and enforcement personnel;

8 “(20) provides that the State will include in the
9 training manuals for the licensing examination to
10 drive both noncommercial motor vehicles and com-
11 mercial motor vehicles information on best practices
12 for driving safely in the vicinity of noncommercial
13 and commercial motor vehicles;

14 “(21) provides that the State will enforce the
15 registration requirements of sections 13902 and
16 31134 of this title by prohibiting the operation of
17 any vehicle discovered to be operated by a motor
18 carrier without a registration issued under these sec-
19 tions or to be operated beyond the scope of the
20 motor carrier’s registration;

21 “(22) provides that the State will conduct com-
22 prehensive and highly visible traffic enforcement and
23 commercial motor vehicle safety inspection programs
24 in high-risk locations and corridors;

1 “(23) except in the case of an imminent hazard
2 or obvious safety hazard, ensures that an inspection
3 of a vehicle transporting passengers for a motor car-
4 rier of passengers is conducted at a station, ter-
5 minal, border crossing, maintenance facility, destina-
6 tion, or other location where adequate food, shelter,
7 and sanitation facilities are available for passengers,
8 and reasonable accommodations are available for
9 passengers with disabilities;

10 “(24) ensures that the State will transmit to its
11 roadside inspectors the notice of each Federal ex-
12 emption granted pursuant to section 31315(b) of
13 this title and 49 C.F.R. 390.23 and 390.25 and pro-
14 vided to the State by the Secretary, including the
15 name of the person granted the exemption and any
16 terms and conditions that apply to the exemption;

17 “(25) except as provided in subsection (c) of
18 this section, provides that the State will conduct
19 safety audits of new entrant motor carriers pursuant
20 to section 31144(g) of this title;

21 “(26) provides that the State agrees to fully
22 participate in the Performance and Registration In-
23 formation System Management under section
24 31106(b) of this title no later than 3 years from the
25 date of enactment of this provision by complying

1 with the program participation requirements estab-
2 lished in section 31106(b)(3) of this title; and

3 “(27) for a State that shares a land border
4 with another country, provides that the State—

5 “(A) will conduct a border commercial
6 motor vehicle safety program that includes en-
7 forcement and related projects; or

8 “(B) if it declines to include appropriate
9 border related activities in its plan, will forfeit
10 a proportionate level of funding as determined
11 by the Secretary.

12 “(c) EXCLUSION OF U.S. TERRITORIES.—The re-
13 quirement that a State conduct safety audits of new en-
14 trant motor carriers under subsection (b)(25) of this sec-
15 tion does not apply to a territory of the United States
16 unless required by the Secretary.

17 “(d) INTRASTATE COMPATIBILITY.—The Secretary
18 shall prescribe regulations specifying tolerance guidelines
19 and standards for ensuring compatibility of intrastate
20 commercial motor vehicle safety laws and regulations with
21 Government motor carrier safety regulations to be en-
22 forced under subsection (a) of this section. To the extent
23 practicable, the guidelines and standards shall allow for
24 maximum flexibility while ensuring a degree of uniformity
25 that will not diminish transportation safety.

1 “(e) MAINTENANCE OF EFFORT.—

2 “(1) IN GENERAL.—A plan submitted by a
3 State under subsection (b) of this section shall pro-
4 vide that the total expenditure of amounts of the
5 lead State agency responsible for administering the
6 plan will be maintained at a level each fiscal year at
7 least equal to the average level of that expenditure
8 for fiscal years 2004 and 2005.

9 “(2) AVERAGE LEVEL OF STATE EXPENDI-
10 TURES.—In estimating the average level of State ex-
11 penditure under paragraph (1) of this subsection,
12 the Secretary—

13 “(A) may allow the State to exclude State
14 expenditures for Government-sponsored dem-
15 onstration and pilot programs and strike forces;

16 “(B) may allow the State to exclude ex-
17 penditures for activities related to border en-
18 forcement and new entrant safety audits; and

19 “(C) shall require the State to exclude
20 State matching amounts used to receive Gov-
21 ernment financing under this section.

22 “(3) WAIVERS.—Upon the request of a State,
23 the Secretary may waive or modify the requirements
24 of this subsection for the period of the plan, if the

1 Secretary determines that a waiver is equitable due
2 to exceptional or uncontrollable circumstances.

3 “(f) USE OF UNIFIED CARRIER REGISTRATION FEES
4 AGREEMENT.—Amounts generated under section 14504a
5 of this title and received by a State and used for motor
6 carrier safety purposes may be included as part of the
7 State’s share of the Motor Carrier Safety Assistance Pro-
8 gram not provided by the Government.

9 “(g) USE OF GRANTS TO ENFORCE OTHER LAWS.—
10 A State may use amounts received under a grant under
11 this section—

12 “(1) if the activities are carried out in conjunc-
13 tion with an appropriate inspection of a commercial
14 motor vehicle to enforce Federal or State commercial
15 motor vehicle safety regulations, for the—

16 “(A) enforcement of commercial motor ve-
17 hicle size and weight limitations at locations
18 (excluding fixed weight facilities) such as near
19 steep grades or mountainous terrains, where
20 the weight of a commercial motor vehicle can
21 significantly affect the safe operation of the ve-
22 hicle, or at ports where intermodal shipping
23 containers enter and leave the United States;
24 and

1 “(B) detection of and enforcement actions
2 taken as a result of criminal activity, including
3 the trafficking of human beings, in a commer-
4 cial motor vehicle or by any occupant, including
5 the operator, of the vehicle;

6 “(2) for documented enforcement of State traf-
7 fic laws and regulations designed to promote the
8 safe operation of commercial motor vehicles, includ-
9 ing documented enforcement of such laws and regu-
10 lations relating to noncommercial motor vehicles
11 when necessary to promote the safe operation of
12 commercial motor vehicles, provided:

13 “(A) the number of motor carrier safety
14 activities (including roadside safety inspections)
15 conducted in the State is maintained at a level
16 at least equal to the average level of such activi-
17 ties conducted in the State in fiscal years 2004
18 and 2005; and

19 “(B) the State does not use more than 5
20 percent of the basic amount the State receives
21 under a grant under this section for enforce-
22 ment activities relating to noncommercial motor
23 vehicles unless the Secretary determines that a
24 higher percentage will result in significant in-
25 creases in commercial motor vehicle safety; and

1 “(3) for the enforcement of household goods
2 regulations on intrastate and interstate carriers, pro-
3 vided that the State has adopted laws or regulations
4 compatible with the Federal household goods regula-
5 tions.

6 “(h) EVALUATION OF PLAN AND AWARD OF
7 GRANT.—

8 “(1) AWARD.—The Secretary may allocate the
9 amounts appropriated among the States whose plans
10 have been approved under criteria that the Secretary
11 establishes.

12 “(2) OPPORTUNITY TO CURE.—If the Secretary
13 disapproves a plan under this section, the Secretary
14 shall give the State a written explanation of the rea-
15 sons for disapproval and allow the State to modify
16 and resubmit the plan for approval.

17 “(i) PLAN MONITORING.—

18 “(1) IN GENERAL.—On the basis of reports
19 submitted by the lead State agency responsible for
20 administering a plan approved under this section
21 and the Secretary’s own investigations, the Secretary
22 shall make a continuing evaluation of the way the
23 State is carrying out the plan.

24 “(2) WITHHOLDING OF FUNDS.—If, after no-
25 tice and an opportunity to be heard, the Secretary

1 finds that the State plan previously approved is not
2 being followed or has become inadequate to ensure
3 enforcement of the regulations, standards, or orders,
4 the Secretary may withdraw approval of the plan
5 and notify the State. The plan is no longer in effect
6 once the notice is received. In lieu of withdrawing
7 approval of the plan, the Secretary may withhold
8 funding from the State to which the State would
9 otherwise be entitled under this section for the pe-
10 riod of the State's noncompliance. In exercising this
11 option, the Secretary may withhold up to 10 percent
12 of funds for the year that the Secretary notifies the
13 State of its noncompliance, up to 10 percent of
14 funds for the first full year of noncompliance, up to
15 25 percent of funds for the second full year of non-
16 compliance, and not less than 50 percent of funds
17 for the third and subsequent full years of noncompli-
18 ance.

19 “(3) JUDICIAL REVIEW.—A State adversely af-
20 fected by the Secretary's action under paragraph (2)
21 of this subsection may seek judicial review under
22 chapter 7 of title 5. Notwithstanding withdrawal of
23 a plan approval, the State may retain jurisdiction in
24 administrative or judicial proceedings begun before

1 the withdrawal if the issues involved are not related
2 directly to the reasons for the withdrawal.

3 “(j) ALLOCATION OF MCSAP FUNDS.—On October
4 1 of each fiscal year, or as soon as practicable after that
5 date, and after making a deduction under section
6 31104(a)(3) of this title, the Secretary shall allocate
7 amounts made available to carry out this section for the
8 fiscal year among the States with plans approved under
9 this section. The allocation shall be made under criteria
10 prescribed by the Secretary.

11 **“§ 31103. High priority program**

12 “(a) IN GENERAL.—The Secretary shall administer
13 a High Priority Program funded under section 31104 of
14 this title.

15 “(b) PURPOSE.—The purpose of the program is to
16 make grants to and cooperative agreements with States,
17 local governments, other political jurisdictions, Federally
18 recognized Indian Tribes, and any person to carry out
19 high priority activities and projects, including activities
20 and projects that—

21 “(1) increase public awareness and education
22 on commercial motor vehicle safety;

23 “(2) target unsafe driving of commercial motor
24 vehicles and non-commercial motor vehicles in areas
25 identified as high-risk crash corridors;

1 “(3) support the enforcement of household
2 goods regulations on intrastate and interstate car-
3 riers, provided that the State has adopted laws or
4 regulations compatible with the Federal household
5 good regulations;

6 “(4) improve the safe and secure movement of
7 hazardous materials and the transportation of goods
8 and persons in foreign commerce;

9 “(5) demonstrate new technologies to improve
10 commercial motor vehicle safety;

11 “(6) otherwise improve commercial motor vehi-
12 cle safety and compliance with commercial motor ve-
13 hicle safety regulations; or

14 “(7) support participation in the Performance
15 and Registration Information System Management
16 under section 31106(b) of this title.

17 “(c) SAFETY DATA IMPROVEMENT.—

18 “(1) IN GENERAL.—In addition to the activities
19 and projects under subsection (b) of this section and
20 subject to paragraph (2) of this subsection, the Sec-
21 retary may make a grant to or cooperative agree-
22 ment with a State under this section to improve the
23 accuracy, timeliness, and completeness of commer-
24 cial motor vehicle safety data reported to the Sec-
25 retary.

1 “(2) ELIGIBILITY.—A State shall be eligible for
2 funding under this subsection in a fiscal year if the
3 Secretary determines that the State has—

4 “(A) conducted a comprehensive audit of
5 its commercial motor vehicle safety data system
6 within the preceding 2 years;

7 “(B) developed a plan that identifies and
8 prioritizes its commercial motor vehicle safety
9 data needs and goals; and

10 “(C) identified performance-based meas-
11 ures to determine progress toward those goals.

12 **“§ 31104. Availability of amounts**

13 “(a) FINANCIAL ASSISTANCE PROGRAMS.—

14 “(1) IN GENERAL.—The following sums are au-
15 thorized to be appropriated from the Highway Ac-
16 count of the Transportation Trust Fund for the fol-
17 lowing Federal Motor Carrier Safety Administration
18 programs:

19 “(A) GRANT PROGRAM FOR THE MOTOR
20 CARRIER SAFETY ASSISTANCE PROGRAM.—Sub-
21 ject to paragraph 3 of this subsection, to carry
22 out sections 31102 and 31103 of this title—

23 “(i) \$284,343,000 for fiscal year
24 2016;

1 “(ii) \$309,081,000 for fiscal year
2 2017;

3 “(iii) \$332,081,000 for fiscal year
4 2018;

5 “(iv) \$342,081,000 for fiscal year
6 2019;

7 “(v) \$351,081,000 for fiscal year
8 2020; and

9 “(vi) \$359,081,000 for fiscal year
10 2021.

11 “(B) FINANCIAL ASSISTANCE PROGRAM
12 FOR HIGH PRIORITY ACTIVITIES.—To make
13 grants and cooperative agreements under sec-
14 tion 31103 of this title, the Secretary may set
15 aside from amounts made available under sub-
16 paragraph (A) of this paragraph up to—

17 “(i) \$23,526,000 for fiscal year 2016;

18 “(ii) \$29,704,000 for fiscal year 2017;

19 “(iii) \$29,704,000 for fiscal year
20 2018;

21 “(iv) \$29,704,000 for fiscal year
22 2019;

23 “(v) \$29,704,000 for fiscal year 2020;
24 and

1 “(vi) \$29,704,000 for fiscal year
2 2021.

3 “(C) GRANT PROGRAM FOR INNOVATIVE
4 TECHNOLOGY.—To carry out section 31109 of
5 this title—

6 “(i) \$20,000,000 for fiscal year 2016;

7 “(ii) \$22,500,000 for fiscal year 2017;

8 “(iii) \$25,000,000 for fiscal year
9 2018;

10 “(iv) \$25,000,000 for fiscal year
11 2019;

12 “(v) \$25,000,000 for fiscal year 2020;

13 and

14 “(vi) \$25,000,000 for fiscal year
15 2021.

16 “(D) FINANCIAL ASSISTANCE PROGRAM
17 FOR COMMERCIAL DRIVER’S LICENSE PROGRAM
18 IMPLEMENTATION.—To carry out section
19 31313 of this title—

20 “(i) \$34,000,000 for fiscal year 2016;

21 “(ii) \$39,196,000 for fiscal year 2017;

22 “(iii) \$39,196,000 for fiscal year
23 2018;

24 “(iv) \$39,196,000 for fiscal year
25 2019;

1 “(v) \$39,196,000 for fiscal year 2020;

2 and

3 “(vi) \$39,196,000 for fiscal year
4 2021.

5 “(E) GRANT PROGRAM FOR COMMERCIAL
6 MOTOR VEHICLE OPERATORS.—To carry out
7 section 31110 of this title, \$1,000,000 for each
8 fiscal year, 2016 through 2021.

9 “(2) REIMBURSEMENT FOR GOVERNMENT’S
10 SHARE OF COSTS.—Amounts made available under
11 this section shall be used to reimburse financial as-
12 sistance recipients proportionally for the United
13 States Government’s share of the costs incurred.

14 “(3) DEDUCTION FOR PARTNER TRAINING AND
15 PROGRAM SUPPORT.—On October 1 of each fiscal
16 year or as soon after that date as practicable, the
17 Secretary may deduct, from amounts made available
18 under subparagraphs (A), (C), and (D) of paragraph
19 1 of this subsection for that fiscal year, not more
20 than 1.50 percent of those amounts for partner
21 training and program support in that fiscal year.
22 The Secretary shall use at least 75 percent of those
23 deducted amounts to train non-Government employ-
24 ees and to develop related training materials in car-
25 rying out these programs.

1 “(4) GRANTS AND COOPERATIVE AGREEMENTS
2 AS CONTRACTUAL OBLIGATIONS.—The approval of a
3 grant or cooperative agreement by the Secretary
4 under section 31102, 31103, 31109, 31110, or
5 31313 of this title is a contractual obligation of the
6 Government for payment of the Government’s share
7 of costs in carrying out the provisions of the grant
8 or cooperative agreement.

9 “(5) ELIGIBLE ACTIVITIES.—The Secretary
10 shall establish criteria for eligible activities to be
11 funded with grants or cooperative agreements under
12 this section and publish those criteria in a notice of
13 funding availability before the program application
14 period.

15 “(6) REIMBURSEMENT.—The Secretary shall
16 reimburse a recipient, from a grant or cooperative
17 agreement made under section 31102, 31103,
18 31109, 31110, or 31313 of this title, an amount
19 that is at least 85 percent of the costs incurred by
20 the recipient in a fiscal year in developing and im-
21 plementing programs under these sections.

22 “(7) PAYMENT TO RECIPIENTS FOR COSTS.—
23 Each recipient shall submit vouchers at least quar-
24 terly for costs the recipient incurs in developing and
25 implementing programs under section 31102, 31103,

1 31109, 31110, or 31313 of this title. The Secretary
2 shall pay the recipient an amount not more than the
3 Government share of the costs incurred as of the
4 date of the vouchers. The Secretary shall include a
5 recipient’s in-kind contributions in determining the
6 reimbursement.

7 “(8) AVAILABILITY OF ALLOCATIONS.—Grants
8 or cooperative agreements to carry out section
9 31102, 31103, 31109, 31110, or 31313 of this title
10 remain available for expenditure by the recipient for
11 the fiscal year in which they are allocated and for
12 the next two fiscal years. Amounts not expended
13 during the time permitted are released to the Sec-
14 retary for reallocation.

15 “(b) ADMINISTRATIVE EXPENSES.—

16 “(1) AUTHORIZATION OF APPROPRIATIONS.—
17 The following sums are authorized to be appro-
18 priated from the Highway Account of the Transpor-
19 tation Trust Fund for the Secretary of Transpor-
20 tation to pay administrative expenses of the Federal
21 Motor Carrier Safety Administration—

22 “(A) \$329,180,000 for fiscal year 2016;

23 “(B) \$375,823,000 for fiscal year 2017;

24 “(C) \$399,723,000 for fiscal year 2018;

25 “(D) \$391,723,000 for fiscal year 2019;

1 “(E) \$399,723,000 for fiscal year 2020;
2 and

3 “(F) \$406,723,000 for fiscal year 2021.

4 “(2) USE OF FUNDS.—The funds authorized by
5 this subsection shall be used for personnel costs; ad-
6 ministrative infrastructure; rent; information tech-
7 nology; programs for research and technology, infor-
8 mation management, regulatory development, the
9 administration of the performance and registration
10 information system management, and outreach and
11 education; to fund the facilities working capital
12 fund; other operating expenses; and such other ex-
13 penses as may from time to time become necessary
14 to implement statutory mandates of the Federal
15 Motor Carrier Safety Administration not funded
16 from other sources.

17 “(3) OUTREACH AND EDUCATION.—

18 “(A) IN GENERAL.—The Secretary shall
19 conduct, through any combination of grants,
20 contracts, or cooperative agreements, an out-
21 reach and education program to be adminis-
22 tered by the Federal Motor Carrier Safety Ad-
23 ministration.

24 “(B) PROGRAM ELEMENTS.—The program
25 shall include, at a minimum—

1 “(i) a program to promote a more
2 comprehensive and national effort to edu-
3 cate commercial motor vehicle drivers and
4 passenger vehicle drivers about how com-
5 mercial motor vehicle drivers and pas-
6 senger vehicle drivers can more safely
7 share the road with each other;

8 “(ii) a program to promote enhanced
9 traffic enforcement efforts aimed at reduc-
10 ing the incidence of the most common un-
11 safe driving behaviors that cause or con-
12 tribute to crashes involving commercial
13 motor vehicles and passenger vehicles; and

14 “(iii) a program to establish a public-
15 private partnership to provide resources
16 and expertise for the development and dis-
17 semination of information relating to shar-
18 ing the road referred to in clauses (i) and
19 (ii) of this subparagraph to each partner’s
20 constituents and to the general public
21 through the use of brochures, videos, paid
22 and public advertisements, the Internet,
23 and other media.

24 “(C) FUNDING.—From amounts made
25 available in paragraph (1) of this subsection,

1 the Secretary shall make available in support of
2 the office of Outreach and Education such
3 sums as may be necessary to conduct the Out-
4 reach and Education Program.

5 “(D) FEDERAL SHARE.—The Federal
6 share of a program or activity for which a grant
7 or cooperative agreement is made under this
8 paragraph shall be at least 85 percent of the
9 cost of such program or activity.

10 “(4) MOTOR CARRIER SAFETY FACILITY WORK-
11 ING CAPITAL FUND.—

12 “(A) IN GENERAL.—The Secretary may es-
13 tablish a motor carrier safety facility working
14 capital fund.

15 “(B) PURPOSE.—Amounts in the fund
16 shall be available for modernization, construc-
17 tion, leases and expenses related to vacating,
18 occupying, maintaining and expanding motor
19 carrier safety facilities.

20 “(C) AVAILABILITY.—Amounts in the fund
21 shall be available without regard to fiscal year
22 limitation.

23 “(D) FUNDING.—Amounts may be appro-
24 priated to the fund from the amounts made
25 available paragraph (1) of this subsection.

1 “(E) FUND TRANSFERS.—The Agency
2 may transfer funds to the working capital fund
3 from the amounts made available in paragraph
4 (1) of this subsection.

5 “(c) CONTRACT AUTHORITY; INITIAL DATE OF
6 AVAILABILITY.—Amounts authorized from the Highway
7 Account of the Transportation Trust Fund by this section
8 shall be available for obligation on the date of their appor-
9 tionment or allocation or on October 1 of the fiscal year
10 for which they are authorized, whichever occurs first.

11 “(d) FUNDING AVAILABILITY.—Amounts made avail-
12 able under this section remain available until expended.”.

13 (c) INNOVATIVE TECHNOLOGY DEPLOYMENT
14 GRANTS.—Section 31109 is amended to read as follows:

15 **“§ 31109. Innovative technology deployment grants**

16 “(a) IN GENERAL.—

17 “(1) PROGRAM.—The Secretary shall admin-
18 ister an innovative technology program funded under
19 section 31104 of this title.

20 “(2) GOAL.—The goal of the program is to sup-
21 port and maintain a commercial motor vehicle infor-
22 mation systems and networks program to—

23 “(A) link Federal motor carrier safety in-
24 formation systems with State commercial motor
25 vehicle systems;

1 “(B) improve the safety and productivity
2 of commercial motor vehicles and drivers; and

3 “(C) reduce costs associated with commer-
4 cial motor vehicle operations and Federal and
5 State commercial vehicle regulatory require-
6 ments.

7 “(b) PURPOSE.—The program shall advance the
8 technological capability and promote the deployment of in-
9 telligent transportation system applications for commer-
10 cial motor vehicle operations, including commercial motor
11 vehicle, commercial driver, and carrier-specific information
12 systems and networks.

13 “(c) DEPLOYMENT GRANTS.—

14 “(1) IN GENERAL.—The Secretary shall make
15 grants to eligible States for the deployment of com-
16 mercial motor vehicle information systems and net-
17 works.

18 “(2) USE OF FUNDS.—Funds from a grant
19 under this section may be used for deployment ac-
20 tivities and activities to develop new and innovative
21 advanced technology solutions that support commer-
22 cial motor vehicle information systems and networks.

23 “(d) ELIGIBILITY.—To be eligible for a grant under
24 this section, a State—

1 “(1) shall have a commercial motor vehicle in-
2 formation systems and networks program plan ap-
3 proved by the Secretary that describes the various
4 systems and networks at the State level that need to
5 be refined, revised, upgraded, or built to accomplish
6 deployment of commercial motor vehicle information
7 systems and networks capabilities;

8 “(2) shall certify to the Secretary that its com-
9 mercial motor vehicle information systems and net-
10 works deployment activities, including hardware pro-
11 curement, software and system development, and in-
12 frastructure modifications—

13 “(A) are consistent with the national intel-
14 ligent transportation systems and commercial
15 motor vehicle information systems and networks
16 architectures and available standards; and

17 “(B) promote interoperability and effi-
18 ciency to the extent practicable; and

19 “(3) shall agree to execute interoperability tests
20 developed by the Federal Motor Carrier Safety Ad-
21 ministration to verify that its systems conform with
22 the national intelligent transportation systems archi-
23 tecture, applicable standards, and protocols for com-
24 mercial motor vehicle information systems and net-
25 works.

1 “(e) DEFINITIONS.—In this section:

2 “(1) ‘Commercial motor vehicle information
3 systems and networks’ means the information sys-
4 tems and communications networks that provide the
5 capability to—

6 “(A) improve the safety of commercial
7 motor vehicle operations;

8 “(B) increase the efficiency of regulatory
9 inspection processes to reduce administrative
10 burdens by advancing technology to facilitate
11 inspections and increase the effectiveness of en-
12 forcement efforts;

13 “(C) advance electronic processing of reg-
14 istration information, driver licensing informa-
15 tion, fuel tax information, inspection and crash
16 data, and other safety information;

17 “(D) enhance the safe passage of commer-
18 cial motor vehicles across the United States and
19 across international borders; and

20 “(E) promote the communication of infor-
21 mation among the States and encourage
22 multistate cooperation and corridor develop-
23 ment.

24 “(2) ‘Commercial motor vehicle operations’—

1 “(A) means motor carrier operations and
2 commercial motor vehicle regulatory activities
3 associated with the commercial motor vehicle
4 movement of goods, including property, haz-
5 arduous materials, and passengers; and

6 “(B) with respect to the public sector, in-
7 cludes the issuance of operating credentials, the
8 administration of commercial motor vehicle and
9 fuel taxes, and roadside safety and border
10 crossing inspection and regulatory compliance
11 operations.

12 “(3) ‘Deployment’ means, at a minimum, the
13 implementation of systems in a State necessary to
14 provide the State with the following capabilities:

15 “(A) A safety information exchange to—

16 “(i) electronically collect and transmit
17 commercial motor vehicle and driver in-
18 spection data at a majority of inspection
19 sites in the State;

20 “(ii) connect to the safety and fitness
21 electronic records system for access to
22 interstate carrier and commercial motor
23 vehicle data, summaries of past safety per-
24 formance, and commercial motor vehicle
25 credentials information; and

1 “(iii) exchange carrier data and com-
2 mercial motor vehicle safety and creden-
3 tials information within the State and con-
4 nect to such system for access to interstate
5 carrier, commercial motor vehicle, and
6 commercial driver data.

7 “(B) Interstate credentials administration
8 to—

9 “(i) perform end-to-end processing,
10 including carrier application, jurisdiction
11 application processing, and credential
12 issuance, of at least the international reg-
13 istration plan and international fuel tax
14 agreement credentials and extend this
15 processing to other credentials, including
16 intrastate registration, vehicle titling, over-
17 size vehicle permits, overweight vehicle per-
18 mits, carrier registration, and hazardous
19 materials permits; and

20 “(ii) connect to such plan and agree-
21 ment clearinghouses.

22 “(C) Roadside electronic screening to elec-
23 tronically screen commercial vehicles at a min-
24 imum of one fixed or mobile inspection site in
25 the State.”.

1 (d) DRIVER TRAINING GRANT PROGRAM.—Chapter
2 311 is amended by inserting after section 31109 (as
3 amended by subsection (c) of this section) the following:

4 **“§ 31110. Commercial motor vehicle operators grant**
5 **program**

6 “(a) IN GENERAL.—The Secretary shall administer
7 a Commercial Motor Vehicle Operators Grant Program
8 funded under section 31104 of this title.

9 “(b) PURPOSE.—The purpose of the program is to
10 train individuals in the safe operation of commercial motor
11 vehicles as defined under section 31301 of this title.”.

12 (e) Section 31313 is amended to read as follows:

13 **“§ 31313. Financial assistance program for commer-**
14 **cial driver’s license program implementa-**
15 **tion**

16 “(a) IN GENERAL.—

17 “(1) PURPOSE.—The Secretary of Transpor-
18 tation may make a grant to a State agency in a fis-
19 cal year—

20 “(A) to comply with the requirements of
21 section 31311 of this title;

22 “(B) in the case of a State that is making
23 a good faith effort toward substantial compli-
24 ance with the requirements of section 31311 of
25 this title, to improve its implementation of its

1 commercial driver's license program, including
2 expenses—

3 “(i) for computer hardware and soft-
4 ware;

5 “(ii) for publications, testing, per-
6 sonnel, training, and quality control;

7 “(iii) for commercial driver's license
8 program coordinators; and

9 “(iv) to implement or maintain a sys-
10 tem to notify an employer of an operator
11 of a commercial motor vehicle of the sus-
12 pension or revocation of the operator's
13 commercial driver's license consistent with
14 the standards developed under section
15 32303(b) of the Commercial Motor Vehicle
16 Safety Enhancement Act of 2012 (49
17 U.S.C. 31304 note).

18 “(2) PRIORITY ACTIVITIES.—The Secretary
19 may make a grant or cooperative agreement in a fis-
20 cal year to a State agency, local government, or any
21 person for research, development or testing, dem-
22 onstration projects, public education, or other special
23 activities and projects relating to commercial driver's
24 licensing and motor vehicle safety that—

1 “(A) are of benefit to all jurisdictions of
2 the United States;

3 “(B) are designed to address national safe-
4 ty concerns and circumstances;

5 “(C) are designed to address emerging
6 issues relating to commercial driver’s license
7 improvements; or

8 “(D) support innovative ideas and solu-
9 tions to commercial driver’s license program
10 issues.

11 “(b) PROHIBITIONS.—A recipient may not use finan-
12 cial assistance funds awarded under this section to rent,
13 lease, or buy land or buildings.

14 “(c) APPORTIONMENT.—All amounts made available
15 to carry out this section for a fiscal year shall be appor-
16 tioned according to criteria prescribed by the Secretary of
17 Transportation.”.

18 (f) MISCELLANEOUS REPEALS.—

19 (1) Subsection (b) of section 31106 is amended
20 by striking paragraph (4).

21 (2) Section 31107 is repealed.

22 (3) Subsection (g) of section 31144 is amended
23 by striking paragraph (4), as redesignated by section
24 5105 of this Act.

25 (g) TECHNICAL AND CONFORMING AMENDMENT.—

1 (1) The analysis for chapter 311 is amended
2 by—

3 (A) striking the item relating to section
4 31102 and inserting “31102. Motor Carrier
5 Safety Assistance Program.”;

6 (B) striking the item relating to section
7 31103 and inserting “31103. High Priority
8 Grant Program.”;

9 (C) striking the item relating to section
10 31107;

11 (D) striking the item relating to section
12 31109 and inserting “Innovative Technology
13 Deployment Grants.”; and

14 (E) by adding at the end of Subchapter I
15 the following: “31110. Commercial Motor Vehi-
16 cle Operators Grant Program.”

17 (2) The subsection heading for section
18 31106(b) is amended by striking “program” and in-
19 serting “system management”.

20 (3) Section 31161 is amended by striking
21 “31104(i)” and inserting “31104(b)”.

22 (4) The analysis for chapter 313 is amended by
23 striking the item relating to section 31313 and in-
24 serting: “31313. Financial assistance program for

1 commercial driver's license program implementa-
2 tion.”.

3 **Subtitle E—Miscellaneous**

4 **SEC. 5501. MOTOR CARRIER SAFETY ADVISORY COM-**
5 **MITTEE.**

6 (a) MOTOR CARRIER SAFETY ADVISORY COM-
7 MITTEE.—Subchapter III of chapter 311 is amended by
8 inserting after section 31152 (as added by section 5204)
9 the following:

10 **“§ 31153. Motor carrier safety advisory committee**

11 “(a) ESTABLISHMENT AND DUTIES.—The Secretary
12 shall maintain for the Federal Motor Carrier Safety Ad-
13 ministration a motor carrier safety advisory committee.
14 The committee shall—

15 “(1) provide advice and recommendations to the
16 Administrator of the Federal Motor Carrier Safety
17 Administration about needs, objectives, plans, ap-
18 proaches, content, and accomplishments of the
19 motor carrier safety programs carried out by the Ad-
20 ministration; and

21 “(2) provide advice and recommendations to the
22 Administrator on motor carrier safety regulations.

23 “(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

24 “(1) IN GENERAL.—The committee shall be
25 composed of not more than 20 members appointed

1 by the Administrator from among individuals who
2 are not employees of the Administration and who
3 are specially qualified to serve on the committee be-
4 cause of their education, training, or experience. The
5 members shall consist of representatives of the
6 motor carrier industry, nonprofit employee labor or-
7 ganizations representing commercial vehicle drivers,
8 safety advocates, and safety enforcement officials.
9 Representatives of a single enumerated interest
10 group may not constitute a majority of the members
11 of the advisory committee. A person appointed under
12 this section shall not be considered an employee of
13 the Federal Government by reason of the appoint-
14 ment.

15 “(2) CHAIRMAN.—The Administrator shall des-
16 ignate the chairman of the committee.

17 “(3) PAY.—A member of the committee shall
18 serve without pay; except that the Administrator
19 may allow a member, when attending meetings of
20 the committee or a subcommittee of the committee,
21 expenses authorized under section 5703 of title 5,
22 relating to per diem, travel, and transportation ex-
23 penses.

24 “(c) SUPPORT STAFF, INFORMATION, AND SERV-
25 ICES.—The Administrator shall provide staff for the com-

1 mittee. On request of the committee, and subject to the
2 availability of funding, the Administrator shall provide in-
3 formation, administrative services, and supplies that the
4 Administrator considers necessary for the committee to
5 carry out its duties and powers.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) The analysis for chapter 311 is amended by
8 inserting after the item relating to 31152 (as added
9 by section 5204 of this Act) the following:

“31153. Motor Carrier Safety Advisory Committee.”.

10 (2) Section 4144 of the Safe, Accountable,
11 Flexible, Efficient Transportation Equity Act: A
12 Legacy for Users (49 U.S.C. 31100 note) is re-
13 pealed.

14 **SEC. 5502. UNIFIED CARRIER REGISTRATION PLAN.**

15 Section 14504a is amended—

16 (1) in subsection (a)(5)(A)(ii)(II), by striking
17 “subsection (d)(4)(C)” and inserting “subsection
18 (d)(5)(C)”;

19 (2) in subsection (d)(1)(B), by striking “ap-
20 pointed by the Secretary as follows” and inserting “.
21 In making appointments of directors, the Secretary
22 should seek to achieve the following distribution”;

23 (3) in subsection (d)(1)(B)(iii), by striking
24 “Five” and inserting “Six” and inserting the fol-
25 lowing before the last sentence: “At least one of the

1 appointees under this clause shall be a representa-
2 tive of the passenger motorcoach industry.”;

3 (4) in subsection (d)(1)(B), by striking clause
4 (iv);

5 (5) in subsection (d)(1)(C), by striking “Sec-
6 retary” and inserting “board of directors”;

7 (6) in subsection (d)(1)(D)—

8 (A) by striking clause (i) and redesignating
9 clauses (ii) through (iv) as clauses (i) through
10 (iii), respectively; and

11 (B) by amending clause (i), (as so redesign-
12 nated) to read as follows:

13 “(i) TERMS.—All directors shall be
14 appointed for terms of 3 years.”;

15 (7) in subsection (d)(2)(C), by striking “and”;

16 (8) in subsection (d)(2)(D), by striking the pe-
17 riod and inserting “; and” at the end;

18 (9) in subsection (d)(2), by inserting after sub-
19 paragraph (D) the following:

20 “(E) require the board to conduct an audit
21 of the UCR plan’s use of administrative fees no
22 less frequently than once every two years.”;

23 (10) in subsection (d)(3)(A)—

1 (A) by striking “Except for the representa-
2 tive of the Department appointed under para-
3 graph (1)(B)(iv), no”; and

4 (B) by inserting “No” before “director
5 shall receive”;

6 (11) in subsection (d)(4)(A), by striking “of the
7 board,” and inserting “of the board or” and striking
8 “, or the Secretary”;

9 (12) in subsection (d)(6), by inserting “or the
10 United States Government” after “agency of a
11 State”;

12 (13) by redesignating section 14504a(d)(7)(A)
13 as section 14504a(d)(7) and amending paragraph
14 (7) (as so redesignated) to read as follows:

15 “(7) SETTING FEES.—The board shall set the
16 initial annual fees to be assessed carriers, leasing
17 companies, brokers, and freight forwarders under
18 the unified carrier registration agreement. In setting
19 the level of fees to be assessed in any agreement
20 year, and in setting the fee level, the board shall
21 consider—

22 “(A) the administrative costs associated
23 with the unified carrier registration plan and
24 the agreement;

1 “(B) whether the revenues generated in
2 the previous year and any surplus or shortage
3 from that year or prior years enable the partici-
4 pating States to achieve the revenue levels set
5 by the board; and

6 “(C) the provisions governing fees under
7 subsection (f)(1).”;

8 (14) by striking subsection (d)(7)(B);

9 (15) by amending subsection (d)(9) to read as
10 follows:

11 “(9) INAPPLICABILITY.—Neither the Federal
12 Advisory Committee Act (5 U.S.C. App.) nor the
13 Administrative Procedure Act (5 U.S.C. 551 et seq.)
14 shall apply to the unified carrier registration plan,
15 the board, or its committees.”;

16 (16) by redesignating subsections (d)(1)
17 through (10) as (d)(2) through (11), respectively;

18 (17) by inserting a new subsection (d)(1) before
19 subsection (d)(2) (as redesignated in paragraph) to
20 read as follows:

21 “(1) STATUS.—The unified carrier registration
22 plan—

23 “(A) is an interstate agreement established
24 under this section;

1 “(B) shall be operated as a not-for-profit
2 corporation; and

3 “(C) is not a department, agency or instru-
4 mentality of the United States Government.”;

5 (18) in subsection (e), by striking subparagraph
6 (5);

7 (19) in subsection (e)(2), by striking “the Sec-
8 retary and”;

9 (20) in subsection (e)(3)—

10 (A) by striking “Secretary” the first place
11 it appears;

12 (B) by inserting “chairperson of the board
13 of directors”; and

14 (C) by striking the last sentence;

15 (21) in subsection (e)(4), by striking “Sec-
16 retary” and inserting “chairperson of the board of
17 directors”;

18 (22) in subsection (f)(1)(E), by striking “ask
19 the Secretary to”;

20 (23) by striking subsection (f)(1)(B) and redesi-
21 gnating subsections (f)(1)(C) through (f)(1)(E) as
22 subsections (f)(1)(B) through (f)(1)(D), respectively;

23 (24) in subsection (h)(2)—

24 (A) by striking “participating”; and

1 (B) by striking “subsection (d)(2)(D)” and
2 inserting “subsection (d)(3)(D)”, as redesignated;
3

4 (25) by amending subsection (h)(3)(B) to read
5 as follows:

6 “(B) To pay the administrative costs of
7 the UCR plan and the UCR agreement. Payments
8 for administrative costs may be made
9 prior to making distributions under subpara-
10 graph (A).”;

11 (26) in subsection (h)(4), by striking “Sec-
12 retary” and inserting “board”; and

13 (27) by amending subsection (i) to read as fol-
14 lows:

15 “(i) ENFORCEMENT.—Nothing in this section—

16 “(1) prohibits a participating State from
17 issuing citations and imposing reasonable fines and
18 penalties pursuant to the applicable laws and regula-
19 tions of the State on any motor carrier, motor pri-
20 vate carrier, freight forwarder, broker, or leasing
21 company for failure to—

22 “(A) submit information documents as re-
23 quired under subsection (d)(3); or

24 “(B) pay the fees required under sub-
25 section (f); or

1 “(2) authorizes a State to require a motor car-
2 rier, motor private carrier, or freight forwarder to
3 display as evidence of compliance any form of identi-
4 fication in excess of those permitted under section
5 14506 of this title on or in a commercial motor vehi-
6 cle.”.

7 **SEC. 5503. SELF-INSURANCE FOR MOTOR CARRIERS RE-**
8 **PEALED.**

9 Section 13906(d) is amended by striking the second,
10 third and last sentences.

11 **SEC. 5504. ELECTRONIC LOGGING DEVICE RECALL AU-**
12 **THORITY.**

13 Section 31137 is amended—

14 (1) by redesignating subsections (f) and (g) as
15 subsections (h) and (i), respectively; and

16 (2) by inserting before subsection (h), as redesi-
17 gnated, the following:

18 “(f) NOTICE AND RECORD REQUIREMENTS.—The
19 Secretary may require an electronic logging device pro-
20 vider to—

21 “(1) provide the purchaser or lessee of an elec-
22 tronic logging device, in a manner the Secretary con-
23 siders appropriate, any information or notice that
24 the Secretary considers necessary; and

1 “(2) maintain records of electronic logging de-
2 vice purchasers and lessees in order to provide any
3 information or notice required under paragraph (1)
4 of this subsection.

5 “(g) NONCOMPLIANT DEVICES.—

6 “(1) The Secretary shall notify an electronic
7 logging device provider after making a preliminary
8 decision that an electronic logging device does not
9 comply with the standards established through the
10 regulations prescribed under subsection (a) in effect
11 at the time of certification.

12 “(2) The Secretary shall publish notice of each
13 preliminary decision in the Federal Register.

14 “(3) The Secretary may make a final decision
15 that an electronic logging device does not comply
16 with the standards only after—

17 “(A) giving the electronic logging device
18 provider an opportunity to—

19 “(i) correct the deficiency in order
20 that the electronic logging device complies
21 with the standards; or

22 “(ii) present information to show that
23 the electronic logging device complies with
24 the standards; and

1 “(B) giving any other interested person an
2 opportunity to present information as to the
3 electronic logging device’s noncompliance.

4 “(4) If the Secretary makes a final decision
5 that an electronic logging device does not comply
6 with the standards in effect at the time of certifi-
7 cation, the Secretary shall order the electronic log-
8 ging device provider to give notice under subsection
9 (f) of this section to each purchaser or lessee of the
10 electronic logging device that the electronic logging
11 device provider has been required to—

12 “(A) recall the electronic logging device;

13 and

14 “(B) remedy the defect so that the pur-
15 chaser or lessee of the electronic logging device
16 obtains a compliant electronic logging device
17 within a reasonable time and in accordance with
18 the terms prescribed by the Secretary.”.

19 **SEC. 5505. REPEAL OF MOTOR CARRIER FINANCIAL RE-**
20 **PORTING REQUIREMENT.**

21 Section 14123 and the item relating to that section
22 in the analysis for chapter 141 are repealed.

1 **SEC. 5506. CONTRACTORS EXERCISING OPERATIONAL CON-**
2 **TROL OVER MOTOR CARRIER OPERATIONS.**

3 (a) CONTRACTORS EXERCISING OPERATIONAL CON-
4 TROL OVER MOTOR CARRIER OPERATIONS.—Chapter 311
5 is amended by inserting after section 31139 the following:

6 **“§ 31139a. Contractors exercising operational control**
7 **over motor carrier operations**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 may issue regulations governing contractors that exercise
10 control over motor carrier operations.

11 “(b) CONTENTS.—The regulations issued under this
12 section shall include, at a minimum—

13 “(1) a requirement that contractors register
14 with the Secretary under this chapter;

15 “(2) a requirement that contractors create and
16 maintain records applicable to regulatory provisions
17 over which they exercise control or which they con-
18 duct directly;

19 “(3) a program for the evaluation and audit of
20 compliance by contractors with applicable Federal
21 motor carrier safety regulations;

22 “(4) a civil penalty structure consistent with
23 section 521(b) of this title, for contractors that fail
24 to comply with applicable Federal motor carrier
25 safety regulations;

1 “(5) a prohibition on contractors from placing
2 commercial motor vehicles or drivers in service on
3 the public highways to the extent that such drivers
4 or their equipment are found to pose an imminent
5 hazard;

6 “(6) a process by which motor carriers and
7 agents of motor carriers shall be able to request the
8 Federal Motor Carrier Safety Administration to un-
9 dertake an investigation of a contractor identified
10 that is alleged to be not in compliance with the regu-
11 lations under this section; and

12 “(7) a procedure under which motor carriers,
13 drivers, and contractors may seek correction of their
14 safety records through the deletion from those
15 records of violations of safety regulations attrib-
16 utable to deficiencies in operation or driver perform-
17 ance for which they should not have been held re-
18 sponsible.

19 “(c) INSPECTIONS.—The Secretary or an employee of
20 the Department of Transportation designated by the Sec-
21 retary or a contractor or an employee of the recipient of
22 a grant issued under section 31102 of this title may in-
23 spect records for operations controlled by or drivers pro-
24 vided by the contractor, upon demand and display of prop-
25 er credentials in person or in writing.

1 “(d) OUT-OF-SERVICE.—Any contractor that is de-
2 termined under this section to fail to comply with applica-
3 ble Federal safety regulations may be placed out of service
4 by the Secretary or a Federal, State, or government offi-
5 cial designated by the Secretary and may not exercise
6 operational control over a motor carrier’s drivers and com-
7 mercial motor vehicles and may not provide drivers or
8 commercial motor vehicles to a motor carrier until the con-
9 tractor takes actions necessary to come into compliance.

10 “(e) DEFINITION OF CONTRACTOR.—For purposes of
11 this section, exclusive of the first use of term in subsection
12 (c), the term ‘contractor’ means a person, other than a
13 motor carrier, that does one or more of the following:

14 “(1) Enters into a contract with a motor carrier
15 under which the motor carrier provides commercial
16 motor vehicles and drivers dedicated to transporting
17 property or passengers for the person over multiple
18 trips where the person exercises direct operational
19 control, such as setting schedules, routes, pick-up
20 and delivery points, and dispatching drivers and
21 commercial motor vehicles.

22 “(2) Enters into a contract with a motor carrier
23 to provide drivers to the carrier and represents that
24 it is responsible for ensuring that the drivers meet

1 the qualifications required by this part and regula-
2 tions promulgated under this part.

3 “(3) Enters into a contract with a motor carrier
4 to provide commercial motor vehicles to the motor
5 carrier (other than for purchase or lease to pur-
6 chase) and represents that it is responsible under
7 the contract for ensuring that the vehicles meet the
8 requirements of this part and regulations promul-
9 gated under it.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 311 is amended by inserting after the item relat-
12 ing to section 31139 the following:

“31139a. Contractors exercising operational control over motor carrier oper-
ations”.

13 **SEC. 5507. DRIVER COMPENSATION.**

14 (a) IN GENERAL.—Chapter 311 is amended by in-
15 serting after section 31139a (as added by section 5506
16 of this Act) the following:

17 **“§ 31140. Driver compensation**

18 “(a) ON-DUTY, NOT-DRIVING TIME.—The Secretary
19 of Transportation may by regulation require that a motor
20 carrier employer—

21 “(1) track the on-duty (not driving) time of an
22 employee whose base compensation is calculated in a
23 manner other than an hourly wage and who is re-
24 quired to keep a record of duty status under the

1 hours of service regulations prescribed by the Sec-
2 retary; and

3 “(2) separately compensate the employee for
4 any on-duty, not-driving period at an hourly rate not
5 less than the Federal minimum wage rate under sec-
6 tion 6 of the Fair Labor Standards Act (29 U.S.C.
7 206).

8 “(b) SCOPE.—This section does not apply to an em-
9 ployee whose employment is governed by a collective bar-
10 gaining agreement, negotiated by employee representatives
11 certified as bona fide by the National Labor Relations
12 Board, if the agreement governs compensation of the em-
13 ployee for on-duty, not-driving time.

14 “(c) OTHER LAW.—Nothing in this section or regula-
15 tions adopted under this section shall alter an employer’s
16 obligations under the Fair Labor Standards Act of 1938
17 (29 U.S.C. 201 et seq.). Compensation of employees under
18 this section and regulations adopted under this section
19 shall be in addition to other compensation calculated for
20 purposes of determining compliance with the Fair Labor
21 Standards Act.”.

22 (b) CONFORMING AMENDMENT.—The analysis of
23 chapter 311 is amended by inserting after the item relat-
24 ing to section 31139a (as added by section 5506 of this
25 Act) the following:

“31140. Driver compensation”.

1 **SEC. 5508. CIVIL ENFORCEMENT AUTHORITY.**

2 Section 507 is amended—

3 (1) in subsection (b)—

4 (A) by inserting “, subchapter III of chap-
5 ter 311, chapter 313, or chapter 315” after the
6 first “this chapter”;

7 (B) by striking the second “this chapter”
8 and inserting “these provisions”; and

9 (C) by striking “violating this chapter or a
10 regulation or order of the Secretary” and in-
11 serting “for a violation”; and

12 (2) in subsection (c)—

13 (A) by striking “, at the request of the
14 Secretary, may” and inserting “may, and at the
15 request of the Secretary, shall”; and

16 (B) by striking “(except sections 31138
17 and 31139) or section 31502” and inserting “,
18 chapter 313, and chapter 315”.

19 **SEC. 5509. CRIMINAL PENALTIES.**

20 Section 521(b)(6)(A) is amended by—

21 (1) striking “and willfully”;

22 (2) striking the second “or”;

23 (3) inserting “or order” after “regulation”;

24 (4) inserting “, or an imminent hazard out-of-
25 service order issued under this section” after “those
26 provisions”;

1 (5) striking “to a fine not to exceed \$25,000”
2 and inserting “to a fine as set forth in section 3571
3 of title 18”;

4 (6) striking “, except that, if” and inserting “.
5 If”; and

6 (7) striking “to a fine not to exceed \$2,500”
7 and inserting “to a fine as set forth in section 3571
8 of title 18 or imprisonment for a term not to exceed
9 one year, or both”.

10 **SEC. 5510. PENALTIES FOR VIOLATIONS OF OUT-OF-SERV-**
11 **ICE ORDERS.**

12 Section 521(b)(2)(F) is amended by inserting the end
13 the following: “Each day of operation after the effective
14 date of the out-of-service order is a separate offense.”

15 **SEC. 5511. TECHNICAL CORRECTIONS.**

16 (a) **FLEETWIDE OUT-OF-SERVICE ORDER FOR OPER-**
17 **ATING WITHOUT REQUIRED REGISTRATION.**—Section
18 13902(e)(1) is amended—

19 (1) by inserting “motor vehicle or” before
20 “motor carrier providing”; and

21 (2) by inserting “motor vehicle or” before
22 “motor carrier operations”.

23 (b) **SETTLEMENT OF GENERAL CIVIL PENALTIES.**—
24 Section 14901(h) is amended by striking “HOUSEHOLD
25 GOODS” in the subsection heading.

1 (c) HOURS OF SERVICE STUDY AND ELECTRONIC
2 LOGGING DEVICES.—Section 30165(a)(1) is amended by
3 striking “30141 through 30147, or 31137” and inserting
4 “or 30141 through 30147”.

5 (d) MEDICAL STANDARDS AND REQUIREMENTS.—
6 Section 31149(c)(1)(E) is amended by striking “on a
7 monthly basis”.

8 (e) NATIONAL CLEARINGHOUSE FOR CONTROLLED
9 SUBSTANCE AND ALCOHOL TEST RESULTS.—

10 (1) Section 521 is amended—

11 (A) by inserting “, section 31306(b),” be-
12 fore “or section 31502” in subparagraph
13 (b)(2)(A);

14 (B) by amending the subparagraph head-
15 ings for subparagraphs (b)(2)(C) and (b)(6)(B),
16 by inserting after “CDLS”, each place it ap-
17 pears, “AND ALCOHOL AND CONTROLLED SUB-
18 STANCE TESTING”; and

19 (C) by inserting in subparagraph (b)(2)(C)
20 and clause (b)(6)(B)(i), after “31305(b),” each
21 place it appears, “31306, 31306a,”.

22 (2) Section 31306a(f) is amended by inserting
23 “AND SERVICE AGENT” before “REQUIREMENTS.”
24 in the subsection heading.

1 (f) EXEMPTIONS FROM REQUIREMENTS FOR COV-
2 ERED FARM VEHICLES.—Subsection 32934(c)(1)(B) of
3 the Moving Ahead for Progress in the 21st Century Act
4 (Public Law 112–141) is amended by striking “26,001
5 pounds” in both places it occurs and inserting “26,000
6 pounds”.

7 (g) CORRECTING REFERENCE TO FMCSA IN STAT-
8 UTE.—Section 30305(b)(1) is amended by striking “Fed-
9 eral Highway Administration” and inserting “Federal
10 Motor Carrier Safety Administration”.

11 **SEC. 5512. AUDITS AND COMPLIANCE INVESTIGATIONS OF**
12 **MEXICO-DOMICILED MOTOR CARRIERS.**

13 Section 130 of division L of Public Law 113–76 is
14 amended by inserting after “110–28” the following: “, ex-
15 cept to the extent that a term or condition in either section
16 350 or section 6901 requires that safety examinations of
17 Mexico-domiciled motor carriers be conducted on-site;
18 nothing in section 350 or section 6901 shall be construed
19 as limiting the ability of the Federal Motor Carrier Safety
20 Administration to conduct any compliance review, new en-
21 trant safety audit, or other inspection or investigation of
22 a Mexico-domiciled motor carrier at any location pre-
23 scribed by the Administrator of the Federal Motor Carrier
24 Safety Administration”.

1 **SEC. 5513. ADMINISTRATIVE ADJUDICATION OF VIOLA-**
2 **TIONS OF COMMERCIAL REGULATIONS AND**
3 **STATUTES.**

4 Section 14702 is amended by adding at the end the
5 following:

6 “(d) ADMINISTRATIVE ADJUDICATIONS.—In addition
7 to civil actions under subsection (a) of this section, the
8 authority of the Secretary includes authority to maintain
9 by regulation procedures for the administrative adjudica-
10 tion of violations of this part.”.

11 **SEC. 5514. ACCESS TO NATIONAL DRIVER REGISTER.**

12 Section 30305(b) is amended by inserting at the end
13 the following:

14 “(13) The Administrator of the Federal Motor
15 Carrier Safety Administration may request the chief
16 driver licensing official of a State to provide infor-
17 mation under subsection (a) of this section about an
18 individual in connection with a safety investigation
19 under the Administrator’s jurisdiction.”.

20 **SEC. 5515. ELIMINATION OF CERTAIN FMCSA REPORTING**
21 **REQUIREMENTS.**

22 (a) MOTOR CARRIER EFFICIENCY STUDY ANNUAL
23 REPORT.—Section 5503 of the Safe, Accountable, Flexi-
24 ble, Efficient Transportation Equity Act: A Legacy for
25 Users (Public Law 109–59) is amended by—

26 (1) by striking subsection (d); and

1 (2) redesignating subsection (e) as subsection
2 (d).

3 (b) SAFETY DATA IMPROVEMENT PROGRAM RE-
4 PORT.—Section 4128 of the Safe, Accountable, Flexible,
5 Efficient Transportation Equity Act: A Legacy for Users
6 (Public Law 109–59) is amended by striking subsection
7 (d).

8 **TITLE VI—HAZARDOUS MATE-**
9 **RIAL TRANSPORTATION**
10 **SAFETY**

11 **SEC. 6001. AMENDMENT OF TITLE 49, UNITED STATES**
12 **CODE.**

13 Except as otherwise expressly provided, whenever in
14 this title an amendment or repeal is expressed in terms
15 of an amendment to, or a repeal of, a section or other
16 provision, the reference shall be considered to be made to
17 a section or other provision of title 49, United States
18 Code.

19 **SEC. 6002. EMERGENCY OPERATIONAL CONTROLS.**

20 (a) IN GENERAL.—Chapter 51 is amended by insert-
21 ing after section 5128 the following:

22 **“§ 5129. Emergency operational controls**

23 “(a) ORDERING OPERATIONAL CONTROLS, RESTRIC-
24 TIONS, AND PROHIBITIONS.—

1 “(1) IN GENERAL.—If, upon inspection, inves-
2 tigation, testing, or research carried out under this
3 chapter, the Secretary determines that an unsafe
4 condition or practice, or a combination of unsafe
5 conditions and practices, or an activity existing with-
6 in a regulated entity or industry, related to the
7 transportation of hazardous materials in commerce,
8 causes an emergency situation involving a hazard of
9 death, personal injury, or significant harm to prop-
10 erty or the environment, the Secretary immediately
11 may order such operational controls, restrictions,
12 and prohibitions, without prior notice or an oppor-
13 tunity for a hearing, as may be necessary to abate
14 the situation.

15 “(2) WRITTEN ORDERS.—The order shall be in
16 writing, and describe—

17 “(A) the condition, practice, or activity
18 that causes the emergency situation;

19 “(B) the operational controls, restrictions,
20 and prohibitions issued or imposed; and

21 “(C) the standards and procedures for ob-
22 taining relief from the order. This paragraph
23 does not affect the Secretary’s discretion under
24 this section to maintain the order in effect for
25 as long as the emergency situation exists.

1 “(3) EMERGENCY VARIANCE.—Notwithstanding
2 section 5117(e) of this title, such orders may provide
3 for an emergency variance from this chapter or a
4 regulation prescribed thereunder.

5 “(b) REVIEW OF ORDERS.—After issuing an order
6 under this section, the Secretary shall provide an oppor-
7 tunity for review of the order under section 554 of title
8 5. If a petition for review is filed and the review is not
9 completed by the end of the 30-day period beginning on
10 the date the order was issued, the order stops being effec-
11 tive at the end of that period unless the Secretary decides
12 in writing that the emergency situation still exists.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 51 is amended by inserting after the item relating
15 to section 5128 the following:

“5129. Emergency operational controls.”.

16 **SEC. 6003. ENHANCED REGISTRATION REQUIREMENTS.**

17 Section 5108 is amended by—

18 (1) inserting the following after subsection
19 (a)(2)(B):

20 “(C) a person who performs, or is respon-
21 sible for performing, a function specified by
22 regulation prescribed under this chapter that is
23 required to assure the safe transportation of
24 hazardous material, in commerce, and is subject
25 to the training requirements of section 5107.”;

1 (2) in subsection (a)(3), inserting after “mate-
2 rial,” the following: “or perform or be responsible
3 for performing a function specified by regulation
4 prescribed under this chapter that is required to as-
5 sure the safe transportation of hazardous material,
6 in commerce, and is subject to the training require-
7 ments of section 5107,”;

8 (3) in subparagraph (g)(2)(A), by striking “and
9 impose by regulation”; and

10 (4) in subparagraphs (g)(2)(B) and (g)(2)(C),
11 replacing “(i)” with “(h)”.

12 **SEC. 6004. USER FEES FOR SPECIAL PERMITS.**

13 Section 5117 is amended by inserting the following
14 at the end:

15 “(g) FEES.—

16 “(1) ESTABLISHMENT.—There is established a
17 Hazardous Materials Approvals and Permits Fund
18 for the administration of special permits and approv-
19 als.

20 “(2) USE OF FEES.—The Secretary of Trans-
21 portation shall collect a reasonable fee, to the extent
22 and in such amounts as provided in advance in ap-
23 propriations acts, for the administration of special
24 permits and approvals, which shall be deposited in
25 the fund established in paragraph (1).

1 “(3) REGULATIONS.—The Secretary, after pro-
2 viding notice and an opportunity for public com-
3 ment, shall issue regulations to implement this sub-
4 section and shall establish annual fee rates.”.

5 **SEC. 6005. NATIONAL EMERGENCY AND DISASTER RE-**
6 **SPONSE.**

7 (a) PURPOSE.—Section 5101 is amended by inserting
8 “and to facilitate the safe movement of hazardous mate-
9 rials during national emergencies” after “commerce”.

10 (b) STANDARDS.—Section 5103 is amended by redес-
11 ignating subsections (c) and (d) as (d) and (e) and insert-
12 ing new subsection (c) to read as follows:

13 “(c) FEDERALLY DECLARED DISASTER AND EMER-
14 GENCY AREAS.—The Secretary, in consultation with the
15 Secretary of Homeland Security, may prescribe standards
16 to facilitate the movement of hazardous materials into,
17 from and within federally declared disaster and emergency
18 areas.”.

19 **SEC. 6006. ENHANCED REPORTING.**

20 Section 5121(h) is amended by—

21 (1) striking “transmit to the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate”; and

25 (2) inserting “make public” after “and”.

1 **SEC. 6007. IMPROVING PUBLICATION OF SPECIAL PERMITS.**

2 Section 5117 is amended—

3 (1) in subsection (b), by striking “publish in
4 the Federal Register” and inserting “make public
5 through” after “shall”; and

6 (2) in subsection (c), by striking “publish” and
7 “in the Federal Register” and inserting “make pub-
8 lic” after “shall”.

9 **SEC. 6008. HAZARD ABATEMENT AUTHORITY.**

10 (a) IN GENERAL.—Chapter 51 is amended by insert-
11 ing after section 5129 the following:

12 **“§ 5130. Hazard abatement authority**

13 “(a) ORDERING REMOVAL, REMEDIATION, OR DIS-
14 POSAL.—If, upon inspection, investigation, testing, or re-
15 search, the Secretary determines that an unsafe condition,
16 practice, or activity, related to the transportation of haz-
17 ardous materials in commerce or other items subject to
18 this chapter, causes unreasonable risk of death, personal
19 injury, or significant harm to the property or the environ-
20 ment, the Secretary may order removal, remediation, or
21 disposal of such hazardous materials or other items sub-
22 ject to this chapter, as may be necessary to abate the un-
23 reasonable risk.

24 “(b) WRITTEN ORDERS.—The order shall be in writ-
25 ing, and describe—

1 “(1) the condition, practice, or activity that
2 causes the unreasonable risk;

3 “(2) the actions that must be taken to abate
4 the unreasonable risk; and

5 “(3) the standards and procedures for obtaining
6 relief from the order.

7 “(c) DURATION OF ORDER.—Subsection (b) does not
8 affect the Secretary’s discretion under this section to
9 maintain the order in effect for as long as the emergency
10 situation exists.

11 “(d) FAILURE TO COMPLY.—If the Secretary deter-
12 mines that a person has failed to comply with an order
13 for removal, remediation, or disposal, the Secretary may
14 take such action to arrange for the removal, remediation,
15 or disposal of such hazardous materials as necessary to
16 abate the unreasonable risk.

17 “(e) LIABILITY FOR NONCOMPLIANCE.—Upon a de-
18 termination by the Secretary that a person has failed to
19 comply with an order for removal, remediation, or disposal
20 of a hazardous material, such person shall be liable for
21 all costs incurred by the United States Government in re-
22 moving, remediating, or disposing of such hazardous ma-
23 terials.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 51 is amended by inserting after the item relating
3 to section 5129 the following:

“5130. Hazard abatement authority.”.

4 **SEC. 6009. INSPECTION OF NON-DOMESTIC ENTITIES.**

5 Section 5121 is amended by inserting the following
6 after subsection (c)(3):

7 “(4) INSPECTION OF NON-DOMESTIC ENTI-
8 TIES.—In instances when a person seeks to manu-
9 facture, requalify, or inspect a DOT specification
10 packaging or special permit cylinders or certify com-
11 pliance with title 49 of the Code of Federal Regula-
12 tions outside the United States, that person must
13 seek an approval from the Secretary to perform that
14 function outside the United States. Upon the re-
15 quest of the Secretary, the applicant must allow the
16 Secretary or the Secretary’s designee to inspect the
17 applicant’s process and procedures. The applicant
18 must bear the cost of the initial and subsequent in-
19 spections.”.

20 **SEC. 6010. IMPROVING THE EFFECTIVENESS OF THE HMEP**
21 **GRANT PROGRAM.**

22 (a) PLANNING AND TRAINING GRANTS.—Section
23 5116 is amended to read as follows:

1 **“§ 5116. Planning and training grants, monitoring,**
2 **and review**

3 “(a) PLANNING AND TRAINING GRANTS.—(1) The
4 Secretary shall make grants to States and Indian tribes—

5 “(A) to develop, improve, and carry out emer-
6 gency plans under the Emergency Planning and
7 Community Right-To-Know Act of 1986 (42 U.S.C.
8 11001 et seq.), including ascertaining flow patterns
9 of hazardous material on lands under the jurisdic-
10 tion of a State or Indian tribe, and between lands
11 under the jurisdiction of a State or Indian tribe and
12 lands of another State or Indian tribe;

13 “(B) to decide on the need for a regional haz-
14 ardous material emergency response team; and

15 “(C) to train public sector employees to respond
16 to accidents and incidents involving hazardous mate-
17 rial. To the extent that a grant is used to train
18 emergency responders, the State or Indian tribe
19 shall provide written certification to the Secretary
20 that the emergency responders who receive training
21 under the grant will have the ability to protect near-
22 by persons, property, and the environment from the
23 effects of accidents or incidents involving the trans-
24 portation of hazardous material in accordance with
25 existing regulations or National Fire Protection As-
26 sociation standards for competence of responders to

1 accidents and incidents involving hazardous mate-
2 rials.

3 “(2) The Secretary may make a grant to a State or
4 Indian tribe under paragraph (1) of this subsection only
5 if—

6 “(A) the State or Indian tribe certifies that the
7 total amount the State or Indian tribe expends (ex-
8 cept amounts of the United States Government) for
9 the purpose of the grant will at least equal the aver-
10 age level of expenditure for the last 5 years; and

11 “(B) any emergency response training provided
12 under the grant shall consist of:

13 “(i) a course developed or identified under
14 section 5115 of this title; or

15 “(ii) another course the Secretary decides
16 is consistent with the objectives of this section.

17 “(3) A State or Indian tribe receiving a grant under
18 this subsection shall ensure that planning and emergency
19 response training under the grant is coordinated with ad-
20 jacent States and Indian tribes.

21 “(4) A training grant under this subsection may be
22 used—

23 “(A) to pay—

24 “(i) the tuition costs of public sector em-
25 ployees being trained;

1 “(ii) travel expenses of those employees to
2 and from the training facility;

3 “(iii) room and board of those employees
4 when at the training facility; and

5 “(iv) travel expenses of individuals pro-
6 viding the training;

7 “(B) by the State, political subdivision, or In-
8 dian tribe to provide the training; and

9 “(C) to make an agreement with a person (in-
10 cluding an authority of a State, a political subdivi-
11 sion of a State or Indian tribe, or a local jurisdic-
12 tion), subject to approval by the Secretary, to pro-
13 vide the training—

14 “(i) if the agreement allows the Secretary
15 and the State or Indian tribe to conduct ran-
16 dom examinations, inspections, and audits of
17 the training without prior notice;

18 “(ii) the person agrees to have an
19 auditable accounting system; and

20 “(iii) if the State or Indian tribe conducts
21 at least one on-site observation of the training
22 each year.

23 “(5) The Secretary shall allocate amounts made
24 available for grants under this subsection among eligible
25 States and Indian tribes based on the needs of the States

1 and Indian tribes for emergency response training. In
2 making a decision about those needs, the Secretary shall
3 consider—

4 “(A) the number of hazardous material facili-
5 ties in the State or on land under the jurisdiction of
6 the Indian tribe;

7 “(B) the types and amounts of hazardous mate-
8 rial transported in the State or on such land;

9 “(C) whether the State or Indian tribe imposes
10 and collects a fee on transporting hazardous mate-
11 rial;

12 “(D) whether such fee is used only to carry out
13 a purpose related to transporting hazardous mate-
14 rial;

15 “(E) the past record of the State or Indian
16 tribe in effectively managing planning and training
17 grants; and

18 “(F) other factors the Secretary decides are ap-
19 propriate to carry out this subsection.

20 “(b) COMPLIANCE WITH CERTAIN LAW.—The Sec-
21 retary may make a grant to a State under this section
22 only if the State certifies that the State complies with sec-
23 tions 301 and 303 of the Emergency Planning and Com-
24 munity Right-To-Know Act of 1986 (42 U.S.C. 11001,
25 11003).

1 “(c) APPLICATIONS.—A State or Indian tribe inter-
2 ested in receiving a grant under this section shall submit
3 an application to the Secretary. The application must be
4 submitted at the time, and contain information, the Sec-
5 retary requires by regulation to carry out the objectives
6 of this section.

7 “(d) GOVERNMENT’S SHARE OF COSTS.—A grant
8 under this section is for 80 percent of the cost the State
9 or Indian tribe incurs to carry out the activity for which
10 the grant is made. Amounts of the State or tribe under
11 subsections (a)(2)(A) and (b)(2)(A) of this section are not
12 part of the non-Government share under this subsection.

13 “(e) MONITORING AND TECHNICAL ASSISTANCE.—In
14 coordination with the Secretaries of Transportation and
15 Energy, the Administrator of the Environmental Protec-
16 tion Agency, and the Director of the National Institute
17 of Environmental Health Sciences, the Administrator of
18 the Federal Emergency Management Agency shall monitor
19 public sector emergency response planning and training
20 for an accident or incident involving hazardous material.
21 Considering the results of the monitoring, the Secretaries,
22 Administrator, and Directors each shall provide technical
23 assistance to a State, political subdivision of a State, or
24 Indian tribe for carrying out emergency response training
25 and planning for an accident or incident involving haz-

1 arduous material and shall coordinate the assistance using
2 the existing coordinating mechanisms of the National Re-
3 sponse Team and, for radioactive material, the Federal
4 Radiological Preparedness Coordinating Committee.

5 “(f) DELEGATION OF AUTHORITY.—To minimize ad-
6 ministrative costs and to coordinate Federal financial as-
7 sistance for emergency response training and planning,
8 the Secretary may delegate to the Administrator of the
9 Federal Emergency Management Agency and Director of
10 the National Institute of Environmental Health Sciences,
11 Chairman of the Nuclear Regulatory Commission, Admin-
12 istrator of the Environmental Protection Agency, and Sec-
13 retaries of Labor and Energy any of the following:

14 “(1) Authority to receive applications for grants
15 under this section.

16 “(2) Authority to review applications for tech-
17 nical compliance with this section.

18 “(3) Authority to review applications to rec-
19 ommend approval or disapproval.

20 “(4) Any other ministerial duty associated with
21 grants under this section.

22 “(g) MINIMIZING DUPLICATION OF EFFORT AND EX-
23 PENSES.—The Secretaries of Transportation, Labor, and
24 Energy, the Administrator of the Federal Emergency
25 Management Agency, the Director of the National Insti-

1 tute of Environmental Health Sciences, the Chairman of
2 the Nuclear Regulatory Commission, and the Adminis-
3 trator of the Environmental Protection Agency shall re-
4 view periodically, with the head of each department, agen-
5 cy, or instrumentality of the Government, all emergency
6 response and preparedness training programs of that de-
7 partment, agency, or instrumentality to minimize duplica-
8 tion of effort and expense of the department, agency, or
9 instrumentality in carrying out the programs and shall
10 take necessary action to minimize duplication.

11 “(h) ANNUAL REGISTRATION FEE ACCOUNT AND ITS
12 USES.—The Secretary of the Treasury shall establish an
13 account in the Treasury (to be known as the ‘Hazardous
14 Materials Emergency Preparedness Fund’) into which the
15 Secretary of the Treasury shall deposit amounts the Sec-
16 retary of Transportation transfers to the Secretary of the
17 Treasury under section 5108(g)(2)(C) of this title. With-
18 out further appropriation, amounts in the account are
19 available—

20 “(1) to make grants under this section;

21 “(2) to monitor and provide technical assistance
22 under subsection (e) of this section;

23 “(3) to publish and distribute an emergency re-
24 sponse guide; and

1 “(4) to pay administrative costs of carrying out
2 this section and sections 5108(g)(2) and 5115 of
3 this title, except that up to 4 percent of the amounts
4 made available from the account in a fiscal year may
5 be used to pay those costs.

6 “(i) INSTRUCTOR TRAINING GRANTS FOR EMER-
7 GENCY RESPONDERS AND HAZARDOUS MATERIALS EM-
8 PLOYEES.—

9 “(1) IN GENERAL.—The Secretary shall make
10 grants under this subsection—

11 “(A) for training instructors to conduct
12 hazardous materials response training programs
13 for individuals with statutory responsibility to
14 respond to hazardous materials accidents and
15 incidents;

16 “(B) for training instructors to train
17 hazmat employees; and

18 “(C) to the extent determined appropriate
19 by the Secretary, for such instructors to train
20 hazmat employees.

21 “(2) ELIGIBILITY FOR EMERGENCY RESPONDER
22 TRAINING GRANTS.—A grant under (1)(A) of this
23 subsection shall be made through a competitive proc-
24 ess to a nonprofit organization that—

1 “(A) demonstrates expertise in conducting
2 a training program for hazmat emergency re-
3 sponders;

4 “(B) has the ability to reach and involve in
5 a training program a target population of
6 hazmat emergency responders;

7 “(C) agrees to use a course or courses de-
8 veloped or identified under section 5115 of this
9 title or otherwise approved by the Secretary;

10 “(D) provides training courses that comply
11 with Federal regulations and national consensus
12 standards for hazardous materials response and
13 are offered on a nondiscriminatory basis; and

14 “(E) ensures that emergency responders
15 who receive training under the grant will have
16 the ability to protect nearby persons, property,
17 and the environment from the effects of acci-
18 dents or incidents involving the transportation
19 of hazardous material in accordance with exist-
20 ing regulations or National Fire Protection As-
21 sociation standards for competence of respon-
22 ders to accidents and incidents involving haz-
23 ardous materials.

24 “(3) ELIGIBILITY FOR HAZARDOUS MATERIALS
25 EMPLOYEE TRAINING GRANTS.—A grant under

1 (1)(B) and (1)(C) of this subsection shall be made
2 on a competitive basis to a nonprofit organization
3 that demonstrates expertise in providing training,
4 research, technological development, or a similar
5 service intended to enhance the capabilities of haz-
6 ardous materials employees.

7 “(4) TRAINING OF CERTAIN EMPLOYEES.—The
8 Secretary shall ensure that maintenance-of-way em-
9 ployees and railroad signalmen receive general
10 awareness and familiarization training and safety
11 training pursuant to section 172.704 of title 49,
12 Code of Federal Regulations.

13 “(5) EXISTING EFFORT.—No grant under this
14 subsection shall supplant or replace existing em-
15 ployer-provided hazardous materials training efforts
16 or obligations.

17 “(6) USE OF FUNDS.—Funds granted to an or-
18 ganization under this subsection shall only be
19 used—

20 “(A) to provide training, including portable
21 training, for instructors to conduct hazardous
22 materials and hazardous materials response
23 training programs;

1 “(B) to purchase training equipment used
2 exclusively to train instructors to conduct such
3 training programs; and

4 “(C) to disseminate such information and
5 materials as are necessary for the conduct of
6 such training programs.

7 “(7) PORTABLE TRAINING.—In this subsection,
8 the term ‘portable training’ means live, instructor-
9 led training provided by certified instructors that
10 can be offered in any suitable setting, rather than
11 specific designated facilities. Under this training de-
12 livery model, instructors travel to locations conven-
13 ient to students and utilize local facilities and re-
14 sources.

15 “(8) TERMS AND CONDITIONS.—The Secretary
16 may impose such additional terms and conditions on
17 grants to be made under this subsection as the Sec-
18 retary determines are necessary to protect the inter-
19 ests of the United States and to carry out the objec-
20 tives of this subsection.

21 “(j) REPORTS.—The Secretary shall make an annual
22 report available to the public (in an electronically-acces-
23 sible format). The report submitted under this subsection
24 shall include information on the allocation and uses of the
25 planning and training grants allocated under subsection

1 (a), and grants under subsection (i) of this section. The
2 report submitted under this subsection shall identify the
3 ultimate recipients of such grants and include—

4 “(1) a detailed accounting and description of
5 each grant expenditure by each grant recipient, in-
6 cluding the amount of, and purpose for, each ex-
7 penditure;

8 “(2) the number of persons trained under the
9 grant program, by training level;

10 “(3) an evaluation of the efficacy of such plan-
11 ning and training programs; and

12 “(4) any recommendations the Secretary may
13 have for improving such grant programs.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 51 is amended by striking the item relating to
16 section 5116 and inserting the following:

“5116. Planning and training grants, monitoring, and review.”.

17 (c) TRAINING REQUIREMENTS.—Section 5107 is
18 amended by—

19 (1) striking “**and grants**” from the section
20 heading;

21 (2) deleting subsections (e), (f), and (h); and

22 (3) redesignating subsection (g) as subsection
23 (e).

1 (d) CONFORMING AMENDMENT.—The analysis for
2 chapter 51 is amended by striking the item relating to
3 section 5107 and inserting the following:

“5107. HAZMAT employee training requirements.”.

4 **SEC. 6011. CIVIL PENALTY.**

5 Section 5123 is amended—

6 (1) in subsection (a)(1), by striking “\$75,000”
7 and inserting “\$250,000”; and

8 (2) in subsection (a)(2), by striking “\$175,000”
9 and inserting “\$500,000”.

10 **SEC. 6012. GENERAL DUTY.**

11 Section 5103, as amended by this Act, is amended
12 by—

13 (1) redesignating subsections (d) and (e) as (e)
14 and (f), respectively; and

15 (2) inserting the following after subsection (c):
16 “(d) DUTY FOR SAFE TRANSPORTATION.—A person
17 shall—

18 “(1) take all reasonable measures and pre-
19 cautions to properly classify, describe, package,
20 mark and label, and ensure proper condition for
21 transportation of a hazardous material; and

22 “(2) comply with this chapter, or a regulation
23 prescribed, or an order, special permit or approval
24 issued under this chapter.”.

1 **SEC. 6013. AUTHORIZATION OF APPROPRIATIONS.**

2 The text of section 5128 is amended to read as fol-
3 lows:

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated to the Secretary to carry out this chapter (ex-
6 cept sections 5108(g)(2), 5113, 5115, 5116, and 5119 of
7 this title), \$64,254,000 for fiscal year 2016 and such sums
8 as may be necessary for fiscal years 2017 through 2021.

9 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
10 PAREDNESS FUND.—From the Hazardous Materials
11 Emergency Preparedness Fund established under section
12 5116(h) of this title, the Secretary may expend, for each
13 of fiscal years 2016 through 2021—

14 “(1) \$188,000 to carry out section 5115;

15 “(2) \$21,800,000 to carry out subsection (a) of
16 section 5116;

17 “(3) \$150,000 to carry out section 5116(e);

18 “(4) \$625,000 to publish and distribute the
19 Emergency Response Guidebook under section
20 5116(h)(3); and

21 “(5) \$5,000,000 to carry out section 5116(i).

22 “(c) CREDITS TO APPROPRIATIONS.—

23 “(1) EXPENSES.—In addition to amounts oth-
24 erwise made available to carry out this chapter, the
25 Secretary may credit amounts received from a State,
26 Indian tribe, or other public authority or private en-

1 tity for expenses the Secretary incurs in providing
2 training to the State, authority, or entity.

3 “(2) AVAILABILITY OF AMOUNTS.—Amounts
4 made available under this section shall remain avail-
5 able until expended.”.

6 **SEC. 6014. ELIMINATION OF CERTAIN PHMSA REPORTING**
7 **REQUIREMENTS.**

8 Section 6 of the Norman Y. Mineta Research and
9 Special Programs Improvement Act (49 U.S.C. 108 note)
10 is amended—

11 (1) by striking subsection (b)(1); and

12 (2) by striking the heading for subsection (b)
13 and redesignating subsection (b)(2) as subsection
14 (b).

15 **TITLE VII—AMENDMENTS TO**
16 **THE INTERNAL REVENUE CODE**

17 **SEC. 7001. AMENDMENT OF 1986 CODE.**

18 Except as otherwise expressly provided, whenever in
19 this title an amendment or repeal is expressed in terms
20 of an amendment to, or repeal of, a section or other provi-
21 sion, the reference shall be considered to be made to a
22 section or other provision of the Internal Revenue Code
23 of 1986.

24 **SEC. 7002. EXTENSION OF HIGHWAY-RELATED TAXES.**

25 (a) EXTENSION OF TAXES.—

1 (1) IN GENERAL.—The following provisions are
2 each amended by striking “2016” each place it ap-
3 pears and inserting “2023”:

4 (A) Section 4041(a)(1)(C)(iii)(I) (relating
5 to rate of tax on certain buses).

6 (B) Section 4041(m)(1) (relating to cer-
7 tain alcohol fuels).

8 (C) Section 4051(e) (relating to termi-
9 nation of tax on heavy trucks and trailers).

10 (D) Section 4071(d) (relating to termi-
11 nation of tax on tires).

12 (E) Section 4081(d)(1) (relating to termi-
13 nation of tax on gasoline, diesel fuel, and ker-
14 osene).

15 (F) Section 4081(d)(3) (relating to the
16 Leaking Underground Storage Tank Financing
17 rate).

18 (2) EXTENSION OF TAX, ETC., ON USE OF CER-
19 TAIN HEAVY VEHICLES.—The following provisions
20 are each amended by striking “2017” each place it
21 appears and inserting “2023”:

22 (A) Section 4481(f) (relating to period tax
23 in effect).

24 (B) Section 4482(c)(4) (relating to taxable
25 period).

1 (C) Section 4482(d) (relating to special
2 rule for taxable period in which termination
3 date occurs).

4 (3) FLOOR STOCKS REFUNDS.—Section
5 6412(a)(1) (relating to floor stocks refunds) is
6 amended—

7 (A) by striking “2016” each place it ap-
8 pears and inserting “2023”; and

9 (B) by striking “2017” each place it ap-
10 pears and inserting “2024”.

11 (b) EXTENSION OF CERTAIN EXEMPTIONS.—

12 (1) CERTAIN TAX-FREE SALES.—Section
13 4221(a) (relating to certain tax-free sales) is amend-
14 ed by striking “2016” and inserting “2023”.

15 (2) TERMINATION OF EXEMPTIONS FOR HIGH-
16 WAY USE TAX.—Section 4483(i) (relating to termi-
17 nation of exemptions for highway use tax) is amend-
18 ed by striking “2017” and inserting “2024”.

19 **SEC. 7003. EXTENSION OF PROVISIONS RELATED TO THE**
20 **SPORT FISH RESTORATION AND BOATING**
21 **TRUST FUND.**

22 (a) EXTENSION OF EXPENDITURES FROM THE
23 TRUST FUND.—Subparagraphs (A) through (C) of para-
24 graph (2) of section 9504(b) of such Code are amended
25 to read as follows:

1 “(A) to carry out the purposes of the Din-
2 gell-Johnson Sport Fish Restoration Act (as in
3 effect on the date of the enactment of the
4 GROW AMERICA Act),

5 “(B) to carry out the purposes of section
6 7404(d) of the Transportation Equity Act for
7 the 21st Century (as in effect on the date of
8 the enactment of the GROW AMERICA Act),
9 and

10 “(C) to carry out the purposes of the
11 Coastal Wetlands Planning, Protection and
12 Restoration Act (as in effect on the date of the
13 enactment of the GROW AMERICA Act).”.

14 (b) EXCEPTION TO LIMITATION ON TRANSFERS.—
15 Paragraph (2) of section 9504(d) is amended by striking
16 “June 1, 2015,” and inserting “October 1, 2021,”.

17 **SEC. 7004. TRANSPORTATION TRUST FUND.**

18 (a) CREATION OF TRANSPORTATION TRUST FUND.—
19 Section 9503 is amended to read as follows:

20 **“§ 9503. Transportation Trust Fund**

21 “(a) CREATION OF TRUST FUND.—There is estab-
22 lished in the Treasury of the United States a trust fund
23 to be known as the ‘Transportation Trust Fund’, con-
24 sisting of such amounts as may be appropriated or cred-
25 ited to the Transportation Trust Fund as provided in this

1 section or section 9602(b). The Transportation Trust
2 Fund is a successor to the Highway Trust Fund estab-
3 lished under this section as in effect prior to the enact-
4 ment of the Transportation Jobs Act for the 21st Century.
5 All references to the Mass Transit Account of the High-
6 way Trust Fund are deemed to be references to the Mass
7 Transit Account of the Transportation Trust Fund under
8 subsection (e). All references to the Highway Trust Fund
9 (other than the Mass Transit Account) or to the Highway
10 Account of the Highway Trust Fund are deemed to be
11 references to the Highway Account of the Transportation
12 Trust Fund under subsection (f).

13 “(b) APPROPRIATION TO THE TRANSPORTATION
14 TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN
15 TAXES AND PENALTIES.—

16 “(1) CERTAIN TAXES.—There are hereby ap-
17 propriated to the Transportation Trust Fund
18 amounts equivalent to the taxes received in the
19 Treasury before October 1, 2023, under the fol-
20 lowing provisions—

21 “(A) section 4041 (relating to taxes on die-
22 sel fuels and special motor fuels),

23 “(B) section 4051 (relating to retail tax on
24 heavy trucks and trailers),

1 “(C) section 4071 (relating to tax on
2 tires),

3 “(D) section 4081 (relating to tax on gaso-
4 line, diesel fuel, and kerosene), and

5 “(E) section 4481 (relating to tax on use
6 of certain vehicles).

7 For purposes of this paragraph, taxes received under
8 sections 4041 and 4081 shall be determined without
9 reduction for credits under section 6426 and taxes
10 received under section 4081 shall be determined
11 without regard to tax receipts attributable to the
12 rate specified in section 4081(a)(2)(C).

13 “(2) LIABILITIES INCURRED BEFORE OCTOBER
14 1, 2023.—There are hereby appropriated to the
15 Transportation Trust Fund amounts equivalent to
16 the taxes which are received in the Treasury after
17 September 30, 2023, and before July 1, 2024, and
18 which are attributable to liability for tax incurred
19 before October 1, 2023, under the provisions de-
20 scribed in paragraph (1).

21 “(3) CERTAIN TAXES NOT TRANSFERRED TO
22 TRANSPORTATION TRUST FUND.—For purposes of
23 paragraphs (1) and (2), there shall not be taken into
24 account the taxes imposed by—

25 “(A) section 4041(d),

1 “(B) section 4081 to the extent attrib-
2 utable to the rate specified in section
3 4081(a)(2)(B),

4 “(C) section 4041 or 4081 to the extent
5 attributable to fuel used in a train, or

6 “(D) in the case of gasoline and special
7 motor fuels used as described in paragraph
8 (3)(D) or (4)(B) of subsection (c), section 4041
9 or 4081 with respect to so much of the rate of
10 tax as exceeds—

11 “(i) 11.5 cents per gallon with respect
12 to taxes imposed before October 1, 2001,

13 “(ii) 13 cents per gallon with respect
14 to taxes imposed after September 30,
15 2001, and before October 1, 2003, and

16 “(iii) 13.5 cents per gallon with re-
17 spect to taxes imposed after September 30,
18 2003, and before October 1, 2005.

19 “(4) CERTAIN PENALTIES.—There are hereby
20 appropriated to the Transportation Trust Fund
21 amounts equivalent to the penalties paid under sec-
22 tions 6715, 6715A, 6717, 6718, 6719, 6720A, 6725,
23 7232, and 7272 (but only with regard to penalties
24 under each such section related to failure to register
25 under section 4101).

1 “(c) FLOOR STOCKS REFUNDS.—The Secretary shall
2 pay from time to time from the Transportation Trust
3 Fund into the general fund of the Treasury amounts
4 equivalent to the floor stocks refunds made before July
5 1, 2024, under section 6412(a). The amounts payable
6 from each account in the Transportation Trust Fund
7 under the preceding sentence shall be determined by tak-
8 ing into account only the portion of the taxes which are
9 deposited into the Transportation Trust Fund and into
10 each account of such Fund.

11 “(d) TRANSFERS FROM THE TRUST FUND FOR
12 TAXES ON CERTAIN USES OF FUEL.—

13 “(1) MOTORBOAT FUEL TAXES.—

14 “(A) TRANSFER TO LAND AND WATER
15 CONSERVATION FUND.—

16 “(i) IN GENERAL.—The Secretary
17 shall pay from time to time from the
18 Transportation Trust Fund into the land
19 and water conservation fund provided for
20 in title I of the Land and Water Conserva-
21 tion Fund Act of 1965 amounts (as deter-
22 mined by the Secretary) equivalent to the
23 motorboat fuel taxes received on or after
24 October 1, 2005, and before October 1,
25 2023.

1 “(ii) LIMITATION.—The aggregate
2 amount transferred under this subpara-
3 graph during any fiscal year shall not ex-
4 ceed \$1,000,000.

5 “(2) EXCESS FUNDS TRANSFERRED TO SPORT
6 FISH RESTORATION AND BOATING TRUST FUND.—
7 Any amounts in the Transportation Trust Fund—

8 “(A) which are attributable to motorboat
9 fuel taxes, and

10 “(B) which are not transferred from the
11 Transportation Trust Fund under paragraph
12 (1)(A),

13 shall be transferred by the Secretary from the
14 Transportation Trust Fund into the Sport Fish Res-
15 toration and Boating Trust Fund.

16 “(C) MOTORBOAT FUEL TAXES.—For pur-
17 poses of this paragraph, the term ‘motorboat
18 fuel taxes’ means the taxes under section
19 4041(a)(2) with respect to special motor fuels
20 used as fuel in motorboats and under section
21 4081 with respect to gasoline used as fuel in
22 motorboats, but only to the extent such taxes
23 are deposited into the Transportation Trust
24 Fund.

1 “(D) DETERMINATION.—The amount of
2 transfers made under this paragraph after Oc-
3 tober 1, 1986, shall be determined by the Sec-
4 retary in accordance with the methodology de-
5 scribed in the Treasury Department’s Report to
6 Congress of June 1986 entitled ‘Gasoline Ex-
7 cise Tax Revenues Attributable to Fuel Used in
8 Recreational Motorboats’.

9 “(3) TRANSFERS FROM THE TRUST FUND FOR
10 SMALL-ENGINE FUEL TAXES.—

11 “(A) IN GENERAL.—The Secretary shall
12 pay from time to time from the Transportation
13 Trust Fund into the Sport Fish Restoration
14 and Boating Trust Fund amounts (as deter-
15 mined by him) equivalent to the small-engine
16 fuel taxes received on or after December 1,
17 1990, and before October 1, 2023.

18 “(B) SMALL-ENGINE FUEL TAXES.—For
19 purposes of this paragraph, the term ‘small-en-
20 gine fuel taxes’ means the taxes under section
21 4081 with respect to gasoline used as a fuel in
22 the nonbusiness use of small-engine outdoor
23 power equipment, but only to the extent such
24 taxes are deposited into the Transportation

1 Trust Fund and into each account of such
2 Fund.

3 “(4) TRANSFERS FROM THE TRUST FUND FOR
4 CERTAIN AVIATION FUEL TAXES.—The Secretary
5 shall pay at least monthly from the Transportation
6 Trust Fund into the Airport and Airway Trust
7 Fund amounts (as determined by the Secretary)
8 equivalent to the taxes received on or after October
9 1, 2005, and before October 1, 2023, under section
10 4081 with respect to so much of the rate of tax as
11 does not exceed.

12 “(A) 4.3 cents per gallon of kerosene sub-
13 ject to section 6427(l)(4)(A) with respect to
14 which a payment has been made by the Sec-
15 retary under section 6427(l), and

16 “(B) 21.8 cents per gallon of kerosene sub-
17 ject to section 6427(l)(4)(B) with respect to
18 which a payment has been made by the Sec-
19 retary under section 6427(l).

20 Transfers under the preceding sentence shall be
21 made on the basis of estimates by the Secretary, and
22 proper adjustments shall be made in the amounts
23 subsequently transferred to the extent prior esti-
24 mates were in excess of or less than the amounts re-
25 quired to be transferred. Any amount allowed as a

1 credit under section 34 by reason of paragraph (4)
2 of section 6427(l) shall be treated for purposes of
3 subparagraphs (A) and (B) as a payment made by
4 the Secretary under such paragraph.

5 “(e) ESTABLISHMENT OF MASS TRANSIT AC-
6 COUNT.—

7 “(1) CREATION OF ACCOUNT.—There is estab-
8 lished in the Transportation Trust Fund a separate
9 account to be known as the ‘Mass Transit Account’
10 consisting of such amounts as may be transferred or
11 credited to the Mass Transit Account as provided in
12 this section or section 9602(b).

13 “(2) TRANSFERS TO MASS TRANSIT AC-
14 COUNT.—The Secretary of the Treasury shall trans-
15 fer to the Mass Transit Account—

16 “(A) the mass transit portion of the
17 amounts appropriated to the Transportation
18 Trust Fund under subsection (b) which are at-
19 tributable to taxes under sections 4041 and
20 4081 imposed after March 31, 1983. For pur-
21 poses of the preceding sentence, the term ‘mass
22 transit portion’ means, for any fuel with respect
23 to which tax was imposed under section 4041
24 or 4081 and otherwise deposited into the

1 Transportation Trust Fund, the amount deter-
2 mined at the rate of—

3 “(i) except as otherwise provided in
4 this sentence, 2.86 cents per gallon,

5 “(ii) 1.43 cents per gallon in the case
6 of any partially exempt methanol or eth-
7 anol fuel (as defined in section 4041(m))
8 none of the alcohol in which consists of
9 ethanol,

10 “(iii) 1.86 cents per gallon in the case
11 of liquefied natural gas,

12 “(iv) 2.13 cents per gallon in the case
13 of liquefied petroleum gas, and

14 “(v) 1.23 cents per energy equivalent
15 of a gallon of gasoline in the case of com-
16 pressed natural gas, and

17 “(B) additional amounts appropriated to
18 the Mass Transit Account by subsection
19 (h)(1)(B).

20 “(3) EXPENDITURES FROM ACCOUNT.—

21 Amounts in the Mass Transit Account shall be avail-
22 able, as provided by appropriation Acts, for making
23 capital or capital related expenditures (including
24 capital expenditures for new projects) before October
25 1, 2021, in accordance with the GROW AMERICA

1 Act or any other provision of law which was referred
2 to in this paragraph before the date of the enact-
3 ment of such Act (as such Act and provisions of law
4 are in effect on the date of the enactment of such
5 Act).

6 “(4) LIMITATION ON TRANSFERS TO THE AC-
7 COUNT.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), no amount may be trans-
10 ferred to the Mass Transit Account on and
11 after the date of any expenditure from the Mass
12 Transit Account which is not permitted by this
13 subsection. The determination of whether an ex-
14 penditure is so permitted shall be made without
15 regard to—

16 “(i) any provision of law which is not
17 contained or referenced in this title or in
18 a revenue Act, and

19 “(ii) whether such provision of law is
20 a subsequently enacted provision or di-
21 rectly or indirectly seeks to waive the ap-
22 plication of this paragraph.

23 “(B) EXCEPTION FOR PRIOR OBLIGA-
24 TIONS.—Subparagraph (A) shall not apply to
25 any expenditure to liquidate any contract en-

1 tered into (or for any amount otherwise obli-
2 gated) before October 1, 2021, in accordance
3 with the provisions of this section.

4 “(f) ESTABLISHMENT OF HIGHWAY ACCOUNT.—

5 “(1) CREATION OF ACCOUNT.—There is estab-
6 lished in the Transportation Trust Fund a separate
7 account to be known as the ‘Highway Account’ con-
8 sisting of such amounts as may be transferred or
9 credited to the Highway Account as provided in this
10 section or section 9602(b).

11 “(2) TRANSFERS TO THE HIGHWAY AC-
12 COUNT.—The Secretary of the Treasury shall trans-
13 fer to the Highway Account—

14 “(A) the portion of the taxes appropriated
15 to the Transportation Trust Fund by—

16 “(i) subparagraphs (B), (C), and (E)
17 of subsection (b)(1), and

18 “(ii) subparagraphs (A) and (D) of
19 subsection (b)(1), but only to the extent
20 that such taxes are not required to be
21 transferred to the Mass Transit Account
22 under subsection (e),

23 “(B) additional amounts appropriated to
24 the Highway Account by subsection (h)(1)(A);
25 and

1 “(C) fines and penalties appropriated to
2 the Transportation Trust Fund by subsection
3 (b)(4) and by section 521(b)(10) of title 49,
4 United States Code.

5 “(3) LIMITATION ON TRANSFERS TO THE AC-
6 COUNT.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), no amount may be trans-
9 ferred to the Highway Account on and after the
10 date of any expenditure from the Highway Ac-
11 count which is not permitted by this subsection.
12 The determination of whether an expenditure is
13 so permitted shall be made without regard to—

14 “(i) any provision of law which is not
15 contained or referenced in this title or in
16 a revenue Act, and

17 “(ii) whether such provision of law is
18 a subsequently enacted provision or di-
19 rectly or indirectly seeks to waive the ap-
20 plication of this paragraph.

21 “(B) EXCEPTION FOR PRIOR OBLIGA-
22 TIONS.—Subparagraph (A) shall not apply to
23 any expenditure to liquidate any contract en-
24 tered into (or for any amount otherwise obli-

1 gated) before October 1, 2021, in accordance
2 with the provisions of this section.

3 “(4) EXPENDITURES FROM ACCOUNT.—

4 Amounts in the Highway Account of the Transpor-
5 tation Trust Fund shall be available, as provided by
6 appropriation acts, for making expenditures before
7 October 1, 2021, to meet those obligations of the
8 United States heretofore or hereafter incurred which
9 are authorized to be paid out of the Highway Ac-
10 count under the GROW AMERICA Act or any other
11 provision of law which was referred to in paragraph
12 (c)(1) (as in effect on the day before enactment of
13 such Act) before the date of the enactment of such
14 Act (as such Act and provisions of law are in effect
15 on the date of the enactment of such Act).

16 “(g) ESTABLISHMENT OF RAIL ACCOUNT.—

17 “(1) CREATION OF ACCOUNT.—There is estab-
18 lished in the Transportation Trust Fund a separate
19 account to be known as the ‘Rail Account’ consisting
20 of such amounts as may be transferred or credited
21 to the Rail Account as provided in this section or
22 section 9602(b).

23 “(2) TRANSFERS TO THE RAIL ACCOUNT.—The
24 Secretary of the Treasury shall transfer to the Rail

1 Account amounts appropriated to the Rail Account
2 by subsection (h)(1)(C).

3 “(3) LIMITATION ON TRANSFERS TO THE AC-
4 COUNT.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), no amount may be trans-
7 ferred to the Rail Account on and after the date
8 of any expenditure from the Rail Account which
9 is not permitted by this subsection. The deter-
10 mination of whether an expenditure is so per-
11 mitted shall be made without regard to—

12 “(i) any provision of law which is not
13 contained or referenced in this title or in
14 a revenue Act, and

15 “(ii) whether such provision of law is
16 a subsequently enacted provision or di-
17 rectly or indirectly seeks to waive the ap-
18 plication of this paragraph.

19 “(B) EXCEPTION FOR PRIOR OBLIGA-
20 TIONS.—Subparagraph (A) shall not apply to
21 any expenditure to liquidate any contract en-
22 tered into (or for any amount otherwise obli-
23 gated) before October 1, 2021, in accordance
24 with the provisions of this section.

1 “(4) EXPENDITURES FROM ACCOUNT.—
2 Amounts in the Rail Account of the Transportation
3 Trust Fund shall be available, as provided by appro-
4 priation acts, for making expenditures before Octo-
5 ber 1, 2021, to meet those obligations of the United
6 States heretofore or hereafter incurred which are au-
7 thorized to be paid out of the Rail Account under
8 the GROW AMERICA Act.

9 “(h) ADDITIONAL APPROPRIATIONS.—

10 “(1) ADDITIONAL APPROPRIATIONS TO TRUST
11 FUND.—Out of money in the Treasury not otherwise
12 appropriated, there is hereby appropriated to—

13 “(A) the Highway Account in the Trans-
14 portation Trust Fund—

15 “(i) for fiscal year 2016,
16 \$19,425,000,000,

17 “(ii) for fiscal year 2017,
18 \$19,425,000,000,

19 “(iii) for fiscal year 2018,
20 \$19,425,000,000,

21 “(iv) for fiscal year 2019,
22 \$19,425,000,000,

23 “(v) for fiscal year 2020,
24 \$19,425,000,000, and

1 “(vi) for fiscal year 2021,
2 \$19,425,000,000, and

3 “(B) the Mass Transit Account in the
4 Transportation Trust Fund—

5 “(i) for fiscal year 2016,
6 \$14,300,000,000,

7 “(ii) for fiscal year 2017,
8 \$14,300,000,000,

9 “(iii) for fiscal year 2018,
10 \$14,300,000,000,

11 “(iv) for fiscal year 2019,
12 \$14,300,000,000,

13 “(v) for fiscal year 2020,
14 \$14,300,000,000, and

15 “(vi) for fiscal year 2021,
16 \$14,300,000,000, and

17 “(C) the Rail Account in the Transpor-
18 tation Trust Fund—

19 “(i) for fiscal year 2016,
20 \$4,758,000,000,

21 “(ii) for fiscal year 2017,
22 \$4,758,000,000,

23 “(iii) for fiscal year 2018,
24 \$4,758,000,000,

1 “(iv) for fiscal year 2019,
2 \$4,758,000,000,

3 “(v) for fiscal year 2020,
4 \$4,758,000,000, and

5 “(vi) for fiscal year 2021,
6 \$4,758,000,000; and

7 “(D) the Multimodal Account in the
8 Transportation Trust Fund—

9 “(i) for fiscal year 2016,
10 \$1,250,000,000,

11 “(ii) for fiscal year 2017,
12 \$1,250,000,000,

13 “(iii) for fiscal year 2018,
14 \$1,250,000,000,

15 “(iv) for fiscal year 2019,
16 \$1,250,000,000,

17 “(v) for fiscal year 2020,
18 \$1,250,000,000, and

19 “(vi) for fiscal year 2021,
20 \$1,250,000,000.

21 “(2) TREATMENT OF APPROPRIATED
22 AMOUNTS.—Any amount appropriated under this
23 subsection shall remain available without fiscal year
24 limitation.

1 “(i) ADJUSTMENTS OF APPORTIONMENTS FOR HIGH-
2 WAY AND MASS TRANSIT ACCOUNT PROGRAMS.—The
3 Secretary of the Treasury and where so indicated, the Sec-
4 retary of Transportation, shall take the following actions
5 for the Highway Account and separately for the Mass
6 Transit Account—

7 “(1) ESTIMATES OF UNFUNDED AUTHORIZA-
8 TIONS AND NET RECEIPTS FOR ACCOUNT.—The Sec-
9 retary of the Treasury, not less frequently than once
10 in each calendar quarter, after consultation with the
11 Secretary of Transportation, shall estimate for the
12 Account—

13 “(A) the amount which would (but for this
14 subsection) be the unfunded authorizations at
15 the close of the next fiscal year, and

16 “(B) the net receipts for the 48-month pe-
17 riod beginning at the close of such fiscal year.

18 “(2) PROCEDURE WHERE THERE ARE EXCESS
19 UNFUNDED AUTHORIZATIONS.—If the Secretary of
20 the Treasury determines for any fiscal year that the
21 amount described in paragraph (1)(A) for the Ac-
22 count exceeds the amount described in paragraph
23 (1)(B) for such Account—

24 “(A) the Secretary shall so advise the Sec-
25 retary of Transportation, and

1 “(B) the Secretary shall further advise the
2 Secretary of Transportation as to the amount
3 of such excess.

4 “(3) ADJUSTMENT OF APPORTIONMENTS
5 WHERE UNFUNDED AUTHORIZATIONS EXCEED 6
6 YEARS’ RECEIPTS.—

7 “(A) DETERMINATION OF PERCENTAGE.—
8 If, before any apportionment to the States is
9 made of funds authorized to be appropriated
10 from the Account in the most recent estimate
11 made by the Secretary of the Treasury there is
12 an excess referred to in paragraph (2)(B) for
13 the Account, the Secretary of Transportation
14 shall determine the percentage which—

15 “(i) the excess referred to in para-
16 graph (2)(B) for the Account, is of

17 “(ii) the amount authorized to be ap-
18 propriated from that Account of the Trust
19 Fund for the fiscal year for apportionment
20 to the States.

21 If, but for this sentence, the most recent esti-
22 mate would be one which was made on a date
23 which will be more than 3 months before the
24 date of the apportionment, the Secretary of the

1 Treasury shall make a new estimate under
2 paragraph (1) for the appropriate fiscal year.

3 “(B) ADJUSTMENT OF APPORTION-
4 MENTS.—If the Secretary of Transportation de-
5 termines a percentage for the Account under
6 subparagraph (A) for purposes of any appor-
7 tionment, notwithstanding any other provision
8 of law, the Secretary of Transportation shall
9 apportion to the States (in lieu of the amount
10 which, but for the provisions of this subsection,
11 would be so apportioned) the amount obtained
12 by reducing the amount authorized to be so ap-
13 portioned by such percentage.

14 “(4) APPORTIONMENT OF AMOUNTS PRE-
15 VIOUSLY WITHHELD FROM APPORTIONMENT.—If,
16 after funds have been withheld from apportionment
17 under paragraph (3)(B), the Secretary of the Treas-
18 ury determines that the amount described in para-
19 graph (1)(A) does not exceed the amount described
20 in paragraph (1)(B) or that the excess described in
21 paragraph (1)(B) is less than the amount previously
22 determined, he shall so advise the Secretary of
23 Transportation. The Secretary of Transportation
24 shall apportion to the States such portion of the
25 funds so withheld from apportionment as the Sec-

1 retary of the Treasury has advised him may be so
2 apportioned without causing the amount described in
3 paragraph (1)(A) to exceed the amount described in
4 paragraph (1)(B). Any funds apportioned pursuant
5 to the preceding sentence shall remain available for
6 the period for which they would be available if such
7 apportionment took effect with the fiscal year in
8 which they are apportioned pursuant to the pre-
9 ceding sentence.

10 “(5) DEFINITIONS.—For purposes of this sub-
11 section—

12 “(A) UNFUNDED AUTHORIZATIONS.—The
13 term ‘unfunded authorizations’ means, at any
14 time, the excess (if any) of—

15 “(i) the total potential unpaid com-
16 mitments at such time as a result of the
17 apportionment to the States of the
18 amounts authorized to be appropriated
19 from the Account, over

20 “(ii) the amount available in the that
21 Account at such time to defray such com-
22 mitments (after all other unpaid commit-
23 ments at such time which are payable from
24 that Account have been defrayed).

1 “(B) NET RECEIPTS.—The term ‘net re-
2 receipts’ means, with respect to any period, the
3 excess of—

4 “(i) the receipts (including interest) of
5 the Account during such period, over

6 “(ii) the amounts to be transferred
7 during such period from such Account
8 under subsection (d).

9 “(6) MEASUREMENT OF NET RECEIPTS.—For
10 purposes of making any estimate under paragraph
11 (1) of net receipts for periods ending after the date
12 specified in subsection (b)(1), the Secretary of the
13 Treasury shall treat—

14 “(A) each expiring provision of subsection
15 (b) which is related to appropriations or trans-
16 fers to the Highway Account or the Mass Tran-
17 sit Account of the Transportation Trust Fund
18 to have been extended through the end of the
19 48-month period referred to in paragraph
20 (1)(B), and

21 “(B) with respect to each tax imposed
22 under the sections referred to in subsection
23 (b)(1), the rate of such tax during the 48-
24 month period referred to in paragraph (1)(B)

1 to be the same as the rate of such tax as in ef-
2 fect on the date of such estimate.

3 “(7) REPORTS.—Any estimate under paragraph
4 (1) and any determination under paragraph (2) shall
5 be reported by the Secretary of the Treasury to the
6 Committee on Ways and Means of the House of
7 Representatives, the Committee on Finance of the
8 Senate, the Committees on the Budget of both
9 Houses, the Committee on Transportation and In-
10 frastructure of the House of Representatives, and
11 the Committee on Commerce, Science, and Trans-
12 portation, the Committee on Banking, and the Com-
13 mittee on Environment and Public Works of the
14 Senate.

15 “(j) ESTABLISHMENT OF MULTIMODAL ACCOUNT.—

16 “(1) CREATION OF ACCOUNT.—There is estab-
17 lished in the Transportation Trust Fund a separate
18 account to be known as the ‘Multimodal Account’
19 consisting of such amounts as may be transferred or
20 credited to the Multimodal Account as provided in
21 this section or section 9602(b).

22 “(2) TRANSFERS TO THE MULTIMODAL AC-
23 COUNT.—The Secretary of the Treasury shall trans-
24 fer to the Multimodal Account amounts appropriated
25 to the Multimodal Account by subsection (h)(1)(D).

1 “(3) LIMITATION ON TRANSFERS TO THE AC-
2 COUNT.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), no amount may be trans-
5 ferred to the Multimodal Account on and after
6 the date of any expenditure from the
7 Multimodal Account which is not permitted by
8 this subsection. The determination of whether
9 an expenditure is so permitted shall be made
10 without regard to—

11 “(i) any provision of law which is not
12 contained or referenced in this title or in
13 a revenue Act, and

14 “(ii) whether such provision of law is
15 a subsequently enacted provision or di-
16 rectly or indirectly seeks to waive the ap-
17 plication of this paragraph.

18 “(B) EXCEPTION FOR PRIOR OBLIGA-
19 TIONS.—Subparagraph (A) shall not apply to
20 any expenditure to liquidate any contract en-
21 tered into (or for any amount otherwise obli-
22 gated) before October 1, 2021, in accordance
23 with the provisions of this section.

24 “(4) EXPENDITURES FROM ACCOUNT.—
25 Amounts in the Multimodal Account of the Trans-

1 portation Trust Fund shall be available, as provided
2 by appropriation acts, for making expenditures be-
3 fore October 1, 2021, to meet those obligations of
4 the United States heretofore or hereafter incurred
5 which are authorized to be paid out of the
6 Multimodal Account under the GROW AMERICA
7 Act.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) The item relating to section 9503 in the
10 analysis of chapter 98 of the Internal Revenue Code
11 of 1986 is amended by striking “Highway” and in-
12 serting “Transportation”.

13 (2) Section 201(b) of the Land and Water Con-
14 servation Fund Act of 1965 (16 U.S.C. 4601–11(b))
15 is amended—

16 (A) by striking “2016” and inserting
17 “2023”, and

18 (B) by striking “2017” each place it ap-
19 pears and inserting “2024”.

20 (3) Section 521(b)(10) of title 49, United
21 States Code, is amended by striking “Highway
22 Trust Fund (other than the Mass Transit Account)”
23 and inserting “Highway Account of the Transpor-
24 tation Trust Fund”.

1 **SEC. 7005. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 on the date of the enactment of this Act.

4 **TITLE VIII—RESEARCH**

5 **Subtitle A—Funding**

6 **SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—The following amounts are au-
8 thorized to be appropriated out of the Highway Account
9 of the Transportation Trust Fund:

10 (1) HIGHWAY RESEARCH AND DEVELOPMENT
11 PROGRAM.—To carry out section 503(b) of title 23,
12 United States Code—

- 13 (A) \$130,000,000 for fiscal year 2016;
14 (B) \$132,594,234 for fiscal year 2017;
15 (C) \$135,188,470 for fiscal year 2018;
16 (D) \$138,070,953 for fiscal year 2019;
17 (E) \$140,832,372 for fiscal year 2020; and
18 (F) \$143,649,100 for fiscal year 2021.

19 (2) TECHNOLOGY AND INNOVATION DEPLOY-
20 MENT PROGRAM.—To carry out section 503(c) of
21 title 23, United States Code—

- 22 (A) \$70,000,000 for fiscal year 2016;
23 (B) \$71,396,896 for fiscal year 2017;
24 (C) \$72,793,792 for fiscal year 2018;
25 (D) \$74,345,898 for fiscal year 2019;
26 (E) \$75,832,816 for fiscal year 2020; and

1 (F) \$77,349,552 for fiscal year 2021.

2 (3) TRAINING AND EDUCATION.—To carry out
3 section 504 of title 23, United States Code—

4 (A) \$27,000,000 for fiscal year 2016;

5 (B) \$27,538,803 for fiscal year 2017;

6 (C) \$28,077,605 for fiscal year 2018;

7 (D) \$28,676,275 for fiscal year 2019;

8 (E) \$29,249,801 for fiscal year 2020; and

9 (F) \$29,834,876 for fiscal year 2021.

10 (4) INTELLIGENT TRANSPORTATION SYSTEMS
11 PROGRAM.—To carry out sections 512 through 519
12 of title 23, United States Code—

13 (A) \$158,000,000 for fiscal year 2016;

14 (B) \$179,254,989 for fiscal year 2017;

15 (C) \$173,509,978 for fiscal year 2018;

16 (D) \$137,015,521 for fiscal year 2019;

17 (E) \$142,415,831 for fiscal year 2020; and

18 (F) \$144,864,148 for fiscal year 2021.

19 (5) UNIVERSITY TRANSPORTATION CENTERS
20 PROGRAM.—To carry out section 5505 of title 49,
21 United States Code—

22 (A) \$82,000,000 for fiscal year 2016;

23 (B) \$83,636,364 for fiscal year 2017;

24 (C) \$85,272,727 for fiscal year 2018;

25 (D) \$87,090,909 for fiscal year 2019;

1 (E) \$88,832,727 for fiscal year 2020; and
2 (F) \$90,609,462 for fiscal year 2021.

3 (6) BUREAU OF TRANSPORTATION STATIS-
4 TICS.—To carry out chapter 63 of title 49, United
5 States Code—

6 (A) \$29,000,000 for fiscal year 2016;

7 (B) \$29,578,714 for fiscal year 2017;

8 (C) \$30,157,428 for fiscal year 2018;

9 (D) \$30,800,444 for fiscal year 2019;

10 (E) \$31,416,453 for fiscal year 2020; and

11 (F) \$32,044,862 for fiscal year 2021.

12 (b) APPLICABILITY OF TITLE 23, UNITED STATES
13 CODE.—Funds authorized to be appropriated by sub-
14 section (a) shall—

15 (1) be available for obligation in the same man-
16 ner as if those funds were apportioned under chap-
17 ter 1 of title 23, United States Code, except that the
18 Federal share of the cost of a project or activity car-
19 ried out using those funds shall be 80 percent, un-
20 less otherwise expressly provided by this Act (includ-
21 ing the amendments by this Act) or otherwise deter-
22 mined by the Secretary; and

23 (2) remain available until expended and not be
24 transferable.

1 **Subtitle B—Research, Technology,**
2 **and Education**

3 **SEC. 8101. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**
4 **TATION RESEARCH PROGRAM.**

5 (a) IN GENERAL.—Chapter 5 of title 23, United
6 States Code, is amended by inserting the following at the
7 end:

8 **“§ 550. National Cooperative Freight Transportation**
9 **Research Program**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish and support a National Cooperative Freight Trans-
12 portation Research Program.

13 “(b) AGREEMENT.—The Secretary shall enter into an
14 agreement with the Transportation Research Board of the
15 National Research Council of the National Academies to
16 support and carry out administrative and management ac-
17 tivities relating to the governance of the National Coopera-
18 tive Freight Transportation Research Program.

19 “(c) ADVISORY COMMITTEE.—The National Acad-
20 emies shall select an advisory committee consisting of a
21 representative cross section of freight stakeholders, includ-
22 ing the Department of Transportation, other Federal
23 agencies, State transportation departments, local govern-
24 ments, nonprofit entities, academia, private sector carriers
25 and shippers, and other interested parties.

1 “(d) GOVERNANCE.—The National Cooperative
2 Freight Transportation Research Program established
3 under this section shall include the following administra-
4 tive and management elements:

5 “(1) NATIONAL RESEARCH AGENDA.—The advi-
6 sory committee, in consultation with interested par-
7 ties, shall recommend a national research agenda for
8 the program. The agenda shall—

9 “(A) include an emphasis on the safe and
10 efficient transportation and handling of haz-
11 ardous materials by all modes of transportation;

12 “(B) include a multiyear strategic plan;

13 “(C) be fully coordinated with the activi-
14 ties, plans, and reports required by sections
15 5304 and 5305 of title 49; and

16 “(D) be fully coordinated with the activi-
17 ties, plans, and reports required by section 508
18 of title 23, United States Code.

19 “(2) INVOLVEMENT.—Interested parties may—

20 “(A) submit research proposals to the advi-
21 sory committee;

22 “(B) participate in merit reviews of re-
23 search proposals and peer reviews of research
24 products; and

25 “(C) receive research results.

1 “(3) OPEN COMPETITION AND PEER REVIEW OF
2 RESEARCH PROPOSALS.—The National Academies
3 may award research contracts and grants under the
4 program through open competition and merit review
5 conducted on a regular basis.

6 “(4) RESEARCH COORDINATION.—The National
7 Academies shall ensure that research contracts and
8 grants awarded under this section are not duplica-
9 tive with research conducted under other cooperative
10 transportation research programs governed by the
11 National Academies; nor with research conducted by
12 the Department of Transportation or any other Fed-
13 eral, State, or local agency.

14 “(5) EVALUATION OF RESEARCH.—

15 “(A) PEER REVIEW.—Research contracts
16 and grants under the program may allow peer
17 review of the research results.

18 “(B) PROGRAMMATIC EVALUATIONS.—The
19 National Academies may conduct periodic pro-
20 grammatic evaluations on a regular basis of re-
21 search contracts and grants.

22 “(6) DISSEMINATION OF RESEARCH FIND-
23 INGS.—The National Academies shall disseminate
24 research findings to researchers, practitioners, and
25 decisionmakers, through conferences and seminars,

1 field demonstrations, workshops, training programs,
2 presentations, testimony to government officials, the
3 World Wide Web, publications for the general public,
4 collaboration with the National Transportation Li-
5 brary, and other appropriate means.

6 “(e) CONTENTS.—The national research agenda re-
7 quired under subsection (d)(1) shall at a minimum include
8 research in the following areas:

9 “(1) Techniques for estimating and quantifying
10 public benefits derived from freight transportation
11 projects.

12 “(2) Alternative approaches to calculating the
13 contribution of truck and rail traffic to congestion
14 on specific highway segments.

15 “(3) The feasibility of consolidating origins and
16 destinations for freight movement.

17 “(4) Methods for incorporating estimates of do-
18 mestic and international trade into landside trans-
19 portation planning.

20 “(5) Means of synchronizing infrastructure im-
21 provements with freight transportation demand.

22 “(6) The effect of changing patterns of freight
23 movement on transportation planning decisions.

1 “(7) Other research areas to identify and ad-
2 dress emerging and future research needs related to
3 freight transportation by all modes.

4 “(f) FUNDING.—

5 “(1) FEDERAL SHARE.—The Federal share of
6 the cost of an activity carried out under this section
7 shall be up to 100 percent.

8 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
9 tion to using funds authorized for this section, the
10 National Academies may seek and accept additional
11 funding sources from public and private entities ca-
12 pable of accepting funding from the Department of
13 Transportation, States, local governments, nonprofit
14 foundations, and the private sector.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of
17 Transportation such sums as may be necessary to carry
18 out section 550 of such title.

19 (c) CONFORMING AMENDMENT.—The analysis for
20 chapter 501 is amended by adding the following at the
21 end:

 “550. National Cooperative Freight Transportation Research Program.”.

22 **SEC. 8102. COMPETITIVE UNIVERSITY TRANSPORTATION**
23 **CENTERS CONSORTIA PROGRAM.**

24 (a) IN GENERAL.—Section 5505 of title 49, United
25 States Code, is amended as follows:

1 (1) Subsection (a)(2)(A) is amended to read:

2 “(A) to advance multimodal and cross-
3 modal transportation expertise and technology
4 in the varied disciplines that comprise the field
5 of transportation through education, research,
6 and technology transfer activities;”.

7 (2) Subsection (a)(2)(C) of title 49 is amended
8 to read:

9 “(C) to address critical workforce needs
10 and educate the next generation of transpor-
11 tation leaders in a multidisciplinary fashion.”.

12 (3) Subsection (b) is amended to read as fol-
13 lows:

14 “(b) COMPETITIVE SELECTION PROCESS.—

15 “(1) APPLICATIONS.—To receive a grant under
16 this section, a consortium of nonprofit institutions of
17 higher education shall submit to the Secretary an
18 application that is in such form and contains such
19 information as the Secretary may require.

20 “(2) RESTRICTION.—The lead institution of a
21 consortium of nonprofit institutions of higher edu-
22 cation that receives a direct grant award under this
23 section for a national transportation center or a re-
24 gional transportation center in a fiscal year shall not
25 be eligible to receive funding, direct or indirectly,

1 from an additional grant in that fiscal year as the
2 lead institution or member of a consortium, for a
3 national transportation center or a regional trans-
4 portation center.

5 “(3) COORDINATION.—The Secretary shall so-
6 licit grant applications for national transportation
7 centers, regional transportation centers, and Tier 1
8 university transportation centers with identical ad-
9 vertisement schedules and deadlines.

10 “(4) GENERAL SELECTION CRITERIA.—

11 “(A) IN GENERAL.—Except as otherwise
12 provided by this section, the Secretary shall
13 award grants under this section in nonexclusive
14 candidate topic areas established by the Sec-
15 retary that address the research priorities iden-
16 tified in the plans developed under section 508
17 of title 23.

18 “(B) CRITERIA.—The Secretary, in con-
19 sultation with the Assistant Secretary for Re-
20 search and Technology and the Administrators
21 of the Federal Highway Administration and
22 Federal Railroad Administration, shall select
23 each recipient of a grant under this section
24 through a competitive process based on the as-
25 sessment of the Secretary relating to—

1 “(i) the demonstrated ability of the
2 recipient to address each specific topic area
3 described in the research and strategic
4 plans of the recipient;

5 “(ii) the demonstrated research, tech-
6 nology transfer, and education resources
7 available to the recipient to carry out this
8 section;

9 “(iii) the ability of the recipient to
10 provide leadership in solving immediate
11 and long-range national and regional
12 transportation problems;

13 “(iv) the ability of the recipient to
14 carry out research, education, and tech-
15 nology transfer activities that are
16 multimodal and multidisciplinary in scope;

17 “(v) the demonstrated commitment of
18 the recipient to carry out transportation
19 workforce development programs
20 through—

21 “(I) degree-granting programs or
22 programs that provide other industry-
23 recognized credentials; and

24 “(II) outreach activities to at-
25 tract new entrants into the transpor-

1 tation field, including minorities,
2 women, individuals with disabilities,
3 veterans, low-income populations, and
4 others who may not have considered
5 pursuing careers in transportation
6 previously;

7 “(vi) the demonstrated ability of the
8 recipient to disseminate results and spur
9 the implementation of transportation re-
10 search and education programs through
11 national or statewide continuing education
12 programs;

13 “(vii) the demonstrated commitment
14 of the recipient to the use of peer review
15 principles and other research best practices
16 in the selection, management, and dissemi-
17 nation of research projects;

18 “(viii) the strategic plan submitted by
19 the recipient describing the proposed re-
20 search to be carried out by the recipient
21 and the performance metrics to be used in
22 assessing the performance of the recipient
23 in meeting the stated research, technology
24 transfer, education, and outreach goals;
25 and

1 “(ix) the ability of the recipient to im-
2 plement the proposed program in a cost-ef-
3 ficient manner, such as through cost shar-
4 ing and overall reduced overhead, facilities,
5 and administrative costs.

6 “(5) TRANSPARENCY.—

7 “(A) IN GENERAL.—The Secretary shall
8 provide to each applicant, upon request, any
9 materials, including copies of reviews (with any
10 information that would identify a reviewer re-
11 dacted), used in the evaluation process of the
12 proposal of the applicant.

13 “(B) REPORTS.—The Secretary shall make
14 available to the public on a Department of
15 Transportation web site a report describing the
16 overall review process under paragraph (3) that
17 includes—

18 “(i) specific criteria of evaluation used
19 in the review;

20 “(ii) descriptions of the review proc-
21 ess; and

22 “(iii) explanations of the selected
23 awards.

24 “(6) OUTSIDE STAKEHOLDERS.—The Secretary
25 shall, to the maximum extent practicable, consult ex-

1 ternal stakeholders such as the Transportation Re-
2 search Board of the National Research Council of
3 the National Academies to evaluate and competi-
4 tively review all proposals.”; and

5 (4) Subsection (c) is amended to read as fol-
6 lows:

7 “(c) GRANTS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of the GROW AMERICA Act,
10 the Secretary, in consultation with the Assistant
11 Secretary for Research and Technology and the Ad-
12 ministrators of the Federal Highway Administration
13 and Federal Railroad Administration, shall select
14 grant recipients under subsection (b) and make
15 grant amounts available to the selected recipients.

16 “(2) FOCUSED RESEARCH.—In awarding grants
17 under this paragraph, consideration shall be given to
18 minority institutions, as defined by section 365 of
19 the Higher Education Act of 1965 (20 U.S.C.
20 1067k), or consortia that include such institutions
21 that have demonstrated an ability in transportation-
22 related research and education.

23 “(3) NATIONAL TRANSPORTATION CENTERS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the Secretary shall provide grants to

1 5 consortia that the Secretary determines best
2 meet the criteria described in subsection (b)(4).

3 “(B) RESTRICTION.—For each fiscal year,
4 a grant made available under this paragraph
5 shall be \$3,200,000 per recipient.

6 “(C) MATCHING REQUIREMENT.—

7 “(i) IN GENERAL.—As a condition of
8 receiving a grant under this paragraph, a
9 grant recipient shall match 100 percent of
10 the amounts made available under the
11 grant.

12 “(ii) SOURCES.—The matching
13 amounts referred to in clause (i) may in-
14 clude—

15 “(I) amounts made available to
16 the recipient under title I of this Act;

17 “(II) amounts made available to
18 the recipient by the several adminis-
19 trations of the Department of Trans-
20 portation; and

21 “(III) amounts made available to
22 the recipient by other Federal depart-
23 ments, agencies, independent agencies,
24 boards, and other Federal elements
25 with interests in transportation.

1 “(4) REGIONAL UNIVERSITY TRANSPORTATION
2 CENTERS.—

3 “(A) LOCATION OF REGIONAL CENTERS.—

4 One regional university transportation center
5 shall be located in each of the 10 Federal re-
6 gions that comprise the Standard Federal Re-
7 gions established by the Office of Management
8 and Budget in the document entitled ‘Standard
9 Federal Regions’ and dated April 1974 (cir-
10 cular A-105).

11 “(B) SELECTION CRITERIA.—In con-
12 ducting a competition under subsection (b), the
13 Secretary shall provide grants to 10 consortia
14 on the basis of—

15 “(i) the criteria described in sub-
16 section (b)(3);

17 “(ii) the location of the center within
18 the Federal region to be served; and

19 “(iii) whether the consortium of insti-
20 tutions demonstrates that the consortium
21 has well-established, nationally recognized
22 multimodal and multidisciplinary programs
23 in transportation research and education,
24 as evidenced by—

1 “(I) recent expenditures by the
2 institution in surface transportation
3 research;

4 “(II) a historical track record of
5 awarding graduate degrees in profes-
6 sional fields closely related to surface
7 transportation; and

8 “(III) an experienced faculty who
9 specialize in professional fields closely
10 related to surface transportation.

11 “(C) RESTRICTIONS.—For each fiscal
12 year, a grant made available under this para-
13 graph shall be \$3,000,000 for each recipient.

14 “(D) MATCHING REQUIREMENT.—

15 “(i) IN GENERAL.—As a condition of
16 receiving a grant under this paragraph, a
17 grant recipient shall match 100 percent of
18 the amounts made available under the
19 grant.

20 “(ii) SOURCES.—The matching
21 amounts referred to in clause (i) may in-
22 clude—

23 “(I) amounts made available to
24 the recipient under title I of this Act;

1 “(II) amounts made available to
2 the recipient by the several adminis-
3 trations of the Department of Trans-
4 portation; and

5 “(III) amounts made available to
6 the recipient by other Federal depart-
7 ments, agencies, independent agencies,
8 boards, and other elements with inter-
9 ests in transportation.

10 “(5) TIER 1 UNIVERSITY TRANSPORTATION
11 CENTERS.—

12 “(A) IN GENERAL.—The Secretary shall
13 provide grants of \$1,800,000 each to not more
14 than 20 recipients to carry out this paragraph.

15 “(B) RESTRICTION.—The lead institution
16 of a consortium of nonprofit institutions of
17 higher education that receives a direct grant
18 award under paragraph (3) or (4) shall not be
19 eligible to receive a direct grant award under
20 this paragraph.

21 “(C) MATCHING REQUIREMENT.—

22 “(i) IN GENERAL.—Subject to clause
23 (iii), as a condition of receiving a grant
24 under this paragraph, a grant recipient

1 shall match 50 percent of the amounts
2 made available under the grant.

3 “(ii) SOURCES.—The matching
4 amounts referred to in clause (i) may in-
5 clude—

6 “(I) amounts made available to
7 the recipient under title I of this Act;

8 “(II) amounts made available to
9 the recipient by the several adminis-
10 trations of the Department of Trans-
11 portation; and

12 “(III) amounts made available to
13 the recipient by other Federal depart-
14 ments, agencies, independent agencies,
15 boards and other elements with inter-
16 ests in transportation.”.

17 (b) PROGRAM EVALUATION AND OVERSIGHT.—Sec-
18 tion 5505 of title 49, United States Code, is further
19 amended by amending subsection (d)(3) to read:

20 “(d) PROGRAM COORDINATION.—

21 “(3) PROGRAM EVALUATION AND OVER-
22 SIGHT.—The Secretary shall expend not more than
23 2½ percent of the amounts made available to the
24 Secretary to carry out this section for any coordina-

1 tion, evaluation, and oversight activities of the Sec-
2 retary under this section.”.

3 (c) RESEARCH EFFICIENCY.—Section 5505 of title
4 49, United States Code, is further amended by inserting
5 after subsection (f) the following:

6 “(g) RESEARCH EFFICIENCY.—

7 “(1) ADDITIONAL SPONSORED GRANTS.—To en-
8 able access more broadly to the specialized skills and
9 multidisciplinary research capabilities of the trans-
10 portation university research community by the sev-
11 eral administrations of the Department of Transpor-
12 tation, and by other Federal departments, agencies,
13 independent agencies, boards, and other elements
14 with interests in transportation, these organizations
15 may sponsor competitive grants to consortia on spe-
16 cific research topics.

17 “(2) GRANTS.—

18 “(A) The grants shall conform to the selec-
19 tion criteria and requirements of either Na-
20 tional Transportation Centers or Tier 1 Univer-
21 sity Transportation Centers; and be of an
22 equivalent grant value of the type of Center se-
23 lected.

1 “(B) The grants shall conform to all other
2 requirements and restrictions under this sec-
3 tion.

4 “(C) The grants shall be competed, se-
5 lected, and awarded on the same schedule as all
6 grants competed under this section.

7 “(3) MATCHING REQUIREMENT.—Such grants
8 shall require identical matching requirements of the
9 type of Center selected; except that sources of
10 matching funds may not be the same funding source
11 as the Federal entity funding the specialized
12 grant.”.

13 **SEC. 8103. PRIORITY MULTIMODAL RESEARCH PROGRAM.**

14 (a) IN GENERAL.—Section 5506 of title 49, United
15 States Code, is amended to read as follows:

16 **“§ 5506. Priority Multimodal Research Program**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish and support a Priority Multimodal Research Program.

19 “(b) FOCUSED RESEARCH.—The Secretary shall
20 enter into research agreements to carry out priority
21 multimodal research in the following topics:

22 “(1) Conduct research and standards/guideline
23 development for surface transportation infrastruc-
24 ture owners and services providers on systems resil-
25 ience and recovery.

1 “(2) Enable advanced research towards a Zero
2 Emissions Transportation System, to—

3 “(A) accelerate the goal of 80 percent
4 greenhouse gas emission reduction by 2050, to
5 a goal of 100 percent greenhouse gas emission
6 reduction by the same date; and

7 “(B) conduct advanced or long-term re-
8 search on emissions in the transportation sec-
9 tor, both in vehicle emissions and in infrastruc-
10 ture construction and maintenance.

11 “(3) Conduct a coordinated, multimodal STEM
12 Education and Workforce Development program to
13 support the transportation sector’s needs over the
14 next decade for a new workforce trained in the latest
15 technologies.

16 “(c) FUNDING.—

17 “(1) FEDERAL SHARE.—The Federal share of
18 the cost of an activity carried out under this section
19 shall be up to 100 percent.

20 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
21 tion to using funds authorized for this section, the
22 Secretary may seek and accept additional funding
23 sources from public and private entities capable of
24 accepting funding from the Department of Trans-

1 portation, States, local governments, nonprofit foun-
2 dations, and the private sector.

3 “(3) PERIOD OF AVAILABILITY.—Amounts
4 made available to carry out this section shall remain
5 available until expended.”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of
8 Transportation such sums as may be necessary to carry
9 out section 5506 of title 49, United States Code.

10 (c) CONFORMING AMENDMENT.—The analysis for
11 chapter 55 of title 49 is amended by inserting the fol-
12 lowing at the end:

“5506. Priority Multimodal Research Program.”.

13 **SEC. 8104. BUREAU OF TRANSPORTATION STATISTICS.**

14 (a) SECTION 6302 AMENDMENTS.—Section 6302 of
15 title 49, United States Code, is amended as follows:

16 (1) Subsection 6302(b)(3)(B)(vi)(III) of title
17 49, United States Code, is amended by striking
18 “section 6310” and inserting “section 6309”.

19 (2) Clauses (vii), (viii), (ix), and (x) of sub-
20 section 6302(b)(3)(B) of title 49, United States
21 Code, are redesignated as clauses (viii), (ix), (x), and
22 (xi), respectively.

23 (3) The following is inserted after subsection
24 6302(b)(3)(B)(vi):

1 “(vii) develop and improve transpor-
2 tation economic accounts, to meet demand
3 for methods for estimating the economic
4 value of transportation infrastructure, in-
5 vestment, and services;”.

6 (b) TRANSPORTATION STATISTICS ANNUAL RE-
7 PORT.—Section 6312 of title 49, United States Code, is
8 amended by adding after subsection (c) the following:

9 “(d) INTERMODAL TRANSPORTATION DATA COLLEC-
10 TION.—To provide content for the database described in
11 this section, the Director shall create and maintain data
12 sets and data analysis tools. Activities may include—

13 “(1) conducting national surveys of goods
14 movement, intercity passenger flows, household and
15 business logistics, the domestic transportation of
16 international trade, and vehicle inventory and use;

17 “(2) collecting household travel behavior data
18 and business logistics data crossing local jurisdic-
19 tional boundaries to accommodate external and
20 through travel;

21 “(3) collecting and analyzing administrative
22 records to identify travel patterns, goods movement,
23 and the economic value of transportation infrastruc-
24 ture serving travel and freight;

1 “(4) developing methods for establishing the
2 economic value of transportation capital stocks and
3 services;

4 “(5) enhancing and deploying analysis tools to
5 integrate data collected under this section into the
6 National Commodity Origin Destination Accounts,
7 National Passenger Travel Origin Destination Ac-
8 counts, and Transportation Economic Accounts of
9 the Intermodal Transportation Database; and

10 “(6) developing tools to enhance public access
11 to the Intermodal Transportation Database in con-
12 junction with development, application, and report-
13 ing of performance measures.”.

14 (c) NATIONAL TRANSPORTATION ATLAS DATA-
15 BASE.—Section 6311(5) of title 49, United States Code,
16 is amended by replacing “section 6310” with “section
17 6309”.

18 (d) INTERMODAL TRANSPORTATION DATA PRO-
19 GRAM.—Section 6303(c)(1) is amended to read as follows:

20 “(1) information on the items referred to in
21 subsection 6302(b)(3)(B)(vi).”.

22 (e) MANDATORY RESPONSE AUTHORITY FOR
23 FREIGHT DATA COLLECTION.—Section 6313(a) of title
24 49, United States Code, is amended by—

25 (1) striking paragraph (2);

1 (2) striking the designation and heading of
2 paragraph (1);

3 (3) redesignating subparagraphs (A) and (B) as
4 paragraphs (1) and (2), respectively; and

5 (4) striking “described in paragraph (2)” and
6 inserting “of any nature whatsoever”.

7 (f) NATIONAL TRANSPORTATION LIBRARY.—Section
8 6304 of title 49, United States Code, is amended to read
9 as follows:

10 **“§ 6304. National Transportation Library**

11 “(a) PURPOSE AND ESTABLISHMENT.—To support
12 the information management and decisionmaking needs of
13 transportation officials at the Federal, State, and local lev-
14 els, there shall be in the Bureau a National Transpor-
15 tation Library, which shall—

16 “(1) be headed by an individual who is highly
17 qualified in library and information science;

18 “(2) acquire, preserve, and manage transpor-
19 tation information and information products and
20 services for use by the Department, other Federal
21 agencies, and the general public;

22 “(3) provide reference and research assistance;

23 “(4) serve as a central depository for research
24 results and technical publications of the Depart-
25 ment;

1 “(5) provide a central clearinghouse for trans-
2 portation data and information of the Federal Gov-
3 ernment;

4 “(6) plan for, coordinate, and evaluate informa-
5 tion sciences and library needs related to transpor-
6 tation research, education, and training;

7 “(7) serve as coordinator and policy lead for
8 transportation information access;

9 “(8) provide transportation information and in-
10 formation products and services to—

11 “(A) the Department;

12 “(B) other Federal agencies;

13 “(C) public and private organizations; and

14 “(D) individuals, within the United States
15 and internationally;

16 “(9) coordinate efforts among, and cooperate
17 with, transportation libraries, information providers,
18 and technical assistance centers, in conjunction with
19 private industry and other transportation library and
20 information centers, with the goal of developing a
21 comprehensive transportation information and
22 knowledge network that supports the activities de-
23 scribed in section 6302(b)(3)(B)(vi); and

1 “(10) engage in other activities the Director de-
2 termines to be necessary and as the resources of the
3 Library permit.

4 “(b) ACCESS.—

5 “(1) IN GENERAL.—The Director shall pub-
6 licize, facilitate, and promote access to the informa-
7 tion products and services described in subsection
8 (a), to improve the ability of the transportation com-
9 munity to share information and the ability of the
10 Director to make statistics and other information
11 readily accessible as required under section
12 6302(b)(3)(B)(x) of this title.

13 “(2) AVAILABILITY OF PUBLICATIONS, MATE-
14 RIALS, FACILITIES, OR SERVICES; PRESCRIPTION OF
15 RULES.—The Director shall—

16 “(A) make available publications or mate-
17 rials according to library and information
18 science best practices;

19 “(B) make available its facilities for re-
20 search; and

21 “(C) make available its bibliographic, basic
22 reference, or other services to public and private
23 entities and individuals.

24 “(3) RULES.—Rules described in section
25 6304(b)(1) of this title may provide for making

1 available such publications, materials, facilities, or
2 services—

3 “(A) without charge as a public service;

4 “(B) upon a loan, exchange, or charge
5 basis; or

6 “(C) in appropriate circumstances, under
7 contract arrangements made with public or
8 other nonprofit entity.

9 “(c) AGREEMENTS.—

10 “(1) IN GENERAL.—To carry out this section,
11 the Director may enter into agreements with, award
12 grants to, and receive amounts from, any—

13 “(A) State or local government;

14 “(B) organization;

15 “(C) business; or

16 “(D) individual.

17 “(2) CONTRACTS, GRANTS, AND AGREE-
18 MENTS.—The Library may initiate and support spe-
19 cific information and data management, access, and
20 exchange activities in connection with matters relat-
21 ing to the Department’s strategic goals, knowledge
22 networking, and national and international coopera-
23 tion, by entering into contracts or other agreements
24 or awarding grants for the conduct of such activi-
25 ties.

1 “(3) AMOUNTS.—Any amounts received by the
2 Library as payment for library products and services
3 or other activities shall be made available to the Di-
4 rector to carry out this section, deposited in the Of-
5 fice of the Assistant Secretary for Research and
6 Technology’s general fund account, and remain
7 available until expended.”.

8 (g) PORT PERFORMANCE STATISTICS PROGRAM.—
9 Chapter 63 of title 49, United States Code, is amended
10 by adding after section 6313 the following:

11 “§ 6314. **Port Performance Statistics Program**

12 “(a) IN GENERAL.—The Director may establish a
13 Port Performance Statistics Program to provide nationally
14 consistent measures of performance of the Nation’s mari-
15 time ports.

16 “(b) ANNUAL REPORTS.—The Director is authorized
17 to require annual reports from all ports that receive Fed-
18 eral assistance or are subject to Federal regulation, in-
19 cluding statistics on capacity, throughput, and other
20 measures of performance required for implementation of
21 the National Freight Policy required by section 167 of
22 title 23.

23 “(c) RECOMMENDATIONS.—The Director shall obtain
24 recommendations for specifications for port performance
25 measures from the United States Army Corps of Engi-

1 neers, the Maritime Administration, the Saint Lawrence
2 Seaway Development Corporation, the United States
3 Coast Guard, the Marine Transportation System National
4 Advisory Council, and the Department of Commerce Advi-
5 sory Council on Supply Chain Competitiveness to identify
6 standard data elements for measuring port performance.”.

7 (h) CONFORMING AMENDMENT.—The analysis for
8 chapter 63 of title 49, United States Code, is amended
9 by inserting the following at the end:

“Sec. 6314. Port Performance Statistics Program.”.

10 **SEC. 8105. ITS GOALS AND PURPOSES.**

11 (a) TECHNICAL CORRECTION.—Section 514(a)(5) of
12 title 23, United States Code, is amended to read as fol-
13 lows:

14 “(5) improvement of the ability of the United
15 States to respond to security related or other man-
16 made emergencies and natural disasters;”.

17 (b) FREIGHT GOALS.—Section 514(a) of title 23,
18 United States Code, is amended by inserting the following
19 after paragraph (5):

20 “(6) enhancement of the Nation’s freight sys-
21 tem and support to freight policy goals by con-
22 ducting heavy duty vehicle demonstration activities,
23 and accelerating adoption of ITS applications in
24 freight operations; and”.

1 (c) AUTOMATED VEHICLE GOALS.—Section 514(a)
2 of title 23, United States Code, is further amended by in-
3 serting the following at the end:

4 “(7) enabling and accelerating the development
5 and deployment of automated vehicles in all modes
6 of surface transportation.”.

7 **SEC. 8106. ITS GENERAL AUTHORITIES AND REQUIRE-**
8 **MENTS.**

9 (a) AUTOMATED VEHICLES.—Section 515(a)(1) of
10 title 23, United States Code, is amended to read as fol-
11 lows:

12 “(1) to research, develop and operationally test
13 intelligent transportation systems, including auto-
14 mated vehicle systems; and”.

15 (b) TECHNICAL CORRECTION.—Section 515(h)(4) of
16 title 23, United States Code, is amended—

17 (1) by striking “February 1 of each year after
18 the date of enactment of the Transportation Re-
19 search and Innovative Technology Act of 2012” and
20 inserting “May 1 each year”; and

21 (2) by striking “submit to Congress” and insert
22 “make available to the public on a Department of
23 Transportation web site”.

1 **SEC. 8107. ITS NATIONAL ARCHITECTURE AND STANDARDS.**

2 (a) IN GENERAL.—Section 517(a)(3) of title 23,
3 United States Code, is amended to read as follows:

4 “(3) USE OF STANDARDS DEVELOPMENT ORGA-
5 NIZATIONS.—In carrying out this section, the Sec-
6 retary shall support the development and mainte-
7 nance of standards and protocols using the services
8 of such standards development organizations as the
9 Secretary determines to be necessary and whose
10 memberships represent, but are not limited to, the
11 surface transportation and intelligent transportation
12 systems industries.”.

13 (b) TECHNICAL CORRECTION.—Section 517(b) of
14 title 23, United States Code, is amended to read as fol-
15 lows:

16 “(b) STANDARDS FOR NATIONAL POLICY IMPLEMEN-
17 TATION.—If the Secretary finds that a standard is nec-
18 essary for implementation of a nationwide policy or other
19 capability requiring nationwide uniformity, the Secretary,
20 after consultation with stakeholders and in accordance
21 with the requirements of section 553 of title 5, may estab-
22 lish and require the use of that standard.”.

1 **SEC. 8108. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRA-**
2 **STRUCTURE COMMUNICATIONS SYSTEMS DE-**
3 **PLOYMENT.**

4 Section 518(a) of title 23, United States Code, is
5 amended by striking all of the text that follows the head-
6 ing and precedes “that—” and inserting the following:

7 “Not later than July 6, 2015, the Secretary shall
8 make available to the public on a Department of Trans-
9 portation Web site a report”.

10 **SEC. 8109. INFRASTRUCTURE DEVELOPMENT.**

11 (a) IN GENERAL.—Chapter 5 of title 23, United
12 States Code, is amended by adding after section 518 the
13 following:

14 **“§ 519. Infrastructure development**

15 “Funds made available to carry out this subtitle for
16 operational tests—

17 “(1) shall be used primarily for the development
18 of intelligent transportation system infrastructure,
19 equipment, and systems; and

20 “(2) to the maximum extent practicable, shall
21 not be used for the construction of physical surface
22 transportation infrastructure unless the construction
23 is incidental and critically necessary to the imple-
24 mentation of an intelligent transportation system
25 project.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 5 of title 23, United States Code, is amended by
3 adding after section 518 the following:

“519. Infrastructure development.”.

4 **SEC. 8110. DEPARTMENTAL RESEARCH PROGRAMS; CON-**
5 **FORMING AMENDMENTS.**

6 (a) TITLE 49 AMENDMENTS.—Title 49, United
7 States Code, is amended as follows:

8 (1) Section 102(e) is amended—

9 (A) in paragraph (1), by striking “5” and
10 inserting “6”; and

11 (B) in paragraph (1)(A), by inserting “an
12 Assistant Secretary for Research and Tech-
13 nology,” before “and an Assistant Secretary”.

14 (2) Chapter 1 is amended by striking section
15 112, and the analysis of chapter 1 is amended by
16 striking the item relating to the “Research and In-
17 novative Technology Administration”.

18 (3) Section 330 is amended—

19 (A) by striking “**contracts**” in the sec-
20 tion heading and inserting “**activities**”; and

21 (B) by inserting at the end the following:

22 “(d) DUTIES.—The Secretary shall provide for the
23 following:

1 “(1) Coordination, facilitation, and review of
2 the Department’s research and development pro-
3 grams and activities.

4 “(2) Advancement, and research and develop-
5 ment, of innovative technologies, including intelligent
6 transportation systems.

7 “(3) Comprehensive transportation statistics re-
8 search, analysis, and reporting.

9 “(4) Education and training in transportation
10 and transportation-related fields.

11 “(5) Activities of the Volpe National Transpor-
12 tation Systems Center.

13 “(e) ADDITIONAL AUTHORITIES.—The Secretary
14 may—

15 “(1) enter into grants and cooperative agree-
16 ments with Federal agencies, State and local govern-
17 ment agencies, other public entities, private organi-
18 zations, and other persons to conduct research into
19 transportation service and infrastructure assurance;
20 and to carry out other research activities of the De-
21 partment;

22 “(2) carry out, on a cost-shared basis, collabo-
23 rative research and development to encourage inno-
24 vative solutions to multimodal transportation prob-

1 lems and stimulate the deployment of new tech-
2 nology with—

3 “(A) non-Federal entities, including State
4 and local governments, foreign governments, in-
5 stitutions of higher education, corporations, in-
6 stitutions, partnerships, sole proprietorships,
7 and trade associations that are incorporated or
8 established under the laws of any State;

9 “(B) Federal laboratories; and

10 “(C) other Federal agencies; and

11 “(3) directly initiate contracts, grants, coopera-
12 tive research and development agreements (as de-
13 fined in section 12 of the Stevenson-Wydler Tech-
14 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
15 and other agreements to fund, and accept funds
16 from, the Transportation Research Board of the Na-
17 tional Research Council of the National Academy of
18 Sciences, State departments of transportation, cities,
19 counties, institutions of higher education, associa-
20 tions, and the agents of those entities to carry out
21 joint transportation research and technology efforts.

22 “(f) FEDERAL SHARE.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Federal share of the cost of an activity carried

1 out under subsection (e)(3) shall not exceed 50 per-
2 cent.

3 “(2) EXCEPTION.—If the Secretary determines
4 that the activity is of substantial public interest or
5 benefit, the Secretary may approve a greater Federal
6 share.

7 “(3) NON-FEDERAL SHARE.—All costs directly
8 incurred by the non-Federal partners, including per-
9 sonnel, travel, facility, and hardware development
10 costs, shall be credited toward the non-Federal share
11 of the cost of an activity described in paragraph (1).

12 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
13 fiscal years 2013 through 2021, the Secretary is author-
14 ized to expend not more than 1 and a half percent of the
15 amounts authorized to be appropriated for necessary ex-
16 penses for administration and operations of the Office of
17 the Assistant Secretary for Research and Technology for
18 the coordination, evaluation, and oversight of the pro-
19 grams administered by the Office.

20 “(h) USE OF TECHNOLOGY.—The research, develop-
21 ment, or use of a technology under a contract, grant, coop-
22 erative research and development agreement, or other
23 agreement entered into under this subsection, including
24 the terms under which the technology may be licensed and
25 the resulting royalties may be distributed, shall be subject

1 to the Stevenson-Wydler Technology Innovation Act of
2 1980 (15 U.S.C. 3701 et seq.).

3 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
4 Section 6101 of title 41 shall not apply to a contract,
5 grant, or other agreement entered into under this sec-
6 tion.”.

7 (4) The item relating to section 330 in the
8 analysis of chapter 3 is amended by striking “Con-
9 tracts” and inserting “Activities”.

10 (5) Section 6302(a) is amended to read as fol-
11 lows:

12 “(a) IN GENERAL.—There shall be within the De-
13 partment the Bureau of Transportation Statistics.”.

14 (b) TITLE 5 AMENDMENTS.—Title 5, United States
15 Code, is amended as follows:

16 (1) Section 5313 is amended by deleting “The
17 Under Secretary of Transportation for Security.”.

18 (2) Section 5314 is amended by deleting “Ad-
19 ministrator, Research and Innovative Technology
20 Administration.”.

21 (3) Section 5315 is amended by striking “(4)”
22 in the undesignated item relating to Assistant Secre-
23 taries of Transportation and inserting “(5)”.

1 (4) Section 5316 is amended by deleting “Asso-
2 ciate Deputy Secretary, Department of Transpor-
3 tation.”.

4 (c) CONFORMING AMENDMENT.—The analysis for
5 chapter 3 of title 49, United States Code, is amended by
6 revising the entry relating to section 330 to read as fol-
7 lows:

“330. Research activities.”.

8 **SEC. 8111. OFFICE OF INTERMODALISM.**

9 (a) IN GENERAL.—Section 5503 of title 49, United
10 States Code, is repealed.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 55 of title 49, United States Code, is amended
13 by striking the item relating to section 5503.

14 **SEC. 8112. COOPERATION WITH FEDERAL AND STATE**
15 **AGENCIES AND FOREIGN COUNTRIES.**

16 (a) AUTHORIZED ACTIVITIES.—

17 (1) SECTION 308 AMENDMENT.—Section 308(a)
18 of title 23, United States Code, is amended by in-
19 sserting “cooperating international entities,” after
20 “countries”.

21 (2) SECTION 502 AMENDMENT.—Section
22 502(b)(3)(C) of title 23, United States Code, is
23 amended by inserting “international entities,” after
24 “country,”.

1 (b) USE OF FUNDS.—Section 502(b)(5)(B) is
2 amended to read as follows:

3 “(B) USE OF FUNDS.—The Secretary shall
4 use funds made available to carry out this chap-
5 ter to—

6 “(i) develop, administer, communicate,
7 and promote the use of products of re-
8 search, development, and technology trans-
9 fer programs under this chapter;

10 “(ii) promote United States highway
11 transportation expertise, goods, and serv-
12 ices in foreign countries; or

13 “(iii) conduct studies to assess the
14 need for or feasibility of highway transpor-
15 tation improvements in foreign countries.”.

16 **SEC. 8113. NATIONAL ITS PROGRAM PLAN.**

17 Section 512(a)(2)(A) of title 23, United States Code,
18 is amended by striking the matter that precedes clause
19 (i) and inserting the following:

20 “(A) specify the goals, objectives and mile-
21 stones for the research and deployment of intel-
22 ligent transportation systems, including auto-
23 mated vehicle systems, in the contexts of—”.

1 **SEC. 8114. RESEARCH AND DEVELOPMENT.**

2 Section 516(a) of title 23, United States Code, is
3 amended to read as follows:

4 “(a) IN GENERAL.—The Secretary shall carry out a
5 comprehensive program of intelligent transportation sys-
6 tems research and development, and operational tests of
7 intelligent vehicles (including automated vehicles), intel-
8 ligent infrastructure systems, and other similar activities
9 that are necessary to carry out this chapter.”.

10 **TITLE IX—RAIL SAFETY,**
11 **RELIABILITY, AND EFFICIENCY**

12 **SEC. 9001. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED**
13 **STATES CODE.**

14 (a) SHORT TITLE.—This title may be cited as the
15 “Rail for America Act”.

16 (b) AMENDMENT OF TITLE 49.—Except as otherwise
17 expressly provided, whenever in this title an amendment
18 or repeal is expressed in terms of an amendment to, or
19 a repeal of, a section or other provision, the reference shall
20 be considered to be made to a section or other provision
21 of title 49, United States Code.

22 **Subtitle A—National High-**
23 **Performance Rail System**

24 **SEC. 9101. PURPOSE AND OBJECTIVES.**

25 (a) PURPOSE.—The purpose of this subtitle is to pro-
26 mote and facilitate the development of the National High-

1 Performance Rail System, a comprehensive national net-
2 work of integrated passenger and freight rail services, and
3 to authorize funds for the planning, development, con-
4 struction, and implementation of rail corridors and related
5 infrastructure improvements.

6 (b) OBJECTIVES.—

7 (1) SAFETY.—The National High-Performance
8 Rail System shall contribute to reducing fatalities,
9 injuries, and incidents on the Nation’s transpor-
10 tation system.

11 (2) MOBILITY.—The National High-Perform-
12 ance Rail System shall increase the efficient and re-
13 liable movement of both goods and people through
14 targeted market-based investments and policies.

15 (3) ENVIRONMENTAL SUSTAINABILITY.—The
16 National High-Performance Rail System shall strive
17 to advance environmentally sustainable policies and
18 projects that reduce emissions of criteria air pollut-
19 ants, air toxins, and greenhouse gases from trans-
20 portation sources while protecting communities and
21 natural resources.

22 (4) ENERGY EFFICIENCY.—The National High-
23 Performance Rail System shall enhance energy effi-
24 cient transportation options and expand use of re-
25 newable and clean energy sources.

1 (5) QUALITY OF LIFE.—The National High-
2 Performance Rail System shall promote quality of
3 life and communities, including enhanced safety in
4 areas adjacent to transportation facilities and safety
5 at highway-rail grade crossing and efficient land-use
6 development, and protecting public health.

7 (6) INFRASTRUCTURE CONDITION.—The Na-
8 tional High-Performance Rail System shall ensure
9 that the current passenger rail network achieves and
10 maintains a state of good repair and is resilient and
11 reliable in the face of extreme events and changing
12 climatic conditions.

13 (7) OPTIMIZATION OF FREIGHT RAIL NET-
14 WORK.—The National High-Performance Rail Sys-
15 tem shall ensure that America’s world-class freight
16 rail system is preserved and improved while bal-
17 ancing and protecting both private and public inter-
18 ests, strengthening the ability of rural communities
19 to access national and international trade markets,
20 and supporting regional economic development.

21 **SEC. 9102. GRANT PROGRAMS.**

22 (a) IN GENERAL.—Part C of subtitle V is amended
23 by inserting the following after chapter 244:

1 **“CHAPTER 246—NATIONAL HIGH-**
2 **PERFORMANCE RAIL SYSTEM**

“Sec.

“24601. Definitions.

“24602. Authorization of appropriations.

“24603. National high-performance passenger rail system.

“24604. Current passenger rail service program.

“24605. Rail service improvement program.

“24606. Oversight.

“24607. Financial assistance conditions.

3 **“§ 24601. Definitions**

4 “In this chapter:

5 “(1) Three types of passenger rail corridors are
6 defined as follows:

7 “(A) CORE EXPRESS CORRIDOR.—The
8 term ‘Core Express Corridor’ means a pas-
9 senger rail corridor with trains operating pri-
10 marily on dedicated passenger track at peak
11 speeds of 125 to 250 miles per hour or greater,
12 and that primarily connects major metropolitan
13 centers in the United States that are generally
14 up to 500 miles apart.

15 “(B) REGIONAL CORRIDOR.—The term
16 ‘Regional Corridor’ means a passenger rail cor-
17 ridor with trains operating on either dedicated
18 and shared use track at peak speeds of 90 to
19 124 miles per hour, and that primarily connects
20 mid-size urban areas to larger and smaller com-

1 munities that are generally up to 500 miles
2 apart.

3 “(C) FEEDER CORRIDOR.—The term
4 ‘Feeder Corridor’ means a State- or regionally-
5 designated passenger rail corridor with trains
6 operating on shared use track at peak speeds of
7 up to 90 miles per hour and that connects
8 large, mid-sized, and small urban areas gen-
9 erally less than 750 miles apart.

10 “(2) CAPITAL PROJECT.—The term ‘capital
11 project’ means a project or program for use in or for
12 the primary benefit of intercity passenger rail service
13 or freight rail service, including—

14 “(A) acquiring, constructing, improving, or
15 inspecting equipment, track and track struc-
16 tures, or a facility;

17 “(B) expenses incidental to the activities
18 described in subsection 24601(2)(A) (including
19 designing, engineering, location surveying, map-
20 ping, environmental studies, utility relocation or
21 improvement, acquiring rights-of-way, and joint
22 development activities as defined in subsection
23 5302(3)(G)), and the maintenance of operations
24 during construction;

1 “(C) preserving and acquiring rights-of-
2 way;

3 “(D) payments for the capital portions of
4 rail trackage rights agreements;

5 “(E) highway-rail grade crossing improve-
6 ments;

7 “(F) mitigating environmental impacts;

8 “(G) communication and signalization im-
9 provements;

10 “(H) relocation assistance, including ac-
11 quiring replacement housing sites, and acquir-
12 ing, constructing, relocating, and rehabilitating
13 replacement housing;

14 “(I) interest and other financing costs to
15 efficiently carry out a part of the project within
16 a reasonable time; and

17 “(J) evaluation and assessment of project
18 implementation and outcomes.

19 “(3) HIGH-PERFORMANCE RAIL.—The term
20 ‘high-performance rail’ means a passenger and
21 freight rail network that is designed to meet the cur-
22 rent and future market demands for transportation
23 of people and goods, in terms of capacity, travel
24 times, reliability, and efficiency.

1 “(4) INTERCITY PASSENGER RAIL SERVICE.—
2 The term ‘intercity passenger rail service’ has the
3 same meaning as ‘intercity rail passenger transpor-
4 tation’, as defined in section 24102 of this title.

5 “(5) INTERSTATE COMPACT.—The term ‘inter-
6 state compact’ means two or more States that have
7 entered into compacts, agreements, or organizations,
8 not in conflict with any law of the United States, for
9 cooperative efforts and mutual assistance in support
10 of activities authorized under this chapter.

11 “(6) LONG-DISTANCE ROUTE.—The term ‘long-
12 distance route’ has the same meaning as under sec-
13 tion 24102(5)(C) of this title.

14 “(7) NORTHEAST CORRIDOR.—The term
15 ‘Northeast Corridor’ has the same meaning as under
16 section 24102(5)(A) of this title.

17 “(8) RAIL HUB PLAN.—The term ‘rail hub
18 plan’ means a plan that addresses the needs and op-
19 portunities for the dense, complex networks of
20 shared or interconnected freight, intercity passenger,
21 and commuter rail lines that tend to be found in and
22 around major urban areas.

23 “(9) STATE.—The term ‘State’ means a State
24 of the United States or the District of Columbia.

1 “(10) STATE CORRIDOR.—The term ‘State cor-
2 ridor’ has the same meaning as under section
3 24102(5)(D) of this title.

4 “(11) STATE OF GOOD REPAIR.—The term
5 ‘state of good repair’ means a condition in which the
6 existing physical assets, both individually and as a
7 system, are functioning as designed within their use-
8 ful lives and are sustained through regular mainte-
9 nance and replacement programs.

10 **“§ 24602. Authorization of appropriations**

11 “(a) CURRENT PASSENGER RAIL SERVICES PRO-
12 GRAM.—There are authorized to be appropriated from the
13 Rail Account of the Transportation Trust Fund to carry
14 out section 24604 of this title—

15 “(1) \$2,450,000,000 for fiscal year 2016;

16 “(2) \$2,400,000,000 for fiscal year 2017;

17 “(3) \$2,350,000,000 for fiscal year 2018;

18 “(4) \$2,300,000,000 for fiscal year 2019;

19 “(5) \$2,300,000,000 for fiscal year 2020; and

20 “(6) \$2,300,000,000 for fiscal year 2021.

21 “(b) RAIL SERVICE IMPROVEMENT PROGRAM.—
22 There are authorized to be appropriated from the Rail Ac-
23 count of the Transportation Trust Fund to carry out sec-
24 tion 24605 of this title—

25 “(1) \$2,325,000,000 for fiscal year 2016;

1 “(c) RULEMAKING AUTHORITY.—The Secretary shall
2 prescribe the regulations necessary to implement this
3 chapter.

4 **“§ 24604. Current passenger rail service program**

5 “(a) IN GENERAL.—The Secretary of Transportation
6 shall establish a Current Passenger Rail Service Program
7 under this section. The program shall ensure that existing
8 passenger rail assets and services are maintained in reli-
9 able working condition. The Current Passenger Rail Serv-
10 ice Program consists of programs for the following:

11 “(1) Northeast Corridor.

12 “(2) State Corridors.

13 “(3) Long-Distance Routes.

14 “(4) National Assets, Legacy Debt, and Amtrak
15 Positive Train Control.

16 “(5) Stations—Americans with Disabilities Act
17 Compliance.

18 “(b) NORTHEAST CORRIDOR.—

19 “(1) OBJECTIVE.—The objective of the North-
20 east Corridor program is to bring Northeast Cor-
21 ridor infrastructure and equipment into a state-of-
22 good repair, and to ensure that those assets are then
23 maintained in a state-of-good repair, so that the
24 Northeast Corridor can continue providing travelers

1 with a safe, reliable, and efficient travel option in
2 the congested Northeast region.

3 “(2) AUTHORITY.—The Secretary may provide
4 grants under this subsection to reduce the state-of-
5 good repair backlog on the Northeast Corridor; to
6 replace legacy passenger rail equipment used for
7 Northeast Corridor service; and to fund the portion
8 of ongoing capital replacement and renewal needs on
9 the Northeast Corridor not covered by Northeast
10 Corridor operating surpluses.

11 “(3) ELIGIBLE RECIPIENTS.—The Secretary
12 may provide grants to the following entities for eligi-
13 ble projects under this subsection:

14 “(A) Amtrak.

15 “(B) States and other public-sector entities
16 as identified in the Northeast Corridor Capital
17 Asset Plan required by section 24317 of this
18 title.

19 “(4) ELIGIBLE PROJECTS.—The Secretary may
20 provide grants under this subsection for the fol-
21 lowing activities, as identified in the Five-Year Cap-
22 ital Asset Plans described in section 24317 of this
23 title:

1 “(A) STATE OF GOOD REPAIR BACKLOG.—
2 To replace or rehabilitate railroad assets that
3 are not currently in a state of good repair.

4 “(B) LEGACY EQUIPMENT REPLACEMENT.—To replace legacy passenger rolling
5 stock and locomotives used for Northeast Corridor service.
6
7

8 “(C) ONGOING REPLACEMENT AND RENEWAL.—To fund the balance needed to main-
9 tain the existing Northeast Corridor infrastruc-
10 ture and equipment in an ongoing state of good
11 repair, after the following revenues are first
12 dedicated to these activities:
13

14 “(i) All operating surpluses generated
15 from Northeast Corridor intercity pas-
16 senger rail services.

17 “(ii) All access fees from other users
18 of the Northeast Corridor.

19 “(iii) All revenues generated from an-
20 cillary businesses directly associated with
21 Northeast Corridor services or infrastruc-
22 ture.

23 “(5) FEDERAL SHARE OF TOTAL PROJECT
24 COSTS.—The Federal share of total project costs
25 under this subsection may be up to 100 percent.

1 “(c) STATE CORRIDORS.—

2 “(1) OBJECTIVE.—To enable the successful im-
3 plementation of section 209 of division B of Public
4 Law 110–432 for existing State-supported passenger
5 rail operations through transitional financial assist-
6 ance to States.

7 “(2) AUTHORITY.—The Secretary is authorized
8 to provide grants, consistent with the maximum time
9 period under which temporary financial assistance
10 may be received as developed in subsection (c)(3) of
11 this section, to eligible recipients under this sub-
12 section to support the implementation of section 209
13 of division B of Public Law 110–432; and replace-
14 ment of legacy passenger rolling stock and loco-
15 motives used on State corridors.

16 “(3) TRANSITION ASSISTANCE FRAMEWORK.—
17 The Secretary shall develop a transition assistance
18 framework within six months of the enactment of
19 this Act. As part of this framework, the Secretary
20 shall:

21 “(A) Develop criteria for phasing out ac-
22 tivities under subsection (c)(5)(A) of this sec-
23 tion by not later than October 1, 2018; and

1 “(B) Develop policies governing financial
2 terms, repayment conditions, and other terms
3 of financial assistance.

4 “(4) ELIGIBLE RECIPIENTS.—

5 “(A) States are eligible to receive grants
6 for activities described in subsections (c)(5)(A)
7 and (c)(5)(B) of this section.

8 “(B) States may enter into contractual
9 agreements to allow for Amtrak to receive
10 grants for activities described in subsection
11 (c)(5)(B) of this section.

12 “(5) ELIGIBLE ACTIVITIES.—Grants provided
13 under this paragraph may be used to:

14 “(A) Provide temporary financial support
15 to eligible recipients in conformance with the
16 operating and capital cost methodologies devel-
17 oped pursuant to section 209 of division B of
18 Public Law 110–432, until not later than Sep-
19 tember 30, 2018.

20 “(B) Replace legacy passenger rolling
21 stock and locomotives used for State corridor
22 service as identified in the Five-Year Capital
23 Asset Plans described in section 24317 of this
24 title.

1 “(6) FEDERAL SHARE.—The Federal share of
2 expenditures for activities described in subsections
3 (c)(5)(B) may be up to 80 percent of the total cost.

4 “(d) LONG-DISTANCE ROUTES.—

5 “(1) OBJECTIVE.—The objective of the long-
6 distance routes program is to provide grants to Am-
7 trak for the continuation of services on long-distance
8 routes.

9 “(2) AUTHORITY.—The Secretary may provide
10 grants to Amtrak under this subsection, in accord-
11 ance with the relevant provisions contained in part
12 C, subtitle V of this title.

13 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
14 to receive grants for long-distance route activities.

15 “(4) ELIGIBLE ACTIVITIES.—Grants provided
16 for long-distance routes may be expended for the op-
17 erating and capital costs associated with providing
18 reliable national long-distance passenger rail services
19 to the extent that such expenses cannot be fully sup-
20 ported by the passenger and non-passenger revenues
21 generated by long-distance passenger services, as
22 identified in the Five-Year Business Line Plan de-
23 scribed in section 24317 of this title.

1 “(5) FEDERAL SHARE.—The Federal share of
2 expenditures for eligible activities under this sub-
3 section may be up to 100 percent of the total cost.

4 “(e) NATIONAL ASSETS, LEGACY DEBT, AND AM-
5 TRAK POSITIVE TRAIN CONTROL.—

6 “(1) OBJECTIVE.—The objective of the national
7 assets program is to provide grants to Amtrak for
8 the operating and capital needs associated with the
9 Nation’s core rail assets; for servicing Amtrak’s leg-
10 acy debt; and for implementing positive train control
11 on Amtrak routes where Amtrak is fully or partially
12 responsible for compliance with section 20157 of this
13 title.

14 “(2) AUTHORITY.—The Secretary may provide
15 grants to Amtrak under this subsection.

16 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
17 to receive grants for national asset activities.

18 “(4) ELIGIBLE ACTIVITIES.—Grants provided
19 for national assets may be expended for:

20 “(A) Operating and capital costs associ-
21 ated with operating and maintaining national
22 reservations, security, mechanical facilities,
23 training centers and other assets associated
24 with Amtrak’s national passenger rail transpor-
25 tation system.

1 “(B) Implementing positive train control
2 on Amtrak routes where Amtrak is fully or par-
3 tially responsible for compliance with section
4 20157 of this title.

5 “(C) Making payments for principal and
6 interest payments related to debt incurred prior
7 to fiscal year 2005.

8 “(5) EVALUATION OF NATIONAL ASSETS OPER-
9 ATING COSTS.—

10 “(A) The Secretary shall evaluate the cost
11 and scope of all operating activities defined in
12 paragraph (4)(A) of this subsection, and shall
13 identify which activities are—

14 “(i) required in order to ensure the ef-
15 ficient operations of a national passenger
16 rail system;

17 “(ii) appropriate for allocation to one
18 of the other Amtrak business lines; and

19 “(iii) extraneous to providing an effi-
20 cient national passenger rail system or are
21 too costly relative to the benefits or per-
22 formance outcomes they provide.

23 “(B) Within 1 year after the completion of
24 the review in subparagraph (A), the Federal
25 Railroad Administration, in consultation with

1 the Amtrak Board of Directors, the governors
2 of each relevant State, and the Mayor of the
3 District of Columbia, or entities representing
4 those officials, shall restructure and/or reallo-
5 cate national assets operating costs according to
6 the findings of the review in that subparagraph.

7 “(6) FEDERAL SHARE.—The Federal share of
8 expenditures for eligible activities under this sub-
9 section may be up to 100 percent of the total cost
10 as identified in the Five-Year Business Line Plan
11 described in section 24317 of this title.

12 “(f) STATIONS—AMERICANS WITH DISABILITIES
13 ACT COMPLIANCE.—

14 “(1) OBJECTIVE.—The objective of the pro-
15 gram is to bring all stations served by Amtrak into
16 compliance with the Americans with Disabilities Act.

17 “(2) AUTHORITY.—The Secretary may provide
18 grants to Amtrak under this subsection.

19 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
20 to receive grants for eligible activities under this
21 subsection.

22 “(4) ELIGIBLE ACTIVITIES.—Grants provided
23 under this subsection may be expended for upgrad-
24 ing existing intercity passenger rail stations to com-
25 ply with the Americans with Disabilities Act.

1 “(5) FEDERAL SHARE.—The Federal share of
2 expenditures for eligible activities under this sub-
3 section may be up to 100 percent of the total cost.

4 **“§ 24605. Rail service improvement program**

5 “(a) IN GENERAL.—The Secretary of Transportation
6 shall establish a Rail Service Improvement Program under
7 this section. The program shall promote and facilitate de-
8 velopment of new passenger rail corridors and improve-
9 ments to existing passenger and freight rail corridors. The
10 Rail Service Improvement Program consists of programs
11 covering the following:

12 “(1) Passenger Corridors.

13 “(2) Commuter Railroads—Positive Train Con-
14 trol Compliance.

15 “(3) Local Rail Facilities and Safety.

16 “(4) Planning.

17 “(b) PASSENGER CORRIDORS.—

18 “(1) OBJECTIVE.—The objective of the pas-
19 senger corridors program under this subsection is to
20 build regional networks of passenger rail corridors
21 through construction of new corridors or substantial
22 improvements to existing corridors, including Core
23 Express Corridors, Regional Corridors, and Feeder
24 Corridors, as defined in section 24601 of this title,

1 and to mitigate passenger train congestion at critical
2 rail chokepoints.

3 “(2) AUTHORITY.—The Secretary is authorized
4 to provide grants under this subsection to eligible re-
5 cipients (as specified in paragraph (3)) for eligible
6 corridor development and positive train control
7 projects (as specified in paragraph (4)). A grant
8 may be used to pay all or a portion of the subsidy
9 and administrative costs of intercity passenger rail
10 capital projects eligible for federal credit assistance
11 under the Railroad Revitalization and Regulatory
12 Reform Act of 1976 (Public Law 94–210) (45
13 U.S.C. 801 et seq.).

14 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
15 for funding for eligible projects identified in para-
16 graph (4) are the following:

17 “(A) A State.

18 “(B) A group of States.

19 “(C) An Interstate Compact.

20 “(D) A Regional Rail Development Au-
21 thority as defined in chapter 289 of this title.

22 “(E) A public agency or publicly-chartered
23 authority established by one or more States and
24 having responsibility for providing high-speed or
25 intercity passenger rail service.

1 “(F) Amtrak.

2 “(G) Any institution for procuring, man-
3 aging, or maintaining passenger rail rolling
4 stock and locomotives that may be established
5 pursuant to the outcomes of the review de-
6 scribed in section 305 of division B of Public
7 Law 110–432, as amended.

8 “(4) ELIGIBLE PROJECTS.—The following
9 projects are eligible to receive funding under this
10 subsection:

11 “(A) A capital project that is for the pri-
12 mary benefit of or use in high-performance rail
13 service is eligible to receive passenger corridors
14 grants under this subsection, provided that:

15 “(i) The project proposal is consistent
16 with an adopted service development plan
17 or rail hub plan at the time of application.

18 “(ii) The project sponsor has com-
19 pleted, prior to the time of application, the
20 appropriate level of environmental reviews,
21 in compliance with the applicable environ-
22 mental protection requirements, including
23 the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.), its imple-

1 menting regulations, and applicable proce-
2 dures.

3 “(B) A capital project identified by the
4 Surface Transportation Board as to improve
5 the on-time performance and reliability of inter-
6 city rail passenger transportation under section
7 24308(f) of this title.

8 “(C) A capital project designated by the
9 Secretary as being necessary to address conges-
10 tion challenges affecting passenger rail.

11 “(5) PROJECT SELECTION CRITERIA.—In se-
12 lecting the recipients of grants for eligible projects
13 under paragraph (4), the Secretary shall:

14 “(A) Give preference to proposed projects
15 that are consistent with the investment goals,
16 objectives, policies, and methodologies defined
17 in the following:

18 “(i) Any national rail planning guid-
19 ance or parameters set forth by the Sec-
20 retary.

21 “(ii) Any Regional Rail Development
22 Plans described in section 22602 of this
23 title that are applicable to a project pro-
24 posal, once available.

1 “(iii) Any State Rail Plans, as de-
2 scribed in chapter 227 of this title that are
3 applicable to a project proposal.

4 “(B) Also consider the following:

5 “(i) The project’s system and service
6 performance as experienced by the pas-
7 senger, including measures such as im-
8 proved reliability, reduced trip time, addi-
9 tional service frequency to meet anticipated
10 or existing demand, or other significant
11 system and service enhancements.

12 “(ii) Cost-benefit analysis of the
13 project, which shall include such factors as
14 the project’s estimated ridership and an-
15 ticipated user and public benefits, relative
16 to the proposed Federal investment, and
17 consideration of enhanced mobility, envi-
18 ronmental, and economic benefits (both for
19 the specific project proposal and in terms
20 of the costs and benefits generated by the
21 specific project within a network context).

22 “(iii) Cross-modal benefits generated
23 by the project, including anticipated im-
24 pacts on air, transit, or highway traffic
25 congestion, capacity, or safety; and cost

1 avoidance or deferral of planned invest-
2 ments in aviation, transit, and highway
3 systems.

4 “(iv) Opportunities for operational in-
5 tegration with commuter rail or other rail
6 operations, as well as with regional public
7 transportation providers, including the de-
8 gree to which the project could allow for
9 coordinated schedules, seamless connec-
10 tions between trains, integrated sales and
11 ticketing systems, and other mechanisms
12 that will benefit passengers and encourage
13 cost containment among rail operators.

14 “(v) Equitable financial participation
15 by other beneficiaries of the project, in-
16 cluding the degree to which the project’s
17 business plan considers potential private
18 sector participation in the financing, con-
19 struction, and/or operation of the project.

20 “(vi) The recipient’s past performance
21 in developing and delivering similar pas-
22 senger rail projects.

23 “(vii) The recipient’s previous finan-
24 cial contributions to developing high-per-
25 formance rail services, including any non-

1 Federal contributions in excess of min-
2 imum requirements that the sponsor may
3 have provided as a match for previous Fed-
4 eral grants.

5 “(viii) The likelihood that new service
6 or expanded service projects, once brought
7 into service, will be able to cover on-going
8 operating costs without the support of
9 grants, within a reasonable time frame.

10 “(ix) Whether the recipient has or will
11 have the legal, financial, and technical ca-
12 pacity to carry out the project, satisfactory
13 continuing control over the use of the
14 equipment or facilities, and the capability
15 and willingness to maintain the equipment
16 or facilities.

17 “(x) The likelihood that the proposed
18 project is feasible and will result in the an-
19 ticipated benefits, including the recipient’s
20 means for ensuring the realization of the
21 anticipated benefits.

22 “(xi) Any other relevant factors as de-
23 termined by the Secretary.

24 “(6) PLANNING REQUIREMENTS.—To be eligi-
25 ble for a Federal grant under this subsection, a

1 project must be specifically identified on a State Rail
2 Plan, as described in section 22702.

3 “(7) FEDERAL SHARE OF TOTAL PROJECT
4 COSTS.—

5 “(A) TOTAL PROJECT COST.—The Sec-
6 retary shall estimate the total cost of a project
7 under this subsection based on engineering
8 studies, studies of economic feasibility, environ-
9 mental analyses, and information on the ex-
10 pected use of equipment or facilities.

11 “(B) FEDERAL SHARE.—The Federal
12 share of total project costs under this sub-
13 section shall not exceed 80 percent, except
14 where the proposed project was identified
15 through and is consistent with a Regional Rail
16 Development Plan described in chapter 289 of
17 this title, in which case the Federal share of
18 total project costs under this subsection shall
19 not exceed 85 percent.

20 “(c) COMMUTER RAILROADS; POSITIVE TRAIN CON-
21 TROL COMPLIANCE.—

22 “(1) OBJECTIVE.—The objective of this pro-
23 gram is to promote rail safety by assisting in fund-
24 ing the implementation of positive train control on

1 commuter railroad-owned infrastructure, equipment,
2 and back office systems.

3 “(2) AUTHORITY.—The Secretary is authorized
4 to provide grants under this subsection to eligible re-
5 cipients (as described in paragraph (3)) for eligible
6 positive train control projects (as described in para-
7 graph (4)).

8 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
9 for funding under this subsection include the fol-
10 lowing:

11 “(A) A State.

12 “(B) A group of States.

13 “(C) A provider of commuter rail pas-
14 senger transportation, as defined in section
15 24102 of this title.

16 “(4) ELIGIBLE PROJECTS.—Projects eligible to
17 receive grants under this subsection include the fol-
18 lowing:

19 “(A) A project for analyzing, designing,
20 developing, procuring, installing, modifying,
21 validating, configuring, and testing of positive
22 train control systems hardware or software sys-
23 tem elements on commuter railroad-owned in-
24 frastructure, equipment, or back office systems,
25 including the following activities:

1 “(i) Dedicated passenger service mo-
2 tive power equipment.

3 “(ii) Wayside interface of track-side
4 devices on track owned by eligible recipi-
5 ents.

6 “(iii) Back office and dispatch system
7 infrastructure owned and operated by pas-
8 senger railroads.

9 “(iv) Roadway worker terminal de-
10 vices.

11 “(v) Communications system design
12 and components, such as quality of service
13 determinations, physical communications
14 infrastructure, and message integrity, au-
15 thentication, and non-repudiation mecha-
16 nisms to protect positive train control sys-
17 tem communications.

18 “(vi) Track databases for track seg-
19 ments owned by eligible recipients, includ-
20 ing the population of such databases with
21 mapping data.

22 “(vii) Project management services for
23 oversight and systems engineering of pas-
24 senger railroad positive train control sys-

1 tem design, procurement, implementation,
2 and testing efforts.

3 “(viii) Positive train control system
4 training programs for eligible recipients
5 compliant with title 49 of the Code of Fed-
6 eral Regulations, part 236 subpart I.

7 “(ix) Engineering support to prepare
8 all necessary documentation required for
9 regulatory compliance and system certifi-
10 cation of positive train control systems for
11 eligible recipients.

12 “(B) An eligible entity specified in para-
13 graph (4)(A) may not receive funding under
14 this subsection for the following activities:

15 “(i) The procurement of radio fre-
16 quency spectrum.

17 “(ii) Positive train control-related
18 costs of any entity not listed in paragraph
19 (3), such as wayside positive train control
20 system components on track segments
21 owned by a Class I freight railroad and
22 over which commuter rail passenger trans-
23 portation is regularly provided.

24 “(5) PROJECT SELECTION CRITERIA.—The Sec-
25 retary, in selecting the recipients of grants for eligi-

1 ble projects under paragraph (4), shall consider the
2 following:

3 “(A) The scope of positive train control
4 system components necessary to comply with
5 section 20157 of this title, including the num-
6 ber of locomotives owned by the eligible recipi-
7 ent, the number of wayside miles owned by the
8 eligible recipient, the number of positive train
9 control systems with which the eligible recipi-
10 ent’s positive train control system must be
11 interoperable; the scale of the communications
12 infrastructure the eligible recipient requires to
13 support positive train control system operations;
14 and the number of modifications to dispatching
15 and back office systems required to support
16 positive train control system operations.

17 “(B) The extent to which the applicant has
18 demonstrated a clear need for Federal financial
19 assistance.

20 “(C) The overall completeness and quality
21 of the application, including the comprehensiveness
22 of its supporting documentation.

23 “(D) The extent of prior positive train con-
24 trol implementation activities.

1 “(E) Any other relevant factors as deter-
2 mined by the Secretary.

3 “(6) FEDERAL SHARE OF PROJECT COSTS.—

4 “(A) TOTAL PROJECT COST.—The Sec-
5 retary shall estimate the total cost of a project
6 under this subsection based on engineering
7 studies, studies of economic feasibility, environ-
8 mental analyses, and information on the ex-
9 pected use of equipment or facilities.

10 “(B) FEDERAL SHARE.—The Federal
11 share of total project costs for grants provided
12 under this subsection shall not exceed 80 per-
13 cent of the total project cost.

14 “(C) MATCH CREDIT.—The non-Federal
15 share requirement may be met in whole or in
16 part by eligible expenditures by the railroad
17 carrier made subsequent to October 16, 2008,
18 excluding costs related to the lease or acquisi-
19 tion of radio frequency spectrum.

20 “(d) LOCAL RAIL FACILITIES AND SAFETY.—

21 “(1) OBJECTIVE.—The objective of the local
22 rail facilities and safety program under this sub-
23 section is to mitigate the impacts of railroad oper-
24 ations in local communities, through improvements
25 to highway-rail grade crossings, upgrades to short-

1 line railroad infrastructure, rail line relocation and
2 improvement projects, and training and technical as-
3 sistance to local governments.

4 “(2) AUTHORITY.—The Secretary is authorized
5 to provide grants under this subsection to eligible re-
6 cipients (as described in paragraph (3)) for eligible
7 freight capacity projects (as described in paragraph
8 (4)). A grant may be used to pay all or a portion
9 of the subsidy and administrative costs of projects
10 eligible for Federal credit assistance under the Rail-
11 road Revitalization and Regulatory Reform Act of
12 1976 (Public Law 94–210) (45 U.S.C. 801 et seq.)
13 for a capital project to improve short-line railroad
14 infrastructure.

15 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
16 for funding under this subsection include the fol-
17 lowing:

18 “(A) A State.

19 “(B) A group of States.

20 “(C) An Interstate Compact.

21 “(D) A Regional Rail Development Au-
22 thority, as defined in chapter 289 of this title.

23 “(E) A local government.

24 “(F) A metropolitan planning organization.

1 “(G) A group of metropolitan planning or-
2 ganizations.

3 “(4) ELIGIBLE PROJECTS.—Projects eligible to
4 receive grants under this subsection include the fol-
5 lowing:

6 “(A) A capital project to mitigate the im-
7 pacts of rail infrastructure and operations on a
8 local community, including rail line relocation
9 and improvement and improving the safety of,
10 or eliminating hazards at, a highway-rail grade
11 crossing.

12 “(B) A capital project to improve short-
13 line railroad infrastructure.

14 “(C) Training and technical assistance to
15 help local governments better understand how
16 to coordinate with railroads on operations and
17 safety issues, and how to integrate railroad
18 issues into land use and transportation plan-
19 ning processes.

20 “(5) PROJECT SELECTION CRITERIA.—In se-
21 lecting the recipients of grants for freight capacity
22 projects under this subsection, the Secretary shall
23 consider—

24 “(A) the extent to which a proposed
25 project—

1 “(i) alleviates the impacts of rail oper-
2 ations on local neighborhoods or urbanized
3 areas;

4 “(ii) will result in clearly-defined pub-
5 lic benefits;

6 “(iii) contributes to increasing the
7 competitiveness and state of good repair of
8 short line railroads;

9 “(iv) enhances safety at critical high-
10 way-rail grade crossings;

11 “(v) is compatible with local land use,
12 economic development, and transportation
13 plans and objectives;

14 “(vi) includes equitable participation
15 from other beneficiaries in the project’s fi-
16 nancing, including the extent to which the
17 project will leverage private or local gov-
18 ernment investments; and

19 “(vii) will increase the reliability and
20 resilience of the Nation’s rail system;

21 “(B) the past performance of the recipient
22 and other beneficiaries of the project in devel-
23 oping and delivering rail projects; and

24 “(C) any other relevant factors as deter-
25 mined by the Secretary.

1 “(6) PLANNING REQUIREMENTS.—To be eligi-
2 ble for a Federal grant under this subsection, a
3 project must be specifically identified on a State Rail
4 Plan, as described in section 227 of this title.

5 “(7) FEDERAL SHARE OF PROJECT COSTS.—

6 “(A) TOTAL PROJECT COST.—The Sec-
7 retary shall estimate the total cost of a project
8 under this subsection based on engineering
9 studies, studies of economic feasibility, environ-
10 mental analyses, and information on the ex-
11 pected use of equipment or facilities.

12 “(B) FEDERAL SHARE.—The Federal
13 share of total project costs for grants provided
14 under this subsection shall not exceed 80 per-
15 cent of the total project cost.

16 “(e) PLANNING.—

17 “(1) OBJECTIVE.—The objective of the plan-
18 ning program under this subsection is to facilitate
19 the development of comprehensive plans to guide fu-
20 ture investments in the Nation’s rail systems and to
21 develop the workforce necessary to advance Amer-
22 ica’s rail industry.

23 “(2) AUTHORITY.—The Secretary is authorized
24 to provide grants under this subsection to eligible re-

1 recipients (as described in paragraph (3)) for eligible
2 planning projects (as described in paragraph (4)).

3 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
4 for funding under this subsection include the fol-
5 lowing:

6 “(A) A State.

7 “(B) A group of States.

8 “(C) An Interstate Compact.

9 “(D) A Regional Rail Development Au-
10 thority as defined in chapter 289 of this title.

11 “(E) A public agency or publicly-chartered
12 authority established by one or more States and
13 having responsibility for providing high-speed or
14 intercity passenger rail service.

15 “(F) A local government.

16 “(G) A metropolitan planning organiza-
17 tion.

18 “(H) A group of metropolitan planning or-
19 ganizations.

20 “(I) National Academy of Sciences Trans-
21 portation Research Board, for eligible projects
22 described in paragraph (4)(C).

23 “(J) Federal Railroad Administration.

1 “(4) ELIGIBLE PROJECTS.—Projects eligible to
2 receive grants under this subsection include the fol-
3 lowing:

4 “(A) The preparation of new rail planning
5 documents or any updates to existing rail plan-
6 ning documents including the following:

7 “(i) A corridor or rail hub investment
8 plan that consists of both—

9 “(I) a corridor service develop-
10 ment plan or rail hub plan; and

11 “(II) corresponding environ-
12 mental analyses.

13 “(ii) A regional rail development plan,
14 as defined in section 22602 of this title.

15 “(iii) A State rail plan, as defined in
16 section 22702 of this title.

17 “(iv) Any other national, multi-State,
18 mega-regional, or State planning activity
19 determined by the Secretary to be nec-
20 essary to advance the development of pas-
21 senger and freight rail systems.

22 “(B) Capital upgrades to the Transpor-
23 tation Technology Center for the purposes of
24 conducting research, development, testing, eval-
25 uation, and training for the purpose of enhance-

1 ing technologies related to the design and de-
2 ployment of high-performance rail systems.

3 “(C) Research conducted by the National
4 Cooperative Rail Research Program, as estab-
5 lished by section 24910 of this title.

6 “(D) Workforce development activities, co-
7 ordinated to the extent practical with the exist-
8 ing local training programs supported by the
9 U.S. Department of Transportation, the U.S.
10 Department of Labor, and the U.S. Depart-
11 ment of Education, including—

12 “(i) interagency agreements with the
13 Manufacturing Extension Partnership at
14 the National Institute of Standards and
15 Technology;

16 “(ii) developing and deploying train-
17 ing and technical assistance opportunities
18 for rail stakeholders; and

19 “(iii) rail-based University Transpor-
20 tation Centers established by section 5505
21 of this title.

22 “(5) PROJECT SELECTION CRITERIA.—In se-
23 lecting the recipients of grants for planning projects
24 under paragraph (4)(A), the Secretary shall con-
25 sider—

1 “(A) the extent to which a proposed plan-
2 ning project—

3 “(i) comprehensively addresses both
4 freight and passenger rail issues and
5 needs;

6 “(ii) considers high-performance rail’s
7 role within a multimodal context;

8 “(iii) follows a planning process that
9 allows for meaningful incorporation of
10 input from affected communities, local gov-
11 ernments, regional councils and planning
12 organizations, railroads, transportation
13 modal partners, environmental interests,
14 workforce investment boards, economic de-
15 velopment agencies, the public, and other
16 stakeholders, early and throughout the
17 process;

18 “(iv) is integrated with other trans-
19 portation planning efforts;

20 “(v) will result in the appropriate doc-
21 umentation and institutional support to
22 proceed with project implementation; and

23 “(vi) examines and evaluates non-
24 transportation issues that could be affected
25 by future capital projects, including but

1 not limited to land use, economic develop-
2 ment, and social equity; and

3 “(B) any other relevant factors as deter-
4 mined by the Secretary.

5 “(6) FEDERAL SHARE OF PROJECT COSTS.—

6 “(A) The Federal share of total project
7 costs for a grant provided under paragraph
8 (4)(A) shall not exceed 80 percent of the total
9 project cost.

10 “(B) The Federal share of total project
11 costs for a grant or contract provided under
12 this paragraph (4) (B)–(D) may be up to 100
13 percent of the total project cost.

14 “(7) FEDERALLY LED RAIL PLANNING.—The
15 Secretary may retain up to two percent of the funds
16 made available under section 24602(b) of this title
17 to facilitate the preparation of national planning
18 tools and analyses, multi-State regional rail plans,
19 and service development plans and related environ-
20 mental reviews for corridors located in multiple
21 States.

22 **“§ 24606. Oversight**

23 “(a) AUTHORITY.—

24 “(1) IN GENERAL.—

1 “(A) CURRENT PASSENGER RAIL SERVICE
2 PROGRAM.—The Secretary of Transportation
3 may expend up to one-half percent of the funds
4 made available each fiscal year under section
5 24602(a) of this title to conduct oversight of
6 and to provide training and technical assistance
7 for the current passenger rail service program.

8 “(B) RAIL SERVICE IMPROVEMENT PRO-
9 GRAM.—The Secretary of Transportation may
10 expend up to 1 percent of the funds made avail-
11 able each fiscal year under section 24602(b) of
12 this title to conduct oversight, training and
13 technical assistance, and project evaluations
14 and assessments for the rail service improve-
15 ment program.

16 “(2) PAYMENT.—The Federal share of a con-
17 tract under this subsection shall be 100 percent.

18 “(b) PROJECT MANAGEMENT OVERSIGHT.—

19 “(1) PROCEDURES.—The Secretary shall de-
20 velop and implement oversight procedures to monitor
21 the effective and efficient use of funds appropriated
22 under this chapter. These procedures shall include
23 such measures as the Secretary deems necessary to
24 identify, mitigate, and monitor risks to successful
25 delivery of projects. These procedures may include—

1 “(A) entering into contracts for safety,
2 procurement, management, and financial com-
3 pliance reviews, audits, and reports of a recipi-
4 ent of funds appropriated under this chapter;

5 “(B) conducting site visits to review the
6 progress and implementation of projects under
7 this chapter; and

8 “(C) establishing field offices to oversee
9 projects and to provide project delivery assist-
10 ance to the recipients of financial assistance
11 under this chapter.

12 “(2) ACCESS.—Each recipient of financial as-
13 sistance under this chapter shall provide the Sec-
14 retary or the Secretary’s designee, including a con-
15 tractor the Secretary chooses under paragraph
16 (1)(A) of this subsection, with access to the con-
17 struction sites and records of the recipient when rea-
18 sonably necessary.

19 “(c) PROJECT EVALUATION AND ASSESSMENT.—The
20 Secretary shall develop and implement procedures for eval-
21 uating the implementation of projects receiving funds
22 made available under section 24602(b) of this title and
23 assessing the extent to which these projects achieved in-
24 tended outcomes and public benefits. These procedures
25 may include—

1 “(1) establishing criteria to guide the selection
2 of grants under section 24602(b) for individual as-
3 sessments;

4 “(2) identifying, collecting, and analyzing
5 standardized data and metrics related to grant ap-
6 plications under section 24602 (b) and (c), and to
7 the implementation, outcomes, and public benefits of
8 projects receiving grants under section 24602(b);

9 “(3) performing a national evaluation of overall
10 program results and outcomes under section
11 24602(b);

12 “(4) undertaking statistical and cost-benefit
13 analyses to identify strategies for maximizing return
14 on investment of Federal funding in rail research,
15 planning, and construction; and

16 “(5) entering into grants or contracts for the
17 purpose of carrying out the procedures established
18 under this paragraph.

19 “(d) TRAINING AND TECHNICAL ASSISTANCE.—The
20 Secretary shall develop and implement procedures to pro-
21 vide training and technical assistance to grantees and
22 other stakeholders in order to ensure the effective and effi-
23 cient use of funds appropriated under this chapter.

24 “(e) PROJECT DELIVERY DOCUMENTATION.—To re-
25 ceive Federal financial assistance for a project under this

1 chapter, an applicant shall prepare project delivery docu-
2 mentation, which may include the following:

3 “(1) A project management plan.

4 “(2) A financial plan.

5 “(3) A system safety plan.

6 “(4) Agreements between the project sponsor(s)
7 and all relevant entities.

8 “(5) A project risk management plan.

9 “(6) Other documents identified by the Sec-
10 retary as relevant to carrying out project manage-
11 ment oversight activities under this section.

12 **“§ 24607. Financial assistance conditions**

13 “(a) FINANCIAL ASSISTANCE CONDITIONS.—The
14 Secretary shall require, as a condition of making any fi-
15 nancial assistance under section 24605, that such finan-
16 cial assistance shall comply with section 24405 (b), (c),
17 (d), and (e) of this title, as amended, in the same manner
18 that funding under chapter 244 of part C of subtitle V
19 of this title is required to comply with section 24405 (b),
20 (c), (d), and (e) of this title.

21 “(b) LOCAL HIRING.—

22 “(1) IN GENERAL.—A recipient of assistance
23 may advertise, post job opportunities on State job
24 banks and with One Stop centers established under
25 the Workforce Innovation and Opportunity Act, and

1 award a contract for construction containing re-
2 quirements for the employment of individuals resid-
3 ing in or adjacent to any of the areas in which the
4 work is to be performed is for construction work re-
5 quired under the contract, provided that—

6 “(A) all or part of the construction work
7 performed under the contract occurs in an area
8 that has—

9 “(i) a per capita income of 80 percent
10 or less of the national average; or

11 “(ii) an unemployment rate that is for
12 the most recent 24-month period for which
13 data are available at least 1 percent great-
14 er than the national average unemploy-
15 ment rate;

16 “(B) the estimated cost of the project of
17 which the contract is a part is greater than \$10
18 million;

19 “(C) the recipient may not require the hir-
20 ing of individuals who do not have the nec-
21 essary skills to perform work in any craft or
22 trade, except for individuals who are subject to
23 an apprenticeship program or other training
24 program meeting the requirements of sub-
25 section 24605(e) of this title; and

1 “(D) the award of such a contract com-
2 plies with agreements subject to the Railway
3 Labor Act (45 U.S.C. 151–188), if applicable.

4 “(2) ADVERTISEMENT.—In advertising an
5 awarding a contract under this subsection, the Sec-
6 retary or a recipient of assistance shall ensure that
7 the requirements contained in the advertisement
8 would not—

9 “(A) compromise the quality of the project;

10 “(B) unreasonably delay the completion of
11 the project; or

12 “(C) unreasonably increase the cost of the
13 project.

14 “(3) AVAILABLE PROGRAMS.—The Secretary
15 shall make available to recipients the workforce de-
16 velopment and training programs set forth in section
17 24605(e)(4)(D)(ii) of this title to assist recipients
18 who wish to establish training programs that satisfy
19 the provisions of subsection (b)(1)(C). The Secretary
20 of Labor shall make available its qualifying work-
21 force and training development programs to recipi-
22 ents who wish to establish training programs that
23 satisfy the provisions of section (b)(1)(C).”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for subtitle V is amended by inserting the following
 3 after the item relating to chapter 244:

“**246. National High-Performance Rail System24601**”.

4 **SEC. 9103. AMTRAK 5-YEAR BUSINESS PLANNING.**

5 (a) AMTRAK 5-YEAR BUSINESS LINE AND CAPITAL
 6 ASSET PLANS.—Part C of subtitle V is amended by in-
 7 serting the following new section after section 24316:

8 “**§ 24317. Amtrak 5-year business line and capital**
 9 **asset plans**

10 “(a) IN GENERAL.—

11 “(1) DRAFT PLANS.—Not later than July 1 of
 12 each year, Amtrak shall submit to the Secretary of
 13 Transportation draft 5-year business line plans and
 14 draft 5-year capital asset plans prepared in accord-
 15 ance with this section. Each draft plan shall include
 16 information on historical performance, the subse-
 17 quent base fiscal year, and the 5-year period that
 18 begins with the second full fiscal year after the sub-
 19 mission. Amtrak shall, in consultation with the Sec-
 20 retary of Transportation, revise the draft plans, as
 21 appropriate.

22 “(2) FINAL PLANS.—Not later than February
 23 15 of each year, Amtrak shall submit to Congress
 24 and the Secretary of Transportation 5-year business
 25 line plans prepared in accordance with this section.

1 These plans shall form the basis for Amtrak’s gen-
2 eral and legislative annual report to the President
3 and Congress required by subsection 24315(b) of
4 this title.

5 “(3) UPDATED PLANS.—Amtrak shall submit
6 updated 5-year business line plans to Congress and
7 the Secretary of Transportation no later than 60
8 days after the date of enactment of an appropria-
9 tions Act for the fiscal year. The updated plan shall
10 reflect the actual appropriations levels or obligation
11 limits for that fiscal year, and any corresponding ad-
12 justments to the subsequent fiscal years. Amtrak
13 shall submit updated 5-year capital asset plans to
14 the Secretary of Transportation no later than 60
15 days after the date of enactment of an appropria-
16 tions Act for the fiscal year.

17 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

18 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
19 prepare a 5-year business line plan for each of the
20 following business lines:

21 “(A) Northeast Corridor, as defined by
22 section 24102(5)(A).

23 “(B) State corridors, as defined by section
24 24102(5)(D).

1 “(C) Long-distance routes, as defined by
2 section 24102(5)(C).

3 “(D) National assets.

4 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
5 PLANS.—The 5-year business line plan for each busi-
6 ness line shall include, at a minimum:

7 “(A) A statement of Amtrak’s vision,
8 goals, and objectives for the business line, co-
9 ordinated with any entities that are contrib-
10 uting capital or operating funding to support
11 passenger rail services within those business
12 lines, and aligned with Amtrak’s Strategic Plan.

13 “(B) All projected revenues and expendi-
14 tures for the business line, including identifica-
15 tion of revenues and expenditures incurred by—

16 “(i) passenger operations;

17 “(ii) non-passenger operations that
18 are directly related to the business line, in-
19 cluding all ancillary business activities; and

20 “(iii) governmental funding sources,
21 including revenues and other funding re-
22 ceived from States.

23 “(C) Projected ridership levels for all pas-
24 senger operations.

1 “(D) A prioritized list of capital projects,
2 including identified funding sources, that is
3 aligned with the Five-Year Capital Asset Plans
4 described in subsection (c).

5 “(E) Estimates of long-term and short-
6 term debt and associated principal and interest
7 payments (both current and forecasts).

8 “(F) Annual profit and loss statements
9 and forecasts and balance sheets.

10 “(G) Annual cash flow forecasts.

11 “(H) A statement describing the meth-
12 odologies and significant assumptions under-
13 lying estimates and forecasts.

14 “(I) Specific performance measures that
15 demonstrate measurable improvement year over
16 year in the financial results of Amtrak’s oper-
17 ations.

18 “(J) Financial performance for each route
19 within each business line, including descriptions
20 of the cash operating loss and labor produc-
21 tivity for each route.

22 “(K) Specific costs and savings estimates
23 resulting from reform initiatives.

1 “(L) Prior fiscal year and projected equip-
2 ment reliability statistics, in coordination with
3 the equipment capital asset plan.

4 “(M) Identification and explanation of any
5 adjustments made from previously approved
6 plans.

7 “(3) FIVE-YEAR BUSINESS LINE PLANS PROC-
8 ESS.—In meeting the requirements of this section,
9 Amtrak shall—

10 “(A) coordinate with the development of
11 the capital asset plans described in subsection
12 (c) and ensure integration of each 5-year busi-
13 ness line plan with the 5-year capital asset
14 plans;

15 “(B) for the Northeast Corridor business
16 line plan, coordinate with the Northeast Cor-
17 ridor Infrastructure and Operations Advisory
18 Commission, States, freight railroads, and com-
19 muter operators that access Northeast Corridor
20 infrastructure; and

21 “(C) ensure that Amtrak’s annual budget
22 request to Congress is consistent with the infor-
23 mation in the 5-year business line plans.

1 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
2 BILITY.—In meeting the requirements of subsection
3 (b) of this section, Amtrak shall—

4 “(A) apply sound budgetary practices; and

5 “(B) use the categories specified in the fi-
6 nancial accounting and reporting system devel-
7 oped under section 203 of Division B of Public
8 Law 110–432 when preparing its 5-year busi-
9 ness plans.

10 “(c) AMTRAK 5-YEAR CAPITAL ASSET PLANS.—

11 “(1) CAPITAL ASSET CATEGORIES.—Amtrak
12 shall prepare a 5-year capital asset plan for each of
13 the following capital asset categories:

14 “(A) Infrastructure, including all North-
15 east Corridor assets and other Amtrak-owned
16 infrastructure, and the associated engineering
17 facilities that support the maintenance and im-
18 provement of those assets.

19 “(B) Passenger rail equipment, including
20 all rolling stock, locomotives, and mechanical
21 shop facilities that are used to overhaul equip-
22 ment.

23 “(C) Stations, including all Amtrak-served
24 passenger rail stations.

1 “(D) Corporate, including assets such as
2 information technology, training centers, and
3 other capital items that support the national
4 passenger rail system.

5 “(2) CONTENTS OF 5-YEAR CAPITAL ASSET
6 PLANS.—Each capital asset plan shall include, at a
7 minimum:

8 “(A) A summary of Amtrak’s 5-year stra-
9 tegic plan for each asset category, including
10 goals, objectives, any relevant performance
11 metrics, and statutory or regulatory actions af-
12 fecting the assets;

13 “(B) An inventory of existing Amtrak cap-
14 ital assets, including information regarding
15 shared use or ownership, where applicable; and

16 “(C) A prioritized list of proposed capital
17 investments that—

18 “(i) categorizes each capital project as
19 being primarily associated with—

20 “(I) normalized capital replace-
21 ment;

22 “(II) backlog capital replace-
23 ment;

24 “(III) improvements to support
25 service enhancements or growth; or

1 “(IV) strategic initiatives that
2 will improve overall operational per-
3 formance, lower costs, or otherwise
4 improve Amtrak’s corporate efficiency;
5 “(ii) identifies the anticipated funding
6 source for each capital project;
7 “(iii) describes the anticipated busi-
8 ness outcomes of each project, including:
9 an assessment of the potential effect on
10 passenger operations, safety, reliability and
11 resilience, and on Amtrak’s ability to meet
12 regulatory requirements should the project
13 not be funded; and an assessment of the
14 benefits and costs;
15 “(iv) identifies where the capital as-
16 sets are or will be jointly used by intercity
17 passenger rail service and other users, and
18 that identifies the proportionate share of
19 this joint usage; and
20 “(v) for projects that are expected to
21 be fully or partially funded through Fed-
22 eral grants, identifies the most appropriate
23 public agency or entity to receive those
24 funds and implement each capital project,
25 in cases where that entity is not Amtrak.

1 “(3) 5-YEAR CAPITAL ASSET PLAN PROCESS.—

2 In meeting the requirements of subsection (c) of this
3 section, Amtrak shall—

4 “(A) coordinate with the development of
5 the business lines described in subsection (b)(1)
6 of this section and ensure integration of each 5-
7 year capital asset plan with the 5-year business
8 line plans; and

9 “(B) for the infrastructure capital asset
10 plan described in subsection (c)(1)(A) of this
11 section, coordinate with the Northeast Corridor
12 Infrastructure and Operations Advisory Com-
13 mission, States, freight railroads, and com-
14 muter operators that access Northeast Corridor
15 infrastructure.”.

16 (b) IDENTIFICATION OF DUPLICATIVE REPORTING
17 REQUIREMENTS.—

18 (1) The Secretary shall review existing Amtrak
19 reporting requirements and identify where these re-
20 quirements are duplicative with the business line and
21 capital asset plans required by this section.

22 (2) Where duplicative reporting requirements
23 are administrative, the Secretary shall eliminate
24 such duplicative requirements.

1 (3) The Secretary shall submit a report to Con-
2 gress with any recommendations for repealing dupli-
3 cative Amtrak reporting requirements.

4 **SEC. 9104. CLARIFICATION OF GRANT CONDITIONS.**

5 (a) RAIL CARRIERS.—Section 24405(b) is amend-
6 ed—

7 (1) by striking the title and inserting:

8 “(b) OPERATORS AND CERTAIN RAILROAD TRANS-
9 PORTATION SERVICE PROVIDERS DEEMED RAIL CAR-
10 RIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—(1)”;

11 (2) after “operations over” by inserting “, or
12 that performs dispatching, maintenance of way, or
13 signal system work for, or in support of, rail oper-
14 ations that is work performed by employees in crafts
15 and classes recognized by the National Mediation
16 Board on,”;

17 (3) by replacing “(1)”, “(2)”, and “(3)” with
18 “(A)”, “(B)”, and “(C)”;

19 (4) by inserting at the end the following:

20 “(2) Notwithstanding subsection (b) of this sec-
21 tion—

22 “(A) an employer engaged primarily in the
23 building and construction industry, as that
24 term is used in section 8(f) of the National
25 Labor Relations Act, which is performing work

1 as a contractor for a rail carrier shall not itself
2 be considered a rail carrier solely as a result of
3 performance of that work;

4 “(B) an employer performing work as a
5 contractor or subcontractor consistent with a
6 collective bargaining agreement covering the
7 railroad that owns rail infrastructure con-
8 structed or improved with funding provided in
9 whole or in part in a grant made under this
10 chapter shall not itself be considered a rail car-
11 rier solely as a result of performance of that
12 work; and

13 “(C) an employer performing work as a
14 contractor for an operator in accordance with a
15 collective bargaining agreement reached by the
16 operator and a union representing employees in
17 a craft or class recognized by the National Me-
18 diation Board covering work performed by that
19 craft or class shall not itself be considered a rail
20 carrier solely as a result of performance of that
21 work.”.

22 (b) GRANT CONDITIONS.—Section 24405(c) is
23 amended—

1 (1) by striking “railroad” and inserting “rail-
2 road or used by a railroad for common carrier serv-
3 ice”; and

4 (2) in subsection (c)(2), by striking “comply”
5 and inserting “assure compliance”.

6 **SEC. 9105. RESEARCH AND DEVELOPMENT.**

7 (a) RESEARCH, DEVELOPMENT, TESTING, AND
8 TRAINING.—Section 20108(a) is amended by inserting “,
9 operations, and technology” after the word “safety”.

10 (b) TECHNICAL CORRECTION.—Section 24910 is
11 amended by striking subsection (e).

12 **SEC. 9106. MISCELLANEOUS REVISIONS.**

13 (a) AMTRAK INDEBTEDNESS.—Division B of Public
14 Law 110–432, the Passenger Rail Investment and Im-
15 provement Act of 2008, is amended—

16 (1) by repealing section 204; and

17 (2) by revising section 205(a) to read as fol-
18 lows:

19 “(a) IN GENERAL.—The Secretary of the Treasury,
20 in consultation with the Secretary and Amtrak, may make
21 agreements to restructure Amtrak’s indebtedness as of the
22 date of enactment of this Act. This authorization expires
23 on September 30, 2021.”.

24 (b) CRIMINAL PENALTIES.—Section 21311 is amend-
25 ed as follows:

1 “(b) OBJECTIVES.—The objectives of RRDAAs are as
2 follows:

3 “(1) To establish multi-State public entities
4 that have the authority to plan and develop high-
5 speed and intercity passenger rail infrastructure and
6 services within regions, in coordination with other
7 planning and investment efforts in the region’s
8 freight rail, transit, highway, and aviation infra-
9 structure.

10 “(2) To develop and implement Regional Rail
11 Development Plans that are consistent with the
12 framework established in the National Passenger
13 Rail Development Plan, including establishing a
14 structure for State- and corridor-level planning ef-
15 forts.

16 “(3) To support the prioritization of intercity
17 passenger rail investments, taking into consideration
18 the most logical, efficient, and cost-effective ap-
19 proach for developing the regional passenger rail
20 network.

21 “(4) To facilitate interoperability and integra-
22 tion across corridors and States within regions.

23 **“§ 28902. Structure**

24 “(a) GOVERNANCE.—

25 “(1) EXECUTIVE DIRECTOR.—

1 “(A) APPOINTMENT.—An RRDA shall be
2 administered by an Executive Director who is
3 appointed by the Secretary.

4 “(B) SUPERVISION.—The Executive Direc-
5 tor shall be subject to the supervision and direc-
6 tion of the Secretary consistent with the Execu-
7 tive Director’s responsibilities and other re-
8 quirements established in this chapter.

9 “(C) EXPERTISE.—The Executive Director
10 shall have demonstrated expertise in the fol-
11 lowing three areas:

12 “(i) Passenger or freight rail oper-
13 ations.

14 “(ii) Transportation or infrastructure
15 planning.

16 “(iii) Project, public, or corporate fi-
17 nance.

18 “(D) AUTHORITY.—The Executive Direc-
19 tor shall be the chief executive officer of the
20 RRDA, with such executive functions, powers,
21 and duties as may be prescribed by this chapter
22 or otherwise by the Secretary.

23 “(E) RESPONSIBILITY.—The Executive Di-
24 rector shall have responsibility for the day-to-
25 day operations of the RRDA. In addition to the

1 other activities required to carry out the au-
2 thorities and purposes of the RRDA as set
3 forth in this chapter, the Executive Director
4 shall—

5 “(i) establish and maintain a pas-
6 senger rail corridor development and deliv-
7 ery capability that consists of qualified
8 transportation infrastructure planning, fi-
9 nancing, and construction professionals di-
10 rected to develop and deliver projects that
11 are consistent with the strategy and objec-
12 tives set forth in the Regional Rail Devel-
13 opment Plan; and

14 “(ii) establish and maintain a tech-
15 nical assistance capability at the RRDA
16 that consists of a staff of qualified project
17 management professionals directed to as-
18 sist other entities within the region that
19 are implementing high-speed and intercity
20 passenger rail projects.

21 “(2) REGIONAL COMMITTEE.—

22 “(A) ESTABLISHMENT.—There is estab-
23 lished within the RRDA a deliberative body to
24 be known as the ‘Regional Committee’.

1 “(B) MEMBERSHIP.—The membership of
2 the Regional Committee may be established and
3 maintained as follows:

4 “(i) Governors or their designees from
5 all States in the region.

6 “(ii) Other individuals and organiza-
7 tions the Secretary determines have a sig-
8 nificant interest in rail issues in the region.

9 “(C) CONSULTATION.—The Regional Com-
10 mittee shall consult with—

11 “(i) elected officials and other commu-
12 nity leaders in cities or counties affected
13 by high-speed or intercity passenger rail
14 projects;

15 “(ii) economic development bodies;

16 “(iii) business leaders in the region;

17 “(iv) freight carriers with operations
18 in the region;

19 “(v) commuter rail agencies with op-
20 erations in the region;

21 “(vi) rail labor;

22 “(vii) regional transportation and air
23 quality planning agencies; and

24 “(viii) other individuals or organiza-
25 tions that the Regional Committee deter-

1 mines would provide valuable input into
2 the Committee's deliberations.

3 “(D) RESPONSIBILITIES.—The Regional
4 Committee shall be responsible for carrying out
5 the following:

6 “(i) Proposing to the Secretary the
7 Regional Rail Development Plan within
8 one year of the RRDA's establishment and
9 making recommendations to the Secretary
10 for biennial updates.

11 “(ii) Evaluating Service Development
12 Plans and investment plans and related
13 materials or other analyses prepared by
14 the Executive Director for use in sup-
15 porting applications to the Secretary for
16 Federal financial assistance and providing
17 the Secretary with recommendations or
18 written objections to the Plan and related
19 materials as appropriate.

20 “(iii) Making recommendations to the
21 Secretary for the selection of private sector
22 partners for designing, constructing, oper-
23 ating, or maintaining a corridor.

1 “(iv) Evaluating and making rec-
2 ommendations to the Secretary for the
3 RRDA’s Annual Report.

4 “(v) Making recommendations to the
5 Secretary concerning the powers outlined
6 in section 28903 of this title.

7 “(E) MAJORITY VOTE.—An action or deci-
8 sion by the Regional Committee shall be by ma-
9 jority vote of all members, whether in person or
10 in absentia. Each member shall be provided a
11 reasonable opportunity to vote on all matters
12 before the Regional Committee.

13 “(F) PUBLICLY ACCESSIBLE MEETINGS.—
14 All meetings of the Regional Committee shall be
15 publicly accessible, and the Regional Committee
16 shall also provide regular updates and informa-
17 tion on a publicly accessible Web site.

18 “(b) EXEMPTION FROM FEDERAL ADVISORY COM-
19 MITTEE ACT.—The Federal Advisory Committee Act shall
20 not apply to Regional Rail Development Authorities.

21 “§ 28903. **Activities**

22 “(a) CORRIDOR DEVELOPMENT POWERS.—Regional
23 Rail Development Authorities established pursuant to this
24 chapter shall have the power to undertake the following
25 corridor development activities:

1 “(1) Planning for Core Express Corridors, Re-
2 gional Corridors, and Feeder Corridors within their
3 jurisdiction, including leading the development of the
4 Regional Rail Development Plan described in section
5 22602 of this title and identifying proposed corridor
6 alignments and station locations.

7 “(2) Planning that addresses transportation
8 issues and infrastructure investments for more effi-
9 cient movement of people and goods through and
10 among corridors, including consideration of the most
11 cost-effective transportation investments to address
12 a specific region’s or corridor’s transportation needs
13 for both people and goods.

14 “(3) Preparing engineering studies, environ-
15 mental and health analyses, project management
16 plans, financial plans, service development plans and
17 other documentation necessary for developing and
18 delivering new or improved high-speed or intercity
19 passenger rail services.

20 “(4) Receiving, managing, and expending Fed-
21 eral financial assistance, including taking responsi-
22 bility for all relevant reporting or other requirements
23 associated with that financial assistance.

24 “(5) Coordinating the financing package for
25 project development and delivery, including struc-

1 turing and overseeing Federal, State, and local fi-
2 nancial assistance funds, and private-sector con-
3 tributions.

4 “(6) Leading construction-related activities for
5 developing the corridor, including issuing requests
6 for proposals/qualifications, managing contractors,
7 entering into contracts with public and private enti-
8 ties for construction of the corridor, and other re-
9 lated activities.

10 “(7) Acquiring and preserving right-of-way for
11 dedicated corridors.

12 “(8) Providing for or supporting negotiations
13 with infrastructure owners for new or improved
14 shared-use passenger rail corridors.

15 “(9) Issuing requests for proposals for projects
16 for the financing, design, construction, operation,
17 and/or maintenance of a high-speed intercity pas-
18 senger rail system operating within the RRDA’s ju-
19 risdictions that shall include those items described in
20 paragraph (a)(4) of section 502 of division B of
21 Public Law 110–432.

22 “(b) FUNDING ELIGIBILITY.—Regional Rail Develop-
23 ment Authorities are eligible to receive Federal funding
24 under the Rail Service Improvement Program, as de-
25 scribed in section 24605 of this title.”.

1 (b) RELATED AMENDMENT.—The analysis for sub-
 2 title V is amended by inserting below the item for chapter
 3 287 the following:

“**289. Authority and objectives****28901**
 “ **Structure****28902**
 “ **Activities****28903”.**

4 **SEC. 9202. NORTHEAST CORRIDOR INFRASTRUCTURE AND**
 5 **OPERATIONS ADVISORY COMMISSION.**

6 Section 24905 is amended as follows:

7 (1) By revising subsection (c)(1)(B) to read as
 8 follows:

9 “(B) develop a proposed timetable for imple-
 10 menting the formula that allows for a phased-in
 11 schedule that incorporates a reasonable amount of
 12 time for agreements to be negotiated among affected
 13 parties, provided that the formula is fully imple-
 14 mented no later than September 30, 2021.”.

15 (2) In subsection (e), by striking “2013” and
 16 replacing with “2021”.

17 (3) By inserting subsection (g) to read as fol-
 18 lows:

19 “(g) NORTHEAST CORRIDOR GOVERNANCE.—Not
 20 later than September 30, 2015, the Commission shall
 21 issue a report with recommendations regarding the appro-
 22 priate mechanisms for managing, improving, financing,
 23 operating, and maintaining the Northeast Corridor, in-
 24 cluding a clear delineation of responsibilities among the

1 Federal Government, States, and Amtrak. This report
2 shall be submitted to the Secretary, the Committee on
3 Commerce, Science, and Transportation of the Senate,
4 and the Committee on Transportation and Infrastructure
5 of the House of Representatives.”.

6 **SEC. 9203. STANDARDIZATION OF PASSENGER EQUIPMENT**
7 **AND PLATFORMS.**

8 (a) PASSENGER PLATFORMS.—Where level-entry
9 boarding platforms are required by law—

10 (1) new or rebuilt passenger platforms in Con-
11 necticut, Delaware, Maine, Massachusetts, New
12 Hampshire, New Jersey, New York, Rhode Island,
13 and Vermont shall be constructed and maintained at
14 48 inches above top of rail;

15 (2) new or rebuilt passenger platforms in Mary-
16 land and Pennsylvania shall be constructed and
17 maintained at 15 or 48 inches above top of rail, in
18 coordination with the lowest floor height of equip-
19 ment serving the platform;

20 (3) new or rebuilt platforms at Union Station
21 in Washington, DC, shall be built and maintained to
22 facilitate level boarding for the equipment serving
23 the platform;

1 (4) all other new or rebuilt passenger rail plat-
2 forms shall be built and maintained at 15 inches
3 above top of rail; and

4 (5) it is the intent of Congress to expressly pre-
5 empt State and local laws, regulations and rules on
6 passenger platform height and setback.

7 (b) EXCEPTIONS.—

8 (1) A railroad owner may seek an exception to
9 the passenger platform height requirements by pre-
10 senting information to the Federal Railroad Admin-
11 istration of an actual conflict between the require-
12 ment and an existing piece of equipment operated
13 past the platform location. New or rebuilt passenger
14 rail equipment used on any route with a platform
15 excepted under this subpart must be equipped with
16 an onboard lift.

17 (2) A railroad owner may seek an exception to
18 the passenger platform height requirements by pre-
19 senting information to the Federal Railroad Admin-
20 istration that it will provide level-boarding at a
21 height other than that provided in subsection (a).

22 (3) A system that is in operation on the date
23 of this enactment that provides a level-boarding plat-
24 form at a height other than those described in sub-
25 section (a) may continue to provide such service.

1 **SEC. 9204. NEXT GENERATION EQUIPMENT COMMITTEE.**

2 (a) REVISIONS TO DIVISION B OF PUBLIC LAW 110–
3 432, THE PASSENGER RAIL INVESTMENT AND IMPROVE-
4 MENT ACT OF 2008.—Section 305 of division B of Public
5 Law 110–432 is amended—

6 (1) in subsection (a), by inserting “labor orga-
7 nizations that represent employees who perform
8 overhaul and maintenance work on passenger equip-
9 ment used for intercity passenger rail transpor-
10 tation,” after “manufacturers,”;

11 (2) by redesignating paragraph (e) as para-
12 graph (f); and

13 (3) by inserting new paragraph (e) to read as
14 follows—

15 “(e) RAIL EQUIPMENT MANAGEMENT.—Not later
16 than December 30, 2015, the Next Generation Corridor
17 Equipment Pool Committee shall issue a report with rec-
18 ommendations regarding the appropriate mechanisms for
19 procuring, managing, and maintaining passenger rail cars
20 and locomotives. This report shall be submitted to the Sec-
21 retary, the Committee on Commerce, Science, and Trans-
22 portation of the Senate, and the Committee on Transpor-
23 tation and Infrastructure of the House of Representa-
24 tives.”.

1 **SEC. 9205. BUY AMERICA.**

2 (a) IN GENERAL.—Part E of subtitle V is amended
3 by inserting the following after chapter 285:

4 **“CHAPTER 287—BUY AMERICA**
5 **PREFERENCES**

“Sec.

“28701. Buying goods produced in the United States.

“28702. Fraudulent use of ‘Made in America’ label.

6 **“§ 28701. Buying goods produced in the United States**

7 “(a) PREFERENCE.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision of law, the Secretary shall not obligate any
10 funds authorized to be appropriated to carry out
11 subtitle V of this title and administered by the De-
12 partment of Transportation, nor shall the Secretary
13 provide direct loans or loan guarantees under section
14 502 of the Railroad Revitalization and Regulatory
15 Reform Act of 1976 (45 U.S.C. 822), unless steel,
16 iron, and manufactured products used in the project
17 are produced in the United States.

18 “(2) NON-FEDERAL FUNDS.—Notwithstanding
19 any other provision of law, rolling stock and power
20 train equipment (including train control, commu-
21 nication, traction power equipment, and rolling stock
22 prototypes) purchased with non-Federal funds in
23 connection with a project receiving Federal financial
24 assistance under subtitle V of this title or under sec-

1 tion 502 of the Railroad Revitalization and Regu-
2 latory Reform Act of 1976 (45 U.S.C. 822), shall
3 only use steel, iron, and manufactured products pro-
4 duced in the United States.

5 “(b) WAIVER.—The Secretary may waive subsection
6 (a) of this section if the Secretary finds that—

7 “(1) applying subsection (a) would be incon-
8 sistent with the public interest;

9 “(2) such materials and products produced in
10 the United States are not produced in a sufficient
11 and reasonably available amount or are not of a sat-
12 isfactory quality;

13 “(3) the cost of the domestic material will in-
14 crease the cost of the end product by more than 25
15 percent; or

16 “(4) when procuring rolling stock or train con-
17 trol systems for high-speed rail, as that term is de-
18 fined by section 26105(2) of this title—

19 “(A) the rolling stock and train control
20 systems are manufactured in the United States
21 substantially from components produced or
22 manufactured in the United States;

23 “(B) the rolling stock domestic material
24 improvement plan required by subsection (c) of
25 this section addresses how the domestic mate-

1 rial content of the rolling stock and train con-
2 trol systems will be increased over the duration
3 of the contract; and

4 “(C) final assembly of the rolling stock
5 and train control systems, not including proto-
6 types that will primarily be used to test the roll-
7 ing stock or train control systems, has occurred
8 in the United States; and

9 “(5) the waiver justifications contained in this
10 subsection at paragraphs (1) through (3) apply to
11 all steel, iron, and manufactured products, including
12 all rolling stock.

13 “(c) ROLLING STOCK DOMESTIC MATERIAL IM-
14 PROVEMENT PLAN.—All rolling stock procurements sub-
15 ject to the requirements of subsection (a) of this section
16 shall require that rolling stock procurement proposals in-
17 clude a plan to increase the domestic material content of
18 the rolling stock over the duration of the contract. This
19 plan shall address increasing the domestic material con-
20 tent of all components and subcomponents. Significant
21 weight shall be given in the proposal evaluation criteria
22 for the plan achieving the most domestic material content.
23 The recipient of the Federal financial assistance shall con-
24 duct an audit post-contract award to verify implementa-
25 tion of the plan. As determined appropriate by the Sec-

1 retary, a certain amount of funding made available for the
2 rolling stock procurement shall be used to implement the
3 plan.

4 “(d) LABOR COSTS.—For purposes of this section,
5 labor costs involved in final assembly shall not be included
6 in calculating the cost of components.

7 “(e) WAIVER NOTICE AND COMMENT.—If the Sec-
8 retary determines that it is necessary to waive the applica-
9 tion of subsection (a) based on a finding under subsection
10 (b), the Secretary shall, before the date on which such
11 finding takes effect—

12 “(1) make available to the public on the De-
13 partment of Transportation’s public Web site the
14 waiver request and a detailed written justification as
15 to why the waiver is needed;

16 “(2) publish in the Federal Register a detailed
17 written justification as to why the waiver is needed;
18 and

19 “(3) provide notice of such finding and an op-
20 portunity for public comment on such finding for a
21 reasonable period of time not to exceed 15 days.

22 “(f) WAIVER PROHIBITED.—The Secretary may not
23 make a waiver under subsection (b) of this section for
24 goods produced in a foreign country if the Secretary, in

1 consultation with the United States Trade Representative,
2 decides that the government of that foreign country—

3 “(1) has an agreement with the United States
4 Government under which the Secretary has waived
5 the requirement of this section; and

6 “(2) has violated the agreement by discrimi-
7 nating against goods to which this section applies
8 that are produced in the United States and to which
9 the agreement applies.

10 “(g) STATE REQUIREMENTS.—The Secretary may
11 not impose any limitation on assistance provided under
12 subtitle V of this title that restricts a State from imposing
13 more stringent requirements than this section on the use
14 of articles, materials, and supplies mined, produced, or
15 manufactured in foreign countries, in projects carried out
16 with that assistance, or restricts a recipient of that assist-
17 ance from complying with those State-imposed require-
18 ments.

19 “(h) CERTIFICATION.—The Secretary may allow a
20 manufacturer or supplier of steel, iron, or manufactured
21 goods to correct after bid opening any certification of non-
22 compliance or failure to properly complete the certification
23 (but not including failure to sign the certification) under
24 this section if such manufacturer or supplier attests under
25 penalty of perjury that such manufacturer or supplier sub-

1 mitted an incorrect certification as a result of an inad-
2 vertent or clerical error. The burden of establishing inad-
3 vertent or clerical error is on the manufacturer or supplier.

4 “(i) REVIEW.—A party adversely affected by an
5 agency action under this section shall have the right to
6 seek review under section 702 of title 5.

7 “(j) MINIMUM COST.—The requirements of this sec-
8 tion shall only apply to contracts for which the costs ex-
9 ceed \$100,000.

10 “(k) INTERNATIONAL AGREEMENTS.—This section
11 shall be applied in a manner consistent with United States
12 obligations under international agreements.

13 **“§ 28702. Fraudulent use of ‘Made in America’ label**

14 “A person is ineligible to receive a contract or sub-
15 contract made with amounts authorized under subtitle V
16 of this title or section 502 of the Railroad Revitalization
17 and Regulatory Reform Act of 1976 (45 U.S.C. 822) if
18 a court or department, agency, or instrumentality of the
19 Government decides the person intentionally—

20 “(1) affixed a ‘Made in America’ label, or a
21 label with an inscription having the same meaning,
22 to goods sold in or shipped to the United States that
23 are used in a project to which this section applies,
24 but were not produced in the United States; or

1 “(2) represented that goods described in para-
2 graph (1) of this section were produced in the
3 United States.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 subtitle V is amended by inserting below the item for
6 chapter 285 the following:

“**287. Buy America preferences****28701**
“ **Fraudulent use of ‘Made in America’ label****28702”.**

7 (c) RELATED AMENDMENTS.—

8 (1) Section 24305 is amended by repealing sub-
9 section (f).

10 (2) Section 24405(a) is amended by redesign-
11 nating paragraphs (1) through (11), respectively, as
12 paragraphs (2) through (12).

13 (3) Section 24405(a) is amended by inserting
14 at the beginning the following:

15 “(1) This subsection applies to projects that
16 have received Federal funding to carry out this
17 chapter prior to the enactment of the Rail Safety,
18 Reliability, and Efficiency for a Strong America
19 Act.”.

20 **SEC. 9206. RAIL PASSENGER TRANSPORTATION LIABILITY**
21 **AND MANDATORY COVERAGE.**

22 (a) LIABILITY.—Section 28103 is amended as fol-
23 lows:

1 (1) By revising subsection (a)(2) by inserting,
2 “including commuter rail passengers,” after the
3 words “rail passenger,”.

4 (2) By revising subsection (b) to read as fol-
5 lows:

6 “(b) CONTRACTUAL OBLIGATIONS.—A provider of
7 rail passenger transportation may enter into contracts
8 that allocate financial responsibility for claims and such
9 contracts shall be enforceable notwithstanding any other
10 provision of law, common law or public policy or the na-
11 ture of the conduct giving rise to the damages or liabil-
12 ity.”.

13 (3) By inserting at the end of subsection (e) the
14 following:

15 “(4) the term ‘rail passenger transportation’ in-
16 cludes commuter rail transportation.”.

17 (b) MANDATORY COVERAGE.—Subsection 28103(c)
18 is amended by striking “Amtrak” and inserting “A pro-
19 vider of rail passenger transportation”.

20 **SEC. 9207. SHARED-USE STUDY.**

21 (a) IN GENERAL.—The Secretary shall conduct a
22 study, in consultation with, as appropriate, Amtrak, com-
23 muter, and other passenger rail operators, rail carriers
24 that own rail infrastructure over which both passenger and
25 freight trains operate, States, the Surface Transportation

1 Board, and groups representing rail passengers and cus-
2 tomers, in order to evaluate the shared-use of right-of-way
3 by passenger and freight rail systems and the operational,
4 institutional, and legal structures that would best support
5 improvements to both of these systems.

6 (b) AREAS OF STUDY.—In conducting the study, the
7 Secretary shall evaluate—

8 (1) the access and use of railroad right-of-way
9 by a railroad that does not own the right-of-way.
10 This evaluation shall include an analysis of pas-
11 senger rail services that operate over privately owned
12 right-of-way, including access agreements, costs of
13 access, and the resolution of disputes relating to
14 such access or costs;

15 (2) the effectiveness of existing contractual and
16 regulatory mechanisms for establishing, measuring,
17 and enforcing train performance standards, includ-
18 ing identification of gaps in those existing mecha-
19 nisms and designation of possible new approaches;

20 (3) mechanisms for measuring and maintaining
21 benefits resulting from publically funded freight and/
22 or intercity passenger rail improvements, including
23 those improvements directed towards shared-use
24 right-of-way;

1 (4) standard approaches to operations, capacity,
2 and cost estimation modeling that allows for trans-
3 parent decisionmaking while also protecting the pro-
4 prietary interests of all parties; and

5 (5) other issues identified by the Secretary.

6 (c) REPORT.—Within 180 days after the establish-
7 ment of a dedicated Rail Account within the Transpor-
8 tation Trust Fund, the Secretary shall submit rec-
9 ommendations developed pursuant to subsections (a) and
10 (b), including any legislative proposals consistent with
11 such recommendations, to the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives,
13 and the Committee on Commerce, Science, and Transpor-
14 tation of the Senate.

15 (d) IMPLEMENTATION.—The Secretary shall inte-
16 grate the recommendations submitted under subsection (c)
17 into its financial assistance programs under subtitle V and
18 section 502 of the Railroad Revitalization and Regulatory
19 Reform Act of 1976 (45 U.S.C. 822), as appropriate. The
20 Secretary may promulgate a rulemaking or rulemakings
21 to integrate such recommendations, if appropriate.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary such
24 sums as necessary to conduct the study described in this
25 section, to remain available until expended.

1 **SEC. 9208. DISADVANTAGED BUSINESS ENTERPRISES; DIS-**
2 **PARITY AND AVAILABILITY STUDY.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall continue actions to conduct a nationwide disparity
5 and availability study to establish the availability and utili-
6 zation of small business concerns owned and controlled by
7 socially and economically disadvantaged individuals
8 (“small disadvantaged businesses”) in publicly funded
9 railroad projects.

10 (b) DEFINITIONS.—In this section:

11 (1) SMALL BUSINESS CONCERN.—The term
12 “small business concern” means a small business
13 concern as the term is used in section 3 of the Small
14 Business Act (15 U.S.C. 632). The term “small
15 business concern” does not include any concern or
16 group of concerns controlled by the same socially
17 and economically disadvantaged individual or indi-
18 viduals that have average annual gross receipts dur-
19 ing the preceding 3 fiscal years in excess of
20 \$22,410,000, as adjusted annually by the Secretary
21 for inflation.

22 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
23 TAGED INDIVIDUAL.—The term “socially and eco-
24 nomically disadvantaged individual” has the mean-
25 ing given the term in section 8(d) of the Small Busi-
26 ness Act (15 U.S.C. 637(d)) and relevant subcon-

1 tracting regulations issued pursuant to that Act, ex-
2 cept that women shall be presumed to be socially
3 and economically disadvantaged individuals for pur-
4 poses of this section.

5 (c) REPORT.—Not later than 3 years after the date
6 of enactment of this Act, the Secretary shall transmit to
7 the Committee on Transportation and Infrastructure of
8 the House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a report
10 of the results of the nationwide disparity and availability
11 study.

12 (d) SECRETARIAL ACTION.—If the Secretary finds a
13 strong basis in evidence demonstrating that gender or race
14 discrimination or the effects of such discrimination is ad-
15 versely impacting the award and administration of con-
16 tracts to small disadvantaged businesses in Federal finan-
17 cial assistance programs for rail transportation adminis-
18 tered by the Department of Transportation, the Secretary
19 should take appropriate and necessary action to remedy
20 the effects of such discrimination.

21 **Subtitle C—Planning**

22 **SEC. 9301. NATIONAL AND REGIONAL RAIL PLANNING.**

23 (a) IN GENERAL.—Part B of subtitle V is amended
24 by inserting the following after chapter 225:

1 **“CHAPTER 226—NATIONAL AND REGIONAL**
2 **RAIL PLANNING**

“Sec.

“22601. National rail development plan.

“22602. Regional rail development plans.

3 **“§ 22601. National rail development plan**

4 “(a) IN GENERAL.—Within 1 year after the date of
5 the enactment of the GROW AMERICA Act, the Sec-
6 retary of Transportation shall complete a National Rail
7 Development Plan.

8 “(b) OBJECTIVES.—The objectives of the National
9 Rail Development Plan are—

10 “(1) to set forth national policy involving high-
11 performance rail transportation, including presenting
12 priorities and strategies to enhance high-perform-
13 ance rail transportation; and

14 “(2) to serve as the foundation for Regional
15 Rail Development Plans.

16 “(c) CONTENTS.—The National Rail Development
17 Plan shall include the following elements:

18 “(1) Conditions under which Federal invest-
19 ments in regional networks comprised of Core Ex-
20 press Corridors, Regional Corridors, and/or Feeder
21 Corridors are justified, to include, at a minimum,
22 parameters addressing the following criteria:

23 “(A) Population size and density.

1 “(B) Projected population and economic
2 growth and changing demographic characteris-
3 tics.

4 “(C) Connections to local rail and bus
5 transit and alternative transportation options.

6 “(D) Economic profile of specific markets.

7 “(E) Congestion on existing transportation
8 facilities and constraints on future capacity en-
9 hancements, in relation to efficient movement of
10 both goods and people.

11 “(F) Distances between markets.

12 “(G) Geographic characteristics.

13 “(2) Conditions under which Federal invest-
14 ments in freight rail projects are justified.

15 “(3) A discussion of benefits and costs of po-
16 tential investments in high-performance rail that
17 considers both user and public benefits and costs
18 from a network perspective, to include factors such
19 as potential passenger ridership or freight tonnage
20 changes, travel time reductions, enhanced mobility
21 benefits, improved reliability and resilience, environ-
22 mental benefits, economic benefits, and other public
23 benefits, including sensitivity analyses on these fac-
24 tors.

1 “(4) Issues related to timing and phasing for
2 the implementation of potential Core Express Cor-
3 ridors, Regional Corridors, and Feeder Corridors.

4 “(5) A strategy for investments in intermodal
5 passenger stations that are linked to local public
6 transportation and non-motorized transportation op-
7 tions, and that connect to residential areas, commer-
8 cial areas, and other nearby transportation facilities.

9 “(6) Policies and strategies for improving the
10 competitiveness of the Nation’s freight rail industry.

11 “(7) Suggested performance standards for fiscal
12 and operational performance of new and enhanced
13 high-performance rail services by service type.

14 “(8) General description of the environmental
15 benefits or impacts related to the expansion of pas-
16 senger and freight rail networks, including analysis
17 of climate change issues and implications.

18 “(9) Recommendations regarding project fi-
19 nancing, management and implementation for cor-
20 ridor development, station development, and similar
21 projects.

22 “(10) Achievement of the objectives set forth in
23 section 101 of the Rail for America Act.

1 “(11) Additional factors that the Secretary
2 deems relevant for achieving the objectives of this
3 subsection.

4 **“§ 22602. Regional rail development plans**

5 “(a) IN GENERAL.—The Secretary shall facilitate the
6 development of a Regional Rail Development Plans to de-
7 scribe a multi-State region’s plans for a comprehensive
8 and integrated rail network, including plans for public in-
9 vestment in projects that contribute towards efficient
10 movement and increased capacity for freight, by either Re-
11 gional Rail Development Authorities, described in chapter
12 289 of this title, or by any two or more States that have
13 entered into interstate compacts, agreements, or organiza-
14 tions for the purpose of developing such a plan.

15 “(b) FEDERAL SHARE INCENTIVE.—A project pro-
16 posal for Passenger Corridor funding that is consistent
17 with an adopted Regional Rail Development Plan shall be
18 eligible for a higher Federal share of total project costs
19 under the Passenger Corridors program, as described in
20 section 24605(b)(7)(B) of this title, provided that the Re-
21 gional Rail Development Plan meets the content and proc-
22 ess criteria set forth in this paragraph.

23 “(c) CONTENTS AND PROCESS.—

24 “(1) CONTENTS.—At a minimum, the Regional
25 Rail Development Plan shall contain—

1 “(A) a map that shows specific alignment
2 alternatives for the Core Express Corridors, Re-
3 gional Corridors, and Feeder Corridors that are
4 consistent with the criteria established in the
5 National Rail Development Plan and that iden-
6 tifies potential station locations;

7 “(B) an examination of multi-modal cor-
8 ridors and connections that considers the most
9 cost-effective means for achieving the region’s
10 transportation goals and objectives;

11 “(C) a phasing plan for developing or up-
12 grading specific segments of the regional net-
13 work;

14 “(D) a capital cost estimate for developing
15 the regional network;

16 “(E) an analysis of operating financial
17 forecasts, including high-level ridership and rev-
18 enue projections;

19 “(F) a benefit-cost analysis for the re-
20 gional network that considers both user and
21 public benefits and costs from a network per-
22 spective, to include factors such as ridership
23 projections, travel time reductions, enhanced
24 mobility benefits, improved reliability and resil-

1 ience, environmental benefits, economic bene-
2 fits, and other public benefits;

3 “(G) an analysis of potential land use poli-
4 cies and strategies for areas near high-perform-
5 ance rail stations;

6 “(H) general description of the environ-
7 mental benefits or impacts that could result
8 from implementation of the Regional Rail De-
9 velopment Plan, including analysis of climate
10 change issues and implications;

11 “(I) consideration of the goals, policies,
12 and investment priorities described in highway
13 and transit plans developed by States and met-
14 ropolitan planning organizations within the re-
15 gion;

16 “(J) potential non-Federal funding
17 sources, including a detailed consideration of
18 anticipated private sector participation;

19 “(K) a proposal for the institutional and
20 governance structures that will be necessary to
21 develop, operate, and maintain the regional net-
22 work;

23 “(L) other project implementation consid-
24 erations, including an analysis of the readiness
25 of specific corridors to proceed for development

1 as evidenced by the completion of service devel-
2 opment planning and environmental analyses;

3 “(M) identification of plans for cost-effec-
4 tive, public investment in shared-benefit
5 projects that contribute toward the efficient
6 movement and increased capacity for freight
7 rail operations; and

8 “(N) evidence of support from affected
9 States and local jurisdictions.

10 “(2) PROCESS.—At a minimum, the process for
11 creating the Regional Rail Development Plan shall
12 fulfill the following:

13 “(A) Be led and formally adopted either—

14 “(i) by a Regional Rail Development
15 Authority, as described in chapter 289 of
16 this title, with the final plan being formally
17 adopted by the Regional Rail Development
18 Authority; or

19 “(ii) by two or more States that have
20 jointly engaged in the planning process,
21 with the final plan being formally incor-
22 porated into the State Rail Plans, State
23 Freight Plans, and Statewide Transpor-
24 tation Improvement Plans of each State,
25 as applicable.

1 “(B) Ensure substantial opportunities for
2 involvement of affected stakeholders, including
3 but not limited to local communities, elected of-
4 ficials, economic development bodies, business
5 leaders, railroad infrastructure owners, regional
6 air quality planning agencies, Amtrak, pas-
7 senger rail service operators, freight railroad
8 operators, representatives of rail labor, metro-
9 politan planning organizations, governing au-
10 thorities for transit systems or airports, Tribal
11 governments, and the general public, including
12 local communities, low-income and minority
13 populations, people with disabilities, and older
14 Americans.

15 “(C) Provide the stakeholders, including
16 those listed in subparagraph (B), reasonable op-
17 portunity to comment on and participate in the
18 development and implementation of the Plans,
19 particularly with regard to subsection (c)(1)(A)
20 and (G).

21 “(d) CONSISTENCY WITH NATIONAL RAIL DEVELOP-
22 MENT PLAN.—

23 “(1) ELIGIBILITY.—In order to be eligible for
24 Federal funding through the Passenger Corridor
25 program, a Core Express Corridor, Regional Cor-

1 ridor, or Feeder Corridor identified in the Regional
2 Rail Development Plan shall be consistent with the
3 parameters identified in the National Rail Develop-
4 ment Plan.

5 “(2) UPDATES.—In the event that the Regional
6 Rail Development Plan is adopted prior to publica-
7 tion of the National Rail Development Plan, the Re-
8 gional Plan shall be updated within 1 year of the
9 publication of the National Plan.

10 “(3) WAIVER.—The Secretary may waive re-
11 quirements under this subsection as necessary to ac-
12 commodate unique characteristics and situations in
13 specific regions.

14 “(e) FINANCIAL ASSISTANCE.—Planning activities to
15 create a Regional Rail Development Plan are eligible to
16 receive Planning grants, as described in subsection
17 24605(e) of this title. The Federal share of such a grant
18 shall not exceed 80 percent of the total cost of the
19 project.”.

20 (b) REVISIONS TO THE UNITED STATES CODE.—Sec-
21 tion 103(j) is amended—

22 (1) by striking paragraphs (2) and (3); and

23 (2) by redesignating paragraphs (4) through
24 (7), respectively, as paragraphs (2) through (5).

1 **SEC. 9302. STATE RAIL PLANS.**

2 Chapter 227 of Part B is amended—

3 (1) in section 22702(b)(4), by striking “5 years
4 for reapproval by the Secretary” and inserting “4
5 years for acceptance by the Secretary”; and

6 (2) by striking section 22705(a)(12).

7 **Subtitle D—Safety Improvements**

8 **SEC. 9401. REQUIREMENT FOR UNIFORM OPERATING**
9 **RULES.**

10 (a) AMENDMENT.—Chapter 201, as amended by this
11 Act, is further amended by adding at the end the following
12 new section:

13 **“§ 20168. Uniform operating rules**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 may prescribe regulations or issue orders to require in
16 small geographic areas, as defined by the Secretary, where
17 two or more railroads serve as host railroads for joint op-
18 erations that occur within a small geographic area, all
19 such host railroads in the small geographic area shall de-
20 velop unified operating rules governing all operations with-
21 in the small geographic area with respect to the following:

22 “(1) signal aspects and indications, such that
23 no aspect represents multiple indications for any op-
24 erations within the small geographic area;

25 “(2) after-arrival mandatory directives, such
26 that the use of an after-arrival mandatory directive

1 is prohibited for any operations in non-signalized ter-
2 ritory within the small geographic area; and

3 “(3) forms used to convey track authority, such
4 that track authority for any operations within the
5 small geographic area is conveyed using an identical
6 set of forms.

7 “(b) CONSTRUCTION.—Nothing in this section shall
8 be construed to limit the authority of the Secretary to pre-
9 scribe regulations or issue orders not authorized by this
10 section.”.

11 (b) CONFORMING AMENDMENT.—The chapter anal-
12 ysis for chapter 201 is amended by inserting after the item
13 relating to section 20167 the following:

“20168. Uniform operating rules.”.

14 **SEC. 9402. POSITIVE TRAIN CONTROL.**

15 (a) IMPLEMENTATION.—Section 20157(a) is revised
16 to read as follows:

17 “(a) IMPLEMENTATION.—

18 “(1) WHERE IMPLEMENTATION REQUIRED.—
19 Each Class I railroad carrier and each entity pro-
20 viding regularly scheduled intercity or commuter rail
21 passenger transportation shall develop and submit to
22 the Secretary of Transportation a plan for imple-
23 menting a positive train control system by December
24 31, 2015, governing operations on—

1 “(A) its main line over which intercity rail
2 passenger transportation or commuter rail pas-
3 senger transportation, as defined in section
4 24102, is regularly provided;

5 “(B) its main line over which poison- or
6 toxic-by-inhalation hazardous materials, as de-
7 fined in sections 171.8, 173.115, and 173.132
8 of title 49, Code of Federal Regulations, are
9 transported; and

10 “(C) such other tracks as the Secretary
11 may prescribe by regulation or order.

12 “(2) INTEROPERABILITY AND
13 PRIORITIZATION.—The plan shall describe how the
14 railroad carrier or other entity subject to subsection
15 (a)(1) will provide for interoperability of the system
16 with movements of trains of other railroad carriers
17 over its lines and shall, to the extent practical, im-
18 plement the system in a manner that addresses
19 areas of greater risk before areas of lesser risk. The
20 railroad carrier or other entity shall implement a
21 positive train control system in accordance with the
22 plan.

23 “(3) PHASED IMPLEMENTATION.—The Sec-
24 retary shall prescribe regulations to establish an im-
25 plementation schedule for positive train control sys-

1 tems to ensure successful implementation of positive
2 train control systems.

3 “(4) EXTENSION AUTHORITY.—The Secretary
4 may extend the implementation deadline for one or
5 more railroad carriers or other entities set by regula-
6 tions prescribed pursuant to paragraph (1) and
7 paragraph (3) if the Secretary determines that—

8 “(A) the railroad carrier or other entity
9 has encountered technical programmatic chal-
10 lenges, as identified by the Secretary in his
11 2012 report to Congress pursuant to subsection
12 (d), and those challenges have negatively af-
13 fected the successful implementation of positive
14 train control systems;

15 “(B) the railroad carrier or other entity
16 has demonstrated substantial progress in de-
17 ploying positive train control to the extent fea-
18 sible;

19 “(C) the railroad carrier or other entity
20 has taken actions to mitigate risks to successful
21 implementation, as identified by the Secretary
22 in his 2012 report to Congress pursuant to sub-
23 section (d); and

1 “(D) the railroad carrier or other entity is
2 proceeding to implement its plan expeditiously
3 and successfully.”.

4 (b) PROVISIONAL OPERATION.—Section 20157(h) is
5 amended to read as follows:

6 “(h) CERTIFICATION.—

7 “(1) IN GENERAL.—The Secretary shall not
8 permit the installation of any positive train control
9 system or component in revenue service unless the
10 Secretary has certified that any such system or com-
11 ponent has been approved through the approval
12 process set forth in part 236 of title 49, Code of
13 Federal Regulations, and complies with the require-
14 ments of that part.

15 “(2) PROVISIONAL OPERATION.—The Secretary
16 may permit, upon submission of a positive train con-
17 trol implementation plan, the provisional operation
18 of a positive train control system or component in
19 revenue service where the development of the system
20 or component has been approved by the Secretary
21 through the process set forth in part 236 of title 49,
22 Code of Federal Regulations, complies with the re-
23 quirements of that part, and complies with any con-
24 ditions the Secretary may provide for such provi-
25 sional operation.”.

1 (c) ALTERNATIVE PROTECTION.—After subsection
2 (i) of section 20157, the following is inserted:

3 “(j) EXCEPTION FOR ALTERNATIVE PROTECTION.—

4 “(1) Notwithstanding the other provisions of
5 this section, a railroad may petition the Secretary to
6 implement alternative risk mitigation strategies on a
7 particular main line in place of a positive train con-
8 trol system that would otherwise be required to be
9 installed on such line under this section if such risk
10 mitigation strategies incorporate alternative tech-
11 nology or operating practices.

12 “(2) The Secretary may approve a plan to use
13 such alternate risk mitigation strategies under this
14 provision on a main line identified by a railroad car-
15 rier or other entity in a plan submitted to the Sec-
16 retary if the Secretary determines that—

17 “(A) the use of the alternative strategies
18 will not result in a decrease in the level of safe-
19 ty from that currently existing on the line;

20 “(B) the alternative strategies provide an
21 appropriate level of risk mitigation with regards
22 to preventing the risks identified in subsection
23 (i)(3); and

24 “(C) the alternative risk mitigation strate-
25 gies will be implemented as soon as possible.”.

1 (d) SPECTRUM.—Chapter 201, as amended by this
2 Act, is further amended by adding the following new sec-
3 tion:

4 **“§ 20169. Federal Communications Commission spec-**
5 **trum**

6 “Not later than 120 days after the date of enactment
7 of the Rail for America Act, the Secretary of Transpor-
8 tation and the Chairman of the Federal Communications
9 Commission shall coordinate to assess spectrum needs and
10 availability for implementing positive train control sys-
11 tems, as defined in section 20157 of this title. Such coordi-
12 nation may include conversations with external stake-
13 holders.”.

14 (e) CONFORMING AMENDMENT.—The chapter anal-
15 ysis for chapter 201, as amended by this Act, is further
16 amended by inserting after the item relating to section
17 20168 the following:

“20169. Federal Communications Commission spectrum.”.

18 **SEC. 9403. HOURS OF SERVICE REFORM.**

19 (a) CESSATION OF EFFECTIVENESS.—Chapter 211,
20 as amended by this Act, shall cease to be effective upon
21 the effective date of the regulations mandated by sub-
22 section (c) of this section.

23 (b) AMENDMENT.—Upon the effective date of the
24 regulations mandated by subsection (c) of this section—

1 (1) the first sentence of section 20103(a) is
2 amended to read as follows:

3 “(1) The Secretary of Transportation, as nec-
4 essary, shall prescribe regulations and issue orders
5 for every area of railroad safety—

6 “(A) superseding the Federal hours of
7 service laws formerly codified at chapter 211 of
8 this title and regulations and orders pursuant
9 to those laws; and

10 “(B) supplementing other regulations and
11 other laws in effect on October 16, 1970.”; and

12 (2) the second sentence of section 20103(a), as
13 amended by this Act, is designated as paragraph
14 (2).

15 (c) AMENDMENT.—Chapter 201, as amended by this
16 Act, is further amended by adding at the end the following
17 new section:

18 **“§ 20171. Fatigue, including hours of service**

19 “(a) MANDATE TO CONVERT STATUTE TO REGULA-
20 TIONS; NONREVIEWABILITY; CESSATION OF EFFECTIVE-
21 NESS OF CHAPTER 211.—

22 “(1) The Secretary of Transportation shall pre-
23 scribe regulations embodying the substantive provi-
24 sions of the Federal hours of service laws codified at
25 sections 21101–21106, 21108, and 21109 of this

1 title and in so doing may make changes necessary to
2 transform those provisions into regulatory form.

3 “(2) Notwithstanding any other provision of
4 law, these regulations shall not be subject to judicial
5 review.

6 “(3) Upon the effective date of the regulations
7 prescribed under this subsection (a) (the status quo
8 regulations), chapter 211 of this title shall cease to
9 be effective.

10 “(b) AUTHORITY TO PRESCRIBE AMENDMENTS TO
11 THE STATUS QUO REGULATIONS.—After the Secretary
12 has prescribed the regulations mandated by subsection (a)
13 and after the regulations mandated by subsection (a) have
14 become effective, the Secretary may amend the regulations
15 as the Secretary deems necessary in accordance with the
16 Secretary’s general authority under section 20103 of this
17 title, to prevent and mitigate fatigue among individuals
18 performing safety-critical duties in train and engine serv-
19 ice, signal or train control service, or dispatching service,
20 whether or not directly employed by a railroad carrier.

21 “(c) DETERMINATIONS COMMITTED TO THE DISCRE-
22 TION OF THE SECRETARY.—In the prescription of any
23 final rule amendment by the Secretary to the regulations
24 mandated by subsection (a), or to the regulations author-
25 ized by subsection (b), determinations of scientific knowl-

1 edge and literature relating to fatigue, scientific and med-
2 ical research on circadian rhythms and human sleep and
3 rest requirements, reasonable levels of fatigue prevention
4 or fatigue mitigation, and other related determinations
5 and applications of scientific knowledge and literature are
6 committed to the discretion of the Secretary.”.

7 (d) CONFORMING AMENDMENT.—The chapter anal-
8 ysis for chapter 201, as amended by this Act, is further
9 amended by inserting after the item relating to section
10 20170 the following:

“20171. Fatigue, including hours of service.”.

11 (e) AMENDMENT.—Effective upon the effective date
12 of the regulations prescribed under subsection (c) of this
13 section, the following new section of chapter 201, as
14 amended by this Act, shall become effective:

15 **“§ 20172. Maximum duty hours and subjects of collec-**
16 **tive bargaining**

17 “The number of hours that an employee may be re-
18 quired or allowed to be on duty (a number formerly estab-
19 lished by the Federal hours of service laws, formerly codi-
20 fied at chapter 211 of this title, and presently established
21 under section 20171 of this title) is the maximum number
22 of hours consistent with safety. Shorter hours of service
23 and time on duty of an employee are proper subjects for
24 collective bargaining between a railroad carrier and its em-
25 ployees.”.

1 (f) CONFORMING AMENDMENT.—Effective upon the
2 effective date of regulations prescribed under subsection
3 (c) of this section, the following new item in the chapter
4 analysis for chapter 201, as amended by this Act, shall
5 become effective:

“20172. Maximum duty hours and subjects of collective bargaining.”.

6 **SEC. 9404. AMENDMENTS TO THE SAFETY APPLIANCE LAW.**

7 (a) AMENDMENT.—Section 20303 is amended by
8 adding at the end the following new subsections:

9 “(d) DEFINITIONS AND CLARIFICATION.—In sub-
10 section (a)—

11 “(1) ‘place at which the repairs can be made’
12 means—

13 “(A) a location with a fixed facility for
14 conducting the repairs that are necessary to
15 bring the defective or insecure vehicle into com-
16 pliance with this chapter; or

17 “(B) a location where a mobile repair
18 truck capable of making the repairs that are
19 necessary to bring the defective or insecure ve-
20 hicle into compliance with this chapter makes
21 the same kind of repair at the location regularly
22 (as specified in regulations prescribed by the
23 Secretary);

1 “(2) ‘nearest’ means the closest in the forward
2 direction of travel for the defective or insecure vehi-
3 cle; and

4 “(3) movement of a defective or insecure vehicle
5 from a location is ‘necessary to make repairs’ of the
6 vehicle even though a mobile repair truck capable of
7 making the repairs has gone to the location on an
8 irregular basis (as specified in regulations prescribed
9 by the Secretary).

10 “(e) ADDITIONAL CONDITIONS FOR MOVEMENT TO
11 MAKE REPAIRS.—The Secretary of Transportation may
12 impose conditions for the movement of a defective or inse-
13 cure vehicle to make repairs in addition to those conditions
14 set forth in subsection (a) by prescribing regulations or
15 issuing orders as necessary.”.

16 (b) AMENDMENT.—Section 20306 is amended by—

17 (1) striking the word “or” at the end of sub-
18 section (b)(1);

19 (2) striking the period at the end of subsection
20 (b)(2) and inserting “; or”; and

21 (3) adding at the end a new subsection (b)(3)
22 to read as follows:

23 “(3) a regulation as contemplated by section
24 553 of title 5, United States Code.”.

1 **SEC. 9405. AMENDMENTS TO THE LOCOMOTIVE INSPEC-**
2 **TION LAW.**

3 (a) AMENDMENT.—Section 20701 is amended by—

4 (1) redesignating its text as subsection (a) with
5 the heading “GENERAL.—”;

6 (2) striking the word “and” at the end of sub-
7 section (a)(2);

8 (3) striking the period at the end of subsection
9 (a)(3) and inserting “; and”; and

10 (4) adding at the end a new subsection (a)(4)
11 to read as follows:

12 “(4) if of a unique design or utilizing a new
13 power source technology, have been approved in ad-
14 vance by the Secretary.”.

15 (b) AMENDMENT.—Section 20701, as amended by
16 this Act, is further amended by adding at the end the fol-
17 lowing:

18 “(b) DEFINITIONS.—For the purposes of subsection
19 (a)(4), the term ‘new power source technology’ means a
20 technology that employs a source of motive power other
21 than diesel fuel, electricity, or steam.”.

22 **SEC. 9406. TECHNICAL AMENDMENT TO THE PROVISION ON**
23 **PROTECTION OF RAILROAD SAFETY RISK RE-**
24 **DUCTION PROGRAM INFORMATION.**

25 Section 20119(b) is amended to read as follows:

1 “(b) **AUTHORITY.**—Following completion of the study
2 required under subsection (a), the Secretary, if in the pub-
3 lic interest, including public safety and the legal rights of
4 persons injured in railroad accidents, may prescribe a rule
5 subject to notice and comment to address the results of
6 the study. This rule may include provisions that withhold
7 from discovery or admission into evidence (in the course
8 of civil litigation for damages involving personal injury,
9 wrongful death, or property damage against a carrier) any
10 plan, document, report, survey, schedule, list, or data com-
11 piled or collected solely for the purpose of developing, eval-
12 uating, planning, or implementing a railroad safety risk
13 reduction program required under this chapter, including
14 a railroad carrier’s analysis of its safety risks and its
15 statement of the mitigation measures with which it will
16 address those risks. Any such rule prescribed pursuant to
17 this subsection shall not become effective until 1 year after
18 its adoption.”.

19 **SEC. 9407. NOISE EMISSION STANDARDS.**

20 (a) **IN GENERAL.**—Chapter 201, as amended by this
21 Act, is further amended by adding at the end the fol-
22 lowing:

23 **“§ 20170. Noise emission standards**

24 “The Secretary of Transportation, with the concur-
25 rence of the Administrator of the Environmental Protec-

1 tion Agency, may prescribe regulations governing railroad-
 2 related noise emission standards for railroad carriers oper-
 3 ating on the general railroad system of transportation, in-
 4 cluding noise related to magnetic levitation systems. Such
 5 regulations may consider variances in maximum pass-by
 6 noise with respect to the speed of the equipment, account
 7 for current engineering best practices, and encourage the
 8 use of noise mitigation techniques only where reasonable
 9 and the benefits exceed the costs.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
 11 ysis for chapter 201, as amended by this Act, is further
 12 amended by inserting after the item relating to section
 13 20169 the following:

“20170. Noise emission standards.”.

14 **SEC. 9408. TECHNICAL AMENDMENT TO CHAPTER 201 GEN-**
 15 **ERAL CIVIL PENALTY PROVISION.**

16 Section 21301(a)(1), as amended by this Act, is fur-
 17 ther amended by inserting immediately before the last sen-
 18 tence the following: “An act by an individual that causes
 19 a railroad carrier to be in violation is a violation.”.

20 **SEC. 9409. MISCELLANEOUS AUTHORIZATION OF APPRO-**
 21 **PRIATIONS.**

22 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY
 23 STUDY.—There are authorized to be appropriated to the
 24 Secretary such sums as necessary to conduct a study of
 25 railroad operations that block highway-rail grade cross-

1 ings, including the severity, frequency, and other charac-
 2 teristics of such blockages, to remain available until ex-
 3 pended. For the purpose of this paragraph the term “high-
 4 way-rail grade crossing” has the definition given in section
 5 20153(a) of title 49, United States Code.

6 (b) **TRACK ELECTRIFICATION STUDY.**—There are
 7 authorized to be appropriated to the Secretary such sums
 8 as necessary to conduct a study of track electrification and
 9 the development of standards for track electrification, to
 10 remain available until expended.

11 (c) **TRAIN LENGTH STUDY.**—There are authorized to
 12 be appropriated to the Secretary such sums as necessary
 13 to conduct a study of whether train length correlates with
 14 the severity and frequency of train derailments, to remain
 15 available until expended.

16 **SEC. 9410. REPAIR AND REPLACEMENT OF DAMAGED**
 17 **TRACK INSPECTION EQUIPMENT.**

18 Part A of subtitle V is amended by inserting the fol-
 19 lowing after section 20120:

20 **“§ 20121. Repair and replacement of damaged track**
 21 **inspection equipment**

22 “The Secretary of Transportation may receive and
 23 expend cash, or receive and utilize spare parts and similar
 24 items, from non-United States Government sources to re-
 25 pair damages to or replace United States Government

1 owned automated track inspection cars and equipment as
2 a result of third-party liability for such damages, and any
3 amounts collected under this section shall be credited di-
4 rectly to the Railroad Safety and Operations account of
5 the Federal Railroad Administration, and shall remain
6 available until expended for the repair, operation, and
7 maintenance of automated track inspection cars and
8 equipment in connection with the automated track inspec-
9 tion program.”.

10 **Subtitle E—Miscellaneous Revi-** 11 **sions and Technical Corrections**

12 **SEC. 9501. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION.—Section 20117(a) is amended
14 to read as follows:

15 “(a) IN GENERAL.—There are authorized to be ap-
16 propriated to the Secretary of Transportation to carry out
17 this subtitle and to carry out responsibilities under chapter
18 51, as delegated or authorized by the Secretary, the fol-
19 lowing sums:

20 “(1) \$185,250,000 for fiscal year 2016.

21 “(2) For fiscal year 2017 such sums as may be
22 necessary.

23 “(3) For fiscal year 2018 such sums as may be
24 necessary.

1 “(4) For fiscal year 2019 such sums as may be
2 necessary.

3 “(5) For fiscal year 2020 such sums as may be
4 necessary.

5 “(6) For fiscal year 2021 such sums as may be
6 necessary.”.

7 (b) TECHNICAL CORRECTIONS.—

8 (1) Section 20117 is amended by striking sub-
9 section (e).

10 (2) Section 20154 is amended by striking sub-
11 section (i).

12 (3) Section 20158 is amended by striking sub-
13 section (c).

14 (4) Section 20167 is amended by striking sub-
15 section (e).

16 (5) Chapter 221 is amended by striking section
17 22108.

18 (6) Section 22301 is amended by striking sub-
19 section (g).

20 (7) Chapter 225 is amended by striking section
21 22505.

22 (8) Chapter 241 is amended by striking section
23 24104.

24 (9) Section 24105 is amended by striking sub-
25 section (e).

1 (10) Chapter 244 is amended by striking sec-
2 tion 24406.

3 (11) Chapter 249 is amended by striking sec-
4 tion 24909.

5 (12) Section 24910 is amended by striking sub-
6 section (e).

7 (13) Section 26104 is amended by—

8 (A) striking subsection (a); and

9 (B) redesignating subsection (b) as (a).

10 (14) Section 26106 is amended by striking sub-
11 section (h).

12 **SEC. 9502. TECHNICAL CORRECTIONS TO THE RAIL SAFETY**
13 **IMPROVEMENT ACT OF 2008.**

14 (a) **FEDERAL RAILROAD ADMINISTRATION.**—Section
15 103(c) is amended by striking “the Administration shall
16 consider the assignment and maintenance of safety as the
17 highest priority,” and inserting “the Administration shall
18 consider the improvement of safety as the highest pri-
19 ority,”.

20 (b) **ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
21 **VOLVED IN RAIL PASSENGER ACCIDENTS.**—Section 1139
22 is amended—

23 (1) in subsection (a)(1) by striking “phone
24 number” and inserting “telephone number”;

1 (2) in subsection (a)(2) by striking “post trauma
2 communication with families” and inserting
3 “post-trauma communication with families”; and

4 (3) in subsection (j)(2) by striking “railroad
5 passenger accident” and inserting “rail passenger
6 accident”.

7 (c) SOLID WASTE RAIL TRANSFER FACILITIES
8 LAND-USE EXEMPTION.—Section 10909 is amended—

9 (1) in subsection (b), in the matter preceding
10 paragraph (1), by striking “Clean Railroad Act of
11 2008,” and inserting “Clean Railroads Act of
12 2008,”; and

13 (2) in subsection (e) by striking “Upon the
14 granting of petition from the State” and inserting
15 “Upon the granting of a petition from the State”.

16 (d) RULEMAKING PROCESS.—Section 20116 is
17 amended—

18 (1) by inserting “(1)” after “unless”; and

19 (2) by inserting “(2)” before “the code, rule,
20 standard, requirement, or practice has been subject
21 to notice and comment under a rule or order issued
22 under this part.”.

23 (e) ENFORCEMENT REPORT.—Section 20120(a) is
24 amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “website” and inserting “Web site”;

3 (2) in paragraph (1), by striking “accident and
4 incidence reporting” and inserting “accident and in-
5 cident reporting”;

6 (3) in paragraph (2)(G), by inserting “and” at
7 the end; and

8 (4) in paragraph (5)(B) by striking “Adminis-
9 trative Hearing Officer or Administrative Law
10 Judge” and inserting “administrative hearing officer
11 or administrative law judge”.

12 (f) RAILROAD SAFETY RISK REDUCTION PRO-
13 GRAM.—Section 20156 is amended—

14 (1) in subsection (c) by inserting a comma after
15 “In developing its railroad safety risk reduction pro-
16 gram”; and

17 (2) in subsection (g) by inserting a comma after
18 “good faith” and by striking “non-profit” and in-
19 serting “nonprofit”.

20 (g) Section 20159 is amended by striking “the Sec-
21 retary” and inserting “the Secretary of Transportation”.

22 (h) NATIONAL CROSSING INVENTORY.—Section
23 20160 is amended—

24 (1) in subsection (a)(1) by striking the word
25 “or” from the phrase “concerning each previously

1 unreported crossing through which it operates or
2 with respect to the trackage over which it operates”;
3 and

4 (2) in subsection (b)(1)(A) by striking the word
5 “or” from the phrase “concerning each crossing
6 through which it operates or with respect to the
7 trackage over which it operates”.

8 (i) MINIMUM TRAINING STANDARDS.—Section
9 20162(a)(3) is amended by striking “railroad compliance
10 with Federal standards” and inserting “railroad carrier
11 compliance with Federal standards”.

12 (j) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
13 NOLOGY.—Section 20164(a) is amended by striking “after
14 enactment of the Railroad Safety Enhancement Act of
15 2008” and inserting “after the enactment of the Rail
16 Safety Improvement Act of 2008”.

17 (k) LIMITATIONS ON FINANCIAL ASSISTANCE.—Sec-
18 tion 22106(b) is amended by striking “interest thereof”
19 and inserting “interest thereon”.

20 (l) CHAPTER ANALYSIS FOR CHAPTER 243.—The
21 item for section 24316 in the chapter analysis for chapter
22 243 is amended by striking “to assist families of pas-
23 sengers” and inserting “to address needs of families of
24 passengers”.

1 **SEC. 9503. TECHNICAL CORRECTION TO INTRODUCTORY**
2 **TEXT OF PUBLIC LAW 110-432.**

3 The introductory text of Public Law 110-432 (122
4 Stat. 4848) is amended by striking “Federal Railroad
5 Safety Administration” and inserting “Federal Railroad
6 Administration”.

7 **SEC. 9504. TECHNICAL CORRECTIONS TO UNCODIFIED PRO-**
8 **VISIONS OF DIVISION A OF PUBLIC LAW 110-**
9 **432, THE RAIL SAFETY IMPROVEMENT ACT OF**
10 **2008.**

11 (a) TABLE OF CONTENTS.—Section 1(b) of division
12 A of Public Law 110-432 (122 Stat. 4848), is amended—

13 (1) in the item for section 307, by striking
14 “website” and inserting “Web site”;

15 (2) in the item for title VI, by striking “SOLID
16 WASTE FACILITIES” and inserting “SOLID
17 WASTE RAIL TRANSFER FACILITIES”; and

18 (3) in the item for section 602, by striking
19 “solid waste transfer facilities” and inserting “solid
20 waste rail transfer facilities”.

21 (b) DEFINITIONS.—Section 2(a)(1) of division A of
22 Public Law 110-432 (122 Stat. 4849) is amended by in-
23 serting a comma after the word “grade”.

24 (c) RAILROAD SAFETY STRATEGY.—Section
25 102(a)(6) of title I of division A of Public Law 110-432
26 (122 Stat. 4852) is amended—

1 (1) by striking “Improving the safety of rail-
2 road bridges, tunnels, and related infrastructure to
3 prevent accidents, incidents, injuries and fatalities
4 caused by catastrophic failures and other bridge and
5 tunnel failures.”; and

6 (2) by inserting “Improving the safety of rail-
7 road bridges, tunnels, and related infrastructure to
8 prevent accidents, incidents, injuries and fatalities
9 caused by catastrophic and other failures of such in-
10 frastructure.”.

11 (d) OPERATION LIFESAVER.—Section 206(a) of title
12 II of division A of Public Law 110–432 (122 Stat. 4873)
13 is amended by striking “Public Service Announcements”
14 and inserting “public service announcements”.

15 (e) UPDATE OF FEDERAL RAILROAD ADMINISTRA-
16 TION’S WEB SITE.—Section 307 of title III of division A
17 of Public Law 110–432 (122 Stat. 4881) is amended—

18 (1) in the caption by striking “**WEBSITE**” and
19 inserting “**WEB SITE**”; and

20 (2) in the text by striking “website” wherever
21 it appears and inserting “Web site”.

22 (f) ALCOHOL AND CONTROLLED SUBSTANCE TEST-
23 ING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section
24 412 of title IV of division A of Public Law 110–432 (122

1 Stat. 4889) is amended by striking “Secretary of Trans-
2 portation” and inserting “Secretary”.

3 (g) TUNNEL INFORMATION.—Section 414 of title IV
4 of division A of Public Law 110–432 is amended—

5 (1) by striking “parts 171.8, 173.115,” (122
6 Stat. 4889) and inserting “sections 171.8,
7 173.115,”; and

8 (2) by striking “part 1520.5” (122 Stat. 4890)
9 and inserting “section 1520.5”.

10 (h) SAFETY INSPECTIONS IN MEXICO.—Section 416
11 of title IV of division A of Public Law 110–432 (122 Stat.
12 4890) is amended—

13 (1) in the introductory text by striking “Sec-
14 retary of Transportation” and inserting “Secretary”;
15 and

16 (2) in paragraph (4) by striking “subsection”
17 and inserting “section”.

18 (i) HEADING OF TITLE VI.—The heading of title VI
19 of division A of Public Law 110–432 (122 Stat. 4900)
20 is amended by striking “**SOLID WASTE FACILI-**
21 **TIES**” and inserting “**SOLID WASTE RAIL**
22 **TRANSFER FACILITIES**”.

23 (j) CAPTION OF SECTION 602.—The caption of sec-
24 tion 602 of title VI of division A of Public Law 110–432
25 (122 Stat. 4900) is amended by striking “**SOLID WASTE**

1 **TRANSFER FACILITIES.”** and inserting **“SOLID WASTE**
2 **RAIL TRANSFER FACILITIES.”**

3 **SEC. 9505. TECHNICAL CORRECTIONS TO PROVISIONS OF**
4 **THE HOURS OF SERVICE LAWS AND RELATED**
5 **CIVIL PENALTY PROVISION.**

6 (a) NONAPPLICATION, EXEMPTION, AND ALTERNATE
7 HOURS OF SERVICE REGIME.—Section 21102(c) is
8 amended—

9 (1) by striking “APPLICATION OF HOURS OF
10 SERVICE REGIME TO COMMUTER AND INTERCITY
11 PASSENGER RAILROAD TRAIN EMPLOYEES” and in-
12 serting “APPLICATION OF HOURS OF SERVICE RE-
13 GIME TO COMMUTER AND INTERCITY PASSENGER
14 RAILROAD TRAIN EMPLOYEES, INCLUDING TOUR-
15 IST, HISTORIC, SCENIC, OR EXCURSION RAILROAD
16 TRAIN EMPLOYEES”;

17 (2) in paragraph (1) by inserting after “com-
18 muter rail passenger transportation or intercity rail
19 passenger transportation,” the phrase “including
20 tourist, historic, scenic, or excursion rail transpor-
21 tation,” and by striking “including public authorities
22 operating passenger service” and inserting “includ-
23 ing tourist, historic, scenic, or excursion railroad
24 carriers and public authorities operating passenger
25 service”;

1 (3) in paragraph (2) by inserting after “com-
2 muter rail passenger transportation or intercity rail
3 passenger transportation,” the following phrase: “in-
4 cluding tourist, historic, scenic, or excursion rail
5 transportation,”;

6 (4) in paragraph (3)(A) by inserting after
7 “commuter rail passenger transportation or intercity
8 rail passenger transportation” a comma and adding
9 the following phrase: “including tourist, historic, sce-
10 nic, or excursion rail transportation,”; and

11 (5) in paragraph (4) by striking the colon after
12 “*In this subsection*” and inserting a dash and by re-
13 designating subparagraphs (C) and (D) as subpara-
14 graphs (B) and (C) respectively.

15 (b) **LIMITATIONS ON DUTY HOURS OF TRAIN EM-**
16 **PLOYEES.**—Section 21103(e) is amended by striking
17 “such railroads’ efficient operations and on-time perform-
18 ance of its trains.” and inserting “such a railroad’s effi-
19 cient operations and on-time performance of its trains.”.

20 (c) **REGULATORY AUTHORITY.**—Section 21109(b) is
21 amended—

22 (1) by striking “**REGULATIONS GOVERNING**
23 **THE HOURS OF SERVICE OF TRAIN EMPLOYEES OF**
24 **COMMUTER AND INTERCITY PASSENGER RAILROAD**
25 **CARRIERS**” and inserting “**REGULATIONS GOV-**

1 ERNING THE HOURS OF SERVICE OF TRAIN EM-
2 PLOYEES OF COMMUTER AND INTERCITY PAS-
3 SENGER RAILROAD CARRIERS, INCLUDING TRAIN
4 EMPLOYEES OF TOURIST, HISTORIC, SCENIC, OR
5 EXCURSION RAILROAD CARRIERS”]; and

6 (2) by inserting after “train employees engaged
7 in commuter rail passenger transportation and inter-
8 city rail passenger transportation (as defined in sec-
9 tion 24102 of this title)” a comma and adding the
10 following phrase: “including train employees engaged
11 in the transportation by railroad of passengers on
12 tourist, historic, scenic, or excursion railroad car-
13 riers,”.

14 (d) CHAPTER 211 VIOLATIONS.—Section
15 21303(a)(1) is amended by inserting after the comma in
16 “including section 21103 (as such section was in effect
17 on the day before the date of enactment of the Rail Safety
18 Improvement Act of 2008),” the following phrase: “vio-
19 lating regulations or orders issued pursuant to chapter
20 211 of this title,”.

21 **SEC. 9506. ELIMINATION OF CERTAIN FRA REPORTING RE-**
22 **QUIREMENTS.**

23 Section 102(d) of the Rail Safety Improvement Act
24 of 2008 (49 U.S.C. 20101) is amended—

- 1 (1) by striking the heading for paragraph (1);
2 and
3 (2) by striking paragraph (2).

4 **TITLE X—MISCELLANEOUS**

5 **SEC. 10001. CONSIDERATION OF TRAVEL AND TOURISM IN** 6 **AWARD OF FINANCIAL ASSISTANCE.**

7 Section 305 of title 49, United States Code, is
8 amended by inserting the following at the end:

9 “(c) The Secretary shall—

10 “(1) encourage recipients of grants under this
11 title and title 23 to fund projects with the grants
12 that support travel and tourism-based infrastructure
13 within the United States; and

14 “(2) consider the potential effects of travel and
15 tourism within the United States among the eligi-
16 bility criteria when allocating funds for projects
17 funded under the titles.”.

18 **SEC. 10002. ELECTRONIC REPORTS AND REPORT MODI-** 19 **FICATION.**

20 (a) USE OF ELECTRONIC MEDIA FOR DOT RE-
21 PORTS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Secretary of Transportation—

24 (A) may not publish any report required or
25 authorized by law in a printed format; and

1 (B) shall publish any such report by post-
2 ing it on the Department's Internet Web site in
3 an easily accessible and downloadable electronic
4 format.

5 (2) EXCEPTION.—Paragraph (1) does not apply
6 to any report with respect to which the Secretary de-
7 termines that—

8 (A) its publication in a printed format is
9 essential to the mission of the Department of
10 Transportation, as determined by the Secretary;
11 or

12 (B) its publication in accordance with the
13 requirements of paragraph (1) would disclose
14 matter—

15 (i) described in section 552(b) of title
16 5, United States Code; or

17 (ii) the disclosure of which would have
18 an adverse impact on safety or security, as
19 determined by the Secretary.

20 (b) ANNUAL REPORTING REQUIREMENT ON NTSB
21 MOST WANTED LIST.—

22 (1) Section 1135(e)(1) of title 49, United
23 States Code, is amended—

24 (A) by striking “On February 1 of each
25 year” and inserting “Within 120 days after

1 publication of the Board’s annual ‘most wanted
2 list’”; and

3 (B) by striking “the report due on Feb-
4 ruary 1 of”.

5 (2) Section 1135(e)(2) of title 49, United
6 States Code, is amended by striking “on March 1 of
7 each year” and inserting “after 30 days following
8 the due date,”.

9 **SEC. 10003. AMENDMENT OF FEDERAL AID IN SPORT FISH**
10 **RESTORATION ACT.**

11 Section 4 of the Federal Aid in Fish Restoration Act
12 (16 U.S.C. 777e) is amended—

13 (1) in subsection (a), by striking “fiscal year
14 through 2014, and for the period beginning on Octo-
15 ber 1, 2014, and ending on May 31, 2015,” and in-
16 serting “fiscal year through 2021,”; and

17 (2) in subsection (b)(1)(A), by striking “for
18 each fiscal year ending before October 1, 2014, and
19 for the period beginning on October 1, 2014, and
20 ending on May 31, 2015,” and inserting “for each
21 fiscal year through 2021,”.

22 **SEC. 10004. AMENDMENTS TO CHAPTER 537 OF TITLE 46.**

23 Chapter 537 of title 46, United States Code, is
24 amended—

1 (1) by amending section 53701(13) to read as
2 follows:

3 “(13) SECRETARY.—The term ‘Secretary’
4 means—

5 “(A) the Secretary of Commerce with re-
6 spect to fishing vessels and fishery facilities;
7 and

8 “(B) the Secretary of Transportation with
9 respect to other vessels and general shipyard fa-
10 cilities (as defined in section 53733(a) of this
11 title).”;

12 (2) in section 53706(c), by striking “Adminis-
13 trator” each place it appears and inserting “Sec-
14 retary or Administrator”;

15 (3) in section 53707(b), by striking “Adminis-
16 trator” and inserting “Secretary or Administrator”;

17 (4) in section 53708(a), by striking “Adminis-
18 trator” each place it appears and inserting “Sec-
19 retary or Administrator”;

20 (5) in section 53710(b)—

21 (A) in paragraph (1), by striking “Admin-
22 istrator’s” and inserting “Secretary’s or Admin-
23 istrator’s”; and

1 (B) in paragraph (2), by striking “Admin-
2 istrator” and inserting “Secretary or Adminis-
3 trator”;

4 (6) in section 53717—

5 (A) in subsection (b), by striking “Admin-
6 istrator” each place it appears and inserting
7 “Secretary or Administrator”; and

8 (B) by striking subsection (e) and redesign-
9 ating subsection (d) as subsection (e);

10 (7) in section 53718, by striking “Adminis-
11 trator” and inserting “Secretary or Administrator”;

12 (8) in section 53731, by striking “Adminis-
13 trator” each place it appears and inserting “Sec-
14 retary or Administrator”;

15 (9) in section 53732, by striking “Adminis-
16 trator” each place it appears and inserting “Sec-
17 retary or Administrator”; and

18 (10) in section 53733, by striking “Adminis-
19 trator” each place it appears and inserting “Sec-
20 retary or Administrator”.

21 **SEC. 10005. GOVERNMENT-WIDE AUTHORITY FOR ELEC-**
22 **TRIC CHARGING INFRASTRUCTURE AT NO**
23 **COST TO THE TAXPAYER.**

24 (a) ESTABLISHMENT OF AUTHORITY FOR GOVERN-
25 MENT-WIDE PROVISION OF ELECTRIC CHARGING AT NO

1 COST TO THE TAXPAYER.—Chapter 79 of title 5, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 **“§ 7907. Government-wide authority for electric**
5 **charging infrastructure**

6 “(a) DEFINITIONS.—

7 “(1) COVERED INDIVIDUAL.—The term ‘cov-
8 ered individual’ means—

9 “(A) any employee (as defined in section
10 2105 of this title;

11 “(B) a member of a uniformed service;

12 “(C) any other individual who performs
13 services for or on behalf of a Federal agency
14 under a contract or subcontract with a Federal
15 agency; or

16 “(D) a visitor to a Federal agency or facil-
17 ity.

18 “(2) FEDERAL AGENCY.—The term ‘Federal
19 agency’ has the meaning given the term ‘Executive
20 agency’ in section 105 of this title, and also includes
21 the U.S. Postal Service, the Executive Office of the
22 President, the military departments as defined in
23 section 102 of this title, and the judicial branch.

24 “(b) AUTHORITY.—

1 “(1) IN GENERAL.—The head of a Federal
2 agency may—

3 “(A) construct, install, operate, and main-
4 tain electric charging infrastructure on a reim-
5 bursable basis in parking areas under the juris-
6 diction of the Federal agency; and

7 “(B) provide electricity on a reimbursable
8 basis in parking areas under the jurisdiction of
9 the Federal agency for use by privately owned
10 vehicles used by covered individuals.

11 “(2) VENDORS AUTHORIZED.—In carrying out
12 paragraph (1), the head of a Federal agency may
13 use 1 or more vendors on a commission or no-cost
14 contract basis.

15 “(3) USE OF CHARGING INFRASTRUCTURE FOR
16 OFFICIAL AGENCY VEHICLES.—The head of a Fed-
17 eral agency may use electric charging infrastructure
18 installed for official agency vehicles, to the extent
19 that it is available, to provide electric vehicle charg-
20 ing under this section.

21 “(4) INTEGRATION OF RENEWABLE ENERGY.—
22 The head of a Federal agency may encourage the in-
23 clusion of options for generating electricity from re-
24 newable energy as part of the design of parking
25 areas for the agency.

1 “(c) FEES.—The head of a Federal agency shall
2 charge fees for electricity provided to covered individuals
3 sufficient to cover the initial and continuing costs to the
4 head of the Federal agency of carrying out this section,
5 including the costs of any vendors or other costs associ-
6 ated with maintaining the electric charging infrastructure.

7 “(d) DEPOSIT AND AVAILABILITY OF FEES AND
8 COMMISSIONS.—Any fees or commissions collected by the
9 head of a Federal agency under this section—

10 “(1) shall be—

11 “(A) deposited monthly into the account of
12 the Treasury from which the amounts were
13 made available to carry out this section, not-
14 withstanding section 3302(b) of title 31; and

15 “(B) transferred from the Treasury to an
16 appropriate account of the agency if the agency
17 operates with a budget outside of the Treasury;
18 and

19 “(2) shall be available for obligation by the
20 head of the Federal agency without further appro-
21 priation during—

22 “(A) the fiscal year collected; and

23 “(B) the fiscal year following the fiscal
24 year collected.

1 “(e) PARKING FEES.—If a Federal agency charges
2 covered employees parking fees for use of a facility that
3 contains an electric vehicle charging facility provided
4 under this section, employees using the electric vehicle
5 charging facility shall pay the same parking fee as covered
6 employees not using the electric vehicle charging facility.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 chapter 79 of title 5, United States Code, is amended by
9 adding at the end the following:

“7907. Government-wide authority for electric charging infrastructure.”.

10 **TITLE XI—BUDGETARY INTER-**
11 **PRETATIONS AND TREAT-**
12 **MENTS**

13 **SEC. 11001. AMOUNTS IN THIS ACT.**

14 (a) CONTRACT AUTHORITY.—Except as provided in
15 subsection (c), or except as explicitly provided otherwise
16 by this Act or in title 23, United States Code, all funding
17 provided by this Act is contract authority as defined in
18 section 3(2)(A)(iii) of the Congressional Budget and Im-
19 poundment Act of 1974 (2 U.S.C. 622(2)(A)(iii)), and all
20 such contract authority shall become available for obliga-
21 tion in the fiscal year specified in this Act and shall re-
22 main available until expended.

23 (b) OBLIGATION LIMITS.—

24 (1) IN GENERAL.—Except as explicitly pro-
25 vided, obligation limits established by this Act shall

1 apply for a term of one year and shall apply to obli-
2 gations to be incurred in the fiscal year specified.
3 Notwithstanding any other provision of law, obliga-
4 tion limits established by this Act shall not apply
5 after 2021.

6 (2) EXCEPTIONS.—

7 (A) Except as provided in this Act, obliga-
8 tion limits established by this Act shall apply to
9 unobligated contract authority from the High-
10 way Trust Fund (other than the Mass Transit
11 Account) prior to the date of enactment of this
12 Act.

13 (B) Obligation limitations established by
14 this Act shall not apply to—

15 (i) unobligated contract authority pro-
16 vided by this Act that could have been obli-
17 gated in a prior year within any obligation
18 limits applicable to that prior year or was
19 exempt from such limitations, but was not
20 so obligated;

21 (ii) the use of fees authorized or pro-
22 vided by this Act as described in sub-
23 section (d); and

1 (iii) reimbursable programs under-
2 taken by accounts established in this Act
3 on behalf of discretionary accounts.

4 (3) OBLIGATION LIMITS IN APPROPRIATIONS
5 ACTS.—

6 (A) During any session of Congress, ap-
7 propriations Acts may increase or decrease any
8 obligation limit established by this Act for any
9 current year or budget year prior to fiscal year
10 2022.

11 (B) During any session of Congress, it
12 shall not be in order in either the House of
13 Representatives or the Senate for any appro-
14 priations Act to alter obligation limits under
15 this Act for any outyear.

16 (C) This paragraph is enacted by the Con-
17 gress—

18 (i) as an exercise of the rulemaking
19 power of the House of Representatives and
20 the Senate, respectively, and as such is
21 deemed a part of the rules of each House,
22 respectively, and such procedures super-
23 secede other rules only to the extent that
24 they are inconsistent therewith; and

1 (ii) with full recognition of the con-
2 stitutional right of either House to change
3 the rules (so far as relating to the proce-
4 dure of that House) at any time, in the
5 same manner and to the same extent as in
6 the case of any other rule of that House.

7 (c) LIQUIDATING CASH.—There is authorized to be
8 appropriated such sums as may be necessary for the liq-
9 uidation of obligations incurred under contract authority
10 created by this Act or under contract authority provided
11 from the Highway Trust Fund as it existed in any version
12 at any time prior to the effective date of this Act.

13 (d) ADMINISTRATIVE FEES.—The collection and ex-
14 penditure of fees to cover certain administrative costs
15 under this Act for a fiscal year, if subject to annual appro-
16 priations, shall be treated as discretionary offsetting col-
17 lections and discretionary appropriations, respectively.
18 The collection and expenditure of fees to cover certain ad-
19 ministrative costs under this Act for a fiscal year, if not
20 subject to annual appropriations, shall be treated as man-
21 datory offsetting collections and mandatory appropria-
22 tions, respectively.

1 **SEC. 11002. TREATMENT FOR STATUTORY PAYGO AND RE-**
2 **LATED PURPOSES.**

3 (a) GENERAL RULE.—Except as provided in sub-
4 section (b), and consistent with the definition of direct
5 spending in section 250(c)(8) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended (2
7 U.S.C. 900(c)(8)), the following shall be treated as direct
8 spending for purposes of Presidential and Congressional
9 budgets and the Statutory Pay-As-You-Go Act of 2010
10 (124 Stat. 8):

11 (1) Contract authority of the Transportation
12 Trust Fund under this Act, the outlays flowing
13 therefrom, and the outlays flowing from contract au-
14 thority previously provided from the Highway Trust
15 Fund.

16 (2) Except as provided in sections 11003,
17 11004, and 11005 of this title, legislation reauthor-
18 izing or amending this Act.

19 (b) TRANSITIONAL RULE; EXCESS REVENUES ARE
20 DEDICATED TO DEFICIT REDUCTION.—For purposes of
21 Presidential and Congressional budgets and the Statutory
22 Pay-As-You-Go Act of 2010 (124 Stat. 8), calculations of
23 the budgetary effects of this Act when it is initially en-
24 acted shall be as follows:

25 (1) The baseline projections of total outlays for
26 the Highway Trust Fund and general fund accounts

1 listed in paragraph (2) shall be treated as offsets to
2 the total level of direct spending outlays of the
3 Transportation Trust Fund resulting from this Act.
4 For this purpose, the budgetary resources to which
5 the baseline projection shall apply are—

6 (A) the discretionary budget authority pro-
7 vided for fiscal year 2015, for the accounts list-
8 ed in paragraph (2); and

9 (B) the obligation limits for fiscal year
10 2015 applicable to the Highway Trust Fund,
11 and shall be projected under section 257(c) of
12 the Balanced Budget and Emergency Deficit
13 Control Act of 1985, as amended (2 U.S.C.
14 907(c)), except that contract authority of the
15 Highway Trust Fund not subject to those obli-
16 gation limits shall be projected under section
17 257(b) of that Act.

18 (2) The general fund programs referred to in
19 paragraph (1) are:

20 (A) The general fund portion of National
21 Highway Traffic Safety Administration, Oper-
22 ations and Research (69X0650).

23 (B) Federal Transit Administration, Ad-
24 ministrative Expenses (69X1120).

1 (C) Federal Transit Administration, Cap-
2 ital Investment Grants (69X1134).

3 (D) Federal Transit Administration, Re-
4 search and University Research Centers
5 (69X1137).

6 (E) Federal Transit Administration, Tech-
7 nical Assistance and Standards Development
8 (69X1142).

9 (F) Federal Railroad Administration, Op-
10 erating Subsidy Grants to the National Rail-
11 road Passenger Corporation (69X0121).

12 (G) Federal Railroad Administration, Cap-
13 ital and Debt Service Grants to the National
14 Railroad Passenger Corporation (69X0125).

15 (H) National Infrastructure Investments
16 (69X0143).

17 (3) If the increase in net governmental receipts
18 under this Act, relative to current law, exceeds the
19 increase in mandatory outlays under this Act as
20 measured under paragraph (1) for either or both of
21 the periods covered by the five-year scorecard and
22 the ten-year scorecard established by the Statutory
23 Pay-As-You-Go Act of 2010 (124 Stat. 8), the ex-
24 cess amounts shall not be recorded on those respec-
25 tive scorecards, with the result that this Act shall

1 not be shown as reducing Pay-As-You-Go deficits or
2 increasing Pay-As-You-Go surpluses.

3 **SEC. 11003. SCORING OF CHANGES IN CONTRACT AUTHOR-**
4 **ITY IN APPROPRIATIONS ACTS.**

5 Consistent with scorekeeping guidelines in effect from
6 1990 through the enactment of this Act, changes enacted
7 in annual appropriations Acts during a session of Con-
8 gress to the level of contract authority provided by this
9 Act shall be scored as discretionary to the extent they in-
10 crease or decrease contract authority in the current year
11 or the budget year, and shall be scored as mandatory or
12 direct spending to the extent they increase or decrease
13 contract authority in an outyear. To the extent any such
14 change in contract authority produces changes in esti-
15 mated outlays in any year, that change in outlays shall
16 be scored as discretionary if it is generated by a change
17 in contract authority that is scored as discretionary, and
18 shall be scored as direct spending if it is generated by a
19 change in contract authority that is scored as mandatory.

20 **SEC. 11004. SCORING OF CHANGES IN OBLIGATION LIMITS**
21 **IN APPROPRIATIONS ACTS.**

22 **【Determine in consultation with Congress.】**

1 **SEC. 11005. SCORING OF TRANSFERS BETWEEN THE GEN-**
2 **ERAL FUND AND THE TRANSPORTATION**
3 **TRUST FUND.**

4 **【Determine in consultation with Congress.】**

5 **SEC. 11006. SPECIAL RULE.**

6 (a) **IN GENERAL.**—On September 30, 2021, the Sec-
7 retary shall permanently cancel, and return such amounts
8 to the Treasury, the contract authority described in sub-
9 section (b).

10 (b) **REFERENCED CONTRACT AUTHORITY.**—The con-
11 tract authority referenced in subsection (a) are those
12 amounts apportioned under the Federal Aid Highway pro-
13 gram that are available to each State for fiscal years 2016
14 through 2021, that are in excess of contract authority pro-
15 vided for fiscal years 2016 through 2021 by section 2001
16 of this Act.

17 (c) **CANCELLATION METHOD.**—When implementing
18 subsection (a), the cancellation shall be taken from unobli-
19 gated balances that remain from contract authority en-
20 acted before the enactment of the GROW AMERICA Act.

21 (d) **LIMITED APPLICABILITY.**—This section shall not
22 apply to contract authority provided by the GROW
23 AMERICA Act or prior Acts that are exempt from obliga-
24 tion limitations.

1 **SEC. 11007. REVISED DISCRETIONARY SPENDING LIMITS.**

2 (a) In the final sequestration report that is required
3 at the end of the current session of Congress pursuant
4 to section 254 of the Balanced Budget and Emergency
5 Deficit Control Act of 1985 (BBEDCA), the Director of
6 the Office of Management and Budget shall reduce the
7 discretionary spending limits for the revised nonsecurity
8 category listed in section 251(c) of BBEDCA for fiscal
9 years 2016 through 2021 by the baseline projection of dis-
10 cretionary budget authority for the accounts listed in sec-
11 tion 11002(b)(2) of this Act.

12 (b) For purposes of this section, the “baseline”
13 means the projection described in section 257 of
14 BBEDCA and submitted with the President’s Fiscal Year
15 2016 Budget under section 1105(a) of title 31, United
16 States Code.

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