

114TH CONGRESS
1ST SESSION

H. R. 3763

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Mr. SHUSTER (for himself, Mr. DEFAZIO, Mr. GRAVES of Missouri, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit 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,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Surface Transportation Reauthorization and Reform Act
6 of 2015”.

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

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Definitions.
- Sec. 1104. Apportionment.
- Sec. 1105. National highway performance program.
- Sec. 1106. Surface transportation block grant program.
- Sec. 1107. Railway-highway grade crossings.
- Sec. 1108. Highway safety improvement program.
- Sec. 1109. Congestion mitigation and air quality improvement program.
- Sec. 1110. National highway freight policy.
- Sec. 1111. Nationally significant freight and highway projects.
- Sec. 1112. Territorial and Puerto Rico highway program.
- Sec. 1113. Federal lands and tribal transportation program.
- Sec. 1114. Tribal transportation program.
- Sec. 1115. Federal lands transportation program.
- Sec. 1116. Tribal transportation self-governance program.
- Sec. 1117. Emergency relief.
- Sec. 1118. Highway use tax evasion projects.
- Sec. 1119. Bundling of bridge projects.
- Sec. 1120. Tribal High Priority Projects program.
- Sec. 1121. Construction of ferry boats and ferry terminal facilities.

Subtitle B—Planning and Performance Management

- Sec. 1201. Metropolitan transportation planning.
- Sec. 1202. Statewide and nonmetropolitan transportation planning.

Subtitle C—Acceleration of Project Delivery

- Sec. 1301. Satisfaction of requirements for certain historic sites.
- Sec. 1302. Treatment of improvements to rail and transit under preservation requirements.
- Sec. 1303. Clarification of transportation environmental authorities.
- Sec. 1304. Treatment of certain bridges under preservation requirements.
- Sec. 1305. Efficient environmental reviews for project decisionmaking.
- Sec. 1306. Improving transparency in environmental reviews.
- Sec. 1307. Integration of planning and environmental review.
- Sec. 1308. Development of programmatic mitigation plans.
- Sec. 1309. Delegation of authorities.
- Sec. 1310. Categorical exclusion for projects of limited Federal assistance.
- Sec. 1311. Application of categorical exclusions for multimodal projects.
- Sec. 1312. Surface transportation project delivery program.
- Sec. 1313. Program for eliminating duplication of environmental reviews.
- Sec. 1314. Assessment of progress on accelerating project delivery.
- Sec. 1315. Improving State and Federal agency engagement in environmental reviews.
- Sec. 1316. Accelerated decisionmaking in environmental reviews.
- Sec. 1317. Aligning Federal environmental reviews.

Subtitle D—Miscellaneous

- Sec. 1401. Tolling; HOV facilities; Interstate reconstruction and rehabilitation.
- Sec. 1402. Prohibition on the use of funds for automated traffic enforcement.

- Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 1404. Highway Trust Fund transparency and accountability.
- Sec. 1405. High priority corridors on National Highway System.
- Sec. 1406. Flexibility for projects.
- Sec. 1407. Productive and timely expenditure of funds.
- Sec. 1408. Consolidation of programs.
- Sec. 1409. Federal share payable.
- Sec. 1410. Elimination or modification of certain reporting requirements.
- Sec. 1411. Technical corrections.
- Sec. 1412. Safety for users.
- Sec. 1413. Design standards.
- Sec. 1414. Reserve fund.
- Sec. 1415. Adjustments.

TITLE II—INNOVATIVE PROJECT FINANCE

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.
- Sec. 2002. State infrastructure bank program.
- Sec. 2003. Availability payment concession model.

TITLE III—PUBLIC TRANSPORTATION

- Sec. 3001. Short title.
- Sec. 3002. Definitions.
- Sec. 3003. Metropolitan and statewide transportation planning.
- Sec. 3004. Urbanized area formula grants.
- Sec. 3005. Fixed guideway capital investment grants.
- Sec. 3006. Formula grants for enhanced mobility of seniors and individuals with disabilities.
- Sec. 3007. Formula grants for rural areas.
- Sec. 3008. Public transportation innovation.
- Sec. 3009. Technical assistance and workforce development.
- Sec. 3010. Bicycle facilities.
- Sec. 3011. General provisions.
- Sec. 3012. Public transportation safety program.
- Sec. 3013. Apportionments.
- Sec. 3014. State of good repair grants.
- Sec. 3015. Authorizations.
- Sec. 3016. Bus and bus facility grants.
- Sec. 3017. Obligation ceiling.
- Sec. 3018. Innovative procurement.
- Sec. 3019. Review of public transportation safety standards.
- Sec. 3020. Study on evidentiary protection for public transportation safety program information.
- Sec. 3021. Mobility of seniors and individuals with disabilities.
- Sec. 3022. Improved transit safety measures.

TITLE IV—HIGHWAY SAFETY

- Sec. 4001. Authorization of appropriations.
- Sec. 4002. Highway safety programs.
- Sec. 4003. Highway safety research and development.
- Sec. 4004. High-visibility enforcement program.
- Sec. 4005. National priority safety programs.

- Sec. 4006. Prohibition on funds to check helmet usage or create related check-points for a motorcycle driver or passenger.
- Sec. 4007. Marijuana-impaired driving.
- Sec. 4008. National priority safety program grant eligibility.
- Sec. 4009. Data collection.
- Sec. 4010. Technical corrections.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

- Sec. 5101. Grants to States.
- Sec. 5102. Performance and registration information systems management.
- Sec. 5103. Authorization of appropriations.
- Sec. 5104. Commercial driver's license program implementation.
- Sec. 5105. Extension of Federal motor carrier safety programs for fiscal year 2016.
- Sec. 5106. Motor carrier safety assistance program allocation.
- Sec. 5107. Maintenance of effort calculation.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

- Sec. 5201. Notice of cancellation of insurance.
- Sec. 5202. Regulations.
- Sec. 5203. Guidance.
- Sec. 5204. Petitions.

PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

- Sec. 5221. Correlation study.
- Sec. 5222. Beyond compliance.
- Sec. 5223. Data certification.
- Sec. 5224. Interim hiring standard.

Subtitle C—Commercial Motor Vehicle Safety

- Sec. 5301. Implementing safety requirements.
- Sec. 5302. Windshield mounted safety technology.
- Sec. 5303. Prioritizing statutory rulemakings.
- Sec. 5304. Safety reporting system.
- Sec. 5305. New entrant safety review program.

Subtitle D—Commercial Motor Vehicle Drivers

- Sec. 5401. Opportunities for veterans.
- Sec. 5402. Drug free commercial drivers.
- Sec. 5403. Certified medical examiners.
- Sec. 5404. Graduated commercial driver's license pilot program.

Subtitle E—General Provisions

- Sec. 5501. Minimum financial responsibility.
- Sec. 5502. Delays in goods movement.
- Sec. 5503. Report on motor carrier financial responsibility.
- Sec. 5504. Emergency route working group.
- Sec. 5505. Household goods consumer protection working group.

- Sec. 5506. Technology improvements.
- Sec. 5507. Notification regarding motor carrier registration.
- Sec. 5508. Technical corrections.

TITLE VI—INNOVATION

- Sec. 6001. Short title.
- Sec. 6002. Authorization of appropriations.
- Sec. 6003. Advanced transportation and congestion management technologies deployment.
- Sec. 6004. Technology and innovation deployment program.
- Sec. 6005. Intelligent transportation system goals.
- Sec. 6006. Intelligent transportation system program report.
- Sec. 6007. Intelligent transportation system national architecture and standards.
- Sec. 6008. Communication systems deployment report.
- Sec. 6009. Infrastructure development.
- Sec. 6010. Departmental research programs.
- Sec. 6011. Research and Innovative Technology Administration.
- Sec. 6012. Office of Intermodalism.
- Sec. 6013. University transportation centers.
- Sec. 6014. Bureau of Transportation Statistics.
- Sec. 6015. Surface transportation system funding alternatives.
- Sec. 6016. Future interstate study.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

- Sec. 7001. Short title.
- Sec. 7002. Authorization of appropriations.
- Sec. 7003. National emergency and disaster response.
- Sec. 7004. Enhanced reporting.
- Sec. 7005. Wetlines.
- Sec. 7006. Improving publication of special permits and approvals.
- Sec. 7007. GAO study on acceptance of classification examinations.
- Sec. 7008. Improving the effectiveness of planning and training grants.
- Sec. 7009. Motor carrier safety permits.
- Sec. 7010. Thermal blankets.
- Sec. 7011. Comprehensive oil spill response plans.
- Sec. 7012. Information on high-hazard flammable trains.
- Sec. 7013. Study and testing of electronically-controlled pneumatic brakes.
- Sec. 7014. Ensuring safe implementation of positive train control systems.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

- Sec. 8001. Multimodal freight transportation.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

- Sec. 9001. National Surface Transportation and Innovative Finance Bureau.
- Sec. 9002. Council on Credit and Finance.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

- Sec. 10001. Allocations.
- Sec. 10002. Recreational boating safety.

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, including the
9 amendments made by this Act, takes effect on October
10 1, 2015.

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

15 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—The following sums are author-
17 ized to be appropriated out of the Highway Trust Fund
18 (other than the Mass Transit Account):

19 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
20 the national highway performance program under
21 section 119 of title 23, United States Code, the sur-
22 face transportation block grant program under sec-
23 tion 133 of that title, the highway safety improve-
24 ment program under section 148 of that title, the
25 congestion mitigation and air quality improvement

1 program under section 149 of that title, and to carry
2 out section 134 of that title—

3 (A) \$38,419,500,000 for fiscal year 2016;

4 (B) \$39,113,500,000 for fiscal year 2017;

5 (C) \$39,927,500,000 for fiscal year 2018;

6 (D) \$40,764,000,000 for fiscal year 2019;

7 (E) \$41,623,000,000 for fiscal year 2020;

8 and

9 (F) \$42,483,000,000 for fiscal year 2021.

10 (2) TRANSPORTATION INFRASTRUCTURE FI-
11 NANCE AND INNOVATION PROGRAM.—For credit as-
12 sistance under the transportation infrastructure fi-
13 nance and innovation program under chapter 6 of
14 title 23, United States Code, \$200,000,000 for each
15 of fiscal years 2016 through 2021.

16 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
17 TATION PROGRAMS.—

18 (A) TRIBAL TRANSPORTATION PRO-
19 GRAM.—For the tribal transportation program
20 under section 202 of title 23, United States
21 Code—

22 (i) \$465,000,000 for fiscal year 2016;

23 (ii) \$475,000,000 for fiscal year 2017;

24 (iii) \$485,000,000 for fiscal year
25 2018;

1 (iv) \$490,000,000 for fiscal year
2 2019;

3 (v) \$495,000,000 for fiscal year 2020;
4 and

5 (vi) \$500,000,000 for fiscal year
6 2021.

7 (B) FEDERAL LANDS TRANSPORTATION
8 PROGRAM.—

9 (i) IN GENERAL.—For the Federal
10 lands transportation program under sec-
11 tion 203 of title 23, United States Code—

12 (I) \$325,000,000 for fiscal year
13 2016;

14 (II) \$335,000,000 for fiscal year
15 2017;

16 (III) \$345,000,000 for fiscal year
17 2018;

18 (IV) \$350,000,000 for fiscal year
19 2019;

20 (V) \$375,000,000 for fiscal year
21 2020; and

22 (VI) \$400,000,000 for fiscal year
23 2021.

1 (ii) ALLOCATION.—Of the amount
2 made available for a fiscal year under
3 clause (i)—

4 (I) the amount for the National
5 Park Service is—

6 (aa) \$260,000,000 for fiscal
7 year 2016;

8 (bb) \$268,000,000 for fiscal
9 year 2017;

10 (cc) \$276,000,000 for fiscal
11 year 2018;

12 (dd) \$280,000,000 for fiscal
13 year 2019;

14 (ee) \$300,000,000 for fiscal
15 year 2020; and

16 (ff) \$320,000,000 for fiscal
17 year 2021;

18 (II) the amount for the United
19 States Fish and Wildlife Service is
20 \$30,000,000 for each of fiscal years
21 2016 through 2021; and

22 (III) the amount for the United
23 States Forest Service is—

24 (aa) \$15,000,000 for fiscal
25 year 2016;

1 (bb) \$16,000,000 for fiscal
2 year 2017;

3 (cc) \$17,000,000 for fiscal
4 year 2018;

5 (dd) \$18,000,000 for fiscal
6 year 2019;

7 (ee) \$19,000,000 for fiscal
8 year 2020; and

9 (ff) \$20,000,000 for fiscal
10 year 2021.

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

14 (i) \$250,000,000 for fiscal year 2016;

15 (ii) \$255,000,000 for fiscal year 2017;

16 (iii) \$260,000,000 for fiscal year
17 2018;

18 (iv) \$265,000,000 for fiscal year
19 2019;

20 (v) \$270,000,000 for fiscal year 2020;
21 and

22 (vi) \$275,000,000 for fiscal year
23 2021.

24 (4) TERRITORIAL AND PUERTO RICO HIGHWAY
25 PROGRAM.—For the territorial and Puerto Rico

1 highway program under section 165 of title 23,
2 United States Code, \$200,000,000 for each of fiscal
3 years 2016 through 2021.

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

8 (A) \$725,000,000 for fiscal year 2016;

9 (B) \$735,000,000 for fiscal year 2017; and

10 (C) \$750,000,000 for each of fiscal years

11 2018 through 2021.

12 (b) **DISADVANTAGED BUSINESS ENTERPRISES.**—

13 (1) **FINDINGS.**—Congress finds that—

14 (A) while significant progress has occurred
15 due to the establishment of the disadvantaged
16 business enterprise program, discrimination and
17 related barriers continue to pose significant ob-
18 stacles for minority- and women-owned busi-
19 nesses seeking to do business in federally as-
20 sisted surface transportation markets across the
21 United States;

22 (B) the continuing barriers described in
23 subparagraph (A) merit the continuation of the
24 disadvantaged business enterprise program;

1 (C) Congress has received and reviewed
2 testimony and documentation of race and gen-
3 der discrimination from numerous sources, in-
4 cluding congressional hearings and roundtables,
5 scientific reports, reports issued by public and
6 private agencies, news stories, reports of dis-
7 crimination by organizations and individuals,
8 and discrimination lawsuits, which show that
9 race- and gender-neutral efforts alone are insuf-
10 ficient to address the problem;

11 (D) the testimony and documentation de-
12 scribed in subparagraph (C) demonstrate that
13 discrimination across the United States poses a
14 barrier to full and fair participation in surface
15 transportation-related businesses of women
16 business owners and minority business owners
17 and has impacted firm development and many
18 aspects of surface transportation-related busi-
19 ness in the public and private markets; and

20 (E) the testimony and documentation de-
21 scribed in subparagraph (C) provide a strong
22 basis that there is a compelling need for the
23 continuation of the disadvantaged business en-
24 terprise program to address race and gender

1 discrimination in surface transportation-related
2 business.

3 (2) DEFINITIONS.—In this subsection, the fol-
4 lowing definitions apply:

5 (A) SMALL BUSINESS CONCERN.—

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

11 (ii) EXCLUSIONS.—The term “small
12 business concern” does not include any
13 concern or group of concerns controlled by
14 the same socially and economically dis-
15 advantaged individual or individuals that
16 have average annual gross receipts during
17 the preceding 3 fiscal years in excess of
18 \$23,980,000, as adjusted annually by the
19 Secretary for inflation.

20 (B) SOCIALLY AND ECONOMICALLY DIS-
21 ADVANTAGED INDIVIDUALS.—The term “so-
22 cially and economically disadvantaged individ-
23 uals” has the meaning given the term in section
24 8(d) of the Small Business Act (15 U.S.C.
25 637(d)) and relevant subcontracting regulations

1 issued pursuant to that Act, except that women
2 shall be presumed to be socially and economi-
3 cally disadvantaged individuals for purposes of
4 this subsection.

5 (3) AMOUNTS FOR SMALL BUSINESS CON-
6 CERNS.—Except to the extent that the Secretary de-
7 termines otherwise, not less than 10 percent of the
8 amounts made available for any program under ti-
9 tles I, II, III, and VI of this Act and section 403
10 of title 23, United States Code, shall be expended
11 through small business concerns owned and con-
12 trolled by socially and economically disadvantaged
13 individuals.

14 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
15 NESS ENTERPRISES.—Each State shall annually—

16 (A) survey and compile a list of the small
17 business concerns referred to in paragraph (3)
18 in the State, including the location of the small
19 business concerns in the State; and

20 (B) notify the Secretary, in writing, of the
21 percentage of the small business concerns that
22 are controlled by—

23 (i) women;

1 (ii) socially and economically dis-
2 advantaged individuals (other than
3 women); and

4 (iii) individuals who are women and
5 are otherwise socially and economically dis-
6 advantaged individuals.

7 (5) UNIFORM CERTIFICATION.—

8 (A) IN GENERAL.—The Secretary shall es-
9 tablish minimum uniform criteria for use by
10 State governments in certifying whether a con-
11 cern qualifies as a small business concern for
12 the purpose of this subsection.

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

- 17 (i) on-site visits;
18 (ii) personal interviews with personnel;
19 (iii) issuance or inspection of licenses;
20 (iv) analyses of stock ownership;
21 (v) listings of equipment;
22 (vi) analyses of bonding capacity;
23 (vii) listings of work completed;
24 (viii) examination of the resumes of
25 principal owners;

- 1 (ix) analyses of financial capacity; and
2 (x) analyses of the type of work pre-
3 ferred.

4 (6) REPORTING.—The Secretary shall establish
5 minimum requirements for use by State govern-
6 ments in reporting to the Secretary—

7 (A) information concerning disadvantaged
8 business enterprise awards, commitments, and
9 achievements; and

10 (B) such other information as the Sec-
11 retary determines to be appropriate for the
12 proper monitoring of the disadvantaged busi-
13 ness enterprise program.

14 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
15 ing in this subsection limits the eligibility of an indi-
16 vidual or entity to receive funds made available
17 under titles I, II, III, and VI of this Act and section
18 403 of title 23, United States Code, if the entity or
19 person is prevented, in whole or in part, from com-
20 plying with paragraph (3) because a Federal court
21 issues a final order in which the court finds that a
22 requirement or the implementation of paragraph (3)
23 is unconstitutional.

1 **SEC. 1102. OBLIGATION CEILING.**

2 (a) GENERAL LIMITATION.—Subject to subsection
3 (e), and notwithstanding any other provision of law, the
4 obligations for Federal-aid highway and highway safety
5 construction programs shall not exceed—

6 (1) \$40,867,000,000 for fiscal year 2016;

7 (2) \$41,599,000,000 for fiscal year 2017;

8 (3) \$42,453,000,000 for fiscal year 2018;

9 (4) \$43,307,000,000 for fiscal year 2019;

10 (5) \$44,201,000,000 for fiscal year 2020; and

11 (6) \$45,096,000,000 for fiscal year 2021.

12 (b) EXCEPTIONS.—The limitations under subsection
13 (a) shall not apply to obligations under or for—

14 (1) section 125 of title 23, United States Code;

15 (2) section 147 of the Surface Transportation
16 Assistance Act of 1978 (23 U.S.C. 144 note; 92
17 Stat. 2714);

18 (3) section 9 of the Federal-Aid Highway Act
19 of 1981 (95 Stat. 1701);

20 (4) subsections (b) and (j) of section 131 of the
21 Surface Transportation Assistance Act of 1982 (96
22 Stat. 2119);

23 (5) subsections (b) and (c) of section 149 of the
24 Surface Transportation and Uniform Relocation As-
25 sistance Act of 1987 (101 Stat. 198);

1 (6) sections 1103 through 1108 of the Inter-
2 modal Surface Transportation Efficiency Act of
3 1991 (105 Stat. 2027);

4 (7) section 157 of title 23, United States Code
5 (as in effect on June 8, 1998);

6 (8) section 105 of title 23, United States Code
7 (as in effect for fiscal years 1998 through 2004, but
8 only in an amount equal to \$639,000,000 for each
9 of those fiscal years);

10 (9) Federal-aid highway programs for which ob-
11 ligation authority was made available under the
12 Transportation Equity Act for the 21st Century
13 (112 Stat. 107) or subsequent Acts for multiple
14 years or to remain available until expended, but only
15 to the extent that the obligation authority has not
16 lapsed or been used;

17 (10) section 105 of title 23, United States Code
18 (as in effect for fiscal years 2005 through 2012, but
19 only in an amount equal to \$639,000,000 for each
20 of those fiscal years);

21 (11) section 1603 of SAFETEA-LU (23
22 U.S.C. 118 note; 119 Stat. 1248), to the extent that
23 funds obligated in accordance with that section were
24 not subject to a limitation on obligations at the time

1 at which the funds were initially made available for
2 obligation;

3 (12) section 119 of title 23, United States Code
4 (as in effect for fiscal years 2013 through 2015, but
5 only in an amount equal to \$639,000,000 for each
6 of those fiscal years); and

7 (13) section 119 of title 23, United States Code
8 (but, for fiscal years 2016 through 2021, only in an
9 amount equal to \$639,000,000 for each of those fis-
10 cal years).

11 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—

12 For each of fiscal years 2016 through 2021, the Sec-
13 retary—

14 (1) shall not distribute obligation authority pro-
15 vided by subsection (a) for the fiscal year for—

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

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

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

24 (A) made available from the Highway
25 Trust Fund (other than the Mass Transit Ac-

1 count) for Federal-aid highway and highway
2 safety construction programs for previous fiscal
3 years the funds for which are allocated by the
4 Secretary (or apportioned by the Secretary
5 under section 202 or 204 of title 23, United
6 States Code); and

7 (B) for which obligation authority was pro-
8 vided in a previous fiscal year;

9 (3) shall determine the proportion that—

10 (A) the obligation authority provided by
11 subsection (a) for the fiscal year, less the aggre-
12 gate of amounts not distributed under para-
13 graphs (1) and (2) of this subsection; bears to

14 (B) the total of the sums authorized to be
15 appropriated for the Federal-aid highway and
16 highway safety construction programs (other
17 than sums authorized to be appropriated for
18 provisions of law described in paragraphs (1)
19 through (12) of subsection (b) and sums au-
20 thorized to be appropriated for section 119 of
21 title 23, United States Code, equal to the
22 amount referred to in subsection (b)(13) for the
23 fiscal year), less the aggregate of the amounts
24 not distributed under paragraphs (1) and (2) of
25 this subsection;

1 (4) shall distribute the obligation authority pro-
2 vided by subsection (a), less the aggregate amounts
3 not distributed under paragraphs (1) and (2), for
4 each of the programs (other than programs to which
5 paragraph (1) applies) that are allocated by the Sec-
6 retary under this Act and title 23, United States
7 Code, or apportioned by the Secretary under sections
8 202 or 204 of that title, by multiplying—

9 (A) the proportion determined under para-
10 graph (3); by

11 (B) the amounts authorized to be appro-
12 priated for each such program for the fiscal
13 year; and

14 (5) shall distribute the obligation authority pro-
15 vided by subsection (a), less the aggregate amounts
16 not distributed under paragraphs (1) and (2) and
17 the amounts distributed under paragraph (4), for
18 Federal-aid highway and highway safety construc-
19 tion programs that are apportioned by the Secretary
20 under title 23, United States Code (other than the
21 amounts apportioned for the national highway per-
22 formance program in section 119 of title 23, United
23 States Code, that are exempt from the limitation
24 under subsection (b)(13) and the amounts appor-

1 tioned under sections 202 and 204 of that title) in
2 the proportion that—

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

7 (B) the total of the amounts authorized to
8 be appropriated for the programs that are ap-
9 portioned under title 23, United States Code, to
10 all States for the fiscal year.

11 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
12 THORITY.—Notwithstanding subsection (c), the Secretary
13 shall, after August 1 of each of fiscal years 2016 through
14 2021—

15 (1) revise a distribution of the obligation au-
16 thority made available under subsection (c) if an
17 amount distributed cannot be obligated during that
18 fiscal year; and

19 (2) redistribute sufficient amounts to those
20 States able to obligate amounts in addition to those
21 previously distributed during that fiscal year, giving
22 priority to those States having large unobligated bal-
23 ances of funds apportioned under sections 144 (as in
24 effect on the day before the date of enactment of

1 MAP-21 (Public Law 112-141)) and 104 of title
2 23, United States Code.

3 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
4 TRANSPORTATION RESEARCH PROGRAMS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), obligation limitations imposed by sub-
7 section (a) shall apply to contract authority for
8 transportation research programs carried out
9 under—

10 (A) chapter 5 of title 23, United States
11 Code; and

12 (B) title VI of this Act.

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

15 (A) remain available for a period of 4 fis-
16 cal years; and

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

21 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
22 FUNDS.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date of distribution of obligation authority under
25 subsection (e) for each of fiscal years 2016 through

1 2021, the Secretary shall distribute to the States
2 any funds (excluding funds authorized for the pro-
3 gram under section 202 of title 23, United States
4 Code) that—

5 (A) are authorized to be appropriated for
6 the fiscal year for Federal-aid highway pro-
7 grams; and

8 (B) the Secretary determines will not be
9 allocated to the States (or will not be appor-
10 tioned to the States under section 204 of title
11 23, United States Code), and will not be avail-
12 able for obligation, for the fiscal year because
13 of the imposition of any obligation limitation for
14 the fiscal year.

15 (2) **RATIO.**—Funds shall be distributed under
16 paragraph (1) in the same proportion as the dis-
17 tribution of obligation authority under subsection
18 (c)(5).

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

23 **SEC. 1103. DEFINITIONS.**

24 Section 101 of title 23, United States Code, is
25 amended—

1 (1) by striking paragraph (29);

2 (2) by redesignating paragraphs (15) through
3 (28) as paragraphs (16) through (29), respectively;
4 and

5 (3) by inserting after paragraph (14) the fol-
6 lowing:

7 “(15) NATIONAL HIGHWAY FREIGHT NET-
8 WORK.—The term ‘National Highway Freight Net-
9 work’ means the National Highway Freight Network
10 established under section 167.”.

11 **SEC. 1104. APPORTIONMENT.**

12 (a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)
13 of title 23, United States Code, is amended to read as
14 follows:

15 “(1) IN GENERAL.—There is authorized to be
16 appropriated from the Highway Trust Fund (other
17 than the Mass Transit Account) to be made avail-
18 able to the Secretary for administrative expenses of
19 the Federal Highway Administration \$440,000,000
20 for each of fiscal years 2016 through 2021.”.

21 (b) DIVISION AMONG PROGRAMS OF STATE’S SHARE
22 OF BASE APPORTIONMENT.—Section 104(b) of title 23,
23 United States Code, is amended—

24 (1) in the subsection heading by striking “DIVI-
25 SION OF STATE APPORTIONMENTS AMONG PRO-

1 GRAMS” and inserting “DIVISION AMONG PROGRAMS
2 OF STATE’S SHARE OF BASE APPORTIONMENT”;

3 (2) in the matter preceding paragraph (1)—

4 (A) by inserting “of the base appor-
5 tionment” after “the amount”; and

6 (B) by striking “surface transportation
7 program” and inserting “surface transportation
8 block grant program”;

9 (3) in paragraph (2)—

10 (A) in the paragraph heading by striking
11 “SURFACE TRANSPORTATION PROGRAM” and
12 inserting “SURFACE TRANSPORTATION BLOCK
13 GRANT PROGRAM”; and

14 (B) by striking “surface transportation
15 program” and inserting “surface transportation
16 block grant program”; and

17 (4) in each of paragraphs (4) and (5), in the
18 matter preceding subparagraph (A), by inserting “of
19 the base apportionment” after “the amount”.

20 (c) CALCULATION OF STATE AMOUNTS.—Section
21 104(c) of title 23, United States Code, is amended to read
22 as follows:

23 “(c) CALCULATION OF AMOUNTS.—

1 “(1) STATE SHARE.—For each of fiscal years
2 2016 through 2021, the amount for each State shall
3 be determined as follows:

4 “(A) INITIAL AMOUNTS.—The initial
5 amounts for each State shall be determined by
6 multiplying—

7 “(i) each of—

8 “(I) the base apportionment;

9 “(II) supplemental funds re-
10 served under subsection (h)(1) for the
11 national highway performance pro-
12 gram; and

13 “(III) supplemental funds re-
14 served under subsection (h)(2) for the
15 surface transportation block grant
16 program; by

17 “(ii) the share for each State, which
18 shall be equal to the proportion that—

19 “(I) the amount of apporportion-
20 ments that the State received for fis-
21 cal year 2015; bears to

22 “(II) the amount of those apporportion-
23 ments received by all States for
24 that fiscal year.

1 “(B) ADJUSTMENTS TO AMOUNTS.—The
2 initial amounts resulting from the calculation
3 under subparagraph (A) shall be adjusted to
4 ensure that each State receives an aggregate
5 apportionment equal to at least 95 percent of
6 the estimated tax payments attributable to
7 highway users in the State paid into the High-
8 way Trust Fund (other than the Mass Transit
9 Account) in the most recent fiscal year for
10 which data are available.

11 “(2) STATE APPORTIONMENT.—On October 1
12 of fiscal years 2016 through 2021, the Secretary
13 shall apportion the sums authorized to be appro-
14 priated for expenditure on the national highway per-
15 formance program under section 119, the surface
16 transportation block grant program under section
17 133, the highway safety improvement program
18 under section 148, the congestion mitigation and air
19 quality improvement program under section 149,
20 and to carry out section 134 in accordance with
21 paragraph (1).”.

22 (d) SUPPLEMENTAL FUNDS.—Section 104 of title
23 23, United States Code, is amended by adding at the end
24 the following:

25 “(h) SUPPLEMENTAL FUNDS.—

1 “(1) SUPPLEMENTAL FUNDS FOR NATIONAL
2 HIGHWAY PERFORMANCE PROGRAM.—

3 “(A) AMOUNT.—Before making an appor-
4 tionment for a fiscal year under subsection (c),
5 the Secretary shall reserve for the national
6 highway performance program under section
7 119 for that fiscal year an amount equal to—

8 “(i) \$53,596,122 for fiscal year 2019;

9 “(ii) \$66,717,816 for fiscal year 2020;

10 and

11 “(iii) \$79,847,397 for fiscal year
12 2021.

13 “(B) TREATMENT OF FUNDS.—Funds re-
14 served under subparagraph (A) and apportioned
15 to a State under subsection (c) shall be treated
16 as if apportioned under subsection (b)(1), and
17 shall be in addition to amounts apportioned
18 under that subsection.

19 “(2) SUPPLEMENTAL FUNDS FOR SURFACE
20 TRANSPORTATION BLOCK GRANT PROGRAM.—

21 “(A) AMOUNT.—Before making an appor-
22 tionment for a fiscal year under subsection (c),
23 the Secretary shall reserve for the surface
24 transportation block grant program under sec-
25 tion 133 for that fiscal year an amount equal

1 to \$819,900,000 pursuant to section 133(h),
2 plus—

3 “(i) \$70,526,310 for fiscal year 2016;

4 “(ii) \$104,389,904 for fiscal year
5 2017;

6 “(iii) \$148,113,536 for fiscal year
7 2018;

8 “(iv) \$160,788,367 for fiscal year
9 2019;

10 “(v) \$200,153,448 for fiscal year
11 2020; and

12 “(vi) \$239,542,191 for fiscal year
13 2021.

14 “(B) TREATMENT OF FUNDS.—Funds re-
15 served under subparagraph (A) and apportioned
16 to a State under subsection (c) shall be treated
17 as if apportioned under subsection (b)(2), and
18 shall be in addition to amounts apportioned
19 under that subsection.

20 “(i) BASE APPORTIONMENT DEFINED.—In this sec-
21 tion, the term ‘base apportionment’ means—

22 “(1) the combined amount authorized for ap-
23 propriation for the national highway performance
24 program under section 119, the surface transpor-
25 tation block grant program under section 133, the

1 highway safety improvement program under section
 2 148, the congestion mitigation and air quality im-
 3 provement program under section 149, and to carry
 4 out section 134; minus

5 “(2) supplemental funds reserved under sub-
 6 section (h) for the national highway performance
 7 program and the surface transportation block grant
 8 program.”.

9 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

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

12 (1) in subsection (e)(7)—

13 (A) by striking “this paragraph” and in-
 14 serting “section 150(e)”; and

15 (B) by inserting “under section 150(e)”
 16 after “the next report submitted”; and

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

18 “(h) TIFIA PROGRAM.—At the request of a State,
 19 the Secretary may allow the State to use funds appor-
 20 tioned under section 104(b)(1) to pay subsidy and admin-
 21 istrative costs necessary to provide an eligible entity Fed-
 22 eral credit assistance under chapter 6 with respect to a
 23 project eligible for assistance under this section.

24 “(i) ADDITIONAL FUNDING ELIGIBILITY FOR CER-
 25 TAIN BRIDGES.—

1 “(1) IN GENERAL.—Funds apportioned to a
2 State to carry out the national highway performance
3 program may be obligated for a project for the re-
4 construction, resurfacing, restoration, rehabilitation,
5 or preservation of a bridge not on the National
6 Highway System, if the bridge is on a Federal-aid
7 highway.

8 “(2) LIMITATION.—A State required to make
9 obligations under subsection (f) shall ensure such re-
10 quirements are satisfied in order to use the flexi-
11 bility under paragraph (1).”.

12 **SEC. 1106. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
13 **GRAM.**

14 (a) FINDINGS.—Congress finds that—

15 (1) the benefits of the surface transportation
16 block grant program accrue principally to the resi-
17 dents of each State and municipality where the
18 funds are obligated;

19 (2) decisions about how funds should be obli-
20 gated are best determined by the States and munici-
21 palities to respond to unique local circumstances and
22 implement the most efficient solutions; and

23 (3) reforms of the program to promote flexi-
24 bility will enhance State and local control over trans-
25 portation decisions.

1 (b) SURFACE TRANSPORTATION BLOCK GRANT PRO-
2 GRAM.—Section 133 of title 23, United States Code, is
3 amended—

4 (1) by striking subsections (a), (b), (c), and (d)
5 and inserting the following:

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a surface transportation block grant program in ac-
8 cordance with this section to provide flexible funding to
9 address State and local transportation needs.

10 “(b) ELIGIBLE PROJECTS.—Funds apportioned to a
11 State under section 104(b)(2) for the surface transpor-
12 tation block grant program may be obligated for the fol-
13 lowing:

14 “(1) Construction of—

15 “(A) highways, bridges, tunnels, including
16 designated routes of the Appalachian develop-
17 ment highway system and local access roads
18 under section 14501 of title 40;

19 “(B) ferry boats and terminal facilities eli-
20 gible for funding under section 129(e);

21 “(C) transit capital projects eligible for as-
22 sistance under chapter 53 of title 49;

23 “(D) infrastructure-based intelligent trans-
24 portation systems capital improvements;

1 “(E) truck parking facilities eligible for
2 funding under section 1401 of MAP-21 (23
3 U.S.C. 137 note); and

4 “(F) border infrastructure projects eligible
5 for funding under section 1303 of SAFETEA-
6 LU (23 U.S.C. 101 note).

7 “(2) Operational improvements and capital and
8 operating costs for traffic monitoring, management,
9 and control facilities and programs.

10 “(3) Environmental measures eligible under
11 sections 119(g), 328, and 329 and transportation
12 control measures listed in section 108(f)(1)(A)
13 (other than clause (xvi) of that section) of the Clean
14 Air Act (42 U.S.C. 7408(f)(1)(A)).

15 “(4) Highway and transit safety infrastructure
16 improvements and programs.

17 “(5) Fringe and corridor parking facilities and
18 programs in accordance with section 137 and car-
19 pool projects in accordance with section 146.

20 “(6) Recreational trails projects eligible for
21 funding under section 206, pedestrian and bicycle
22 projects in accordance with section 217 (including
23 modifications to comply with accessibility require-
24 ments under the Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.)), and the safe

1 routes to school program under section 1404 of
2 SAFETEA-LU (23 U.S.C. 402 note).

3 “(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way
4 of former Interstate System routes or other divided
5 highways.

6
7 “(8) Development and implementation of a
8 State asset management plan for the National Highway System and a performance-based management
9 program for other public roads.

10
11 “(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection
12 measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures)
13 and tunnels on public roads, and inspection and
14 evaluation of bridges and tunnels and other highway
15 assets.

16
17 “(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under
18 chapter 5 of this title.

19
20 “(11) Surface transportation infrastructure
21 modifications to facilitate direct intermodal inter-
22
23
24
25

1 change, transfer, and access into and out of a port
2 terminal.

3 “(12) Projects and strategies designed to sup-
4 port congestion pricing, including electronic toll col-
5 lection and travel demand management strategies
6 and programs.

7 “(13) At the request of a State, and with the
8 Secretary’s approval, subsidy and administrative
9 costs necessary to provide an eligible entity Federal
10 credit assistance under chapter 6 with respect to a
11 project eligible for assistance under this section.

12 “(14) The creation and operation by a State of
13 an office to assist in the design, implementation, and
14 oversight of public-private partnerships eligible to re-
15 ceive funding under this title and chapter 53 of title
16 49, and the payment of a stipend to unsuccessful
17 private bidders to offset their proposal development
18 costs, if necessary to encourage robust competition
19 in public-private partnership procurements.

20 “(15) Any project eligible under this section as
21 in effect on the day before the date of enactment of
22 the Surface Transportation Reauthorization and Re-
23 form Act of 2015, including projects described under
24 section 101(a)(29) as in effect on such day.

1 “(c) LOCATION OF PROJECTS.—A surface transpor-
2 tation block grant project may not be undertaken on a
3 road functionally classified as a local road or a rural minor
4 collector unless the road was on a Federal-aid highway
5 system on January 1, 1991, except—

6 “(1) for a bridge or tunnel project (other than
7 the construction of a new bridge or tunnel at a new
8 location);

9 “(2) for a project described in paragraphs (4)
10 through (11) of subsection (b);

11 “(3) for a project described in section
12 101(a)(29), as in effect on the day before the date
13 of enactment of the Surface Transportation Reau-
14 thorization and Reform Act of 2015; and

15 “(4) as approved by the Secretary.

16 “(d) ALLOCATIONS OF APPORTIONED FUNDS TO
17 AREAS BASED ON POPULATION.—

18 “(1) CALCULATION.—Of the funds apportioned
19 to a State under section 104(b)(2) (after the res-
20 ervation of funds under subsection (h))—

21 “(A) the percentage specified in paragraph
22 (6) for a fiscal year shall be obligated under
23 this section, in proportion to their relative
24 shares of the population of the State—

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

4 “(ii) in areas of the State other than
5 urban areas with a population greater than
6 5,000; and

7 “(iii) in other areas of the State; and

8 “(B) the remainder may be obligated in
9 any area of the State.

10 “(2) METROPOLITAN AREAS.—Funds attributed
11 to an urbanized area under paragraph (1)(A)(i) may
12 be obligated in the metropolitan area established
13 under section 134 that encompasses the urbanized
14 area.

15 “(3) CONSULTATION WITH REGIONAL TRANS-
16 PORTATION PLANNING ORGANIZATIONS.—For pur-
17 poses of paragraph (1)(A)(iii), before obligating
18 funding attributed to an area with a population
19 greater than 5,000 and less than 200,000, a State
20 shall consult with the regional transportation plan-
21 ning organizations that represent the area, if any.

22 “(4) DISTRIBUTION AMONG URBANIZED AREAS
23 OF OVER 200,000 POPULATION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the amount of funds that a

1 State is required to obligate under paragraph
2 (1)(A)(i) shall be obligated in urbanized areas
3 described in paragraph (1)(A)(i) based on the
4 relative population of the areas.

5 “(B) OTHER FACTORS.—The State may
6 obligate the funds described in subparagraph
7 (A) based on other factors if the State and the
8 relevant metropolitan planning organizations
9 jointly apply to the Secretary for the permission
10 to base the obligation on other factors and the
11 Secretary grants the request.

12 “(5) APPLICABILITY OF PLANNING REQUIRE-
13 MENTS.—Programming and expenditure of funds for
14 projects under this section shall be consistent with
15 sections 134 and 135.

16 “(6) PERCENTAGE.—The percentage referred to
17 in paragraph (1)(A) is—

18 “(A) for fiscal year 2016, 51 percent;

19 “(B) for fiscal year 2017, 52 percent;

20 “(C) for fiscal year 2018, 53 percent;

21 “(D) for fiscal year 2019, 54 percent;

22 “(E) for fiscal year 2020, 55 percent; and

23 “(F) for fiscal year 2021, 55 percent.”;

1 (2) by striking the section heading and insert-
2 ing “**Surface transportation block grant**
3 **program**”;

4 (3) by striking subsection (e);

5 (4) by redesignating subsections (f) through (h)
6 as subsections (e) through (g), respectively;

7 (5) in subsection (e)(1), as redesignated by this
8 subsection—

9 (A) by striking “104(b)(3)” and inserting
10 “104(b)(2)”; and

11 (B) by striking “fiscal years 2011 through
12 2014” and inserting “fiscal years 2016 through
13 2021”;

14 (6) in subsection (g)(1), as redesignated by this
15 subsection, by striking “under subsection
16 (d)(1)(A)(iii) for each of fiscal years 2013 through
17 2014” and inserting “under subsection (d)(1)(A)(ii)
18 for each of fiscal years 2016 through 2021”; and

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

20 “(h) STP SET-ASIDE.—

21 “(1) RESERVATION OF FUNDS.—Of the funds
22 apportioned to a State under section 104(b)(2) for
23 each fiscal year, the Secretary shall reserve an
24 amount such that—

1 “(A) the Secretary reserves a total of
2 \$819,900,000 under this subsection; and

3 “(B) the State’s share of that total is de-
4 termined by multiplying the amount under sub-
5 paragraph (A) by the ratio that—

6 “(i) the amount apportioned to the
7 State for the transportation enhancements
8 program for fiscal year 2009 under section
9 133(d)(2), as in effect on the day before
10 the date of enactment of MAP-21; bears
11 to

12 “(ii) the total amount of funds appor-
13 tioned to all States for the transportation
14 enhancements program for fiscal year
15 2009.

16 “(2) ALLOCATION WITHIN A STATE.—Funds re-
17 served for a State under paragraph (1) shall be obli-
18 gated within that State in the manner described in
19 subsection (d), except that, for purposes of this
20 paragraph (after funds are made available under
21 paragraph (5))—

22 “(A) for each fiscal year, the percentage
23 referred to in paragraph (1)(A) of that sub-
24 section shall be deemed to be 50 percent; and

1 “(B) the following provisions shall not
2 apply:

3 “(i) Paragraph (3) of subsection (d).

4 “(ii) Subsection (e).

5 “(3) ELIGIBLE PROJECTS.—Funds reserved
6 under this subsection may be obligated for projects
7 or activities described in section 101(a)(29) or 213,
8 as such provisions were in effect on the day before
9 the date of enactment of the Surface Transportation
10 Reauthorization and Reform Act of 2015.

11 “(4) ACCESS TO FUNDS.—

12 “(A) IN GENERAL.—A State or metropoli-
13 tan planning organization required to obligate
14 funds in accordance with paragraph (2) shall
15 develop a competitive process to allow eligible
16 entities to submit projects for funding that
17 achieve the objectives of this subsection. A met-
18 ropolitan planning organization for an area de-
19 scribed in subsection (d)(1)(A)(i) shall select
20 projects under such process in consultation with
21 the relevant State.

22 “(B) ELIGIBLE ENTITY DEFINED.—In this
23 paragraph, the term ‘eligible entity’ means—

24 “(i) a local government;

1 “(ii) a regional transportation author-
2 ity;

3 “(iii) a transit agency;

4 “(iv) a natural resource or public land
5 agency;

6 “(v) a school district, local education
7 agency, or school;

8 “(vi) a tribal government; and

9 “(vii) any other local or regional gov-
10 ernmental entity with responsibility for or
11 oversight of transportation or recreational
12 trails (other than a metropolitan planning
13 organization or a State agency) that the
14 State determines to be eligible, consistent
15 with the goals of this subsection.

16 “(5) CONTINUATION OF CERTAIN REC-
17 REATIONAL TRAILS PROJECTS.—For each fiscal
18 year, a State shall—

19 “(A) obligate an amount of funds reserved
20 under this section equal to the amount of the
21 funds apportioned to the State for fiscal year
22 2009 under section 104(h)(2), as in effect on
23 the day before the date of enactment of MAP-
24 21, for projects relating to recreational trails
25 under section 206;

1 “(B) return 1 percent of those funds to the
2 Secretary for the administration of that pro-
3 gram; and

4 “(C) comply with the provisions of the ad-
5 ministration of the recreational trails program
6 under section 206, including the use of appor-
7 tioned funds described in subsection (d)(3)(A)
8 of that section.

9 “(6) STATE FLEXIBILITY.—

10 “(A) RECREATIONAL TRAILS.—A State
11 may opt out of the recreational trails program
12 under paragraph (5) if the Governor of the
13 State notifies the Secretary not later than 30
14 days prior to apportionments being made for
15 any fiscal year.

16 “(B) LARGE URBANIZED AREAS.—A met-
17 ropolitan planning area may use not to exceed
18 50 percent of the funds reserved under this
19 subsection for an urbanized area described in
20 subsection (d)(1)(A)(i) for any purpose eligible
21 under subsection (b).

22 “(i) TREATMENT OF PROJECTS.—Notwithstanding
23 any other provision of law, projects funded under this sec-
24 tion (excluding those carried out under subsection (h)(5))

1 shall be treated as projects on a Federal-aid highway
2 under this chapter.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) SECTION 126.—Section 126(b)(2) of title
5 23, United States Code, is amended—

6 (A) by striking “section 213” and insert-
7 ing “section 133(h)”; and

8 (B) by striking “section 213(c)(1)(B)” and
9 inserting “section 133(h)”.

10 (2) SECTION 213.—Section 213 of title 23,
11 United States Code, is repealed.

12 (3) SECTION 322.—Section 322(h)(3) of title
13 23, United States Code, is amended by striking
14 “surface transportation program” and inserting
15 “surface transportation block grant program”.

16 (4) SECTION 504.—Section 504(a)(4) of title
17 23, United States Code, is amended—

18 (A) by striking “104(b)(3)” and inserting
19 “104(b)(2)”; and

20 (B) by striking “surface transportation
21 program” and inserting “surface transportation
22 block grant program”.

23 (5) CHAPTER 1.—Chapter 1 of title 23, United
24 States Code, is amended by striking “surface trans-

1 portation program” each place it appears and insert-
 2 ing “surface transportation block grant program”.

3 (6) CHAPTER ANALYSES.—

4 (A) CHAPTER 1.—The analysis for chapter
 5 1 of title 23, United States Code, is amended
 6 by striking the item relating to section 133 and
 7 inserting the following:

“133. Surface transportation block grant program.”.

8 (B) CHAPTER 2.—The item relating to sec-
 9 tion 213 in the analysis for chapter 2 of title
 10 23, United States Code, is repealed.

11 (7) OTHER REFERENCES.—Any reference in
 12 any other law, regulation, document, paper, or other
 13 record of the United States to the surface transpor-
 14 tation program under section 133 of title 23, United
 15 States Code, shall be deemed to be a reference to the
 16 surface transportation block grant program under
 17 such section.

18 **SEC. 1107. RAILWAY-HIGHWAY GRADE CROSSINGS.**

19 Section 130(e)(1) of title 23, United States Code, is
 20 amended to read as follows:

21 “(1) IN GENERAL.—

22 “(A) SET ASIDE.—Before making an ap-
 23 portionment under section 104(b)(3) for a fiscal
 24 year, the Secretary shall set aside, from
 25 amounts made available to carry out the high-

1 way safety improvement program under section
2 148 for such fiscal year, for the elimination of
3 hazards and the installation of protective de-
4 vices at railway-highway crossings at least—

5 “(i) \$225,000,000 for fiscal year
6 2016;

7 “(ii) \$230,000,000 for fiscal year
8 2017;

9 “(iii) \$235,000,000 for fiscal year
10 2018;

11 “(iv) \$240,000,000 for fiscal year
12 2019;

13 “(v) \$245,000,000 for fiscal year
14 2020; and

15 “(vi) \$250,000,000 for fiscal year
16 2021.

17 “(B) INSTALLATION OF PROTECTIVE DE-
18 VICES.—At least $\frac{1}{2}$ of the funds set aside each
19 fiscal year under subparagraph (A) shall be
20 available for the installation of protective de-
21 vices at railway-highway crossings.

22 “(C) OBLIGATION AVAILABILITY.—Sums
23 set aside each fiscal year under subparagraph
24 (A) shall be available for obligation in the same

1 manner as funds apportioned under section
2 104(b)(1) of this title.”.

3 **SEC. 1108. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

4 (a) DEFINITIONS.—

5 (1) IN GENERAL.—Section 148(a) of title 23,
6 United States Code, is amended—

7 (A) in paragraph (4)(B)—

8 (i) in the matter preceding clause (i),
9 by striking “includes, but is not limited
10 to,” and inserting “only includes”; and

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

13 “(xxv) Installation of vehicle-to-infra-
14 structure communication equipment.

15 “(xxvi) Pedestrian hybrid beacons.

16 “(xxvii) Roadway improvements that
17 provide separation between pedestrians and
18 motor vehicles, including medians and pe-
19 destrian crossing islands.

20 “(xxviii) A physical infrastructure
21 safety project not described in clauses (i)
22 through (xxvii).”;

23 (B) by striking paragraph (10); and

1 (C) by redesignating paragraphs (11)
2 through (13) as paragraphs (10) through (12),
3 respectively.

4 (2) CONFORMING AMENDMENTS.—Section 148
5 of title 23, United States Code, is amended—

6 (A) in subsection (c)(1)(A) by striking
7 “subsections (a)(12)” and inserting “sub-
8 sections (a)(11)”; and

9 (B) in subsection (d)(2)(B)(i) by striking
10 “subsection (a)(12)” and inserting “subsection
11 (a)(11)”.

12 (b) DATA COLLECTION.—Section 148(f) of title 23,
13 United States Code, is amended by adding at the end the
14 following:

15 “(3) PROCESS.—The Secretary shall establish a
16 process to allow a State to cease to collect the subset
17 referred to in paragraph (2)(A) for public roads that
18 are gravel roads or otherwise unpaved if—

19 “(A) the State does not use funds provided
20 to carry out this section for a project on such
21 roads until the State completes a collection of
22 the required model inventory of roadway ele-
23 ments for the roads; and

24 “(B) the State demonstrates that the State
25 consulted with affected Indian tribes before

1 ceasing to collect data with respect to such
2 roads that are included in the National Tribal
3 Transportation Facility Inventory.

4 “(4) RULE OF CONSTRUCTION.—Nothing in
5 paragraph (3) may be construed to allow a State to
6 cease data collection related to serious injuries or fa-
7 talities.”.

8 (c) RURAL ROAD SAFETY.—Section 148(g)(1) of title
9 23, United States Code, is amended—

10 (1) by striking “If the fatality rate” and insert-
11 ing the following:

12 “(A) IN GENERAL.—If the fatality rate”;

13 and

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

15 “(B) FATALITIES EXCEEDING THE MEDIAN
16 RATE.—If the fatality rate on rural roads in a
17 State, for the most recent 2-year period for
18 which data is available, is more than the me-
19 dian fatality rate for rural roads among all
20 States for such 2-year period, the State shall be
21 required to demonstrate, in the subsequent
22 State strategic highway safety plan of the
23 State, strategies to address fatalities and
24 achieve safety improvements on high risk rural
25 roads.”.

1 (d) COMMERCIAL MOTOR VEHICLE SAFETY BEST
2 PRACTICES.—

3 (1) REVIEW.—The Secretary shall conduct a re-
4 view of best practices with respect to the implemen-
5 tation of roadway safety infrastructure improve-
6 ments that—

7 (A) are cost effective; and

8 (B) reduce the number or severity of acci-
9 dents involving commercial motor vehicles.

10 (2) CONSULTATION.—In conducting the review
11 under paragraph (1), the Secretary shall consult
12 with State transportation departments and units of
13 local government.

14 (3) REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall
16 submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the
18 Committee on Environment and Public Works of the
19 Senate, and make available on the public Internet
20 Web site of the Department, a report describing the
21 results of the review conducted under paragraph (1).

22 **SEC. 1109. CONGESTION MITIGATION AND AIR QUALITY IM-**
23 **PROVEMENT PROGRAM.**

24 (a) ELIGIBLE PROJECTS.—Section 149(b) of title 23,
25 United States Code, is amended—

1 (1) in paragraph (7) by striking “or” at the
2 end;

3 (2) in paragraph (8) by striking the period at
4 the end and inserting “; or”; and

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

6 “(9) if the project or program is for the instal-
7 lation of vehicle-to-infrastructure communication
8 equipment.”.

9 (b) STATES FLEXIBILITY.—Section 149(d) of title
10 23, United States Code, is amended to read as follows:

11 “(d) STATES FLEXIBILITY.—

12 “(1) STATES WITHOUT A NONATTAINMENT
13 AREA.—If a State does not have, and never has had,
14 a nonattainment area designated under the Clean
15 Air Act (42 U.S.C. 7401 et seq.), the State may use
16 funds apportioned to the State under section
17 104(b)(4) for any project in the State that—

18 “(A) would otherwise be eligible under sub-
19 section (b) if the project were carried out in a
20 nonattainment or maintenance area; or

21 “(B) is eligible under the surface transpor-
22 tation block grant program under section 133.

23 “(2) STATES WITH A NONATTAINMENT AREA.—

24 “(A) IN GENERAL.—If a State has a non-
25 attainment area or maintenance area and re-

1 ceived funds in fiscal year 2009 under section
2 104(b)(2)(D), as in effect on the day before the
3 date of enactment of the MAP–21, above the
4 amount of funds that the State would have re-
5 ceived based on the nonattainment and mainte-
6 nance area population of the State under sub-
7 paragraphs (B) and (C) of section 104(b)(2), as
8 in effect on the day before the date of enact-
9 ment of the MAP–21, the State may use, for
10 any project that would otherwise be eligible
11 under subsection (b) if the project were carried
12 out in a nonattainment or maintenance area or
13 is eligible under the surface transportation
14 block grant program under section 133, an
15 amount of funds apportioned to such State
16 under section 104(b)(4) that is equal to the
17 product obtained by multiplying—

18 “(i) the amount apportioned to such
19 State under section 104(b)(4) (excluding
20 the amounts reserved for obligation under
21 subsection (k)(1)); by

22 “(ii) the ratio calculated under sub-
23 paragraph (B).

1 “(B) RATIO.—For purposes of this para-
2 graph, the ratio shall be calculated as the pro-
3 portion that—

4 “(i) the amount for fiscal year 2009
5 such State was permitted by section
6 149(c)(2), as in effect on the day before
7 the date of enactment of the MAP–21, to
8 obligate in any area of the State for
9 projects eligible under section 133, as in
10 effect on the day before the date of enact-
11 ment of the MAP–21; bears to

12 “(ii) the total apportionment to such
13 State for fiscal year 2009 under section
14 104(b)(2), as in effect on the day before
15 the date of enactment of the MAP–21.

16 “(3) CHANGES IN DESIGNATION.—If a new
17 nonattainment area is designated or a previously
18 designated nonattainment area is redesignated as an
19 attainment area in a State under the Clean Air Act
20 (42 U.S.C. 7401 et seq.), the Secretary shall modify,
21 in a manner consistent with the approach that was
22 in effect on the day before the date of enactment of
23 MAP–21, the amount such State is permitted to ob-
24 ligate in any area of the State for projects eligible
25 under section 133.”.

1 (c) PRIORITY CONSIDERATION.—Section 149(g)(3)
2 of title 23, United States Code, is amended to read as
3 follows:

4 “(3) PRIORITY CONSIDERATION.—

5 “(A) IN GENERAL.—In distributing funds
6 received for congestion mitigation and air qual-
7 ity projects and programs from apportionments
8 under section 104(b)(4) in areas designated as
9 nonattainment or maintenance for PM2.5 under
10 the Clean Air Act (42 U.S.C. 7401 et seq.) and
11 where regional motor vehicle emissions are not
12 an insignificant contributor to the air quality
13 problem for PM2.5, States and metropolitan
14 planning organizations shall give priority to
15 projects, including diesel retrofits, that are
16 proven to reduce direct emissions of PM2.5.

17 “(B) USE OF FUNDING.—To the maximum
18 extent practicable, funding used in an area de-
19 scribed in subparagraph (A) shall be used on
20 the most cost-effective projects and programs
21 that are proven to reduce directly emitted fine
22 particulate matter.”.

23 (d) PRIORITY FOR USE OF FUNDS IN PM2.5
24 AREAS.—Section 149(k) of title 23, United States Code,
25 is amended—

1 (1) in paragraph (1) by striking “such fine particulate” and inserting “directly emitted fine particulate”; and

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

5 “(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

6
7 “(A) EXCEPTION.—For any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, subsection (g)(3) and paragraphs (1) and (2) of this subsection do not apply to a nonattainment or maintenance area in the State if—

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9
10
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12
13
14 “(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

15
16
17
18
19 “(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

20
21
22
23 “(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set

1 aside under paragraph (1) shall be reduced for
2 that State proportionately based on the weight-
3 ed population of the area in fine particulate
4 matter nonattainment.”.

5 (e) PERFORMANCE PLAN.—Section 149(l)(1)(B) of
6 title 23, United States Code, is amended by inserting
7 “emission and congestion reduction” after “achieving
8 the”.

9 **SEC. 1110. NATIONAL HIGHWAY FREIGHT POLICY.**

10 (a) IN GENERAL.—Section 167 of title 23, United
11 States Code, is amended to read as follows:

12 **“§ 167. National highway freight policy**

13 “(a) IN GENERAL.—It is the policy of the United
14 States to improve the condition and performance of the
15 National Highway Freight Network established under this
16 section to ensure that the Network provides a foundation
17 for the United States to compete in the global economy
18 and achieve the goals described in subsection (b).

19 “(b) GOALS.—The goals of the national highway
20 freight policy are—

21 “(1) to invest in infrastructure improvements
22 and to implement operational improvements that—

23 “(A) strengthen the contribution of the
24 National Highway Freight Network to the eco-
25 nomic competitiveness of the United States;

1 “(B) reduce congestion and bottlenecks on
2 the National Highway Freight Network; and

3 “(C) increase productivity, particularly for
4 domestic industries and businesses that create
5 high-value jobs;

6 “(2) to improve the safety, security, and resil-
7 ience of highway freight transportation;

8 “(3) to improve the state of good repair of the
9 National Highway Freight Network;

10 “(4) to use innovation and advanced technology
11 to improve the safety, efficiency, and reliability of
12 the National Highway Freight Network;

13 “(5) to improve the economic efficiency of the
14 National Highway Freight Network;

15 “(6) to improve the short and long distance
16 movement of goods that—

17 “(A) travel across rural areas between pop-
18 ulation centers; and

19 “(B) travel between rural areas and popu-
20 lation centers;

21 “(7) to improve the flexibility of States to sup-
22 port multi-State corridor planning and the creation
23 of multi-State organizations to increase the ability of
24 States to address highway freight connectivity; and

1 “(8) to reduce the environmental impacts of
2 freight movement on the National Highway Freight
3 Network.

4 “(c) ESTABLISHMENT OF NATIONAL HIGHWAY
5 FREIGHT NETWORK.—

6 “(1) IN GENERAL.—The Secretary shall estab-
7 lish a National Highway Freight Network in accord-
8 ance with this section to strategically direct Federal
9 resources and policies toward improved performance
10 of the Network.

11 “(2) NETWORK COMPONENTS.—The National
12 Highway Freight Network shall consist of—

13 “(A) the Interstate System;

14 “(B) non-Interstate highway segments on
15 the 41,000-mile comprehensive primary freight
16 network developed by the Secretary under sec-
17 tion 167(d) as in effect on the day before the
18 date of enactment of the Surface Transpor-
19 tation Reauthorization and Reform Act of
20 2015; and

21 “(C) additional non-Interstate highway
22 segments designated by the States under sub-
23 section (d).

24 “(d) STATE ADDITIONS TO NETWORK.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the Surface Transportation
3 Reauthorization and Reform Act of 2015, each
4 State, in consultation with the State freight advisory
5 committee, may increase the number of miles des-
6 ignated as part of the National Highway Freight
7 Network by not more than 10 percent of the miles
8 designated in that State under subparagraphs (A)
9 and (B) of subsection (c)(2) if the additional miles—

10 “(A) close gaps between segments of the
11 National Highway Freight Network;

12 “(B) establish connections from the Na-
13 tional Highway Freight Network to critical fa-
14 cilities for the efficient movement of freight, in-
15 cluding ports, freight railroads, international
16 border crossings, airports, intermodal facilities,
17 warehouse and logistics centers, and agricul-
18 tural facilities; or

19 “(C) designate critical emerging freight
20 corridors.

21 “(2) SUBMISSION.—Each State shall—

22 “(A) submit to the Secretary a list of the
23 additional miles added under this subsection;
24 and

1 “(B) certify that the additional miles meet
2 the requirements of paragraph (1).

3 “(e) REDESIGNATION.—

4 “(1) REDESIGNATION BY SECRETARY.—

5 “(A) IN GENERAL.—Effective beginning 5
6 years after the date of enactment of the Surface
7 Transportation Reauthorization and Reform
8 Act of 2015, and every 5 years thereafter, the
9 Secretary shall redesignate the highway seg-
10 ments designated by the Secretary under sub-
11 section (c)(2)(B) that are on the National
12 Highway Freight Network.

13 “(B) CONSIDERATIONS.—In redesignating
14 highway segments under subparagraph (A), the
15 Secretary shall consider—

16 “(i) changes in the origins and des-
17 tinations of freight movements in the
18 United States;

19 “(ii) changes in the percentage of an-
20 nual average daily truck traffic in the an-
21 nual average daily traffic on principal arte-
22 rials;

23 “(iii) changes in the location of key
24 facilities;

1 “(iv) critical emerging freight cor-
2 ridors; and

3 “(v) network connectivity.

4 “(C) LIMITATION.—Each redesignation
5 under subparagraph (A) may increase the mile-
6 age on the National Highway Freight Network
7 designated by the Secretary by not more than
8 3 percent.

9 “(2) REDESIGNATION BY STATES.—

10 “(A) IN GENERAL.—Effective beginning 5
11 years after the date of enactment of the Surface
12 Transportation Reauthorization and Reform
13 Act of 2015, and every 5 years thereafter, each
14 State may, in consultation with the State
15 freight advisory committee, redesignate the
16 highway segments designated by the State
17 under subsection (c)(2)(C) that are on the Na-
18 tional Highway Freight Network.

19 “(B) CONSIDERATIONS.—In redesignating
20 highway segments under subparagraph (A), the
21 State shall consider—

22 “(i) gaps between segments of the Na-
23 tional Highway Freight Network;

24 “(ii) needed connections from the Na-
25 tional Highway Freight Network to critical

1 facilities for the efficient movement of
2 freight, including ports, freight railroads,
3 international border crossings, airports,
4 intermodal facilities, warehouse and logis-
5 tics centers, and agricultural facilities; and

6 “(iii) critical emerging freight cor-
7 ridors.

8 “(C) LIMITATION.—Each redesignation
9 under subparagraph (A) may increase the mile-
10 age on the National Highway Freight Network
11 designated by the State by not more than 3
12 percent.

13 “(D) RESUBMISSION.—Each State, under
14 the advisement of the State freight advisory
15 committee, shall—

16 “(i) submit to the Secretary a list of
17 the miles redesignated under this para-
18 graph; and

19 “(ii) certify that the redesignated
20 miles meet the requirements of subsection
21 (d)(1).”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 1 of title 23, United States Code, is amended by strik-
24 ing the item relating to section 167 and inserting the fol-
25 lowing:

“167. National highway freight policy.”.

1 **SEC. 1111. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
2 **WAY PROJECTS.**

3 (a) IN GENERAL.—Title 23, United States Code, is
4 amended by inserting after section 116 the following:

5 **“§ 117. Nationally significant freight and highway**
6 **projects**

7 “(a) ESTABLISHMENT.—There is established a na-
8 tionally significant freight and highway projects program
9 to provide financial assistance for projects of national or
10 regional significance that will—

11 “(1) improve the safety, efficiency, and reli-
12 ability of the movement of freight and people;

13 “(2) generate national or regional economic
14 benefits and an increase in the global economic com-
15 petitiveness of the United States;

16 “(3) reduce highway congestion and bottle-
17 necks;

18 “(4) improve connectivity between modes of
19 freight transportation; or

20 “(5) enhance the strength, durability, and serv-
21 iceability of critical highway infrastructure.

22 “(b) GRANT AUTHORITY.—In carrying out the pro-
23 gram established in subsection (a), the Secretary may
24 make grants, on a competitive basis, in accordance with
25 this section.

26 “(c) ELIGIBLE APPLICANTS.—

1 “(1) IN GENERAL.—The Secretary may make a
2 grant under this section to the following:

3 “(A) A State or group of States.

4 “(B) A metropolitan planning organization
5 that serves an urbanized area (as defined by
6 the Bureau of the Census) with a population of
7 more than 200,000 individuals.

8 “(C) A unit of local government.

9 “(D) A special purpose district or public
10 authority with a transportation function, includ-
11 ing a port authority.

12 “(E) A Federal land management agency
13 that applies jointly with a State or group of
14 States.

15 “(2) APPLICATIONS.—To be eligible for a grant
16 under this section, an entity specified in paragraph
17 (1) shall submit to the Secretary an application in
18 such form, at such time, and containing such infor-
19 mation as the Secretary determines is appropriate.

20 “(d) ELIGIBLE PROJECTS.—

21 “(1) IN GENERAL.—Except as provided in sub-
22 section (h), the Secretary may make a grant under
23 this section only for a project that—

24 “(A) is—

1 “(i) a freight project carried out on
2 the National Highway Freight Network es-
3 tablished under section 167 of this title;

4 “(ii) a highway or bridge project car-
5 ried out on the National Highway System;

6 “(iii) an intermodal or rail freight
7 project carried out on the National
8 Multimodal Freight Network established
9 under section 70103 of title 49; or

10 “(iv) a railway-highway grade crossing
11 or grade separation project; and

12 “(B) has eligible project costs that are rea-
13 sonably anticipated to equal or exceed the lesser
14 of—

15 “(i) \$100,000,000; or

16 “(ii) in the case of a project—

17 “(I) located in 1 State, 30 per-
18 cent of the amount apportioned under
19 this chapter to the State in the most
20 recently completed fiscal year; or

21 “(II) located in more than 1
22 State, 50 percent of the amount ap-
23 portioned under this chapter to the
24 participating State with the largest
25 apportionment under this chapter in

1 the most recently completed fiscal
2 year.

3 “(2) LIMITATION.—

4 “(A) IN GENERAL.—Not more than
5 \$500,000,000 of the amounts made available
6 for grants under this section for fiscal years
7 2016 through 2021, in the aggregate, may be
8 used to make grants for projects described in
9 paragraph (1)(A)(iii) and such a project may
10 only receive a grant under this section if—

11 “(i) the project will make a significant
12 improvement to freight movements on the
13 National Highway Freight Network; and

14 “(ii) the Federal share of the project
15 funds only elements of the project that
16 provide public benefits.

17 “(B) EXCLUSIONS.—The limitation under
18 subparagraph (A) shall—

19 “(i) not apply to a railway-highway
20 grade crossing or grade separation project;
21 and

22 “(ii) with respect to a multimodal
23 project, shall apply only to the non-high-
24 way portion or portions of the project.

1 “(e) ELIGIBLE PROJECT COSTS.—Grant amounts re-
2 ceived for a project under this section may be used for—

3 “(1) development phase activities, including
4 planning, feasibility analysis, revenue forecasting,
5 environmental review, preliminary engineering and
6 design work, and other preconstruction activities;
7 and

8 “(2) construction, reconstruction, rehabilitation,
9 acquisition of real property (including land related
10 to the project and improvements to the land), envi-
11 ronmental mitigation, construction contingencies, ac-
12 quisition of equipment, and operational improve-
13 ments.

14 “(f) PROJECT REQUIREMENTS.—The Secretary may
15 make a grant for a project described under subsection (d)
16 only if the relevant applicant demonstrates that—

17 “(1) the project will generate national or re-
18 gional economic, mobility, or safety benefits;

19 “(2) the project will be cost effective;

20 “(3) the project will contribute to the accom-
21 plishment of 1 or more of the national goals de-
22 scribed under section 150 of this title;

23 “(4) the project is based on the results of pre-
24 liminary engineering;

1 “(5) with respect to related non-Federal finan-
2 cial commitments—

3 “(A) 1 or more stable and dependable
4 sources of funding and financing are available
5 to construct, maintain, and operate the project;
6 and

7 “(B) contingency amounts are available to
8 cover unanticipated cost increases;

9 “(6) the project cannot be easily addressed
10 using other funding available to the project sponsor
11 under this chapter; and

12 “(7) the project is reasonably expected to begin
13 construction not later than 18 months after the date
14 of obligation of funds for the project.

15 “(g) ADDITIONAL CONSIDERATIONS.—In making a
16 grant under this section, the Secretary shall consider—

17 “(1) the extent to which a project utilizes non-
18 traditional financing, innovative design and con-
19 struction techniques, or innovative technologies;

20 “(2) the amount and source of non-Federal
21 contributions with respect to the proposed project;
22 and

23 “(3) the need for geographic diversity among
24 grant recipients, including the need for a balance be-
25 tween the needs of rural and urban communities.

1 “(h) RESERVED AMOUNTS.—

2 “(1) IN GENERAL.—The Secretary shall reserve
3 not less than 10 percent of the amounts made avail-
4 able for grants under this section each fiscal year to
5 make grants for projects described in subsection
6 (d)(1)(A)(i) that do not satisfy the minimum thresh-
7 old under subsection (d)(1)(B).

8 “(2) GRANT AMOUNT.—Each grant made under
9 this subsection shall be in an amount that is at least
10 \$5,000,000.

11 “(3) PROJECT SELECTION CONSIDERATIONS.—
12 In addition to other applicable requirements, in
13 making grants under this subsection the Secretary
14 shall consider—

15 “(A) the cost effectiveness of the proposed
16 project; and

17 “(B) the effect of the proposed project on
18 mobility in the State and region in which the
19 project is carried out.

20 “(4) EXCESS FUNDING.—In any fiscal year in
21 which qualified applications for grants under this
22 subsection will not allow for the amount reserved
23 under paragraph (1) to be fully utilized, the Sec-
24 retary shall use the unutilized amounts to make
25 other grants under this section.

1 “(5) RURAL AREAS.—The Secretary shall re-
2 serve not less than 20 percent of the amounts made
3 available for grants under this section, including the
4 amounts made available under paragraph (1), each
5 fiscal year to make grants for projects located in
6 rural areas.

7 “(i) FEDERAL SHARE.—

8 “(1) IN GENERAL.—The Federal share of the
9 cost of a project assisted with a grant under this
10 section may not exceed 50 percent.

11 “(2) NON-FEDERAL SHARE.—Funds appor-
12 tioned to a State under section 104(b)(1) or
13 104(b)(2) may be used to satisfy the non-Federal
14 share of the cost of a project for which a grant is
15 made under this section so long as the total amount
16 of Federal funding for the project does not exceed
17 80 percent of project costs.

18 “(j) AGREEMENTS TO COMBINE AMOUNTS.—Two or
19 more entities specified in subsection (c)(1) may combine,
20 pursuant to an agreement entered into by the entities, any
21 part of the amounts provided to the entities from grants
22 under this section for a project for which the relevant
23 grants were made if—

24 “(1) the agreement will benefit each entity en-
25 tering into the agreement; and

1 “(2) the agreement is not in violation of a law
2 of any such entity.

3 “(k) TREATMENT OF FREIGHT PROJECTS.—Not-
4 withstanding any other provision of law, a freight project
5 carried out under this section shall be treated as if the
6 project is located on a Federal-aid highway.

7 “(l) TIFIA PROGRAM.—At the request of an eligible
8 applicant under this section, the Secretary may use
9 amounts awarded to the entity to pay subsidy and admin-
10 istrative costs necessary to provide the entity Federal
11 credit assistance under chapter 6 with respect to the
12 project for which the grant was awarded.

13 “(m) CONGRESSIONAL NOTIFICATION.—

14 “(1) NOTIFICATION.—At least 60 days before
15 making a grant for a project under this section, the
16 Secretary shall notify, in writing, the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives and the Committee on Environment
19 and Public Works of the Senate of the proposed
20 grant. The notification shall include an evaluation
21 and justification for the project and the amount of
22 the proposed grant award.

23 “(2) CONGRESSIONAL DISAPPROVAL.—The Sec-
24 retary may not make a grant or any other obligation
25 or commitment to fund a project under this section

1 if a joint resolution is enacted disapproving funding
2 for the project before the last day of the 60-day pe-
3 riod described in paragraph (1).”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is amended by insert-
6 ing after the item relating to section 116 the following:
“117. Nationally significant freight and highway projects.”.

7 (c) REPEAL.—Section 1301 of SAFETEA-LU (23
8 U.S.C. 101 note), and the item relating to that section
9 in the table of contents in section 1(b) of such Act, are
10 repealed.

11 **SEC. 1112. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
12 **GRAM.**

13 Section 165(a) of title 23, United States Code, is
14 amended—

15 (1) in paragraph (1) by striking
16 “\$150,000,000” and inserting “\$158,000,000”; and
17 (2) in paragraph (2) by striking “\$40,000,000”
18 and inserting “\$42,000,000”.

19 **SEC. 1113. FEDERAL LANDS AND TRIBAL TRANSPORTATION**
20 **PROGRAM.**

21 Section 201(c)(6) of title 23, United States Code, is
22 amended by adding at the end the following:

23 “(C) TRIBAL DATA COLLECTION.—In addi-
24 tion to the data to be collected under subpara-
25 graph (A), not later than 90 days after the last

1 day of each fiscal year, any entity carrying out
2 a project under the tribal transportation pro-
3 gram under section 202 shall submit to the Sec-
4 retary and the Secretary of the Interior, based
5 on obligations and expenditures under the tribal
6 transportation program during the preceding
7 fiscal year, the following data:

8 “(i) The names of projects and activi-
9 ties carried out by the entity under the
10 tribal transportation program during the
11 preceding fiscal year.

12 “(ii) A description of the projects and
13 activities identified under clause (i).

14 “(iii) The current status of the
15 projects and activities identified under
16 clause (i).

17 “(iv) An estimate of the number of
18 jobs created and the number of jobs re-
19 tained by the projects and activities identi-
20 fied under clause (i).”.

21 **SEC. 1114. TRIBAL TRANSPORTATION PROGRAM.**

22 Section 202(a)(6) of title 23, United States Code, is
23 amended by striking “6 percent” and inserting “5 per-
24 cent”.

1 **SEC. 1115. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 Section 203 of title 23, United States Code, is
3 amended—

4 (1) in subsection (a)(1)(B) by striking “oper-
5 ation” and inserting “capital, operations,”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)(B)—

8 (i) in clause (iv) by striking “and” at
9 the end;

10 (ii) in clause (v) by striking the period
11 at the end and inserting a semicolon; and

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

14 “(vi) the Bureau of Reclamation; and

15 “(vii) independent Federal agencies
16 with natural resource and land manage-
17 ment responsibilities.”; and

18 (B) in paragraph (2)(B)—

19 (i) in the matter preceding clause (i)
20 by inserting “performance management,
21 including” after “support”; and

22 (ii) in clause (i)(II) by striking “,
23 and” and inserting “; and”; and

24 (3) in subsection (c)(2)(B) by adding at the end
25 the following:

26 “(vi) The Bureau of Reclamation.”.

1 **SEC. 1116. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
2 **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 **“SEC. 207. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
7 **PROGRAM.**

8 “(a) ESTABLISHMENT.—Subject to the requirements
9 of this section, the Secretary shall establish and carry out
10 a program to be known as the tribal transportation self-
11 governance program. The Secretary may delegate respon-
12 sibilities for administration of the program as the Sec-
13 retary determines appropriate.

14 “(b) ELIGIBILITY.—

15 “(1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), an Indian tribe shall be eligible to partici-
17 pate in the program if the Indian tribe requests partici-
18 pation in the program by resolution or other offi-
19 cial action by the governing body of the Indian tribe,
20 and demonstrates, for the preceding 3 fiscal years,
21 financial stability and financial management capa-
22 bility, and transportation program management ca-
23 pability.

24 “(2) CRITERIA FOR DETERMINING FINANCIAL
25 STABILITY AND FINANCIAL MANAGEMENT CAPAC-
26 ITY.—For the purposes of paragraph (1), evidence

1 that, during the preceding 3 fiscal years, an Indian
2 tribe had no uncorrected significant and material
3 audit exceptions in the required annual audit of the
4 Indian tribe’s self-determination contracts or self-
5 governance funding agreements with any Federal
6 agency shall be conclusive evidence of the required
7 financial stability and financial management capa-
8 bility.

9 “(3) CRITERIA FOR DETERMINING TRANSPOR-
10 TATION PROGRAM MANAGEMENT CAPABILITY.—The
11 Secretary shall require an Indian tribe to dem-
12 onstrate transportation program management capa-
13 bility, including the capability to manage and com-
14 plete projects eligible under this title and projects el-
15 igible under chapter 53 of title 49, to gain eligibility
16 for the program.

17 “(c) COMPACTS.—

18 “(1) COMPACT REQUIRED.—Upon the request
19 of an eligible Indian tribe, and subject to the re-
20 quirements of this section, the Secretary shall nego-
21 tiate and enter into a written compact with the In-
22 dian tribe for the purpose of providing for the par-
23 ticipation of the Indian tribe in the program.

24 “(2) CONTENTS.—A compact entered into
25 under paragraph (1) shall set forth the general

1 terms of the government-to-government relationship
2 between the Indian tribe and the United States
3 under the program and other terms that will con-
4 tinue to apply in future fiscal years.

5 “(3) AMENDMENTS.—A compact entered into
6 with an Indian tribe under paragraph (1) may be
7 amended only by mutual agreement of the Indian
8 tribe and the Secretary.

9 “(d) ANNUAL FUNDING AGREEMENTS.—

10 “(1) FUNDING AGREEMENT REQUIRED.—After
11 entering into a compact with an Indian tribe under
12 subsection (c), the Secretary shall negotiate and
13 enter into a written annual funding agreement with
14 the Indian tribe.

15 “(2) CONTENTS.—

16 “(A) IN GENERAL.—

17 “(i) FORMULA FUNDING AND DISCRE-
18 TIONARY GRANTS.—A funding agreement
19 entered into with an Indian tribe shall au-
20 thorize the Indian tribe, as determined by
21 the Indian tribe, to plan, conduct, consoli-
22 date, administer, and receive full tribal
23 share funding, tribal transit formula fund-
24 ing, and funding to tribes from discre-
25 tionary and competitive grants adminis-

1 tered by the Department for all programs,
2 services, functions, and activities (or por-
3 tions thereof) that are made available to
4 Indian tribes to carry out tribal transpor-
5 tation programs and programs, services,
6 functions, and activities (or portions there-
7 of) administered by the Secretary that are
8 otherwise available to Indian tribes.

9 “(ii) TRANSFERS OF STATE FUNDS.—

10 “(I) INCLUSION OF TRANS-
11 FERRED FUNDS IN FUNDING AGREE-
12 MENT.—A funding agreement entered
13 into with an Indian tribe shall include
14 Federal-aid funds apportioned to a
15 State under chapter 1 if the State
16 elects to provide a portion of such
17 funds to the Indian tribe for a project
18 eligible under section 202(a).

19 “(II) METHOD FOR TRANS-
20 FERS.—If a State elects to provide
21 funds described in subclause (I) to an
22 Indian tribe, the State shall transfer
23 the funds back to the Secretary and
24 the Secretary shall transfer the funds

1 to the Indian tribe in accordance with
2 this section.

3 “(III) RESPONSIBILITY FOR
4 TRANSFERRED FUNDS.—Notwith-
5 standing any other provision of law, if
6 a State provides funds described in
7 subclause (I) to an Indian tribe—

8 “(aa) the State shall not be
9 responsible for constructing or
10 maintaining a project carried out
11 using the funds or for admin-
12 istering or supervising the project
13 or funds during the applicable
14 statute of limitations period re-
15 lated to the construction of the
16 project; and

17 “(bb) the Indian tribe shall
18 be responsible for constructing
19 and maintaining a project carried
20 out using the funds and for ad-
21 ministering and supervising the
22 project and funds in accordance
23 with this section during the ap-
24 plicable statute of limitations pe-

1 riod related to the construction of
2 the project.

3 “(B) ADMINISTRATION OF TRIBAL
4 SHARES.—The tribal shares referred to in sub-
5 paragraph (A) shall be provided without regard
6 to the agency or office of the Department with-
7 in which the program, service, function, or ac-
8 tivity (or portion thereof) is performed.

9 “(C) FLEXIBLE AND INNOVATIVE FINANC-
10 ING.—

11 “(i) IN GENERAL.—A funding agree-
12 ment entered into with an Indian tribe
13 under paragraph (1) shall include provi-
14 sions pertaining to flexible and innovative
15 financing if agreed upon by the parties.

16 “(ii) TERMS AND CONDITIONS.—

17 “(I) AUTHORITY TO ISSUE REGU-
18 LATIONS.—The Secretary may issue
19 regulations to establish the terms and
20 conditions relating to the flexible and
21 innovative financing provisions re-
22 ferred to in clause (i).

23 “(II) TERMS AND CONDITIONS IN
24 ABSENCE OF REGULATIONS.—If the
25 Secretary does not issue regulations

1 under subclause (I), the terms and
2 conditions relating to the flexible and
3 innovative financing provisions re-
4 ferred to in clause (i) shall be con-
5 sistent with—

6 “(aa) agreements entered
7 into by the Department under—

8 “(AA) section
9 202(b)(7); and

10 “(BB) section
11 202(d)(5), as in effect be-
12 fore the date of enactment
13 of MAP-21 (Public Law
14 112-141); or

15 “(bb) regulations of the De-
16 partment of the Interior relating
17 to flexible financing contained in
18 part 170 of title 25, Code of
19 Federal Regulations, as in effect
20 on the date of enactment of the
21 Surface Transportation Reau-
22 thorization and Reform Act of
23 2015.

24 “(3) TERMS.—A funding agreement shall set
25 forth—

1 “(A) terms that generally identify the pro-
2 grams, services, functions, and activities (or
3 portions thereof) to be performed or adminis-
4 tered by the Indian tribe; and

5 “(B) for items identified in subparagraph
6 (A)—

7 “(i) the general budget category as-
8 signed;

9 “(ii) the funds to be provided, includ-
10 ing those funds to be provided on a recur-
11 ring basis;

12 “(iii) the time and method of transfer
13 of the funds;

14 “(iv) the responsibilities of the Sec-
15 retary and the Indian tribe; and

16 “(v) any other provision agreed to by
17 the Indian tribe and the Secretary.

18 “(4) SUBSEQUENT FUNDING AGREEMENTS.—

19 “(A) APPLICABILITY OF EXISTING AGREE-
20 MENT.—Absent notification from an Indian
21 tribe that the Indian tribe is withdrawing from
22 or retroceding the operation of 1 or more pro-
23 grams, services, functions, or activities (or por-
24 tions thereof) identified in a funding agreement,
25 or unless otherwise agreed to by the parties,

1 each funding agreement shall remain in full
2 force and effect until a subsequent funding
3 agreement is executed.

4 “(B) EFFECTIVE DATE OF SUBSEQUENT
5 AGREEMENT.—The terms of the subsequent
6 funding agreement shall be retroactive to the
7 end of the term of the preceding funding agree-
8 ment.

9 “(5) CONSENT OF INDIAN TRIBE REQUIRED.—
10 The Secretary shall not revise, amend, or require ad-
11 ditional terms in a new or subsequent funding agree-
12 ment without the consent of the Indian tribe that is
13 subject to the agreement unless such terms are re-
14 quired by Federal law.

15 “(e) GENERAL PROVISIONS.—

16 “(1) REDESIGN AND CONSOLIDATION.—

17 “(A) IN GENERAL.—An Indian tribe, in
18 any manner that the Indian tribe considers to
19 be in the best interest of the Indian community
20 being served, may—

21 “(i) redesign or consolidate programs,
22 services, functions, and activities (or por-
23 tions thereof) included in a funding agree-
24 ment; and

1 “(ii) reallocate or redirect funds for
2 such programs, services, functions, and ac-
3 tivities (or portions thereof), if the funds
4 are—

5 “(I) expended on projects identi-
6 fied in a transportation improvement
7 program approved by the Secretary;
8 and

9 “(II) used in accordance with the
10 requirements in—

11 “(aa) appropriations Acts;

12 “(bb) this title and chapter
13 53 of title 49; and

14 “(cc) any other applicable
15 law.

16 “(B) EXCEPTION.—Notwithstanding sub-
17 paragraph (A), if, pursuant to subsection (d),
18 an Indian tribe receives a discretionary or com-
19 petitive grant from the Secretary or receives
20 State apportioned funds, the Indian tribe shall
21 use the funds for the purpose for which the
22 funds were originally authorized.

23 “(2) RETROCESSION.—

24 “(A) IN GENERAL.—

1 “(i) AUTHORITY OF INDIAN TRIBES.—
2 An Indian tribe may retrocede (fully or
3 partially) to the Secretary programs, serv-
4 ices, functions, or activities (or portions
5 thereof) included in a compact or funding
6 agreement.

7 “(ii) REASSUMPTION OF REMAINING
8 FUNDS.—Following a retrocession de-
9 scribed in clause (i), the Secretary may—

10 “(I) reassume the remaining
11 funding associated with the retroceded
12 programs, functions, services, and ac-
13 tivities (or portions thereof) included
14 in the applicable compact or funding
15 agreement;

16 “(II) out of such remaining
17 funds, transfer funds associated with
18 Department of Interior programs,
19 services, functions, or activities (or
20 portions thereof) to the Secretary of
21 the Interior to carry out transpor-
22 tation services provided by the Sec-
23 retary of the Interior; and

1 “(III) distribute funds not trans-
2 ferred under subclause (II) in accord-
3 ance with applicable law.

4 “(iii) CORRECTION OF PROGRAMS.—If
5 the Secretary makes a finding under sub-
6 section (f)(2)(B) and no funds are avail-
7 able under subsection (f)(2)(A)(ii), the
8 Secretary shall not be required to provide
9 additional funds to complete or correct any
10 programs, functions, services, or activities
11 (or portions thereof).

12 “(B) EFFECTIVE DATE.—Unless the In-
13 dian tribe rescinds a request for retrocession,
14 the retrocession shall become effective within
15 the timeframe specified by the parties in the
16 compact or funding agreement. In the absence
17 of such a specification, the retrocession shall
18 become effective on—

19 “(i) the earlier of—

20 “(I) 1 year after the date of sub-
21 mission of the request; or

22 “(II) the date on which the fund-
23 ing agreement expires; or

24 “(ii) such date as may be mutually
25 agreed upon by the parties and, with re-

1 spect to Department of the Interior pro-
2 grams, functions, services, and activities
3 (or portions thereof), the Secretary of the
4 Interior.

5 “(f) PROVISIONS RELATING TO SECRETARY.—

6 “(1) DECISIONMAKER.—A decision that relates
7 to an appeal of the rejection of a final offer by the
8 Department shall be made either—

9 “(A) by an official of the Department who
10 holds a position at a higher organizational level
11 within the Department than the level of the de-
12 partmental agency in which the decision that is
13 the subject of the appeal was made; or

14 “(B) by an administrative judge.

15 “(2) TERMINATION OF COMPACT OR FUNDING
16 AGREEMENT.—

17 “(A) AUTHORITY TO TERMINATE.—

18 “(i) PROVISION TO BE INCLUDED IN
19 COMPACT OR FUNDING AGREEMENT.—A
20 compact or funding agreement shall in-
21 clude a provision authorizing the Sec-
22 retary, if the Secretary makes a finding de-
23 scribed in subparagraph (B), to—

1 “(I) terminate the compact or
2 funding agreement (or a portion
3 thereof); and

4 “(II) reassume the remaining
5 funding associated with the reassumed
6 programs, functions, services, and ac-
7 tivities included in the compact or
8 funding agreement.

9 “(ii) TRANSFERS OF FUNDS.—Out of
10 any funds reassumed under clause (i)(II),
11 the Secretary may transfer the funds asso-
12 ciated with Department of the Interior
13 programs, functions, services, and activi-
14 ties (or portions thereof) to the Secretary
15 of the Interior to provide continued trans-
16 portation services in accordance with appli-
17 cable law.

18 “(B) FINDINGS RESULTING IN TERMI-
19 NATION.—The finding referred to in subpara-
20 graph (A) is a specific finding of—

21 “(i) imminent jeopardy to a trust
22 asset, natural resources, or public health
23 and safety that is caused by an act or
24 omission of the Indian tribe and that
25 arises out of a failure to carry out the

1 compact or funding agreement, as deter-
2 mined by the Secretary; or

3 “(ii) gross mismanagement with re-
4 spect to funds or programs transferred to
5 the Indian tribe under the compact or
6 funding agreement, as determined by the
7 Secretary in consultation with the Inspec-
8 tor General of the Department, as appro-
9 priate.

10 “(C) PROHIBITION.—The Secretary shall
11 not terminate a compact or funding agreement
12 (or portion thereof) unless—

13 “(i) the Secretary has first provided
14 written notice and a hearing on the record
15 to the Indian tribe that is subject to the
16 compact or funding agreement; and

17 “(ii) the Indian tribe has not taken
18 corrective action to remedy the mis-
19 management of funds or programs or the
20 imminent jeopardy to a trust asset, natural
21 resource, or public health and safety.

22 “(D) EXCEPTION.—

23 “(i) IN GENERAL.—Notwithstanding
24 subparagraph (C), the Secretary, upon
25 written notification to an Indian tribe that

1 is subject to a compact or funding agree-
2 ment, may immediately terminate the com-
3 pact or funding agreement (or portion
4 thereof) if—

5 “(I) the Secretary makes a find-
6 ing of imminent substantial and irrep-
7 arable jeopardy to a trust asset, nat-
8 ural resource, or public health and
9 safety; and

10 “(II) the jeopardy arises out of a
11 failure to carry out the compact or
12 funding agreement.

13 “(ii) HEARINGS.—If the Secretary
14 terminates a compact or funding agree-
15 ment (or portion thereof) under clause (i),
16 the Secretary shall provide the Indian tribe
17 subject to the compact or agreement with
18 a hearing on the record not later than 10
19 days after the date of such termination.

20 “(E) BURDEN OF PROOF.—In any hearing
21 or appeal involving a decision to terminate a
22 compact or funding agreement (or portion
23 thereof) under this paragraph, the Secretary
24 shall have the burden of proof in demonstrating

1 by clear and convincing evidence the validity of
2 the grounds for the termination.

3 “(g) COST PRINCIPLES.—In administering funds re-
4 ceived under this section, an Indian tribe shall apply cost
5 principles under the applicable Office of Management and
6 Budget circular, except as modified by section 450j–1 of
7 title 25, other provisions of law, or by any exemptions to
8 applicable Office of Management and Budget circulars
9 subsequently granted by the Office of Management and
10 Budget. No other audit or accounting standards shall be
11 required by the Secretary. Any claim by the Federal Gov-
12 ernment against the Indian tribe relating to funds received
13 under a funding agreement based on any audit conducted
14 pursuant to this subsection shall be subject to the provi-
15 sions of section 450j–1(f) of title 25.

16 “(h) TRANSFER OF FUNDS.—The Secretary shall
17 provide funds to an Indian tribe under a funding agree-
18 ment in an amount equal to—

19 “(1) the sum of the funding that the Indian
20 tribe would otherwise receive for the program, func-
21 tion, service, or activity in accordance with a funding
22 formula or other allocation method established under
23 this title or chapter 53 of title 49; and

24 “(2) such additional amounts as the Secretary
25 determines equal the amounts that would have been

1 withheld for the costs of the Bureau of Indian Af-
2 fairs for administration of the program or project.

3 “(i) CONSTRUCTION PROGRAMS.—

4 “(1) STANDARDS.—Construction projects car-
5 ried out under programs administered by an Indian
6 tribe with funds transferred to the Indian tribe pur-
7 suant to a funding agreement entered into under
8 this section shall be constructed pursuant to the con-
9 struction program standards set forth in applicable
10 regulations or as specifically approved by the Sec-
11 retary (or the Secretary’s designee).

12 “(2) MONITORING.—Construction programs
13 shall be monitored by the Secretary in accordance
14 with applicable regulations.

15 “(j) FACILITATION.—

16 “(1) SECRETARIAL INTERPRETATION.—Except
17 as otherwise provided by law, the Secretary shall in-
18 terpret all Federal laws, Executive orders, and regu-
19 lations in a manner that will facilitate—

20 “(A) the inclusion of programs, services,
21 functions, and activities (or portions thereof)
22 and funds associated therewith, in compacts
23 and funding agreements; and

24 “(B) the implementation of the compacts
25 and funding agreements.

1 “(2) REGULATION WAIVER.—

2 “(A) IN GENERAL.—An Indian tribe may
3 submit to the Secretary a written request to
4 waive application of a regulation promulgated
5 under this section with respect to a compact or
6 funding agreement. The request shall identify
7 the regulation sought to be waived and the
8 basis for the request.

9 “(B) APPROVALS AND DENIALS.—

10 “(i) IN GENERAL.—Not later than 90
11 days after the date of receipt of a written
12 request under subparagraph (A), the Sec-
13 retary shall approve or deny the request in
14 writing.

15 “(ii) REVIEW.—The Secretary shall
16 review any application by an Indian tribe
17 for a waiver bearing in mind increasing op-
18 portunities for using flexible policy ap-
19 proaches at the Indian tribal level.

20 “(iii) DEEMED APPROVAL.—If the
21 Secretary does not approve or deny a re-
22 quest submitted under subparagraph (A)
23 on or before the last day of the 90-day pe-
24 riod referred to in clause (i), the request
25 shall be deemed approved.

1 “(iv) DENIALS.—If the application for
2 a waiver is not granted, the agency shall
3 provide the applicant with the reasons for
4 the denial as part of the written response
5 required in clause (i).

6 “(v) FINALITY OF DECISIONS.—A de-
7 cision by the Secretary under this subpara-
8 graph shall be final for the Department.

9 “(k) DISCLAIMERS.—

10 “(1) EXISTING AUTHORITY.—Notwithstanding
11 any other provision of law, upon the election of an
12 Indian tribe, the Secretary shall—

13 “(A) maintain current tribal transportation
14 program funding agreements and program
15 agreements; or

16 “(B) enter into new agreements under the
17 authority of section 202(b)(7).

18 “(2) LIMITATION ON STATUTORY CONSTRUC-
19 TION.—Nothing in this section may be construed to
20 impair or diminish the authority of the Secretary
21 under section 202(b)(7).

22 “(l) APPLICABILITY OF INDIAN SELF-DETERMINA-
23 TION AND EDUCATION ASSISTANCE ACT.—Except to the
24 extent in conflict with this section (as determined by the
25 Secretary), the following provisions of the Indian Self-De-

1 termination and Education Assistance Act shall apply to
2 compact and funding agreements (except that any ref-
3 erence to the Secretary of the Interior or the Secretary
4 of Health and Human Services in such provisions shall
5 be treated as a reference to the Secretary of Transpor-
6 tation):

7 “(1) Subsections (a), (b), (d), (g), and (h) of
8 section 506 of such Act (25 U.S.C. 458aaa-5), re-
9 lating to general provisions.

10 “(2) Subsections (b) through (e) and (g) of sec-
11 tion 507 of such Act (25 U.S.C.458aaa-6), relating
12 to provisions relating to the Secretary of Health and
13 Human Services.

14 “(3) Subsections (a), (b), (d), (e), (g), (h), (i),
15 and (k) of section 508 of such Act (25 U.S.C.
16 458aaa-7), relating to transfer of funds.

17 “(4) Section 510 of such Act (25 U.S.C.
18 458aaa-9), relating to Federal procurement laws and
19 regulations.

20 “(5) Section 511 of such Act (25 U.S.C.
21 458aaa-10), relating to civil actions.

22 “(6) Subsections (a)(1), (a)(2), and (c) through
23 (f) of section 512 of such Act (25 U.S.C. 458aaa-
24 11), relating to facilitation, except that subsection
25 (c)(1) of that section shall be applied by substituting

1 ‘transportation facilities and other facilities’ for
2 ‘school buildings, hospitals, and other facilities’.

3 “(7) Subsections (a) and (b) of section 515 of
4 such Act (25 U.S.C. 458aaa–14), relating to dis-
5 claimers.

6 “(8) Subsections (a) and (b) of section 516 of
7 such Act (25 U.S.C. 458aaa–15), relating to appli-
8 cation of title I provisions.

9 “(9) Section 518 of such Act (25 U.S.C.
10 458aaa–17), relating to appeals.

11 “(m) DEFINITIONS.—

12 “(1) IN GENERAL.—In this section, the fol-
13 lowing definitions apply (except as otherwise ex-
14 pressly provided):

15 “(A) COMPACT.—The term ‘compact’
16 means a compact between the Secretary and an
17 Indian tribe entered into under subsection (c).

18 “(B) DEPARTMENT.—The term ‘Depart-
19 ment’ means the Department of Transpor-
20 tation.

21 “(C) ELIGIBLE INDIAN TRIBE.—The term
22 ‘eligible Indian tribe’ means an Indian tribe
23 that is eligible to participate in the program, as
24 determined under subsection (b).

1 “(D) FUNDING AGREEMENT.—The term
2 ‘funding agreement’ means a funding agree-
3 ment between the Secretary and an Indian tribe
4 entered into under subsection (d).

5 “(E) INDIAN TRIBE.—The term ‘Indian
6 tribe’ means any Indian or Alaska Native tribe,
7 band, nation, pueblo, village, or community that
8 the Secretary of the Interior acknowledges to
9 exist as an Indian tribe under the Federally
10 Recognized Indian Tribe List Act of 1994 (25
11 U.S.C. 479a). In any case in which an Indian
12 tribe has authorized another Indian tribe, an
13 intertribal consortium, or a tribal organization
14 to plan for or carry out programs, services,
15 functions, or activities (or portions thereof) on
16 its behalf under this part, the authorized Indian
17 tribe, intertribal consortium, or tribal organiza-
18 tion shall have the rights and responsibilities of
19 the authorizing Indian tribe (except as other-
20 wise provided in the authorizing resolution or in
21 this title). In such event, the term ‘Indian tribe’
22 as used in this part shall include such other au-
23 thorized Indian tribe, intertribal consortium, or
24 tribal organization.

1 “(F) PROGRAM.—The term ‘program’
2 means the tribal transportation self-governance
3 program established under this section.

4 “(G) SECRETARY.—The term ‘Secretary’
5 means the Secretary of Transportation.

6 “(H) TRANSPORTATION PROGRAMS.—The
7 term ‘transportation programs’ means all pro-
8 grams administered or financed by the Depart-
9 ment under this title and chapter 53 of title 49.

10 “(2) APPLICABILITY OF OTHER DEFINITIONS.—
11 In this section, the definitions set forth in sections
12 4 and 505 of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 450b; 458aaa)
14 apply, except as otherwise expressly provided in this
15 section.

16 “(n) REGULATIONS.—

17 “(1) IN GENERAL.—

18 “(A) PROMULGATION.—Not later than 90
19 days after the date of enactment of the Surface
20 Transportation Reauthorization and Reform
21 Act of 2015, the Secretary shall initiate proce-
22 dures under subchapter III of chapter 5 of title
23 5 to negotiate and promulgate such regulations
24 as are necessary to carry out this section.

1 “(B) PUBLICATION OF PROPOSED REGULA-
2 TIONS.—Proposed regulations to implement this
3 section shall be published in the Federal Reg-
4 ister by the Secretary not later than 21 months
5 after such date of enactment.

6 “(C) EXPIRATION OF AUTHORITY.—The
7 authority to promulgate regulations under para-
8 graph (1) shall expire 30 months after such
9 date of enactment.

10 “(D) EXTENSION OF DEADLINES.—A
11 deadline set forth in paragraph (1)(B) or (1)(C)
12 may be extended up to 180 days if the nego-
13 tiated rulemaking committee referred to in
14 paragraph (2) concludes that the committee
15 cannot meet the deadline and the Secretary so
16 notifies the appropriate committees of Con-
17 gress.

18 “(2) COMMITTEE.—

19 “(A) IN GENERAL.—A negotiated rule-
20 making committee established pursuant to sec-
21 tion 565 of title 5 to carry out this subsection
22 shall have as its members only Federal and
23 tribal government representatives, a majority of
24 whom shall be nominated by and be representa-

1 tives of Indian tribes with funding agreements
2 under this title.

3 “(B) REQUIREMENTS.—The committee
4 shall confer with, and accommodate participa-
5 tion by, representatives of Indian tribes, inter-
6 tribal consortia, tribal organizations, and indi-
7 vidual tribal members.

8 “(C) ADAPTATION OF PROCEDURES.—The
9 Secretary shall adapt the negotiated rulemaking
10 procedures to the unique context of self-govern-
11 ance and the government-to-government rela-
12 tionship between the United States and Indian
13 tribes.

14 “(3) EFFECT.—The lack of promulgated regu-
15 lations shall not limit the effect of this section.

16 “(4) EFFECT OF CIRCULARS, POLICIES, MANU-
17 ALS, GUIDANCE, AND RULES.—Unless expressly
18 agreed to by the participating Indian tribe in the
19 compact or funding agreement, the participating In-
20 dian tribe shall not be subject to any agency cir-
21 cular, policy, manual, guidance, or rule adopted by
22 the Department, except regulations promulgated
23 under this section.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
2 chapter is amended by inserting after the item relating
3 to section 206 the following:

“207. Tribal transportation self-governance program.”.

4 **SEC. 1117. EMERGENCY RELIEF.**

5 (a) ELIGIBILITY.—Section 125(d)(3) of title 23,
6 United States Code, is amended—

7 (1) in subparagraph (A) by striking “or” at the
8 end;

9 (2) in subparagraph (B) by striking the period
10 at the end and inserting “; or”; and

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

12 “(C) projects eligible for assistance under
13 this section located on Federal lands transpor-
14 tation facilities or other federally owned roads
15 that are open to public travel (as defined in
16 subsection (e)).”.

17 (b) DEFINITIONS.—Section 125(e) of title 23, United
18 States Code, is amended by striking paragraph (1) and
19 inserting the following:

20 “(1) DEFINITIONS.—In this subsection, the fol-
21 lowing definitions apply:

22 “(A) OPEN TO PUBLIC TRAVEL.—The term
23 ‘open to public travel’ means, with respect to a
24 road, that, except during scheduled periods, ex-

1 treme weather conditions, or emergencies, the
2 road—

3 “(i) is maintained;

4 “(ii) is open to the general public; and

5 “(iii) can accommodate travel by a
6 standard passenger vehicle, without restric-
7 tive gates or prohibitive signs or regula-
8 tions, other than for general traffic control
9 or restrictions based on size, weight, or
10 class of registration.

11 “(B) STANDARD PASSENGER VEHICLE.—

12 The term ‘standard passenger vehicle’ means a
13 vehicle with 6 inches of clearance from the low-
14 est point of the frame, body, suspension, or dif-
15 ferential to the ground.”.

16 **SEC. 1118. HIGHWAY USE TAX EVASION PROJECTS.**

17 Section 143(b) of title 23, United States Code, is
18 amended—

19 (1) by striking paragraph (2)(A) and inserting
20 the following:

21 “(A) IN GENERAL.—From administrative
22 funds made available under section 104(a), the
23 Secretary may deduct such sums as are nec-
24 essary, not to exceed \$6,000,000 for each of fis-

1 cal years 2016 through 2021, to carry out this
2 section.”;

3 (2) in the heading for paragraph (8) by insert-
4 ing “BLOCK GRANT” after “SURFACE TRANSPOR-
5 TATION”; and

6 (3) in paragraph (9) by inserting “, the Com-
7 mittee on Transportation and Infrastructure of the
8 House of Representatives, and the Committee on
9 Environment and Public Works of the Senate” after
10 “the Secretary”.

11 **SEC. 1119. BUNDLING OF BRIDGE PROJECTS.**

12 Section 144 of title 23, United States Code, is
13 amended—

14 (1) in subsection (c)(2)(A) by striking “the nat-
15 ural condition of the bridge” and inserting “the nat-
16 ural condition of the water”;

17 (2) by redesignating subsection (j) as sub-
18 section (k);

19 (3) by inserting after subsection (i) the fol-
20 lowing:

21 “(j) BUNDLING OF BRIDGE PROJECTS.—

22 “(1) PURPOSE.—The purpose of this subsection
23 is to save costs and time by encouraging States to
24 bundle multiple bridge projects as 1 project.

1 “(2) ELIGIBLE ENTITY DEFINED.—In this sub-
2 section, the term ‘eligible entity’ means an entity eli-
3 gible to carry out a bridge project under section 119
4 or 133.

5 “(3) BUNDLING OF BRIDGE PROJECTS.—An eli-
6 gible entity may bundle 2 or more similar bridge
7 projects that are—

8 “(A) eligible projects under section 119 or
9 133;

10 “(B) included as a bundled project in a
11 transportation improvement program under sec-
12 tion 134(j) or a statewide transportation im-
13 provement program under section 135, as appli-
14 cable; and

15 “(C) awarded to a single contractor or con-
16 sultant pursuant to a contract for engineering
17 and design or construction between the con-
18 tractor and an eligible entity.

19 “(4) ITEMIZATION.—Notwithstanding any other
20 provision of law (including regulations), a bundling
21 of bridge projects under this subsection may be list-
22 ed as—

23 “(A) 1 project for purposes of sections 134
24 and 135; and

1 “(B) a single project within the applicable
2 bundle.

3 “(5) FINANCIAL CHARACTERISTICS.—Projects
4 bundled under this subsection shall have the same fi-
5 nancial characteristics, including—

6 “(A) the same funding category or sub-
7 category; and

8 “(B) the same Federal share.

9 “(6) ENGINEERING COST REIMBURSEMENT.—
10 The provisions of section 102(b) do not apply to
11 projects carried out under this subsection.”; and

12 (4) in subsection (k)(2), as redesignated by
13 paragraph (2) of this section, by striking
14 “104(b)(3)” and inserting “104(b)(2)”.

15 **SEC. 1120. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

16 Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note)
17 is amended by striking “fiscal years” and all that follows
18 through the period at the end and inserting “fiscal years
19 2016 through 2021.”.

20 **SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY**
21 **TERMINAL FACILITIES.**

22 Section 147(e) of title 23, United States Code, is
23 amended by striking “2013 and 2014” and replacing it
24 with “2016 through 2021”.

1 **Subtitle B—Planning and**
2 **Performance Management**

3 **SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.**

4 Section 134 of title 23, United States Code, is
5 amended—

6 (1) in subsection (c)(2), by striking “and bicy-
7 cle transportation facilities” and inserting “, bicycle
8 transportation facilities, and intermodal facilities
9 that support intercity transportation, including
10 intercity buses and intercity bus facilities”;

11 (2) in subsection (d)—

12 (A) by redesignating paragraphs (3)
13 through (6) as paragraphs (4) through (7), re-
14 spectively;

15 (B) by inserting after paragraph (2) the
16 following:

17 “(3) REPRESENTATION.—

18 “(A) IN GENERAL.—Designation or selec-
19 tion of officials or representatives under para-
20 graph (2) shall be determined by the metropoli-
21 tan planning organization according to the by-
22 laws or enabling statute of the organization.

23 “(B) PUBLIC TRANSPORTATION REP-
24 RESENTATIVE.—Subject to the bylaws or ena-
25 bling statute of the metropolitan planning orga-

1 nization, a representative of a provider of public
2 transportation may also serve as a representa-
3 tive of a local municipality.

4 “(C) POWERS OF CERTAIN OFFICIALS.—

5 An official described in paragraph (2)(B) shall
6 have responsibilities, actions, duties, voting
7 rights, and any other authority commensurate
8 with other officials described in paragraph
9 (2).”; and

10 (C) in paragraph (5) as so redesignated by
11 striking “paragraph (5)” and inserting “para-
12 graph (6)”;

13 (3) in subsection (e)(4)(B), by striking “sub-
14 section (d)(5)” and inserting “subsection (d)(6)”;

15 (4) in subsection (g)(3)(A), by inserting “tour-
16 ism, natural disaster risk reduction,” after “eco-
17 nomic development,”;

18 (5) in subsection (h)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (G), by striking
21 “and” at the end;

22 (ii) in subparagraph (H), by striking
23 the period at the end and inserting “;
24 and”; and

1 (iii) by adding at the end the fol-
2 lowing: “(I) improve the resilience and reli-
3 ability of the transportation system.”; and
4 (B) in paragraph (2)(A) by striking “and
5 in section 5301(c) of title 49” and inserting
6 “and the general purposes described in section
7 5301 of title 49”;

8 (6) in subsection (i)—

9 (A) in paragraph (2)(A)(i) by striking
10 “transit,” and inserting “public transportation
11 facilities, intercity bus facilities,”;

12 (B) in paragraph (6)(A)—

13 (i) by inserting “public ports,” before
14 “freight shippers,”; and

15 (ii) by inserting “(including intercity
16 bus operators, employer-based commuting
17 programs, such as a carpool program, van-
18 pool program, transit benefit program,
19 parking cash-out program, shuttle pro-
20 gram, or telework program)” after “private
21 providers of transportation”; and

22 (C) in paragraph (8) by striking “para-
23 graph (2)(C)” and inserting “paragraph
24 (2)(E)” each place it appears;

1 (7) in subsection (k)(3)(A), by inserting “(in-
2 cluding intercity bus operators, employer-based com-
3 muting programs such as a carpool program, van-
4 pool program, transit benefit program, parking cash-
5 out program, shuttle program, or telework program),
6 job access projects,” after “reduction”;

7 (8) in subsection (l)—

8 (A) by adding a period at the end of para-
9 graph (1); and

10 (B) in paragraph (2)(D) by striking “of
11 less than 200,000” and inserting “with a popu-
12 lation of 200,000 or less”;

13 (9) in subsection (n)(1) by inserting “49” after
14 “chapter 53 of title”; and

15 (10) in subsection (p) by striking “Funds set
16 aside under section 104(f)” and inserting “Funds
17 apportioned under section 104(b)(5)”.

18 **SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANS-**
19 **PORTATION PLANNING.**

20 Section 135 of title 23, United States Code, is
21 amended—

22 (1) in subsection (a)(2) by striking “and bicycle
23 transportation facilities” and inserting, “bicycle
24 transportation facilities, and intermodal facilities

1 that support intercity transportation, including
2 intercity buses and intercity bus facilities”;

3 (2) in subsection (d)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (G) by striking
6 “and” at the end;

7 (ii) in subparagraph (H) by striking
8 the period at the end and inserting “;
9 and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(I) improve the resilience and reliability
13 of the transportation system.”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A) by striking
16 “and in section 5301(c) of title 49” and
17 inserting “and the general purposes de-
18 scribed in section 5301 of title 49”;

19 (ii) in subparagraph (B)(ii) by strik-
20 ing “urbanized”; and

21 (iii) in subparagraph (C) by striking
22 “urbanized”; and

23 (3) in subsection (f)—

24 (A) in paragraph (3)(A)(ii)—

1 (i) by inserting “public ports,” before
2 “freight shippers,”; and

3 (ii) by inserting “(including intercity
4 bus operators, employer-based commuting
5 programs, such as a carpool program, van-
6 pool program, transit benefit program,
7 parking cash-out program, shuttle pro-
8 gram, or telework program)” after “private
9 providers of transportation”; and

10 (B) in paragraph (7), in the matter pre-
11 ceding subparagraph (A), by striking “should”
12 and inserting “shall”.

13 **Subtitle C—Acceleration of Project**
14 **Delivery**

15 **SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CER-**
16 **TAIN HISTORIC SITES.**

17 (a) HIGHWAYS.—Section 138 of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
21 TAIN HISTORIC SITES.—

22 “(1) IN GENERAL.—The Secretary shall—

23 “(A) align, to the maximum extent prac-
24 ticable, with the requirements of the National
25 Environmental Policy Act of 1969 (42 U.S.C.

1 4231 et seq.) and section 306108 of title 54, in-
2 cluding implementing regulations; and

3 “(B) not later than 90 days after the date
4 of enactment of this subsection, coordinate with
5 the Secretary of the Interior and the Executive
6 Director of the Advisory Council on Historic
7 Preservation (referred to in this subsection as
8 the ‘Council’) to establish procedures to satisfy
9 the requirements described in subparagraph (A)
10 (including regulations).

11 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

12 “(A) IN GENERAL.—If, in an analysis re-
13 quired under the National Environmental Pol-
14 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
15 Secretary determines that there is no feasible or
16 prudent alternative to avoid use of a historic
17 site, the Secretary may—

18 “(i) include the determination of the
19 Secretary in the analysis required under
20 that Act;

21 “(ii) provide a notice of the deter-
22 mination to—

23 “(I) each applicable State his-
24 toric preservation officer and tribal
25 historic preservation officer;

1 “(II) the Council, if the Council
2 is participating in the consultation
3 process under section 306108 of title
4 54; and

5 “(III) the Secretary of the Inte-
6 rior; and

7 “(iii) request from the applicable pres-
8 ervation officer, the Council, and the Sec-
9 retary of the Interior a concurrence that
10 the determination is sufficient to satisfy
11 the requirement of subsection (a)(1).

12 “(B) CONCURRENCE.—If the applicable
13 preservation officer, the Council, and the Sec-
14 retary of the Interior each provide a concur-
15 rence requested under subparagraph (A)(iii), no
16 further analysis under subsection (a)(1) shall be
17 required.

18 “(C) PUBLICATION.—A notice of a deter-
19 mination, together with each relevant concur-
20 rence to that determination, under subpara-
21 graph (A) shall be—

22 “(i) included in the record of decision
23 or finding of no significant impact of the
24 Secretary; and

1 “(ii) posted on an appropriate Federal
2 Web site by not later than 3 days after the
3 date of receipt by the Secretary of all con-
4 currences requested under subparagraph
5 (A)(iii).

6 “(3) ALIGNING HISTORICAL REVIEWS.—

7 “(A) IN GENERAL.—If the Secretary, the
8 applicable preservation officer, the Council, and
9 the Secretary of the Interior concur that no fea-
10 sible and prudent alternative exists as described
11 in paragraph (2), the Secretary may provide to
12 the applicable preservation officer, the Council,
13 and the Secretary of the Interior notice of the
14 intent of the Secretary to satisfy the require-
15 ments of subsection (a)(2) through the con-
16 sultation requirements of section 306108 of
17 title 54.

18 “(B) SATISFACTION OF CONDITIONS.—To
19 satisfy the requirements of subsection (a)(2),
20 each individual described in paragraph
21 (2)(A)(ii) shall concur in the treatment of the
22 applicable historic site described in the memo-
23 randum of agreement or programmatic agree-
24 ment developed under section 306108 of title
25 54.”.

1 (b) PUBLIC TRANSPORTATION.—Section 303 of title
2 49, United States Code, is amended by adding at the end
3 the following:

4 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
5 TAIN HISTORIC SITES.—

6 “(1) IN GENERAL.—The Secretary shall—

7 “(A) align, to the maximum extent prac-
8 ticable, the requirements of this section with
9 the requirements of the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4231 et seq.)
11 and section 306108 of title 54, including imple-
12 menting regulations; and

13 “(B) not later than 90 days after the date
14 of enactment of this subsection, coordinate with
15 the Secretary of the Interior and the Executive
16 Director of the Advisory Council on Historic
17 Preservation (referred to in this subsection as
18 the ‘Council’) to establish procedures to satisfy
19 the requirements described in subparagraph (A)
20 (including regulations).

21 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

22 “(A) IN GENERAL.—If, in an analysis re-
23 quired under the National Environmental Pol-
24 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
25 Secretary determines that there is no feasible or

1 prudent alternative to avoid use of a historic
2 site, the Secretary may—

3 “(i) include the determination of the
4 Secretary in the analysis required under
5 that Act;

6 “(ii) provide a notice of the deter-
7 mination to—

8 “(I) each applicable State his-
9 toric preservation officer and tribal
10 historic preservation officer;

11 “(II) the Council, if the Council
12 is participating in the consultation
13 process under section 306108 of title
14 54; and

15 “(III) the Secretary of the Inte-
16 rior; and

17 “(iii) request from the applicable pres-
18 ervation officer, the Council, and the Sec-
19 retary of the Interior a concurrence that
20 the determination is sufficient to satisfy
21 the requirement of subsection (c)(1).

22 “(B) CONCURRENCE.—If the applicable
23 preservation officer, the Council, and the Sec-
24 retary of the Interior each provide a concur-
25 rence requested under subparagraph (A)(iii), no

1 further analysis under subsection (a)(1) shall be
2 required.

3 “(C) PUBLICATION.—A notice of a deter-
4 mination, together with each relevant concur-
5 rence to that determination, under subpara-
6 graph (A) shall be—

7 “(i) included in the record of decision
8 or finding of no significant impact of the
9 Secretary; and

10 “(ii) posted on an appropriate Federal
11 Web site by not later than 3 days after the
12 date of receipt by the Secretary of all con-
13 currences requested under subparagraph
14 (A)(iii).

15 “(3) ALIGNING HISTORICAL REVIEWS.—

16 “(A) IN GENERAL.—If the Secretary, the
17 applicable preservation officer, the Council, and
18 the Secretary of the Interior concur that no fea-
19 sible and prudent alternative exists as described
20 in paragraph (2), the Secretary may provide to
21 the applicable preservation officer, the Council,
22 and the Secretary of the Interior notice of the
23 intent of the Secretary to satisfy the require-
24 ments of subsection (c)(2) through the con-

1 sultation requirements of section 306108 of
2 title 54.

3 “(B) SATISFACTION OF CONDITIONS.—To
4 satisfy the requirements of subsection (c)(2),
5 the applicable preservation officer, the Council,
6 and the Secretary of the Interior shall concur in
7 the treatment of the applicable historic site de-
8 scribed in the memorandum of agreement or
9 programmatic agreement developed under sec-
10 tion 306108 of title 54.”.

11 **SEC. 1302. TREATMENT OF IMPROVEMENTS TO RAIL AND**
12 **TRANSIT UNDER PRESERVATION REQUIRE-**
13 **MENTS.**

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

17 “(d) RAIL AND TRANSIT.—

18 “(1) IN GENERAL.—Improvements to, or the
19 maintenance, rehabilitation, or operation of, railroad
20 or rail transit lines or elements thereof that are in
21 use or were historically used for the transportation
22 of goods or passengers shall not be considered a use
23 of a historic site under subsection (a), regardless of
24 whether the railroad or rail transit line or element

1 thereof is listed on, or eligible for listing on, the Na-
2 tional Register of Historic Places.

3 “(2) EXCEPTIONS.—

4 “(A) IN GENERAL.—Paragraph (1) shall
5 not apply to—

6 “(i) stations; or

7 “(ii) bridges or tunnels located on—

8 “(I) railroad lines that have been
9 abandoned; or

10 “(II) transit lines that are not in
11 use.

12 “(B) CLARIFICATION WITH RESPECT TO
13 CERTAIN BRIDGES AND TUNNELS.—The bridges
14 and tunnels referred to in subparagraph (A)(ii)
15 do not include bridges or tunnels located on
16 railroad or transit lines—

17 “(i) over which service has been dis-
18 continued; or

19 “(ii) that have been railbanked or oth-
20 erwise reserved for the transportation of
21 goods or passengers.”.

22 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
23 United States Code, as amended by this Act, is further
24 amended—

1 (1) in subsection (e), in the matter preceding
2 paragraph (1), by striking “subsection (d)” and in-
3 serting “subsections (d), (e), and (f)”;

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

5 “(f) RAIL AND TRANSIT.—

6 “(1) IN GENERAL.—Improvements to, or the
7 maintenance, rehabilitation, or operation of, railroad
8 or rail transit lines or elements thereof that are in
9 use or were historically used for the transportation
10 of goods or passengers shall not be considered a use
11 of a historic site under subsection (e), regardless of
12 whether the railroad or rail transit line or element
13 thereof is listed on, or eligible for listing on, the Na-
14 tional Register of Historic Places.

15 “(2) EXCEPTIONS.—

16 “(A) IN GENERAL.—Paragraph (1) shall
17 not apply to—

18 “(i) stations; or

19 “(ii) bridges or tunnels located on—

20 “(I) railroad lines that have been
21 abandoned; or

22 “(II) transit lines that are not in
23 use.

24 “(B) CLARIFICATION WITH RESPECT TO
25 CERTAIN BRIDGES AND TUNNELS.—The bridges

1 and tunnels referred to in subparagraph (A)(ii)
2 do not include bridges or tunnels located on
3 railroad or transit lines—

4 “(i) over which service has been dis-
5 continued; or

6 “(ii) that have been railbanked or oth-
7 erwise reserved for the transportation of
8 goods or passengers.”.

9 **SEC. 1303. CLARIFICATION OF TRANSPORTATION ENVIRON-**
10 **MENTAL AUTHORITIES.**

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

14 “(e) REFERENCES TO PAST TRANSPORTATION ENVI-
15 RONMENTAL AUTHORITIES.—

16 “(1) SECTION 4(F) REQUIREMENTS.—The re-
17 quirements of this section are commonly referred to
18 as section 4(f) requirements (see section 4(f) of the
19 Department of Transportation Act (Public Law 89–
20 670; 80 Stat. 934) as in effect before the repeal of
21 that section).

22 “(2) SECTION 106 REQUIREMENTS.—The re-
23 quirements of section 306108 of title 54 are com-
24 monly referred to as section 106 requirements (see
25 section 106 of the National Historic Preservation

1 Act of 1966 (Public Law 89–665; 80 Stat. 915) as
2 in effect before the repeal of that section).”.

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

6 “(g) REFERENCES TO PAST TRANSPORTATION ENVI-
7 RONMENTAL AUTHORITIES.—

8 “(1) SECTION 4(F) REQUIREMENTS.—The re-
9 quirements of this section are commonly referred to
10 as section 4(f) requirements (see section 4(f) of the
11 Department of Transportation Act (Public Law 89–
12 670; 80 Stat. 934) as in effect before the repeal of
13 that section).

14 “(2) SECTION 106 REQUIREMENTS.—The re-
15 quirements of section 306108 of title 54 are com-
16 monly referred to as section 106 requirements (see
17 section 106 of the National Historic Preservation
18 Act of 1966 (Public Law 89–665; 80 Stat. 915) as
19 in effect before the repeal of that section).”.

20 **SEC. 1304. TREATMENT OF CERTAIN BRIDGES UNDER**
21 **PRESERVATION REQUIREMENTS.**

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

1 “(f) BRIDGE EXEMPTION.—A common post-1945
2 concrete or steel bridge or culvert that is exempt from in-
3 dividual review under section 306108 of title 54 (as de-
4 scribed in 77 Fed. Reg. 68790) shall be treated under this
5 section as having a de minimis impact on an area.”.

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

9 “(h) BRIDGE EXEMPTION.—A common post-1945
10 concrete or steel bridge or culvert that is exempt from in-
11 dividual review under section 306108 of title 54 (as de-
12 scribed in 77 Fed. Reg. 68790) shall be treated under this
13 section as having a de minimis impact on an area.”.

14 **SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
15 **PROJECT DECISIONMAKING.**

16 (a) DEFINITIONS.—Section 139(a) of title 23, United
17 States Code, is amended—

18 (1) by striking paragraph (5) and inserting the
19 following:

20 “(5) MULTIMODAL PROJECT.—The term
21 ‘multimodal project’ means a project that requires
22 the approval of more than 1 Department of Trans-
23 portation operating administration or secretarial of-
24 fice.”;

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

1 “(9) SUBSTANTIAL DEFERENCE.—The term
2 ‘substantial deference’ means deference by a partici-
3 pating agency to the recommendations and decisions
4 of the lead agency unless it is not possible to defer
5 without violating the participating agency’s statutory
6 responsibilities.”.

7 (b) APPLICABILITY.—Section 139(b)(3) of title 23,
8 United States Code, is amended—

9 (1) in subparagraph (A) in the matter pre-
10 ceding clause (i) by striking “initiate a rulemaking
11 to”; and

12 (2) by striking subparagraph (B) and inserting
13 the following:

14 “(B) REQUIREMENTS.—In carrying out
15 subparagraph (A), the Secretary shall ensure
16 that programmatic reviews—

17 “(i) promote transparency, including
18 the transparency of—

19 “(I) the analyses and data used
20 in the environmental reviews;

21 “(II) the treatment of any de-
22 ferred issues raised by agencies or the
23 public; and

1 “(III) the temporal and spatial
2 scales to be used to analyze issues
3 under subclauses (I) and (II);

4 “(ii) use accurate and timely informa-
5 tion, including through establishment of—

6 “(I) criteria for determining the
7 general duration of the usefulness of
8 the review; and

9 “(II) a timeline for updating an
10 out-of-date review;

11 “(iii) describe—

12 “(I) the relationship between any
13 programmatic analysis and future
14 tiered analysis; and

15 “(II) the role of the public in the
16 creation of future tiered analysis;

17 “(iv) are available to other relevant
18 Federal and State agencies, Indian tribes,
19 and the public; and

20 “(v) provide notice and public com-
21 ment opportunities consistent with applica-
22 ble requirements.”.

23 (c) FEDERAL LEAD AGENCY.—Section 139(c)(1)(A)
24 of title 23, United States Code, is amended by inserting

1 “, or an operating administration thereof designated by
2 the Secretary,” after “Department of Transportation”.

3 (d) PARTICIPATING AGENCIES.—

4 (1) INVITATION.—Section 139(d)(2) of title 23,
5 United States Code, is amended by striking “The
6 lead agency shall identify, as early as practicable in
7 the environmental review process for a project,” and
8 inserting “Not later than 45 days after the date of
9 publication of a notice of intent to prepare an envi-
10 ronmental impact statement or the initiation of an
11 environmental assessment, the lead agency shall
12 identify”.

13 (2) SINGLE NEPA DOCUMENT.—Section 139(d)
14 of title 23, United States Code, is amended by add-
15 ing at the end the following:

16 “(8) SINGLE NEPA DOCUMENT.—

17 “(A) IN GENERAL.—Except as inconsistent
18 with paragraph (7), to the maximum extent
19 practicable and consistent with Federal law, all
20 Federal permits and reviews for a project shall
21 rely on a single environment document prepared
22 under the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.) under the lead-
24 ership of the lead agency.

25 “(B) USE OF DOCUMENT.—

1 “(i) IN GENERAL.—To the maximum
2 extent practicable, the lead agency shall
3 develop an environmental document suffi-
4 cient to satisfy the requirements for any
5 Federal approval or other Federal action
6 required for the project, including permits
7 issued by other Federal agencies.

8 “(ii) COOPERATION OF PARTICI-
9 PATING AGENCIES.—Other participating
10 agencies shall cooperate with the lead
11 agency and provide timely information to
12 help the lead agency carry out this sub-
13 paragraph.

14 “(C) TREATMENT AS PARTICIPATING AND
15 COOPERATING AGENCIES.—A Federal agency
16 required to make an approval or take an action
17 for a project, as described in subparagraph (B),
18 shall work with the lead agency for the project
19 to ensure that the agency making the approval
20 or taking the action is treated as being both a
21 participating and cooperating agency for the
22 project.”.

23 (e) PROJECT INITIATION.—Section 139(e) of title 23,
24 United States Code, is amended by adding at the end the
25 following:

1 “(3) ENVIRONMENTAL CHECKLIST.—

2 “(A) DEVELOPMENT.—The lead agency
3 for a project, in consultation with participating
4 agencies, shall develop, as appropriate, a check-
5 list to help project sponsors identify potential
6 natural, cultural, and historic resources in the
7 area of the project.

8 “(B) PURPOSE.—The purposes of the
9 checklist are—

10 “(i) to identify agencies and organiza-
11 tions that can provide information about
12 natural, cultural, and historic resources;

13 “(ii) to develop the information need-
14 ed to determine the range of alternatives;
15 and

16 “(iii) to improve interagency collabo-
17 ration to help expedite the permitting proc-
18 ess for the lead agency and participating
19 agencies.”.

20 (f) PURPOSE AND NEED.—Section 139(f) of title 23,
21 United States Code, is amended—

22 (1) in the subsection heading by inserting “;
23 ALTERNATIVES ANALYSIS” after “NEED”;

24 (2) in paragraph (4)—

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) PARTICIPATION.—

4 “(i) IN GENERAL.—As early as prac-
5 ticable during the environmental review
6 process, the lead agency shall seek the in-
7 volvement of participating agencies and the
8 public for the purpose of reaching agree-
9 ment early in the environmental review
10 process on a reasonable range of alter-
11 natives that will satisfy all subsequent
12 Federal environmental review and permit
13 requirements.

14 “(ii) COMMENTS OF PARTICIPATING
15 AGENCIES.—To the maximum extent prac-
16 ticable and consistent with applicable law,
17 each participating agency receiving an op-
18 portunity for involvement under clause (i)
19 shall—

20 “(I) limit the agency’s comments
21 to subject matter areas within the
22 agency’s special expertise or jurisdic-
23 tion; and

1 “(II) afford substantial deference
2 to the range of alternatives rec-
3 ommended by the lead agency.

4 “(iii) EFFECT OF NONPARTICIPATION.—A participating agency that de-
5 clines to participate in the development of
6 the purpose and need and reasonable range
7 of alternatives for a project shall be re-
8 quired to comply with the schedule devel-
9 oped under subsection (g)(1)(B).”; and
10 (B) in subparagraph (B)—

11 (i) by striking “Following participa-
12 tion under paragraph (1)” and inserting
13 the following:
14 the following:

15 “(i) DETERMINATION.—Following
16 participation under subparagraph (A)”;
17 and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(ii) USE.—To the maximum extent
21 practicable and consistent with Federal
22 law, the range of alternatives determined
23 for a project under clause (i) shall be used
24 for all Federal environmental reviews and

1 permit processes required for the project
2 unless the alternatives must be modified—

3 “(I) to address significant new
4 information or circumstances, and the
5 lead agency and participating agencies
6 agree that the alternatives must be
7 modified to address the new informa-
8 tion or circumstances; or

9 “(II) for the lead agency or a
10 participating agency to fulfill its re-
11 sponsibilities under the National Envi-
12 ronmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.) in a timely man-
14 ner.”.

15 (g) COORDINATION AND SCHEDULING.—

16 (1) COORDINATION PLAN.—Section 139(g)(1)
17 of title 23, United States Code, is amended—

18 (A) in subparagraph (A) by striking “The
19 lead agency” and inserting “Not later than 90
20 days after the date of publication of a notice of
21 intent to prepare an environmental impact
22 statement or the initiation of an environmental
23 assessment, the lead agency”; and

24 (B) in subparagraph (B)(i) by striking
25 “may establish” and inserting “shall establish”.

1 (2) COMMENT DEADLINES.—Section 139(g)(2)
2 of title 23, United States Code, is amended—

3 (A) in subparagraph (A)—

4 (i) in clause (i) by striking “different
5 deadline” and inserting “shorter deadline”;
6 and

7 (ii) in clause (ii) by striking the pe-
8 riod at the end and inserting “shown or by
9 a participating agency for good cause
10 shown, in which case the lead agency shall
11 document the reason for the extension.”;
12 and

13 (B) in subparagraph (B)—

14 (i) in clause (i) by striking “different
15 deadline” and inserting “shorter deadline”;
16 and

17 (ii) in clause (ii) by striking the pe-
18 riod at the end and inserting “shown or by
19 a participating agency for good cause
20 shown, in which case the lead agency shall
21 document the reason for the extension.”.

22 (3) DEADLINES FOR DECISIONS UNDER OTHER
23 LAWS.—Section 139(g)(3) of title 23, United States
24 Code, is amended to read as follows:

1 “(3) DEADLINES FOR DECISIONS UNDER
2 OTHER LAWS.—

3 “(A) IN GENERAL.—In any case in which
4 a decision under any Federal law relating to a
5 project (including the issuance or denial of a
6 permit or license) is required by law, regulation,
7 or Executive order to be made after the date on
8 which the lead agency has issued a categorical
9 exclusion, finding of no significant impact, or
10 record of decision with respect to the project,
11 any such later decision shall be made or com-
12 pleted by the later of—

13 “(i) the date that is 180 days after
14 the lead agency’s final decision has been
15 made; or

16 “(ii) the date that is 180 days after
17 the date on which a completed application
18 was submitted for the permit or license.

19 “(B) TREATMENT OF DELAYS.—Following
20 the deadline established by subparagraph (A),
21 the Secretary shall submit to the Committee on
22 Transportation and Infrastructure of the House
23 of Representatives and the Committee on Envi-
24 ronment and Public Works of the Senate, and

1 publish on the Department’s Internet Web
2 site—

3 “(i) as soon as practicable after the
4 180-day period, an initial notice of the fail-
5 ure of the Federal agency to make the de-
6 cision; and

7 “(ii) every 60 days thereafter, until
8 such date as all decisions of the Federal
9 agency relating to the project have been
10 made by the Federal agency, an additional
11 notice that describes the number of deci-
12 sions of the Federal agency that remain
13 outstanding as of the date of the additional
14 notice.”.

15 (4) ADOPTION OF DOCUMENTS; ACCELERATED
16 DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

17 (A) IN GENERAL.—Section 139(g) of title
18 23, United States Code, is amended—

19 (i) by redesignating paragraph (4) as
20 paragraph (5); and

21 (ii) by inserting after paragraph (3)
22 the following:

23 “(4) ACCELERATED DECISIONMAKING IN ENVI-
24 RONMENTAL REVIEWS.—

1 “(A) IN GENERAL.—In preparing a final
2 environmental impact statement under the Na-
3 tional Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.), if the lead agency modi-
5 fies the statement in response to comments that
6 are minor and are confined to factual correc-
7 tions or explanations of why the comments do
8 not warrant additional agency response, the
9 lead agency may write on errata sheets attached
10 to the statement instead of rewriting the draft
11 statement, subject to the condition that the er-
12 rata sheets—

13 “(i) cite the sources, authorities, and
14 reasons that support the position of the
15 agency; and

16 “(ii) if appropriate, indicate the cir-
17 cumstances that would trigger agency re-
18 appraisal or further response.

19 “(B) SINGLE DOCUMENT.—To the max-
20 imum extent practicable, the lead agency shall
21 expeditiously develop a single document that
22 consists of a final environmental impact state-
23 ment and a record of decision, unless—

24 “(i) the final environmental impact
25 statement makes substantial changes to

1 the proposed action that are relevant to
2 environmental or safety concerns; or

3 “(ii) there is a significant new cir-
4 cumstance or information relevant to envi-
5 ronmental concerns that bears on the pro-
6 posed action or the impacts of the pro-
7 posed action.”.

8 (B) CONFORMING AMENDMENT.—Section
9 1319 of MAP-21 (42 U.S.C. 4332a), and the
10 item relating to that section in the table of con-
11 tents contained in section 1(c) of that Act, are
12 repealed.

13 (h) ISSUE IDENTIFICATION AND RESOLUTION.—

14 (1) ISSUE RESOLUTION.—Section 139(h) of
15 title 23, United States Code, is amended—

16 (A) by redesignating paragraphs (4)
17 through (7) as paragraphs (5) through (8), re-
18 spectively; and

19 (B) by inserting after paragraph (3) the
20 following:

21 “(4) ISSUE RESOLUTION.—Any issue resolved
22 by the lead agency and participating agencies may
23 not be reconsidered unless significant new informa-
24 tion or circumstances arise.”.

1 (2) FAILURE TO ASSURE.—Section
2 139(h)(5)(C) of title 23, United States Code, (as re-
3 designated by paragraph (1)(A) of this subsection) is
4 amended by striking “paragraph (5) and” and in-
5 serting “paragraph (6)”.

6 (3) ACCELERATED ISSUE RESOLUTION AND RE-
7 FERRAL.—Section 139(h)(6) of title 23, United
8 States Code, (as redesignated by paragraph (1)(A)
9 of this subsection) is amended by striking subpara-
10 graph (C) and inserting the following:

11 “(C) REFERRAL TO COUNCIL ON ENVIRON-
12 MENTAL QUALITY.—

13 “(i) IN GENERAL.—If issue resolution
14 for a project is not achieved on or before
15 the 30th day after the date of a meeting
16 under subparagraph (B), the Secretary
17 shall refer the matter to the Council on
18 Environmental Quality.

19 “(ii) MEETING.—Not later than 30
20 days after the date of receipt of a referral
21 from the Secretary under clause (i), the
22 Council on Environmental Quality shall
23 hold an issue resolution meeting with—

24 “(I) the head of the lead agency;

1 “(II) the heads of relevant par-
2 ticipating agencies; and

3 “(III) the project sponsor (in-
4 cluding the Governor only if the initial
5 issue resolution meeting request came
6 from the Governor).

7 “(iii) RESOLUTION.—The Council on
8 Environmental Quality shall work with the
9 lead agency, relevant participating agen-
10 cies, and the project sponsor until all
11 issues are resolved.”.

12 (4) FINANCIAL PENALTY PROVISIONS.—Section
13 139(h)(7)(B)(i)(I) of title 23, United States Code,
14 (as redesignated by paragraph (1)(A) of this sub-
15 section) is amended by striking “under section
16 106(i) is required” and inserting “is required under
17 subsection (h) or (i) of section 106”.

18 (i) ASSISTANCE TO AFFECTED STATE AND FEDERAL
19 AGENCIES.—

20 (1) IN GENERAL.—Section 139(j)(1) of title 23,
21 United States Code, is amended to read as follows:

22 “(1) IN GENERAL.—

23 “(A) AUTHORITY TO PROVIDE FUNDS.—

24 The Secretary may allow a public entity receiv-
25 ing financial assistance from the Department of

1 Transportation under this title or chapter 53 of
2 title 49 to provide funds to Federal agencies
3 (including the Department), State agencies, and
4 Indian tribes participating in the environmental
5 review process for the project or program.

6 “(B) USE OF FUNDS.—Funds referred to
7 in subparagraph (A) may be provided only to
8 support activities that directly and meaningfully
9 contribute to expediting and improving permit-
10 ting and review processes, including planning,
11 approval, and consultation processes for the
12 project or program.”.

13 (2) ACTIVITIES ELIGIBLE FOR FUNDING.—Sec-
14 tion 139(j)(2) of title 23, United States Code, is
15 amended by inserting “activities directly related to
16 the environmental review process,” before “dedicated
17 staffing,”.

18 (3) AGREEMENT.—Section 139(j)(6) of title 23,
19 United States Code, is amended to read as follows:

20 “(6) AGREEMENT.—Prior to providing funds
21 approved by the Secretary for dedicated staffing at
22 an affected agency under paragraphs (1) and (2),
23 the affected agency and the requesting public entity
24 shall enter into an agreement that establishes the

1 projects and priorities to be addressed by the use of
2 the funds.”.

3 (j) IMPLEMENTATION OF PROGRAMMATIC COMPLI-
4 ANCE.—

5 (1) RULEMAKING.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall complete a rulemaking to implement the provi-
8 sions of section 139(b)(3) of title 23, United States
9 Code, as amended by this section.

10 (2) CONSULTATION.—Before initiating the rule-
11 making under paragraph (1), the Secretary shall
12 consult with relevant Federal agencies, relevant
13 State resource agencies, State departments of trans-
14 portation, Indian tribes, and the public on the ap-
15 propriate use and scope of the programmatic ap-
16 proaches.

17 (3) REQUIREMENTS.—In carrying out this sub-
18 section, the Secretary shall ensure that the rule-
19 making meets the requirements of section
20 139(b)(3)(B) of title 23, United States Code, as
21 amended by this section.

22 (4) COMMENT PERIOD.—The Secretary shall—

23 (A) allow not fewer than 60 days for public
24 notice and comment on the proposed rule; and

1 (B) address any comments received under
2 this subsection.

3 **SEC. 1306. IMPROVING TRANSPARENCY IN ENVIRON-**
4 **MENTAL REVIEWS.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Secretary shall—

7 (1) maintain and use a searchable Internet Web
8 site—

9 (A) to make publicly available the status
10 and progress of projects, as defined in section
11 139 of title 23, United States Code, requiring
12 an environmental assessment or an environ-
13 mental impact statement with respect to com-
14 pliance with applicable requirements of the Na-
15 tional Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) and any other Federal,
17 State, or local approval required for such
18 projects; and

19 (B) to make publicly available the names
20 of participating agencies not participating in
21 the development of a project purpose and need
22 and range of alternatives under section 139(f)
23 of title 23, United States Code; and

24 (2) in coordination with agencies described in
25 subsection (b) and State agencies, issue reporting

1 standards to meet the requirements of paragraph
2 (1).

3 (b) **FEDERAL, STATE, AND LOCAL AGENCY PARTICI-**
4 **PATION.**—A Federal, State, or local agency participating
5 in the environmental review or permitting process for a
6 project, as defined in section 139 of title 23, United States
7 Code, shall provide to the Secretary information regarding
8 the status and progress of the approval of the project for
9 publication on the Internet Web site maintained under
10 subsection (a), consistent with the standards established
11 under subsection (a).

12 (c) **STATES WITH DELEGATED AUTHORITY.**—A
13 State with delegated authority for responsibilities under
14 the National Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.) pursuant to section 327 of title 23, United
16 States Code, shall be responsible for supplying project de-
17 velopment and compliance status to the Secretary for all
18 applicable projects.

19 **SEC. 1307. INTEGRATION OF PLANNING AND ENVIRON-**
20 **MENTAL REVIEW.**

21 (a) **DEFINITIONS.**—Section 168(a) of title 23, United
22 States Code, is amended—

23 (1) by striking paragraph (1) and inserting the
24 following:

1 “(1) ENVIRONMENTAL REVIEW PROCESS.—The
2 term ‘environmental review process’ has the meaning
3 given that term in section 139(a).”;

4 (2) by redesignating paragraphs (2) through
5 (4) as paragraphs (3) through (5), respectively;

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) LEAD AGENCY.—The term ‘lead agency’
9 has the meaning given that term in section 139(a).”;
10 and

11 (4) by striking paragraph (3) (as redesignated
12 by paragraph (2) of this subsection) and inserting
13 the following:

14 “(3) PLANNING PRODUCT.—The term ‘planning
15 product’ means a decision, analysis, study, or other
16 documented information that is the result of an eval-
17 uation or decisionmaking process carried out by a
18 metropolitan planning organization or a State, as
19 appropriate, during metropolitan or statewide trans-
20 portation planning under section 134 or section 135,
21 respectively.”.

22 (b) ADOPTION OF PLANNING PRODUCTS FOR USE IN
23 NEPA PROCEEDINGS.—Section 168(b) of title 23, United
24 States Code, is amended—

1 (1) in the subsection heading by inserting “OR
2 INCORPORATION BY REFERENCE” after “ADOP-
3 TION”;

4 (2) in paragraph (1) by striking “the Federal
5 lead agency for a project may adopt” and inserting
6 “and to the maximum extent practicable and appro-
7 priate, the lead agency for a project may adopt or
8 incorporate by reference”;

9 (3) by striking paragraph (2) and redesignating
10 paragraphs (3) and (4) as paragraphs (2) and (3),
11 respectively;

12 (4) by striking paragraph (2) (as so redesign-
13 ated) and inserting the following:

14 “(2) PARTIAL ADOPTION OR INCORPORATION
15 BY REFERENCE OF PLANNING PRODUCTS.—The lead
16 agency may adopt or incorporate by reference a
17 planning product under paragraph (1) in its entirety
18 or may select portions for adoption or incorporation
19 by reference.”; and

20 (5) in paragraph (3) (as so redesignated) by in-
21 serting “or incorporation by reference” after “adop-
22 tion”.

23 (c) APPLICABILITY.—

24 (1) PLANNING DECISIONS.—Section 168(c)(1)
25 of title 23, United States Code, is amended—

1 (A) in the matter preceding subparagraph
2 (A) by striking “adopted” and inserting “adopt-
3 ed or incorporated by reference by the lead
4 agency”;

5 (B) by redesignating subparagraphs (A)
6 through (F) as subparagraphs (B) through (G),
7 respectively;

8 (C) by inserting before subparagraph (B)
9 (as so redesignated) the following:

10 “(A) the project purpose and need;”;

11 (D) by striking subparagraph (B) (as so
12 redesignated) and inserting the following:

13 “(B) the preliminary screening of alter-
14 natives and elimination of unreasonable alter-
15 natives;”;

16 (E) in subparagraph (C) (as so redesign-
17 ated) by inserting “and general travel cor-
18 ridor” after “modal choice”;

19 (F) in subparagraph (E) (as so redesign-
20 ated) by striking “and” at the end;

21 (G) in subparagraph (F) (as so redesign-
22 ated)—

23 (i) in the matter preceding clause (i)
24 by striking “potential impacts” and all
25 that follows through “resource agencies,”

1 and inserting “potential impacts of a
2 project, including a programmatic mitiga-
3 tion plan developed in accordance with sec-
4 tion 169, that the lead agency”; and

5 (ii) in clause (ii) by striking the pe-
6 riod at the end and inserting “; and”; and
7 (H) by adding at the end the following:

8 “(G) whether tolling, private financial as-
9 sistance, or other special financial measures are
10 necessary to implement the project.”.

11 (2) PLANNING ANALYSES.—Section 168(c)(2)
12 of title 23, United States Code, is amended—

13 (A) in the matter preceding subparagraph
14 (A) by striking “adopted” and inserting “adopt-
15 ed or incorporated by reference by the lead
16 agency”;

17 (B) in subparagraph (G)—

18 (i) by inserting “direct, indirect, and”
19 before “cumulative effects”; and

20 (ii) by striking “, identified as a result
21 of a statewide or regional cumulative ef-
22 fects assessment”; and

23 (C) in subparagraph (H)—

24 (i) by striking “proposed action” and
25 inserting “proposed project”; and

1 (ii) by striking “Federal lead agency”
2 and inserting “lead agency”.

3 (d) CONDITIONS.—Section 168(d) of title 23, United
4 States Code, is amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “Adoption and use” and all that follows
7 through “Federal lead agency, that” and inserting
8 “The lead agency in the environmental review proc-
9 ess may adopt or incorporate by reference and use
10 a planning product under this section if the lead
11 agency determines that”;

12 (2) in paragraph (2) by striking “by engaging
13 in active consultation” and inserting “in consulta-
14 tion”;

15 (3) by striking paragraphs (4) and (5) and in-
16 serting the following:

17 “(4) The planning process included public no-
18 tice that the planning products may be adopted or
19 incorporated by reference during a subsequent envi-
20 ronmental review process in accordance with this
21 section.

22 “(5) During the environmental review process,
23 but prior to determining whether to rely on and use
24 the planning product, the lead agency has—

1 “(A) made the planning documents avail-
2 able for review and comment by members of the
3 general public and Federal, State, local, and
4 tribal governments that may have an interest in
5 the proposed action;

6 “(B) provided notice of the lead agency’s
7 intent to adopt the planning product or incor-
8 porate the planning product by reference; and

9 “(C) considered any resulting comments.”;
10 (4) in paragraph (9)—

11 (A) by inserting “or incorporation by ref-
12 erence” after “adoption”; and

13 (B) by inserting “and is sufficient to meet
14 the requirements of the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.)”
16 after “for the project”; and

17 (5) in paragraph (10) by striking “not later
18 than 5 years prior to date on which the information
19 is adopted” and inserting “within the 5-year period
20 ending on the date on which the information is
21 adopted or incorporated by reference”.

22 (e) EFFECT OF ADOPTION OR INCORPORATION BY
23 REFERENCE.—Section 168(e) of title 23, United States
24 Code, is amended—

1 (1) in the subsection heading by inserting “OR
2 INCORPORATION BY REFERENCE” after “ADOP-
3 TION”; and

4 (2) by striking “adopted by the Federal lead
5 agency” and inserting “adopted or incorporated by
6 reference by the lead agency”.

7 **SEC. 1308. DEVELOPMENT OF PROGRAMMATIC MITIGATION**
8 **PLANS.**

9 Section 169(f) of title 23, United States Code, is
10 amended by striking “may use” and inserting “shall give
11 substantial weight to”.

12 **SEC. 1309. DELEGATION OF AUTHORITIES.**

13 (a) IN GENERAL.—The Secretary shall use the au-
14 thority under section 106(c) of title 23, United States
15 Code, to the maximum extent practicable, to delegate re-
16 sponsibility to the States for project design, plans, speci-
17 fications, estimates, contract awards, and inspection of
18 projects, on both a project-specific and programmatic
19 basis.

20 (b) SUBMISSION OF RECOMMENDATIONS.—Not later
21 than 18 months after the date of enactment of this Act,
22 the Secretary, in cooperation with the States, shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on
25 Environment and Public Works of the Senate rec-

1 ommendations for legislation to permit the delegation of
2 additional authorities to the States, including with respect
3 to real estate acquisition and project design.

4 **SEC. 1310. CATEGORICAL EXCLUSION FOR PROJECTS OF**
5 **LIMITED FEDERAL ASSISTANCE.**

6 (a) **ADJUSTMENT FOR INFLATION.**—Section 1317 of
7 MAP–21 (23 U.S.C. 109 note) is amended—

8 (1) in paragraph (1)(A) by inserting “(as ad-
9 justed annually by the Secretary to reflect any in-
10 creases in the Consumer Price Index prepared by
11 the Department of Labor)” after “\$5,000,000”; and

12 (2) in paragraph (1)(B) by inserting “(as ad-
13 justed annually by the Secretary to reflect any in-
14 creases in the Consumer Price Index prepared by
15 the Department of Labor)” after “\$30,000,000”.

16 (b) **RETROACTIVE APPLICATION.**—The first adjust-
17 ment made pursuant to the amendments made by sub-
18 section (a) shall—

19 (1) be carried out not later than 60 days after
20 the date of enactment of this Act; and

21 (2) reflect the increase in the Consumer Price
22 Index since July 1, 2012.

1 **SEC. 1311. APPLICATION OF CATEGORICAL EXCLUSIONS**
2 **FOR MULTIMODAL PROJECTS.**

3 Section 304 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “operating authority
8 that” and inserting “operating administra-
9 tion or secretarial office that has expertise
10 but”; and

11 (ii) by inserting “proposed
12 multimodal” after “with respect to a”; and

13 (B) by striking paragraph (2) and insert-
14 ing the following:

15 “(2) **LEAD AUTHORITY.**—The term ‘lead au-
16 thority’ means a Department of Transportation op-
17 erating administration or secretarial office that has
18 the lead responsibility for compliance with the Na-
19 tional Environmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) with respect to a proposed multimodal
21 project.”;

22 (2) in subsection (b) by inserting “or title 23”
23 after “under this title”;

24 (3) by striking subsection (c) and inserting the
25 following:

1 “(c) APPLICATION OF CATEGORICAL EXCLUSIONS
2 FOR MULTIMODAL PROJECTS.—In considering the envi-
3 ronmental impacts of a proposed multimodal project, a
4 lead authority may apply categorical exclusions designated
5 under the National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) in implementing regulations or proce-
7 dures of a cooperating authority for a proposed
8 multimodal project, subject to the conditions that—

9 “(1) the lead authority makes a determination,
10 with the concurrence of the cooperating authority—

11 “(A) on the applicability of a categorical
12 exclusion to a proposed multimodal project; and

13 “(B) that the project satisfies the condi-
14 tions for a categorical exclusion under the Na-
15 tional Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) and this section;

17 “(2) the lead authority follows the cooperating
18 authority’s implementing regulations or procedures
19 under such Act; and

20 “(3) the lead authority determines that—

21 “(A) the proposed multimodal project does
22 not individually or cumulatively have a signifi-
23 cant impact on the environment; and

24 “(B) extraordinary circumstances do not
25 exist that merit additional analysis and docu-

1 mentation in an environmental impact state-
2 ment or environmental assessment required
3 under such Act.”; and

4 (4) by striking subsection (d) and inserting the
5 following:

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

10 **SEC. 1312. SURFACE TRANSPORTATION PROJECT DELIV-**
11 **ERY PROGRAM.**

12 Section 327 of title 23, United States Code, is
13 amended—

14 (1) in subsection (a)(2)(B)(iii) by striking “(42
15 U.S.C. 13 4321 et seq.)” and inserting “(42 U.S.C.
16 4321 et seq.)”;

17 (2) in subsection (c)(4) by inserting “reason-
18 ably” before “considers necessary”;

19 (3) in subsection (e) by inserting “and without
20 further approval of” after “in lieu of”;

21 (4) in subsection (g)—

22 (A) by striking paragraph (1) and insert-
23 ing the following:

24 “(1) IN GENERAL.—To ensure compliance by a
25 State with any agreement of the State under sub-

1 section (c) (including compliance by the State with
2 all Federal laws for which responsibility is assumed
3 under subsection (a)(2)), for each State partici-
4 pating in the program under this section, the Sec-
5 retary shall—

6 “(A) not later than 6 months after execu-
7 tion of the agreement, meet with the State to
8 review implementation of the agreement and
9 discuss plans for the first annual audit;

10 “(B) conduct annual audits during each of
11 the first 4 years of State participation; and

12 “(C) ensure that the time period for com-
13 pleting an annual audit, from initiation to com-
14 pletion (including public comment and re-
15 sponses to those comments), does not exceed
16 180 days.”; and

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

18 “(3) AUDIT TEAM.—An audit conducted under
19 paragraph (1) shall be carried out by an audit team
20 determined by the Secretary, in consultation with
21 the State. Such consultation shall include a reason-
22 able opportunity for the State to review and provide
23 comments on the proposed members of the audit
24 team.”; and

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

1 “(k) CAPACITY BUILDING.—The Secretary, in co-
2 operation with representatives of State officials, may carry
3 out education, training, peer-exchange, and other initia-
4 tives as appropriate—

5 “(1) to assist States in developing the capacity
6 to participate in the assignment program under this
7 section; and

8 “(2) to promote information sharing and col-
9 laboration among States that are participating in
10 the assignment program under this section.

11 “(l) RELATIONSHIP TO LOCALLY ADMINISTERED
12 PROJECTS.—A State granted authority under this section
13 may, as appropriate and at the request of a local govern-
14 ment—

15 “(1) exercise such authority on behalf of the
16 local government for a locally administered project;
17 or

18 “(2) provide guidance and training on consoli-
19 dating and minimizing the documentation and envi-
20 ronmental analyses necessary for sponsors of a lo-
21 cally administered project to comply with the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.) and any comparable requirements
24 under State law.”.

1 **SEC. 1313. PROGRAM FOR ELIMINATING DUPLICATION OF**
2 **ENVIRONMENTAL REVIEWS.**

3 (a) **PURPOSE.**—The purpose of this section is to
4 eliminate duplication of environmental reviews and ap-
5 provals under State and Federal laws.

6 (b) **IN GENERAL.**—Chapter 3 of title 23, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 330. Program for eliminating duplication of envi-**
10 **ronmental reviews**

11 **“(a) ESTABLISHMENT.**—

12 **“(1) IN GENERAL.**—The Secretary shall estab-
13 lish a pilot program to authorize States that are ap-
14 proved to participate in the program to conduct en-
15 vironmental reviews and make approvals for projects
16 under State environmental laws and regulations in-
17 stead of Federal environmental laws and regulations,
18 consistent with the requirements of this section.

19 **“(2) PARTICIPATING STATES.**—The Secretary
20 may select not more than 5 States to participate in
21 the program.

22 **“(3) ALTERNATIVE REVIEW AND APPROVAL**
23 **PROCEDURES.**—In this section, the term ‘alternative
24 environmental review and approval procedures’
25 means—

1 “(A) substitution of 1 or more State envi-
2 ronmental laws for—

3 “(i) the National Environmental Pol-
4 icy Act of 1969 (42 U.S.C. 4321 et seq.);

5 “(ii) such provisions of sections
6 109(h), 128, and 139 related to the appli-
7 cation of that Act that are under the au-
8 thority of the Secretary, as the Secretary,
9 in consultation with the State, considers
10 appropriate; and

11 “(iii) related regulations and Execu-
12 tive orders; and

13 “(B) substitution of 1 or more State envi-
14 ronmental regulations for—

15 “(i) the National Environmental Pol-
16 icy Act of 1969;

17 “(ii) such provisions of sections
18 109(h), 128, and 139 related to the appli-
19 cation of that Act that are under the au-
20 thority of the Secretary, as the Secretary,
21 in consultation with the State, considers
22 appropriate; and

23 “(iii) related regulations and Execu-
24 tive orders.

1 “(b) APPLICATION.—To be eligible to participate in
2 the program, a State shall submit to the Secretary an ap-
3 plication containing such information as the Secretary
4 may require, including—

5 “(1) a full and complete description of the pro-
6 posed alternative environmental review and approval
7 procedures of the State;

8 “(2) each Federal law described in subsection
9 (a)(3) that the State is seeking to substitute;

10 “(3) each State law and regulation that the
11 State intends to substitute for such Federal law,
12 Federal regulation, or Executive order;

13 “(4) an explanation of the basis for concluding
14 that the State law or regulation is substantially
15 equivalent to the Federal law described in subsection
16 (a)(3);

17 “(5) a description of the projects or classes of
18 projects for which the State anticipates exercising
19 the authority that may be granted under the pro-
20 gram;

21 “(6) verification that the State has the financial
22 resources necessary to carry out the authority that
23 may be granted under the program;

1 “(7) evidence of having sought, received, and
2 addressed comments on the proposed application
3 from the public; and

4 “(8) any such additional information as the
5 Secretary, or, with respect to section (d)(1)(A), the
6 Secretary in consultation with the Chair, may re-
7 quire.

8 “(c) REVIEW OF APPLICATION.—In accordance with
9 subsection (d), the Secretary shall—

10 “(1) review an application submitted under sub-
11 section (b);

12 “(2) approve or disapprove the application not
13 later than 90 days after the date of receipt of the
14 application; and

15 “(3) transmit to the State notice of the ap-
16 proval or disapproval, together with a statement of
17 the reasons for the approval or disapproval.

18 “(d) APPROVAL OF APPLICATION.—

19 “(1) IN GENERAL.—The Secretary shall ap-
20 prove an application submitted under subsection (b)
21 only if—

22 “(A) the Secretary, with the concurrence
23 of the Chair, determines that the laws and reg-
24 ulations of the State described in the applica-

1 tion are substantially equivalent to the Federal
2 laws that the State is seeking to substitute;

3 “(B) the Secretary determines that the
4 State has the capacity, including financial and
5 personnel, to assume the responsibility; and

6 “(C) the State has executed an agreement
7 with the Secretary, in accordance with section
8 327, providing for environmental review, con-
9 sultation, or other action under Federal envi-
10 ronmental laws pertaining to the review or ap-
11 proval of a specific project.

12 “(2) EXCLUSION.—The National Environ-
13 mental Policy Act of 1969 shall not apply to a deci-
14 sion by the Secretary to approve or disapprove an
15 application submitted under this section.

16 “(e) JUDICIAL REVIEW.—

17 “(1) IN GENERAL.—The United States district
18 courts shall have exclusive jurisdiction over any civil
19 action against a State—

20 “(A) for failure of the State to meet the
21 requirements of this section; or

22 “(B) if the action involves the exercise of
23 authority by the State under this section and
24 section 327.

1 “(2) STATE JURISDICTION.—A State court
2 shall have exclusive jurisdiction over any civil action
3 against a State if the action involves the exercise of
4 authority by the State under this section not covered
5 by paragraph (1).

6 “(f) ELECTION.—At its discretion, a State partici-
7 pating in the programs under this section and section 327
8 may elect to apply the National Environmental Protection
9 Act of 1969 instead of the State’s alternative environ-
10 mental review and approval procedures.

11 “(g) TREATMENT OF STATE LAWS AND REGULA-
12 TIONS.—To the maximum extent practicable and con-
13 sistent with Federal law, other Federal agencies with au-
14 thority over a project subject to this section shall use docu-
15 ments produced by a participating State under this section
16 to satisfy the requirements of the National Environmental
17 Policy Act of 1969.

18 “(h) RELATIONSHIP TO LOCALLY ADMINISTERED
19 PROJECTS.—

20 “(1) IN GENERAL.—A State with an approved
21 program under this section, at the request of a local
22 government, may exercise authority under that pro-
23 gram on behalf of up to 10 local governments for lo-
24 cally administered projects.

1 “(2) SCOPE.—For up to 10 local governments
2 selected by a State with an approved program under
3 this section, the State shall be responsible for ensur-
4 ing that any environmental review, consultation, or
5 other action required under the National Environ-
6 mental Policy Act of 1969 or the State program, or
7 both, meets the requirements of such Act or pro-
8 gram.

9 “(i) REVIEW AND TERMINATION.—

10 “(1) IN GENERAL.—A State program approved
11 under this section shall at all times be in accordance
12 with the requirements of this section.

13 “(2) REVIEW.—The Secretary shall review each
14 State program approved under this section not less
15 than once every 5 years.

16 “(3) PUBLIC NOTICE AND COMMENT.—In con-
17 ducting the review process under paragraph (2), the
18 Secretary shall provide notice and an opportunity for
19 public comment.

20 “(4) WITHDRAWAL OF APPROVAL.—If the Sec-
21 retary, in consultation with the Chair, determines at
22 any time that a State is not administering a State
23 program approved under this section in accordance
24 with the requirements of this section, the Secretary
25 shall so notify the State, and if appropriate correc-

1 tive action is not taken within a reasonable time, not
2 to exceed 90 days, the Secretary shall withdraw ap-
3 proval of the State program.

4 “(5) EXTENSIONS AND TERMINATIONS.—At the
5 conclusion of the review process under paragraph
6 (2), the Secretary may extend for an additional 5-
7 year period or terminate the authority of a State
8 under this section to substitute that State’s laws and
9 regulations for Federal laws.

10 “(j) REPORT TO CONGRESS.—Not later than 2 years
11 after the date of enactment of this section, and annually
12 thereafter, the Secretary shall submit to the Committee
13 on Transportation and Infrastructure of the House of
14 Representatives and the Committee on Environment and
15 Public Works of the Senate a report that describes the
16 administration of the program, including—

17 “(1) the number of States participating in the
18 program;

19 “(2) the number and types of projects for which
20 each State participating in the program has used al-
21 ternative environmental review and approval proce-
22 dures; and

23 “(3) any recommendations for modifications to
24 the program.

1 “(k) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) CHAIR.—The term ‘Chair’ means the
4 Chair of the Council on Environmental Quality.

5 “(2) MULTIMODAL PROJECT.—The term
6 ‘multimodal project’ has the meaning given that
7 term in section 139(a).

8 “(3) PROGRAM.—The term ‘program’ means
9 the pilot program established under this section.

10 “(4) PROJECT.—The term ‘project’ means—

11 “(A) a project requiring approval under
12 this title, chapter 53 of subtitle III of title 49,
13 or subtitle V of title 49; and

14 “(B) a multimodal project.”.

15 (c) RULEMAKING.—

16 (1) IN GENERAL.—Not later than 270 days
17 after the date of enactment of this Act, the Sec-
18 retary of Transportation, in consultation with the
19 Chair of the Council on Environmental Quality, shall
20 promulgate regulations to implement the require-
21 ments of section 330 of title 23, United States Code,
22 as added by this section.

23 (2) DETERMINATION OF SUBSTANTIALLY
24 EQUIVALENT.—As part of the rulemaking required
25 under this subsection, the Chair shall—

1 (A) establish the criteria necessary to de-
2 termine that a State law or regulation is sub-
3 stantially equivalent to a Federal law described
4 in section 330(a)(3) of title 23, United States
5 Code;

6 (B) ensure that such criteria, at a min-
7 imum—

8 (i) provide for protection of the envi-
9 ronment;

10 (ii) provide opportunity for public par-
11 ticipation and comment, including access
12 to the documentation necessary to review
13 the potential impact of a project; and

14 (iii) ensure a consistent review of
15 projects that would otherwise have been
16 covered under Federal law.

17 (d) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 3 of title 23, United States Code, is amended by add-
19 ing at the end the following:

“330. Program for eliminating duplication of environmental reviews.”.

20 **SEC. 1314. ASSESSMENT OF PROGRESS ON ACCELERATING**
21 **PROJECT DELIVERY.**

22 (a) IN GENERAL.—Not later than 2 years after the
23 date of enactment of this Act, the Comptroller General
24 of the United States shall assess the progress made under
25 this Act, MAP-21 (Public Law 112-141), and

1 SAFETEA-LU (Public Law 109–59), including the
2 amendments made by those Acts, to accelerate the delivery
3 of Federal-aid highway and highway safety construction
4 projects and public transportation capital projects by
5 streamlining the environmental review and permitting
6 process.

7 (b) CONTENTS.—The assessment required under sub-
8 section (a) shall evaluate—

9 (1) how often the various streamlining provi-
10 sions have been used;

11 (2) which of the streamlining provisions have
12 had the greatest impact on streamlining the environ-
13 mental review and permitting process;

14 (3) what, if any, impact streamlining of the
15 process has had on environmental protection;

16 (4) how, and the extent to which, streamlining
17 provisions have improved and accelerated the process
18 for permitting under the Federal Water Pollution
19 Control Act (33 U.S.C. 1251 et seq.), the Endan-
20 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
21 and other applicable Federal laws;

22 (5) what impact actions by the Council on En-
23 vironmental Quality have had on accelerating Fed-
24 eral-aid highway and highway safety construction
25 projects and public transportation capital projects;

1 (6) the number and percentage of projects that
2 proceed under a traditional environmental assess-
3 ment or environmental impact statement, and the
4 number and percentage of projects that proceed
5 under categorical exclusions;

6 (7) the extent to which the environmental re-
7 view and permitting process remains a significant
8 source of project delay and the sources of delays;
9 and

10 (8) the costs of conducting environmental re-
11 views and issuing permits or licenses for a project,
12 including the cost of contractors and dedicated agen-
13 cy staff.

14 (c) RECOMMENDATIONS.—The assessment required
15 under subsection (a) shall include recommendations with
16 respect to—

17 (1) additional opportunities for streamlining the
18 environmental review process, including regulatory
19 or statutory changes to accelerate the processes of
20 Federal agencies (other than the Department) with
21 responsibility for reviewing Federal-aid highway and
22 highway safety construction projects and public
23 transportation capital projects without negatively
24 impacting the environment; and

1 (2) best practices of other Federal agencies that
2 should be considered for adoption by the Depart-
3 ment.

4 (d) REPORT TO CONGRESS.—The Comptroller Gen-
5 eral of the United States shall submit to the Committee
6 on Transportation and Infrastructure of the House of
7 Representatives and the Committee on Environment and
8 Public Works of the Senate a report containing the assess-
9 ment and recommendations required under this section.

10 **SEC. 1315. IMPROVING STATE AND FEDERAL AGENCY EN-**
11 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

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

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

16 “(a) IN GENERAL.—

17 “(1) REQUESTS TO PROVIDE FUNDS.—A public
18 entity receiving financial assistance from the De-
19 partment of Transportation for 1 or more projects,
20 or for a program of projects, for a public purpose
21 may request that the Secretary allow the public enti-
22 ty to provide funds to Federal agencies, including
23 the Department, State agencies, and Indian tribes
24 participating in the environmental planning and re-
25 view process for the project, projects, or program.

1 “(2) USE OF FUNDS.—The funds may be pro-
2 vided only to support activities that directly and
3 meaningfully contribute to expediting and improving
4 permitting and review processes, including planning,
5 approval, and consultation processes for the project,
6 projects, or program.

7 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
8 ties for which funds may be provided under subsection (a)
9 include transportation planning activities that precede the
10 initiation of the environmental review process, activities
11 directly related to the environmental review process, dedi-
12 cated staffing, training of agency personnel, information
13 gathering and mapping, and development of programmatic
14 agreements.

15 “(c) AMOUNTS.—Requests under subsection (a) may
16 be approved only for the additional amounts that the Sec-
17 retary determines are necessary for the Federal agencies,
18 State agencies, or Indian tribes participating in the envi-
19 ronmental review process to timely conduct their review.

20 “(d) AGREEMENTS.—Prior to providing funds ap-
21 proved by the Secretary for dedicated staffing at an af-
22 fected Federal agency under subsection (a), the affected
23 Federal agency and the requesting public entity shall enter
24 into an agreement that establishes a process to identify

1 projects or priorities to be addressed by the use of the
2 funds.

3 “(e) RULEMAKING.—

4 “(1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this section, the Sec-
6 retary shall initiate a rulemaking to implement this
7 section.

8 “(2) FACTORS.—As part of the rulemaking car-
9 ried out under paragraph (1), the Secretary shall en-
10 sure—

11 “(A) to the maximum extent practicable,
12 that expediting and improving the process of
13 environmental review and permitting through
14 the use of funds accepted and expended under
15 this section does not adversely affect the
16 timeline for review and permitting by Federal
17 agencies, State agencies, or Indian tribes of
18 other entities that have not contributed funds
19 under this section;

20 “(B) that the use of funds accepted under
21 this section will not impact impartial decision-
22 making with respect to environmental reviews
23 or permits, either substantively or procedurally;
24 and

1 “(C) that the Secretary maintains, and
2 makes publicly available, including on the Inter-
3 net, a list of projects or programs for which
4 such review or permits have been carried out
5 using funds authorized under this section.

6 “(f) EXISTING AUTHORITY.—Nothing in this section
7 may be construed to conflict with section 139(j) of title
8 23.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 chapter 3 of title 49, United States Code, is amended by
11 inserting after the item relating to section 306 the fol-
12 lowing:

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

13 **SEC. 1316. ACCELERATED DECISIONMAKING IN ENVIRON-**
14 **MENTAL REVIEWS.**

15 (a) IN GENERAL.—Title 49, United States Code, is
16 amended by inserting after section 304 the following:

17 **“§ 304a. Accelerated decisionmaking in environ-**
18 **mental reviews**

19 “(a) IN GENERAL.—In preparing a final environ-
20 mental impact statement under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if
22 the lead agency modifies the statement in response to com-
23 ments that are minor and are confined to factual correc-
24 tions or explanations of why the comments do not warrant

1 additional agency response, the lead agency may write on
2 errata sheets attached to the statement, instead of rewrit-
3 ing the draft statement, subject to the condition that the
4 errata sheets—

5 “(1) cite the sources, authorities, and reasons
6 that support the position of the agency; and

7 “(2) if appropriate, indicate the circumstances
8 that would trigger agency reappraisal or further re-
9 sponse.

10 “(b) SINGLE DOCUMENT.—To the maximum extent
11 practicable, the lead agency shall expeditiously develop a
12 single document that consists of a final environmental im-
13 pact statement and a record of decision, unless—

14 “(1) the final environmental impact statement
15 makes substantial changes to the proposed action
16 that are relevant to environmental or safety con-
17 cerns; or

18 “(2) there is a significant new circumstance or
19 information relevant to environmental concerns that
20 bears on the proposed action or the impacts of the
21 proposed action.

22 “(c) ADOPTION OF DOCUMENTS.—

23 “(1) AVOIDING DUPLICATION.—To prevent du-
24 plication of analyses and support expeditious and ef-
25 ficient decisions, the operating administrations of

1 the Department of Transportation shall use adoption
2 and incorporation by reference in accordance with
3 this paragraph.

4 “(2) ADOPTION OF DOCUMENTS OF OTHER OP-
5 ERATING ADMINISTRATIONS.—An operating adminis-
6 tration or a secretarial office within the Department
7 of Transportation may adopt a draft environmental
8 impact statement, an environmental assessment, or
9 a final environmental impact statement of another
10 operating administration for the adopting operating
11 administration’s use when preparing an environ-
12 mental assessment or final environmental impact
13 statement for a project without recirculating the
14 document for public review, if—

15 “(A) the adopting operating administration
16 certifies that its proposed action is substantially
17 the same as the project considered in the docu-
18 ment to be adopted;

19 “(B) the other operating administration
20 concurs with such decision; and

21 “(C) such actions are consistent with the
22 requirements of the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

24 “(3) INCORPORATION BY REFERENCE.—An op-
25 erating administration or secretarial office within

1 the Department of Transportation may incorporate
2 by reference all or portions of a draft environmental
3 impact statement, an environmental assessment, or
4 a final environmental impact statement for the
5 adopting operating administration's use when pre-
6 paring an environmental assessment or final envi-
7 ronmental impact statement for a project if—

8 “(A) the incorporated material is cited in
9 the environmental assessment or final environ-
10 mental impact statement and the contents of
11 the incorporated material is briefly described;

12 “(B) the incorporated material is reason-
13 ably available for inspection by potentially inter-
14 ested persons within the time allowed for review
15 and comment; and

16 “(C) the incorporated material does not in-
17 clude proprietary data that is not available for
18 review and comment.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 3 of title 49, United States Code, is amended by
21 inserting after the item relating to section 304 the fol-
22 lowing:

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

23 **SEC. 1317. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.**

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

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

2 “(a) COORDINATED AND CONCURRENT ENVIRON-
3 MENTAL REVIEWS.—Not later than 1 year after the date
4 of enactment of this section, the Department of Transpor-
5 tation, in coordination with the heads of Federal agencies
6 likely to have substantive review or approval responsibil-
7 ities under Federal law, shall develop a coordinated and
8 concurrent environmental review and permitting process
9 for transportation projects when initiating an environ-
10 mental impact statement under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.; in
12 this section referred to as ‘NEPA’).

13 “(b) CONTENTS.—The coordinated and concurrent
14 environmental review and permitting process shall—

15 “(1) ensure that the Department and agencies
16 of jurisdiction possess sufficient information early in
17 the review process to determine a statement of a
18 transportation project’s purpose and need and range
19 of alternatives for analysis that the lead agency and
20 agencies of jurisdiction will rely on for concurrent
21 environmental reviews and permitting decisions re-
22 quired for the proposed project;

23 “(2) achieve early concurrence or issue resolu-
24 tion during the NEPA scoping process on the De-
25 partment of Transportation’s statement of a
26 project’s purpose and need, and during development

1 of the environmental impact statement on the range
2 of alternatives for analysis, that the lead agency and
3 agencies of jurisdiction will rely on for concurrent
4 environmental reviews and permitting decisions re-
5 quired for the proposed project absent circumstances
6 that require reconsideration in order to meet an
7 agency of jurisdiction’s obligations under a statute
8 or Executive order; and

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

16 “(c) ENVIRONMENTAL CHECKLIST.—

17 “(1) IN GENERAL.—Not later than 90 days
18 after the date of enactment of this section, the Sec-
19 retary of Transportation and Federal agencies of ju-
20 risdiction likely to have substantive review or ap-
21 proval responsibilities on transportation projects
22 shall jointly develop a checklist to help project spon-
23 sors identify potential natural, cultural, and historic
24 resources in the area of a proposed project.

1 “(2) PURPOSE.—The purpose of the checklist
2 shall be to—

3 “(A) identify agencies of jurisdiction and
4 cooperating agencies;

5 “(B) develop the information needed for
6 the purpose and need and alternatives for anal-
7 ysis; and

8 “(C) improve interagency collaboration to
9 help expedite the permitting process for the
10 lead agency and agencies of jurisdiction.

11 “(d) INTERAGENCY COLLABORATION.—

12 “(1) IN GENERAL.—Consistent with Federal en-
13 vironmental statutes, the Secretary shall facilitate
14 annual interagency collaboration sessions at the ap-
15 propriate jurisdictional level to coordinate business
16 plans and facilitate coordination of workload plan-
17 ning and workforce management.

18 “(2) PURPOSE OF COLLABORATION SES-
19 SIONS.—The interagency collaboration sessions shall
20 ensure that agency staff is—

21 “(A) fully engaged;

22 “(B) utilizing the flexibility of existing reg-
23 ulations, policies, and guidance; and

1 “(C) identifying additional actions to facili-
2 tate high quality, efficient, and targeted envi-
3 ronmental reviews and permitting decisions.

4 “(3) FOCUS OF COLLABORATION SESSIONS.—
5 The interagency collaboration sessions, and the
6 interagency collaborations generated by the sessions,
7 shall focus on methods to—

8 “(A) work with State and local transpor-
9 tation entities to improve project planning,
10 siting, and application quality; and

11 “(B) consult and coordinate with relevant
12 stakeholders and Federal, tribal, State, and
13 local representatives early in permitting proc-
14 esses.

15 “(e) PERFORMANCE MEASUREMENT.—Not later than
16 1 year after the date of enactment of this section, the Sec-
17 retary, in coordination with relevant Federal agencies,
18 shall establish a program to measure and report on
19 progress towards aligning Federal reviews as outlined in
20 this section.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 3 of title 49, United States Code, is amended by
23 inserting after the item relating to section 309 the fol-
24 lowing:

“310. Aligning Federal environmental reviews.”.

1 **Subtitle D—Miscellaneous**

2 **SEC. 1401. TOLLING; HOV FACILITIES; INTERSTATE RECON-** 3 **STRUCTION AND REHABILITATION.**

4 (a) TOLLING.—Section 129(a) of title 23, United
5 States Code, is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (B) by striking “,
8 bridge, or tunnel” each place it appears;

9 (B) in subparagraph (C) by striking “,
10 bridge, or tunnel” each place it appears;

11 (C) by striking subparagraph (G);

12 (D) by redesignating subparagraphs (H)
13 and (I) as subparagraphs (G) and (H); and

14 (E) in subparagraph (G) as redesignated—

15 (i) by inserting “(HOV)” after “high
16 occupancy vehicle”; and

17 (ii) by inserting “under section 166 of
18 title 23, United States Code” after “facil-
19 ity”;

20 (2) in paragraph (3)(A)—

21 (A) by striking “shall use” and inserting
22 “shall ensure that”; and

23 (B) by inserting “are used” after “toll fa-
24 cility” the second place it appears; and

1 (3) by striking paragraph (4) and redesignating
2 paragraphs (5) through (10) as paragraphs (4)
3 through (9), respectively.

4 (b) HOV FACILITIES.—Section 166 of title 23,
5 United States Code, is amended—

6 (1) in subsection (a)(1)—

7 (A) by striking the paragraph heading and
8 inserting “**AUTHORITY OF PUBLIC AU-**
9 **THORITIES**”; and

10 (B) by striking “State agency” and insert-
11 ing “public authority”;

12 (2) in subsection (b)—

13 (A) by striking “State agency” each place
14 it appears and inserting “public authority”; and

15 (B) in paragraph (3)—

16 (i) by striking “and” at the end of
17 subparagraph (A);

18 (ii) by striking the period at the end
19 of subparagraph (B) and inserting “;
20 and”; and

21 (iii) by inserting at the end the fol-
22 lowing:

23 “(C) provides equal access for all public
24 transportation vehicles and over-the-road
25 buses.”;

1 (3) in subsection (c)—

2 (A) by amending paragraph (1) to read as
3 follows:

4 “(1) IN GENERAL.—Notwithstanding section
5 301, tolls may be charged under paragraphs (4) and
6 (5) of subsection (b), subject to the requirements of
7 section 129.”;

8 (B) by striking paragraph (2) and redesignig-
9 nating paragraph (3) as paragraph (2); and

10 (C) by inserting after paragraph (2), as re-
11 designated, the following:

12 “(3) EXEMPTION FROM TOLLS.—In levying
13 tolls on a facility under this section, a public author-
14 ity may designate classes of vehicles that are exempt
15 from the tolls or charge different toll rates for dif-
16 ferent classes of vehicles, if equal rates are charged
17 for all public transportation vehicles and over-the-
18 road buses, whether publicly or privately owned.”;

19 (4) in subsection (d)—

20 (A) by striking “State agency” each place
21 it appears and inserting “public authority”;

22 (B) in paragraph (1)—

23 (i) by redesignating subparagraphs

24 (D) and (E) as subparagraphs (E) and

25 (F), respectively; and

1 (ii) by inserting after subparagraph
2 (C) the following:

3 “(D) CONSULTATION OF MPO.—If the fa-
4 cility is on the Interstate System and located in
5 a metropolitan planning area established in ac-
6 cordance with section 134, consulting with the
7 metropolitan planning organization for the area
8 concerning the placement and amount of tolls
9 on the facility.”; and

10 (iii) in subparagraph (F), as redesign-
11 nated—

12 (I) by striking “State” the first
13 place it appears and inserting “public
14 authority”; and

15 (II) by striking “subparagraph
16 (D)” and inserting “subparagraph
17 (E)”; and

18 (5) in subsection (f)—

19 (A) in paragraph (4)(B)(iii) by striking
20 “State agency” and inserting “public author-
21 ity”; and

22 (B) by striking paragraph (5) and insert-
23 ing after paragraph (4) the following:

24 “(5) OVER-THE-ROAD BUS.—The term ‘over-
25 the-road bus’ means a vehicle as defined in section

1 301(5) of the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12181(5)).

3 “(6) PUBLIC AUTHORITY.—The term ‘public
4 authority’ as used with respect to a HOV facility,
5 means a State, interstate compact of States, public
6 entity designated by a State, or local government
7 having jurisdiction over the operation of the facil-
8 ity.”.

9 (c) INTERSTATE SYSTEM RECONSTRUCTION AND RE-
10 HABILITATION PILOT PROGRAM.—Section 1216(b) of the
11 Transportation Equity Act for the 21st Century (Public
12 Law 105–178) is amended—

13 (1) in paragraph (4)—

14 (A) in subparagraph (D) by striking “and”
15 at the end;

16 (B) in subparagraph (E) by striking the
17 period and inserting “; and”; and

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

19 “(F) the State has approved enabling leg-
20 islation required for the project to proceed.”;

21 (2) by redesignating paragraphs (6) through
22 (8) as paragraphs (8) through (10), respectively;
23 and

24 (3) by inserting after paragraph (5) the fol-
25 lowing:

1 “(6) REQUIREMENTS FOR PROJECT COMPLE-
2 TION.—

3 “(A) GENERAL TERM FOR EXPIRATION OF
4 PROVISIONAL APPLICATION.—An application
5 provisionally approved by the Secretary under
6 this subsection shall expire 3 years after the
7 date on which the application was provisionally
8 approved if the State has not—

9 “(i) submitted a complete application
10 to the Secretary that fully satisfies the eli-
11 gibility criteria under paragraph (3) and
12 the selection criteria under paragraph (4);

13 “(ii) completed the environmental re-
14 view and permitting process under the Na-
15 tional Environmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.) for the pilot
17 project; and

18 “(iii) executed a toll agreement with
19 the Secretary.

20 “(B) EXCEPTIONS TO EXPIRATION.—Not-
21 withstanding subparagraph (A), the Secretary
22 may extend the provisional approval for not
23 more than 1 additional year if the State dem-
24 onstrates material progress toward implementa-
25 tion of the project as evidenced by—

1 “(i) substantial progress in completing
2 the environmental review and permitting
3 process for the pilot project under the Na-
4 tional Environmental Policy Act of 1969;

5 “(ii) funding and financing commit-
6 ments for the pilot project;

7 “(iii) expressions of support for the
8 pilot project from State and local govern-
9 ments, community interests, and the pub-
10 lic; and

11 “(iv) submission of a facility manage-
12 ment plan pursuant to paragraph (3)(D).

13 “(C) CONDITIONS FOR PREVIOUSLY PROVI-
14 SIONALLY APPROVED APPLICATIONS.—A State
15 with a provisionally approved application for a
16 pilot project as of the date of enactment of the
17 Surface Transportation Reauthorization and
18 Reform Act of 2015 shall have 1 year after
19 such date of enactment to meet the require-
20 ments of subparagraph (A) or receive an exten-
21 sion from the Secretary under subparagraph
22 (B), or the application will expire.

23 “(7) DEFINITION.—In this subsection, the term
24 ‘provisional approval’ or ‘provisionally approved’
25 means the approval by the Secretary of a partial ap-

1 plication under this subsection, including the res-
2 ervation of a slot in the pilot program.”.

3 (d) APPROVAL OF APPLICATIONS.—The Secretary
4 may approve an application submitted under section
5 1604(c) of SAFETEA-LU (Public Law 109–59; 119
6 Stat. 1253) if the application, or any part of the applica-
7 tion, was submitted before the deadline specified in section
8 1604(c)(8) of that Act.

9 **SEC. 1402. PROHIBITION ON THE USE OF FUNDS FOR AUTO-**
10 **MATED TRAFFIC ENFORCEMENT.**

11 (a) PROHIBITION.—Except as provided in subsection
12 (b), for fiscal years 2016 through 2021, funds apportioned
13 to a State under section 104(b)(3) of title 23, United
14 States Code, may not be used to purchase, operate, or
15 maintain an automated traffic enforcement system.

16 (b) EXCEPTION.—Subsection (a) does not apply to an
17 automated traffic enforcement system located in a school
18 zone.

19 (c) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM
20 DEFINED.—In this section, the term “automated traffic
21 enforcement system” means any camera that captures an
22 image of a vehicle for the purposes of traffic law enforce-
23 ment.

1 **SEC. 1403. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
2 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
3 **ING UNDER THE INFLUENCE.**

4 (a) IN GENERAL.—Section 164(a)(4) of title 23,
5 United States Code, is amended—

6 (1) in the matter preceding subparagraph (A)
7 by inserting “, or a combination of State laws,”
8 after “a State law”; and

9 (2) by striking subparagraph (A) and inserting
10 the following:

11 “(A) receive, for not less than 1 year—

12 “(i) a suspension of all driving privi-
13 leges;

14 “(ii) a restriction on driving privileges
15 that limits the individual to operating only
16 motor vehicles with an ignition interlock
17 system installed (allowing for limited ex-
18 ceptions for circumstances when the indi-
19 vidual is required to operate an employer’s
20 motor vehicle in the course and scope of
21 employment and the business entity that
22 owns the vehicle is not owned or controlled
23 by the individual); or

24 “(iii) a combination of both clauses (i)
25 and (ii);”.

1 (b) APPLICATION.—The amendments made by this
2 section shall apply with respect to fiscal years beginning
3 after the date of enactment of this Act.

4 **SEC. 1404. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
5 **COUNTABILITY.**

6 (a) IN GENERAL.—Section 104 of title 23, United
7 States Code, is amended by striking subsection (g) and
8 inserting the following:

9 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
10 ACCOUNTABILITY REPORTS.—

11 “(1) COMPILATION OF DATA.—The Secretary
12 shall compile data in accordance with this subsection
13 on the use of Federal-aid highway funds made avail-
14 able under this title.

15 “(2) REQUIREMENTS.—The Secretary shall en-
16 sure that the reports required under this subsection
17 are made available in a user-friendly manner on the
18 public Internet Web site of the Department and can
19 be searched and downloaded by users of the Web
20 site.

21 “(3) CONTENTS OF REPORTS.—

22 “(A) APPORTIONED AND ALLOCATED PRO-
23 GRAMS.—On a semiannual basis, the Secretary
24 shall make available a report on funding appor-

1 tioned and allocated to the States under this
2 title that describes—

3 “(i) the amount of funding obligated
4 by each State, year-to-date, for the current
5 fiscal year;

6 “(ii) the amount of funds remaining
7 available for obligation by each State;

8 “(iii) changes in the obligated, unex-
9 pended balance for each State, year-to-
10 date, during the current fiscal year, includ-
11 ing the obligated, unexpended balance at
12 the end of the preceding fiscal year and
13 current fiscal year expenditures;

14 “(iv) the amount and program cat-
15 egory of unobligated funding, year-to-date,
16 available for expenditure at the discretion
17 of the Secretary;

18 “(v) the rates of obligation on and off
19 the National Highway System, year-to-
20 date, for the current fiscal year of funds
21 apportioned, allocated, or set aside under
22 this section, according to—

23 “(I) program;

24 “(II) funding category or sub-
25 category;

1 “(III) type of improvement;

2 “(IV) State; and

3 “(V) sub-State geographical area,
4 including urbanized and rural areas,
5 on the basis of the population of each
6 such area; and

7 “(vi) the amount of funds transferred
8 by each State, year-to-date, for the current
9 fiscal year between programs under section
10 126.

11 “(B) PROJECT DATA.—On an annual
12 basis, the Secretary shall make available a re-
13 port that, to the maximum extent possible, pro-
14 vides project-specific data describing—

15 “(i) for all projects funded under this
16 title—

17 “(I) the specific location of the
18 project;

19 “(II) the total cost of the project;

20 “(III) the amount of Federal
21 funding obligated for the project;

22 “(IV) the program or programs
23 from which Federal funds have been
24 obligated for the project;

1 “(V) the type of improvement
2 being made; and

3 “(VI) the ownership of the high-
4 way or bridge; and

5 “(ii) for any project funded under this
6 title with an estimated total cost as of the
7 start of construction in excess of
8 \$100,000,000, the data specified under
9 clause (i) and additional data describing—

10 “(I) whether the project is lo-
11 cated in an area of the State with a
12 population of—

13 “(aa) less than 5,000 indi-
14 viduals;

15 “(bb) 5,000 or more individ-
16 uals but less than 50,000 individ-
17 uals;

18 “(cc) 50,000 or more indi-
19 viduals but less than 200,000 in-
20 dividuals; or

21 “(dd) 200,000 or more indi-
22 viduals;

23 “(II) the estimated cost of the
24 project as of the start of project con-
25 struction, or the revised cost estimate

1 based on a description of revisions to
2 the scope of work or other factors af-
3 fecting project cost other than cost
4 overruns; and
5 “(III) the amount of non-Federal
6 funds obligated for the project.”.

7 (b) CONFORMING AMENDMENT.—Section 1503 of
8 MAP-21 (23 U.S.C. 104 note; Public Law 112-141) is
9 amended by striking subsection (c).

10 **SEC. 1405. HIGH PRIORITY CORRIDORS ON NATIONAL**
11 **HIGHWAY SYSTEM.**

12 (a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS
13 ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of
14 the Intermodal Surface Transportation Efficiency Act of
15 1991 is amended—

16 (1) by striking paragraph (13) and inserting
17 the following:

18 “(13) Raleigh-Norfolk Corridor from Raleigh,
19 North Carolina, through Rocky Mount, Williamston,
20 and Elizabeth City, North Carolina, to Norfolk, Vir-
21 ginia.”;

22 (2) in paragraph (18)(D)—

23 (A) in clause (ii) by striking “and” at the
24 end;

1 (B) in clause (iii) by striking the period at
2 the end and inserting “; and”; and

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

4 “(iv) include Texas State Highway 44
5 from United States Route 59 at Freer,
6 Texas, to Texas State Highway 358.”;

7 (3) by striking paragraph (68) and inserting
8 the following:

9 “(68) The Washoe County Corridor and the
10 Intermountain West Corridor, which shall generally
11 follow—

12 “(A) for the Washoe County Corridor,
13 along Interstate Route 580/United States Route
14 95/United States Route 95A from Reno, Ne-
15 vada, to Las Vegas, Nevada; and

16 “(B) for the Intermountain West Corridor,
17 from the vicinity of Las Vegas, Nevada, north
18 along United States Route 95 terminating at
19 Interstate Route 80.”; and

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

21 “(81) United States Route 117/Interstate
22 Route 795 from United States Route 70 in Golds-
23 boro, Wayne County, North Carolina, to Interstate
24 Route 40 west of Faison, Sampson County, North
25 Carolina.

1 “(82) United States Route 70 from its intersec-
2 tion with Interstate Route 40 in Garner, Wake
3 County, North Carolina, to the Port at Morehead
4 City, Carteret County, North Carolina.

5 “(83) The Sonoran Corridor along State Route
6 410 connecting Interstate Route 19 and Interstate
7 Route 10 south of the Tucson International Air-
8 port.”.

9 (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON
10 INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the
11 Intermodal Surface Transportation Efficiency Act of 1991
12 is amended—

13 (1) by inserting “subsection (c)(13),” after
14 “subsection (c)(9),”;

15 (2) by striking “subsections (c)(18)” and all
16 that follows through “subsection (c)(36)” and insert-
17 ing “subsection (c)(18), subsection (c)(20), subpara-
18 graphs (A) and (B)(i) of subsection (c)(26), sub-
19 section (c)(36)”;

20 (3) by striking “and subsection (c)(57)” and in-
21 serting “subsection (c)(57), subsection (c)(68)(B),
22 subsection (c)(81), subsection (c)(82), and sub-
23 section (c)(83)”.

24 (c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the
25 Intermodal Surface Transportation Efficiency Act of 1991

1 is amended by striking the final sentence and inserting
2 the following: “The routes referred to in subparagraphs
3 (A) and (B)(i) of subsection (c)(26) and in subsection
4 (c)(68)(B) are designated as Interstate Route I–11.”.

5 (d) FUTURE INTERSTATE DESIGNATION.—Section
6 119(a) of the SAFETEA–LU Technical Corrections Act
7 of 2008 is amended by striking “and, as a future Inter-
8 state Route 66 Spur, the Natcher Parkway in Owensboro,
9 Kentucky” and inserting “between Henderson, Kentucky,
10 and Owensboro, Kentucky, and, as a future Interstate
11 Route 65 and 66 Spur, the William H. Natcher Parkway
12 between Bowling Green, Kentucky, and Owensboro, Ken-
13 tucky”.

14 **SEC. 1406. FLEXIBILITY FOR PROJECTS.**

15 (a) AUTHORITY.—With respect to projects eligible for
16 funding under title 23, United States Code, subject to sub-
17 section (b) and on request by a State, the Secretary may—

18 (1) exercise all existing flexibilities under and
19 exceptions to—

20 (A) the requirements of title 23, United
21 States Code; and

22 (B) other requirements administered by
23 the Secretary, in whole or part; and

1 (2) otherwise provide additional flexibility or ex-
2 pedited processing with respect to the requirements
3 described in paragraph (1).

4 (b) MAINTAINING PROTECTIONS.—Nothing in this
5 section—

6 (1) waives the requirements of section 113 or
7 138 of title 23, United States Code;

8 (2) supersedes, amends, or modifies—

9 (A) the National Environmental Policy Act
10 of 1969 (42 U.S.C. 4321 et seq.) or any other
11 Federal environmental law; or

12 (B) any requirement of title 23 or title 49,
13 United States Code; or

14 (3) affects the responsibility of any Federal of-
15 ficer to comply with or enforce any law or require-
16 ment described in this subsection.

17 **SEC. 1407. PRODUCTIVE AND TIMELY EXPENDITURE OF**
18 **FUNDS.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall develop
21 guidance that encourages the use of programmatic ap-
22 proaches to project delivery, expedited and prudent pro-
23 curement techniques, and other best practices to facilitate
24 productive, effective, and timely expenditure of funds for

1 projects eligible for funding under title 23, United States
2 Code.

3 (b) IMPLEMENTATION.—The Secretary shall work
4 with States to ensure that any guidance developed under
5 subsection (a) is consistently implemented by States and
6 the Federal Highway Administration to—

7 (1) avoid unnecessary delays in completing
8 projects;

9 (2) minimize cost overruns; and

10 (3) ensure the effective use of Federal funding.

11 **SEC. 1408. CONSOLIDATION OF PROGRAMS.**

12 Section 1519(a) of MAP–21 (126 Stat. 574) is
13 amended by striking “From administrative funds” and all
14 that follows through “shall be made available” and insert-
15 ing “For each of fiscal years 2016 through 2021, before
16 making an apportionment under section 104(b)(3) of title
17 23, United States Code, the Secretary shall set aside, from
18 amounts made available to carry out the highway safety
19 improvement program under section 148 of such title for
20 the fiscal year, \$3,500,000”.

21 **SEC. 1409. FEDERAL SHARE PAYABLE.**

22 (a) INNOVATIVE PROJECT DELIVERY METHODS.—
23 Section 120(c)(3)(A)(ii) of title 23, United States Code,
24 is amended by inserting “engineering or design ap-
25 proaches,” after “technologies,”.

1 (b) EMERGENCY RELIEF.—Section 120(e)(2) of title
2 23, United States Code, is amended by striking “Federal
3 land access transportation facilities,” and inserting “other
4 federally owned roads that are open to public travel,”.

5 **SEC. 1410. ELIMINATION OR MODIFICATION OF CERTAIN**
6 **REPORTING REQUIREMENTS.**

7 (a) FUNDAMENTAL PROPERTIES OF ASPHALTS RE-
8 PORT.—Section 6016(e) of the Intermodal Surface Trans-
9 portation Efficiency Act of 1991 (105 Stat. 2183) is re-
10 pealed.

11 (b) EXPRESS LANES DEMONSTRATION PROGRAM RE-
12 PORTS.—Section 1604(b)(7)(B) of SAFETEA-LU (23
13 U.S.C. 129 note) is repealed.

14 **SEC. 1411. TECHNICAL CORRECTIONS.**

15 (a) TITLE 23.—Title 23, United States Code, is
16 amended as follows:

17 (1) Section 150(c)(3)(B) is amended by striking
18 the semicolon at the end and inserting a period.

19 (2) Section 154(c) is amended—

20 (A) in paragraph (3)(A) by striking
21 “transferred” and inserting “reserved”; and

22 (B) in paragraph (5)—

23 (i) in the matter preceding subpara-
24 graph (A) by inserting “or released” after
25 “transferred”; and

1 (ii) in subparagraph (A) by striking
2 “under section 104(b)(l)” and inserting
3 “under section 104(b)(1)”.

4 (3) Section 164(b) is amended—

5 (A) in paragraph (3)(A) by striking
6 “transferred” and inserting “reserved”; and

7 (B) in paragraph (5) by inserting “or re-
8 leased” after “transferred”.

9 (b) MAP-21.—Effective as of July 6, 2012, and as
10 if included therein as enacted, MAP-21 (Public Law 112-
11 141) is amended as follows:

12 (1) Section 1109(a)(2) (126 Stat. 444) is
13 amended by striking “fourth” and inserting “fifth”.

14 (2) Section 1203 (126 Stat. 524) is amended—

15 (A) in subsection (a) by striking “Section
16 150 of title 23, United States Code, is amended
17 to read as follows” and inserting “Title 23,
18 United States Code, is amended by inserting
19 after section 149 the following”; and

20 (B) in subsection (b) by striking “by strik-
21 ing the item relating to section 150 and insert-
22 ing” and inserting “by inserting after the item
23 relating to section 149”.

24 (3) Section 1313(a)(1) (126 Stat. 545) is
25 amended to read as follows:

1 “(1) in the section heading by striking ‘**pilot**’;
2 and”.

3 (4) Section 1314(b) (126 Stat. 549) is amend-
4 ed—

5 (A) by inserting “chapter 3 of” after
6 “analysis for”; and

7 (B) by inserting a period at the end of the
8 matter proposed to be inserted.

9 (5) Section 1519(c) (126 Stat. 575) is amend-
10 ed—

11 (A) by striking paragraph (3);

12 (B) by redesignating paragraphs (4)
13 through (12) as paragraphs (3) through (11),
14 respectively;

15 (C) in paragraph (7), as redesignated by
16 subparagraph (B) of this paragraph—

17 (i) by striking the period at the end of
18 the matter proposed to be struck; and

19 (ii) by adding a period at the end; and

20 (D) in paragraph (8)(A)(i)(I), as redesign-
21 ated by subparagraph (B) of this paragraph,
22 by striking “than rail” in the matter proposed
23 to be struck and inserting “than on rail”.

24 (6) Section 1528 is amended—

1 (A) in subsection (b) by inserting “(or a
2 lower percentage if so requested by a State with
3 respect to a project)” after “100 percent”; and

4 (B) in subsection (c) by inserting “(or a
5 lower percentage if so requested by a State with
6 respect to a project)” after “100 percent”.

7 **SEC. 1412. SAFETY FOR USERS.**

8 The Secretary shall encourage each State to adopt
9 standards for the design of Federal surface transportation
10 projects that provide for the safe and adequate accommo-
11 dation (as determined by the State), in all phases of
12 project planning, development, and operation, of all users
13 of the surface transportation network, including motorized
14 and nonmotorized users.

15 **SEC. 1413. DESIGN STANDARDS.**

16 (a) IN GENERAL.—Section 109 of title 23, United
17 States Code, is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “may take into ac-
21 count” and inserting “shall consider”;

22 (ii) in subparagraph (B) by striking
23 “and” at the end;

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (D); and

1 (iv) by inserting after subparagraph
2 (B) the following:

3 “(C) cost savings by utilizing flexibility
4 that exists in current design guidance and regu-
5 lations; and”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (C) by striking
8 “and” at the end;

9 (ii) by redesignating subparagraph
10 (D) as subparagraph (F); and

11 (iii) by inserting after subparagraph
12 (C) the following:

13 “(D) the publication entitled ‘Highway
14 Safety Manual’ of the American Association of
15 State Highway and Transportation Officials;

16 “(E) the publication entitled ‘Urban Street
17 Design Guide’ of the National Association of
18 City Transportation Officials; and”; and

19 (2) in subsection (f) by inserting “pedestrian
20 walkways,” after “bikeways,”.

21 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-
22 standing section 109(o) of title 23, United States Code,
23 a State may allow a local jurisdiction to use a roadway
24 design publication that is different from the roadway de-
25 sign publication used by the State in which the local juris-

1 diction is located for the design of a project on a roadway
2 under the ownership of the local jurisdiction (other than
3 a highway on the Interstate System) if—

4 (1) the local jurisdiction is a direct recipient of
5 Federal funds for the project;

6 (2) the roadway design publication—

7 (A) is recognized by the Federal Highway
8 Administration; and

9 (B) is adopted by the local jurisdiction;
10 and

11 (3) the design complies with all other applicable
12 Federal laws.

13 **SEC. 1414. RESERVE FUND.**

14 (a) LIMITATION.—

15 (1) IN GENERAL.—For fiscal years 2019
16 through 2021, funds specified in paragraph (2) are
17 contingent upon the enactment of a subsequent Act
18 of Congress that would cause additional monies to
19 be deposited in the Highway Trust Fund.

20 (2) FUNDING PROVISIONS.—The funds specified
21 in this paragraph are the funds authorized to be ap-
22 propriated under—

23 (A) sections 1101, 4001, 5101, and 6002
24 of this Act, including the amendments made by
25 such sections;

1 (B) sections 125 and 147 of title 23,
2 United States Code; and

3 (C) section 5338(a) of title 49, United
4 States Code.

5 (3) ADMINISTRATIVE EXPENSES.—The limita-
6 tion on funds provided in paragraph (1) shall not
7 apply to—

8 (A) administrative expenses of the Federal
9 Highway Administration under sections 104(a)
10 and 608(a)(6) of title 23, United States Code;

11 (B) administrative expenses of the Na-
12 tional Highway Traffic Safety Administration
13 under section 4001(a)(6) of this Act;

14 (C) administrative expenses of the Federal
15 Motor Carrier Safety Administration under sec-
16 tion 5103 of this Act; and

17 (D) administrative expenses of the Federal
18 Transit Administration under section 5338(h)
19 of title 49, United States Code.

20 (b) ADJUSTMENTS TO CONTRACT AUTHORITY.—

21 (1) IN GENERAL.—Chapter 1 of title 23, United
22 States Code, is amended by inserting after section
23 104 the following:

24 **“§ 105. Adjustments to contract authority**

25 **“(a) CALCULATION.—**

1 “(1) IN GENERAL.—The President shall include
2 in each of the fiscal year 2017 through 2021 budget
3 submissions to Congress under section 1105(a) of
4 title 31, for each of the Highway Account and the
5 Mass Transit Account, a calculation of the difference
6 between—

7 “(A) the actual level of monies deposited in
8 that account for the most recently completed
9 fiscal year; and

10 “(B) the estimated level of receipts for
11 that account for the most recently completed
12 fiscal year, as specified in paragraph (2).

13 “(2) ESTIMATE.—The estimated level of re-
14 ceipts specified in this paragraph are—

15 “(A) for the Highway Account—

16 “(i) for fiscal year 2015,
17 \$35,067,000,000;

18 “(ii) for fiscal year 2016,
19 \$35,498,000,000;

20 “(iii) for fiscal year 2017,
21 \$35,879,000,000;

22 “(iv) for fiscal year 2018,
23 \$36,084,000,000; and

24 “(v) for fiscal year 2019,
25 \$36,117,000,000; and

1 “(B) for the Mass Transit Account—
2 “ (i) for fiscal year 2015,
3 \$4,994,000,000;
4 “ (ii) for fiscal year 2016,
5 \$5,020,000,000;
6 “ (iii) for fiscal year 2017,
7 \$5,024,000,000;
8 “ (iv) for fiscal year 2018,
9 \$5,011,000,000; and
10 “ (v) for fiscal year 2019,
11 \$4,981,000,000.

12 “(b) ADJUSTMENTS TO CONTRACT AUTHORITY.—
13 “(1) ADDITIONAL AMOUNTS.—If the difference
14 determined in a budget submission under subsection
15 (a) for a fiscal year for the Highway Account or the
16 Mass Transit Account is greater than zero, the Sec-
17 retary shall on October 1 of the budget year of that
18 submission—
19 “(A) make available for programs author-
20 ized from such account for the budget year a
21 total amount equal to—
22 “(i) the amount otherwise authorized
23 to be appropriated for such programs for
24 such budget year; plus

1 “(ii) an amount equal to such dif-
2 ference; and

3 “(B) distribute the additional amount
4 under subparagraph (A)(ii) to each of such pro-
5 grams in accordance with subsection (c).

6 “(2) REDUCTION.—If the difference determined
7 in a budget submission under subsection (a) for a
8 fiscal year for the Highway Account or the Mass
9 Transit Account is less than zero, the Secretary
10 shall on October 1 of the budget year of that sub-
11 mission—

12 “(A) make available for programs author-
13 ized from such account for the budget year a
14 total amount equal to—

15 “(i) the amount otherwise authorized
16 to be appropriated for such programs for
17 such budget year; minus

18 “(ii) an amount equal to such dif-
19 ference; and

20 “(B) apply the total adjustment under sub-
21 paragraph (A)(ii) to each of such programs in
22 accordance with subsection (c).

23 “(c) DISTRIBUTION OF ADJUSTMENT AMONG PRO-
24 GRAMS.—

1 “(1) IN GENERAL.—In making an adjustment
2 for the Highway Account or the Mass Transit Ac-
3 count for a budget year under subsection (b), the
4 Secretary shall—

5 “(A) determine the ratio that—

6 “(i) the amount authorized to be ap-
7 propriated for a program from the account
8 for the budget year; bears to

9 “(ii) the total amount authorized to
10 be appropriated for such budget year for
11 all programs under such account;

12 “(B) multiply the ratio determined under
13 subparagraph (A) by the applicable difference
14 calculated under subsection (a); and

15 “(C) adjust the amount that the Secretary
16 would otherwise have allocated for the program
17 for such budget year by the amount calculated
18 under subparagraph (B).

19 “(2) FORMULA PROGRAMS.—For a program for
20 which funds are distributed by formula, the Sec-
21 retary shall add or subtract the adjustment to the
22 amount authorized for the program but for this sec-
23 tion and make available the adjusted program
24 amount for such program in accordance with such
25 formula.

1 “(3) AVAILABILITY FOR OBLIGATION.—Ad-
2 justed amounts under this subsection shall be avail-
3 able for obligation and administered in the same
4 manner as other amounts made available for the
5 program for which the amount is adjusted.

6 “(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM
7 AND COVERED ADMINISTRATIVE EXPENSES.—The Sec-
8 retary shall exclude the emergency relief program under
9 section 125 and covered administrative expenses from—

10 “(1) an adjustment of funding under subsection
11 (c)(1); and

12 “(2) any calculation under subsection (b) or (c)
13 related to such an adjustment.

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated from the appropriate ac-
16 count or accounts of the Highway Trust Fund an amount
17 equal to the amounts calculated under subsection (a) for
18 each of fiscal years 2017 through 2021.

19 “(f) REVISION TO OBLIGATION LIMITATIONS.—

20 “(1) IN GENERAL.—If the Secretary makes an
21 adjustment under subsection (b) for a fiscal year to
22 an amount subject to a limitation on obligations im-
23 posed by section 1102 or 3017 of the Surface Trans-
24 portation Reauthorization and Reform Act of
25 2015—

1 “(A) such limitation on obligations for
2 such fiscal year shall be revised by an amount
3 equal to such adjustment; and

4 “(B) the Secretary shall distribute such
5 limitation on obligations, as revised under sub-
6 paragraph (A), in accordance with such sec-
7 tions.

8 “(2) EXCLUSION OF COVERED ADMINISTRATIVE
9 EXPENSES.—The Secretary shall exclude covered ad-
10 ministrative expenses from—

11 “(A) any calculation relating to a revision
12 of a limitation on obligations under paragraph
13 (1)(A); and

14 “(B) any distribution of a revised limita-
15 tion on obligations under paragraph (1)(B).

16 “(g) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) BUDGET YEAR.—The term ‘budget year’
19 means the fiscal year for which a budget submission
20 referenced in subsection (a)(1) is submitted.

21 “(2) COVERED ADMINISTRATIVE EXPENSES.—
22 The term ‘covered administrative expenses’ means
23 the administrative expenses of—

24 “(A) the Federal Highway Administration,
25 as authorized under section 104(a);

1 “(B) the National Highway Traffic Safety
2 Administration, as authorized under section
3 4001(a)(6) of the Surface Transportation Reau-
4 thorization and Reform Act of 2015; and

5 “(C) the Federal Motor Carrier Safety Ad-
6 ministration, as authorized under section 31110
7 of title 49.

8 “(3) HIGHWAY ACCOUNT.—The term ‘Highway
9 Account’ means the portion of the Highway Trust
10 Fund that is not the Mass Transit Account.

11 “(4) MASS TRANSIT ACCOUNT.—The term
12 ‘Mass Transit Account’ means the Mass Transit Ac-
13 count of the Highway Trust Fund established under
14 section 9503(e)(1) of the Internal Revenue Code of
15 1986.”.

16 (2) CLERICAL AMENDMENT.—The analysis for
17 chapter 1 of title 23, United States Code, is amend-
18 ed by inserting after the item relating to section 104
19 the following:

“105. Adjustments to contract authority.”.

20 **SEC. 1415. ADJUSTMENTS.**

21 (a) IN GENERAL.—On July 1, 2018, of the unobli-
22 gated balances of funds apportioned among the States
23 under chapter 1 of title 23, United States Code, a total
24 of \$6,000,000,000 is permanently rescinded.

1 (b) EXCLUSIONS FROM RESCISSION.—The rescission
2 under subsection (a) shall not apply to funds distributed
3 in accordance with—

4 (1) sections 104(b)(3) and 130(f) of title 23,
5 United States Code;

6 (2) sections 133(d)(1)(A) of such title;

7 (3) the first sentence of section 133(d)(3)(A) of
8 such title, as in effect on the day before the date of
9 enactment of MAP–21 (Public Law 112–141);

10 (4) sections 133(d)(1) and 163 of such title, as
11 in effect on the day before the date of enactment of
12 SAFETEA–LU (Public Law 109–59); and

13 (5) section 104(b)(5) of such title, as in effect
14 on the day before the date of enactment of MAP–
15 21 (Public Law 112–141).

16 (c) DISTRIBUTION AMONG STATES.—The amount to
17 be rescinded under this section from a State shall be deter-
18 mined by multiplying the total amount of the rescission
19 in subsection (a) by the ratio that—

20 (1) the unobligated balances subject to the re-
21 scission as of September 30, 2017, for the State;
22 bears to

23 (2) the unobligated balances subject to the re-
24 scission as of September 30, 2017, for all States.

1 (d) DISTRIBUTION WITHIN EACH STATE.—The
 2 amount to be rescinded under this section from each pro-
 3 gram to which the rescission applies within a State shall
 4 be determined by multiplying the required rescission
 5 amount calculated under subsection (c) for such State by
 6 the ratio that—

7 (1) the unobligated balance as of September 30,
 8 2017, for such program in such State; bears to

9 (2) the unobligated balances as of September
 10 30, 2017, for all programs to which the rescission
 11 applies in such State.

12 **TITLE II—INNOVATIVE PROJECT** 13 **FINANCE**

14 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE** 15 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

16 (a) DEFINITIONS.—

17 (1) MASTER CREDIT AGREEMENT.—Section
 18 601(a)(10) of title 23, United States Code, is
 19 amended to read as follows:

20 “(10) MASTER CREDIT AGREEMENT.—The term
 21 ‘master credit agreement’ means a conditional agree-
 22 ment to extend credit assistance for a program of re-
 23 lated projects secured by a common security pledge
 24 (which shall receive an investment grade rating from
 25 a rating agency prior to the Secretary entering into

1 such master credit agreement) under section
2 602(b)(2)(A), or for a single project covered under
3 section 602(b)(2)(B) that does not provide for a cur-
4 rent obligation of Federal funds, and that would—

5 “(A) make contingent commitments of 1 or
6 more secured loans or other Federal credit in-
7 struments at future dates, subject to the avail-
8 ability of future funds being made available to
9 carry out this chapter and subject to the satis-
10 faction of all the conditions for the provision of
11 credit assistance under this chapter, including
12 section 603(b)(1);

13 “(B) establish the maximum amounts and
14 general terms and conditions of the secured
15 loans or other Federal credit instruments;

16 “(C) identify the 1 or more dedicated non-
17 Federal revenue sources that will secure the re-
18 payment of the secured loans or secured Fed-
19 eral credit instruments;

20 “(D) provide for the obligation of funds for
21 the secured loans or secured Federal credit in-
22 struments after all requirements have been met
23 for the projects subject to the master credit
24 agreement, including—

1 “(i) completion of an environmental
2 impact statement or similar analysis re-
3 quired under the National Environmental
4 Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.);

6 “(ii) compliance with such other re-
7 quirements as are specified in this chapter,
8 including sections 602(c) and 603(b)(1);
9 and

10 “(iii) the availability of funds to carry
11 out this chapter; and

12 “(E) require that contingent commitments
13 result in a financial close and obligation of
14 credit assistance not later than 3 years after
15 the date of entry into the master credit agree-
16 ment, or release of the commitment, unless oth-
17 erwise extended by the Secretary.”.

18 (2) RURAL INFRASTRUCTURE PROJECT.—Sec-
19 tion 601(a)(15) of title 23, United States Code, is
20 amended to read as follows:

21 “(15) RURAL INFRASTRUCTURE PROJECT.—
22 The term ‘rural infrastructure project’ means a sur-
23 face transportation infrastructure project located
24 outside of a Census Bureau-defined urbanized
25 area.”.

1 (b) MASTER CREDIT AGREEMENTS.—Section
2 602(b)(2) of title 23, United States Code is amended to
3 read as follows:

4 “(2) MASTER CREDIT AGREEMENTS.—

5 “(A) PROGRAM OF RELATED PROJECTS.—

6 The Secretary may enter into a master credit
7 agreement for a program of related projects se-
8 cured by a common security pledge on terms
9 acceptable to the Secretary.

10 “(B) ADEQUATE FUNDING NOT AVAIL-

11 ABLE.—If the Secretary fully obligates funding
12 to eligible projects in a fiscal year, and ade-
13 quate funding is not available to fund a credit
14 instrument, a project sponsor of an eligible
15 project may elect to enter into a master credit
16 agreement and wait to execute a credit instru-
17 ment until the fiscal year during which addi-
18 tional funds are available to receive credit as-
19 sistance.”.

20 (c) ELIGIBLE PROJECT COSTS.—Section 602(a)(5)

21 of title 23, United States Code, is amended—

22 (1) in subparagraph (A) by inserting “and (C)”
23 after “(B)”; and

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

1 “(C) LOCAL INFRASTRUCTURE
2 PROJECTS.—Eligible project costs shall be rea-
3 sonably anticipated to equal or exceed
4 \$10,000,000 in the case of a project or pro-
5 gram of projects—

6 “(i) in which the applicant is a local
7 government, public authority, or instru-
8 mentality of local government;

9 “(ii) located on a facility owned by a
10 local government; or

11 “(iii) for which the Secretary deter-
12 mines that a local government is substan-
13 tially involved in the development of the
14 project.”.

15 (d) LIMITATION ON REFINANCING OF INTERIM CON-
16 STRUCTION FINANCING.—Section 603(a)(2) of title 23,
17 United States Code, is amended to read as follows:

18 “(2) LIMITATION ON REFINANCING OF INTERIM
19 CONSTRUCTION FINANCING.—A loan under para-
20 graph (1) shall not refinance interim construction fi-
21 nancing under paragraph (1)(B)—

22 “(A) if the maturity of such interim con-
23 struction financing is later than 1 year after
24 the substantial completion of the project; and

1 “(B) later than 1 year after the date of
2 substantial completion of the project.”.

3 (e) FUNDING.—Section 608(a) of title 23, United
4 States Code, is amended—

5 (1) in paragraph (4)(A), by striking “Beginning
6 in fiscal year 2014, on April 1 of each fiscal year”
7 and inserting “Beginning in fiscal year 2016, on Au-
8 gust 1 of each fiscal year”; and

9 (2) by striking paragraph (6) and inserting the
10 following:

11 “(6) ADMINISTRATIVE COSTS.—Of the amounts
12 made available to carry out this chapter, the Sec-
13 retary may use not more than \$5,000,000 for fiscal
14 year 2016, \$5,150,000 for fiscal year 2017,
15 \$5,304,500 for fiscal year 2018, \$5,463,500 for fis-
16 cal year 2019, \$5,627,500 for fiscal year 2020, and
17 \$5,760,500 for fiscal year 2021 for the administra-
18 tion of this chapter.”.

19 **SEC. 2002. STATE INFRASTRUCTURE BANK PROGRAM.**

20 Section 610 of title 23, United States Code, is
21 amended—

22 (1) in subsection (d)—

23 (A) in paragraph (1) by striking subpara-
24 graph (A) and inserting the following:

1 “(A) 10 percent of the funds apportioned
2 to the State for each of fiscal years 2016
3 through 2021 under each of sections 104(b)(1)
4 and 104(b)(2); and”;

5 (B) in paragraph (2) by striking “fiscal
6 years 2005 through 2009” and inserting “fiscal
7 years 2016 through 2021”;

8 (C) in paragraph (3) by striking “fiscal
9 years 2005 through 2009” and inserting “fiscal
10 years 2016 through 2021”; and

11 (D) in paragraph (5) by striking “section
12 133(d)(3)” and inserting “section
13 133(d)(1)(A)(i)”; and

14 (2) in subsection (k) by striking “fiscal years
15 2005 through 2009” and inserting “fiscal years
16 2016 through 2021”.

17 **SEC. 2003. AVAILABILITY PAYMENT CONCESSION MODEL.**

18 (a) PAYMENT TO STATES FOR CONSTRUCTION.—Sec-
19 tion 121(a) of title 23, United States Code, is amended
20 by inserting “(including payments made pursuant to a
21 long-term concession agreement, such as availability pay-
22 ments)” after “a project”.

23 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
24 106(b)(1) of title 23, United States Code, is amended by
25 inserting “(including payments made pursuant to a long-

1 term concession agreement, such as availability pay-
2 ments)” after “construction of the project”.

3 **TITLE III—PUBLIC**
4 **TRANSPORTATION**

5 **SEC. 3001. SHORT TITLE.**

6 This title may be cited as the “Federal Public Trans-
7 portation Act of 2015”.

8 **SEC. 3002. DEFINITIONS.**

9 Section 5302 of title 49, United States Code, is
10 amended—

11 (1) in paragraph (1)(C) by striking “land-
12 scaping and”; and

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

14 “(24) VALUE CAPTURE.—The term ‘value cap-
15 ture’ means recovering the increased property value
16 to property located near public transportation result-
17 ing from investments in public transportation.

18 “(25) BASE-MODEL BUS.—The term ‘base-
19 model bus’ means a heavy-duty public transportation
20 bus manufactured to meet, but not exceed, transit-
21 specific minimum performance criteria developed by
22 the Secretary.”.

1 **SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPOR-**
2 **TATION PLANNING.**

3 (a) IN GENERAL.—Section 5303 of title 49, United
4 States Code, is amended—

5 (1) in subsection (c)(2) by striking “and bicycle
6 transportation facilities” and inserting “, bicycle
7 transportation facilities, and intermodal facilities
8 that support intercity transportation, including
9 intercity buses and intercity bus facilities”;

10 (2) in subsection (d)—

11 (A) by redesignating paragraphs (3)
12 through (6) as paragraphs (4) through (7), re-
13 spectively; and

14 (B) by inserting after paragraph (2) the
15 following:

16 “(3) REPRESENTATION.—

17 “(A) IN GENERAL.—Designation or selec-
18 tion of officials or representatives under para-
19 graph (2) shall be determined by the metropoli-
20 tan planning organization according to the by-
21 laws or enabling statute of the organization.

22 “(B) PUBLIC TRANSPORTATION REP-
23 RESENTATIVE.—Subject to the bylaws or ena-
24 bling statute of the metropolitan planning orga-
25 nization, a representative of a provider of public

1 transportation may also serve as a representa-
2 tive of a local municipality.

3 “(C) POWERS OF CERTAIN OFFICIALS.—
4 An official described in paragraph (2)(B) shall
5 have responsibilities, actions, duties, voting
6 rights, and any other authority commensurate
7 with other officials described in paragraph
8 (2).”; and

9 (C) in paragraph (5), as so redesignated,
10 by striking “paragraph (5)” and inserting
11 “paragraph (6)”;

12 (3) in subsection (e)(4)(B) by striking “sub-
13 section (d)(5)” and inserting “subsection (d)(6)”;

14 (4) in subsection (g)(3)(A) by inserting “tour-
15 ism, natural disaster risk reduction,” after “eco-
16 nomic development,”;

17 (5) in subsection (h)(1)—

18 (A) in subparagraph (G) by striking “and”
19 at the end;

20 (B) in subparagraph (H) by striking the
21 period at the end and inserting “; and”; and

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

23 “(I) improve the resilience and reliability
24 of the transportation system.”;

25 (6) in subsection (i)—

1 (A) in paragraph (2)(A)(i) by striking
2 “transit” and inserting “public transportation
3 facilities, intercity bus facilities”;

4 (B) in paragraph (6)(A)—

5 (i) by inserting “public ports,” before
6 “freight shippers,”; and

7 (ii) by inserting “(including intercity
8 bus operators, employer-based commuting
9 programs, such as a carpool program, van-
10 pool program, transit benefit program,
11 parking cash-out program, shuttle pro-
12 gram, or telework program)” after “private
13 providers of transportation”; and

14 (C) in paragraph (8) by striking “para-
15 graph (2)(C)” and inserting “paragraph
16 (2)(E)” each place it appears;

17 (7) in subsection (k)(3)(A), by inserting “(in-
18 cluding intercity bus operators, employer-based com-
19 muting programs, such as a carpool program, van-
20 pool program, transit benefit program, parking cash-
21 out program, shuttle program, or telework program),
22 job access projects,” after “reduction”;

23 (8) in subsection (l)—

24 (A) by adding a period at the end of para-
25 graph (1); and

1 (B) in paragraph (2)(D) by striking “of
2 less than 200,000” and inserting “with a popu-
3 lation of 200,000 or less”; and

4 (9) in subsection (p) by striking “Funds set
5 aside under section 104(f)” and inserting “Funds
6 apportioned under section 104(b)(5)”.

7 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
8 TATION PLANNING.—Section 5304 of title 49, United
9 States Code, is amended—

10 (1) in subsection (a)(2) by striking “and bicycle
11 transportation facilities” and inserting “, bicycle
12 transportation facilities, and intermodal facilities
13 that support intercity transportation, including
14 intercity buses and intercity bus facilities”;

15 (2) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (G) by striking
18 “and” at the end;

19 (ii) in subparagraph (H) by striking
20 the period at the end and inserting “;
21 and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(I) improve the resilience and reliability
25 of the transportation system.”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (B)(ii) by striking

3 “urbanized”; and

4 (ii) in subparagraph (C) by striking

5 “urbanized”; and

6 (3) in subsection (f)(3)(A)(ii)—

7 (A) by inserting “public ports,” before

8 “freight shippers,”; and

9 (B) by inserting “(including intercity bus
10 operators, employer-based commuting pro-
11 grams, such as a carpool program, vanpool pro-
12 gram, transit benefit program, parking cash-out
13 program, shuttle program, or telework pro-
14 gram)” after “private providers of transpor-
15 tation”.

16 **SEC. 3004. URBANIZED AREA FORMULA GRANTS.**

17 Subsection 5307 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a)—

20 (A) by redesignating paragraphs (1) and

21 (2) as paragraphs (2) and (3), respectively;

22 (B) by inserting before paragraph (2) (as
23 so redesignated) the following:

24 “(1) RECIPIENT DEFINED.—In this section, the
25 term ‘recipient’ means a designated recipient, State,

1 or local governmental authority that receives a grant
2 under this section directly from the Government.”;

3 (C) in paragraph (3) (as so redesignated)
4 by inserting “or general public demand re-
5 sponse service” before “during” each place it
6 appears; and

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

8 “(4) EXCEPTION TO THE SPECIAL RULE.—Not-
9 withstanding paragraph (3), if a public transpor-
10 tation system described in such paragraph executes
11 a written agreement with 1 or more other public
12 transportation systems to allocate funds under this
13 subsection, other than by measuring vehicle revenue
14 hours, each of the public transportation systems to
15 the agreement may follow the terms of such agree-
16 ment without regard to the percentages or the meas-
17 ured vehicle revenue hours referred to in such para-
18 graph.”; and

19 (2) in subsection (c)(1)(K)(i) by striking “1
20 percent” and inserting “one-half of 1 percent”.

21 **SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT**
22 **GRANTS.**

23 Section 5309 of title 49, United States Code, is
24 amended—

25 (1) in subsection (h)(6)—

1 (A) by striking “In carrying out” and in-
2 serting the following:

3 “(A) IN GENERAL.—In carrying out”; and

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

5 “(B) OPTIONAL EARLY RATING.—At the
6 request of the project sponsor, the Secretary
7 shall evaluate and rate the project in accord-
8 ance with paragraphs (4) and (5) and subpara-
9 graph (A) of this paragraph upon completion of
10 the analysis required under the National Envi-
11 ronmental Policy Act of 1969 (42 U.S.C. 4321
12 et seq.)”;

13 (2) in subsection (l)—

14 (A) in paragraph (1) by striking “80 per-
15 cent” each place it appears and inserting “50
16 percent”; and

17 (B) by striking paragraph (4) and insert-
18 ing the following:

19 “(4) REMAINING COSTS.—The remainder of the
20 net project costs shall be provided—

21 “(A) in cash from non-Government sources
22 other than revenues from providing public
23 transportation services;

24 “(B) from revenues from the sale of adver-
25 tising and concessions;

1 “(C) from an undistributed cash surplus, a
2 replacement or depreciation cash fund or re-
3 serve, or new capital; or

4 “(D) from amounts appropriated or other-
5 wise made available to a department or agency
6 of the Government (other than the Department
7 of Transportation) that are eligible to be ex-
8 pended for transportation.”;

9 (3) by striking subsection (n) and redesignating
10 subsection (o) as subsection (n); and

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

12 “(o) SPECIAL RULE.—For the purposes of calcu-
13 lating the cost effectiveness of a project described in sub-
14 section (d) or (e), the Secretary shall not reduce or elimi-
15 nate the capital costs of art and landscaping elements
16 from the annualized capital cost calculation.”.

17 **SEC. 3006. FORMULA GRANTS FOR ENHANCED MOBILITY**
18 **OF SENIORS AND INDIVIDUALS WITH DIS-**
19 **ABILITIES.**

20 Section 5310 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(i) BEST PRACTICES.—The Secretary shall collect
23 from, review, and disseminate to public transit agencies
24 innovative practices, program models, new service delivery

1 options, findings from activities under subsection (h), and
2 transit cooperative research program reports.”.

3 **SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.**

4 Section 5311(g)(3) of title 49, United States Code,
5 is amended—

6 (1) by redesignating subparagraphs (A) through
7 (D) as subparagraphs (C) through (F), respectively;

8 (2) by inserting before subparagraph (C) (as so
9 redesignated) the following:

10 “(A) may be provided in cash from non-
11 Government sources other than revenues from
12 providing public transportation services; and

13 “(B) may be provided from revenues from
14 the sale of advertising and concessions;”; and

15 (3) in subparagraph (F) (as so redesignated) by
16 inserting “, including all operating and capital costs
17 of such service whether or not offset by revenue
18 from such service,” after “the costs of a private op-
19 erator for the unsubsidized segment of intercity bus
20 service”.

21 **SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.**

22 (a) CONSOLIDATION OF PROGRAMS.—Section 5312
23 of title 49, United States Code, is amended—

24 (1) by striking the section designation and
25 heading and inserting the following:

1 **“§ 5312. Public transportation innovation”;**

2 (2) by redesignating subsections (a) through (f)
3 as subsections (b) through (g), respectively;

4 (3) by inserting before subsection (b) (as so re-
5 designated) the following:

6 “(a) IN GENERAL.—The Secretary shall provide as-
7 sistance for projects and activities to advance innovative
8 public transportation research and development in accord-
9 ance with the requirements of this section.”;

10 (4) in subsection (e)(5) (as so redesignated)—

11 (A) in subparagraph (A) by striking clause
12 (vi) and redesignating clause (vii) as clause (vi);

13 (B) in subparagraph (B) by striking “re-
14 cipients” and inserting “participants”;

15 (C) in subparagraph (C) by striking clause
16 (ii) and inserting the following:

17 “(ii) GOVERNMENT SHARE OF COSTS
18 FOR CERTAIN PROJECTS.—A grant for a
19 project carried out under this paragraph
20 shall be 80 percent of the net project cost
21 of the project unless the grant recipient re-
22 quests a lower grant percentage.”; and

23 (D) by striking subparagraph (G);

24 (5) in subsection (f) (as so redesignated)—

1 (A) by striking “(f)” and all that follows
2 before paragraph (1) and inserting the fol-
3 lowing:

4 “(f) ANNUAL REPORT ON RESEARCH.—Not later
5 than the first Monday in February of each year, the Sec-
6 retary shall make available to the public on the Web site
7 of the Department of Transportation, a report that in-
8 cludes—”;

9 (B) in paragraph (1) by adding “and” at
10 the end;

11 (C) in paragraph (2) by striking “; and”
12 and inserting a period; and

13 (D) by striking paragraph (3); and
14 (6) by adding at the end the following:

15 “(h) TRANSIT COOPERATIVE RESEARCH PRO-
16 GRAM.—

17 “(1) IN GENERAL.—The amounts made avail-
18 able under section 5338(b) are available for a public
19 transportation cooperative research program.

20 “(2) INDEPENDENT GOVERNING BOARD.—

21 “(A) ESTABLISHMENT.—The Secretary
22 shall establish an independent governing board
23 for the program under this subsection.

24 “(B) RECOMMENDATIONS.—The board
25 shall recommend public transportation research,

1 development, and technology transfer activities
2 the Secretary considers appropriate.

3 “(3) FEDERAL ASSISTANCE.—The Secretary
4 may make grants to, and enter into cooperative
5 agreements with, the National Academy of Sciences
6 to carry out activities under this subsection that the
7 Secretary considers appropriate.

8 “(4) GOVERNMENT’S SHARE.—If there would
9 be a clear and direct financial benefit to an entity
10 under a grant or contract financed under this sub-
11 section, the Secretary shall establish a Government
12 share consistent with that benefit.

13 “(5) LIMITATION ON APPLICABILITY.—Sub-
14 sections (f) and (g) shall not apply to activities car-
15 ried out under this subsection.”.

16 (b) CONFORMING AMENDMENTS.—Section 5312 of
17 such title (as amended by subsection (a) of this section)
18 is further amended—

19 (1) in subsection (c)(1) by striking “subsection
20 (a)(2)” and inserting “subsection (b)(2)”;

21 (2) in subsection (d)—

22 (A) in paragraph (1) by striking “sub-
23 section (a)(2)” and inserting “subsection
24 (b)(2)”;

and

1 (B) in paragraph (2)(A) by striking “sub-
2 section (b)” and inserting “subsection (c)”;

3 (3) in subsection (e)(2) in each of subpara-
4 graphs (A) and (B) by striking “subsection (a)(2)”
5 and inserting “subsection (b)(2)”; and

6 (4) in subsection (f)(2) by striking “subsection
7 (d)(4)” and inserting “subsection (e)(4)”.

8 (c) REPEAL.—Section 5313 of such title, and the
9 item relating to that section in the analysis for chapter
10 53 of such title, are repealed.

11 (d) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 53 of such title is amended by striking the item relat-
13 ing to section 5312 and inserting the following:

“5312. Public transportation innovation.”.

14 **SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
15 **VELOPMENT.**

16 (a) IN GENERAL.—Section 5314 of title 49, United
17 States Code, is amended to read as follows:

18 **“§ 5314. Technical assistance and workforce develop-**
19 **ment**

20 **“(a) TECHNICAL ASSISTANCE AND STANDARDS.—**

21 **“(1) TECHNICAL ASSISTANCE AND STANDARDS**
22 **DEVELOPMENT.—**

23 **“(A) IN GENERAL.—**The Secretary may
24 make grants and enter into contracts, coopera-
25 tive agreements, and other agreements (includ-

1 ing agreements with departments, agencies, and
2 instrumentalities of the Government) to carry
3 out activities that the Secretary determines will
4 assist recipients of assistance under this chap-
5 ter to—

6 “(i) more effectively and efficiently
7 provide public transportation service;

8 “(ii) administer funds received under
9 this chapter in compliance with Federal
10 law; and

11 “(iii) improve public transportation.

12 “(B) ELIGIBLE ACTIVITIES.—The activi-
13 ties carried out under subparagraph (A) may
14 include—

15 “(i) technical assistance; and

16 “(ii) the development of voluntary and
17 consensus-based standards and best prac-
18 tices by the public transportation industry,
19 including standards and best practices for
20 safety, fare collection, intelligent transpor-
21 tation systems, accessibility, procurement,
22 security, asset management to maintain a
23 state of good repair, operations, mainte-
24 nance, vehicle propulsion, communications,
25 and vehicle electronics.

1 “(2) TECHNICAL ASSISTANCE.—The Secretary,
2 through a competitive bid process, may enter into
3 contracts, cooperative agreements, and other agree-
4 ments with national nonprofit organizations that
5 have the appropriate demonstrated capacity to pro-
6 vide public transportation-related technical assist-
7 ance under this subsection. The Secretary may enter
8 into such contracts, cooperative agreements, and
9 other agreements to assist providers of public trans-
10 portation to—

11 “(A) comply with the Americans with Dis-
12 abilities Act of 1990 (42 U.S.C. 12101 et seq.)
13 through technical assistance, demonstration
14 programs, research, public education, and other
15 activities related to complying with such Act;

16 “(B) comply with human services transpor-
17 tation coordination requirements and to en-
18 hance the coordination of Federal resources for
19 human services transportation with those of the
20 Department of Transportation through tech-
21 nical assistance, training, and support services
22 related to complying with such requirements;

23 “(C) meet the transportation needs of el-
24 derly individuals;

1 “(D) increase transit ridership in coordina-
2 tion with metropolitan planning organizations
3 and other entities through development around
4 public transportation stations through technical
5 assistance and the development of tools, guid-
6 ance, and analysis related to market-based de-
7 velopment around transit stations;

8 “(E) address transportation equity with re-
9 gard to the effect that transportation planning,
10 investment, and operations have for low-income
11 and minority individuals;

12 “(F) facilitate best practices to promote
13 bus driver safety; and

14 “(G) any other technical assistance activity
15 that the Secretary determines is necessary to
16 advance the interests of public transportation.

17 “(3) ANNUAL REPORT ON TECHNICAL ASSIST-
18 ANCE.—Not later than the first Monday in February
19 of each year, the Secretary shall submit to the Com-
20 mittee on Banking, Housing, and Urban Affairs and
21 the Committee on Appropriations of the Senate and
22 the Committee on Transportation and Infrastruc-
23 ture, the Committee on Science, Space, and Tech-
24 nology, and the Committee on Appropriations of the
25 House of Representatives a report that includes—

1 “(A) a description of each project that re-
2 ceived assistance under this subsection during
3 the preceding fiscal year;

4 “(B) an evaluation of the activities carried
5 out by each organization that received assist-
6 ance under this subsection during the preceding
7 fiscal year;

8 “(C) a proposal for allocations of amounts
9 for assistance under this subsection for the sub-
10 sequent fiscal year; and

11 “(D) measurable outcomes and impacts of
12 the programs funded under subsections (b) and
13 (c).

14 “(4) GOVERNMENT SHARE OF COSTS.—

15 “(A) IN GENERAL.—The Government
16 share of the cost of an activity carried out
17 using a grant under this subsection may not ex-
18 ceed 80 percent.

19 “(B) NON-GOVERNMENT SHARE.—The
20 non-Government share of the cost of an activity
21 carried out using a grant under this subsection
22 may be derived from in-kind contributions.

23 “(b) HUMAN RESOURCES AND TRAINING.—

24 “(1) IN GENERAL.—The Secretary may under-
25 take, or make grants and contracts for, programs

1 that address human resource needs as they apply to
2 public transportation activities. A program may in-
3 clude—

4 “(A) an employment training program;

5 “(B) an outreach program to increase vet-
6 eran, minority, and female employment in pub-
7 lic transportation activities;

8 “(C) research on public transportation per-
9 sonnel and training needs;

10 “(D) training and assistance for veteran
11 and minority business opportunities; and

12 “(E) consensus-based national training
13 standards and certifications in partnership with
14 industry stakeholders.

15 “(2) INNOVATIVE PUBLIC TRANSPORTATION
16 FRONTLINE WORKFORCE DEVELOPMENT PRO-
17 GRAM.—

18 “(A) IN GENERAL.—The Secretary shall
19 establish a competitive grant program to assist
20 the development of innovative activities eligible
21 for assistance under subparagraph (1).

22 “(B) ELIGIBLE PROGRAMS.—A program
23 eligible for assistance under subsection (a)
24 shall—

1 “(i) develop apprenticeships for tran-
2 sit maintenance and operations occupa-
3 tions, including hands-on, peer trainer,
4 classroom and on-the-job training as well
5 as training for instructors and on-the-job
6 mentors;

7 “(ii) build local, regional, and state-
8 wide transit training partnerships in co-
9 ordination with entities such as local em-
10 ployers, local public transportation opera-
11 tors, labor union organizations, workforce
12 development boards, State workforce agen-
13 cies, State apprenticeship agencies (where
14 applicable), community colleges and univer-
15 sity transportation centers, to identify and
16 address workforce skill gaps and develop
17 skills needed for delivering quality transit
18 service and supporting employee career ad-
19 vancement;

20 “(iii) provide improved capacity for
21 safety, security, and emergency prepared-
22 ness in local transit systems through—

23 “(I) developing the role of the
24 frontline workforce in building and
25 sustaining safety culture and safety

1 systems in the industry and in indi-
2 vidual public transportation systems;

3 “(II) specific training, in coordi-
4 nation with the National Transit In-
5 stitute, on security and emergency
6 preparedness, including protocols for
7 coordinating with first responders and
8 working with the broader community
9 to address natural disasters or other
10 threats to transit systems; and

11 “(III) training to address front-
12 line worker roles in promoting health
13 and safety for transit workers and the
14 riding public, and improving commu-
15 nication during emergencies between
16 the frontline workforce and the riding
17 public; or

18 “(iv) address current or projected
19 workforce shortages by developing career
20 pathway partnerships with high schools,
21 community colleges and other community
22 organizations for recruiting and training
23 underrepresented populations, including
24 minorities, women, individuals with disabil-
25 ities, veterans, and low-income populations

1 as successful transit employees who can
2 develop careers in the transit industry.

3 “(C) SELECTION OF RECIPIENTS.—To the
4 maximum extent feasible, the Secretary shall
5 select recipients that—

6 “(i) are geographically diverse;

7 “(ii) address the workforce and
8 human resources needs of large public
9 transportation providers;

10 “(iii) address the workforce and
11 human resources needs of small public
12 transportation providers;

13 “(iv) address the workforce and
14 human resources needs of urban public
15 transportation providers;

16 “(v) address the workforce and
17 human resources needs of rural public
18 transportation providers;

19 “(vi) advance training related to
20 maintenance of alternative energy, energy
21 efficiency, or zero emission vehicles and fa-
22 cilities used in public transportation;

23 “(vii) target areas with high rates of
24 unemployment;

1 “(viii) address current or projected
2 workforce shortages in areas that require
3 technical expertise; and

4 “(ix) advance opportunities for mi-
5 norities, women, veterans, individuals with
6 disabilities, low-income populations, and
7 other underserved populations.

8 “(D) PROGRAM OUTCOMES.—A recipient
9 of assistance under this subsection shall dem-
10 onstrate outcomes for any program that in-
11 cludes skills training, on-the-job training, and
12 work-based learning, including—

13 “(i) the impact on reducing public
14 transportation workforce shortages in the
15 area served;

16 “(ii) the diversity of training partici-
17 pants; and

18 “(iii) the number of participants ob-
19 taining certifications or credentials re-
20 quired for specific types of employment.

21 “(3) GOVERNMENT’S SHARE OF COSTS.—The
22 Government share of the cost of a project carried
23 out using a grant under paragraph (1) or (2) shall
24 be 50 percent.

1 “(4) USE FOR TECHNICAL ASSISTANCE.—The
2 Secretary may use not more than 1 percent of
3 amounts made available to carry out this section to
4 provide technical assistance for activities and pro-
5 grams developed, conducted, and overseen under
6 paragraphs (1) and (2).

7 “(c) NATIONAL TRANSIT INSTITUTE.—

8 “(1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a national transit institute and award grants
10 to a public, 4-year institution of higher education, as
11 defined in section 101(a) of the Higher Education
12 Act of 1965 (20 U.S.C. 1001(a)), in order to carry
13 out the duties of the institute.

14 “(2) DUTIES.—

15 “(A) IN GENERAL.—In cooperation with
16 the Federal Transit Administration, State
17 transportation departments, public transpor-
18 tation authorities, and national and inter-
19 national entities, the institute established under
20 paragraph (1) shall develop and conduct train-
21 ing and educational programs for Federal,
22 State, and local transportation employees,
23 United States citizens, and foreign nationals
24 engaged or to be engaged in Government-aid
25 public transportation work.

1 “(B) TRAINING AND EDUCATIONAL PRO-
2 GRAMS.—The training and educational pro-
3 grams developed under subparagraph (A) may
4 include courses in recent developments, tech-
5 niques, and procedures related to—

6 “(i) intermodal and public transpor-
7 tation planning;

8 “(ii) management;

9 “(iii) environmental factors;

10 “(iv) acquisition and joint-use rights-
11 of-way;

12 “(v) engineering and architectural de-
13 sign;

14 “(vi) procurement strategies for public
15 transportation systems;

16 “(vii) turnkey approaches to deliv-
17 ering public transportation systems;

18 “(viii) new technologies;

19 “(ix) emission reduction technologies;

20 “(x) ways to make public transpor-
21 tation accessible to individuals with disabil-
22 ities;

23 “(xi) construction, construction man-
24 agement, insurance, and risk management;

25 “(xii) maintenance;

1 “(xiii) contract administration;

2 “(xiv) inspection;

3 “(xv) innovative finance;

4 “(xvi) workplace safety; and

5 “(xvii) public transportation security.

6 “(3) PROVIDING EDUCATION AND TRAINING.—

7 Education and training of Government, State, and
8 local transportation employees under this subsection
9 shall be provided—

10 “(A) by the Secretary at no cost to the
11 States and local governments for subjects that
12 are a Government program responsibility; or

13 “(B) when the education and training are
14 paid under paragraph (4), by the State, with
15 the approval of the Secretary, through grants
16 and contracts with public and private agencies,
17 other institutions, individuals, and the institute.

18 “(4) AVAILABILITY OF AMOUNTS.—Not more
19 than 0.5 percent of the amounts made available for
20 a fiscal year beginning after September 30, 1991, to
21 a State or public transportation authority in the
22 State to carry out sections 5307 and 5309 is avail-
23 able for expenditure by the State and public trans-
24 portation authorities in the State, with the approval
25 of the Secretary, to pay not more than 80 percent

1 of the cost of tuition and direct educational expenses
2 related to educating and training State and local
3 transportation employees under this subsection.”.

4 (b) REPEAL.—Section 5322 of such title, and the
5 item relating to that section in the analysis for chapter
6 53 of such title, are repealed.

7 (c) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 53 of such title is amended by striking the item relat-
9 ing to section 5314 and inserting the following:

“5314. Technical assistance and workforce development”.

10 **SEC. 3010. BICYCLE FACILITIES.**

11 Section 5319 of title 49, United States Code, is
12 amended—

13 (1) by striking “90 percent” and inserting “80
14 percent”; and

15 (2) by striking “95 percent” and inserting “80
16 percent”.

17 **SEC. 3011. GENERAL PROVISIONS.**

18 Section 5323 of title 49, United States Code, is
19 amended—

20 (1) in subsection (h)—

21 (A) in paragraph (1) by striking “or” at
22 the end;

23 (B) by redesignating paragraph (2) as
24 paragraph (3); and

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) pay incremental costs of incorporating art
4 or landscaping into facilities, including the costs of
5 an artist on the design team; or”;

6 (2) in subsection (i) by adding at the end the
7 following:

8 “(3) ACQUISITION OF BASE-MODEL BUSES.—A
9 grant for the acquisition of a base-model bus for use
10 in public transportation may be not more than 85
11 percent of the net project cost.”;

12 (3) in subsection (j)(2) by striking subpara-
13 graph (C) and inserting the following:

14 “(C) when procuring rolling stock (includ-
15 ing train control, communication, and traction
16 power equipment) under this chapter—

17 “(i) the cost of components and sub-
18 components produced in the United
19 States—

20 “(I) for fiscal years 2016 and
21 2017, is more than 60 percent of the
22 cost of all components of the rolling
23 stock;

24 “(II) for fiscal years 2018 and
25 2019, is more than 65 percent of the

1 cost of all components of the rolling
2 stock; and

3 “(III) for fiscal year 2020 and
4 each fiscal year thereafter, is more
5 than 70 percent of the cost of all com-
6 ponents of the rolling stock; and

7 “(ii) final assembly of the rolling
8 stock has occurred in the United States;
9 or”; and

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

11 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
12 LOCAL SHARE.—A recipient of assistance under this
13 chapter may use the revenue generated from value capture
14 financing mechanisms as local matching funds for capital
15 projects and operating costs eligible under this chapter.

16 “(t) SPECIAL CONDITION ON CHARTER BUS TRANS-
17 PORTATION SERVICE.—If, in a fiscal year, the Secretary
18 is prohibited by law from enforcing regulations related to
19 charter bus service under part 604 of title 49, Code of
20 Federal Regulations, for any transit agency that during
21 fiscal year 2008 was both initially granted a 60-day period
22 to come into compliance with such part 604, and then was
23 subsequently granted an exception from such part—

1 “(1) the transit agency shall be precluded from
2 receiving its allocation of urbanized area formula
3 grant funds for that fiscal year; and

4 “(2) any amounts withheld pursuant to para-
5 graph (1) shall be added to the amount that the
6 Secretary may apportion under section 5336 in the
7 following fiscal year.”.

8 **SEC. 3012. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

9 Section 5329 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b)(2)—

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

14 (B) by redesignating subparagraph (D) as
15 subparagraph (E); and

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

18 “(D) minimum safety standards to ensure
19 the safe operation of public transportation sys-
20 tems that—

21 “(i) are not related to performance
22 standards for public transportation vehicles
23 developed under subparagraph (C); and

24 “(ii) to the extent practicable, take
25 into consideration—

1 “(I) relevant recommendations of
2 the National Transportation Safety
3 Board;

4 “(II) best practices standards de-
5 veloped by the public transportation
6 industry;

7 “(III) any minimum safety
8 standards or performance criteria
9 being implemented across the public
10 transportation industry;

11 “(IV) relevant recommendations
12 from the report under section 3018 of
13 the Surface Transportation Reauthor-
14 ization and Reform Act of 2015; and

15 “(V) any additional information
16 that the Secretary determines nec-
17 essary and appropriate;”;

18 (2) in subsection (f)(2) by inserting after “pub-
19 lic transportation system of a recipient” the fol-
20 lowing: “or the public transportation industry gen-
21 erally”;

22 (3) in subsection (g)(1)—

23 (A) in the matter preceding subparagraph
24 (A) by striking “an eligible State, as defined in
25 subsection (e),” and inserting “a recipient”;

1 (B) in subparagraph (C) by striking “and”
2 at the end;

3 (C) in subparagraph (D) by striking the
4 period at the end and inserting “; or”; and

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

6 “(E) withholding not more than 25 percent
7 of financial assistance under section 5307.”;
8 and

9 (4) in subsection (g)(2)—

10 (A) in subparagraph (A)—

11 (i) by inserting after “funds” the fol-
12 lowing: “or withhold funds”; and

13 (ii) by inserting “or (1)(E)” after
14 “paragraph (1)(D)”;

15 (B) by redesignating subparagraph (B) as
16 subparagraph (C); and

17 (C) by inserting after subparagraph (A)
18 the following:

19 “(B) LIMITATION.—The Secretary may
20 only withhold funds in accordance with para-
21 graph (1)(E), if enforcement actions under sub-
22 paragraph (A), (B), (C), or (D) did not bring
23 the recipient into compliance.”.

1 **SEC. 3013. APPORTIONMENTS.**

2 Section 5336 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a) in the matter preceding
5 paragraph (1) by striking “subsection (h)(4)” and
6 inserting “subsection (h)(5)”;

7 (2) in subsection (b)(2)(E) by striking “22.27
8 percent” and inserting “27 percent”; and

9 (3) by striking subsection (g) and redesignating
10 subsections (h), (i), and (j) as subsections (g), (h),
11 and (i), respectively.

12 **SEC. 3014. STATE OF GOOD REPAIR GRANTS.**

13 Section 5337 of title 49, United States Code, is
14 amended—

15 (1) in subsection (d)—

16 (A) in paragraph (1) by striking “on a fa-
17 cility with access for other high-occupancy vehi-
18 cles” and inserting “on high-occupancy vehicle
19 lanes during peak hours”;

20 (B) in paragraph (2) by inserting “vehicle”
21 after “motorbus”; and

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

23 “(5) USE OF FUNDS.—A recipient in an urban-
24 ized area may use any portion of the amount appor-
25 tioned to the recipient under this subsection for high
26 intensity fixed guideway state of good repair projects

1 under subsection (c) if the recipient demonstrates to
2 the satisfaction of the Secretary that the high inten-
3 sity motorbus public transportation vehicles in the
4 urbanized area are in a state of good repair.”; and

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

6 “(e) GOVERNMENT SHARE OF COSTS.—

7 “(1) CAPITAL PROJECTS.—A grant for a capital
8 project under this section shall be for 80 percent of
9 the net project cost of the project. The recipient may
10 provide additional local matching amounts.

11 “(2) REMAINING COSTS.—The remainder of the
12 net project cost shall be provided—

13 “(A) in cash from non-Government sources
14 other than revenues from providing public
15 transportation services;

16 “(B) from revenues derived from the sale
17 of advertising and concessions;

18 “(C) from an undistributed cash surplus, a
19 replacement or depreciation cash fund or re-
20 serve, or new capital; or

21 “(D) from amounts appropriated or other-
22 wise made available to a department or agency
23 of the Government (other than the Department
24 of Transportation) that are eligible to be ex-
25 pended for transportation.”.

1 **SEC. 3015. AUTHORIZATIONS.**

2 Section 5338 of title 49, United States Code, is
3 amended to read as follows:

4 **“§ 5338. Authorizations**

5 “(a) FORMULA GRANTS.—

6 “(1) IN GENERAL.—There shall be available
7 from the Mass Transit Account of the Highway
8 Trust Fund to carry out sections 5305, 5307, 5310,
9 5311, 5314(c), 5318, 5335, 5337, 5339, and 5340,
10 and section 20005(b) of the Federal Public Trans-
11 portation Act of 2012—

12 “(A) \$8,723,925,000 for fiscal year 2016;

13 “(B) \$8,879,211,000 for fiscal year 2017;

14 “(C) \$9,059,459,000 for fiscal year 2018;

15 “(D) \$9,240,648,000 for fiscal year 2019;

16 “(E) \$9,429,000,000 for fiscal year 2020;

17 and

18 “(F) \$9,617,580,000 for fiscal year 2021.

19 “(2) ALLOCATION OF FUNDS.—

20 “(A) SECTION 5305.—Of the amounts
21 made available under paragraph (1), there shall
22 be available to carry out section 5305—

23 “(i) \$128,800,000 for fiscal year
24 2016;

25 “(ii) \$128,800,000 for fiscal year
26 2017;

1 “(iii) \$131,415,000 for fiscal year
2 2018;

3 “(iv) \$134,043,000 for fiscal year
4 2019;

5 “(v) \$136,775,000 for fiscal year
6 2020; and

7 “(vi) \$139,511,000 for fiscal year
8 2021.

9 “(B) PILOT PROGRAM.—\$10,000,000 for
10 each of fiscal years 2016 through 2021, shall be
11 available to carry out section 20005(b) of the
12 Federal Public Transportation Act of 2012;

13 “(C) SECTION 5307.—Of the amounts
14 made available under paragraph (1), there shall
15 be allocated in accordance with section 5336 to
16 provide financial assistance for urbanized areas
17 under section 5307—

18 “(i) \$4,458,650,000 for fiscal year
19 2016;

20 “(ii) \$4,458,650,000 for fiscal year
21 2017;

22 “(iii) \$4,549,161,000 for fiscal year
23 2018;

24 “(iv) \$4,640,144,000 for fiscal year
25 2019;

1 “(v) \$4,734,724,000 for fiscal year
2 2020; and

3 “(vi) \$4,829,418,000 for fiscal year
4 2021.

5 “(D) SECTION 5310.—Of the amounts
6 made available under paragraph (1), there shall
7 be available to provide financial assistance for
8 services for the enhanced mobility of seniors
9 and individuals with disabilities under section
10 5310—

11 “(i) \$262,175,000 for fiscal year
12 2016;

13 “(ii) \$266,841,000 for fiscal year
14 2017;

15 “(iii) \$272,258,000 for fiscal year
16 2018;

17 “(iv) \$277,703,000 for fiscal year
18 2019;

19 “(v) \$283,364,000 for fiscal year
20 2020; and

21 “(vi) \$289,031,000 for fiscal year
22 2021.

23 “(E) SECTION 5311.—

24 “(i) IN GENERAL.—Of the amounts
25 made available under paragraph (1), there

1 shall be available to provide financial as-
2 sistance for rural areas under section
3 5311—

4 “(I) \$607,800,000 for fiscal year
5 2016;

6 “(II) \$607,800,000 for fiscal
7 year 2017;

8 “(III) \$620,138,000 for fiscal
9 year 2018;

10 “(IV) \$632,541,000 for fiscal
11 year 2019;

12 “(V) \$645,434,000 for fiscal year
13 2020; and

14 “(VI) \$658,343,000 for fiscal
15 year 2021.

16 “(ii) SUBALLOCATION.—Of the
17 amounts made available under clause (i)—

18 “(I) there shall be available to
19 carry out section 5311(c)(1) not less
20 than \$30,000,000 for each of fiscal
21 years 2016 through 2021; and

22 “(II) there shall be available to
23 carry out section 5311(c)(2) not less
24 than \$20,000,000 for each of fiscal
25 years 2016 through 2021.

1 “(F) SECTION 5314(C).—Of the amounts
2 made available under paragraph (1), there shall
3 be available for the national transit institute
4 under section 5314(c) \$5,000,000 for each of
5 fiscal years 2016 through 2021.

6 “(G) SECTION 5318.—Of the amounts
7 made available under paragraph (1), there shall
8 be available for bus testing under section 5318
9 \$3,000,000 for each of fiscal years 2016
10 through 2021.

11 “(H) SECTION 5335.—Of the amounts
12 made available under paragraph (1), there shall
13 be available to carry out section 5335
14 \$3,850,000 for each of fiscal years 2016
15 through 2021.

16 “(I) SECTION 5337.—Of the amounts made
17 available under paragraph (1), there shall be
18 available to carry out section 5337—

19 “(i) \$2,198,389,000 for fiscal year
20 2016;

21 “(ii) \$2,237,520,000 for fiscal year
22 2017;

23 “(iii) \$2,282,941,000 for fiscal year
24 2018;

1 “(iv) \$2,328,600,000 for fiscal year
2 2019;

3 “(v) \$2,376,064,000 for fiscal year
4 2020; and

5 “(vi) \$2,423,585,000 for fiscal year
6 2021.

7 “(J) SECTION 5339(c).—Of the amounts
8 made available under paragraph (1), there shall
9 be available for bus and bus facilities programs
10 under section 5339(c)—

11 “(i) \$430,000,000 for fiscal year
12 2016;

13 “(ii) \$431,850,000 for fiscal year
14 2017;

15 “(iii) \$445,120,000 for fiscal year
16 2018;

17 “(iv) \$458,459,000 for fiscal year
18 2019;

19 “(v) \$472,326,000 for fiscal year
20 2020; and

21 “(vi) \$486,210,000 for fiscal year
22 2021.

23 “(K) SECTION 5339(d).—Of the amounts
24 made available under paragraph (1), there shall

1 be available for bus and bus facilities competi-
2 tive grants under 5339(d)—

3 “(i) \$90,000,000 for fiscal year 2016;

4 and

5 “(ii) \$200,000,000 for each of fiscal
6 years 2017 through 2021.

7 “(L) SECTION 5340.—Of the amounts
8 made available under paragraph (1), there shall
9 be 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 “(i) \$525,900,000 for fiscal year
14 2016;

15 “(ii) \$525,900,000 for fiscal year
16 2017;

17 “(iii) \$536,576,000 for fiscal year
18 2018;

19 “(iv) \$547,307,000 for fiscal year
20 2019;

21 “(v) \$558,463,000 for fiscal year
22 2020; and

23 “(vi) \$569,632,000 for fiscal year
24 2021.

1 “(b) RESEARCH, DEVELOPMENT DEMONSTRATION
2 AND DEPLOYMENT PROJECTS.—There are authorized to
3 be appropriated to carry out section 5312—

4 “(1) \$33,495,000 for fiscal year 2016;

5 “(2) \$34,091,000 for fiscal year 2017;

6 “(3) \$34,783,000 for fiscal year 2018;

7 “(4) \$35,479,000 for fiscal year 2019;

8 “(5) \$36,202,000 for fiscal year 2020; and

9 “(6) \$36,926,000 for fiscal year 2021.

10 “(c) TECHNICAL ASSISTANCE, STANDARDS, AND
11 WORKFORCE DEVELOPMENT.—There are authorized to be
12 appropriated to carry out section 5314—

13 “(1) \$6,156,000 for fiscal year 2016;

14 “(2) \$8,152,000 for fiscal year 2017;

15 “(3) \$10,468,000 for fiscal year 2018;

16 “(4) \$12,796,000 for fiscal year 2019;

17 “(5) \$15,216,000 for fiscal year 2020; and

18 “(6) \$17,639,000 for fiscal year 2021.

19 “(d) CAPITAL INVESTMENT GRANTS.—There are au-
20 thorized to be appropriated to carry out section 5309—

21 “(1) \$2,029,000,000 for fiscal year 2016;

22 “(2) \$2,065,000,000 for fiscal year 2017;

23 “(3) \$2,106,000,000 for fiscal year 2018;

24 “(4) \$2,149,000,000 for fiscal year 2019;

25 “(5) \$2,193,000,000 for fiscal year 2020; and

1 “(6) \$2,237,000,000 for fiscal year 2021.

2 “(e) ADMINISTRATION.—

3 “(1) IN GENERAL.—There are authorized to be
4 appropriated to carry out section 5334,
5 \$105,933,000 for fiscal years 2016 through 2021.

6 “(2) SECTION 5329.—Of the amounts author-
7 ized to be appropriated under paragraph (1), not
8 less than \$4,500,000 for each of fiscal years 2016
9 through 2021 shall be available to carry out section
10 5329.

11 “(3) SECTION 5326.—Of the amounts made
12 available under paragraph (2), not less than
13 \$1,000,000 for each of fiscal years 2016 through
14 2021 shall be available to carry out section 5326.

15 “(f) PERIOD OF AVAILABILITY.—Amounts made
16 available by or appropriated under this section shall re-
17 main available for obligation for a period of 3 years after
18 the last day of the fiscal year for which the funds are au-
19 thorized.

20 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

21 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
22 FUND.—A grant or contract that is approved by the
23 Secretary and financed with amounts made available
24 from the Mass Transit Account of the Highway
25 Trust Fund pursuant to this section is a contractual

1 obligation of the Government to pay the Government
2 share of the cost of the project.

3 “(2) GRANTS FINANCED FROM GENERAL
4 FUND.—A grant or contract that is approved by the
5 Secretary and financed with amounts appropriated
6 in advance from the general fund of the Treasury
7 pursuant to this section is a contractual obligation
8 of the Government to pay the Government share of
9 the cost of the project only to the extent that
10 amounts are appropriated for such purpose by an
11 Act of Congress.

12 “(h) OVERSIGHT.—

13 “(1) IN GENERAL.—Of the amounts made
14 available to carry out this chapter for a fiscal year,
15 the Secretary may use not more than the following
16 amounts for the activities described in paragraph
17 (2):

18 “(A) 0.5 percent of amounts made avail-
19 able to carry out section 5305.

20 “(B) 0.75 percent of amounts made avail-
21 able to carry out section 5307.

22 “(C) 1 percent of amounts made available
23 to carry out section 5309.

24 “(D) 1 percent of amounts made available
25 to carry out section 601 of the Passenger Rail

1 Investment and Improvement Act of 2008
2 (Public Law 110–432; 126 1 Stat. 4968).

3 “(E) 0.5 percent of amounts made avail-
4 able to carry out section 5310.

5 “(F) 0.5 percent of amounts made avail-
6 able to carry out section 5311.

7 “(G) 0.75 percent of amounts made avail-
8 able to carry out section 5337(c), of which not
9 less than 0.25 percent shall be available to
10 carry out section 5329.

11 “(H) 0.75 percent of amounts made avail-
12 able to carry out section 5339.

13 “(2) ACTIVITIES.—The activities described in
14 this paragraph are as follows:

15 “(A) Activities to oversee the construction
16 of a major capital project.

17 “(B) Activities to review and audit the
18 safety and security, procurement, management,
19 and financial compliance of a recipient or sub-
20 recipient of funds under this chapter.

21 “(C) Activities to provide technical assist-
22 ance generally, and to provide technical assist-
23 ance to correct deficiencies identified in compli-
24 ance reviews and audits carried out under this
25 section.

1 “(3) GOVERNMENT SHARE OF COSTS.—The
2 Government shall pay the entire cost of carrying out
3 a contract under this subsection.

4 “(4) AVAILABILITY OF CERTAIN FUNDS.—
5 Funds made available under paragraph (1)(C) shall
6 be available to the Secretary before allocating the
7 funds appropriated to carry out any project under a
8 full funding grant agreement.”.

9 **SEC. 3016. BUS AND BUS FACILITY GRANTS.**

10 (a) IN GENERAL.—Section 5339 of title 49, United
11 States Code, is amended to read as follows:

12 **“§ 5339. Bus and bus facility grants**

13 “(a) GENERAL AUTHORITY.—The Secretary may
14 make grants under this section to assist eligible recipients
15 described in subsection (b)(1) in financing capital
16 projects—

17 “(1) to replace, rehabilitate, and purchase buses
18 and related equipment; and

19 “(2) to construct bus-related facilities.

20 “(b) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

21 “(1) RECIPIENTS.—Eligible recipients under
22 this section are designated recipients that operate
23 fixed route bus service or that allocate funding to
24 fixed route bus operators.

1 “(2) SUBRECIPIENTS.—A designated recipient
2 that receives a grant under this section may allocate
3 amounts of the grant to subrecipients that are public
4 agencies or private nonprofit organizations engaged
5 in public transportation.

6 “(c) FORMULA GRANT DISTRIBUTION OF FUNDS.—

7 “(1) IN GENERAL.—Funds made available for
8 making grants under this subsection shall be distrib-
9 uted as follows:

10 “(A) NATIONAL DISTRIBUTION.—
11 \$65,500,000 for each of fiscal years 2016
12 through 2021 shall be allocated to all States
13 and territories, with each State receiving
14 \$1,250,000, and each territory receiving
15 \$500,000, for each such fiscal year.

16 “(B) DISTRIBUTION USING POPULATION
17 AND SERVICE FACTORS.—The remainder of the
18 funds not otherwise distributed under para-
19 graph (1) shall be allocated pursuant to the for-
20 mula set forth in section 5336 (other than sub-
21 section (b) of that section).

22 “(2) TRANSFERS OF APPORTIONMENTS.—

23 “(A) TRANSFER FLEXIBILITY FOR NA-
24 TIONAL DISTRIBUTION FUNDS.—The Governor
25 of a State may transfer any part of the State’s

1 appportionment under subparagraph (A) to sup-
2 plement—

3 “(i) amounts apportioned to the State
4 under section 5311(c); or

5 “(ii) amounts apportioned to urban-
6 ized areas under subsections (a) and (c) of
7 section 5336.

8 “(B) TRANSFER FLEXIBILITY FOR POPU-
9 LATION AND SERVICE FACTORS FUNDS.—The
10 Governor of a State may expend in an urban-
11 ized area with a population of less than
12 200,000 any amounts apportioned under para-
13 graph (1)(B) that are not allocated to des-
14 igned recipients in urbanized areas with a
15 population of 200,000 or more.

16 “(3) PERIOD OF AVAILABILITY TO RECIPI-
17 ENTS.—

18 “(A) IN GENERAL.—Amounts made avail-
19 able under this subsection may be obligated by
20 a recipient for 3 years after the fiscal year in
21 which the amount is apportioned.

22 “(B) REAPPORTIONMENT OF UNOBLI-
23 GATED AMOUNTS.—Not later than 30 days
24 after the end of the 3-year period described in
25 subparagraph (A), any amount that is not obli-

1 gated on the last day of that period shall be
2 added to the amount that may be apportioned
3 under this subsection in the next fiscal year.

4 “(4) PILOT PROGRAM FOR COST-EFFECTIVE
5 CAPITAL INVESTMENT.—

6 “(A) IN GENERAL.—For each of fiscal
7 years 2016 through 2021, the Secretary shall
8 carry out a pilot program under which an eligi-
9 ble designated recipient (as described in sub-
10 section (c)(1)) in an urbanized area with popu-
11 lation of not less than 200,000 and not more
12 than 999,999 may elect to participate in a
13 State pool in accordance with this paragraph.

14 “(B) PURPOSE OF STATE POOLS.—The
15 purpose of a State pool shall be to allow for
16 transfers of formula grant funds made available
17 under this subsection among the designated re-
18 cipients participating in the State pool in a
19 manner that supports the transit asset manage-
20 ment plans of the designated recipients under
21 section 5326.

22 “(C) REQUESTS FOR PARTICIPATION.—A
23 State, and designated recipients in the State
24 described in subparagraph (A), may submit to
25 the Secretary a request for participation in the

1 program under procedures to be established by
2 the Secretary. A designated recipient for a
3 multistate area may participate in only 1 State
4 pool.

5 “(D) ALLOCATIONS TO PARTICIPATING
6 STATES.—For each fiscal year, the Secretary
7 shall allocate to each State participating in the
8 program the total amount of funds that other-
9 wise would be allocated to the urbanized areas
10 of the designated recipients participating in the
11 State’s pool for that fiscal year pursuant to the
12 formula referred to in paragraph (1).

13 “(E) ALLOCATIONS TO DESIGNATED RE-
14 CIPIENTS IN STATE POOLS.—A State shall dis-
15 tribute the amount that is allocated to the State
16 for a fiscal year under subparagraph (D)
17 among the designated recipients participating in
18 the State’s pool in a manner that supports the
19 transit asset management plans of the recipi-
20 ents under section 5326.

21 “(F) ALLOCATION PLANS.—A State par-
22 ticipating in the program shall develop an allo-
23 cation plan for the period of fiscal years 2016
24 through 2021 to ensure that a designated re-
25 cipient participating in the State’s pool receives

1 under the program an amount of funds that
2 equals the amount of funds that would have
3 otherwise been available to the designated re-
4 cipient for that period pursuant to the formula
5 referred to in paragraph (1).

6 “(G) GRANTS.—The Secretary shall make
7 grants under this subsection for a fiscal year to
8 a designated recipient participating in a State
9 pool following notification by the State of the
10 allocation amount determined under subpara-
11 graph (E).

12 “(d) COMPETITIVE GRANTS FOR BUS STATE OF
13 GOOD REPAIR.—

14 “(1) IN GENERAL.—The Secretary may make
15 grants under this subsection to eligible recipients de-
16 scribed in subsection (b)(1) to assist in financing
17 capital projects described in subsection (a).

18 “(2) GRANT CONSIDERATIONS.—In making
19 grants under this subsection, the Secretary shall
20 consider the age and condition of buses, bus fleets,
21 related equipment, and bus-related facilities of an el-
22 igible recipient.

23 “(3) STATEWIDE APPLICATIONS.—A State may
24 submit a statewide application on behalf of a public
25 agency or private nonprofit organization engaged in

1 public transportation in rural areas or other areas
2 for which the State allocates funds. The submission
3 of a statewide application shall not preclude the sub-
4 mission and consideration of any application under
5 this subsection from other eligible recipients in an
6 urbanized area in a State.

7 “(4) REQUIREMENTS FOR SECRETARY.—The
8 Secretary shall—

9 “(A) disclose all metrics and evaluation
10 procedures to be used in considering grant ap-
11 plications under this subsection upon issuance
12 of the notice of funding availability in the Fed-
13 eral Register; and

14 “(B) publish a summary of final scores for
15 selected projects, metrics, and other evaluations
16 used in awarding grants under this subsection
17 in the Federal Register.

18 “(5) AVAILABILITY OF FUNDS.—Any amounts
19 made available to carry out this subsection—

20 “(A) shall remain available for 2 fiscal
21 years after the fiscal year for which the amount
22 is made available; and

23 “(B) following the period of availability
24 shall be made available to be apportioned under
25 subsection (c) for the following fiscal year.

1 “(6) LIMITATION.—Of the amounts made avail-
2 able under this subsection, not more than 15 percent
3 in fiscal year 2016 and not more than 5 percent in
4 each of fiscal years 2017 through 2021 may be
5 awarded to a single recipient.

6 “(7) GRANT FLEXIBILITY.—If the Secretary de-
7 termines that there are not sufficient grant applica-
8 tions that meet the metrics described in paragraph
9 (4)(A) to utilize the full amount of funds made
10 available to carry out this subsection for a fiscal
11 year, the Secretary may use the remainder of the
12 funds for making apportionments under sections
13 5307 and 5311.

14 “(e) GENERALLY APPLICABLE PROVISIONS.—

15 “(1) GRANT REQUIREMENTS.—A grant under
16 this section shall be subject to the requirements of—

17 “(A) section 5307 for recipients of grants
18 made in urbanized areas; and

19 “(B) section 5311 for recipients of grants
20 made in rural areas.

21 “(2) GOVERNMENT’S SHARE OF COSTS.—

22 “(A) CAPITAL PROJECTS.—A grant for a
23 capital project under this section shall be for 80
24 percent of the net capital costs of the project.

1 A recipient of a grant under this section may
2 provide additional local matching amounts.

3 “(B) REMAINING COSTS.—The remainder
4 of the net project cost shall be provided—

5 “(i) in cash from non-Government
6 sources other than revenues from providing
7 public transportation services;

8 “(ii) from revenues derived from the
9 sale of advertising and concessions;

10 “(iii) from an undistributed cash sur-
11 plus, a replacement or depreciation cash
12 fund or reserve, or new capital; or

13 “(iv) from amounts received under a
14 service agreement with a State or local so-
15 cial service agency or private social service
16 organization.

17 “(f) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) STATE.—The term ‘State’ means a State
20 of the United States.

21 “(2) TERRITORY.—The term ‘territory’ means
22 the District of Columbia, Puerto Rico, the Northern
23 Mariana Islands, Guam, American Samoa, and the
24 United States Virgin Islands.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 53 of title 49, United States Code, is amended by
 3 striking the item relating to section 5339 and inserting
 4 the following:

“5339. Bus and bus facility grants.”.

5 **SEC. 3017. OBLIGATION CEILING.**

6 Notwithstanding any other provision of law, the total
 7 of all obligations from amounts made available from the
 8 Mass Transit Account of the Highway Trust Fund by sub-
 9 section (a) of section 5338 of title 49, United States Code,
 10 shall not exceed—

- 11 (1) \$8,724,000,000 in fiscal year 2016;
- 12 (2) \$8,879,000,000 in fiscal year 2017;
- 13 (3) \$9,059,000,000 in fiscal year 2018;
- 14 (4) \$9,240,000,000 in fiscal year 2019;
- 15 (5) \$9,429,000,000 in fiscal year 2020; and
- 16 (6) \$9,618,000,000 in fiscal year 2021.

17 **SEC. 3018. INNOVATIVE PROCUREMENT.**

18 (a) DEFINITIONS.—In this section, the following defi-
 19 nitions apply:

20 (1) COOPERATIVE PROCUREMENT CONTRACT.—

21 The term “cooperative procurement contract” means
 22 a contract—

- 23 (A) entered into between a State govern-
 24 ment and 1 or more vendors; and

1 (B) under which the vendors agree to pro-
2 vide an option to purchase rolling stock and re-
3 lated equipment to multiple participants.

4 (2) LEAD PROCUREMENT AGENCY.—The term
5 “lead procurement agency” means a State govern-
6 ment that acts in an administrative capacity on be-
7 half of each participant in a cooperative procure-
8 ment contract.

9 (3) PARTICIPANT.—The term “participant”
10 means a grantee that participates in a cooperative
11 procurement contract.

12 (4) PARTICIPATE.—The term “participate”
13 means to purchase rolling stock and related equip-
14 ment under a cooperative procurement contract
15 using assistance provided under chapter 53 of title
16 49, United States Code.

17 (5) GRANTEE.—The term “grantee” means a
18 recipient and subrecipient of assistance under chap-
19 ter 53 of title 49, United States Code.

20 (b) COOPERATIVE PROCUREMENT.—

21 (1) GENERAL RULES.—

22 (A) PROCUREMENT NOT LIMITED TO
23 INTRASTATE PARTICIPANTS.—A grantee may
24 participate in a cooperative procurement con-
25 tract without regard to whether the grantee is

1 located in the same State as the parties to the
2 contract.

3 (B) VOLUNTARY PARTICIPATION.—Partici-
4 pation by grantees in a cooperative procurement
5 contract shall be voluntary.

6 (2) AUTHORITY.—A State government may
7 enter into a cooperative procurement contract with 1
8 or more vendors if the vendors agree to provide an
9 option to purchase rolling stock and related equip-
10 ment to the lead procurement agency and any other
11 participant.

12 (3) APPLICABILITY OF POLICIES AND PROCE-
13 DURES.—In procuring rolling stock and related
14 equipment under a cooperative procurement contract
15 under this subsection, a lead procurement agency
16 shall comply with the policies and procedures that
17 apply to procurement by the State government when
18 using non-Federal funds, to the extent that the poli-
19 cies and procedures are in conformance with applica-
20 ble Federal law.

21 (c) JOINT PROCUREMENT CLEARINGHOUSE.—

22 (1) IN GENERAL.—The Secretary shall establish
23 a clearinghouse for the purpose of allowing grantees
24 to aggregate planned rolling stock purchases and
25 identify joint procurement participants.

1 (2) INFORMATION ON PROCUREMENTS.—The
2 clearinghouse may include information on bus size,
3 engine type, floor type, and any other attributes nec-
4 essary to identify joint procurement participants.

5 (3) LIMITATIONS.—

6 (A) ACCESS.—The clearinghouse shall only
7 be accessible to the Federal Transit Adminis-
8 tration and grantees.

9 (B) PARTICIPATION.—No grantees shall be
10 required to submit procurement information to
11 the database.

12 **SEC. 3019. REVIEW OF PUBLIC TRANSPORTATION SAFETY**
13 **STANDARDS.**

14 (1) REVIEW REQUIRED.—

15 (A) IN GENERAL.—Not later than 90 days
16 after the date of enactment of this Act, the Sec-
17 retary shall begin a review of the safety stand-
18 ards and protocols used in public transportation
19 systems in the United States that examines the
20 efficacy of existing standards and protocols.

21 (B) CONTENTS OF REVIEW.—In con-
22 ducting the review under this paragraph, the
23 Secretary shall review—

- 1 (i) minimum safety performance
2 standards developed by the public trans-
3 portation industry;
- 4 (ii) safety performance standards,
5 practices, or protocols in use by rail fixed
6 guideway public transportation systems, in-
7 cluding—
- 8 (I) written emergency plans and
9 procedures for passenger evacuations;
- 10 (II) training programs to ensure
11 public transportation personnel com-
12 pliance and readiness in emergency
13 situations;
- 14 (III) coordination plans approved
15 by recipients with local emergency re-
16 sponders having jurisdiction over a
17 rail fixed guideway public transpor-
18 tation system, including—
- 19 (aa) emergency prepared-
20 ness training, drills, and famil-
21 iarization programs for the first
22 responders; and
- 23 (bb) the scheduling of reg-
24 ular field exercises to ensure ap-
25 propriate response and effective

1 radio and public safety commu-
2 nications;

3 (IV) maintenance, testing, and
4 inspection programs to ensure the
5 proper functioning of—

6 (aa) tunnel, station, and ve-
7 hicle ventilation systems;

8 (bb) signal and train control
9 systems, track, mechanical sys-
10 tems, and other infrastructure;
11 and

12 (cc) other systems as nec-
13 essary;

14 (V) certification requirements for
15 train and bus operators and control
16 center employees;

17 (VI) consensus-based standards,
18 practices, or protocols available to the
19 public transportation industry; and

20 (VII) any other standards, prac-
21 tices, or protocols the Secretary deter-
22 mines appropriate; and

23 (iii) rail and bus safety standards,
24 practices, or protocols in use by public
25 transportation systems, regarding—

1 (I) rail and bus design and the
2 workstation of rail and bus operators,
3 as it relates to—

4 (aa) the reduction of blind-
5 spots that contribute to accidents
6 involving pedestrians; and

7 (bb) protecting rail and bus
8 operators from the risk of as-
9 sult;

10 (II) scheduling fixed route rail
11 and bus service with adequate time
12 and access for operators to use rest-
13 room facilities;

14 (III) fatigue management; and

15 (IV) crash avoidance and worthi-
16 ness.

17 (2) EVALUATION.—After conducting the review
18 under paragraph (1), the Secretary shall, in con-
19 sultation with representatives of the public transpor-
20 tation industry, evaluate the need to establish addi-
21 tional Federal minimum public transportation safety
22 standards.

23 (3) REPORT.—After completing the review and
24 evaluation required under paragraphs (1) and (2),
25 but not later than 1 year after the date of enact-

1 ment of this Act, the Secretary shall make available
2 on a publicly accessible Web site, a report that in-
3 cludes—

4 (A) findings based on the review conducted
5 under paragraph (1);

6 (B) the outcome of the evaluation con-
7 ducted under paragraph (2);

8 (C) a comprehensive set of recommenda-
9 tions to improve the safety of the public trans-
10 portation industry, including recommendations
11 for statutory changes if applicable; and

12 (D) actions that the Secretary will take to
13 address the recommendations provided under
14 subparagraph (C), including, if necessary, the
15 authorities under section 5329(b)(2)(D) of
16 chapter 53 of title 49, United States Code.

17 **SEC. 3020. STUDY ON EVIDENTIARY PROTECTION FOR PUB-**
18 **LIC TRANSPORTATION SAFETY PROGRAM IN-**
19 **FORMATION.**

20 (a) **STUDY.**—The Comptroller General shall complete
21 a study to evaluate whether it is in the public interest,
22 including public safety and the legal rights of persons in-
23 jured in public transportation accidents, to withhold from
24 discovery or admission into evidence in a Federal or State
25 court proceeding any plan, report, data, or other informa-

1 tion or portion thereof, submitted to, developed, produced,
2 collected, or obtained by the Secretary or the Secretary's
3 representative for purposes of complying with the require-
4 ments under section 5329 of chapter 53 of title 49, United
5 States Code, including information related to a recipient's
6 safety plan, safety risks, and mitigation measures.

7 (b) INPUT.—In conducting the study under sub-
8 section (a), the Comptroller General shall solicit input
9 from the public transportation recipients, public transpor-
10 tation nonprofit employee labor organizations, and im-
11 pacted members of the general public.

12 (c) REPORT.—Not later than 18 months after the
13 date of enactment of this section, the Comptroller General
14 shall issue a report, with the findings of the study under
15 subsection (a), including any recommendations on statu-
16 tory changes regarding evidentiary protections that will in-
17 crease transit safety.

18 **SEC. 3021. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
19 **DISABILITIES.**

20 (a) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) ALLOCATED COST MODEL.—The term “allo-
23 cated cost model” means a method of determining
24 the cost of trips by allocating the cost to each trip
25 purpose served by a transportation provider in a

1 manner that is proportional to the level of transpor-
2 tation service that the transportation provider deliv-
3 ers for each trip purpose, to the extent permitted by
4 applicable Federal laws.

5 (2) COUNCIL.—The term “Council” means the
6 Interagency Transportation Coordinating Council on
7 Access and Mobility established under Executive
8 Order 13330 (49 U.S.C. 101 note).

9 (b) STRATEGIC PLAN.—Not later than 1 year after
10 the date of enactment of this Act, the Council shall publish
11 a strategic plan for the Council that—

12 (1) outlines the role and responsibilities of each
13 Federal agency with respect to local transportation
14 coordination, including nonemergency medical trans-
15 portation;

16 (2) identifies a strategy to strengthen inter-
17 agency collaboration;

18 (3) addresses any outstanding recommendations
19 made by the Council in the 2005 Report to the
20 President relating to the implementation of Execu-
21 tive Order 13330, including—

22 (A) a cost-sharing policy endorsed by the
23 Council; and

1 (B) recommendations to increase participa-
2 tion by recipients of Federal grants in locally
3 developed, coordinated planning processes;

4 (4) to the extent feasible, addresses rec-
5 ommendations by the Comptroller General of the
6 United States concerning local coordination of trans-
7 portation services;

8 (5) examines and proposes changes to Federal
9 regulations that will eliminate Federal barriers to
10 local transportation coordination, including non-
11 emergency medical transportation; and

12 (6) recommends to Congress changes to Federal
13 laws, except chapter 53 of title 49, United States
14 Code, that will eliminate Federal barriers to local
15 transportation coordination, including nonemergency
16 medical transportation.

17 (c) DEVELOPMENT OF COST-SHARING POLICY IN
18 COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—In es-
19 tablishing the cost-sharing policy required under sub-
20 section (b), the Council may consider, to the extent prac-
21 ticable—

22 (1) the development of recommended strategies
23 for grantees of programs funded by members of the
24 Council, including strategies for grantees of pro-
25 grams that fund nonemergency medical transpor-

1 tation, to use the cost-sharing policy in a manner
2 that does not violate applicable Federal laws; and

3 (2) incorporation of an allocated cost model to
4 facilitate local coordination efforts that comply with
5 applicable requirements of programs funded by
6 members of the Council, such as—

7 (A) eligibility requirements;

8 (B) service delivery requirements; and

9 (C) reimbursement requirements.

10 **SEC. 3022. IMPROVED TRANSIT SAFETY MEASURES.**

11 (a) **REQUIREMENTS.**—Not later than 90 days after
12 publication of the report required in section 3019, the Sec-
13 retary shall issue a notice of proposed rulemaking on pro-
14 tecting transit operators from the risk of assault.

15 (b) **CONSIDERATION.**—In the proposed rulemaking
16 the Secretary shall consider—

17 (1) different safety needs of drivers of different
18 modes;

19 (2) differences in operating environments;

20 (3) the use of technology to mitigate driver as-
21 sault risks;

22 (4) existing experience, from both agencies and
23 operators who already are using or testing driver as-
24 sault mitigation infrastructure; and

1 (5) the impact of the rule on future rolling
2 stock procurements and vehicles currently in revenue
3 service.

4 (c) SAVINGS CLAUSE.—Nothing in this section may
5 be construed as prohibiting the Secretary from issuing dif-
6 ferent comprehensive worker protections, including stand-
7 ards for mitigating assaults.

8 **TITLE IV—HIGHWAY SAFETY**

9 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—The following sums are author-
11 ized to be appropriated out of the Highway Trust Fund
12 (other than the Mass Transit Account):

13 (1) HIGHWAY SAFETY PROGRAMS.—For car-
14 rying out section 402 of title 23, United States
15 Code—

16 (A) \$260,274,200 for fiscal year 2016;

17 (B) \$265,935,829 for fiscal year 2017;

18 (C) \$271,787,002 for fiscal year 2018;

19 (D) \$278,090,300 for fiscal year 2019;

20 (E) \$284,874,829 for fiscal year 2020; and

21 (F) \$291,195,558 for fiscal year 2021.

22 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
23 OPMENT.—For carrying out section 403 of title 23,
24 United States Code—

25 (A) \$115,951,600 for fiscal year 2016;

- 1 (B) \$118,398,179 for fiscal year 2017;
2 (C) \$121,665,968 for fiscal year 2018;
3 (D) \$124,926,616 for fiscal year 2019;
4 (E) \$128,187,201 for fiscal year 2020; and
5 (F) \$131,455,975 for fiscal year 2021.

6 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
7 For carrying out section 405 of title 23, United
8 States Code—

- 9 (A) \$275,862,400 for fiscal year 2016;
10 (B) \$281,186,544 for fiscal year 2017;
11 (C) \$286,500,970 for fiscal year 2018;
12 (D) \$292,316,940 for fiscal year 2019;
13 (E) \$298,601,754 for fiscal year 2020; and
14 (F) \$304,394,628 for fiscal year 2021.

15 (4) NATIONAL DRIVER REGISTER.—For the Na-
16 tional Highway Traffic Safety Administration to
17 carry out chapter 303 of title 49, United States
18 Code—

- 19 (A) \$5,000,000 for fiscal year 2016;
20 (B) \$5,000,000 for fiscal year 2017;
21 (C) \$5,000,000 for fiscal year 2018;
22 (D) \$5,000,000 for fiscal year 2019;
23 (E) \$5,000,000 for fiscal year 2020; and
24 (F) \$5,000,000 for fiscal year 2021.

1 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
2 GRAM.—For carrying out section 404 of title 23,
3 United States Code—

4 (A) \$29,411,800 for fiscal year 2016;

5 (B) \$29,979,448 for fiscal year 2017;

6 (C) \$30,546,059 for fiscal year 2018;

7 (D) \$31,166,144 for fiscal year 2019;

8 (E) \$31,836,216 for fiscal year 2020; and

9 (F) \$32,453,839 for fiscal year 2021.

10 (6) ADMINISTRATIVE EXPENSES.—For adminis-
11 trative and related operating expenses of the Na-
12 tional Highway Traffic Safety Administration in car-
13 rying out chapter 4 of title 23, United States Code,
14 and this title—

15 (A) \$25,500,000 for fiscal year 2016;

16 (B) \$25,500,000 for fiscal year 2017;

17 (C) \$25,500,000 for fiscal year 2018;

18 (D) \$25,500,000 for fiscal year 2019;

19 (E) \$25,500,000 for fiscal year 2020; and

20 (F) \$25,500,000 for fiscal year 2021.

21 (b) PROHIBITION ON OTHER USES.—Except as oth-
22 erwise provided in chapter 4 of title 23, United States
23 Code, and chapter 303 of title 49, United States Code,
24 the amounts made available from the Highway Trust

1 Fund (other than the Mass Transit Account) for a pro-
2 gram under such chapters—

3 (1) shall only be used to carry out such pro-
4 gram; and

5 (2) may not be used by States or local govern-
6 ments for construction purposes.

7 (c) APPLICABILITY OF TITLE 23.—Except as other-
8 wise provided in chapter 4 of title 23, United States Code,
9 and chapter 303 of title 49, United States Code, amounts
10 made available under subsection (a) for fiscal years 2016
11 through 2021 shall be available for obligation in the same
12 manner as if such funds were apportioned under chapter
13 1 of title 23, United States Code.

14 (d) STATE MATCHING REQUIREMENTS.—If a grant
15 awarded under chapter 4 of title 23, United States Code,
16 requires a State to share in the cost, the aggregate of all
17 expenditures for highway safety activities made during a
18 fiscal year by the State and its political subdivisions (ex-
19 clusive of Federal funds) for carrying out the grant (other
20 than planning and administration) that are in excess of
21 the amount required under Federal law shall be available
22 for the purpose of crediting the State during such fiscal
23 year for the non-Federal share of the cost of any other
24 project carried out under chapter 4 of title 23, United
25 States Code (other than planning or administration), with-

1 out regard to whether such expenditures were made in
2 connection with such project.

3 (e) GRANT APPLICATION AND DEADLINE.—To re-
4 ceive a grant under chapter 4 of title 23, United States
5 Code, a State shall submit an application, and the Sec-
6 retary shall establish a single deadline for such applica-
7 tions to enable the award of grants early in the next fiscal
8 year.

9 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

10 Section 402 of title 23, United States Code, is
11 amended—

12 (1) in subsection (a)(2)(A)—

13 (A) in clause (vi) by striking “and” at the
14 end;

15 (B) in clause (vii) by inserting “and” after
16 the semicolon; and

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

18 “(viii) to increase driver awareness of
19 commercial motor vehicles to prevent
20 crashes and reduce injuries and fatali-
21 ties;”;

22 (2) in subsection (c)(4), by adding at the end
23 the following:

24 “(C) SURVEY.—A State shall expend funds
25 apportioned to that State under this section to

1 conduct a biennial survey that the Secretary
2 shall make publicly available through the Inter-
3 net Website of the Department of Transpor-
4 tation that includes—

5 “(i) a list of automated traffic en-
6 forcement systems in the State;

7 “(ii) adequate data to measure the
8 transparency, accountability, and safety at-
9 tributes of each automated traffic enforce-
10 ment system; and

11 “(iii) a comparison of each automated
12 traffic enforcement system with—

13 “(I) Speed Enforcement Camera
14 Systems Operational Guidelines (DOT
15 HS 810 916, March 2008); and

16 “(II) Red Light Camera Systems
17 Operational Guidelines (FHWA-SA-
18 05-002, January 2005).”;

19 (3) by striking subsection (g) and inserting the
20 following:

21 “(g) RESTRICTION.—Nothing in this section may be
22 construed to authorize the appropriation or expenditure
23 of funds for highway construction, maintenance, or design
24 (other than design of safety features of highways to be
25 incorporated into guidelines).”;

1 (4) in subsection (k)—

2 (A) by redesignating paragraphs (3)
3 through (5) as paragraphs (4) through (6), re-
4 spectively; and

5 (B) by inserting after paragraph (2) the
6 following:

7 “(3) ELECTRONIC SUBMISSION.—The Sec-
8 retary, in coordination with the Governors Highway
9 Safety Association, shall develop procedures to allow
10 States to submit highway safety plans under this
11 subsection, including any attachments to the plans,
12 in electronic form.”; and

13 (5) in subsection (m)(2)(A)—

14 (A) in clause (iv) by striking “and” at the
15 end; and

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

17 “(vi) increase driver awareness of
18 commercial motor vehicles to prevent
19 crashes and reduce injuries and fatalities;
20 and”.

21 **SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
22 **MENT.**

23 Section 403 of title 23, United States Code, is
24 amended—

25 (1) in subsection (b)(1)—

1 (A) in subparagraph (E) by striking “and”
2 at the end;

3 (B) by redesignating subparagraph (F) as
4 subparagraph (G);

5 (C) by inserting after subparagraph (E)
6 the following:

7 “(F) the installation of ignition interlocks
8 in the United States; and”; and

9 (D) in subparagraph (G), as so redesign-
10 nated, by striking “in subparagraphs (A)
11 through (E)” and inserting “in subparagraphs
12 (A) through (F)”;

13 (2) in subsection (h) by striking paragraph (2)
14 and inserting the following:

15 “(2) FUNDING.—The Secretary shall obligate
16 for each of fiscal years 2016 through 2021, from
17 funds made available to carry out this section, ex-
18 cept that the total obligated for the period covering
19 fiscal years 2016 through 2021 may not exceed
20 \$30,000,000, to conduct the research described in
21 paragraph (1).”; and

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

23 “(i) LIMITATION ON DRUG AND ALCOHOL SURVEY
24 DATA.—The Secretary shall establish procedures and
25 guidelines to ensure that any person participating in a

1 program or activity that collects data on drug or alcohol
2 use by drivers of motor vehicles and is carried out under
3 this section is informed that the program or activity is
4 voluntary.

5 “(j) FEDERAL SHARE.—The Federal share of the
6 cost of any project or activity carried out under this sec-
7 tion may be not more than 100 percent.”.

8 **SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

9 (a) IN GENERAL.—Section 404 of title 23, United
10 States Code, is amended to read as follows:

11 **“§ 404. High visibility enforcement program**

12 “(a) IN GENERAL.—The Administrator of the Na-
13 tional Highway Traffic Safety Administration shall estab-
14 lish and administer a program under which not less than
15 3 campaigns will be carried out in each of fiscal years
16 2016 through 2021.

17 “(b) PURPOSE.—The purpose of each campaign car-
18 ried out under this section shall be to achieve outcomes
19 related to not less than 1 of the following objectives:

20 “(1) Reduce alcohol-impaired or drug-impaired
21 operation of motor vehicles.

22 “(2) Increase use of seatbelts by occupants of
23 motor vehicles.

24 “(3) Reduce distracted driving of motor vehi-
25 cles.

1 “(c) ADVERTISING.—The Administrator may use, or
2 authorize the use of, funds available to carry out this sec-
3 tion to pay for the development, production, and use of
4 broadcast and print media advertising and Internet-based
5 outreach in carrying out campaigns under this section.
6 Consideration shall be given to advertising directed at
7 non-English speaking populations, including those who lis-
8 ten to, read, or watch nontraditional media.

9 “(d) COORDINATION WITH STATES.—The Adminis-
10 trator shall coordinate with States in carrying out the
11 campaigns under this section, including advertising funded
12 under subsection (c), with consideration given to—

13 “(1) relying on States to provide law enforce-
14 ment resources for the campaigns out of funding
15 available under sections 402 and 405; and

16 “(2) providing out of National Highway Traffic
17 Safety Administration resources most of the means
18 necessary for national advertising and education ef-
19 forts associated with the campaigns.

20 “(e) USE OF FUNDS.—Funds made available to carry
21 out this section may only be used for activities described
22 in subsection (c).

23 “(f) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) CAMPAIGN.—The term ‘campaign’ means
2 a high-visibility traffic safety law enforcement cam-
3 paign.

4 “(2) STATE.—The term ‘State’ has the mean-
5 ing such term has under section 401.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 4 of title 23, United States Code, is amended by strik-
8 ing the item relating to section 404 and inserting the fol-
9 lowing:

 “404. High-visibility enforcement program.”.

10 **SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.**

11 (a) GENERAL AUTHORITY.—Section 405(a) of title
12 23, United States Code, is amended to read as follows:

13 “(a) GENERAL AUTHORITY.—Subject to the require-
14 ments of this section, the Secretary of Transportation
15 shall manage programs to address national priorities for
16 reducing highway deaths and injuries. Funds shall be allo-
17 cated according to the following:

18 “(1) OCCUPANT PROTECTION.—In each fiscal
19 year, 13 percent of the funds provided under this
20 section shall be allocated among States that adopt
21 and implement effective occupant protection pro-
22 grams to reduce highway deaths and injuries result-
23 ing from individuals riding unrestrained or improp-
24 erly restrained in motor vehicles (as described in
25 subsection (b)).

1 “(2) STATE TRAFFIC SAFETY INFORMATION
2 SYSTEM IMPROVEMENTS.—In each fiscal year, 14.5
3 percent of the funds provided under this section
4 shall be allocated among States that meet require-
5 ments with respect to State traffic safety informa-
6 tion system improvements (as described in sub-
7 section (c)).

8 “(3) IMPAIRED DRIVING COUNTERMEASURES.—
9 In each fiscal year, 52.5 percent of the funds pro-
10 vided under this section shall be allocated among
11 States that meet requirements with respect to im-
12 paired driving countermeasures (as described in sub-
13 section (d)).

14 “(4) DISTRACTED DRIVING.—In each fiscal
15 year, 8.5 percent of the funds provided under this
16 section shall be allocated among States that adopt
17 and implement effective laws to reduce distracted
18 driving (as described in subsection (e)).

19 “(5) MOTORCYCLIST SAFETY.—In each fiscal
20 year, 1.5 percent of the funds provided under this
21 section shall be allocated among States that imple-
22 ment motorcyclist safety programs (as described in
23 subsection (f)).

24 “(6) STATE GRADUATED DRIVER LICENSING
25 LAWS.—In each fiscal year, 5 percent of the funds

1 provided under this section shall be allocated among
2 States that adopt and implement graduated driver
3 licensing laws (as described in subsection (g)).

4 “(7) NONMOTORIZED SAFETY.—In each fiscal
5 year, 5 percent of the funds provided under this sec-
6 tion shall be allocated among States that meet re-
7 quirements with respect to nonmotorized safety (as
8 described in subsection (h)).

9 “(8) TRANSFERS.—Notwithstanding para-
10 graphs (1) through (7), the Secretary may reallo-
11 cate, before the last day of any fiscal year, any
12 amounts remaining available to carry out any of the
13 activities described in subsections (b) through (h) to
14 increase the amount made available under section
15 402, in order to ensure, to the maximum extent pos-
16 sible, that all such amounts are obligated during
17 such fiscal year.

18 “(9) MAINTENANCE OF EFFORT.—

19 “(A) REQUIREMENTS.—No grant may be
20 made to a State in any fiscal year under sub-
21 section (b), (c), or (d) unless the State enters
22 into such agreements with the Secretary as the
23 Secretary may require to ensure that the State
24 will maintain its aggregate expenditures from
25 all State and local sources for programs de-

1 scribed in those subsections at or above the av-
2 erage level of such expenditures in the 2 fiscal
3 years preceding the date of enactment of this
4 paragraph.

5 “(B) WAIVER.—Upon the request of a
6 State, the Secretary may waive or modify the
7 requirements under subparagraph (A) for not
8 more than 1 fiscal year if the Secretary deter-
9 mines that such a waiver would be equitable
10 due to exceptional or uncontrollable cir-
11 cumstances.”.

12 (b) HIGH SEATBELT USE RATE.—Section
13 405(b)(4)(B) of title 23, United States Code, is amended
14 by striking “75 percent” and inserting “100 percent”.

15 (c) IMPAIRED DRIVING COUNTERMEASURES.—Sec-
16 tion 405(d) of title 23, United States Code, is amended—

17 (1) by striking paragraph (4) and inserting the
18 following:

19 “(4) USE OF GRANT AMOUNTS.—

20 “(A) REQUIRED PROGRAMS.—High-range
21 States shall use grant funds for—

22 “(i) high-visibility enforcement efforts;

23 and

24 “(ii) any of the activities described in
25 subparagraph (B) if—

1 “(I) the activity is described in
2 the statewide plan; and

3 “(II) the Secretary approves the
4 use of funding for such activity.

5 “(B) AUTHORIZED PROGRAMS.—Medium-
6 range and low-range States may use grant
7 funds for—

8 “(i) any of the purposes described in
9 subparagraph (A);

10 “(ii) hiring a full-time or part-time
11 impaired driving coordinator of the State’s
12 activities to address the enforcement and
13 adjudication of laws regarding driving
14 while impaired by alcohol, drugs, or the
15 combination of alcohol and drugs;

16 “(iii) court support of high-visibility
17 enforcement efforts, training and education
18 of criminal justice professionals (including
19 law enforcement, prosecutors, judges, and
20 probation officers) to assist such profes-
21 sionals in handling impaired driving cases,
22 hiring traffic safety resource prosecutors,
23 hiring judicial outreach liaisons, and estab-
24 lishing driving while intoxicated courts;

1 “(iv) alcohol ignition interlock pro-
2 grams;

3 “(v) improving blood-alcohol con-
4 centration testing and reporting;

5 “(vi) paid and earned media in sup-
6 port of high-visibility enforcement efforts,
7 conducting standardized field sobriety
8 training, advanced roadside impaired driv-
9 ing evaluation training, and drug recogni-
10 tion expert training for law enforcement,
11 and equipment and related expenditures
12 used in connection with impaired driving
13 enforcement in accordance with criteria es-
14 tablished by the National Highway Traffic
15 Safety Administration;

16 “(vii) training on the use of alcohol
17 and drug screening and brief intervention;

18 “(viii) training for and implementa-
19 tion of impaired driving assessment pro-
20 grams or other tools designed to increase
21 the probability of identifying the recidivism
22 risk of a person convicted of driving under
23 the influence of alcohol, drugs, or a com-
24 bination of alcohol and drugs and to deter-

1 mine the most effective treatment or sanc-
2 tion that will reduce such risk;

3 “(ix) developing impaired driving in-
4 formation systems; and

5 “(x) costs associated with a 24–7 so-
6 briety program.

7 “(C) OTHER PROGRAMS.—Low-range
8 States may use grant funds for any expenditure
9 designed to reduce impaired driving based on
10 problem identification and may use not more
11 than 50 percent of funds made available under
12 this subsection for any project or activity eligi-
13 ble for funding under section 402. Medium- and
14 high-range States may use funds for any ex-
15 penditure designed to reduce impaired driving
16 based on problem identification upon approval
17 by the Secretary.”; and

18 (2) by striking paragraph (6)(A) and inserting
19 the following:

20 “(A) IN GENERAL.—The Secretary shall
21 make a separate grant under this subsection to
22 each State that adopts and is enforcing a law
23 that requires any individual convicted of driving
24 under the influence of alcohol or of driving
25 while intoxicated to receive a restriction on driv-

1 ing privileges that limits the individual to oper-
2 ating only motor vehicles with an ignition inter-
3 lock installed. Such law may provide limited ex-
4 ceptions for circumstances when—

5 “(i) a State-certified ignition interlock
6 provider is not available within 100 miles
7 of the individual’s residence;

8 “(ii) the individual is required to oper-
9 ate an employer’s motor vehicle in the
10 course and scope of employment and the
11 business entity that owns the vehicle is not
12 owned or controlled by the individual; or

13 “(iii) the individual is certified by a
14 medical doctor as being unable to provide
15 a deep lung breath sample for analysis by
16 an ignition interlock device.”.

17 (d) DISTRACTED DRIVING GRANTS.—Section 405(e)
18 of title 23, United States Code, is amended to read as
19 follows:

20 “(e) DISTRACTED DRIVING GRANTS.—

21 “(1) IN GENERAL.—The Secretary shall award
22 a grant under this subsection to any State that in-
23 cludes distracted driving awareness as part of the
24 State’s driver’s license examination, and enacts and

1 enforces a law that meets the requirements set forth
2 in paragraphs (2) and (3).

3 “(2) PROHIBITION ON TEXTING WHILE DRIVING
4 OR STOPPED IN TRAFFIC.—A State law meets the
5 requirements set forth in this paragraph if the law—

6 “(A) prohibits a driver from texting
7 through a personal wireless communications de-
8 vice while driving or stopped in traffic;

9 “(B) makes violation of the law a primary
10 offense; and

11 “(C) establishes a minimum fine for a vio-
12 lation of the law.

13 “(3) PROHIBITION ON YOUTH CELL PHONE USE
14 WHILE DRIVING OR STOPPED IN TRAFFIC.—A State
15 law meets the requirements set forth in this para-
16 graph if the law—

17 “(A) prohibits a driver from using a per-
18 sonal wireless communications device while driv-
19 ing or stopped in traffic—

20 “(i) younger than 18 years of age; or

21 “(ii) in the learner’s permit and inter-
22 mediate license stages set forth in sub-
23 section (g)(2)(B);

24 “(B) makes violation of the law a primary
25 offense; and

1 “(C) establishes a minimum fine for a first
2 violation of the law.

3 “(4) PERMITTED EXCEPTIONS.—A law that
4 meets the requirements set forth in paragraph (2) or
5 (3) may provide exceptions for—

6 “(A) a driver who uses a personal wireless
7 communications device to contact emergency
8 services;

9 “(B) emergency services personnel who use
10 a personal wireless communications device
11 while—

12 “(i) operating an emergency services
13 vehicle; and

14 “(ii) engaged in the performance of
15 their duties as emergency services per-
16 sonnel;

17 “(C) an individual employed as a commer-
18 cial motor vehicle driver or a school bus driver
19 who uses a personal wireless communications
20 device within the scope of such individual’s em-
21 ployment if such use is permitted under the
22 regulations promulgated pursuant to section
23 31136 of title 49; and

24 “(D) any additional exceptions determined
25 by the Secretary through a rulemaking process.

1 “(5) USE OF GRANT FUNDS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), amounts received by a State
4 under this subsection shall be used—

5 “(i) to educate the public through ad-
6 vertising containing information about the
7 dangers of texting or using a cell phone
8 while driving;

9 “(ii) for traffic signs that notify driv-
10 ers about the distracted driving law of the
11 State; or

12 “(iii) for law enforcement costs re-
13 lated to the enforcement of the distracted
14 driving law.

15 “(B) FLEXIBILITY.—

16 “(i) Not more than 50 percent of
17 amounts received by a State under
18 this subsection may be used for any
19 eligible project or activity under sec-
20 tion 402.

21 “(ii) Not more than 75 percent
22 of amounts received by a State under
23 this subsection may be used for any
24 eligible project or activity under sec-
25 tion 402 if the State has conformed

1 its distracted driving data to the most
2 recent Model Minimum Uniform
3 Crash Criteria published by the Sec-
4 retary.

5 “(6) ALLOCATION TO SUPPORT STATE DIS-
6 TRACTED DRIVING LAWS.—Of the amounts available
7 under this subsection in a fiscal year for distracted
8 driving grants, the Secretary may expend not more
9 than \$5,000,000 for the development and placement
10 of broadcast media to reduce distracted driving of
11 motor vehicles, including to support campaigns re-
12 lated to distracted driving that are funded under
13 section 404.

14 “(7) GRANT AMOUNT.—The allocation of grant
15 funds to a State under this subsection for a fiscal
16 year shall be in proportion to the State’s apportion-
17 ment under section 402 for fiscal year 2009.

18 “(8) DEFINITIONS.—In this subsection, the fol-
19 lowing definitions apply:

20 “(A) DRIVING.—The term ‘driving’—

21 “(i) means operating a motor vehicle
22 on a public road, including operation while
23 temporarily stationary because of traffic, a
24 traffic light or stop sign, or otherwise; and

1 “(ii) does not include operating a
2 motor vehicle when the vehicle has pulled
3 over to the side of, or off, an active road-
4 way and has stopped in a location where it
5 can safely remain stationary.

6 “(B) PERSONAL WIRELESS COMMUNICA-
7 TIONS DEVICE.—The term ‘personal wireless
8 communications device’—

9 “(i) means a device through which
10 personal wireless services (as defined in
11 section 332(c)(7)(C)(i) of the Communica-
12 tions Act of 1934 (47 U.S.C.
13 332(c)(7)(C)(i))) are transmitted; and

14 “(ii) does not include a global naviga-
15 tion satellite system receiver used for posi-
16 tioning, emergency notification, or naviga-
17 tion purposes.

18 “(C) PRIMARY OFFENSE.—The term ‘pri-
19 mary offense’ means an offense for which a law
20 enforcement officer may stop a vehicle solely for
21 the purpose of issuing a citation in the absence
22 of evidence of another offense.

23 “(D) PUBLIC ROAD.—The term ‘public
24 road’ has the meaning given such term in sec-
25 tion 402(e).

1 “(E) TEXTING.—The term ‘texting’ means
2 reading from or manually entering data into a
3 personal wireless communications device, in-
4 cluding doing so for the purpose of SMS
5 texting, emailing, instant messaging, or engag-
6 ing in any other form of electronic data re-
7 trieval or electronic data communication.”.

8 (e) MOTORCYCLIST SAFETY.—Section 405(f) of title
9 23, United States Code, is amended—

10 (1) by striking paragraph (2) and inserting the
11 following:

12 “(2) GRANT AMOUNT.—The allocation of grant
13 funds to a State under this subsection for a fiscal
14 year shall be in proportion to the State’s appor-
15 tionment under section 402 for fiscal year 2009, except
16 that the amount of a grant awarded to a State for
17 a fiscal year may not exceed 25 percent of the
18 amount apportioned to the State under such section
19 for fiscal year 2009.”;

20 (2) in paragraph (4) by adding at the end the
21 following:

22 “(C) FLEXIBILITY.—Not more than 50
23 percent of grant funds received by a State
24 under this subsection may be used for any eligi-
25 ble project or activity under section 402 if the

1 State is in the lowest 25 percent of all States
2 for motorcycle deaths per 10,000 motorcycle
3 registrations based on the most recent data that
4 conforms with criteria established by the Sec-
5 retary.”; and

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

7 “(6) SHARE-THE-ROAD MODEL LANGUAGE.—
8 Not later than 1 year after the date of enactment
9 of this paragraph, the Secretary shall update and
10 provide to the States model language for use in traf-
11 fic safety education courses, driver’s manuals, and
12 other driver training materials that provides instruc-
13 tion for drivers of motor vehicles on the importance
14 of sharing the road safely with motorcyclists.”.

15 (f) STATE GRADUATED DRIVER LICENSING INCEN-
16 TIVE GRANT.—Section 405(g) of title 23, United States
17 Code, is amended to read as follows:

18 “(g) STATE GRADUATED DRIVER LICENSING INCEN-
19 TIVE GRANT.—

20 “(1) GRANTS AUTHORIZED.—Subject to the re-
21 quirements under this subsection, the Secretary shall
22 award grants to States that adopt and implement
23 graduated driver licensing laws in accordance with
24 the requirements set forth in paragraph (2).

25 “(2) MINIMUM REQUIREMENTS.—

1 “(A) IN GENERAL.—A State meets the re-
2 quirements set forth in this paragraph if the
3 State has a graduated driver licensing law that
4 requires novice drivers younger than 18 years
5 of age to comply with the 2-stage licensing
6 process described in subparagraph (B) before
7 receiving an unrestricted driver’s license.

8 “(B) LICENSING PROCESS.—A State is in
9 compliance with the 2-stage licensing process
10 described in this subparagraph if the State’s
11 driver’s license laws comply with the additional
12 requirements under subparagraph (C) and in-
13 cludes—

14 “(i) a learner’s permit stage that—

15 “(I) is not less than 6 months in
16 duration and remains in effect until
17 the driver reaches not less than 16
18 years of age;

19 “(II) contains a prohibition on
20 the driver using a personal wireless
21 communications device (as defined in
22 subsection (e)) while driving except
23 under an exception permitted under
24 subsection (e)(4);

1 “(III) requires that the driver be
2 accompanied and supervised at all
3 times while operating a motor vehicle
4 by a licensed driver who is—

5 “(aa) not less than 21 years
6 of age;

7 “(bb) the driver’s parent or
8 guardian; or

9 “(cc) a State-certified driv-
10 ing instructor; and

11 “(IV) complies with the addi-
12 tional requirements for a learner’s
13 permit stage set forth in subpara-
14 graph (C)(i); and

15 “(ii) an intermediate stage that—

16 “(I) is not less than 6 months in
17 duration;

18 “(II) contains a prohibition on
19 the driver using a personal wireless
20 communications device (as defined in
21 subsection (e)) while driving except
22 under an exception permitted under
23 subsection (e)(4);

24 “(III) for the first 6 months of
25 such stage, restricts driving at night

1 when not supervised by a licensed
2 driver described in clause (i)(III), ex-
3 cluding transportation to work, school,
4 or religious activities, or in the case of
5 an emergency;

6 “(IV) for a period of not less
7 than 6 months, prohibits the driver
8 from operating a motor vehicle with
9 more than 1 nonfamilial passenger
10 under 21 years of age unless a li-
11 censed driver described in clause
12 (i)(III) is in the vehicle; and

13 “(V) complies with the additional
14 requirements for an intermediate
15 stage set forth in subparagraph
16 (C)(ii).

17 “(C) ADDITIONAL REQUIREMENTS.—

18 “(i) LEARNER’S PERMIT STAGE.—In
19 addition to the requirements of subpara-
20 graph (B)(i), a learner’s permit stage shall
21 include not less than 2 of the following re-
22 quirements:

23 “(I) Passage of a vision and
24 knowledge assessment by a learner’s

1 permit applicant prior to receiving a
2 learner’s permit.

3 “(II) The driver completes—

4 “(aa) a State-certified driver
5 education or training course; or

6 “(bb) not less than 40 hours
7 of behind-the-wheel training with
8 a licensed driver described in
9 subparagraph (B)(i)(III).

10 “(III) In addition to any other
11 penalties imposed by State law, the
12 grant of an unrestricted driver’s li-
13 cense or advancement to an inter-
14 mediate stage be automatically de-
15 layed for any individual who, during
16 the learner’s permit stage, is convicted
17 of a driving-related offense, includ-
18 ing—

19 “(aa) driving while intoxi-
20 cated;

21 “(bb) misrepresentation of
22 the individual’s age;

23 “(cc) reckless driving;

24 “(dd) driving without wear-
25 ing a seatbelt;

1 “(ee) speeding; or

2 “(ff) any other driving-re-
3 lated offense, as determined by
4 the Secretary.

5 “(ii) INTERMEDIATE STAGE.—In addi-
6 tion to the requirements of subparagraph
7 (B)(ii), an intermediate stage shall include
8 not less than 2 of the following require-
9 ments:

10 “(I) Commencement of such
11 stage after the successful completion
12 of a driving skills test.

13 “(II) That such stage remain in
14 effect until the driver reaches the age
15 of not less than 17.

16 “(III) In addition to any other
17 penalties imposed by State law, the
18 grant of an unrestricted driver’s li-
19 cense be automatically delayed for any
20 individual who, during the learner’s
21 permit stage, is convicted of a driving-
22 related offense, including those de-
23 scribed in clause (i)(III).

24 “(3) EXCEPTION.—A State that otherwise
25 meets the minimum requirements set forth in para-

1 graph (2) shall be deemed by the Secretary to be in
2 compliance with the requirement set forth in para-
3 graph (2) if the State enacted a law before January
4 1, 2011, establishing a class of license that permits
5 licensees or applicants younger than 18 years of age
6 to drive a motor vehicle—

7 “(A) in connection with work performed
8 on, or for the operation of, a farm owned by
9 family members who are directly related to the
10 applicant or licensee; or

11 “(B) if demonstrable hardship would result
12 from the denial of a license to the licensees or
13 applicants.

14 “(4) ALLOCATION.—Grant funds allocated to a
15 State under this subsection for a fiscal year shall be
16 in proportion to the State’s apportionment under
17 section 402 for fiscal year 2009.

18 “(5) USE OF FUNDS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), grant funds received by a
21 State under this subsection shall be used for—

22 “(i) enforcing a 2-stage licensing
23 process that complies with paragraph (2);

24 “(ii) training for law enforcement per-
25 sonnel and other relevant State agency

1 personnel relating to the enforcement de-
2 scribed in clause (i);

3 “(iii) publishing relevant educational
4 materials that pertain directly or indirectly
5 to the State graduated driver licensing law;

6 “(iv) carrying out other administrative
7 activities that the Secretary considers rel-
8 evant to the State’s 2-stage licensing proc-
9 ess; or

10 “(v) carrying out a teen traffic safety
11 program described in section 402(m).

12 “(B) FLEXIBILITY.—

13 “(i) Not more than 75 percent of
14 grant funds received by a State under this
15 subsection may be used for any eligible
16 project or activity under section 402.

17 “(ii) Not more than 100 percent of
18 grant funds received by a State under this
19 subsection may be used for any eligible
20 project or activity under section 402, if the
21 State is in the lowest 25 percent of all
22 States for the number of drivers under age
23 18 involved in fatal crashes in the State
24 per the total number of drivers under age
25 18 in the State based on the most recent

1 data that conforms with criteria estab-
2 lished by the Secretary.”.

3 (g) NONMOTORIZED SAFETY.—Section 405 of title
4 23, United States Code, is amended by adding at the end
5 the following:

6 “(h) NONMOTORIZED SAFETY.—

7 “(1) GENERAL AUTHORITY.—Subject to the re-
8 quirements under this subsection, the Secretary shall
9 award grants to States for the purpose of decreasing
10 pedestrian and bicycle fatalities and injuries that re-
11 sult from crashes involving a motor vehicle.

12 “(2) FEDERAL SHARE.—The Federal share of
13 the cost of a project carried out by a State using
14 amounts from a grant awarded under this subsection
15 may not exceed 80 percent.

16 “(3) ELIGIBILITY.—A State shall receive a
17 grant under this subsection in a fiscal year if the an-
18 nual combined pedestrian and bicycle fatalities in
19 the State exceed 15 percent of the total annual
20 crash fatalities in the State, based on the most re-
21 cently reported final data from the Fatality Analysis
22 Reporting System.

23 “(4) USE OF GRANT AMOUNTS.—Grant funds
24 received by a State under this subsection may be
25 used for—

1 “(A) training of law enforcement officials
2 on State laws applicable to pedestrian and bicy-
3 cle safety;

4 “(B) enforcement mobilizations and cam-
5 paigns designed to enforce State traffic laws
6 applicable to pedestrian and bicycle safety; and

7 “(C) public education and awareness pro-
8 grams designed to inform motorists, pedes-
9 trians, and bicyclists of State traffic laws appli-
10 cable to pedestrian and bicycle safety.

11 “(5) GRANT AMOUNT.—The allocation of grant
12 funds to a State under this subsection for a fiscal
13 year shall be in proportion to the State’s apportion-
14 ment under section 402 for fiscal year 2009.”.

15 **SEC. 4006. PROHIBITION ON FUNDS TO CHECK HELMET**
16 **USAGE OR CREATE RELATED CHECKPOINTS**
17 **FOR A MOTORCYCLE DRIVER OR PASSENGER.**

18 The Secretary may not provide a grant or otherwise
19 make available funding to a State, Indian tribe, county,
20 municipality, or other local government to be used for a
21 program or activity to check helmet usage, including
22 checkpoints related to helmet usage, with respect to a mo-
23 torcycle driver or passenger.

1 **SEC. 4007. MARIJUANA-IMPAIRED DRIVING.**

2 (a) **STUDY.**—The Secretary, in consultation with the
3 heads of other Federal agencies as appropriate, shall con-
4 duct a study on marijuana-impaired driving.

5 (b) **ISSUES TO BE EXAMINED.**—In conducting the
6 study, the Secretary shall examine, at a minimum, the fol-
7 lowing:

8 (1) Methods to detect marijuana-impaired driv-
9 ing, including devices capable of measuring mari-
10 juana levels in motor vehicle operators.

11 (2) A review of impairment standard research
12 for driving under the influence of marijuana.

13 (3) Methods to differentiate the cause of a driv-
14 ing impairment between alcohol and marijuana.

15 (4) State-based policies on marijuana-impaired
16 driving.

17 (5) The role and extent of marijuana impair-
18 ment in motor vehicle accidents.

19 (c) **REPORT.**—

20 (1) **IN GENERAL.**—Not later than 1 year after
21 the date of enactment of this Act, the Secretary, in
22 cooperation with other Federal agencies as appro-
23 priate, shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-
25 atives and the Committee on Commerce, Science,

1 and Transportation of the Senate a report on the re-
2 sults of the study.

3 (2) CONTENTS.—The report shall include, at a
4 minimum, the following:

5 (A) FINDINGS.—The findings of the Sec-
6 retary based on the study, including, at a min-
7 imum, the following:

8 (i) An assessment of methodologies
9 and technologies for measuring driver im-
10 pairment resulting from the use of mari-
11 juana, including the use of marijuana in
12 combination with alcohol.

13 (ii) A description and assessment of
14 the role of marijuana as a causal factor in
15 traffic crashes and the extent of the prob-
16 lem of marijuana-impaired driving.

17 (iii) A description and assessment of
18 current State laws relating to marijuana-
19 impaired driving.

20 (iv) A determination whether an im-
21 pairment standard for drivers under the
22 influence of marijuana is feasible and could
23 reduce vehicle accidents and save lives.

1 (B) RECOMMENDATIONS.—The rec-
2 ommendations of the Secretary based on the
3 study, including, at a minimum, the following:

4 (i) Effective and efficient methods for
5 training law enforcement personnel, includ-
6 ing drug recognition experts, to detect or
7 measure the level of impairment of a motor
8 vehicle operator who is under the influence
9 of marijuana by the use of technology or
10 otherwise.

11 (ii) If feasible, an impairment stand-
12 ard for driving under the influence of
13 marijuana.

14 (iii) Methodologies for increased data
15 collection regarding the prevalence and ef-
16 fects of marijuana-impaired driving.

17 (d) MARIJUANA DEFINED.—In this section, the term
18 “marijuana” includes all substances containing
19 tetrahydrocannabinol.

20 **SEC. 4008. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
21 **ELIGIBILITY.**

22 Not later than 60 days after the date on which the
23 Secretary of Transportation awards grants under section
24 405 of title 23, United States Code, the Secretary shall

1 make available on a publicly available Internet Website of
2 the Department of Transportation—

3 (1) an identification of—

4 (A) the States that were awarded grants
5 under such section;

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

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

10 (2) a list of deficiencies that made a State ineli-
11 gible for a grant under such section for each State
12 under paragraph (1)(B).

13 **SEC. 4009. DATA COLLECTION.**

14 Section 1906 of SAFETEA-LU (23 U.S.C. 402
15 note) is amended—

16 (1) in subsection (a)(1)—

17 (A) by striking “(A) has enacted” and all
18 that follows through “(B) is maintaining” and
19 inserting “is maintaining”; and

20 (B) by striking “and any passengers”;

21 (2) by striking subsection (b) and inserting the
22 following:

23 “(b) USE OF GRANT FUNDS.—A grant received by
24 a State under subsection (a) shall be used by the State
25 for the costs of—

1 “(1) collecting and maintaining data on traffic
2 stops; and

3 “(2) evaluating the results of the data.”;

4 (3) by striking subsection (c) and redesignating
5 subsections (d) and (e) as subsections (c) and (d),
6 respectively;

7 (4) in subsection (c)(2), as so redesignated, by
8 striking “A State” and inserting “On or after Octo-
9 ber 1, 2015, a State”; and

10 (5) in subsection (d), as so redesignated—

11 (A) in the subsection heading by striking
12 “AUTHORIZATION OF APPROPRIATIONS” and
13 inserting “FUNDING”;

14 (B) by striking paragraph (1) and insert-
15 ing the following:

16 “(1) IN GENERAL.—From funds made available
17 under section 403 of title 23, United States Code,
18 the Secretary shall set aside \$7,500,000 for each of
19 the fiscal years 2016 through 2021 to carry out this
20 section.”; and

21 (C) in paragraph (2)—

22 (i) by striking “authorized by” and in-
23 serting “made available under”; and

1 (ii) by striking “percent,” and all that
2 follows through the period at the end and
3 inserting “percent.”.

4 **SEC. 4010. TECHNICAL CORRECTIONS.**

5 Title 23, United States Code, is amended as follows:

6 (1) Section 402 is amended—

7 (A) in subsection (b)(1)—

8 (i) in subparagraph (C) by striking
9 “paragraph (3)” and inserting “paragraph
10 (2)”; and

11 (ii) in subparagraph (E)—

12 (I) by striking “in which” and in-
13 serting “for which”; and

14 (II) by striking “under sub-
15 section (f)” and inserting “under sub-
16 section (k)”; and

17 (B) in subsection (k)(4) by striking “under
18 paragraph (2)(A)” and inserting “under para-
19 graph (3)(A)”.

20 (2) Section 403(e) is amended by striking
21 “chapter 301” and inserting “chapter 301 of title
22 49”.

23 (3) Section 405 is amended—

24 (A) in subsection (d)—

1 (i) in paragraph (5) by striking
2 “under section 402(e)” and inserting
3 “under section 402”; and

4 (ii) in paragraph (6)(C) by striking
5 “on the basis of the apportionment for-
6 mula set forth in section 402(e)” and in-
7 serting “in proportion to the State’s appor-
8 tionment under section 402 for fiscal year
9 2009”; and

10 (B) in subsection (f)(4)(A)(iv)—

11 (i) by striking “such as the” and in-
12 serting “including”; and

13 (ii) by striking “developed under sub-
14 section (g)”.

15 **TITLE V—MOTOR CARRIER**
16 **SAFETY**

17 **Subtitle A—Motor Carrier Safety**
18 **Grant Consolidation**

19 **SEC. 5101. GRANTS TO STATES.**

20 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
21 GRAM.—Section 31102 of title 49, United States Code, is
22 amended to read as follows:

1 **“§ 31102. Motor carrier safety assistance program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall administer a motor carrier safety assistance program
4 funded under section 31104.

5 “(b) GOAL.—The goal of the program is to ensure
6 that the Secretary, States, local governments, other polit-
7 ical jurisdictions, federally recognized Indian tribes, and
8 other persons work in partnership to establish programs
9 to improve motor carrier, commercial motor vehicle, and
10 driver safety to support a safe and efficient surface trans-
11 portation system by—

12 “(1) making targeted investments to promote
13 safe commercial motor vehicle transportation, includ-
14 ing the transportation of passengers and hazardous
15 materials;

16 “(2) investing in activities likely to generate
17 maximum reductions in the number and severity of
18 commercial motor vehicle crashes and in fatalities
19 resulting from such crashes;

20 “(3) adopting and enforcing effective motor car-
21 rier, commercial motor vehicle, and driver safety reg-
22 ulations and practices consistent with Federal re-
23 quirements; and

24 “(4) assessing and improving statewide per-
25 formance by setting program goals and meeting per-
26 formance standards, measures, and benchmarks.

1 “(c) STATE PLANS.—

2 “(1) IN GENERAL.—In carrying out the pro-
3 gram, the Secretary shall prescribe procedures for a
4 State to submit a multiple-year plan, and annual up-
5 dates thereto, under which the State agrees to as-
6 sume responsibility for improving motor carrier safe-
7 ty by adopting and enforcing State regulations,
8 standards, and orders that are compatible with the
9 regulations, standards, and orders of the Federal
10 Government on commercial motor vehicle safety and
11 hazardous materials transportation safety.

12 “(2) CONTENTS.—The Secretary shall approve
13 a State plan if the Secretary determines that the
14 plan is adequate to comply with the requirements of
15 this section, and the plan—

16 “(A) implements performance-based activi-
17 ties, including deployment and maintenance of
18 technology to enhance the efficiency and effec-
19 tiveness of commercial motor vehicle safety pro-
20 grams;

21 “(B) designates a lead State commercial
22 motor vehicle safety agency responsible for ad-
23 ministering the plan throughout the State;

24 “(C) contains satisfactory assurances that
25 the lead State commercial motor vehicle safety

1 agency has or will have the legal authority, re-
2 sources, and qualified personnel necessary to
3 enforce the regulations, standards, and orders;

4 “(D) contains satisfactory assurances that
5 the State will devote adequate resources to the
6 administration of the plan and enforcement of
7 the regulations, standards, and orders;

8 “(E) provides a right of entry and inspec-
9 tion to carry out the plan;

10 “(F) provides that all reports required
11 under this section be available to the Secretary
12 on request;

13 “(G) provides that the lead State commer-
14 cial motor vehicle safety agency will adopt the
15 reporting requirements and use the forms for
16 recordkeeping, inspections, and investigations
17 that the Secretary prescribes;

18 “(H) requires all registrants of commercial
19 motor vehicles to demonstrate knowledge of ap-
20 plicable safety regulations, standards, and or-
21 ders of the Federal Government and the State;

22 “(I) provides that the State will grant
23 maximum reciprocity for inspections conducted
24 under the North American Inspection Stand-
25 ards through the use of a nationally accepted

1 system that allows ready identification of pre-
2 viously inspected commercial motor vehicles;

3 “(J) ensures that activities described in
4 subsection (h), if financed through grants to
5 the State made under this section, will not di-
6 minish the effectiveness of the development and
7 implementation of the programs to improve
8 motor carrier, commercial motor vehicle, and
9 driver safety as described in subsection (b);

10 “(K) ensures that the lead State commer-
11 cial motor vehicle safety agency will coordinate
12 the plan, data collection, and information sys-
13 tems with the State highway safety improve-
14 ment program required under section 148(c) of
15 title 23;

16 “(L) ensures participation in appropriate
17 Federal Motor Carrier Safety Administration
18 information technology and data systems and
19 other information systems by all appropriate ju-
20 risdictions receiving motor carrier safety assist-
21 ance program funding;

22 “(M) ensures that information is ex-
23 changed among the States in a timely manner;

24 “(N) provides satisfactory assurances that
25 the State will undertake efforts that will em-

1 phasize and improve enforcement of State and
2 local traffic safety laws and regulations related
3 to commercial motor vehicle safety;

4 “(O) provides satisfactory assurances that
5 the State will address national priorities and
6 performance goals, including—

7 “(i) activities aimed at removing im-
8 paired commercial motor vehicle drivers
9 from the highways of the United States
10 through adequate enforcement of regula-
11 tions on the use of alcohol and controlled
12 substances and by ensuring ready roadside
13 access to alcohol detection and measuring
14 equipment;

15 “(ii) activities aimed at providing an
16 appropriate level of training to State motor
17 carrier safety assistance program officers
18 and employees on recognizing drivers im-
19 paired by alcohol or controlled substances;
20 and

21 “(iii) when conducted with an appro-
22 priate commercial motor vehicle inspection,
23 criminal interdiction activities, and appro-
24 priate strategies for carrying out those
25 interdiction activities, including interdic-

1 tion activities that affect the transpor-
2 tation of controlled substances (as defined
3 in section 102 of the Comprehensive Drug
4 Abuse Prevention and Control Act of 1970
5 (21 U.S.C. 802) and listed in part 1308 of
6 title 21, Code of Federal Regulations, as
7 updated and republished from time to
8 time) by any occupant of a commercial
9 motor vehicle;

10 “(P) provides that the State has estab-
11 lished and dedicated sufficient resources to a
12 program to ensure that—

13 “(i) the State collects and reports to
14 the Secretary accurate, complete, and
15 timely motor carrier safety data; and

16 “(ii) the State participates in a na-
17 tional motor carrier safety data correction
18 system prescribed by the Secretary;

19 “(Q) ensures that the State will cooperate
20 in the enforcement of financial responsibility re-
21 quirements under sections 13906, 31138, and
22 31139 and regulations issued under those sec-
23 tions;

24 “(R) ensures consistent, effective, and rea-
25 sonable sanctions;

1 “(S) ensures that roadside inspections will
2 be conducted at locations that are adequate to
3 protect the safety of drivers and enforcement
4 personnel;

5 “(T) provides that the State will include in
6 the training manuals for the licensing examina-
7 tion to drive noncommercial motor vehicles and
8 commercial motor vehicles information on best
9 practices for driving safely in the vicinity of
10 noncommercial and commercial motor vehicles;

11 “(U) provides that the State will enforce
12 the registration requirements of sections 13902
13 and 31134 by prohibiting the operation of any
14 vehicle discovered to be operated by a motor
15 carrier without a registration issued under
16 those sections or to be operated beyond the
17 scope of the motor carrier’s registration;

18 “(V) provides that the State will conduct
19 comprehensive and highly visible traffic enforce-
20 ment and commercial motor vehicle safety in-
21 spection programs in high-risk locations and
22 corridors;

23 “(W) except in the case of an imminent
24 hazard or obvious safety hazard, ensures that
25 an inspection of a vehicle transporting pas-

1 sengers for a motor carrier of passengers is
2 conducted at a bus station, terminal, border
3 crossing, maintenance facility, destination, or
4 other location where a motor carrier may make
5 a planned stop (excluding a weigh station);

6 “(X) ensures that the State will transmit
7 to its roadside inspectors notice of each Federal
8 exemption granted under section 31315(b) of
9 this title and sections 390.23 and 390.25 of
10 title 49, Code of Federal Regulations, and pro-
11 vided to the State by the Secretary, including
12 the name of the person that received the exemp-
13 tion and any terms and conditions that apply to
14 the exemption;

15 “(Y) except as provided in subsection (d),
16 provides that the State—

17 “(i) will conduct safety audits of
18 interstate and, at the State’s discretion,
19 intrastate new entrant motor carriers
20 under section 31144(g); and

21 “(ii) if the State authorizes a third
22 party to conduct safety audits under sec-
23 tion 31144(g) on its behalf, the State
24 verifies the quality of the work conducted
25 and remains solely responsible for the

1 management and oversight of the activi-
2 ties;

3 “(Z) provides that the State agrees to fully
4 participate in the performance and registration
5 information systems management under section
6 31106(b) not later than October 1, 2020, by
7 complying with the conditions for participation
8 under paragraph (3) of that section, or dem-
9 onstrates to the Secretary an alternative ap-
10 proach for identifying and immobilizing a motor
11 carrier with serious safety deficiencies in a
12 manner that provides an equivalent level of
13 safety;

14 “(AA) in the case of a State that shares a
15 land border with another country, provides that
16 the State—

17 “(i) will conduct a border commercial
18 motor vehicle safety program focusing on
19 international commerce that includes en-
20 forcement and related projects; or

21 “(ii) will forfeit all funds calculated by
22 the Secretary based on border-related ac-
23 tivities if the State declines to conduct the
24 program described in clause (i) in its plan;
25 and

1 “(BB) in the case of a State that meets
2 the other requirements of this section and
3 agrees to comply with the requirements estab-
4 lished in subsection (l)(3), provides that the
5 State may fund operation and maintenance
6 costs associated with innovative technology de-
7 ployment under subsection (l)(3) with motor
8 carrier safety assistance program funds author-
9 ized under section 31104(a)(1).

10 “(3) PUBLICATION.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the Secretary shall publish each ap-
13 proved State multiple-year plan, and each an-
14 nual update thereto, on a publically accessible
15 Internet Web site of the Department of Trans-
16 portation not later than 30 days after the date
17 the Secretary approves the plan or update.

18 “(B) LIMITATION.—Before publishing an
19 approved State multiple-year plan or annual up-
20 date under subparagraph (A), the Secretary
21 shall redact any information identified by the
22 State that, if disclosed—

23 “(i) would reasonably be expected to
24 interfere with enforcement proceedings; or

1 “(ii) would reveal enforcement tech-
2 niques or procedures that would reasonably
3 be expected to risk circumvention of the
4 law.

5 “(d) EXCLUSION OF U.S. TERRITORIES.—The re-
6 quirement that a State conduct safety audits of new en-
7 trant motor carriers under subsection (c)(2)(Y) does not
8 apply to a territory of the United States unless required
9 by the Secretary.

10 “(e) INTRASTATE COMPATIBILITY.—The Secretary
11 shall prescribe regulations specifying tolerance guidelines
12 and standards for ensuring compatibility of intrastate
13 commercial motor vehicle safety laws, including regula-
14 tions, with Federal motor carrier safety regulations to be
15 enforced under subsections (b) and (c). To the extent
16 practicable, the guidelines and standards shall allow for
17 maximum flexibility while ensuring a degree of uniformity
18 that will not diminish motor vehicle safety.

19 “(f) MAINTENANCE OF EFFORT.—

20 “(1) BASELINE.—Except as provided under
21 paragraphs (2) and (3) and in accordance with sec-
22 tion 5106 of the Surface Transportation Reauthor-
23 ization and Reform Act of 2015, a State plan under
24 subsection (c) shall provide that the total expendi-
25 ture of amounts of the lead State commercial motor

1 vehicle safety agency responsible for administering
2 the plan will be maintained at a level each fiscal
3 year that is at least equal to—

4 “(A) the average level of that expenditure
5 for fiscal years 2004 and 2005; or

6 “(B) the level of that expenditure for the
7 year in which the Secretary implements a new
8 allocation formula under section 5106 of the
9 Surface Transportation Reauthorization and
10 Reform Act of 2015.

11 “(2) ADJUSTED BASELINE AFTER FISCAL YEAR
12 2017.—At the request of a State, the Secretary may
13 evaluate additional documentation related to the
14 maintenance of effort and may make reasonable ad-
15 justments to the maintenance of effort baseline after
16 the year in which the Secretary implements a new
17 allocation formula under section 5106 of the Surface
18 Transportation Reauthorization and Reform Act of
19 2015, and this adjusted baseline will replace the
20 maintenance of effort requirement under paragraph
21 (1).

22 “(3) WAIVERS.—At the request of a State, the
23 Secretary may waive or modify the requirements of
24 this subsection for a total of 1 fiscal year if the Sec-
25 retary determines that the waiver or modification is

1 reasonable, based on circumstances described by the
2 State, to ensure the continuation of commercial
3 motor vehicle enforcement activities in the State.

4 “(4) LEVEL OF STATE EXPENDITURES.—In es-
5 timating the average level of a State’s expenditures
6 under paragraph (1), the Secretary—

7 “(A) may allow the State to exclude State
8 expenditures for federally sponsored demonstra-
9 tion and pilot programs and strike forces;

10 “(B) may allow the State to exclude ex-
11 penditures for activities related to border en-
12 forcement and new entrant safety audits; and

13 “(C) shall require the State to exclude
14 State matching amounts used to receive Federal
15 financing under section 31104.

16 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
17 AGREEMENT.—Amounts generated under section 14504a
18 and received by a State and used for motor carrier safety
19 purposes may be included as part of the State’s match
20 required under section 31104 or maintenance of effort re-
21 quired by subsection (f).

22 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
23 When approved as part of a State’s plan under subsection
24 (c), the State may use motor carrier safety assistance pro-
25 gram funds received under this section—

1 “(1) if the activities are carried out in conjunc-
2 tion with an appropriate inspection of a commercial
3 motor vehicle to enforce Federal or State commercial
4 motor vehicle safety regulations, for—

5 “(A) enforcement of commercial motor ve-
6 hicle size and weight limitations at locations,
7 excluding fixed-weight facilities, such as near
8 steep grades or mountainous terrains, where
9 the weight of a commercial motor vehicle can
10 significantly affect the safe operation of the ve-
11 hicle, or at ports where intermodal shipping
12 containers enter and leave the United States;
13 and

14 “(B) detection of and enforcement actions
15 taken as a result of criminal activity, including
16 the trafficking of human beings, in a commer-
17 cial motor vehicle or by any occupant, including
18 the operator, of the commercial motor vehicle;
19 and

20 “(2) for documented enforcement of State traf-
21 fic laws and regulations designed to promote the
22 safe operation of commercial motor vehicles, includ-
23 ing documented enforcement of such laws and regu-
24 lations relating to noncommercial motor vehicles

1 when necessary to promote the safe operation of
2 commercial motor vehicles, if—

3 “(A) the number of motor carrier safety
4 activities, including roadside safety inspections,
5 conducted in the State is maintained at a level
6 at least equal to the average level of such activi-
7 ties conducted in the State in fiscal years 2004
8 and 2005; and

9 “(B) the State does not use more than 10
10 percent of the basic amount the State receives
11 under a grant awarded under section
12 31104(a)(1) for enforcement activities relating
13 to noncommercial motor vehicles necessary to
14 promote the safe operation of commercial motor
15 vehicles unless the Secretary determines that a
16 higher percentage will result in significant in-
17 creases in commercial motor vehicle safety.

18 “(i) EVALUATION OF PLANS AND AWARD OF
19 GRANTS.—

20 “(1) AWARDS.—The Secretary shall establish
21 criteria for the application, evaluation, and approval
22 of State plans under this section. Subject to sub-
23 section (j), the Secretary may allocate the amounts
24 made available under section 31104(a)(1) among the
25 States.

1 “(2) OPPORTUNITY TO CURE.—If the Secretary
2 disapproves a plan under this section, the Secretary
3 shall give the State a written explanation of the rea-
4 sons for disapproval and allow the State to modify
5 and resubmit the plan for approval.

6 “(j) ALLOCATION OF FUNDS.—

7 “(1) IN GENERAL.—The Secretary, by regula-
8 tion, shall prescribe allocation criteria for funds
9 made available under section 31104(a)(1).

10 “(2) ANNUAL ALLOCATIONS.—On October 1 of
11 each fiscal year, or as soon as practicable thereafter,
12 and after making a deduction under section
13 31104(c), the Secretary shall allocate amounts made
14 available under section 31104(a)(1) to carry out this
15 section for the fiscal year among the States with
16 plans approved under this section in accordance with
17 the criteria prescribed under paragraph (1).

18 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
19 availability of funding and notwithstanding fluctua-
20 tions in the data elements used by the Secretary to
21 calculate the annual allocation amounts, after the
22 creation of a new allocation formula under section
23 5106 of the Surface Transportation Reauthorization
24 and Reform Act of 2015 the Secretary may not
25 make elective adjustments to the allocation formula

1 that decrease a State's Federal funding levels by
2 more than 3 percent in a fiscal year. The 3 percent
3 limit shall not apply to the withholding provisions of
4 subsection (k).

5 “(k) PLAN MONITORING.—

6 “(1) IN GENERAL.—On the basis of reports
7 submitted by the lead State agency responsible for
8 administering a State plan approved under this sec-
9 tion and an investigation by the Secretary, the Sec-
10 retary shall periodically evaluate State implementa-
11 tion of and compliance with the State plan.

12 “(2) WITHHOLDING OF FUNDS.—

13 “(A) DISAPPROVAL.—If, after notice and
14 an opportunity to be heard, the Secretary finds
15 that a State plan previously approved under
16 this section is not being followed or has become
17 inadequate to ensure enforcement of State reg-
18 ulations, standards, or orders described in sub-
19 section (c)(1), or the State is otherwise not in
20 compliance with the requirements of this sec-
21 tion, the Secretary may withdraw approval of
22 the State plan and notify the State. Upon the
23 receipt of such notice, the State plan shall no
24 longer be in effect and the Secretary shall with-
25 hold all funding to the State under this section.

1 “(B) NONCOMPLIANCE WITHHOLDING.—In
2 lieu of withdrawing approval of a State plan
3 under subparagraph (A), the Secretary may,
4 after providing notice to the State and an op-
5 portunity to be heard, withhold funding from
6 the State to which the State would otherwise be
7 entitled under this section for the period of the
8 State’s noncompliance. In exercising this op-
9 tion, the Secretary may withhold—

10 “(i) up to 5 percent of funds during
11 the fiscal year that the Secretary notifies
12 the State of its noncompliance;

13 “(ii) up to 10 percent of funds for the
14 first full fiscal year of noncompliance;

15 “(iii) up to 25 percent of funds for
16 the second full fiscal year of noncompli-
17 ance; and

18 “(iv) not more than 50 percent of
19 funds for the third and any subsequent full
20 fiscal year of noncompliance.

21 “(3) JUDICIAL REVIEW.—A State adversely af-
22 fected by a determination under paragraph (2) may
23 seek judicial review under chapter 7 of title 5. Not-
24 withstanding the disapproval of a State plan under
25 paragraph (2)(A) or the withholding of funds under

1 paragraph (2)(B), the State may retain jurisdiction
2 in an administrative or a judicial proceeding that
3 commenced before the notice of disapproval or with-
4 holding if the issues involved are not related directly
5 to the reasons for the disapproval or withholding.

6 “(1) HIGH PRIORITY PROGRAM.—

7 “(1) IN GENERAL.—The Secretary shall admin-
8 ister a high priority program funded under section
9 31104 for the purposes described in paragraphs (2)
10 and (3).

11 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
12 SAFETY.—The Secretary may make discretionary
13 grants to and enter into cooperative agreements with
14 States, local governments, federally recognized In-
15 dian tribes, other political jurisdictions as necessary,
16 and any person to carry out high priority activities
17 and projects that augment motor carrier safety ac-
18 tivities and projects planned in accordance with sub-
19 sections (b) and (c), including activities and projects
20 that—

21 “(A) increase public awareness and edu-
22 cation on commercial motor vehicle safety;

23 “(B) target unsafe driving of commercial
24 motor vehicles and noncommercial motor vehi-

1 cles in areas identified as high risk crash cor-
2 ridors;

3 “(C) improve the safe and secure move-
4 ment of hazardous materials;

5 “(D) improve safe transportation of goods
6 and persons in foreign commerce;

7 “(E) demonstrate new technologies to im-
8 prove commercial motor vehicle safety;

9 “(F) support participation in performance
10 and registration information systems manage-
11 ment under section 31106(b)—

12 “(i) for entities not responsible for
13 submitting the plan under subsection (c);
14 or

15 “(ii) for entities responsible for sub-
16 mitting the plan under subsection (c)—

17 “(I) before October 1, 2020, to
18 achieve compliance with the require-
19 ments of participation; and

20 “(II) beginning on October 1,
21 2020, or once compliance is achieved,
22 whichever is sooner, for special initia-
23 tives or projects that exceed routine
24 operations required for participation;

1 “(G) conduct safety data improvement
2 projects—

3 “(i) that complete or exceed the re-
4 quirements under subsection (c)(2)(P) for
5 entities not responsible for submitting the
6 plan under subsection (c); or

7 “(ii) that exceed the requirements
8 under subsection (c)(2)(P) for entities re-
9 sponsible for submitting the plan under
10 subsection (c); and

11 “(H) otherwise improve commercial motor
12 vehicle safety and compliance with commercial
13 motor vehicle safety regulations.

14 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
15 GRANT PROGRAM.—

16 “(A) IN GENERAL.—The Secretary shall
17 establish an innovative technology deployment
18 grant program to make discretionary grants
19 funded under section 31104(a)(2) to eligible
20 States for the innovative technology deployment
21 of commercial motor vehicle information sys-
22 tems and networks.

23 “(B) PURPOSES.—The purposes of the
24 program shall be—

1 “(i) to advance the technological capa-
2 bility and promote the deployment of intel-
3 ligent transportation system applications
4 for commercial motor vehicle operations,
5 including commercial motor vehicle, com-
6 mercial driver, and carrier-specific infor-
7 mation systems and networks; and

8 “(ii) to support and maintain com-
9 mercial motor vehicle information systems
10 and networks—

11 “(I) to link Federal motor carrier
12 safety information systems with State
13 commercial motor vehicle systems;

14 “(II) to improve the safety and
15 productivity of commercial motor vehi-
16 cles and drivers; and

17 “(III) to reduce costs associated
18 with commercial motor vehicle oper-
19 ations and Federal and State commer-
20 cial motor vehicle regulatory require-
21 ments.

22 “(C) ELIGIBILITY.—To be eligible for a
23 grant under this paragraph, a State shall—

24 “(i) have a commercial motor vehicle
25 information systems and networks program

1 plan approved by the Secretary that de-
2 scribes the various systems and networks
3 at the State level that need to be refined,
4 revised, upgraded, or built to accomplish
5 deployment of commercial motor vehicle in-
6 formation systems and networks capabili-
7 ties;

8 “(ii) certify to the Secretary that its
9 commercial motor vehicle information sys-
10 tems and networks deployment activities,
11 including hardware procurement, software
12 and system development, and infrastruc-
13 ture modifications—

14 “(I) are consistent with the na-
15 tional intelligent transportation sys-
16 tems and commercial motor vehicle in-
17 formation systems and networks ar-
18 chitectures and available standards;
19 and

20 “(II) promote interoperability
21 and efficiency to the extent prac-
22 ticable; and

23 “(iii) agree to execute interoperability
24 tests developed by the Federal Motor Car-
25 rier Safety Administration to verify that

1 its systems conform with the national intel-
2 ligent transportation systems architecture,
3 applicable standards, and protocols for
4 commercial motor vehicle information sys-
5 tems and networks.

6 “(D) USE OF FUNDS.—Grant funds re-
7 ceived under this paragraph may be used—

8 “(i) for deployment activities and ac-
9 tivities to develop new and innovative ad-
10 vanced technology solutions that support
11 commercial motor vehicle information sys-
12 tems and networks;

13 “(ii) for planning activities, including
14 the development or updating of program or
15 top level design plans in order to become
16 eligible or maintain eligibility under sub-
17 paragraph (C); and

18 “(iii) for the operation and mainte-
19 nance costs associated with innovative
20 technology.

21 “(E) SECRETARY AUTHORIZATION.—The
22 Secretary is authorized to award a State fund-
23 ing for the operation and maintenance costs as-
24 sociated with innovative technology deployment

1 with funds made available under sections
2 31104(a)(1) and 31104(a)(2).”.

3 (b) COMMERCIAL MOTOR VEHICLE OPERATORS
4 GRANT PROGRAM.—Section 31103 of title 49, United
5 States Code, is amended to read as follows:

6 **“§ 31103. Commercial motor vehicle operators grant**
7 **program**

8 “(a) IN GENERAL.—The Secretary shall administer
9 a commercial motor vehicle operators grant program fund-
10 ed under section 31104.

11 “(b) PURPOSE.—The purpose of the grant program
12 is to train individuals in the safe operation of commercial
13 motor vehicles (as defined in section 31301).

14 “(c) VETERANS.—In administering grants under this
15 section, the Secretary shall award priority to grant appli-
16 cations for programs to train former members of the
17 armed forces (as defined in section 101 of title 10) in the
18 safe operation of such vehicles.”.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
20 31104 of title 49, United States Code, as amended by this
21 Act, is further amended on the effective date set forth in
22 subsection (f) to read as follows:

23 **“§ 31104. Authorization of appropriations**

24 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
25 lowing sums are authorized to be appropriated from the

1 Highway Trust Fund (other than the Mass Transit Ac-
2 count):

3 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
4 GRAM.—Subject to paragraph (2) and subsection (c),
5 to carry out section 31102—

6 “(A) \$278,242,684 for fiscal year 2017;

7 “(B) \$293,685,550 for fiscal year 2018;

8 “(C) \$308,351,227 for fiscal year 2019;

9 “(D) \$323,798,553 for fiscal year 2020;

10 and

11 “(E) \$339,244,023 for fiscal year 2021.

12 “(2) HIGH PRIORITY ACTIVITIES PROGRAM.—
13 Subject to subsection (c), to make grants and coop-
14 erative agreements under section 31102(l), the Sec-
15 retary may set aside from amounts made available
16 under paragraph (1) up to—

17 “(A) \$40,798,780 for fiscal year 2017;

18 “(B) \$41,684,114 for fiscal year 2018;

19 “(C) \$42,442,764 for fiscal year 2019;

20 “(D) \$43,325,574 for fiscal year 2020;

21 and

22 “(E) \$44,209,416 for fiscal year 2021.

23 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
24 GRANT PROGRAM.—To carry out section 31103—

25 “(A) \$1,000,000 for fiscal year 2017;

1 “(B) \$1,000,000 for fiscal year 2018;

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

3 “(D) \$1,000,000 for fiscal year 2020; and

4 “(E) \$1,000,000 for fiscal year 2021.

5 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
6 IMPLEMENTATION PROGRAM.—Subject to subsection
7 (c), to carry out section 31313—

8 “(A) \$30,958,536 for fiscal year 2017;

9 “(B) \$31,630,336 for fiscal year 2018;

10 “(C) \$32,206,008 for fiscal year 2019;

11 “(D) \$32,875,893 for fiscal year 2020;

12 and

13 “(E) \$33,546,562 for fiscal year 2021.

14 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
15 ENTS FOR GOVERNMENT SHARE OF COSTS.—

16 “(1) IN GENERAL.—Amounts made available
17 under subsection (a) shall be used to reimburse fi-
18 nancial assistance recipients proportionally for the
19 Federal Government’s share of the costs incurred.

20 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
21 retary shall reimburse a recipient, in accordance
22 with a financial assistance agreement made under
23 section 31102, 31103, or 31313, an amount that is
24 at least 85 percent of the costs incurred by the re-
25 cipient in a fiscal year in developing and imple-

1 menting programs under such sections. The Sec-
2 retary shall pay the recipient an amount not more
3 than the Federal Government share of the total
4 costs approved by the Federal Government in the fi-
5 nancial assistance agreement. The Secretary shall
6 include a recipient's in-kind contributions in deter-
7 mining the reimbursement.

8 “(3) VOUCHERS.—Each recipient shall submit
9 vouchers at least quarterly for costs the recipient in-
10 curs in developing and implementing programs
11 under sections 31102, 31103, and 31313.

12 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
13 PROGRAM SUPPORT.—On October 1 of each fiscal year,
14 or as soon after that date as practicable, the Secretary
15 may deduct from amounts made available under para-
16 graphs (1), (2), and (4) of subsection (a) for that fiscal
17 year not more than 1.50 percent of those amounts for
18 partner training and program support in that fiscal year.
19 The Secretary shall use at least 75 percent of those de-
20 ducted amounts to train non-Federal Government employ-
21 ees and to develop related training materials in carrying
22 out such programs.

23 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
24 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
25 cial assistance agreement by the Secretary under section

1 31102, 31103, or 31313 is a contractual obligation of the
2 Federal Government for payment of the Federal Govern-
3 ment's share of costs in carrying out the provisions of the
4 grant or cooperative agreement.

5 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
6 tablish criteria for eligible activities to be funded with fi-
7 nancial assistance agreements under this section and pub-
8 lish those criteria in a notice of funding availability before
9 the financial assistance program application period.

10 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
11 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
12 TURES.—The period of availability for a recipient to ex-
13 pend funds under a grant or cooperative agreement au-
14 thorized under subsection (a) is as follows:

15 “(1) For grants made for carrying out section
16 31102, other than section 31102(l), for the fiscal
17 year in which the Secretary approves the financial
18 assistance agreement and for the next fiscal year.

19 “(2) For grants made or cooperative agree-
20 ments entered into for carrying out section
21 31102(l)(2), for the fiscal year in which the Sec-
22 retary approves the financial assistance agreement
23 and for the next 2 fiscal years.

24 “(3) For grants made for carrying out section
25 31102(l)(3), for the fiscal year in which the Sec-

1 retary approves the financial assistance agreement
2 and for the next 4 fiscal years.

3 “(4) For grants made for carrying out section
4 31103, for the fiscal year in which the Secretary ap-
5 proves the financial assistance agreement and for
6 the next fiscal year.

7 “(5) For grants made or cooperative agree-
8 ments entered into for carrying out section 31313,
9 for the fiscal year in which the Secretary approves
10 the financial assistance agreement and for the next
11 4 fiscal years.

12 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
13 AVAILABILITY.—Amounts authorized from the Highway
14 Trust Fund (other than the Mass Transit Account) by this
15 section shall be available for obligation on the date of their
16 apportionment or allocation or on October 1 of the fiscal
17 year for which they are authorized, whichever occurs first.

18 “(h) AVAILABILITY OF FUNDING.—Amounts made
19 available under this section shall remain available until ex-
20 pended.”.

21 (d) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 311 of title 49, United States Code, is amended by
23 striking the items relating to sections 31102, 31103, and
24 31104 and inserting the following:

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

1 (e) CONFORMING AMENDMENTS.—

2 (1) SAFETY FITNESS OF OWNERS AND OPER-
3 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
4 tion 31144(g) of title 49, United States Code, is
5 amended by striking paragraph (5).

6 (2) INFORMATION SYSTEMS; PERFORMANCE
7 AND REGISTRATION INFORMATION PROGRAM.—Sec-
8 tion 31106(b) of title 49, United States Code, is
9 amended by striking paragraph (4).

10 (3) BORDER ENFORCEMENT GRANTS.—Section
11 31107 of title 49, United States Code, and the item
12 relating to that section in the analysis for chapter
13 311 of that title, are repealed.

14 (4) PERFORMANCE AND REGISTRATION INFOR-
15 MATION SYSTEM MANAGEMENT.—Section 31109 of
16 title 49, United States Code, and the item relating
17 to that section in the analysis for chapter 311 of
18 that title, are repealed.

19 (5) COMMERCIAL VEHICLE INFORMATION SYS-
20 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
21 of SAFETEA-LU (49 U.S.C. 31106 note), and the
22 item relating to that section in the table of contents
23 contained in section 1(b) of that Act, are repealed.

24 (6) SAFETY DATA IMPROVEMENT PROGRAM.—
25 Section 4128 of SAFETEA-LU (49 U.S.C. 31100

1 note), and the item relating to that section in the
2 table of contents contained in section 1(b) of that
3 Act, are repealed.

4 (7) GRANT PROGRAM FOR COMMERCIAL MOTOR
5 VEHICLE OPERATORS.—Section 4134 of SAFETEA-
6 LU (49 U.S.C. 31301 note), and the item relating
7 to that section in the table of contents contained in
8 section 1(b) of that Act, are repealed.

9 (8) MAINTENANCE OF EFFORT AS CONDITION
10 ON GRANTS TO STATES.—Section 103(c) of the
11 Motor Carrier Safety Improvement Act of 1999 (49
12 U.S.C. 31102 note) is repealed.

13 (9) STATE COMPLIANCE WITH CDL REQUIRE-
14 MENTS.—Section 103(e) of the Motor Carrier Safety
15 Improvement Act of 1999 (49 U.S.C. 31102 note) is
16 repealed.

17 (10) BORDER STAFFING STANDARDS.—Section
18 218(d) of the Motor Carrier Safety Improvement
19 Act of 1999 (49 U.S.C. 31133 note) is amended—

20 (A) in paragraph (1) by striking “section
21 31104(f)(2)(B) of title 49, United States Code”
22 and inserting “section 31104(a)(1) of title 49,
23 United States Code”; and

24 (B) by striking paragraph (3).

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2016.

3 (g) TRANSITION.—Notwithstanding the amendments
4 made by this section, the Secretary shall carry out sections
5 31102, 31103, 31104 of title 49, United States Code, and
6 any sections repealed under subsection (e), as necessary,
7 as those sections were in effect on the day before October
8 1, 2016, with respect to applications for grants, coopera-
9 tive agreements, or contracts under those sections sub-
10 mitted before October 1, 2016.

11 **SEC. 5102. PERFORMANCE AND REGISTRATION INFORMA-**
12 **TION SYSTEMS MANAGEMENT.**

13 Section 31106(b) of title 49, United States Code, is
14 amended in the subheading by striking “PROGRAM” and
15 inserting “SYSTEMS MANAGEMENT”.

16 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Subchapter I of chapter 311 of
18 title 49, United States Code, is amended by adding at the
19 end the following:

20 **“§ 31110. Authorization of appropriations**

21 “(a) ADMINISTRATIVE EXPENSES.—There is author-
22 ized to be appropriated from the Highway Trust Fund
23 (other than the Mass Transit Account) for the Secretary
24 of Transportation to pay administrative expenses of the
25 Federal Motor Carrier Safety Administration—

1 “(1) \$259,000,000 for fiscal year 2016;

2 “(2) \$259,000,000 for fiscal year 2017;

3 “(3) \$259,000,000 for fiscal year 2018;

4 “(4) \$259,000,000 for fiscal year 2019;

5 “(5) \$259,000,000 for fiscal year 2020; and

6 “(6) \$259,000,000 for fiscal year 2021.

7 “(b) USE OF FUNDS.—The funds authorized by this
8 section shall be used for—

9 “(1) personnel costs;

10 “(2) administrative infrastructure;

11 “(3) rent;

12 “(4) information technology;

13 “(5) programs for research and technology, in-
14 formation management, regulatory development, and
15 the administration of performance and registration
16 information systems management under section
17 31106(b);

18 “(6) programs for outreach and education
19 under subsection (c);

20 “(7) other operating expenses;

21 “(8) conducting safety reviews of new opera-
22 tors; and

23 “(9) such other expenses as may from time to
24 time become necessary to implement statutory man-

1 dates of the Federal Motor Carrier Safety Adminis-
2 tration not funded from other sources.

3 “(c) OUTREACH AND EDUCATION PROGRAM.—

4 “(1) IN GENERAL.—The Secretary may con-
5 duct, through any combination of grants, contracts,
6 cooperative agreements, and other activities, an in-
7 ternal and external outreach and education program
8 to be administered by the Administrator of the Fed-
9 eral Motor Carrier Safety Administration.

10 “(2) FEDERAL SHARE.—The Federal share of
11 an outreach and education project for which a grant,
12 contract, or cooperative agreement is made under
13 this subsection may be up to 100 percent of the cost
14 of the project.

15 “(3) FUNDING.—From amounts made available
16 under subsection (a), the Secretary shall make avail-
17 able not more than \$4,000,000 each fiscal year.

18 “(d) CONTRACT AUTHORITY; INITIAL DATE OF
19 AVAILABILITY.—Amounts authorized from the Highway
20 Trust Fund (other than the Mass Transit Account) by this
21 section shall be available for obligation on the date of their
22 apportionment or allocation or on October 1 of the fiscal
23 year for which they are authorized, whichever occurs first.

1 “(e) FUNDING AVAILABILITY.—Amounts made avail-
2 able under this section shall remain available until ex-
3 pended.

4 “(f) CONTRACTUAL OBLIGATION.—The approval of
5 funds by the Secretary under this section is a contractual
6 obligation of the Federal Government for payment of the
7 Federal Government’s share of costs.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 311 of title 49, United States Code, is amended by
10 inserting after the item relating to section 31109 the fol-
11 lowing:

“31110. Authorization of appropriations.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
14 TION OF APPROPRIATIONS.—Section 31104 of title
15 49, United States Code, is amended—

16 (A) by striking subsection (i); and

17 (B) by redesignating subsections (j) and
18 (k) as subsections (i) and (j), respectively.

19 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
20 SUBSECTION (i).—Section 4116(d) of SAFETEA-
21 LU (49 U.S.C. 31104 note) is amended by striking
22 “section 31104(i)” and inserting “section 31110”.

23 (3) INTERNAL COOPERATION.—Section 31161
24 of title 49, United States Code, is amended by strik-

1 ing “section 31104(i)” and inserting “section
2 31110”.

3 (4) SAFETEA-LU; OUTREACH AND EDU-
4 CATION.—Section 4127 of SAFETEA-LU (119
5 Stat. 1741; Public Law 109–59), and the item relat-
6 ing to that section in the table of contents contained
7 in section 1(b) of that Act, are repealed.

8 **SEC. 5104. COMMERCIAL DRIVER’S LICENSE PROGRAM IM-**
9 **PLEMENTATION.**

10 (a) IN GENERAL.—Section 31313 of title 49, United
11 States Code, is amended to read as follows:

12 **“§ 31313. Commercial driver’s license program imple-**
13 **mentation financial assistance program**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 shall administer a financial assistance program for com-
16 mercial driver’s license program implementation for the
17 purposes described in paragraphs (1) and (2).

18 “(1) STATE COMMERCIAL DRIVER’S LICENSE
19 PROGRAM IMPLEMENTATION GRANTS.—In carrying
20 out the program, the Secretary may make a grant
21 to a State agency in a fiscal year—

22 “(A) to assist the State in complying with
23 the requirements of section 31311;

24 “(B) in the case of a State that is making
25 a good faith effort toward substantial compli-

1 ance with the requirements of section 31311, to
2 improve the State’s implementation of its com-
3 mercial driver’s license program, including ex-
4 penses—

5 “(i) for computer hardware and soft-
6 ware;

7 “(ii) for publications, testing, per-
8 sonnel, training, and quality control;

9 “(iii) for commercial driver’s license
10 program coordinators; and

11 “(iv) to implement or maintain a sys-
12 tem to notify an employer of an operator
13 of a commercial motor vehicle of the sus-
14 pension or revocation of the operator’s
15 commercial driver’s license consistent with
16 the standards developed under section
17 32303(b) of the Commercial Motor Vehicle
18 Safety Enhancement Act of 2012 (49
19 U.S.C. 31304 note).

20 “(2) PRIORITY ACTIVITIES.—The Secretary
21 may make a grant to or enter into a cooperative
22 agreement with a State agency, local government, or
23 any person in a fiscal year for research, development
24 and testing, demonstration projects, public edu-
25 cation, and other special activities and projects relat-

1 ing to commercial drivers licensing and motor vehicle
2 safety that—

3 “(A) benefit all jurisdictions of the United
4 States;

5 “(B) address national safety concerns and
6 circumstances;

7 “(C) address emerging issues relating to
8 commercial driver’s license improvements;

9 “(D) support innovative ideas and solu-
10 tions to commercial driver’s license program
11 issues; or

12 “(E) address other commercial driver’s li-
13 cense issues, as determined by the Secretary.

14 “(b) PROHIBITIONS.—A recipient may not use finan-
15 cial assistance funds awarded under this section to rent,
16 lease, or buy land or buildings.

17 “(c) REPORT.—The Secretary shall issue an annual
18 report on the activities carried out under this section.

19 “(d) APPORTIONMENT.—All amounts made available
20 to carry out this section for a fiscal year shall be appor-
21 tioned to a recipient described in subsection (a)(2) accord-
22 ing to criteria prescribed by the Secretary.

23 “(e) FUNDING.—For fiscal years beginning after
24 September 30, 2016, this section shall be funded under
25 section 31104.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 313 of title 49, United States Code, is amended by
 3 striking the item relating to section 31313 and inserting
 4 the following:

“31313. Commercial driver’s license program implementation financial assist-
 ance program.”.

5 **SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
 6 **TY PROGRAMS FOR FISCAL YEAR 2016.**

7 (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
 8 GRANT EXTENSION.—Section 31104(a) of title 49, United
 9 States Code, is amended by striking paragraphs (10) and
 10 (11) and inserting the following:

11 “(10) \$218,000,000 for fiscal year 2015; and

12 “(11) \$241,480,000 for fiscal year 2016.”.

13 (b) EXTENSION OF GRANT PROGRAMS.—Section
 14 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law
 15 109–59) is amended to read as follows:

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—The
 17 following sums are authorized to be appropriated from the
 18 Highway Trust Fund (other than the Mass Transit Ac-
 19 count):

20 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
 21 IMPROVEMENT GRANTS.—For carrying out the com-
 22 mercial driver’s license program improvement grants
 23 program under section 31313 of title 49, United
 24 States Code, \$30,480,000 for fiscal year 2016.

1 “(2) BORDER ENFORCEMENT GRANTS.—For
2 border enforcement grants under section 31107 of
3 that title \$32,512,000 for fiscal year 2016.

4 “(3) PERFORMANCE AND REGISTRATION INFOR-
5 MATION SYSTEMS MANAGEMENT GRANT PROGRAM.—
6 For the performance and registration information
7 systems management grant program under section
8 31109 of that title \$5,080,000 for fiscal year 2016.

9 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
10 TEMS AND NETWORKS DEPLOYMENT.—For carrying
11 out the commercial vehicle information systems and
12 networks deployment program under section 4126 of
13 this Act \$25,400,000 for fiscal year 2016.

14 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
15 For safety data improvement grants under section
16 4128 of this Act \$3,048,000 for fiscal year 2016.”.

17 (c) HIGH-PRIORITY ACTIVITIES.—Section
18 31104(j)(2) of title 49, United States Code, as redesign-
19 nated by this subtitle, is amended by striking “2015” and
20 inserting “2016”.

21 (d) NEW ENTRANT AUDITS.—Section
22 31144(g)(5)(B) of title 49, United States Code, is amend-
23 ed to read as follows:

24 “(B) SET ASIDE.—The Secretary shall set
25 aside from amounts made available under sec-

1 tion 31104(a) up to \$32,000,000 for fiscal year
2 2016 for audits of new entrant motor carriers
3 conducted under this paragraph.”.

4 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
5 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
6 (49 U.S.C. 31301 note) is amended to read as follows:
7 “(c) FUNDING.—From amounts made available
8 under section 31110 of title 49, United States Code, the
9 Secretary shall make available, \$1,000,000 for fiscal year
10 2016 to carry out this section.”.

11 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
12 AND NETWORKS DEPLOYMENT.—

13 (1) IN GENERAL.—Section 4126 of SAFETEA-
14 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
15 Law 109–59) is amended—

16 (A) in subsection (c)—

17 (i) in paragraph (2) by adding at the
18 end the following: “Funds deobligated by
19 the Secretary from previous year grants
20 shall not be counted toward the
21 \$2,500,000 maximum aggregate amount
22 for core deployment.”; and

23 (ii) in paragraph (3) by adding at the
24 end the following: “Funds may also be
25 used for planning activities, including the

1 development or updating of program or top
2 level design plans.”; and

3 (B) in subsection (d)(4) by adding at the
4 end the following: “Funds may also be used for
5 planning activities, including the development
6 or updating of program or top level design
7 plans.”.

8 (2) INNOVATIVE TECHNOLOGY DEPLOYMENT
9 PROGRAM.—For fiscal year 2016, the commercial ve-
10 hicle information systems and networks deployment
11 program under section 4126 of SAFETEA–LU (119
12 Stat. 1738; Public Law 109–59) may also be re-
13 ferred to as the innovative technology deployment
14 program.

15 **SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
16 **GRAM ALLOCATION.**

17 (a) WORKING GROUP.—

18 (1) ESTABLISHMENT.—Not later than 180 days
19 after the date of enactment of this Act, the Sec-
20 retary shall establish a motor carrier safety assist-
21 ance program formula working group (in this section
22 referred to as the “working group”).

23 (2) MEMBERSHIP.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the working group shall consist of
3 representatives of the following:

4 (i) The Federal Motor Carrier Safety
5 Administration.

6 (ii) The lead State commercial motor
7 vehicle safety agencies responsible for ad-
8 ministering the plan required by section
9 31102 of title 49, United States Code.

10 (iii) An organization representing
11 State agencies responsible for enforcing a
12 program for inspection of commercial
13 motor vehicles.

14 (iv) Such other persons as the Sec-
15 retary considers necessary.

16 (B) COMPOSITION.—Representatives of
17 State commercial motor vehicle safety agencies
18 shall comprise at least 51 percent of the mem-
19 bership.

20 (3) NEW ALLOCATION FORMULA.—The working
21 group shall analyze requirements and factors for the
22 establishment of a new allocation formula for the
23 motor carrier assistance program under section
24 31102 of title 49, United States Code.

1 (4) RECOMMENDATION.—Not later than 1 year
2 after the date the working group is established
3 under paragraph (1), the working group shall make
4 a recommendation to the Secretary regarding a new
5 allocation formula for the motor carrier assistance
6 program.

7 (5) EXEMPTION.—The Federal Advisory Com-
8 mittee Act (5 U.S.C. App.) shall not apply to the
9 working group established under this subsection.

10 (6) PUBLICATION.—The Administrator of the
11 Federal Motor Carrier Safety Administration shall
12 publish on a publicly accessible Internet Web site of
13 the Federal Motor Carrier Safety Administration—

14 (A) summaries of the meetings of the
15 working group; and

16 (B) the final recommendation of the work-
17 ing group provided to the Secretary.

18 (b) NOTICE OF PROPOSED RULEMAKING.—After re-
19 ceiving the recommendation of the working group under
20 subsection (a)(4), the Secretary shall publish in the Fed-
21 eral Register a notice seeking public comment on the es-
22 tablishment of a new allocation formula for the motor car-
23 rier safety assistance program.

24 (c) BASIS FOR FORMULA.—The Secretary shall en-
25 sure that the new allocation formula for the motor carrier

1 assistance program is based on factors that reflect, at a
2 minimum—

3 (1) the relative needs of the States to comply
4 with section 31102 of title 49, United States Code;

5 (2) the relative administrative capacities of and
6 challenges faced by States in complying with that
7 section;

8 (3) the average of each State's new entrant
9 motor carrier inventory for the 3-year period prior
10 to the date of enactment of this Act;

11 (4) the number of international border inspec-
12 tion facilities and border crossings by commercial ve-
13 hicles in each State; and

14 (5) any other factors the Secretary considers
15 appropriate.

16 (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF
17 NEW ALLOCATION FORMULA.—

18 (1) INTERIM FORMULA.—Prior to the develop-
19 ment of the new allocation formula for the motor
20 carrier assistance program, the Secretary may cal-
21 culate the interim funding amounts for that program
22 in fiscal year 2017 (and later fiscal years, as nec-
23 essary) under section 31104(a)(1) of title 49, United
24 States Code, as amended by this subtitle, by using
25 the following methodology:

1 (A) The Secretary shall calculate the fund-
2 ing amount to a State using the allocation for-
3 mula the Secretary used to award motor carrier
4 safety assistance program funding in fiscal year
5 2016 under section 31102 of title 49, United
6 States Code.

7 (B) The Secretary shall average the fund-
8 ing awarded or other equitable amounts to a
9 State in fiscal years 2013, 2014, and 2015
10 for—

11 (i) border enforcement grants under
12 section 31107 of title 49, United States
13 Code; and

14 (ii) new entrant audit grants under
15 section 31144(g)(5) of that title.

16 (C) The Secretary shall add the amounts
17 calculated in subparagraphs (A) and (B).

18 (2) ADJUSTMENTS.—Subject to the availability
19 of funding and notwithstanding fluctuations in the
20 data elements used by the Secretary, the initial
21 amounts resulting from the calculation described in
22 paragraph (1) shall be adjusted to ensure that, for
23 each State, the amount shall not be less than 97
24 percent of the average amount of funding received or

1 other equitable amounts in fiscal years 2013, 2014,
2 and 2015 for—

3 (A) motor carrier safety assistance pro-
4 gram funds awarded to the State under section
5 31102 of title 49, United States Code;

6 (B) border enforcement grants awarded to
7 the State under section 31107 of title 49,
8 United States Code; and

9 (C) new entrant audit grants awarded to
10 the State under section 31144(g)(5) of title 49,
11 United States Code.

12 (3) IMMEDIATE RELIEF.—In developing the
13 new allocation formula, the Secretary shall terminate
14 the withholding of motor carrier assistance program
15 funds from a State for at least 3 fiscal years if the
16 State was subject to the withholding of such funds
17 for matters of noncompliance immediately prior to
18 the date of enactment of this Act.

19 (4) FUTURE WITHHOLDINGS.—Beginning on
20 the date that the new allocation formula for the
21 motor carrier assistance program is implemented,
22 the Secretary shall impose all future withholdings in
23 accordance with section 31102(k) of title 49, United
24 States Code, as amended by this subtitle.

1 (e) **TERMINATION OF WORKING GROUP.**—The work-
2 ing group established under subsection (a) shall terminate
3 on the date of the implementation of a new allocation for-
4 mula for the motor carrier safety assistance program.

5 **SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.**

6 (a) **BEFORE NEW ALLOCATION FORMULA.**—

7 (1) **FISCAL YEAR 2017.**—If a new allocation for-
8 mula for the motor carrier safety assistance program
9 has not been established under this subtitle for fiscal
10 year 2017, the Secretary shall calculate for fiscal
11 year 2017 the maintenance of effort baseline re-
12 quired under section 31102(f) of title 49, United
13 States Code, as amended by this subtitle, by aver-
14 aging the expenditures for fiscal years 2004 and
15 2005 required by section 31102(b)(4) of title 49,
16 United States Code, as that section was in effect on
17 the day before the date of enactment of this Act.

18 (2) **SUBSEQUENT FISCAL YEARS.**—The Sec-
19 retary may use the methodology for calculating the
20 maintenance of effort baseline specified in paragraph
21 (1) for fiscal year 2018 and subsequent fiscal years
22 if a new allocation formula for the motor carrier
23 safety assistance program has not been established
24 for that fiscal year.

1 (b) BEGINNING WITH NEW ALLOCATION FORMA-
2 TION.—

3 (1) IN GENERAL.—Subject to paragraphs (2)
4 and (3)(B), beginning on the date that a new alloca-
5 tion formula for the motor carrier safety assistance
6 program is established under this subtitle, upon the
7 request of a State, the Secretary may waive or mod-
8 ify the baseline maintenance of effort required of the
9 State by section 31102(e) of title 49, United States
10 Code, as amended by this subtitle, for the purpose
11 of establishing a new baseline maintenance of effort
12 if the Secretary determines that a waiver or modi-
13 fication—

14 (A) is equitable due to reasonable cir-
15 cumstances;

16 (B) will ensure the continuation of com-
17 mercial motor vehicle enforcement activities in
18 the State; and

19 (C) is necessary to ensure that the total
20 amount of State maintenance of effort and
21 matching expenditures required under sections
22 31102 and 31104 of title 49, United States
23 Code, as amended by this subtitle, does not ex-
24 ceed a sum greater than the average of the
25 total amount of State maintenance of effort and

1 matching expenditures required under those
2 sections for the 3 fiscal years prior to the date
3 of enactment of this Act.

4 (2) ADJUSTMENT METHODOLOGY.—If re-
5 quested by a State, the Secretary may modify the
6 maintenance of effort baseline referred to in para-
7 graph (1) for the State according to the following
8 methodology:

9 (A) The Secretary shall establish the main-
10 tenance of effort baseline for the State using
11 the average baseline of fiscal years 2004 and
12 2005, as required by section 31102(b)(4) of
13 title 49, United States Code, as that section
14 was in effect on the day before the date of en-
15 actment of this Act.

16 (B) The Secretary shall calculate the aver-
17 age required match by a lead State commercial
18 motor vehicle safety agency for fiscal years
19 2013, 2014, and 2015 for motor carrier safety
20 assistance grants established at 20 percent by
21 section 31103 of title 49, United States Code,
22 as that section was in effect on the day before
23 the date of enactment of this Act.

24 (C) The Secretary shall calculate the esti-
25 mated match required under section 31104(b)

1 of title 49, United States Code, as amended by
2 this subtitle.

3 (D) The Secretary shall subtract the
4 amount in subparagraph (B) from the amount
5 in subparagraph (C) and—

6 (i) if the number is greater than 0,
7 the Secretary shall subtract the number
8 from the amount in subparagraph (A); or

9 (ii) if the number is not greater than
10 0, the Secretary shall calculate the mainte-
11 nance of effort using the methodology in
12 subparagraph (A).

13 (3) MAINTENANCE OF EFFORT AMOUNT.—

14 (A) IN GENERAL.—The Secretary shall use
15 the amount calculated under paragraph (2) as
16 the baseline maintenance of effort required
17 under section 31102(f) of title 49, United
18 States Code, as amended by this subtitle.

19 (B) DEADLINE.—If a State does not re-
20 quest a waiver or modification under this sub-
21 section before September 30 during the first
22 fiscal year that the Secretary implements a new
23 allocation formula for the motor carrier safety
24 assistance program under this subtitle, the Sec-
25 retary shall calculate the maintenance of effort

1 using the methodology described in paragraph
2 (2)(A).

3 (4) MAINTENANCE OF EFFORT DESCRIBED.—

4 The maintenance of effort calculated under this sec-
5 tion is the amount required under section 31102(f)
6 of title 49, United States Code, as amended by this
7 subtitle.

8 (c) TERMINATION OF EFFECTIVENESS.—The author-
9 ity of the Secretary under this section shall terminate ef-
10 fective on the date that a new maintenance of effort base-
11 line is calculated based on a new allocation formula for
12 the motor carrier safety assistance program implemented
13 under section 31102 of title 49, United States Code.

14 **Subtitle B—Federal Motor Carrier**
15 **Safety Administration Reform**

16 **PART I—REGULATORY REFORM**

17 **SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.**

18 Section 13906(e) of title 49, United States Code, is
19 amended by inserting “or suspend” after “revoke”.

20 **SEC. 5202. REGULATIONS.**

21 Section 31136 of title 49, United States Code, is
22 amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g) and transferring such subsection to ap-
25 pear at the end of section 31315 of such title; and

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

2 “(f) REGULATORY IMPACT ANALYSIS.—Within each
3 regulatory impact analysis of a proposed or final rule
4 issued by the Federal Motor Carrier Safety Administra-
5 tion, the Secretary shall, whenever practicable—

6 “(1) consider the effects of the proposed or
7 final rule on different segments of the motor carrier
8 industry;

9 “(2) formulate estimates and findings based on
10 the best available science; and

11 “(3) utilize available data specific to the dif-
12 ferent types of motor carriers, including small and
13 large carriers, and drivers that will be impacted by
14 the proposed or final rule.

15 “(g) PUBLIC PARTICIPATION.—

16 “(1) IN GENERAL.—If a proposed rule promul-
17 gated under this part is likely to lead to the promul-
18 gation of a major rule, the Secretary, before promul-
19 gating such proposed rule, shall—

20 “(A) issue an advance notice of proposed
21 rulemaking; or

22 “(B) proceed with a negotiated rule-
23 making.

1 “(2) REQUIREMENTS.—Each advance notice of
2 proposed rulemaking issued under paragraph (1)
3 shall—

4 “(A) identify the need for a potential regu-
5 latory action;

6 “(B) identify and request public comment
7 on the best available science or technical infor-
8 mation relevant to analyzing potential regu-
9 latory alternatives;

10 “(C) request public comment on the avail-
11 able data and costs with respect to regulatory
12 alternatives reasonably likely to be considered
13 as part of the rulemaking; and

14 “(D) request public comment on available
15 alternatives to regulation.

16 “(3) WAIVER.—This subsection does not apply
17 to a proposed rule if the Secretary, for good cause,
18 finds (and incorporates the finding and a brief state-
19 ment of reasons for such finding in the proposed or
20 final rule) that an advance notice of proposed rule-
21 making is impracticable, unnecessary, or contrary to
22 the public interest.

23 “(h) REVIEW OF RULES.—

1 “(1) IN GENERAL.—Once every 5 years, the
2 Secretary shall conduct a review of regulations
3 issued under this part.

4 “(2) SCHEDULE.—At the beginning of each 5-
5 year review period, the Secretary shall publish a
6 schedule that sets forth the plan for completing the
7 review under paragraph (1) within 5 years.

8 “(3) NOTIFICATION OF CHANGES.—During
9 each review period, the Secretary shall address any
10 changes to the schedule published under paragraph
11 (2) and notify the public of such changes.

12 “(4) CONSIDERATION OF PETITIONS.—In con-
13 ducting a review under paragraph (1), the Secretary
14 shall consider petitions for regulatory action under
15 this part received by the Administrator of the Fed-
16 eral Motor Carrier Safety Administration.

17 “(5) ASSESSMENT.—At the conclusion of each
18 review under paragraph (1), the Secretary shall pub-
19 lish on a publicly accessible Internet Web site of the
20 Department of Transportation an assessment that
21 includes—

22 “(A) an inventory of the regulations issued
23 during the 5-year period ending on the date on
24 which the assessment is published;

1 “(B) a determination of whether the regu-
2 lations are—

3 “(i) consistent and clear;

4 “(ii) current with the operational re-
5 alities of the motor carrier industry; and

6 “(iii) uniformly enforced; and

7 “(C) an assessment of whether the regula-
8 tions continue to be necessary.

9 “(6) RULEMAKING.—Not later than 2 years
10 after the completion of each review under this sub-
11 section, the Secretary shall initiate a rulemaking to
12 amend regulations as necessary to address the deter-
13 minations made under paragraph (5)(B) and the re-
14 sults of the assessment under paragraph (5)(C).

15 “(i) RULE OF CONSTRUCTION.—Nothing in sub-
16 section (f) or (g) may be construed to limit the contents
17 of an advance notice of proposed rulemaking.”.

18 **SEC. 5203. GUIDANCE.**

19 (a) IN GENERAL.—

20 (1) DATE OF ISSUANCE AND POINT OF CON-
21 TACT.—Each guidance document issued by the Fed-
22 eral Motor Carrier Safety Administration shall have
23 a date of issuance or a date of revision, as applica-
24 ble, and shall include the name and contact informa-

1 tion of a point of contact at the Administration who
2 can respond to questions regarding the guidance.

3 (2) PUBLIC ACCESSIBILITY.—

4 (A) IN GENERAL.—Each guidance docu-
5 ment issued or revised by the Federal Motor
6 Carrier Safety Administration shall be pub-
7 lished on a publicly accessible Internet Web site
8 of the Department on the date of issuance or
9 revision.

10 (B) REDACTION.—The Administrator of
11 the Federal Motor Carrier Safety Administra-
12 tion may redact from a guidance document pub-
13 lished under subparagraph (A) any information
14 that would reveal investigative techniques that
15 would compromise Administration enforcement
16 efforts.

17 (3) INCORPORATION INTO REGULATIONS.—Not
18 later than 5 years after the date on which a guid-
19 ance document is published under paragraph (2) or
20 during an applicable review under subsection (c),
21 whichever is earlier, the Secretary shall revise regu-
22 lations to incorporate the guidance document to the
23 extent practicable.

1 (4) REISSUANCE.—If a guidance document is
2 not incorporated into regulations in accordance with
3 paragraph (3), the Administrator shall—

4 (A) reissue an updated version of the guid-
5 ance document; and

6 (B) review and reissue an updated version
7 of the guidance document every 5 years until
8 the date on which the guidance document is re-
9 moved or incorporated into applicable regula-
10 tions.

11 (b) INITIAL REVIEW.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator shall re-
13 view all guidance documents published under subsection
14 (a) to ensure that such documents are current, are readily
15 accessible to the public, and meet the standards specified
16 in subparagraphs (A), (B), and (C) of subsection (c)(1).

17 (c) REGULAR REVIEW.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 not less than once every 5 years, the Administrator
20 shall conduct a comprehensive review of the guid-
21 ance documents issued by the Federal Motor Carrier
22 Safety Administration to determine whether such
23 documents are—

24 (A) consistent and clear;

1 (B) uniformly and consistently enforced;
2 and

3 (C) still necessary.

4 (2) NOTICE AND COMMENT.—Prior to begin-
5 ning a review under paragraph (1), the Adminis-
6 trator shall publish in the Federal Register a notice
7 and request for comment that solicits input from
8 stakeholders on which guidance documents should be
9 updated or eliminated.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than 60 days
12 after the date on which a review under para-
13 graph (1) is completed, the Administrator shall
14 publish on a publicly accessible Internet Web
15 site of the Department a report detailing the
16 review and a full inventory of the guidance doc-
17 uments of the Administration.

18 (B) CONTENTS.—A report under subpara-
19 graph (A) shall include a summary of the re-
20 sponse of the Administration to each comment
21 received under paragraph (2).

22 (d) GUIDANCE DOCUMENT DEFINED.—In this sec-
23 tion, the term “guidance document” means a document
24 issued by the Federal Motor Carrier Safety Administra-
25 tion that—

1 (1) provides an interpretation of a regulation of
2 the Administration; or

3 (2) includes an enforcement policy of the Ad-
4 ministration.

5 **SEC. 5204. PETITIONS.**

6 (a) IN GENERAL.—The Administrator of the Federal
7 Motor Carrier Safety Administration shall—

8 (1) publish on a publicly accessible Internet
9 Web site of the Department a summary of all peti-
10 tions for regulatory action submitted to the Adminis-
11 tration;

12 (2) prioritize the petitions submitted based on
13 the likelihood of safety improvements resulting from
14 the regulatory action requested;

15 (3) not later than 180 days after the date a
16 summary of a petition is published under paragraph
17 (1), formally respond to such petition by indicating
18 whether the Administrator will accept, deny, or fur-
19 ther review the petition;

20 (4) prioritize responses to petitions consistent
21 with a response's potential to reduce crashes, im-
22 prove enforcement, and reduce unnecessary burdens;
23 and

24 (5) not later than 60 days after the date of re-
25 ceipt of a petition, publish on a publicly accessible

1 Internet Web site of the Department an updated in-
2 ventory of the petitions described in paragraph (1),
3 including any applicable disposition information for
4 those petitions.

5 (b) PETITION DEFINED.—In this section, the term
6 “petition” means a request for a new regulation, a regu-
7 latory interpretation or clarification, or a review of a regu-
8 lation to eliminate or modify an obsolete, ineffective, or
9 overly-burdensome regulation.

10 **PART II—COMPLIANCE, SAFETY,**
11 **ACCOUNTABILITY REFORM**

12 **SEC. 5221. CORRELATION STUDY.**

13 (a) IN GENERAL.—The Administrator of the Federal
14 Motor Carrier Safety Administration (referred to in this
15 part as the “Administrator”) shall commission the Na-
16 tional Research Council of the National Academies to con-
17 duct a study of—

18 (1) the Compliance, Safety, Accountability pro-
19 gram of the Federal Motor Carrier Safety Adminis-
20 tration (referred to in this part as the “CSA pro-
21 gram”); and

22 (2) the Safety Measurement System utilized by
23 the CSA program (referred to in this part as the
24 “SMS”).

1 (b) SCOPE OF STUDY.—In carrying out the study
2 commissioned pursuant to subsection (a), the National Re-
3 search Council—

4 (1) shall analyze—

5 (A) the accuracy with which the Behavior
6 Analysis and Safety Improvement Categories
7 (referred to in this part as “BASIC”)—

8 (i) identify high risk carriers; and

9 (ii) predict or are correlated with fu-
10 ture crash risk, crash severity, or other
11 safety indicators for motor carriers;

12 (B) the methodology used to calculate
13 BASIC percentiles and identify carriers for en-
14 forcement, including the weights assigned to
15 particular violations and the tie between crash
16 risk and specific regulatory violations, with re-
17 spect to accurately identifying and predicting
18 future crash risk for motor carriers;

19 (C) the relative value of inspection infor-
20 mation and roadside enforcement data;

21 (D) any data collection gaps or data suffi-
22 ciency problems that may exist and the impact
23 of those gaps and problems on the efficacy of
24 the CSA program;

1 (E) the accuracy of safety data, including
2 the use of crash data from crashes in which a
3 motor carrier was free from fault;

4 (F) whether BASIC percentiles for motor
5 carriers of passengers should be calculated dif-
6 ferently than for motor carriers of freight;

7 (G) the differences in the rates at which
8 safety violations are reported to the Federal
9 Motor Carrier Safety Administration for inclu-
10 sion in the SMS by various enforcement au-
11 thorities, including States, territories, and Fed-
12 eral inspectors; and

13 (H) how members of the public use the
14 SMS and what effect making the SMS informa-
15 tion public has had on reducing crashes and
16 eliminating unsafe motor carriers from the in-
17 dustry; and

18 (2) shall consider—

19 (A) whether the SMS provides comparable
20 precision and confidence, through SMS alerts
21 and percentiles, for the relative crash risk of in-
22 dividual large and small motor carriers;

23 (B) whether alternatives to the SMS would
24 identify high risk carriers more accurately; and

1 (C) the recommendations and findings of
2 the Comptroller General of the United States
3 and the Inspector General of the Department,
4 and independent review team reports, issued be-
5 fore the date of enactment of this Act.

6 (c) REPORT.—Not later than 18 months after the
7 date of enactment of this Act, the Administrator shall sub-
8 mit a report containing the results of the study commis-
9 sioned pursuant to subsection (a) to—

10 (1) the Committee on Commerce, Science, and
11 Transportation of the Senate;

12 (2) the Committee on Transportation and In-
13 frastructure of the House of Representatives; and

14 (3) the Inspector General of the Department.

15 (d) CORRECTIVE ACTION PLAN.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the Administrator submits the report under
18 subsection (c), if that report identifies a deficiency
19 or opportunity for improvement in the CSA program
20 or in any element of the SMS, the Administrator
21 shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the
23 Committee on Transportation and Infrastructure of
24 the House of Representatives a corrective action
25 plan that—

1 (A) responds to the deficiencies or opportu-
2 nities identified by the report;

3 (B) identifies how the Federal Motor Car-
4 rier Safety Administration will address such de-
5 ficiencies or opportunities; and

6 (C) provides an estimate of the cost, in-
7 cluding with respect to changes in staffing, en-
8 forcement, and data collection, necessary to ad-
9 dress such deficiencies or opportunities.

10 (2) PROGRAM REFORMS.—The corrective action
11 plan submitted under paragraph (1) shall include an
12 implementation plan that—

13 (A) includes benchmarks;

14 (B) includes programmatic reforms, revi-
15 sions to regulations, or proposals for legislation;
16 and

17 (C) shall be considered in any rulemaking
18 by the Department that relates to the CSA pro-
19 gram, including the SMS.

20 (e) INSPECTOR GENERAL REVIEW.—Not later than
21 120 days after the Administrator submits a corrective ac-
22 tion plan under subsection (d), the Inspector General of
23 the Department shall—

24 (1) review the extent to which such plan imple-
25 ments—

1 (A) recommendations contained in the re-
2 port submitted under subsection (c); and

3 (B) relevant recommendations issued by
4 the Comptroller General or the Inspector Gen-
5 eral before the date of enactment of this Act;
6 and

7 (2) submit to the Committee on Commerce,
8 Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of
10 the House of Representatives a report on the re-
11 sponsiveness of the corrective action plan to the rec-
12 ommendations described in paragraph (1).

13 **SEC. 5222. BEYOND COMPLIANCE.**

14 (a) IN GENERAL.—Not later than 18 months after
15 the date of enactment of this Act, the Administrator shall
16 incorporate into the CSA program a methodology to allow
17 recognition and an improved SMS score for—

18 (1) the installation of advanced safety equip-
19 ment;

20 (2) the use of enhanced driver fitness measures;

21 (3) the adoption of fleet safety management
22 tools, technologies, and programs; or

23 (4) other metrics as determined appropriate by
24 the Administrator.

1 (b) QUALIFICATION.—The Administrator, after pro-
2 viding notice and an opportunity for comment, shall de-
3 velop technical or other performance standards with re-
4 spect to advanced safety equipment, enhanced driver fit-
5 ness measures, fleet safety management tools, tech-
6 nologies, and programs, and other metrics for purposes
7 of subsection (a).

8 (c) REPORT.—Not later than 18 months after the in-
9 corporation of the methodology under subsection (a), the
10 Administrator shall submit to the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives and the Committee on Commerce, Science, and
13 Transportation of the Senate a report on the number of
14 motor carriers receiving recognition and improved scores
15 under such methodology and the safety performance of
16 such carriers.

17 **SEC. 5223. DATA CERTIFICATION.**

18 (a) IN GENERAL.—On and after the date that is 1
19 day after the date of enactment of this Act, no information
20 regarding analysis of violations, crashes in which a deter-
21 mination is made that the motor carrier or the commercial
22 motor vehicle driver is not at fault, alerts, or the relative
23 percentile for each BASIC developed under the CSA pro-
24 gram may be made available to the public (including
25 through requests under section 552 of title 5, United

1 States Code) until the Inspector General of the Depart-
2 ment certifies that—

3 (1) the report required under section 5221(c)
4 has been submitted in accordance with that section;

5 (2) any deficiencies identified in the report re-
6 quired under section 5221(c) have been addressed;

7 (3) if applicable, the corrective action plan
8 under section 5221(d) has been implemented;

9 (4) the Administrator of the Federal Motor
10 Carrier Safety Administration has fully implemented
11 or satisfactorily addressed the issues raised in the
12 report titled “Modifying the Compliance, Safety, Ac-
13 countability Program Would Improve the Ability to
14 Identify High Risk Carriers” of the Government Ac-
15 countability Office and dated February 2014 (GAO-
16 14–114); and

17 (5) the CSA program has been modified in ac-
18 cordance with section 5222.

19 (b) LIMITATION ON THE USE OF CSA ANALYSIS.—
20 Information regarding alerts and the relative percentile for
21 each BASIC developed under the CSA program may not
22 be used for safety fitness determinations until the Inspec-
23 tor General of the Department makes the certification
24 under subsection (a).

1 (c) CONTINUED PUBLIC AVAILABILITY OF DATA.—

2 Notwithstanding any other provision of this section, in-
3 spection and violation information submitted to the Fed-
4 eral Motor Carrier Safety Administration by commercial
5 motor vehicle inspectors and qualified law enforcement of-
6 ficials, out-of-service rates, and absolute measures shall
7 remain available to the public.

8 (d) EXCEPTIONS.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of this section—

11 (A) the Federal Motor Carrier Safety Ad-
12 ministration and State and local commercial
13 motor vehicle enforcement agencies may use the
14 information referred to in subsection (a) for
15 purposes of investigation and enforcement
16 prioritization; and

17 (B) a motor carrier and a commercial
18 motor vehicle driver may access information re-
19 ferred to in subsection (a) that relates directly
20 to the motor carrier or driver, respectively.

21 (2) RULE OF CONSTRUCTION.—Nothing in this
22 section may be construed to restrict the official use
23 by State enforcement agencies of the data collected
24 by State enforcement personnel.

1 **SEC. 5224. INTERIM HIRING STANDARD.**

2 (a) DEFINITIONS.—In this section, the following defi-
3 nitions apply:

4 (1) ENTITY.—The term “entity” means a per-
5 son acting as—

6 (A) a shipper, other than an individual
7 shipper (as that term is defined in section
8 13102 of title 49, United States Code), or a
9 consignee;

10 (B) a broker or a freight forwarder (as
11 such terms are defined in section 13102 of title
12 49, United States Code);

13 (C) a non-vessel-operating common carrier,
14 an ocean freight forwarder, or an ocean trans-
15 portation intermediary (as such terms are de-
16 fined in section 40102 of title 46, United States
17 Code);

18 (D) an indirect air carrier authorized to
19 operate under a Standard Security Program ap-
20 proved by the Transportation Security Adminis-
21 tration;

22 (E) a customs broker licensed in accord-
23 ance with section 111.2 of title 19, Code of
24 Federal Regulations;

1 (F) an interchange motor carrier subject
2 to paragraphs (1)(B) and (2) of section
3 13902(i) of title 49, United States Code; or

4 (G) a warehouse (as defined in section 7–
5 102(13) of the Uniform Commercial Code).

6 (2) MOTOR CARRIER.—The term “motor car-
7 rier” means a motor carrier (as that term is defined
8 in section 13102 of title 49, United States Code)
9 that is subject to Federal motor carrier financial re-
10 sponsibility and safety regulations.

11 (b) HIRING STANDARD.—Subsection (c) shall only be
12 applicable to entities who, before tendering a shipment,
13 but not more than 35 days before the pickup of the ship-
14 ment by the hired motor carrier, verify that the motor car-
15 rier, at the time of such verification—

16 (1) is registered with and authorized by the
17 Federal Motor Carrier Safety Administration to op-
18 erate as a motor carrier, if applicable;

19 (2) has the minimum insurance coverage re-
20 quired by Federal law; and

21 (3) has a satisfactory safety fitness determina-
22 tion issued by the Federal Motor Carrier Safety Ad-
23 ministration in force.

24 (c) INTERIM USE OF DATA.—

1 (1) IN GENERAL.—With respect to an entity
2 who completed a verification under subsection (b),
3 only information regarding the entity’s compliance
4 or noncompliance with subsection (b) may be admit-
5 ted as evidence or otherwise used against the entity
6 in a civil action for damages resulting from a claim
7 of negligent selection or retention of a motor carrier.

8 (2) EXCLUDED EVIDENCE.—With respect to an
9 entity who completed a verification under subsection
10 (b), motor carrier data (other than the information
11 described in paragraph (1)) created or maintained
12 by the Federal Motor Carrier Safety Administration,
13 including SMS data or analysis of such data, may
14 not be admitted into evidence in a case or pro-
15 ceeding in which it is asserted or alleged that the en-
16 tity’s selection or retention of a motor carrier was
17 negligent.

18 (d) SUNSET.—This section shall cease to be effective
19 on the date on which the Inspector General of the Depart-
20 ment makes the certification under section 5223(a).

21 **Subtitle C—Commercial Motor** 22 **Vehicle Safety**

23 **SEC. 5301. IMPLEMENTING SAFETY REQUIREMENTS.**

24 (a) NATIONAL CLEARINGHOUSE FOR CONTROLLED
25 SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMER-

1 CIAL MOTOR VEHICLE OPERATORS.—If the deadline es-
2 tablished under section 31306a(a)(1) of title 49, United
3 States Code, has not been met, not later than 30 days
4 after the date of enactment of this Act, the Secretary of
5 Transportation shall submit to the Committee on Trans-
6 portation and Infrastructure of the House of Representa-
7 tives and the Committee on Commerce, Science, and
8 Transportation of the Senate written notification that—

9 (1) explains why such deadline has not been
10 met; and

11 (2) establishes a new deadline for completion of
12 the requirements of such section.

13 (b) ELECTRONIC LOGGING DEVICES.—If the deadline
14 established under section 31137(a) of title 49, United
15 States Code, has not been met, not later than 30 days
16 after the date of enactment of this Act, the Secretary shall
17 submit to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate written notification that—

21 (1) explains why such deadline has not been
22 met; and

23 (2) establishes a new deadline for completion of
24 the requirements of such section.

1 (c) STANDARDS FOR TRAINING.—If the deadline es-
2 tablished under section 31305(c) of title 49, United States
3 Code, has not been met, not later than 30 days after the
4 date of enactment of this Act, the Secretary shall submit
5 to the Committee on Transportation and Infrastructure
6 of the House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Senate
8 written notification that—

9 (1) explains why such deadline has not been
10 met; and

11 (2) establishes a new deadline for completion of
12 the requirements of such section.

13 (d) FURTHER RESPONSIBILITIES.—If the Secretary
14 determines that a deadline established under subsection
15 (a)(2), (b)(2), or (c)(2) cannot be met, not later than 30
16 days after the date on which such determination is made,
17 the Secretary shall submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and Transpor-
20 tation of the Senate written notification that—

21 (1) explains why such deadline cannot be met;
22 and

23 (2) establishes a new deadline for completion of
24 the relevant requirements.

1 **SEC. 5302. WINDSHIELD MOUNTED SAFETY TECHNOLOGY.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall issue
4 regulations to modify section 393.60(e)(1) of title 49,
5 Code of Federal Regulations, to permanently allow the vol-
6 untary mounting on the inside of a vehicle’s windshield,
7 within the area swept by windshield wipers, of vehicle safe-
8 ty technologies, if the Secretary determines that such
9 mounting is likely to achieve a level of safety that is equiv-
10 alent to, or greater than, the level of safety that would
11 be achieved without such mounting.

12 (b) VEHICLE SAFETY TECHNOLOGY DEFINED.—In
13 this section, the term “vehicle safety technology” includes
14 lane departure warning systems, collision avoidance sys-
15 tems, on-board video event recording devices, and any
16 other technology determined appropriate by the Secretary.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to alter the terms of a short-term
19 exemption from section 393.60(e) of title 49, Code of Fed-
20 eral Regulations, granted and in effect as of the date of
21 enactment of this Act.

22 **SEC. 5303. PRIORITIZING STATUTORY RULEMAKINGS.**

23 The Administrator of the Federal Motor Carrier
24 Safety Administration shall prioritize the completion of
25 each outstanding rulemaking required by statute before
26 beginning any other rulemaking, unless the Secretary de-

1 termines that there is a significant need for such other
2 rulemaking.

3 **SEC. 5304. SAFETY REPORTING SYSTEM.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall submit to the Committee on
7 Commerce, Science, and Transportation of the Senate and
8 the Committee on Transportation and Infrastructure of
9 the House of Representatives a report on the cost and fea-
10 sibility of establishing a self-reporting system for commer-
11 cial motor vehicle drivers or motor carriers with respect
12 to en route equipment failures.

13 (b) CONTENTS.—The report required under sub-
14 section (a) shall include—

15 (1) an analysis of—

16 (A) alternatives for the reporting of equip-
17 ment failures in real time, including an Internet
18 Web site or telephone hotline;

19 (B) the ability of a commercial motor vehi-
20 cle driver or a motor carrier to provide to the
21 Federal Motor Carrier Safety Administration
22 proof of repair of a self-reported equipment fail-
23 ure;

24 (C) the ability of the Federal Motor Car-
25 rier Safety Administration to ensure that self-

1 reported equipment failures proven to be re-
2 paired are not used in the calculation of Behav-
3 ior Analysis and Safety Improvement Category
4 scores;

5 (D) the ability of roadside inspectors to ac-
6 cess self-reported equipment failures;

7 (E) the cost to establish and administer a
8 self-reporting system;

9 (F) the ability for a self-reporting system
10 to track individual commercial motor vehicles
11 through unique identifiers; and

12 (G) whether a self-reporting system would
13 yield demonstrable safety benefits;

14 (2) an identification of any regulatory or statu-
15 tory impediments to the implementation of a self-re-
16 porting system; and

17 (3) recommendations on implementing a self-re-
18 porting system.

19 **SEC. 5305. NEW ENTRANT SAFETY REVIEW PROGRAM.**

20 (a) IN GENERAL.—The Secretary shall conduct an
21 assessment of the new operator safety review program
22 under section 31144(g) of title 49, United States Code,
23 including the program’s effectiveness in reducing crashes,
24 fatalities, and injuries involving commercial motor vehicles
25 and improving commercial motor vehicle safety.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall publish on
3 a publicly accessible Internet Web site of the Department
4 and submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives a report on the results of the assessment con-
8 ducted under subsection (a), including any recommenda-
9 tions for improving the effectiveness of the program (in-
10 cluding recommendations for legislative changes).

11 **Subtitle D—Commercial Motor**
12 **Vehicle Drivers**

13 **SEC. 5401. OPPORTUNITIES FOR VETERANS.**

14 (a) STANDARDS FOR TRAINING AND TESTING OF
15 VETERAN OPERATORS.—Section 31305 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(d) STANDARDS FOR TRAINING AND TESTING OF
19 VETERAN OPERATORS.—

20 “(1) IN GENERAL.—Not later than December
21 31, 2016, the Secretary shall modify the regulations
22 prescribed under subsections (a) and (c) to—

23 “(A) exempt a covered individual from all
24 or a portion of a driving test if the covered indi-
25 vidual had experience in the armed forces or re-

1 serve components driving vehicles similar to a
2 commercial motor vehicle;

3 “(B) ensure that a covered individual may
4 apply for an exemption under subparagraph (A)
5 during, at least, the 1-year period beginning on
6 the date on which such individual separates
7 from service in the armed forces or reserve
8 components; and

9 “(C) credit the training and knowledge a
10 covered individual received in the armed forces
11 or reserve components driving vehicles similar
12 to a commercial motor vehicle for purposes of
13 satisfying minimum standards for training and
14 knowledge.

15 “(2) DEFINITIONS.—In this subsection, the fol-
16 lowing definitions apply:

17 “(A) ARMED FORCES.—The term ‘armed
18 forces’ has the meaning given that term in sec-
19 tion 101(a)(4) of title 10.

20 “(B) COVERED INDIVIDUAL.—The term
21 ‘covered individual’ means—

22 “(i) a former member of the armed
23 forces; or

24 “(ii) a former member of the reserve
25 components.

1 “(C) RESERVE COMPONENTS.—The term
2 ‘reserve components’ means—

3 “(i) the Army National Guard of the
4 United States;

5 “(ii) the Army Reserve;

6 “(iii) the Navy Reserve;

7 “(iv) the Marine Corps Reserve;

8 “(v) the Air National Guard of the
9 United States;

10 “(vi) the Air Force Reserve; and

11 “(vii) the Coast Guard Reserve.”.

12 (b) IMPLEMENTATION OF THE MILITARY COMMERCIAL DRIVER’S LICENSE ACT.—Not later than December
13 31, 2015, the Secretary shall issue final regulations to im-
14 plement the exemption to the domicile requirement under
15 section 31311(a)(12)(C) of title 49, United States Code.

17 (c) CONFORMING AMENDMENT.—Section
18 31311(a)(12)(C)(ii) of title 49, United States Code, is
19 amended to read as follows:

20 “(ii) is an active duty member of—

21 “(I) the armed forces (as that term is
22 defined in section 101(a)(4) of title 10); or

23 “(II) the reserve components (as that
24 term is defined in section 31305(d)(2)(C)
25 of this title); and”.

1 **SEC. 5402. DRUG FREE COMMERCIAL DRIVERS.**

2 (a) IN GENERAL.—Section 31306 of title 49, United
3 States Code, is amended—

4 (1) in subsection (b)(1)—

5 (A) by redesignating subparagraph (B) as
6 subparagraph (C);

7 (B) in subparagraph (A) by striking “The
8 regulations shall permit such motor carriers to
9 conduct preemployment testing of such employ-
10 ees for the use of alcohol.”; and

11 (C) by inserting after subparagraph (A)
12 the following:

13 “(B) The regulations prescribed under subparagraph
14 (A) shall permit motor carriers—

15 “(i) to conduct preemployment testing of com-
16 mercial motor vehicle operators for the use of alco-
17 hol; and

18 “(ii) to use hair testing as an acceptable alter-
19 native to urine testing—

20 “(I) in conducting preemployment testing
21 for the use of a controlled substance; and

22 “(II) in conducting random testing for the
23 use of a controlled substance if the operator
24 was subject to hair testing for preemployment
25 testing.”;

26 (2) in subsection (b)(2)—

1 (A) in subparagraph (A) by striking “and”
2 at the end;

3 (B) in subparagraph (B) by striking the
4 period at the end and inserting “; and”; and

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

6 “(C) shall provide an exemption from hair test-
7 ing for commercial motor vehicle operators with es-
8 tablished religious beliefs that prohibit the cutting or
9 removal of hair.”; and

10 (3) in subsection (c)(2)—

11 (A) in the matter preceding subparagraph
12 (A) by inserting “for urine testing, and tech-
13 nical guidelines for hair testing,” before “in-
14 cluding mandatory guidelines”;

15 (B) in subparagraph (B) by striking “and”
16 at the end;

17 (C) in subparagraph (C) by inserting
18 “and” after the semicolon; and

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

20 “(D) laboratory protocols and cut-off levels
21 for hair testing to detect the use of a controlled
22 substance;”.

23 (b) GUIDELINES.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary of Health and
25 Human Services shall issue scientific and technical guide-

1 lines for hair testing as a method of detecting the use of
2 a controlled substance for purposes of section 31306 of
3 title 49, United States Code.

4 **SEC. 5403. CERTIFIED MEDICAL EXAMINERS.**

5 (a) IN GENERAL.—Section 31315(b)(1) of title 49,
6 United States Code, is amended by striking “or section
7 31136” and inserting “, section 31136, or section
8 31149(d)(3)”.

9 (b) CONFORMING AMENDMENT.—Section
10 31149(d)(3) of title 49, United States Code, is amended
11 by inserting “, unless the person issuing the certificate is
12 the subject of an exemption issued under section
13 31315(b)(1)” before the semicolon.

14 **SEC. 5404. GRADUATED COMMERCIAL DRIVER’S LICENSE**
15 **PILOT PROGRAM.**

16 (a) TASK FORCE.—

17 (1) IN GENERAL.—The Secretary shall convene
18 a task force to evaluate and make recommendations
19 to the Secretary on elements for inclusion in a grad-
20 uated commercial driver’s license pilot program that
21 would allow a novice licensed driver between the
22 ages of 19 years and 6 months and 21 years to safe-
23 ly operate a commercial motor vehicle in a limited
24 capacity in interstate commerce between States that
25 enter into a bi-State agreement.

1 (2) MEMBERSHIP.—The task force convened
2 under paragraph (1) shall include representatives of
3 State motor vehicle administrators, motor carriers,
4 labor organizations, safety advocates, and other
5 stakeholders determined appropriate by the Sec-
6 retary.

7 (3) CONSIDERATIONS.—The task force con-
8 vened under paragraph (1) shall evaluate and make
9 recommendations on the following elements for in-
10 clusion in a graduated commercial driver’s license
11 pilot program:

12 (A) A specified length of time for a learn-
13 er’s permit stage.

14 (B) A requirement that drivers under the
15 age of 21 years be accompanied by experienced
16 drivers over the age of 21 years.

17 (C) A restriction on travel distances.

18 (D) A restriction on maximum allowable
19 driving hours.

20 (E) Mandatory driver training that exceeds
21 the requirements for drivers over the age of 21
22 years issued by the Secretary under section
23 31305(c) of title 49, United States Code.

1 (F) Use of certain safety technologies in
2 the vehicles of drivers under the age of 21
3 years.

4 (G) Any other element the task force con-
5 siders appropriate.

6 (4) RECOMMENDATIONS.—Not later than 1
7 year after the date of enactment of this Act, the
8 task force convened under paragraph (1) shall rec-
9 ommend to the Secretary the elements the task force
10 has determined appropriate for inclusion in a grad-
11 uated commercial driver’s license pilot program.

12 (b) PILOT PROGRAM.—

13 (1) IN GENERAL.—Not later than 1 year after
14 receiving the recommendations of the task force
15 under subsection (a), the Secretary shall establish a
16 graduated commercial driver’s license pilot program
17 in accordance with such recommendations and sec-
18 tion 31315(c) of title 49, United States Code.

19 (2) PRE-ESTABLISHMENT REQUIREMENTS.—
20 Prior to the establishment of the pilot program
21 under paragraph (1), the Secretary shall—

22 (A) submit to Congress a report outlining
23 the recommendations of the task force received
24 under subsection (a); and

1 (B) publish in the Federal Register, and
2 provide sufficient notice of and an opportunity
3 for public comment on, the—

4 (i) proposed requirements for State
5 and driver participation in the pilot pro-
6 gram, based on the recommendations of
7 the task force and consistent with para-
8 graph (3);

9 (ii) measures the Secretary will utilize
10 under the pilot program to ensure safety;
11 and

12 (iii) standards the Secretary will use
13 to evaluate the pilot program, including to
14 determine any changes in the level of
15 motor carrier safety as a result of the pilot
16 program.

17 (3) PROGRAM ELEMENTS.—The pilot program
18 established under paragraph (1)—

19 (A) may not allow an individual under the
20 age of 19 years and 6 months to participate;

21 (B) may not allow a driver between the
22 ages of 19 years and 6 months and 21 years
23 to—

24 (i) operate a commercial motor vehicle
25 in special configuration; or

1 (ii) transport hazardous cargo;

2 (C) shall be carried out in a State (includ-
3 ing the District of Columbia) only if the Gov-
4 ernor of the State (or the Mayor of the District
5 of Columbia, if applicable) approves an agree-
6 ment with a contiguous State to allow a li-
7 censed driver under the age of 21 years to oper-
8 ate a commercial motor vehicle across both
9 States in accordance with the pilot program;

10 (D) may not recognize more than 6 agree-
11 ments described in subparagraph (C);

12 (E) may not allow more than 10 motor
13 carriers to participate in the pilot program
14 under each agreement described in subpara-
15 graph (C);

16 (F) shall require each motor carrier par-
17 ticipating in the pilot program under an agree-
18 ment described in subparagraph (C) to—

19 (i) have in effect a satisfactory safety
20 fitness determination that was issued by
21 the Federal Motor Carrier Safety Adminis-
22 tration during the 2-year period preceding
23 the date of the Federal Register publica-
24 tion required under paragraph (2)(B); and

1 (ii) agree to have its safety perform-
2 ance monitored by the Secretary during
3 participation in the pilot program;

4 (G) shall allow for the revocation of a
5 motor carrier's participation in the pilot pro-
6 gram if a State or the Secretary determines
7 that the motor carrier violated the require-
8 ments, including safety requirements, of the
9 pilot program; and

10 (H) shall ensure that a valid graduated
11 commercial driver's license issued by a State
12 that has entered into an agreement described in
13 subparagraph (C) and is approved by the Sec-
14 retary to participate in the pilot program is rec-
15 ognized as valid in both States that are partici-
16 pating in the agreement.

17 (c) INSPECTOR GENERAL REPORT.—

18 (1) MONITORING.—The Inspector General of
19 the Department of Transportation shall monitor and
20 review the implementation of the pilot program es-
21 tablished under subsection (b).

22 (2) REPORT.—The Inspector General shall sub-
23 mit to Congress and the Secretary—

24 (A) not later than 1 year after the estab-
25 lishment of the pilot program under subsection

1 (b), an interim report on the results of the re-
 2 view conducted under paragraph (1); and

3 (B) not later than 60 days after the con-
 4 clusion of the pilot program, a final report on
 5 the results of the review conducted under para-
 6 graph (1).

7 (3) ADDITIONAL CONTENTS.—

8 (A) INTERIM REPORT.—The interim report
 9 required under paragraph (2)(A) shall address
 10 whether the Secretary has established sufficient
 11 mechanisms and generated sufficient data to
 12 determine if the pilot program is having any ad-
 13 verse effects on motor carrier safety.

14 (B) FINAL REPORT.—The final report re-
 15 quired under paragraph (2)(B) shall address
 16 the impact of the pilot program on—

17 (i) safety; and

18 (ii) the number of commercial motor
 19 vehicle drivers available for employment.

20 **Subtitle E—General Provisions**

21 **SEC. 5501. MINIMUM FINANCIAL RESPONSIBILITY.**

22 (a) TRANSPORTING PROPERTY.—If the Secretary
 23 proceeds with a rulemaking to determine whether to in-
 24 crease the minimum levels of financial responsibility re-
 25 quired under section 31139 of title 49, United States

1 Code, the Secretary shall consider, prior to issuing a final
2 rule—

3 (1) the rulemaking's potential impact on—

4 (A) the safety of motor vehicle transpor-
5 tation; and

6 (B) the motor carrier industry, including
7 small and minority motor carriers and inde-
8 pendent owner-operators;

9 (2) the ability of the insurance industry to pro-
10 vide the required amount of insurance;

11 (3) the extent to which current minimum levels
12 of financial responsibility adequately cover—

13 (A) medical care;

14 (B) compensation;

15 (C) attorney fees; and

16 (D) other identifiable costs;

17 (4) the frequency with which insurance claims
18 exceed current minimum levels of financial responsi-
19 bility in fatal accidents; and

20 (5) the impact of increased levels on motor car-
21 rier safety and accident reduction.

22 (b) TRANSPORTING PASSENGERS.—

23 (1) IN GENERAL.—Prior to initiating a rule-
24 making to change the minimum levels of financial
25 responsibility under section 31138 of title 49,

1 United States Code, the Secretary shall complete a
2 study specific to the minimum financial responsi-
3 bility requirements for motor carriers of passengers.

4 (2) STUDY CONTENTS.—A study under para-
5 graph (1) shall include—

6 (A) a review of accidents, injuries, and fa-
7 talities in the over-the-road bus and school bus
8 industries;

9 (B) a review of insurance held by over-the-
10 road bus and public and private school bus
11 companies, including companies of various sizes,
12 and an analysis of whether such insurance is
13 adequate to cover claims;

14 (C) an analysis of whether and how insur-
15 ance affects the behavior and safety record of
16 motor carriers of passengers, including with re-
17 spect to crash reduction; and

18 (D) an analysis of the anticipated impacts
19 of an increase in financial responsibility on in-
20 surance premiums for passenger carriers and
21 service availability.

22 (3) CONSULTATION.—In conducting a study
23 under paragraph (1), the Secretary shall consult
24 with—

1 (A) representatives of the over-the-road
2 bus and private school bus transportation in-
3 dustries, including representatives of bus driv-
4 ers; and

5 (B) insurers of motor carriers of pas-
6 sengers.

7 (4) REPORT.—If the Secretary undertakes a
8 study under paragraph (1), the Secretary shall sub-
9 mit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the
11 Committee on Commerce, Science, and Transpor-
12 tation of the Senate a report on the results of the
13 study.

14 **SEC. 5502. DELAYS IN GOODS MOVEMENT.**

15 (a) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Inspector
18 General of the Department shall submit to the Com-
19 mittee on Transportation and Infrastructure of the
20 House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate a report on the average length of time that oper-
23 ators of commercial motor vehicles are delayed be-
24 fore the loading and unloading of such vehicles and
25 at other points in the pick-up and delivery process.

1 (2) CONTENTS.—The report under paragraph

2 (1) shall include—

3 (A) an assessment of how delays impact—

4 (i) the economy;

5 (ii) the efficiency of the transportation

6 system;

7 (iii) motor carrier safety, including

8 the extent to which delays result in viola-

9 tions of motor carrier safety regulations;

10 and

11 (iv) the livelihood of motor carrier

12 drivers; and

13 (B) recommendations on how delays could

14 be mitigated.

15 (b) COLLECTION OF DATA.—Not later than 2 years

16 after the date of enactment of this Act, the Secretary shall

17 establish by regulation a process to collect data on delays

18 experienced by operators of commercial motor vehicles be-

19 fore the loading and unloading of such vehicles and at

20 other points in the pick-up and delivery process.

21 **SEC. 5503. REPORT ON MOTOR CARRIER FINANCIAL RE-**

22 **SPONSIBILITY.**

23 (a) IN GENERAL.—Not later than April 1, 2016, the

24 Secretary shall publish on a publicly accessible Internet

25 Web site of the Department a report on the minimum lev-

1 els of financial responsibility required under section 31139
2 of title 49, United States Code.

3 (b) CONTENTS.—The report required under sub-
4 section (a) shall include an analysis of—

5 (1) the differences between State insurance re-
6 quirements and Federal requirements;

7 (2) the extent to which current minimum levels
8 of financial responsibility adequately cover—

9 (A) medical care;

10 (B) compensation;

11 (C) attorney fees; and

12 (D) other identifiable costs; and

13 (3) the frequency with which insurance claims
14 exceed the current minimum levels of financial re-
15 sponsibility.

16 **SEC. 5504. EMERGENCY ROUTE WORKING GROUP.**

17 (a) IN GENERAL.—

18 (1) ESTABLISHMENT.—Not later than 1 year
19 after the date of enactment of this Act, the Sec-
20 retary shall establish a working group to determine
21 best practices for expeditious State approval of spe-
22 cial permits for vehicles involved in emergency re-
23 sponse and recovery.

24 (2) MEMBERS.—The working group shall in-
25 clude representatives from—

1 (A) State highway transportation depart-
2 ments or agencies;

3 (B) relevant modal agencies within the De-
4 partment;

5 (C) emergency response or recovery ex-
6 perts;

7 (D) relevant safety groups; and

8 (E) entities affected by special permit re-
9 strictions during emergency response and recov-
10 ery efforts.

11 (b) CONSIDERATIONS.—In determining best practices
12 under subsection (a), the working group shall consider
13 whether—

14 (1) impediments currently exist that prevent ex-
15 peditious State approval of special permits for vehi-
16 cles involved in emergency response and recovery;

17 (2) it is possible to pre-identify and establish
18 emergency routes between States through which in-
19 frastructure repair materials could be delivered fol-
20 lowing a natural disaster or emergency;

21 (3) a State could pre-designate an emergency
22 route identified under paragraph (2) as a certified
23 emergency route if a motor vehicle that exceeds the
24 otherwise applicable Federal and State truck length
25 or width limits may safely operate along such route

1 during periods of declared emergency and recovery
2 from such periods; and

3 (4) an online map could be created to identify
4 each pre-designated emergency route under para-
5 graph (3), including information on specific limita-
6 tions, obligations, and notification requirements
7 along that route.

8 (c) REPORT.—

9 (1) SUBMISSION.—Not later than 1 year after
10 the date of enactment of this Act, the working group
11 shall submit to the Secretary a report on its findings
12 under this section and any recommendations for the
13 implementation of best practices for expeditious
14 State approval of special permits for vehicles in-
15 volved in emergency response and recovery.

16 (2) PUBLICATION.—Not later than 30 days
17 after the date the Secretary receives the report
18 under paragraph (1), the Secretary shall publish the
19 report on a publicly accessible Internet Web site of
20 the Department.

21 (d) NOTIFICATION.—Not later than 6 months after
22 the date the Secretary receives the report under subsection
23 (c)(1), the Secretary shall notify the Committee on Trans-
24 portation and Infrastructure of the House of Representa-
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate on the actions the Secretary
2 and the States have taken to implement the recommenda-
3 tions included in the report.

4 (e) EXEMPTION.—The Federal Advisory Committee
5 Act (5 U.S.C. App.) shall not apply to the working group.

6 (f) TERMINATION.—The working group shall termi-
7 nate 1 year after the date the Secretary receives the report
8 under subsection (e)(1).

9 **SEC. 5505. HOUSEHOLD GOODS CONSUMER PROTECTION**
10 **WORKING GROUP.**

11 (a) WORKING GROUP.—The Secretary shall establish
12 a working group for the purpose of developing rec-
13 ommendations on how to best convey to inexperienced con-
14 sumers the information such consumers need to know with
15 respect to the Federal laws concerning the interstate
16 transportation of household goods by motor carrier.

17 (b) MEMBERSHIP.—The Secretary shall ensure that
18 the working group is comprised of individuals with exper-
19 tise in consumer affairs, educators with expertise in how
20 people learn most effectively, and representatives of the
21 household goods moving industry.

22 (c) RECOMMENDATIONS.—

23 (1) CONTENTS.—The recommendations devel-
24 oped by the working group shall include rec-
25 ommendations on—

1 (A) condensing publication ESA 03005 of
2 the Federal Motor Carrier Safety Administra-
3 tion into a format that is more easily used by
4 consumers;

5 (B) using state-of-the-art education tech-
6 niques and technologies, including optimizing
7 the use of the Internet as an educational tool;
8 and

9 (C) reducing and simplifying the paper-
10 work required of motor carriers and shippers in
11 interstate transportation.

12 (2) DEADLINE.—Not later than 1 year after
13 the date of enactment of this Act—

14 (A) the working group shall make the rec-
15 ommendations described in paragraph (1); and

16 (B) the Secretary shall publish the rec-
17 ommendations on a publicly accessible Internet
18 Web site of the Department.

19 (d) REPORT.—Not later than 1 year after the date
20 on which the working group makes its recommendations
21 under subsection (c)(2), the Secretary shall issue a report
22 to Congress on the implementation of such recommenda-
23 tions.

24 (e) EXEMPTION.—The Federal Advisory Committee
25 Act (5 U.S.C. App.) shall not apply to the working group.

1 (f) TERMINATION.—The working group shall termi-
2 nate 1 year after the date the working group makes its
3 recommendations under subsection (c)(2).

4 **SEC. 5506. TECHNOLOGY IMPROVEMENTS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Comptroller General
7 of the United States shall conduct a comprehensive anal-
8 ysis of the information technology and data collection and
9 management systems of the Federal Motor Carrier Safety
10 Administration.

11 (b) REQUIREMENTS.—The study conducted under
12 subsection (a) shall—

13 (1) evaluate the efficacy of the existing infor-
14 mation technology, data collection, processing sys-
15 tems, data correction procedures, and data manage-
16 ment systems and programs, including their inter-
17 action with each other and their efficacy in meeting
18 user needs;

19 (2) identify any redundancies among the sys-
20 tems, procedures, and programs described in para-
21 graph (1);

22 (3) explore the feasibility of consolidating data
23 collection and processing systems;

1 (4) evaluate the ability of the systems, proce-
2 dures, and programs described in paragraph (1) to
3 meet the needs of—

4 (A) the Federal Motor Carrier Safety Ad-
5 ministration, at both the headquarters and
6 State levels;

7 (B) the State agencies that implement the
8 motor carrier safety assistance program under
9 section 31102 of title 49, United States Code;
10 and

11 (C) other users;

12 (5) evaluate the adaptability of the systems,
13 procedures, and programs described in paragraph
14 (1), in order to make necessary future changes to
15 ensure user needs are met in an easier, timely, and
16 more cost efficient manner;

17 (6) investigate and make recommendations re-
18 garding—

19 (A) deficiencies in existing data sets im-
20 pacting program effectiveness; and

21 (B) methods to improve user interfaces;
22 and

23 (7) identify the appropriate role the Federal
24 Motor Carrier Safety Administration should take
25 with respect to software and information systems de-

1 sign, development, and maintenance for the purpose
2 of improving the efficacy of the systems, procedures,
3 and programs described in paragraph (1).

4 **SEC. 5507. NOTIFICATION REGARDING MOTOR CARRIER**
5 **REGISTRATION.**

6 Not later than 30 days after the date of enactment
7 of this Act, the Secretary shall submit to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate written notifi-
11 cation of the actions the Secretary is taking to ensure,
12 to the greatest extent practicable, that each application
13 for registration under section 13902 of title 49, United
14 States Code, is processed not later than 30 days after the
15 date on which the application is received by the Secretary.

16 **SEC. 5508. TECHNICAL CORRECTIONS.**

17 (a) TITLE 49.—Title 49, United States Code, is
18 amended as follows:

19 (1) Section 13902(i)(2) is amended by inserting
20 “except as” before “described”.

21 (2) Section 13903(d) is amended by striking
22 “(d) REGISTRATION AS MOTOR CARRIER RE-
23 QUIRED.—” and all that follows through “(1) IN
24 GENERAL.—A freight forwarder” and inserting “(d)

1 REGISTRATION AS MOTOR CARRIER REQUIRED.—A
2 freight forwarder”.

3 (3) Section 13905(d)(2)(D) is amended—

4 (A) by striking “the Secretary finds that—
5 ” and all that follows through “(i) the motor
6 carrier,” and inserting “the Secretary finds
7 that the motor carrier,”; and

8 (B) by adding a period at the end.

9 (4) Section 14901(h) is amended by striking
10 “HOUSEHOLD GOODS” in the heading.

11 (5) Section 14916 is amended by striking the
12 section designation and heading and inserting the
13 following:

14 **“§ 14916. Unlawful brokerage activities”.**

15 (b) MAP–21.—Effective as of July 6, 2012, and as
16 if included therein as enacted, MAP–21 (Public Law 112–
17 141) is amended as follows:

18 (1) Section 32108(a)(4) (126 Stat. 782) is
19 amended by inserting “for” before “each additional
20 day” in the matter proposed to be struck.

21 (2) Section 32301(b)(3) (126 Stat. 786) is
22 amended by striking “by amending (a) to read as
23 follows:” and inserting “by striking subsection (a)
24 and inserting the following:”.

1 (3) Section 32302(c)(2)(B) (126 Stat. 789) is
2 amended by striking “section 32303(c)(1)” and in-
3 serting “section 32302(c)(1)”.

4 (4) Section 32921(b) (126 Stat. 828) is amend-
5 ed, in the matter to be inserted, by striking “(A) In
6 addition” and inserting the following:

7 “(A) IN GENERAL.—In addition”.

8 (5) Section 32931(c) (126 Stat. 829) is amend-
9 ed—

10 (A) by striking “Secretary” and inserting
11 “Secretary of Transportation” in the matter to
12 be struck; and

13 (B) by striking “Secretary” and inserting
14 “Secretary of Transportation” in the matter to
15 be inserted.

16 (c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF
17 1999.—Section 229(a)(1) of the Motor Carrier Safety Im-
18 provement Act of 1999 (49 U.S.C. 31136 note) is amend-
19 ed by inserting “of title 49, United States Code,” after
20 “sections 31136 and 31502”.

21 **TITLE VI—INNOVATION**

22 **SEC. 6001. SHORT TITLE.**

23 This title may be cited as the “Transportation for
24 Tomorrow Act of 2015”.

1 **SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—The following amounts are au-
3 thorized to be appropriated out of the Highway Trust
4 Fund (other than the Mass Transit Account):

5 (1) HIGHWAY RESEARCH AND DEVELOPMENT
6 PROGRAM.—To carry out section 503(b) of title 23,
7 United States Code, \$125,000,000 for each of fiscal
8 years 2016 through 2021.

9 (2) TECHNOLOGY AND INNOVATION DEPLOY-
10 MENT PROGRAM.—To carry out section 503(c) of
11 title 23, United States Code—

12 (A) \$67,000,000 for fiscal year 2016;

13 (B) \$67,500,000 for fiscal year 2017;

14 (C) \$67,500,000 for fiscal year 2018;

15 (D) \$67,500,000 for fiscal year 2019;

16 (E) \$67,500,000 for fiscal year 2020; and

17 (F) \$67,500,000 for fiscal year 2021.

18 (3) TRAINING AND EDUCATION.—To carry out
19 section 504 of title 23, United States Code
20 \$24,000,000 for each of fiscal years 2016 through
21 2021.

22 (4) INTELLIGENT TRANSPORTATION SYSTEMS
23 PROGRAM.—To carry out sections 512 through 518
24 of title 23, United States Code \$100,000,000 for
25 each of fiscal years 2016 through 2021.

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

- 4 (A) \$72,500,000 for fiscal year 2016;
5 (B) \$75,000,000 for fiscal year 2017;
6 (C) \$75,000,000 for fiscal year 2018;
7 (D) \$77,500,000 for fiscal year 2019;
8 (E) \$77,500,000 for fiscal year 2020; and
9 (F) \$77,500,000 for fiscal year 2021.

10 (6) BUREAU OF TRANSPORTATION STATIS-
11 TICS.—To carry out chapter 63 of title 49, United
12 States Code, \$26,000,000 for each of fiscal years
13 2016 through 2021.

14 (b) APPLICABILITY OF TITLE 23, UNITED STATES
15 CODE.—Funds authorized to be appropriated by sub-
16 section (a) shall—

- 17 (1) be available for obligation in the same man-
18 ner as if those funds were apportioned under chap-
19 ter 1 of title 23, United States Code, except that the
20 Federal share of the cost of a project or activity car-
21 ried out using those funds shall be 80 percent, un-
22 less otherwise expressly provided by this Act (includ-
23 ing the amendments by this Act) or otherwise deter-
24 mined by the Secretary; and

1 (2) remain available until expended and not be
2 transferable, except as otherwise provided in this
3 Act.

4 **SEC. 6003. ADVANCED TRANSPORTATION AND CONGESTION**
5 **MANAGEMENT TECHNOLOGIES DEPLOY-**
6 **MENT.**

7 Section 503(e) of title 23, United States Code, is
8 amended by adding at the end the following:

9 “(4) ADVANCED TRANSPORTATION TECH-
10 NOLOGIES DEPLOYMENT.—

11 “(A) IN GENERAL.—Not later than 6
12 months after the date of enactment of this
13 paragraph, the Secretary shall establish an ad-
14 vanced transportation and congestion manage-
15 ment technologies deployment initiative to pro-
16 vide grants to eligible entities to develop model
17 deployment sites for large scale installation and
18 operation of advanced transportation tech-
19 nologies to improve safety, efficiency, system
20 performance, and infrastructure return on in-
21 vestment.

22 “(B) CRITERIA.—The Secretary shall de-
23 velop criteria for selection of an eligible entity
24 to receive a grant under this paragraph, includ-
25 ing how the deployment of technology will—

1 “(i) reduce costs and improve return
2 on investments, including through the en-
3 hanced use of existing transportation ca-
4 pacity;

5 “(ii) deliver environmental benefits
6 that alleviate congestion and streamline
7 traffic flow;

8 “(iii) measure and improve the oper-
9 ational performance of the applicable
10 transportation network;

11 “(iv) reduce the number and severity
12 of traffic crashes and increase driver, pas-
13 senger, and pedestrian safety;

14 “(v) collect, disseminate, and use real-
15 time traffic, transit, parking, and other
16 transportation-related information to im-
17 prove mobility, reduce congestion, and pro-
18 vide for more efficient and accessible
19 transportation;

20 “(vi) monitor transportation assets to
21 improve infrastructure management, re-
22 duce maintenance costs, prioritize invest-
23 ment decisions, and ensure a state of good
24 repair;

1 “(vii) deliver economic benefits by re-
2 ducing delays, improving system perform-
3 ance, and providing for the efficient and
4 reliable movement of goods and services; or

5 “(viii) accelerate the deployment of
6 vehicle-to-vehicle, vehicle-to-infrastructure,
7 autonomous vehicles, and other tech-
8 nologies.

9 “(C) APPLICATIONS.—

10 “(i) REQUEST.—Not later than 6
11 months after the date of enactment of this
12 paragraph, and for every fiscal year there-
13 after, the Secretary shall request applica-
14 tions in accordance with clause (ii).

15 “(ii) CONTENTS.—An application sub-
16 mitted under this subparagraph shall in-
17 clude the following:

18 “(I) PLAN.—A plan to deploy
19 and provide for the long-term oper-
20 ation and maintenance of advanced
21 transportation and congestion man-
22 agement technologies to improve safe-
23 ty, efficiency, system performance,
24 and return on investment.

1 “(II) OBJECTIVES.—Quantifiable
2 system performance improvements,
3 such as—

4 “(aa) reducing traffic-re-
5 lated crashes, congestion, and
6 costs;

7 “(bb) optimizing system effi-
8 ciency; and

9 “(cc) improving access to
10 transportation services.

11 “(III) RESULTS.—Quantifiable
12 safety, mobility, and environmental
13 benefit projections such as data-driven
14 estimates of how the project will im-
15 prove the region’s transportation sys-
16 tem efficiency and reduce traffic con-
17 gestion.

18 “(IV) PARTNERSHIPS.—A plan
19 for partnering with the private sector
20 or public agencies, including
21 multimodal and multijurisdictional en-
22 tities, research institutions, organiza-
23 tions representing transportation and
24 technology leaders, or other transpor-
25 tation stakeholders.

1 “(V) LEVERAGING.—A plan to
2 leverage and optimize existing local
3 and regional advanced transportation
4 technology investments.

5 “(D) GRANT SELECTION.—

6 “(i) GRANT AWARDS.—Not later than
7 1 year after the date of enactment of this
8 paragraph, and for every fiscal year there-
9 after, the Secretary shall award grants to
10 not less than 5 and not more than 8 eligi-
11 ble entities.

12 “(ii) GEOGRAPHIC DIVERSITY.—In
13 awarding a grant under this paragraph,
14 the Secretary shall ensure, to the extent
15 practicable, that grant recipients represent
16 diverse geographic areas of the United
17 States.

18 “(E) USE OF GRANT FUNDS.—A grant re-
19 cipient may use funds awarded under this para-
20 graph to deploy advanced transportation and
21 congestion management technologies, includ-
22 ing—

23 “(i) advanced traveler information
24 systems;

1 “(ii) advanced transportation manage-
2 ment technologies;

3 “(iii) infrastructure maintenance,
4 monitoring, and condition assessment;

5 “(iv) advanced public transportation
6 systems;

7 “(v) transportation system perform-
8 ance data collection, analysis, and dissemi-
9 nation systems;

10 “(vi) advanced safety systems, includ-
11 ing vehicle-to-vehicle and vehicle-to-infra-
12 structure communications, technologies as-
13 sociated with autonomous vehicles, and
14 other collision avoidance technologies, in-
15 cluding systems using cellular technology;

16 “(vii) integration of intelligent trans-
17 portation systems with the Smart Grid and
18 other energy distribution and charging sys-
19 tems;

20 “(viii) electronic pricing and payment
21 systems; or

22 “(ix) advanced mobility and access
23 technologies, such as dynamic ridesharing
24 and information systems to support human

1 services for elderly and disabled individ-
2 uals.

3 “(F) REPORT TO SECRETARY.—Not later
4 than 1 year after an eligible entity receives a
5 grant under this paragraph, and each year
6 thereafter, the entity shall submit a report to
7 the Secretary that describes—

8 “(i) deployment and operational costs
9 of the project compared to the benefits and
10 savings the project provides; and

11 “(ii) how the project has met the
12 original expectations projected in the de-
13 ployment plan submitted with the applica-
14 tion, such as—

15 “(I) data on how the project has
16 helped reduce traffic crashes, conges-
17 tion, costs, and other benefits of the
18 deployed systems;

19 “(II) data on the effect of meas-
20 uring and improving transportation
21 system performance through the de-
22 ployment of advanced technologies;

23 “(III) the effectiveness of pro-
24 viding real-time integrated traffic,
25 transit, and multimodal transpor-

1 tation information to the public to
2 make informed travel decisions; and

3 “(IV) lessons learned and rec-
4 ommendations for future deployment
5 strategies to optimize transportation
6 efficiency and multimodal system per-
7 formance.

8 “(G) REPORT.—Not later than 3 years
9 after the date that the first grant is awarded
10 under this paragraph, and each year thereafter,
11 the Secretary shall make available to the public
12 on an Internet Web site a report that describes
13 the effectiveness of grant recipients in meeting
14 their projected deployment plans, including data
15 provided under subparagraph (F) on how the
16 program has—

17 “(i) reduced traffic-related fatalities
18 and injuries;

19 “(ii) reduced traffic congestion and
20 improved travel time reliability;

21 “(iii) reduced transportation-related
22 emissions;

23 “(iv) optimized multimodal system
24 performance;

1 “(v) improved access to transportation
2 alternatives;

3 “(vi) provided the public with access
4 to real-time integrated traffic, transit, and
5 multimodal transportation information to
6 make informed travel decisions;

7 “(vii) provided cost savings to trans-
8 portation agencies, businesses, and the
9 traveling public; or

10 “(viii) provided other benefits to
11 transportation users and the general pub-
12 lic.

13 “(H) ADDITIONAL GRANTS.—The Sec-
14 retary may cease to provide additional grant
15 funds to a recipient of a grant under this para-
16 graph if—

17 “(i) the Secretary determines from
18 such recipient’s report that the recipient is
19 not carrying out the requirements of the
20 grant; and

21 “(ii) the Secretary provides written
22 notice 60 days prior to withholding funds
23 to the Committee on Transportation and
24 Infrastructure of the House of Representa-

1 tives and the Committee on Environment
2 and Public Works of the Senate.

3 “(I) FUNDING.—

4 “(i) IN GENERAL.—From funds made
5 available to carry out section 503(b), this
6 subsection, and sections 512 through 518,
7 the Secretary shall set aside for grants
8 awarded under subparagraph (D)
9 \$75,000,000 for each of fiscal years 2016
10 through 2021.

11 “(ii) EXPENSES FOR THE SEC-
12 RETARY.—Of the amounts set aside under
13 clause (i), the Secretary may set aside
14 \$2,000,000 each fiscal year for program
15 reporting, evaluation, and administrative
16 costs related to this paragraph.

17 “(J) FEDERAL SHARE.—The Federal
18 share of the cost of a project for which a grant
19 is awarded under this subsection shall not ex-
20 ceed 50 percent of the cost of the project.

21 “(K) GRANT LIMITATION.—The Secretary
22 may not award more than 20 percent of the
23 amount described under subparagraph (I) in a
24 fiscal year to a single grant recipient.

1 “(L) EXPENSES FOR GRANT RECIPI-
2 ENTS.—A grant recipient under this paragraph
3 may use not more than 5 percent of the funds
4 awarded each fiscal year to carry out planning
5 and reporting requirements.

6 “(M) GRANT FLEXIBILITY.—

7 “(i) IN GENERAL.—If, by August 1 of
8 each fiscal year, the Secretary determines
9 that there are not enough grant applica-
10 tions that meet the requirements described
11 in subparagraph (C) to carry out this sec-
12 tion for a fiscal year, the Secretary shall
13 transfer to the programs specified in clause
14 (ii)—

15 “(I) any of the funds reserved for
16 the fiscal year under subparagraph (I)
17 that the Secretary has not yet award-
18 ed under this paragraph; and

19 “(II) an amount of obligation
20 limitation equal to the amount of
21 funds that the Secretary transfers
22 under subclause (I).

23 “(ii) PROGRAMS.—The programs re-
24 ferred to in clause (i) are—

1 “(I) the program under section
2 503(b);

3 “(II) the program under section
4 503(c); and

5 “(III) the programs under sec-
6 tions 512 through 518.

7 “(iii) DISTRIBUTION.—Any transfer
8 of funds and obligation limitation under
9 clause (i) shall be divided among the pro-
10 grams referred to in that clause in the
11 same proportions as the Secretary origi-
12 nally reserved funding from the programs
13 for the fiscal year under subparagraph (I).

14 “(N) DEFINITIONS.—In this paragraph,
15 the following definitions apply:

16 “(i) ELIGIBLE ENTITY.—The term ‘el-
17 igible entity’ means a State or local gov-
18 ernment, a transit agency, metropolitan
19 planning organization representing a popu-
20 lation of over 200,000, or other political
21 subdivision of a State or local government
22 or a multijurisdictional group.

23 “(ii) ADVANCED AND CONGESTION
24 MANAGEMENT TRANSPORTATION TECH-
25 NOLOGIES.—The term ‘advanced transpor-

1 tation and congestion management tech-
2 nologies’ means technologies that improve
3 the efficiency, safety, or state of good re-
4 pair of surface transportation systems, in-
5 cluding intelligent transportation systems.

6 “(iii) MULTIJURISDICTIONAL
7 GROUP.—The term ‘multijurisdictional
8 group’ means a any combination of State
9 governments, locals governments, metro-
10 politan planning agencies, transit agencies,
11 or other political subdivisions of a State
12 for which each member of the group—

13 “(I) has signed a written agree-
14 ment to implement the advanced
15 transportation technologies deploy-
16 ment initiative across jurisdictional
17 boundaries; and

18 “(II) is an eligible entity under
19 this paragraph.”.

20 **SEC. 6004. TECHNOLOGY AND INNOVATION DEPLOYMENT**
21 **PROGRAM.**

22 Section 503(c)(3) of title 23, United States Code, is
23 amended—

1 (1) in subparagraph (C) by striking “2013
2 through 2014” and inserting “2016 through 2021”;
3 and

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

5 “(D) PUBLICATION.—The Secretary shall
6 make available to the public on an Internet
7 Web site on an annual basis a report on the
8 cost and benefits from deployment of new tech-
9 nology and innovations that substantially and
10 directly resulted from the program established
11 under this paragraph. The report may include
12 an analysis of—

13 “(i) Federal, State, and local cost sav-
14 ings;

15 “(ii) project delivery time improve-
16 ments;

17 “(iii) reduced fatalities; and

18 “(iv) congestion impacts.”.

19 **SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM**
20 **GOALS.**

21 Section 514(a) of title 23, United States Code, is
22 amended—

23 (1) in paragraph (4) by striking “and” at the
24 end;

1 (2) in paragraph (5) by striking the period at
2 the end and inserting “; and”; and

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

4 “(6) enhancement of the national freight sys-
5 tem and support to national freight policy goals by
6 conducting heavy duty vehicle demonstration activi-
7 ties and accelerating adoption of intelligent trans-
8 portation system applications in freight operations.”.

9 **SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PRO-**
10 **GRAM REPORT.**

11 Section 515(h)(4) of title 23, United States Code, is
12 amended—

13 (1) by striking “February 1 of each year after
14 the date of enactment of the Transportation Re-
15 search and Innovative Technology Act of 2012” and
16 inserting “May 1 of each year”; and

17 (2) by striking “submit to Congress” and in-
18 serting “make available to the public on a Depart-
19 ment of Transportation Web site”.

20 **SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM NA-**
21 **TIONAL ARCHITECTURE AND STANDARDS.**

22 Section 517(a)(3) of title 23, United States Code, is
23 amended by striking “memberships are comprised of, and
24 represent,” and inserting “memberships include represent-
25 atives of”.

1 **SEC. 6008. COMMUNICATION SYSTEMS DEPLOYMENT RE-**
2 **PORT.**

3 Section 518(a) of title 23, United States Code, is
4 amended by striking “Not later than 3” and all that fol-
5 lows through “House of Representatives” and inserting
6 “Not later than July 6, 2016, the Secretary shall make
7 available to the public on a Department of Transportation
8 Web site a report”.

9 **SEC. 6009. INFRASTRUCTURE DEVELOPMENT.**

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

13 **“§ 519. Infrastructure development**

14 “Funds made available to carry out this chapter for
15 operational tests—

16 “(1) shall be used primarily for the development
17 of intelligent transportation system infrastructure,
18 equipment, and systems; and

19 “(2) to the maximum extent practicable, shall
20 not be used for the construction of physical surface
21 transportation infrastructure unless the construction
22 is incidental and critically necessary to the imple-
23 mentation of an intelligent transportation system
24 project.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) CLERICAL AMENDMENT.—The analysis for
2 chapter 5 of title 23, United States Code, is amend-
3 ed by adding at the end the following new item:

“519. Infrastructure development.”.

4 (2) TECHNICAL AMENDMENT.—The item relat-
5 ing to section 512 in the analysis for chapter 5 of
6 title 23, United States Code, is amended to read as
7 follows:

“512. National ITS program plan.”.

8 **SEC. 6010. DEPARTMENTAL RESEARCH PROGRAMS.**

9 (a) ASSISTANT SECRETARY FOR RESEARCH AND
10 TECHNOLOGY.—Section 102(e) of title 49, United States
11 Code, is amended—

12 (1) in paragraph (1) by striking “5” and insert-
13 ing “6”; and

14 (2) in paragraph (1)(A) by inserting “an As-
15 sistant Secretary for Research and Technology,”
16 after “Governmental Affairs,”.

17 (b) RESEARCH ACTIVITIES.—Section 330 of title 49,
18 United States Code, is amended—

19 (1) in the section heading by striking “**con-**
20 **tracts**” and inserting “**activities**”;

21 (2) in subsection (a) by striking “The Secretary
22 of” and inserting “IN GENERAL.—The Secretary
23 of”;

1 (3) in subsection (b) by striking “In carrying”
2 and inserting “RESPONSIBILITIES.—In carrying”;

3 (4) in subsection (c) by striking “The Sec-
4 retary” and inserting “PUBLICATIONS.—The Sec-
5 retary”; and

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

7 “(d) DUTIES.—The Secretary shall provide for the
8 following:

9 “(1) Coordination, facilitation, and review of
10 Department of Transportation research and develop-
11 ment programs and activities.

12 “(2) Advancement, and research and develop-
13 ment, of innovative technologies, including intelligent
14 transportation systems.

15 “(3) Comprehensive transportation statistics re-
16 search, analysis, and reporting.

17 “(4) Education and training in transportation
18 and transportation-related fields.

19 “(5) Activities of the Volpe National Transpor-
20 tation Systems Center.

21 “(6) Coordination in support of multimodal and
22 multidisciplinary research activities.

23 “(e) ADDITIONAL AUTHORITIES.—The Secretary
24 may—

1 “(1) enter into grants and cooperative agree-
2 ments with Federal agencies, State and local govern-
3 ment agencies, other public entities, private organi-
4 zations, and other persons to conduct research into
5 transportation service and infrastructure assurance
6 and to carry out other research activities of the De-
7 partment of Transportation;

8 “(2) carry out, on a cost-shared basis, collabo-
9 rative research and development to encourage inno-
10 vative solutions to multimodal transportation prob-
11 lems and stimulate the deployment of new tech-
12 nology with—

13 “(A) non-Federal entities, including State
14 and local governments, foreign governments, in-
15 stitutions of higher education, corporations, in-
16 stitutions, partnerships, sole proprietorships,
17 and trade associations that are incorporated or
18 established under the laws of any State;

19 “(B) Federal laboratories; and

20 “(C) other Federal agencies; and

21 “(3) directly initiate contracts, grants, coopera-
22 tive research and development agreements (as de-
23 fined in section 12 of the Stevenson-Wydler Tech-
24 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
25 and other agreements to fund, and accept funds

1 from, the Transportation Research Board of the Na-
2 tional Academies, State departments of transpor-
3 tation, cities, counties, institutions of higher edu-
4 cation, associations, and the agents of those entities
5 to carry out joint transportation research and tech-
6 nology efforts.

7 “(f) FEDERAL SHARE.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 the Federal share of the cost of an activity carried
10 out under subsection (e)(3) shall not exceed 50 per-
11 cent.

12 “(2) EXCEPTION.—If the Secretary determines
13 that the activity is of substantial public interest or
14 benefit, the Secretary may approve a greater Federal
15 share.

16 “(3) NON-FEDERAL SHARE.—All costs directly
17 incurred by the non-Federal partners, including per-
18 sonnel, travel, facility, and hardware development
19 costs, shall be credited toward the non-Federal share
20 of the cost of an activity described in subsection
21 (e)(3).

22 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
23 each of fiscal years 2016 through 2021, the Secretary is
24 authorized to expend not more than 1 and a half percent
25 of the amounts authorized to be appropriated for the co-

1 ordination, evaluation, and oversight of the programs ad-
2 ministered by the Office of the Assistant Secretary for Re-
3 search and Technology.

4 “(h) USE OF TECHNOLOGY.—The research, develop-
5 ment, or use of a technology under a contract, grant, coop-
6 erative research and development agreement, or other
7 agreement entered into under this section, including the
8 terms under which the technology may be licensed and the
9 resulting royalties may be distributed, shall be subject to
10 the Stevenson-Wydler Technology Innovation Act of 1980
11 (15 U.S.C. 3701 et seq.).

12 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
13 Section 6101 of title 41 shall not apply to a contract,
14 grant, or other agreement entered into under this sec-
15 tion.”.

16 (c) CLERICAL AMENDMENT.—The item relating to
17 section 330 in the analysis of chapter 3 of title 49, United
18 States Code, is amended to read as follows:

“330. Research activities.”.

19 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) TITLE 5 AMENDMENTS.—

21 (A) POSITIONS AT LEVEL II.—Section
22 5313 of title 5, United States Code, is amended
23 by striking “The Under Secretary of Transpor-
24 tation for Security.”.

1 (B) POSITIONS AT LEVEL IV.—Section
2 5315 of title 5, United States Code, is amended
3 in the undesignated item relating to Assistant
4 Secretaries of Transportation by striking “(4)”
5 and inserting “(5)”.

6 (C) POSITIONS AT LEVEL V.—Section
7 5316 of title 5, United States Code, is amended
8 by striking “Associate Deputy Secretary, De-
9 partment of Transportation.”.

10 (2) BUREAU OF TRANSPORTATION STATIS-
11 TICS.—Section 6302(a) of title 49, United States
12 Code, is amended to read as follows:

13 “(a) IN GENERAL.—There shall be within the De-
14 partment of Transportation the Bureau of Transportation
15 Statistics.”.

16 **SEC. 6011. RESEARCH AND INNOVATIVE TECHNOLOGY AD-**
17 **MINISTRATION.**

18 (a) REPEAL.—Section 112 of title 49, United States
19 Code, is repealed.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 1 of title 49, United States Code, is amended by strik-
22 ing the item relating to section 112.

23 **SEC. 6012. OFFICE OF INTERMODALISM.**

24 (a) REPEAL.—Section 5503 of title 49, United States
25 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 55 of title 49, United States Code, is amended by
3 striking the item relating to section 5503.

4 **SEC. 6013. UNIVERSITY TRANSPORTATION CENTERS.**

5 Section 5505 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 5505. University transportation centers program**

8 “(a) UNIVERSITY TRANSPORTATION CENTERS PRO-
9 GRAM.—

10 “(1) ESTABLISHMENT AND OPERATION.—The
11 Secretary shall make grants under this section to eli-
12 gible nonprofit institutions of higher education to es-
13 tablish and operate university transportation cen-
14 ters.

15 “(2) ROLE OF CENTERS.—The role of each uni-
16 versity transportation center referred to in para-
17 graph (1) shall be—

18 “(A) to advance transportation expertise
19 and technology in the varied disciplines that
20 comprise the field of transportation through
21 education, research, and technology transfer ac-
22 tivities;

23 “(B) to provide for a critical transpor-
24 tation knowledge base outside of the Depart-
25 ment of Transportation; and

1 “(C) to address critical workforce needs
2 and educate the next generation of transpor-
3 tation leaders.

4 “(b) COMPETITIVE SELECTION PROCESS.—

5 “(1) APPLICATIONS.—To receive a grant under
6 this section, a consortium of nonprofit institution of
7 higher education shall submit to the Secretary an
8 application that is in such form and contains such
9 information as the Secretary may require.

10 “(2) RESTRICTION.—An institution of higher
11 education may not receive funding (directly or indi-
12 rectly) in a fiscal year under 2 different awards
13 under this section.

14 “(3) COORDINATION.—The Secretary shall so-
15 licit grant applications for national transportation
16 centers, regional transportation centers, and Tier 1
17 university transportation centers with identical ad-
18 vertisement schedules and deadlines.

19 “(4) GENERAL SELECTION CRITERIA.—

20 “(A) IN GENERAL.—Except as otherwise
21 provided by this section, the Secretary shall
22 award grants under this section in nonexclusive
23 candidate topic areas established by the Sec-
24 retary that address the research priorities iden-
25 tified in section 503 of title 23.

1 “(B) CRITERIA.—The Secretary, in con-
2 sultation with the Assistant Secretary for Re-
3 search and Technology and the Administrator
4 of the Federal Highway Administration, shall
5 select each recipient of a grant under this sec-
6 tion through a competitive process based on the
7 assessment of the Secretary relating to—

8 “(i) the demonstrated ability of the
9 recipient to address each specific topic area
10 described in the research and strategic
11 plans of the recipient;

12 “(ii) the demonstrated research, tech-
13 nology transfer, and education resources
14 available to the recipient to carry out this
15 section;

16 “(iii) the ability of the recipient to
17 provide leadership in solving immediate
18 and long-range national and regional
19 transportation problems;

20 “(iv) the ability of the recipient to
21 carry out research, education, and tech-
22 nology transfer activities that are
23 multimodal and multidisciplinary in scope;

24 “(v) the demonstrated commitment of
25 the recipient to carry out transportation

1 workforce development programs
2 through—

3 “(I) degree-granting programs or
4 programs that provide other industry-
5 recognized credentials; and

6 “(II) outreach activities to at-
7 tract new entrants into the transpor-
8 tation field;

9 “(vi) the demonstrated ability of the
10 recipient to disseminate results and spur
11 the implementation of transportation re-
12 search and education programs through
13 national or statewide continuing education
14 programs;

15 “(vii) the demonstrated commitment
16 of the recipient to the use of peer review
17 principles and other research best practices
18 in the selection, management, and dissemi-
19 nation of research projects;

20 “(viii) the strategic plan submitted by
21 the recipient describing the proposed re-
22 search to be carried out by the recipient
23 and the performance metrics to be used in
24 assessing the performance of the recipient
25 in meeting the stated research, technology

1 transfer, education, and outreach goals;
2 and

3 “(ix) the ability of the recipient to im-
4 plement the proposed program in a cost-ef-
5 ficient manner, such as through cost shar-
6 ing and overall reduced overhead, facilities,
7 and administrative costs.

8 “(5) TRANSPARENCY.—

9 “(A) IN GENERAL.—The Secretary shall
10 provide to each applicant, upon request, any
11 materials, including copies of reviews (with any
12 information that would identify a reviewer re-
13 dacted), used in the evaluation process of the
14 proposal of the applicant.

15 “(B) REPORTS.—The Secretary shall sub-
16 mit to the Committees on Transportation and
17 Infrastructure and Science, Space, and Tech-
18 nology of the House of Representatives and the
19 Committee on Environment and Public Works
20 of the Senate a report describing the overall re-
21 view process under paragraph (3) that in-
22 cludes—

23 “(i) specific criteria of evaluation used
24 in the review;

1 “(ii) descriptions of the review proc-
2 ess; and

3 “(iii) explanations of the selected
4 awards.

5 “(6) OUTSIDE STAKEHOLDERS.—The Secretary
6 shall, to the maximum extent practicable, consult ex-
7 ternal stakeholders such as the Transportation Re-
8 search Board of the National Research Council of
9 the National Academies to evaluate and competi-
10 tively review all proposals.

11 “(c) GRANTS.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this section, the Secretary,
14 Assistant Secretary for Research and Technology
15 and the Administrator of the Federal Highway Ad-
16 ministration shall select grant recipients under sub-
17 section (b) and make grant amounts available to the
18 selected recipients.

19 “(2) NATIONAL TRANSPORTATION CENTERS.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the Secretary shall provide grants to
22 5 consortia that the Secretary determines best
23 meet the criteria described in subsection (b)(4).

24 “(B) RESTRICTIONS.—

1 “(i) IN GENERAL.—For each fiscal
2 year, a grant made available under this
3 paragraph shall be not greater than
4 \$4,000,000 and not less than \$2,000,000
5 per recipient.

6 “(ii) FOCUSED RESEARCH.—A consor-
7 tium receiving a grant under this para-
8 graph shall focus research on 1 of the
9 transportation issue areas specified in sec-
10 tion 508(a)(2) of title 23, United States
11 Code.

12 “(C) MATCHING REQUIREMENT.—

13 “(i) IN GENERAL.—As a condition of
14 receiving a grant under this paragraph, a
15 grant recipient shall match 100 percent of
16 the amounts made available under the
17 grant.

18 “(ii) SOURCES.—The matching
19 amounts referred to in clause (i) may in-
20 clude amounts made available to the recipi-
21 ent under—

22 “(I) section 504(b) of title 23,
23 United States Code; or

24 “(II) section 505 of title 23,
25 United States Code.

1 “(3) 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)(4);

17 “(ii) the location of the lead center
18 within the Federal region to be served; and

19 “(iii) whether the consortium of insti-
20 tutions demonstrates that the consortium
21 has a well-established, nationally recog-
22 nized program in transportation research
23 and education, as evidenced by—

1 “(I) recent expenditures by the
2 institution in highway or public trans-
3 portation research;

4 “(II) a historical track record of
5 awarding graduate degrees in profes-
6 sional fields closely related to high-
7 ways and public transportation; and

8 “(III) an experienced faculty who
9 specialize in professional fields closely
10 related to highways and public trans-
11 portation.

12 “(C) RESTRICTIONS.—For each fiscal
13 year, a grant made available under this para-
14 graph shall be not greater than \$3,000,000 and
15 not less than \$1,500,000 per recipient.

16 “(D) MATCHING REQUIREMENTS.—

17 “(i) IN GENERAL.—As a condition of
18 receiving a grant under this paragraph, a
19 grant recipient shall match 100 percent of
20 the amounts made available under the
21 grant.

22 “(ii) SOURCES.—The matching
23 amounts referred to in clause (i) may in-
24 clude amounts made available to the recipi-
25 ent under—

1 “(I) section 504(b) of title 23,
2 United States Code; or

3 “(II) section 505 of title 23,
4 United States Code.

5 “(E) FOCUSED RESEARCH.—The Secretary
6 shall make a grant to 1 of the 10 regional uni-
7 versity transportation centers established under
8 this paragraph for the purpose of furthering the
9 objectives described in subsection (a)(2) in the
10 field of comprehensive transportation safety.

11 “(4) TIER 1 UNIVERSITY TRANSPORTATION
12 CENTERS.—

13 “(A) IN GENERAL.—The Secretary shall
14 provide grants of not greater than \$2,000,000
15 and not less than \$1,000,000 to not more than
16 20 recipients to carry out this paragraph.

17 “(B) MATCHING REQUIREMENT.—

18 “(i) IN GENERAL.—As a condition of
19 receiving a grant under this paragraph, a
20 grant recipient shall match 50 percent of
21 the amounts made available under the
22 grant.

23 “(ii) SOURCES.—The matching
24 amounts referred to in clause (i) may in-

1 clude amounts made available to the recipi-
2 ent under—

3 “(I) section 504(b) of title 23,
4 United States Code; or

5 “(II) section 505 of title 23,
6 United States Code.

7 “(C) FOCUSED RESEARCH.—In awarding
8 grants under this paragraph, consideration shall
9 be given to minority institutions, as defined by
10 section 365 of the Higher Education Act of
11 1965 (20 U.S.C. 1067k), or consortia that in-
12 clude such institutions that have demonstrated
13 an ability in transportation-related research.

14 “(d) PROGRAM COORDINATION.—

15 “(1) IN GENERAL.—The Secretary shall—

16 “(A) coordinate the research, education,
17 and technology transfer activities carried out by
18 grant recipients under this section; and

19 “(B) disseminate the results of that re-
20 search through the establishment and operation
21 of a publically accessible online information
22 clearinghouse.

23 “(2) ANNUAL REVIEW AND EVALUATION.—Not
24 less frequently than annually, and consistent with

1 the plan developed under section 508 of title 23, the
2 Secretary shall—

3 “(A) review and evaluate the programs
4 carried out under this section by grant recipi-
5 ents; and

6 “(B) submit to the Committees on Trans-
7 portation and Infrastructure and Science,
8 Space, and Technology of the House of Rep-
9 resentatives and the Committee on Environ-
10 ment and Public Works of the Senate a report
11 describing that review and evaluation.

12 “(3) PROGRAM EVALUATION AND OVER-
13 SIGHT.—For each of fiscal years 2016 through
14 2021, the Secretary shall expend not more than 1
15 and a half percent of the amounts made available to
16 the Secretary to carry out this section for any co-
17 ordination, evaluation, and oversight activities of the
18 Secretary under this section.

19 “(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—
20 Amounts made available to the Secretary to carry out this
21 section shall remain available for obligation by the Sec-
22 retary for a period of 3 years after the last day of the
23 fiscal year for which the amounts are authorized.

24 “(f) INFORMATION COLLECTION.—Any survey, ques-
25 tionnaire, or interview that the Secretary determines to

1 be necessary to carry out reporting requirements relating
2 to any program assessment or evaluation activity under
3 this section, including customer satisfaction assessments,
4 shall not be subject to chapter 35 of title 44.”.

5 **SEC. 6014. BUREAU OF TRANSPORTATION STATISTICS.**

6 (a) BUREAU OF TRANSPORTATION STATISTICS.—
7 Section 6302(b)(3)(B) of title 49, United States Code, is
8 amended—

9 (1) in clause (vi)(III) by striking “section
10 6310” and inserting “section 6309”;

11 (2) by redesignating clauses (vii), (viii), (ix),
12 and (x) as clauses (x), (xi), (xii), and (xiii), respec-
13 tively; and

14 (3) by inserting after clause (vi) the following:

15 “(vii) develop and improve transpor-
16 tation economic accounts to meet demand
17 for methods for estimating the economic
18 value of transportation infrastructure, in-
19 vestment, and services;

20 “(viii) not be required to obtain the
21 approval of any other officer or employee
22 of the Department in connection with the
23 collection or analysis of any information;

24 “(ix) Not be required, prior to publi-
25 cation, to obtain the approval of any other

1 officer or employee of the Federal Govern-
2 ment with respect to the substance of any
3 statistical technical reports or press re-
4 leases that the Director has prepared in
5 accordance with the law.”.

6 (b) TECHNICAL AMENDMENT.—Section 6311(5) of
7 title 49, United States Code, is amended by striking “sec-
8 tion 6310” and inserting “section 6309”.

9 **SEC. 6015. SURFACE TRANSPORTATION SYSTEM FUNDING**
10 **ALTERNATIVES.**

11 (a) IN GENERAL.—The Secretary shall establish a
12 program to provide grants to States to demonstrate user-
13 based alternative revenue mechanisms that utilize a user
14 fee structure to maintain the long-term solvency of the
15 Highway Trust Fund.

16 (b) APPLICATION.—To be eligible for a grant under
17 this section, a State or group of States shall submit to
18 the Secretary an application in such form and containing
19 such information as the Secretary may require.

20 (c) OBJECTIVES.—The Secretary shall ensure that
21 the activities carried out using funds provided under this
22 section meet the following objectives:

23 (1) To test the design, acceptance, and imple-
24 mentation of 2 or more future user-based alternative
25 revenue mechanisms.

1 (2) To improve the functionality of such user-
2 based alternative revenue mechanisms.

3 (3) To conduct outreach to increase public
4 awareness regarding the need for alternative funding
5 sources for surface transportation programs and to
6 provide information on possible approaches.

7 (4) To provide recommendations regarding
8 adoption and implementation of user-based alter-
9 native revenue mechanisms.

10 (5) To minimize the administrative cost of any
11 potential user-based alternative revenue mechanisms.

12 (d) USE OF FUNDS.—A State or group of States re-
13 ceiving funds under this section to test the design, accept-
14 ance, and implementation of a user-based alternative rev-
15 enue mechanism—

16 (1) shall address—

17 (A) the implementation, interoperability,
18 public acceptance, and other potential hurdles
19 to the adoption of the user-based alternative
20 revenue mechanism;

21 (B) the protection of personal privacy;

22 (C) the use of independent and private
23 third-party vendors to collect fees and operate
24 the user-based alternative revenue mechanism;

1 (D) market based congestion mitigation, if
2 appropriate;

3 (E) equity concerns, including the impacts
4 of the user-based alternative revenue mecha-
5 nism on differing income groups, various geo-
6 graphic areas, and the relative burdens on rural
7 and urban drivers;

8 (F) ease of compliance for different users
9 of the transportation system; and

10 (G) the reliability and security of tech-
11 nology used to implement the user-based alter-
12 native revenue mechanism; and

13 (2) may address—

14 (A) the flexibility and choices of user-based
15 alternative revenue mechanisms, including the
16 ability of users to select from various tech-
17 nology and payment options;

18 (B) the cost of administering the user-
19 based alternative revenue mechanism; and

20 (C) the ability of the administering entity
21 to audit and enforce user compliance.

22 (e) CONSIDERATION.—The Secretary shall consider
23 geographic diversity in awarding grants under this section.

24 (f) LIMITATIONS ON REVENUE COLLECTED.—Any
25 revenue collected through a user-based alternative revenue

1 mechanism established using funds provided under this
2 section shall not be considered a toll under section 301
3 of title 23, United States Code.

4 (g) FEDERAL SHARE.—The Federal share of the cost
5 of an activity carried out under this section may not ex-
6 ceed 50 percent of the total cost of the activity.

7 (h) REPORT TO SECRETARY.—Not later than 1 year
8 after the date on which the first eligible entity receives
9 a grant under this section, and each year thereafter, each
10 recipient of a grant under this section shall submit to the
11 Secretary a report that describes—

12 (1) how the demonstration activities carried out
13 with grant funds meet the objectives described in
14 subsection (c); and

15 (2) lessons learned for future deployment of al-
16 ternative revenue mechanisms that utilize a user fee
17 structure.

18 (i) BIENNIAL REPORTS.—Not later than 2 years
19 after the date of enactment of this Act, and every 2 years
20 thereafter until the completion of the demonstration ac-
21 tivities under this section, the Secretary shall make avail-
22 able to the public on an Internet Web site a report describ-
23 ing the progress of the demonstration activities.

24 (j) FUNDING.—Of the funds authorized to carry out
25 section 503(b) of title 23, United States Code—

1 (1) \$15,000,000 shall be used to carry out this
2 section for fiscal year 2016; and

3 (2) \$20,000,000 shall be used to carry out this
4 section for each of fiscal years 2017 through 2021.

5 (k) GRANT FLEXIBILITY.—If, by August 1 of each
6 fiscal year, the Secretary determines that there are not
7 enough grant applications that meet the requirements of
8 this section for a fiscal year, Secretary shall transfer to
9 the program under section 503(b) of title 23, United
10 States Code—

11 (1) any of the funds reserved for the fiscal year
12 under subsection (j) that the Secretary has not yet
13 awarded under this section; and

14 (2) an amount of obligation limitation equal to
15 the amount of funds that the Secretary transfers
16 under paragraph (1).

17 **SEC. 6016. FUTURE INTERSTATE STUDY.**

18 (a) FUTURE INTERSTATE SYSTEM STUDY.—Not
19 later than 180 days after the date of enactment of this
20 Act, the Secretary shall enter into an agreement with the
21 Transportation Research Board of the National Acad-
22 emies to conduct a study on the actions needed to upgrade
23 and restore the Dwight D. Eisenhower National System
24 of Interstate and Defense Highways to its role as a pre-

1 mier system that meets the growing and shifting demands
2 of the 21st century.

3 (b) **METHODOLOGIES.**—In conducting the study, the
4 Transportation Research Board shall build on the meth-
5 odologies examined and recommended in the report pre-
6 pared for the American Association of State Highway and
7 Transportation Officials titled “National Cooperative
8 Highway Research Program Project 20–24(79): Specifica-
9 tions for a National Study of the Future 3R, 4R, and Ca-
10 pacity Needs of the Interstate System”, dated December
11 2013.

12 (c) **CONTENTS OF STUDY.**—The study—

13 (1) shall include specific recommendations re-
14 garding the features, standards, capacity needs, ap-
15 plication of technologies, and intergovernmental
16 roles to upgrade the Interstate System, including
17 any revisions to law (including regulations) that the
18 Transportation Research Board determines appro-
19 priate; and

20 (2) is encouraged to build on the institutional
21 knowledge in the highway industry in applying the
22 techniques involved in implementing the study.

23 (d) **CONSIDERATIONS.**—In carrying out the study,
24 the Transportation Research Board shall determine the

1 need for reconstruction and improvement of the Interstate
2 System by considering—

3 (1) future demands on transportation infra-
4 structure determined for national planning purposes,
5 including commercial and private traffic flows to
6 serve future economic activity and growth;

7 (2) the expected condition of the current Inter-
8 state System over the period of 50 years beginning
9 on the date of enactment of this Act, including long-
10 term deterioration and reconstruction needs;

11 (3) features that would take advantage of tech-
12 nological capabilities to address modern standards of
13 construction, maintenance, and operations, for pur-
14 poses of safety, and system management, taking into
15 further consideration system performance and cost;
16 and

17 (4) the resources necessary to maintain and im-
18 prove the Interstate System.

19 (e) CONSULTATION.—In carrying out the study, the
20 Transportation Research Board—

21 (1) shall convene and consult with a panel of
22 national experts, including operators and users of
23 the Interstate System and private sector stake-
24 holders; and

25 (2) is encouraged to consult with—

- 1 (A) the Federal Highway Administration;
2 (B) States;
3 (C) planning agencies at the metropolitan,
4 State, and regional levels;
5 (D) the motor carrier industry;
6 (E) freight shippers;
7 (F) highway safety groups; and
8 (G) other appropriate entities.

9 (f) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Transportation Research
11 Board shall make available to the public on an Internet
12 Web site the results of the study conducted under this sec-
13 tion.

14 (g) FUNDING.—From funds made available to carry
15 out section 503(b) of title 23, United States Code, the
16 Secretary may use to carry out this section up to
17 \$5,000,000 for fiscal year 2016.

18 **TITLE VII—HAZARDOUS** 19 **MATERIALS TRANSPORTATION**

20 **SEC. 7001. SHORT TITLE.**

21 This title may be cited as the “Hazardous Materials
22 Transportation Safety Improvement Act of 2015”.

23 **SEC. 7002. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 5128 of title 49, United States Code, is
25 amended to read as follows:

1 “(a) IN GENERAL.—There are authorized to be ap-
2 propriated to the Secretary to carry out this chapter (ex-
3 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
4 5119)—

5 “(1) \$53,000,000 for fiscal year 2016;

6 “(2) \$55,000,000 for fiscal year 2017;

7 “(3) \$57,000,000 for fiscal year 2018;

8 “(4) \$58,000,000 for fiscal year 2019;

9 “(5) \$60,000,000 for fiscal year 2020; and

10 “(6) \$62,000,000 for fiscal year 2021.

11 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
12 PAREDNESS FUND.—From the Hazardous Materials
13 Emergency Preparedness Fund established under section
14 5116(h), the Secretary may expend, for each of fiscal
15 years 2016 through 2021—

16 “(1) \$21,988,000 to carry out section 5116(a);

17 “(2) \$150,000 to carry out section 5116(e);

18 “(3) \$625,000 to publish and distribute the
19 Emergency Response Guidebook under section
20 5116(h)(3); and

21 “(4) \$1,000,000 to carry out section 5116(i).

22 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
23 From the Hazardous Materials Emergency Preparedness
24 Fund established pursuant to section 5116(h), the Sec-

1 retary may expend \$5,000,000 for each of fiscal years
2 2016 through 2021 to carry out section 5107(e).

3 “(d) CREDITS TO APPROPRIATIONS.—

4 “(1) EXPENSES.—In addition to amounts oth-
5 erwise made available to carry out this chapter, the
6 Secretary may credit amounts received from a State,
7 Indian tribe, or other public authority or private en-
8 tity for expenses the Secretary incurs in providing
9 training to the State, Indian tribe, authority, or en-
10 tity.

11 “(2) AVAILABILITY OF AMOUNTS.—Amounts
12 made available under this section shall remain avail-
13 able until expended.”.

14 **SEC. 7003. NATIONAL EMERGENCY AND DISASTER RE-**
15 **SPONSE.**

16 (a) STANDARDS.—Section 5103 of title 49, United
17 States Code, is amended—

18 (1) by redesignating subsections (c) and (d) as
19 subsections (d) and (e), respectively; and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) FEDERALLY DECLARED DISASTERS AND EMER-
23 GENCIES.—

24 “(1) IN GENERAL.—The Secretary may by
25 order waive compliance with any part of an applica-

1 ble standard prescribed under this chapter without
2 prior notice and comment and on terms the Sec-
3 retary considers appropriate if the Secretary deter-
4 mines that—

5 “(A) it is in the public interest to grant
6 the waiver;

7 “(B) the waiver is not inconsistent with
8 the safety of transporting hazardous materials;
9 and

10 “(C) the waiver is necessary to facilitate
11 the safe movement of hazardous materials into,
12 from, and within an area of a major disaster or
13 emergency that has been declared under the
14 Robert T. Stafford Disaster Relief and Emer-
15 gency Assistance Act (42 U.S.C. 5121 et seq.).

16 “(2) PERIOD OF WAIVER.—A waiver under this
17 subsection may be issued for a period of not more
18 than 60 days and may be renewed upon application
19 to the Secretary only after notice and an opportunity
20 for a hearing on the waiver. The Secretary shall im-
21 mediately revoke the waiver if continuation of the
22 waiver would not be consistent with the goals and
23 objectives of this chapter.

1 “(3) STATEMENT OF REASONS.—The Secretary
2 shall include in any order issued under this section
3 the reason for granting the waiver.”.

4 **SEC. 7004. ENHANCED REPORTING.**

5 Section 5121(h) of title 49, United States Code, is
6 amended by striking “transmit to the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives and the Committee on Commerce, Science,
9 and Transportation of the Senate” and inserting “make
10 available to the public on the Department of Transpor-
11 tation’s Internet Web site”.

12 **SEC. 7005. WETLINES.**

13 (a) WITHDRAWAL.—Not later than 30 days after the
14 date of enactment of this Act, the Secretary shall with-
15 draw the proposed rule described in the notice of proposed
16 rulemaking issued on January 27, 2011, entitled “Safety
17 Requirements for External Product Piping on Cargo
18 Tanks Transporting Flammable Liquids” (76 Fed. Reg.
19 4847).

20 (b) SAVINGS CLAUSE.—Nothing in this section shall
21 prohibit the Secretary from issuing standards or regula-
22 tions regarding the safety of external product piping on
23 cargo tanks transporting flammable liquids after the with-
24 drawal is carried out pursuant to subsection (a).

1 **SEC. 7006. IMPROVING PUBLICATION OF SPECIAL PERMITS**
2 **AND APPROVALS.**

3 Section 5117 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) by striking “an application for a spe-
7 cial permit” and inserting “an application for a
8 new special permit or a modification to an ex-
9 isting special permit”; and

10 (B) by inserting after the first sentence
11 the following: “The Secretary shall make avail-
12 able to the public on the Department of Trans-
13 portation’s Internet Web site any special permit
14 other than a new special permit or a modifica-
15 tion to an existing special permit and shall give
16 the public an opportunity to inspect the safety
17 analysis and comment on the application for a
18 period of not more than 15 days.”; and

19 (2) in subsection (c)—

20 (A) by striking “publish” and inserting
21 “make available to the public”;

22 (B) by striking “in the Federal Register”;

23 (C) by striking “180” and inserting
24 “120”; and

1 (D) by striking “the special permit” and
2 inserting “a special permit or approval” each
3 place it appears; and

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

5 “(g) DISCLOSURE OF FINAL ACTION.—The Sec-
6 retary shall periodically, but at least every 120 days—

7 “(1) publish in the Federal Register notice of
8 the final disposition of each application for a new
9 special permit, modification to an existing special
10 permit, or approval during the preceding quarter;
11 and

12 “(2) make available to the public on the De-
13 partment of Transportation’s Internet Web site no-
14 tice of the final disposition of any other special per-
15 mit during the preceding quarter.”.

16 **SEC. 7007. GAO STUDY ON ACCEPTANCE OF CLASSIFICA-**
17 **TION EXAMINATIONS.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall evaluate and transmit to the
21 Secretary, the Committee on Transportation and Infra-
22 structure of the House of Representatives, and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate, a report on the standards, metrics, and protocols
25 that the Secretary uses to regulate the performance of per-

1 sons approved to recommend hazard classifications pursu-
2 ant to section 173.56(b) of title, 49, Code of Federal Reg-
3 ulations (commonly referred to as “third-party labs”).

4 (b) EVALUATION.—The evaluation required under
5 subsection (a) shall—

6 (1) identify what standards and protocols are
7 used to approve such persons, assess the adequacy
8 of such standards and protocols to ensure that per-
9 sons seeking approval are qualified and capable of
10 performing classifications, and make recommenda-
11 tions to address any deficiencies identified;

12 (2) assess the adequacy of the Secretary’s over-
13 sight of persons approved to perform the classifica-
14 tions, including the qualification of individuals en-
15 gaged in the oversight of approved persons, and
16 make recommendations to enhance oversight suffi-
17 ciently to ensure that classifications are issued as re-
18 quired;

19 (3) identify what standards and protocols exist
20 to rescind, suspend, or deny approval of persons who
21 perform such classifications, assess the adequacy of
22 such standards and protocols, and make rec-
23 ommendations to enhance such standards and proto-
24 cols if necessary; and

1 (4) include annual data for fiscal years 2005
2 through 2015 on the number of applications received
3 for new classifications pursuant to section 173.56(b)
4 of title 49, Code of Federal Regulations, of those ap-
5 plications how many classifications recommended by
6 persons approved by the Secretary were changed to
7 another classification and the reasons for the
8 change, and how many hazardous materials inci-
9 dents have been attributed to a classification rec-
10 ommended by such approved persons in the United
11 States.

12 (c) ACTION PLAN.—Not later than 120 days after re-
13 ceiving the report required under subsection (a), the Sec-
14 retary shall make available to the public a plan describing
15 any actions the Secretary will take to establish standards,
16 metrics, and protocols based on the findings and rec-
17 ommendations in the report to ensure that persons ap-
18 proved to perform classification examinations required
19 under section 173.56(b) of title 49, Code of Federal Regu-
20 lations, can sufficiently perform such examinations in a
21 manner that meets the hazardous materials regulations.

22 (d) REGULATIONS.—If the report required under
23 subsection (a) recommends new regulations in order for
24 the Secretary to have confidence in the accuracy of classi-
25 fication recommendations rendered by persons approved to

1 perform classification examinations required under section
2 173.56(b) of title 49, Code of Federal Regulations, the
3 Secretary shall issue such regulations not later than 24
4 months after the date of enactment of this Act.

5 **SEC. 7008. IMPROVING THE EFFECTIVENESS OF PLANNING**
6 **AND TRAINING GRANTS.**

7 (a) PLANNING AND TRAINING GRANTS.—Section
8 5116 of title 49, United States Code, is amended—

9 (1) by redesignating subsections (c) through (k)
10 as subsections (b) through (j), respectively,

11 (2) by striking subsection (b); and

12 (3) by striking subsection (a) and inserting the
13 following:

14 “(a) PLANNING AND TRAINING GRANTS.—(1) The
15 Secretary shall make grants to States and Indian tribes—

16 “(A) to develop, improve, and carry out emer-
17 gency plans under the Emergency Planning and
18 Community Right-To-Know Act of 1986 (42 U.S.C.
19 11001 et seq.), including ascertaining flow patterns
20 of hazardous material on lands under the jurisdic-
21 tion of a State or Indian tribe, and between lands
22 under the jurisdiction of a State or Indian tribe and
23 lands of another State or Indian tribe;

24 “(B) to decide on the need for regional haz-
25 ardous material emergency response teams; and

1 “(C) to train public sector employees to respond
2 to accidents and incidents involving hazardous mate-
3 rial.

4 “(2) To the extent that a grant is used to train emer-
5 gency responders under paragraph (1)(C), the State or In-
6 dian tribe shall provide written certification to the Sec-
7 retary that the emergency responders who receive training
8 under the grant will have the ability to protect nearby per-
9 sons, property, and the environment from the effects of
10 accidents or incidents involving the transportation of haz-
11 ardous material in accordance with existing regulations or
12 National Fire Protection Association standards for com-
13 petence of responders to accidents and incidents involving
14 hazardous materials.

15 “(3) The Secretary may make a grant to a State or
16 Indian tribe under paragraph (1) of this subsection only
17 if—

18 “(A) the State or Indian tribe certifies that the
19 total amount the State or Indian tribe expends (ex-
20 cept amounts of the Federal Government) for the
21 purpose of the grant will at least equal the average
22 level of expenditure for the last 5 years; and

23 “(B) any emergency response training provided
24 under the grant shall consist of—

1 “(i) a course developed or identified under
2 section 5115 of this title; or

3 “(ii) any other course the Secretary deter-
4 mines is consistent with the objectives of this
5 section.

6 “(4) A State or Indian tribe receiving a grant under
7 this subsection shall ensure that planning and emergency
8 response training under the grant is coordinated with ad-
9 jacent States and Indian tribes.

10 “(5) A training grant under paragraph (1)(C) may
11 be used—

12 “(A) to pay—

13 “(i) the tuition costs of public sector em-
14 ployees being trained;

15 “(ii) travel expenses of those employees to
16 and from the training facility;

17 “(iii) room and board of those employees
18 when at the training facility; and

19 “(iv) travel expenses of individuals pro-
20 viding the training;

21 “(B) by the State, political subdivision, or In-
22 dian tribe to provide the training; and

23 “(C) to make an agreement with a person (in-
24 cluding an authority of a State, a political subdivi-
25 sion of a State or Indian tribe, or a local jurisdic-

1 tion), subject to approval by the Secretary, to pro-
2 vide the training—

3 “(i) if the agreement allows the Secretary
4 and the State or Indian tribe to conduct ran-
5 dom examinations, inspections, and audits of
6 the training without prior notice;

7 “(ii) the person agrees to have an
8 auditable accounting system; and

9 “(iii) if the State or Indian tribe conducts
10 at least one on-site observation of the training
11 each year.

12 “(6) The Secretary shall allocate amounts made
13 available for grants under this subsection among eligible
14 States and Indian tribes based on the needs of the States
15 and Indian tribes for emergency response training. In
16 making a decision about those needs, the Secretary shall
17 consider—

18 “(A) the number of hazardous material facili-
19 ties in the State or on land under the jurisdiction of
20 the Indian tribe;

21 “(B) the types and amounts of hazardous mate-
22 rial transported in the State or on such land;

23 “(C) whether the State or Indian tribe imposes
24 and collects a fee on transporting hazardous mate-
25 rial;

1 “(D) whether such fee is used only to carry out
2 a purpose related to transporting hazardous mate-
3 rial;

4 “(E) the past record of the State or Indian
5 tribe in effectively managing planning and training
6 grants; and

7 “(F) any other factors the Secretary determines
8 are appropriate to carry out this subsection.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) Section 5108(g) of title 49, United States
11 Code, is amended by striking “5116(i)” and insert-
12 ing “5116(h)” each place it appears.

13 (2) Section 5116 of such title is amended—

14 (A) in subsection (d), as redesignated by
15 this section, by striking “subsections (a)(2)(A)
16 and (b)(2)(A)” and inserting “subsection
17 (a)(3)(A)”;

18 (B) in subsection (h), as redesignated by
19 this section—

20 (i) in paragraph (1) by inserting “and
21 section 5107(e)” after “section”;

22 (ii) in paragraph (2) by striking “(f)”
23 and inserting “(e)”; and

1 (iii) in paragraph (4) by striking
2 “5108(g)(2) and 5115” and inserting
3 “5107(e) and 5108(g)(2)”;

4 (C) in subsection (i), as redesignated by
5 this section, by striking “subsection (b)” and
6 inserting “subsection (a)”; and

7 (D) in subsection (j), as redesignated by
8 this section—

9 (i) by striking “planning grants allo-
10 cated under subsection (a), training grants
11 under subsection (b), and grants under
12 subsection (j)” and inserting “planning
13 and training grants under subsection (a)
14 and grants under subsection (i)”; and

15 (ii) by redesignating subparagraphs
16 (A) through (D) as paragraphs (1)
17 through (4), respectively.

18 (c) ENFORCEMENT PERSONNEL.—Section 5107(e) of
19 title 49, United States Code, is amended by inserting “,
20 State and local personnel responsible for enforcing the
21 safe transportation of hazardous materials, or both” after
22 “hazmat employees” each place it appears.

23 **SEC. 7009. MOTOR CARRIER SAFETY PERMITS.**

24 Section 5109(h) of title 49, United States Code, is
25 amended to read as follows:

1 “(h) LIMITATION ON DENIAL.—The Secretary may
2 not deny a non-temporary permit held by a motor carrier
3 pursuant to this section based on a comprehensive review
4 of that carrier triggered by safety management system
5 scores or out-of-service disqualification standards, un-
6 less—

7 “(1) the carrier has the opportunity, prior to
8 the denial of such permit, to submit a written de-
9 scription of corrective actions taken and other docu-
10 mentation the carrier wishes the Secretary to con-
11 sider, including a corrective action plan; and

12 “(2) the Secretary determines the actions or
13 plan is insufficient to address the safety concerns
14 identified during the course of the comprehensive re-
15 view.”.

16 **SEC. 7010. THERMAL BLANKETS.**

17 (a) REQUIREMENTS.—Not later than 180 days after
18 the date of enactment of this Act, the Secretary shall issue
19 such regulations as are necessary to require that each tank
20 car built to meet the DOT–117 specification and each
21 non-jacketed tank car modified to meet the DOT–117R
22 specification be equipped with an insulating blanket with
23 at least ½-inch-thick material that has been approved by
24 the Secretary pursuant to section 179.18(c) of title 49,
25 Code of Federal Regulations.

1 (b) SAVINGS CLAUSE.—Nothing in this section shall
2 prohibit the Secretary from approving new or alternative
3 technologies or materials as they become available that
4 provide a level of safety at least equivalent to the level
5 of safety provided for under subsection (a).

6 **SEC. 7011. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

7 (a) IN GENERAL.—Chapter 51 of title 49, United
8 States Code, is amended by inserting after section 5110
9 the following:

10 **“§ 5111. Comprehensive oil spill response plans**

11 “(a) REQUIREMENTS.—Not later than 120 days after
12 the date of enactment of this section, the Secretary shall
13 issue such regulations as are necessary to require any rail-
14 road carrier transporting a Class 3 flammable liquid to
15 maintain a comprehensive oil spill response plan.

16 “(b) CONTENTS.—The regulations under subsection
17 (a) shall require each railroad carrier described in that
18 subsection to—

19 “(1) include in the comprehensive oil spill re-
20 sponse plan procedures and resources, including
21 equipment, for responding, to the maximum extent
22 practicable, to a worst-case discharge;

23 “(2) ensure that the comprehensive oil spill re-
24 sponse plan is consistent with the National Contin-

1 agency Plan and each applicable Area Contingency
2 Plan;

3 “(3) include in the comprehensive oil spill re-
4 sponse plan appropriate notification and training
5 procedures and procedures for coordinating with
6 Federal, State, and local emergency responders;

7 “(4) review and update its comprehensive oil
8 spill response plan as appropriate; and

9 “(5) provide the comprehensive oil spill re-
10 sponse plan for acceptance by the Secretary.

11 “(c) SAVINGS CLAUSE.—Nothing in the section may
12 be construed to prohibit the Secretary from promulgating
13 differing comprehensive oil response plan standards for
14 Class I railroads, Class II railroads, and Class III rail-
15 roads.

16 “(d) RESPONSE PLANS.—The Secretary shall—

17 “(1) maintain on file a copy of the most recent
18 comprehensive oil spill response plans prepared by a
19 railroad carrier transporting a Class 3 flammable
20 liquid; and

21 “(2) provide to a person, upon written request,
22 a copy of the plan, which may exclude, as the Sec-
23 retary determines appropriate—

24 “(A) proprietary information;

1 “(B) security-sensitive information, includ-
2 ing information described in section 1520.5(a)
3 of title 49, Code of Federal Regulations;

4 “(C) specific response resources and tac-
5 tical resource deployment plans; and

6 “(D) the specific amount and location of
7 worst-case discharges, including the process by
8 which a railroad carrier determines the worst-
9 case discharge.

10 “(e) RELATIONSHIP TO FOIA.—Nothing in this sec-
11 tion may be construed to require disclosure of information
12 or records that are exempt from disclosure under section
13 552 of title 5.

14 “(f) DEFINITIONS.—

15 “(1) AREA CONTINGENCY PLAN.—The term
16 ‘Area Contingency Plan’ has the meaning given the
17 term in section 311(a) of the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1321(a)).

19 “(2) CLASS 3 FLAMMABLE LIQUID.—The term
20 ‘Class 3 flammable liquid’ has the meaning given the
21 term flammable liquid in section 173.120 of title 49,
22 Code of Federal Regulations.

23 “(3) CLASS I RAILROAD; CLASS II RAILROAD;
24 AND CLASS III RAILROAD.—The terms ‘Class I rail-
25 road’, ‘Class II railroad’, and ‘Class III railroad’

1 have the meaning given those terms in section
2 20102.

3 “(4) NATIONAL CONTINGENCY PLAN.—The
4 term ‘National Contingency Plan’ has the meaning
5 given the term in section 1001 of the Oil Pollution
6 Act of 1990 (33 U.S.C. 2701).

7 “(5) RAILROAD CARRIER.—The term ‘railroad
8 carrier’ has the meaning given the term in section
9 20102.

10 “(6) WORST-CASE DISCHARGE.—The term
11 ‘worst-case discharge’ means the largest foreseeable
12 discharge of oil in the event of an accident or inci-
13 dent, as determined by each railroad carrier in ac-
14 cordance with regulations issued under this sec-
15 tion.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 51 of title 49, United States Code, is amended by in-
18 serting after the item relating to section 5110 the fol-
19 lowing:

“5111. Comprehensive oil spill response plans.”.

20 **SEC. 7012. INFORMATION ON HIGH-HAZARD FLAMMABLE**
21 **TRAINS.**

22 (a) INFORMATION ON HIGH-HAZARD FLAMMABLE
23 TRAINS.—Not later than 90 days after the date of enact-
24 ment of this Act, the Secretary shall issue regulations to
25 require each applicable railroad carrier to provide informa-

1 tion on high-hazard flammable trains to State emergency
2 response commissions consistent with Emergency Order
3 Docket No. DOT–OST–2014–0067, and include appro-
4 priate protections from public release of proprietary infor-
5 mation and security-sensitive information, including infor-
6 mation described in section 1520.5(a) of title 49, Code of
7 Federal Regulations.

8 (b) HIGH-HAZARD FLAMMABLE TRAIN.—The term
9 “high-hazard flammable train” means a single train trans-
10 porting 20 or more tank cars loaded with a Class 3 flam-
11 mable liquid, as such term is defined in section 173.120
12 of title 49, Code of Federal Regulations, in a continuous
13 block or a single train transporting 35 or more tank cars
14 loaded with a Class 3 flammable liquid throughout the
15 train consist.

16 **SEC. 7013. STUDY AND TESTING OF ELECTRONICALLY-CON-**
17 **TROLLED PNEUMATIC BRAKES.**

18 (a) GOVERNMENT ACCOUNTABILITY OFFICE
19 STUDY.—

20 (1) IN GENERAL.—The Comptroller General of
21 the United States shall conduct an independent eval-
22 uation of ECP brake systems, pilot program data,
23 and the Department’s research and analysis on the
24 costs, benefits, and effects of ECP brake systems.

1 (2) STUDY ELEMENTS.—In completing the
2 independent evaluation under paragraph (1), the
3 Comptroller General of the United States shall ex-
4 amine the following issues related to ECP brake sys-
5 tems:

6 (A) Data and modeling results on safety
7 benefits relative to conventional brakes and to
8 other braking technologies or systems, such as
9 distributed power and 2-way end-of-train de-
10 vices.

11 (B) Data and modeling results on business
12 benefits, including the effects of dynamic brak-
13 ing.

14 (C) Data on costs, including up-front cap-
15 ital costs and on-going maintenance costs.

16 (D) Analysis of potential operational bene-
17 fits and challenges, including the effects of po-
18 tential locomotive and car segregation, technical
19 reliability issues, and network disruptions.

20 (E) Analysis of potential implementation
21 challenges, including installation time, positive
22 train control integration complexities, compo-
23 nent availability issues, and tank car shop capa-
24 bilities.

1 (F) Analysis of international experiences
2 with the use of advanced braking technologies.

3 (3) REPORT.—Not later than 18 months after
4 the date of enactment of this Act, the Comptroller
5 General of the United States shall transmit to the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate a report on the results of the independent eval-
10 uation under paragraph (1).

11 (b) EMERGENCY BRAKING APPLICATION TESTING.—

12 (1) IN GENERAL.—The Secretary shall enter
13 into an agreement with the National Academy of
14 Sciences to—

15 (A) complete testing of ECP brake systems
16 during emergency braking application, including
17 more than 1 scenario involving the uncoupling
18 of a train with 70 or more DOT-117-specifica-
19 tion or DOT-117R-specification tank cars; and

20 (B) transmit, not later than 18 months
21 after the date of enactment of this Act, to the
22 Committee on Transportation and Infrastruc-
23 ture of the House of Representatives and the
24 Committee on Commerce, Science, and Trans-

1 portation of the Senate a report on the results
2 of the testing.

3 (2) INDEPENDENT EXPERTS.—In completing
4 the testing under paragraph (1)(A), the National
5 Academy of Sciences may contract with 1 or more
6 engineering or rail experts, as appropriate, that—

7 (A) are not railroad carriers, entities fund-
8 ed by such carriers, or entities directly im-
9 pacted by the final rule issued on May 08, 2015
10 entitled “Enhanced Tank Car Standards and
11 Operational Controls for High-Hazard Flam-
12 mable Trains” (80 Fed. Reg. 26643); and

13 (B) have relevant experience in conducting
14 railroad safety technology tests or similar crash
15 tests.

16 (3) TESTING FRAMEWORK.—In completing the
17 testing under paragraph (1), the National Academy
18 of Sciences and each contractor described in para-
19 graph (2) shall ensure that the testing objectively,
20 accurately, and reliably measures the performance of
21 ECP brake systems relative to other braking tech-
22 nologies or systems, such as distributed power and
23 2-way end-of-train devices, including differences in—

24 (A) the number of cars derailed;

25 (B) the number of cars punctured;

1 (C) the measures of in-train forces; and

2 (D) the stopping distance.

3 (4) FUNDING.—The Secretary shall provide
4 funding, as part of the agreement under paragraph
5 (1), to the National Academy of Sciences for the
6 testing required under this section—

7 (A) using sums made available to carry out
8 sections 20108 and 5118 of title 49, United
9 States Code; and

10 (B) to the extent funding under subpara-
11 graph (A) is insufficient or unavailable to fund
12 the testing required under this section, using
13 such sums as are necessary from the amounts
14 appropriated to the Secretary, the Federal Rail-
15 road Administration, or the Pipeline and Haz-
16 ardous Materials Safety Administration, or a
17 combination thereof.

18 (5) EQUIPMENT.—The National Academy of
19 Sciences and each contractor described in paragraph
20 (2) may receive or use rolling stock, track, and other
21 equipment or infrastructure from a private entity for
22 the purposes of conducting the testing required
23 under this section.

24 (c) EVIDENCE-BASED APPROACH.—

25 (1) ANALYSIS.—The Secretary shall—

1 (A) not later than 90 days after the report
2 date, fully incorporate and update the regu-
3 latory impact analysis of the final rule de-
4 scribed in subsection (b)(2)(A) of the costs,
5 benefits, and effects of the applicable ECP
6 brake system requirements;

7 (B) as soon as practicable after completion
8 of the updated analysis under subparagraph
9 (A), solicit public comment on the analysis for
10 a period of not more than 30 days; and

11 (C) not later than 60 days after the end of
12 the public comment period under subparagraph
13 (B), post the final updated regulatory impact
14 analysis on the Department of Transportation's
15 Internet Web site.

16 (2) DETERMINATION.—Not later than 180 days
17 after the report date, the Secretary shall—

18 (A) determine, based on whether the final
19 regulatory impact analysis described in para-
20 graph (1)(C) demonstrates that the benefits, in-
21 cluding safety benefits, of the applicable ECP
22 brake system requirements exceed the costs of
23 such requirements, whether the applicable ECP
24 brake system requirements are justified;

1 (B) if the applicable ECP brake system re-
2 quirements are justified, publish in the Federal
3 Register the determination and reasons for such
4 determination; and

5 (C) if the Secretary does not publish the
6 determination under subparagraph (B), repeal
7 the applicable ECP brake system requirements.

8 (3) SAVINGS CLAUSE.—Nothing in this section
9 shall be construed to prohibit the Secretary from im-
10 plementing the final rule described under subsection
11 (b)(2)(A) prior to the determination required under
12 subsection (c)(2) of this section, or require the Sec-
13 retary to promulgate a new rulemaking on the provi-
14 sions of such final rule, other than the applicable
15 ECP brake system requirements, if the Secretary de-
16 termines that the applicable ECP brake system re-
17 quirements are not justified pursuant to this sub-
18 section.

19 (d) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) APPLICABLE ECP BRAKE SYSTEM REQUIRE-
22 MENTS.—The term “applicable ECP brake system
23 requirements” means sections 174.310(a)(3)(ii),
24 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–12(g),
25 and 179.202–13(i) of title 49, Code of Federal Reg-

1 ulations, and any other regulation in effect on the
2 date of enactment of this Act requiring the installa-
3 tion of ECP brakes or operation in ECP brake
4 mode.

5 (2) CLASS 3 FLAMMABLE LIQUID.—The term
6 “Class 3 flammable liquid” has the meaning given
7 the term flammable liquid in section 173.120(a) of
8 title 49, Code of Federal Regulations.

9 (3) ECP.—The term “ECP” means electroni-
10 cally-controlled pneumatic when applied to a brake
11 or brakes.

12 (4) ECP BRAKE MODE.—The term “ECP brake
13 mode” includes any operation of a rail car or an en-
14 tire train using an ECP brake system.

15 (5) ECP BRAKE SYSTEM.—

16 (A) IN GENERAL.—The term “ECP brake
17 system” means a train power braking system
18 actuated by compressed air and controlled by
19 electronic signals from the locomotive or an
20 ECP–EOT to the cars in the consist for service
21 and emergency applications in which the brake
22 pipe is used to provide a constant supply of
23 compressed air to the reservoirs on each car but
24 does not convey braking signals to the car.

1 (B) INCLUSIONS.—The term “ECP brake
2 system” includes dual mode and stand-alone
3 ECP brake systems.

4 (6) RAILROAD CARRIER.—The term “railroad
5 carrier” has the meaning given the term in section
6 20102 of title 49, United States Code.

7 (7) REPORT DATE.—The term “report date”
8 means the date that the reports under subsections
9 (a)(3) and (b)(1)(B) are required to be transmitted
10 pursuant to those subsections.

11 **SEC. 7014. ENSURING SAFE IMPLEMENTATION OF POSITIVE**
12 **TRAIN CONTROL SYSTEMS.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Positive Train Control Enforcement and Implementation
15 Act of 2015”.

16 (b) IN GENERAL.—Section 20157 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a)(1)—

19 (A) by striking “18 months after the date
20 of enactment of the Rail Safety Improvement
21 Act of 2008” and inserting “90 days after the
22 date of enactment of the Positive Train Control
23 Enforcement and Implementation Act of 2015”;

24 (B) by striking “develop and”;

1 (C) by striking “a plan for implementing”
2 and inserting “a revised plan for imple-
3 menting”;

4 (D) by striking “December 31, 2015” and
5 inserting “December 31, 2018”; and

6 (E) in subparagraph (B) by striking
7 “parts” and inserting “sections”;

8 (2) by striking subsection (a)(2) and inserting
9 the following:

10 “(2) IMPLEMENTATION.—

11 “(A) CONTENTS OF REVISED PLAN.—A re-
12 vised plan required under paragraph (1) shall—

13 “(i) describe—

14 “(I) how the positive train con-
15 trol system will provide for interoper-
16 ability of the system with the move-
17 ments of trains of other railroad car-
18 riers over its lines; and

19 “(II) how, to the extent practical,
20 the positive train control system will
21 be implemented in a manner that ad-
22 dresses areas of greater risk before
23 areas of lesser risk;

24 “(ii) comply with the positive train
25 control system implementation plan con-

1 tent requirements under section 236.1011
2 of title 49, Code of Federal Regulations;
3 and

4 “(iii) provide—

5 “(I) the calendar year or years in
6 which spectrum will be acquired and
7 will be available for use in each area
8 as needed for positive train control
9 system implementation, if such spec-
10 trum is not already acquired and
11 available for use;

12 “(II) the total amount of positive
13 train control system hardware that
14 will be installed for implementation,
15 with totals separated by each major
16 hardware category;

17 “(III) the total amount of posi-
18 tive train control system hardware
19 that will be installed by the end of
20 each calendar year until the positive
21 train control system is implemented,
22 with totals separated by each hard-
23 ware category;

24 “(IV) the total number of em-
25 ployees required to receive training

1 under the applicable positive train
2 control system regulations;

3 “(V) the total number of employ-
4 ees that will receive the training, as
5 required under the applicable positive
6 train control system regulations, by
7 the end of each calendar year until
8 the positive train control system is im-
9 plemented;

10 “(VI) a summary of any remain-
11 ing technical, programmatic, oper-
12 ational, or other challenges to the im-
13 plementation of a positive train con-
14 trol system, including challenges
15 with—

16 “(aa) availability of public
17 funding;

18 “(bb) interoperability;

19 “(cc) spectrum;

20 “(dd) software;

21 “(ee) permitting; and

22 “(ff) testing, demonstration,
23 and certification; and

24 “(VII) a schedule and sequence
25 for implementing a positive train con-

1 trol system by the deadline established
2 under paragraph (1).

3 “(B) ALTERNATIVE SCHEDULE AND SE-
4 QUENCE.—Notwithstanding the implementation
5 deadline under paragraph (1) and in lieu of a
6 schedule and sequence under paragraph
7 (2)(A)(iii)(VII), a railroad carrier or other enti-
8 ty subject to paragraph (1) may include in its
9 revised plan an alternative schedule and se-
10 quence for implementing a positive train control
11 system, subject to review under paragraph (3).
12 Such schedule and sequence shall provide for
13 implementation of a positive train control sys-
14 tem as soon as practicable, but not later than
15 the date that is 24 months after the implemen-
16 tation deadline under paragraph (1).

17 “(C) AMENDMENTS.—A railroad carrier or
18 other entity subject to paragraph (1) may file
19 a request to amend a revised plan, including
20 any alternative schedule and sequence, as appli-
21 cable, in accordance with section 236.1021 of
22 title 49, Code of Federal Regulations.

23 “(D) COMPLIANCE.—A railroad carrier or
24 other entity subject to paragraph (1) shall im-
25 plement a positive train control system in ac-

1 cordance with its revised plan, including any
2 amendments or any alternative schedule and se-
3 quence approved by the Secretary under para-
4 graph (3).

5 “(3) SECRETARIAL REVIEW.—

6 “(A) NOTIFICATION.—A railroad carrier or
7 other entity that submits a revised plan under
8 paragraph (1) and proposes an alternative
9 schedule and sequence under paragraph (2)(B)
10 shall submit to the Secretary a written notifica-
11 tion when such railroad carrier or other entity
12 is prepared for review under subparagraph (B).

13 “(B) CRITERIA.—Not later than 90 days
14 after a railroad carrier or other entity submits
15 a notification under subparagraph (A), the Sec-
16 retary shall review the alternative schedule and
17 sequence submitted pursuant to paragraph
18 (2)(B) and determine whether the railroad car-
19 rier or other entity has demonstrated, to the
20 satisfaction of the Secretary, that such carrier
21 or entity has—

22 “(i) installed all positive train control
23 system hardware consistent with the plan
24 contents provided pursuant to paragraph

1 (2)(A)(iii)(II) on or before the implementa-
2 tion deadline under paragraph (1);

3 “(ii) acquired all spectrum necessary
4 for implementation of a positive train con-
5 trol system, consistent with the plan con-
6 tents provided pursuant to paragraph
7 (2)(A)(iii)(I) on or before the implementa-
8 tion deadline under paragraph (1);

9 “(iii) completed employee training re-
10 quired under the applicable positive train
11 control system regulations;

12 “(iv) included in its revised plan an
13 alternative schedule and sequence for im-
14 plementing a positive train control system
15 as soon as practicable, pursuant to para-
16 graph (2)(B);

17 “(v) certified to the Secretary in writ-
18 ing that it will be in full compliance with
19 the requirements of this section on or be-
20 fore the date provided in an alternative
21 schedule and sequence, subject to approval
22 by the Secretary;

23 “(vi) in the case of a Class I railroad
24 carrier and Amtrak, implemented a posi-
25 tive train control system or initiated rev-

1 enue service demonstration on the majority
2 of territories, such as subdivisions or dis-
3 tricts, or route miles that are owned or
4 controlled by such carrier and required to
5 have operations governed by a positive
6 train control system; and

7 “(vii) in the case of any other railroad
8 carrier or other entity not subject to clause
9 (vi)—

10 “(I) initiated revenue service
11 demonstration on at least 1 territory
12 that is required to have operations
13 governed by a positive train control
14 system; or

15 “(II) met any other criteria es-
16 tablished by the Secretary.

17 “(C) DECISION.—

18 “(i) IN GENERAL.—Not later than 90
19 days after the receipt of the notification
20 from a railroad carrier or other entity
21 under subparagraph (A), the Secretary
22 shall—

23 “(I) approve an alternative
24 schedule and sequence submitted pur-
25 suant to paragraph (2)(B) if the rail-

1 road carrier or other entity meets the
2 criteria in subparagraph (B); and

3 “(II) notify in writing the rail-
4 road carrier or other entity of the de-
5 cision.

6 “(ii) DEFICIENCIES.—Not later than
7 45 days after the receipt of the notification
8 under subparagraph (A), the Secretary
9 shall provide to the railroad carrier or
10 other entity a written notification of any
11 deficiencies that would prevent approval
12 under clause (i) and provide the railroad
13 carrier or other entity an opportunity to
14 correct deficiencies before the date speci-
15 fied in such clause.

16 “(D) REVISED DEADLINES.—

17 “(i) PENDING REVIEWS.—For a rail-
18 road carrier or other entity that submits a
19 notification under subparagraph (A), the
20 deadline for implementation of a positive
21 train control system required under para-
22 graph (1) shall be extended until the date
23 on which the Secretary approves or dis-
24 approves the alternative schedule and se-

1 quence, if such date is later than the im-
2 plementation date under paragraph (1).

3 “(ii) ALTERNATIVE SCHEDULE AND
4 SEQUENCE DEADLINE.—If the Secretary
5 approves a railroad carrier or other entity’s
6 alternative schedule and sequence under
7 subparagraph (C)(i), the railroad carrier or
8 other entity’s deadline for implementation
9 of a positive train control system required
10 under paragraph (1) shall be the date
11 specified in that railroad carrier or other
12 entity’s alternative schedule and sequence.
13 The Secretary may not approve a date for
14 implementation that is later than 24
15 months from the deadline in paragraph
16 (1).”;

17 (3) by striking subsections (c), (d), and (e) and
18 inserting the following:

19 “(c) PROGRESS REPORTS AND REVIEW.—

20 “(1) PROGRESS REPORTS.—Each railroad car-
21 rier or other entity subject to subsection (a) shall,
22 not later than March 31, 2016, and annually there-
23 after until such carrier or entity has completed im-
24 plementation of a positive train control system, sub-

1 mit to the Secretary a report on the progress toward
2 implementing such systems, including—

3 “(A) the information on spectrum acquisi-
4 tion provided pursuant to subsection
5 (a)(2)(A)(iii)(I);

6 “(B) the totals provided pursuant to sub-
7 clauses (III) and (V) of subsection
8 (a)(2)(A)(iii), by territory, if applicable;

9 “(C) the extent to which the railroad car-
10 rier or other entity is complying with the imple-
11 mentation schedule under subsection
12 (a)(2)(A)(iii)(VII) or subsection (a)(2)(B);

13 “(D) any update to the information pro-
14 vided under subsection (a)(2)(A)(iii)(VI);

15 “(E) for each entity providing regularly
16 scheduled intercity or commuter rail passenger
17 transportation, a description of the resources
18 identified and allocated to implement a positive
19 train control system;

20 “(F) for each railroad carrier or other en-
21 tity subject to subsection (a), the total number
22 of route miles on which a positive train control
23 system has been initiated for revenue service
24 demonstration or implemented, as compared to
25 the total number of route miles required to have

1 a positive train control system under subsection
2 (a); and

3 “(G) any other information requested by
4 the Secretary.

5 “(2) PLAN REVIEW.—The Secretary shall at
6 least annually conduct reviews to ensure that rail-
7 road carriers or other entities are complying with
8 the revised plan submitted under subsection (a), in-
9 cluding any amendments or any alternative schedule
10 and sequence approved by the Secretary. Such rail-
11 road carriers or other entities shall provide such in-
12 formation as the Secretary determines necessary to
13 adequately conduct such reviews.

14 “(3) PUBLIC AVAILABILITY.—Not later than 60
15 days after receipt, the Secretary shall make available
16 to the public on the Internet Web site of the Depart-
17 ment of Transportation any report submitted pursu-
18 ant to paragraph (1) or subsection (d), but may ex-
19 clude, as the Secretary determines appropriate—

20 “(A) proprietary information; and

21 “(B) security-sensitive information, includ-
22 ing information described in section 1520.5(a)
23 of title 49, Code of Federal Regulations.

24 “(d) REPORT TO CONGRESS.—Not later than July 1,
25 2018, the Secretary shall transmit to the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate a report on the progress
4 of each railroad carrier or other entity subject to sub-
5 section (a) in implementing a positive train control system.

6 “(e) ENFORCEMENT.—The Secretary is authorized to
7 assess civil penalties pursuant to chapter 213 for—

8 “(1) a violation of this section;

9 “(2) the failure to submit or comply with the
10 revised plan required under subsection (a), including
11 the failure to comply with the totals provided pursu-
12 ant to subclauses (III) and (V) of subsection
13 (a)(2)(A)(iii) and the spectrum acquisition dates
14 provided pursuant to subsection (a)(2)(A)(iii)(I);

15 “(3) failure to comply with any amendments to
16 such revised plan pursuant to subsection (a)(2)(C);
17 and

18 “(4) the failure to comply with an alternative
19 schedule and sequence submitted under subsection
20 (a)(2)(B) and approved by the Secretary under sub-
21 section (a)(3)(C).”;

22 (4) in subsection (h)—

23 (A) by striking “The Secretary” and in-
24 serting the following:

25 “(1) IN GENERAL.—The Secretary”; and

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

2 “(2) PROVISIONAL OPERATION.—Notwith-
3 standing the requirements of paragraph (1), the Sec-
4 retary may authorize a railroad carrier or other enti-
5 ty to commence operation in revenue service of a
6 positive train control system or component to the ex-
7 tent necessary to enable the safe implementation and
8 operation of a positive train control system in
9 phases.”;

10 (5) in subsection (i)—

11 (A) by redesignating paragraphs (1)
12 through (3) as paragraphs (3) through (5), re-
13 spectively; and

14 (B) by inserting before paragraph (3) (as
15 so redesignated) the following:

16 “(1) EQUIVALENT OR GREATER LEVEL OF
17 SAFETY.—The term ‘equivalent or greater level of
18 safety’ means the compliance of a railroad carrier
19 with—

20 “(A) appropriate operating rules in place
21 immediately prior to the use or implementation
22 of such carrier’s positive train control system,
23 except that such rules may be changed by such
24 carrier to improve safe operations; and

1 “(B) all applicable safety regulations, ex-
2 cept as specified in subsection (j).

3 “(2) **HARDWARE.**—The term ‘hardware’ means
4 a locomotive apparatus, a wayside interface unit (in-
5 cluding any associated legacy signal system replace-
6 ments), switch position monitors needed for a posi-
7 tive train control system, physical back office system
8 equipment, a base station radio, a wayside radio, a
9 locomotive radio, or a communication tower or
10 pole.”; and

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

12 “(j) **EARLY ADOPTION.**—

13 “(1) **OPERATIONS.**—From the date of enact-
14 ment of the Positive Train Control Enforcement and
15 Implementation Act of 2015 through the 1-year pe-
16 riod beginning on the date on which the last Class
17 I railroad carrier’s positive train control system sub-
18 ject to subsection (a) is certified by the Secretary
19 under subsection (h)(1) of this section and is imple-
20 mented on all of that railroad carrier’s lines required
21 to have operations governed by a positive train con-
22 trol system, any railroad carrier, including any rail-
23 road carrier that has its positive train control sys-
24 tem certified by the Secretary, shall not be subject
25 to the operational restrictions set forth in sections

1 236.567 and 236.1029 of title 49, Code of Federal
2 Regulations, that would apply where a controlling lo-
3 comotive that is operating in, or is to be operated
4 in, a positive train control-equipped track segment
5 experiences a positive train control system failure, a
6 positive train control operated consist is not pro-
7 vided by another railroad carrier when provided in
8 interchange, or a positive train control system other-
9 wise fails to initialize, cuts out, or malfunctions, pro-
10 vided that such carrier operates at an equivalent or
11 greater level of safety than the level achieved imme-
12 diately prior to the use or implementation of its
13 positive train control system.

14 “(2) SAFETY ASSURANCE.—During the period
15 described in paragraph (1), if a positive train control
16 system that has been certified and implemented fails
17 to initialize, cuts out, or malfunctions, the affected
18 railroad carrier or other entity shall make reasonable
19 efforts to determine the cause of the failure and ad-
20 just, repair, or replace any faulty component causing
21 the system failure in a timely manner.

22 “(3) PLANS.—The positive train control safety
23 plan for each railroad carrier or other entity shall
24 describe the safety measures, such as operating rules
25 and actions to comply with applicable safety regula-

1 tions, that will be put in place during any system
2 failure.

3 “(4) NOTIFICATION.—During the period de-
4 scribed in paragraph (1), if a positive train control
5 system that has been certified and implemented fails
6 to initialize, cuts out, or malfunctions, the affected
7 railroad carrier or other entity shall submit a notifi-
8 cation to the appropriate regional office of the Fed-
9 eral Railroad Administration within 7 days of the
10 system failure, or under alternative location and
11 deadline requirements set by the Secretary, and in-
12 clude in the notification a description of the safety
13 measures the affected railroad carrier or other entity
14 has in place.

15 “(k) SMALL RAILROADS.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 shall amend section 236.1006(b)(4)(iii)(B) of title 49,
18 Code of Federal Regulations (relating to equipping loco-
19 motives for applicable Class II and Class III railroads op-
20 erating in positive train control territory) to extend each
21 deadline under such section by 3 years.

22 “(l) REVENUE SERVICE DEMONSTRATION.—When a
23 railroad carrier or other entity subject to (a)(1) notifies
24 the Secretary it is prepared to initiate revenue service
25 demonstration, it shall also notify any applicable tenant

1 railroad carrier or other entity subject to subsection
2 (a)(1).”.

3 (c) CONFORMING AMENDMENT.—Section 20157(g),
4 is amended—

5 (1) by striking “The Secretary” and inserting
6 the following:

7 “(1) IN GENERAL.—The Secretary”; and

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

9 “(2) CONFORMING REGULATORY AMEND-
10 MENTS.—Immediately after the date of the enact-
11 ment of the Positive Train Control Enforcement and
12 Implementation Act of 2015, the Secretary—

13 “(A) shall remove or revise the date-spe-
14 cific deadlines in the regulations or orders im-
15 plementing this section to the extent necessary
16 to conform with the amendments made by such
17 Act; and

18 “(B) may not enforce any such date-spe-
19 cific deadlines or requirements that are incon-
20 sistent with the amendments made by such Act.

21 “(3) REVIEW.—Nothing in the Positive Train
22 Control Enforcement and Implementation Act of
23 2015, or the amendments made by such Act, shall
24 be construed to require the Secretary to issue regu-
25 lations to implement such Act or amendments other

1 than the regulatory amendments required by para-
 2 graph (2) and subsection (k).”.

3 **TITLE VIII—MULTIMODAL**
 4 **FREIGHT TRANSPORTATION**

5 **SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.**

6 (a) IN GENERAL.—Subtitle IX of title 49, United
 7 States Code, is amended to read as follows:

8 **“Subtitle IX—Multimodal Freight**
 9 **Transportation**

| “Chapter | Sec. |
|--|-------|
| “701. Multimodal freight policy | 70101 |
| “702. Multimodal freight transportation planning and information | 70201 |

10 **“CHAPTER 701—MULTIMODAL FREIGHT**
 11 **POLICY**

| “Sec. |
|--|
| “70101. National multimodal freight policy. |
| “70102. National freight strategic plan. |
| “70103. National Multimodal Freight Network. |

12 **“§ 70101. National multimodal freight policy**

13 “(a) IN GENERAL.—It is the policy of the United
 14 States to maintain and improve the condition and per-
 15 formance of the National Multimodal Freight Network es-
 16 tablished under section 70103 to ensure that the Network
 17 provides a foundation for the United States to compete
 18 in the global economy and achieve the goals described in
 19 subsection (b).

20 “(b) GOALS.—The goals of the national multimodal
 21 freight policy are—

1 “(1) to identify infrastructure improvements,
2 policies, and operational innovations that—

3 “(A) strengthen the contribution of the
4 National Multimodal Freight Network to the
5 economic competitiveness of the United States;

6 “(B) reduce congestion and eliminate bot-
7 tlenecks on the National Multimodal Freight
8 Network; and

9 “(C) increase productivity, particularly for
10 domestic industries and businesses that create
11 high-value jobs;

12 “(2) to improve the safety, security, efficiency,
13 and resiliency of multimodal freight transportation;

14 “(3) to achieve and maintain a state of good re-
15 pair on the National Multimodal Freight Network;

16 “(4) to use innovation and advanced technology
17 to improve the safety, efficiency, and reliability of
18 the National Multimodal Freight Network;

19 “(5) to improve the economic efficiency of the
20 National Multimodal Freight Network;

21 “(6) to improve the short and long distance
22 movement of goods that—

23 “(A) travel across rural areas between pop-
24 ulation centers; and

1 “(B) travel between rural areas and popu-
2 lation centers;

3 “(7) to improve the flexibility of States to sup-
4 port multi-State corridor planning and the creation
5 of multi-State organizations to increase the ability of
6 States to address multimodal freight connectivity;
7 and

8 “(8) to reduce the adverse environmental im-
9 pacts of freight movement on the National
10 Multimodal Freight Network.

11 **“§ 70102. National freight strategic plan**

12 “(a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of this section, the Secretary of Trans-
14 portation shall—

15 “(1) develop a national freight strategic plan in
16 accordance with this section; and

17 “(2) publish the plan on the public Internet
18 Web site of the Department of Transportation.

19 “(b) CONTENTS.—The national freight strategic plan
20 shall include—

21 “(1) an assessment of the condition and per-
22 formance of the National Multimodal Freight Net-
23 work;

24 “(2) forecasts of freight volumes for the suc-
25 ceeding 5-, 10-, and 20-year periods;

1 “(3) an identification of major trade gateways
2 and national freight corridors that connect major
3 population centers, trade gateways, and other major
4 freight generators;

5 “(4) an identification of bottlenecks on the Na-
6 tional Multimodal Freight Network that create sig-
7 nificant freight congestion, based on a quantitative
8 methodology developed by the Secretary, which shall,
9 at a minimum, include—

10 “(A) information from the Freight Anal-
11 ysis Framework of the Federal Highway Ad-
12 ministration; and

13 “(B) to the maximum extent practicable,
14 an estimate of the cost of addressing each bot-
15 tleneck and any operational improvements that
16 could be implemented;

17 “(5) an assessment of statutory, regulatory,
18 technological, institutional, financial, and other bar-
19 riers to improved freight transportation perform-
20 ance, and a description of opportunities for over-
21 coming the barriers;

22 “(6) an identification of best practices for im-
23 proving the performance of the National Multimodal
24 Freight Network;

1 “(7) a process for addressing multistate
2 projects and encouraging jurisdictions to collaborate;
3 and

4 “(8) strategies to improve freight intermodal
5 connectivity.

6 “(c) UPDATES.—Not later than 5 years after the date
7 of completion of the national freight strategic plan under
8 subsection (a), and every 5 years thereafter, the Secretary
9 shall update the plan and publish the updated plan on the
10 public Internet Web site of the Department of Transpor-
11 tation.

12 “(d) CONSULTATION.—The Secretary shall develop
13 and update the national freight strategic plan in consulta-
14 tion with State departments of transportation, metropoli-
15 tan planning organizations, and other appropriate public
16 and private transportation stakeholders.

17 **“§ 70103. National Multimodal Freight Network**

18 “(a) IN GENERAL.—Not later than 180 days after
19 the date of enactment of this section, the Secretary of
20 Transportation shall establish the National Multimodal
21 Freight Network in accordance with this section—

22 “(1) to focus Federal policy on the most stra-
23 tegic freight assets; and

1 “(2) to assist in strategically directing resources
2 and policies toward improved performance of the
3 National Multimodal Freight Network.

4 “(b) NETWORK COMPONENTS.—The National
5 Multimodal Freight Network shall consist of—

6 “(1) the National Highway Freight Network, as
7 established under section 167 of title 23;

8 “(2) the freight rail systems of Class I rail-
9 roads, as designated by the Surface Transportation
10 Board;

11 “(3) the public ports of the United States that
12 have total annual foreign and domestic trade of at
13 least 2,000,000 short tons, as identified by the Wa-
14 terborne Commerce Statistics Center of the Army
15 Corps of Engineers, using the data from the latest
16 year for which such data is available;

17 “(4) the inland and intracoastal waterways of
18 the United States, as described in section 206 of the
19 Inland Waterways Revenue Act of 1978 (33 U.S.C.
20 1804);

21 “(5) the Great Lakes, the St. Lawrence Sea-
22 way, and coastal routes along which domestic freight
23 is transported;

24 “(6) the 50 airports located in the United
25 States with the highest annual landed weight, as

1 identified by the Federal Aviation Administration;
2 and

3 “(7) other strategic freight assets, including
4 strategic intermodal facilities and freight rail lines of
5 Class II and Class III railroads, designated by the
6 Secretary as critical to interstate commerce.

7 “(c) REDESIGNATION.—Not later than 5 years after
8 the date of establishment of the National Multimodal
9 Freight Network under subsection (a), and every 5 years
10 thereafter, the Secretary shall update the National
11 Multimodal Freight Network.

12 “(d) CONSULTATION.—The Secretary shall establish
13 and update the National Multimodal Freight Network in
14 consultation with State departments of transportation and
15 other appropriate public and private transportation stake-
16 holders.

17 “(e) LANDED WEIGHT DEFINED.—In this section,
18 the term ‘landed weight’ means the weight of an aircraft
19 transporting only cargo in intrastate, interstate, or foreign
20 air transportation, as such terms are defined in section
21 40102(a).

22 **“CHAPTER 702—MULTIMODAL FREIGHT**
23 **TRANSPORTATION PLANNING AND IN-**
24 **FORMATION**

“Sec.

“70201. State freight advisory committees.

“70202. State freight plans.

“70203. Data and tools.

1 **“§ 70201. State freight advisory committees**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall encourage each State to establish a freight advisory
4 committee consisting of a representative cross-section of
5 public and private sector freight stakeholders, including
6 representatives of ports, freight railroads, shippers, car-
7 riers, freight-related associations, third-party logistics pro-
8 viders, the freight industry workforce, the transportation
9 department of the State, and local governments.

10 “(b) ROLE OF COMMITTEE.—A freight advisory com-
11 mittee of a State described in subsection (a) shall—

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

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

16 “(3) communicate and coordinate regional pri-
17 orities with other organizations;

18 “(4) promote the sharing of information be-
19 tween the private and public sectors on freight
20 issues; and

21 “(5) participate in the development of the
22 freight plan of the State described in section 70202.

1 **“§ 70202. State freight plans**

2 “(a) IN GENERAL.—Each State shall develop a
3 freight plan that provides a comprehensive plan for the
4 immediate and long-range planning activities and invest-
5 ments of the State with respect to freight.

6 “(b) PLAN CONTENTS.—A freight plan described in
7 subsection (a) shall include, at a minimum—

8 “(1) an identification of significant freight sys-
9 tem trends, needs, and issues with respect to the
10 State;

11 “(2) a description of the freight policies, strate-
12 gies, and performance measures that will guide the
13 freight-related transportation investment decisions of
14 the State;

15 “(3) a description of how the plan will improve
16 the ability of the State to meet the national freight
17 goals described in section 70101;

18 “(4) evidence of consideration of innovative
19 technologies and operational strategies, including in-
20 telligent transportation systems, that improve the
21 safety and efficiency of freight movement;

22 “(5) in the case of routes on which travel by
23 heavy vehicles (including mining, agricultural, en-
24 ergy cargo or equipment, and timber vehicles) is pro-
25 jected to substantially deteriorate the condition of
26 roadways, a description of improvements that may

1 be required to reduce or impede the deterioration;
2 and

3 “(6) an inventory of facilities with freight mo-
4 bility issues, such as truck bottlenecks, within the
5 State, and a description of the strategies the State
6 is employing to address those freight mobility issues.

7 “(c) RELATIONSHIP TO STATE PLANS.—

8 “(1) IN GENERAL.—A freight plan described in
9 subsection (a) may be developed separately from or
10 incorporated into the statewide transportation plans
11 required by section 135 of title 23.

12 “(2) UPDATES.—If the freight plan described
13 in subsection (a) is developed separately from the
14 State transportation improvement program, the
15 freight plan shall be updated at least every 5 years.

16 **“§ 70203. Data and tools**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this section, the Secretary shall—

19 “(1) begin development of new tools or improve
20 existing tools to support an outcome-oriented, per-
21 formance-based approach to evaluate proposed
22 freight-related and other transportation projects, in-
23 cluding—

24 “(A) methodologies for systematic analysis
25 of benefits and costs;

1 “(B) tools for ensuring that the evaluation
2 of freight-related and other transportation
3 projects may consider safety, economic competi-
4 tiveness, environmental sustainability, and sys-
5 tem condition in the project selection process;
6 and

7 “(C) other elements to assist in effective
8 transportation planning;

9 “(2) identify transportation-related freight trav-
10 el models and model data elements to support a
11 broad range of evaluation methods and techniques to
12 assist in making transportation investment decisions;
13 and

14 “(3) at a minimum, in consultation with other
15 relevant Federal agencies, consider any improve-
16 ments to existing freight flow data collection efforts,
17 including improved methods to standardize and
18 manage the data, that could reduce identified freight
19 data gaps and deficiencies and help improve fore-
20 casts of freight transportation demand.

21 “(b) CONSULTATION.—The Secretary shall consult
22 with Federal, State, and other stakeholders to develop, im-
23 prove, and implement the tools and collect the data de-
24 scribed in subsection (a).”.

1 (b) CLERICAL AMENDMENT.—The analysis of sub-
 2 titles for title 49, United States Code, is amended by strik-
 3 ing the item relating to subtitle IX and inserting the fol-
 4 lowing:

“**IX. Multimodal Freight Transportation70101**”.

5 (c) REPEALS.—Sections 1117 and 1118 of MAP-21
 6 (Public Law 112–141), and the items relating to such sec-
 7 tions in the table of contents in section 1(c) of such Act,
 8 are repealed.

9 **TITLE IX—NATIONAL SURFACE**
 10 **TRANSPORTATION AND INNO-**
 11 **VATIVE FINANCE BUREAU**

12 **SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND IN-**
 13 **NOVATIVE FINANCE BUREAU.**

14 (a) IN GENERAL.—Chapter 1 of title 49, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing:

17 **“§ 116. National Surface Transportation and Innova-**
 18 **tive Finance Bureau**

19 “(a) ESTABLISHMENT.—The Secretary of Transpor-
 20 tation shall establish a National Surface Transportation
 21 and Innovative Finance Bureau in the Department.

22 “(b) PURPOSES.—The purposes of the Bureau shall
 23 be—

1 “(1) to administer the application processes for
2 programs within the Department in accordance with
3 subsection (d);

4 “(2) to promote innovative financing best prac-
5 tices in accordance with subsection (e);

6 “(3) to reduce uncertainty and delays with re-
7 spect to environmental reviews and permitting in ac-
8 cordance with subsection (f);

9 “(4) to reduce costs and risks to taxpayers in
10 project delivery and procurement in accordance with
11 subsection (g); and

12 “(5) to carry out subtitle IX of this title.

13 “(c) EXECUTIVE DIRECTOR.—

14 “(1) APPOINTMENT.—The Bureau shall be
15 headed by an Executive Director, who shall be ap-
16 pointed in the competitive service by the Secretary,
17 with the approval of the President.

18 “(2) DUTIES.—The Executive Director shall—

19 “(A) report to the Under Secretary of
20 Transportation for Policy;

21 “(B) be responsible for the management
22 and oversight of the daily activities, decisions,
23 operations, and personnel of the Bureau;

1 “(C) support the Council on Credit and Fi-
2 nance established under section 117 in accord-
3 ance with this section; and

4 “(D) carry out such additional duties as
5 the Secretary may prescribe.

6 “(d) ADMINISTRATION OF CERTAIN APPLICATION
7 PROCESSES.—

8 “(1) IN GENERAL.—The Bureau shall admin-
9 ister the application processes for the following pro-
10 grams:

11 “(A) The infrastructure finance programs
12 authorized under chapter 6 of title 23.

13 “(B) The railroad rehabilitation and im-
14 provement financing program authorized under
15 sections 501 through 503 of the Railroad Revi-
16 talization and Regulatory Reform Act of 1976
17 (45 U.S.C. 821–823).

18 “(C) Amount allocations authorized under
19 section 142(m) of the Internal Revenue Code of
20 1986.

21 “(D) The nationally significant freight and
22 highway projects program under section 117 of
23 title 23.

24 “(2) CONGRESSIONAL NOTIFICATION.—The
25 Secretary shall ensure that the congressional notifi-

1 cation requirements for each program referred to in
2 paragraph (1) are followed in accordance with the
3 statutory provisions applicable to the program.

4 “(3) REPORTS.—The Secretary shall ensure
5 that the reporting requirements for each program
6 referred to in paragraph (1) are followed in accord-
7 ance with the statutory provisions applicable to the
8 program.

9 “(4) COORDINATION.—In administering the ap-
10 plication processes for the programs referred to in
11 paragraph (1), the Executive Director of the Bureau
12 shall coordinate with appropriate officials in the De-
13 partment and its modal administrations responsible
14 for administering such programs.

15 “(5) STREAMLINING APPROVAL PROCESSES.—
16 Not later than 1 year after the date of enactment
17 of this section, the Secretary shall submit to the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on
20 Commerce, Science, and Transportation, the Com-
21 mittee on Banking, Housing, and Urban Affairs,
22 and the Committee on Environment and Public
23 Works of the Senate a report that—

24 “(A) evaluates the application processes
25 for the programs referred to in paragraph (1);

1 “(B) identifies administrative and legisla-
2 tive actions that would improve the efficiency of
3 the application processes without diminishing
4 Federal oversight; and

5 “(C) describes how the Secretary will im-
6 plement administrative actions identified under
7 subparagraph (B) that do not require an Act of
8 Congress.

9 “(6) PROCEDURES AND TRANSPARENCY.—

10 “(A) PROCEDURES.—The Secretary shall,
11 with respect to the programs referred to in
12 paragraph (1)—

13 “(i) establish procedures for analyzing
14 and evaluating applications and for uti-
15 lizing the recommendations of the Council
16 on Credit and Finance;

17 “(ii) establish procedures for address-
18 ing late-arriving applications, as applicable,
19 and communicating the Bureau’s decisions
20 for accepting or rejecting late applications
21 to the applicant and the public; and

22 “(iii) document major decisions in the
23 application evaluation process through a
24 decision memorandum or similar mecha-

1 nism that provides a clear rationale for
2 such decisions.

3 “(B) REVIEW.—

4 “(i) IN GENERAL.—The Comptroller
5 General of the United States shall review
6 the compliance of the Secretary with the
7 requirements of this paragraph.

8 “(ii) RECOMMENDATIONS.—The
9 Comptroller General may make rec-
10 ommendations to the Secretary in order to
11 improve compliance with the requirements
12 of this paragraph.

13 “(iii) REPORT.—Not later than 3
14 years after the date of enactment of this
15 section, the Comptroller General shall sub-
16 mit to the Committee on Transportation
17 and Infrastructure of the House of Rep-
18 resentatives and the Committee on Envi-
19 ronment and Public Works and the Com-
20 mittee on Commerce, Science, and Trans-
21 portation of the Senate a report on the re-
22 sults of the review conducted under clause
23 (i), including findings and recommenda-
24 tions for improvement.

25 “(e) INNOVATIVE FINANCING BEST PRACTICES.—

1 “(1) IN GENERAL.—The Bureau shall work
2 with the modal administrations within the Depart-
3 ment, the States, and other public and private inter-
4 ests to develop and promote best practices for inno-
5 vative financing and public-private partnerships.

6 “(2) ACTIVITIES.—The Bureau shall carry out
7 paragraph (1)—

8 “(A) by making Federal credit assistance
9 programs more accessible to eligible recipients;

10 “(B) by providing advice and expertise to
11 State and local governments that seek to lever-
12 age public and private funding;

13 “(C) by sharing innovative financing best
14 practices and case studies from State and local
15 governments with other State and local govern-
16 ments that are interested in utilizing innovative
17 financing methods; and

18 “(D) by developing and monitoring—

19 “(i) best practices with respect to
20 standardized State public-private partner-
21 ship authorities and practices, including
22 best practices related to—

23 “(I) accurate and reliable as-
24 sumptions for analyzing public-private
25 partnership procurements;

1 “(II) procedures for the handling
2 of unsolicited bids;

3 “(III) policies with respect to
4 noncompete clauses; and

5 “(IV) other significant terms of
6 public-private partnership procure-
7 ments, as determined appropriate by
8 the Bureau;

9 “(ii) standard contracts for the most
10 common types of public-private partner-
11 ships for transportation facilities; and

12 “(iii) analytical tools and other tech-
13 niques to aid State and local governments
14 in determining the appropriate project de-
15 livery model, including a value for money
16 analysis.

17 “(3) TRANSPARENCY.—The Bureau shall—

18 “(A) ensure transparency of a project re-
19 ceiving credit assistance under a program iden-
20 tified in subsection (d)(1) and procured as a
21 public-private partnership by—

22 “(i) requiring the project sponsor of
23 such project to undergo a value for money
24 analysis or a comparable analysis prior to

1 deciding to advance the project as a public-
2 private partnership;

3 “(ii) requiring the analysis required
4 under subparagraph (A) and other key
5 terms of the relevant public-private part-
6 nership agreement, to be made publicly
7 available by the project sponsor at an ap-
8 propriate time;

9 “(iii) not later than 3 years after the
10 completion of the project, requiring the
11 project sponsor of such project to conduct
12 a review regarding whether the private
13 partner is meeting the terms of the rel-
14 evant public private partnership agreement
15 for the project; and

16 “(iv) providing a publicly available
17 summary of the total level of Federal as-
18 sistance in such project.

19 “(B) develop guidance to implement this
20 paragraph that takes into consideration vari-
21 ations in State and local laws and requirements
22 related to public-private partnerships.

23 “(4) SUPPORT TO PROJECTS SPONSORS.—At
24 the request of a State or local government, the Bu-
25 reau shall provide technical assistance to the State

1 or local government regarding proposed public-private
2 vate partnership agreements for transportation facilities,
3 including assistance in performing a value for money analysis
4 or comparable analysis.

5 “(5) FIXED GUIDEWAY TRANSIT PROCEDURES
6 REPORT.—Not later than 1 year after the date of
7 enactment of this section, the Secretary shall submit
8 to the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee
10 on Banking, Housing, and Urban Affairs of
11 the Senate a report that—

12 “(A) evaluates the differences between traditional
13 design-bid-build, design-build, and public-private
14 partnership procurements for projects carried out under
15 the fixed guideway capital investment program authorized
16 under section 5309;

17
18 “(B) identifies, for project procured as public-private
19 partnerships whether the review and approval process under
20 the program requires modification to better suit the unique
21 nature of such procurements; and

22
23 “(C) describes how the Secretary will implement
24 any administrative actions identified

1 under subparagraph (B) that do not require an
2 Act of Congress.

3 “(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

4 “(1) IN GENERAL.—The Bureau shall take such
5 actions as are appropriate and consistent with the
6 goals and policies set forth in this title and title 23,
7 including with the concurrence of other Federal
8 agencies as required under this title and title 23, to
9 improve delivery timelines for projects.

10 “(2) ACTIVITIES.—The Bureau shall carry out
11 paragraph (1)—

12 “(A) by serving as the Department’s liai-
13 son to the Council on Environmental Quality;

14 “(B) by coordinating Department-wide ef-
15 forts to improve the efficiency and effectiveness
16 of the environmental review and permitting
17 process;

18 “(C) by coordinating Department efforts
19 under section 139 of title 23;

20 “(D) by supporting modernization efforts
21 at Federal agencies to achieve innovative ap-
22 proaches to the permitting and review of
23 projects;

24 “(E) by providing technical assistance and
25 training to field and headquarters staff of Fed-

1 eral agencies on policy changes and innovative
2 approaches to the delivery of projects;

3 “(F) by identifying, developing, and track-
4 ing metrics for permit reviews and decisions by
5 Federal agencies for projects under the Na-
6 tional Environmental Policy Act of 1969; and

7 “(G) by administering and expanding the
8 use of Internet-based tools providing for—

9 “(i) the development and posting of
10 schedules for permit reviews and permit
11 decisions for projects; and

12 “(ii) the sharing of best practices re-
13 lated to efficient permitting and reviews
14 for projects.

15 “(3) SUPPORT TO PROJECT SPONSORS.—At the
16 request of a State or local government, the Bureau,
17 in coordination with the other appropriate modal
18 agencies within the Department, shall provide tech-
19 nical assistance with regard to the compliance of a
20 project sponsored by the State or local government
21 with the requirements of the National Environ-
22 mental Policy Act 1969 and relevant Federal envi-
23 ronmental permits.

24 “(g) PROJECT PROCUREMENT.—

1 “(1) IN GENERAL.—The Bureau shall promote
2 best practices in procurement for a project receiving
3 assistance under a program identified in subsection
4 (d)(1) by developing, in coordination with the Fed-
5 eral Highway Administration and other modal agen-
6 cies as appropriate, procurement benchmarks in
7 order to ensure accountable expenditure of Federal
8 assistance over the life cycle of such project.

9 “(2) PROCUREMENT BENCHMARKS.—The pro-
10 curement benchmarks developed under paragraph
11 (1) shall, to the maximum extent practicable—

12 “(A) establish maximum thresholds for ac-
13 ceptable project cost increases and delays in
14 project delivery;

15 “(B) establish uniform methods for States
16 to measure cost and delivery changes over the
17 life cycle of a project; and

18 “(C) be tailored, as necessary, to various
19 types of project procurements, including design-
20 bid-build, design-build, and public private part-
21 nerships.

22 “(h) ELIMINATION AND CONSOLIDATION OF DUPLI-
23 CATIVE OFFICES.—

24 “(1) ELIMINATION OF OFFICES.—The Sec-
25 retary may eliminate any office within the Depart-

1 ment if the Secretary determines that the purposes
2 of the office are duplicative of the purposes of the
3 Bureau, and the elimination of such office shall not
4 adversely affect the obligations of the Secretary
5 under any Federal law.

6 “(2) CONSOLIDATION OF OFFICES.—The Sec-
7 retary may consolidate any office within the Depart-
8 ment into the Bureau that the Secretary determines
9 has duties, responsibilities, resources, or expertise
10 that support the purposes of the Bureau.

11 “(3) STAFFING AND BUDGETARY RE-
12 SOURCES.—

13 “(A) IN GENERAL.—The Secretary shall
14 ensure that the Bureau is adequately staffed
15 and funded.

16 “(B) STAFFING.—The Secretary may
17 transfer to the Bureau a position within the
18 Department from any office that is eliminated
19 or consolidated under this subsection if the Sec-
20 retary determines that the position is necessary
21 to carry out the purposes of the Bureau.

22 “(C) BUDGETARY RESOURCES.—

23 “(i) TRANSFER OF FUNDS FROM
24 ELIMINATED OR CONSOLIDATED OF-
25 FICES.—The Secretary may transfer to the

1 Bureau funds allocated to any office that
2 is eliminated or consolidated under this
3 subsection to carry out the purposes of the
4 Bureau.

5 “(ii) TRANSFER OF FUNDS ALLO-
6 CATED TO ADMINISTRATIVE COSTS.—The
7 Secretary shall transfer to the Bureau
8 funds allocated to the administrative costs
9 of processing applications for the programs
10 referred to in subsection (d)(1).

11 “(4) REPORT.—Not later than 180 days after
12 the date of enactment of this section, the Secretary
13 shall submit to the Committee on Transportation
14 and Infrastructure of the House of Representatives
15 and the Committee on Environment and Public
16 Works and the Committee on Commerce, Science,
17 and Transportation of the Senate a report that—

18 “(A) lists the offices eliminated under
19 paragraph (1) and provides the rationale for
20 elimination of the offices;

21 “(B) lists the offices consolidated under
22 paragraph (2) and provides the rationale for
23 consolidation of the offices; and

1 “(C) describes the actions taken under
2 paragraph (3) and provides the rationale for
3 taking such actions.

4 “(i) SAVINGS PROVISIONS.—

5 “(1) LAWS AND REGULATIONS.—Nothing in
6 this section may be construed to change a law or
7 regulation with respect to a program referred to in
8 subsection (d)(1).

9 “(2) RESPONSIBILITIES.—Nothing in this sec-
10 tion may be construed to abrogate the responsibil-
11 ities of an agency, operating administration, or of-
12 fice within the Department otherwise charged by a
13 law or regulation with other aspects of program ad-
14 ministration, oversight, and project approval or im-
15 plementation for the programs and projects subject
16 to this section.

17 “(j) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) BUREAU.—The term ‘Bureau’ means the
20 National Surface Transportation and Innovative Fi-
21 nance Bureau of the Department.

22 “(2) DEPARTMENT.—The term ‘Department’
23 means the Department of Transportation.

24 “(3) MULTIMODAL PROJECT.—The term
25 ‘multimodal project’ means a project involving the

1 participation of more than one modal administration
2 or secretarial office within the Department.

3 “(4) PROJECT.—The term ‘project’ means a
4 highway project, public transportation capital
5 project, freight or passenger rail project, or
6 multimodal project.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is amended by adding at the end the following:

“116. National Surface Transportation and Innovative Finance Bureau.”.

9 **SEC. 9002. COUNCIL ON CREDIT AND FINANCE.**

10 (a) IN GENERAL.—Chapter 1 of title 49, United
11 States Code, as amended by this Act, is further amended
12 by adding at the end the following:

13 **“§ 117. Council on Credit and Finance**

14 “(a) ESTABLISHMENT.—The Secretary of Transpor-
15 tation shall establish a Council on Credit and Finance in
16 accordance with this section.

17 “(b) MEMBERSHIP.—

18 “(1) IN GENERAL.—The Council shall be com-
19 posed of the following members:

20 “(A) The Under Secretary of Transpor-
21 tation for Policy.

22 “(B) The Chief Financial Officer and As-
23 sistant Secretary for Budget and Programs.

24 “(C) The General Counsel of the Depart-
25 ment of Transportation.

1 “(D) The Assistant Secretary for Trans-
2 portation Policy.

3 “(E) The Administrator of the Federal
4 Highway Administration.

5 “(F) The Administrator of the Federal
6 Transit Administration.

7 “(G) The Administrator of the Federal
8 Railroad Administration.

9 “(2) ADDITIONAL MEMBERS.—The Secretary
10 may designate up to 3 additional officials of the De-
11 partment to serve as at-large members of the Coun-
12 cil.

13 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—

14 “(A) CHAIRPERSON.—The Under Sec-
15 retary of Transportation for Policy shall serve
16 as the chairperson of the Council.

17 “(B) VICE CHAIRPERSON.—The Chief Fi-
18 nancial Officer and Assistant Secretary for
19 Budget and Programs shall serve as the vice
20 chairperson of the Council.

21 “(4) EXECUTIVE DIRECTOR.—The Executive
22 Director of the National Surface Transportation and
23 Innovative Finance Bureau shall serve as a non-
24 voting member of the Council.

25 “(c) DUTIES.—The Council shall—

1 “(1) review applications for assistance sub-
2 mitted under the programs referred to in section
3 116(d)(1);

4 “(2) make recommendations to the Secretary
5 regarding the selection of projects to receive assist-
6 ance under the programs referred to in section
7 116(d)(1);

8 “(3) review, on a regular basis, projects that re-
9 ceived assistance under the programs referred to in
10 section 116(d)(1); and

11 “(4) carry out such additional duties as the
12 Secretary may prescribe.”.

13 (b) CLERICAL AMENDMENT.—The analysis for such
14 chapter is further amended by adding at the end the fol-
15 lowing:

“117. Council on Credit and Finance.”.

16 **TITLE X—SPORT FISH RESTORA-**
17 **TION AND RECREATIONAL**
18 **BOATING SAFETY**

19 **SEC. 10001. ALLOCATIONS.**

20 (a) AUTHORIZATION.—Section 3 of the Dingell-John-
21 son Sport Fish Restoration Act (16 U.S.C. 777b) is
22 amended by striking “57 percent” and inserting “58.012
23 percent”.

1 (b) IN GENERAL.—Section 4 of the Dingell-Johnson
2 Sport Fish Restoration Act (16 U.S.C. 777c) is amend-
3 ed—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph
6 (1)—

7 (i) by striking “For each” and all that
8 follows through “the balance” and insert-
9 ing “For each fiscal year through fiscal
10 year 2021, the balance”; and

11 (ii) by striking “multistate conserva-
12 tion grants under section 14” and insert-
13 ing “activities under section 14(e)”;

14 (B) in paragraph (1), by striking “18.5”
15 percent and inserting “18.673 percent”;

16 (C) in paragraph (2) by striking “18.5
17 percent” and inserting “17.315 percent”;

18 (D) by striking paragraphs (3) and (4);

19 (E) by redesignating paragraph (5) as
20 paragraph (4); and

21 (F) by inserting after paragraph (2) the
22 following:

23 “(3) BOATING INFRASTRUCTURE IMPROVE-
24 MENT.—

1 “(A) IN GENERAL.—An amount equal to 4
2 percent to the Secretary of the Interior for
3 qualified projects under section 5604(c) of the
4 Clean Vessel Act of 1992 (33 U.S.C. 1322
5 note) and section 7404(d) of the Sportfishing
6 and Boating Safety Act of 1998 (16 U.S.C.
7 777g–1(d)).

8 “(B) LIMITATION.—Not more than 75 per-
9 cent of the amount under subparagraph (A)
10 shall be available for projects under either of
11 the sections referred to in subparagraph (A).”;
12 (2) in subsection (b)—

13 (A) in paragraph (1)(A) by striking “for
14 each” and all that follows through “the Sec-
15 retary” and inserting “for each fiscal year
16 through fiscal year 2021, the Secretary”;

17 (B) by redesignating paragraph (2) as
18 paragraph (3);

19 (C) by inserting after paragraph (1) the
20 following:

21 “(2) SET-ASIDE FOR COAST GUARD ADMINIS-
22 TRATION.—

23 “(A) IN GENERAL.—From the annual ap-
24 propriation made in accordance with section 3,
25 for each of fiscal years 2016 through 2021, the

1 Secretary of the department in which the Coast
2 Guard is operating may use no more than the
3 amount specified in subparagraph (B) for the
4 fiscal year for the purposes set forth in section
5 13107(c) of title 46, United States Code. The
6 amount specified in subparagraph (B) for a fis-
7 cal year may not be included in the amount of
8 the annual appropriation distributed under sub-
9 section (a) for the fiscal year.

10 “(B) AVAILABLE AMOUNTS.—The available
11 amount referred to in subparagraph (A) is—

12 “(i) for fiscal year 2016, \$7,800,000;

13 “(ii) for fiscal year 2017, \$7,900,000;

14 “(iii) for fiscal year 2018, \$8,000,000;

15 “(iv) for fiscal year 2019, \$8,100,000;

16 “(v) for fiscal year 2020, \$8,200,000;

17 and

18 “(vi) for fiscal year 2021,
19 \$8,300,000.”; and

20 (D) in paragraph (3), as so redesignated—

21 (i) in subparagraph (A), by striking
22 “until the end of the fiscal year.” and in-
23 serting “until the end of the subsequent
24 fiscal year.”; and

1 (ii) in subparagraph (B) by striking
2 “under subsection (e)” and inserting
3 “under subsection (c)”;

4 (3) in subsection (c)—

5 (A) by striking “(c) The Secretary” and
6 inserting “(c)(1) The Secretary,”;

7 (B) by striking “grants under section 14 of
8 this title” and inserting “activities under sec-
9 tion 14(e)”;

10 (C) by striking “57 percent” and inserting
11 “58.012 percent”; and

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

13 “(2) The Secretary shall deduct from the amount to
14 be apportioned under paragraph (1) the amounts used for
15 grants under section 14(a).”; and

16 (4) in subsection (e)(1), by striking “those sub-
17 sections,” and inserting “those paragraphs,”.

18 (c) SUBMISSION AND APPROVAL OF PLANS AND
19 PROJECTS.—Section 6(d) of the Dingell-Johnson Sport
20 Fish Restoration Act (16 U.S.C. 777e(d)) is amended by
21 striking “for appropriations” and inserting “from appro-
22 priations”.

23 (d) UNEXPENDED OR UNOBLIGATED FUNDS.—Sec-
24 tion 8(b)(2) of the Dingell-Johnson Sport Fish Restora-

1 tion Act (16 U.S.C. 777g(b)(2)) is amended by striking
2 “57 percent” and inserting “58.012 percent”.

3 (e) COOPERATION.—Section 12 of the Dingell-John-
4 son Sport Fish Restoration Act (16 U.S.C. 777k) is
5 amended—

6 (1) by striking “57 percent” and inserting
7 “58.012 percent”; and

8 (2) by striking “under section 4(b)” and insert-
9 ing “under section 4(c)”.

10 (f) OTHER ACTIVITIES.—Section 14 of the Dingell-
11 Johnson Sport Fish Restoration Act (16 U.S.C. 777m)
12 is amended—

13 (1) in subsection (a)(1), by striking “of each
14 annual appropriation made in accordance with the
15 provisions of section 3”; and

16 (2) in subsection (e)—

17 (A) in the matter preceding paragraph (1)
18 by striking “Of amounts made available under
19 section 4(b) for each fiscal year—” and insert-
20 ing “Not more than \$1,200,000 of each annual
21 appropriation made in accordance with the pro-
22 visions of section 3 shall be distributed to the
23 Secretary of the Interior for use as follows:”;
24 and

1 (B) in paragraph (1)(D) by striking “;
2 and” and inserting a period.

3 (g) REPEAL.—The Dingell-Johnson Sport Fish Res-
4 toration Act (16 U.S.C. 777 et seq.) is amended—

5 (1) by striking section 15; and

6 (2) by redesignating section 16 as section 15.

7 **SEC. 10002. RECREATIONAL BOATING SAFETY.**

8 Section 13107 of title 46, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) by striking “(1) Subject to paragraph
12 (2) and subsection (c),” and inserting “Subject
13 to subsection (c),”;

14 (B) by striking “the sum of (A) the
15 amount made available from the Boat Safety
16 Account for that fiscal year under section 15 of
17 the Dingell-Johnson Sport Fish Restoration Act
18 and (B)”;

19 (C) by striking paragraph (2); and

20 (2) in subsection (c)—

21 (A) by striking the subsection designation
22 and paragraph (1) and inserting the following:

23 “(c)(1)(A) The Secretary may use amounts made
24 available each fiscal year under section 4(b)(2) of the Din-
25 gell-Johnson Sport Fish Restoration Act (16 U.S.C.

1 777c(b)(2)) for payment of expenses of the Coast Guard
2 for investigations, personnel, and activities directly related
3 to—

4 “(i) administering State recreational boating
5 safety programs under this chapter; or

6 “(ii) coordinating or carrying out the national
7 recreational boating safety program under this title.

8 “(B) Of the amounts used by the Secretary each fis-
9 cal year under subparagraph (A)—

10 “(i) not less than \$2,000,000 is available to en-
11 sure compliance with chapter 43 of this title; and

12 “(ii) not more than \$1,500,000 is available to
13 conduct a survey of levels of recreational boating
14 participation and related matters in the United
15 States.”; and

16 (B) in paragraph (2)—

17 (i) by striking “No funds” and insert-
18 ing “On and after October 1, 2016, no
19 funds”; and

20 (ii) by striking “traditionally”.

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