AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 114–234

BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

JUNE 24, 2015

Printed for the use of the Committee on Environment and Public Works

Available via the World Wide Web: http://www.gpo.gov/fdsys

BUSINESS MEETING: JUNE 24, 2015

S. HRG. 114–234

BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

JUNE 24, 2015

Printed for the use of the Committee on Environment and Public Works

Available via the World Wide Web: http://www.gpo.gov/fdsys

U.S. GOVERNMENT PUBLISHING OFFICE

99–792 PDF WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION

JAMES M. INHOFE, Oklahoma, *Chairman*

DAVID VITTER, Louisiana
JOHN BARRASSO, Wyoming
SHELLEY MOORE CAPITO, West Virginia
MIKE CRAPO, Idaho
JOHN BOOZMAN, Arkansas
JEFF SESSIONS, Alabama
ROGER WICKER, Mississippi
DEB FISCHER, Nebraska
MIKE ROUNDS, South Dakota
DAN SULLIVAN, Alaska

BARBARA BOXER, California
THOMAS R. CARPER, Delaware
BENJAMIN L. CARDIN, Maryland
BERNARD SANDERS, Vermont
SHELDON WHITEHOUSE, Rhode Island
JEFF MERKLEY, Oregon
KIRSTEN GILLIBRAND, New York
CORY A. BOOKER, New Jersey
EDWARD J. MARKEY, Massachusetts

RYAN JACKSON, *Majority Staff Director*
BETTINA POIRIER, *Democratic Staff Director*

C O N T E N T S

Page

JUNE 24, 2015

OPENING STATEMENTS

Inhofe, Hon. James M., U.S. Senator from the State of Oklahoma 1
Boxer, Hon. Barbara, U.S. Senator from the State of California 4
Whitehouse, Hon. Sheldon, U.S. Senator from the State of Rhode Island 301
Sullivan, Hon. Dan, U.S. Senator from the State of Alaska 302
Sanders, Hon. Bernard, U.S. Senator from the State of Vermont 302
Markey, Hon. Edward J., U.S. Senator from the State of Massachusetts 307
Vitter, Hon. David, U.S. Senator from the State of Louisiana 307
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware 308
Sessions, Hon. Jeff, U.S. Senator from the State of Alabama 309
Wicker, Hon. Roger, U.S. Senator from the State of Mississippi 309
Cardin, Hon. Benjamin L., U.S. Senator from the State of Maryland 310
Gillibrand, Hon. Kirsten, U.S. Senator from the State of New York 311
Booker, Hon. Cory A., U.S. Senator from the State of New Jersey, prepared statement 314

LEGISLATION

Text of S. 1647, the Developing a Reliable and Innovative Vision for the Economy Act 8
Text of the amendment offered by Senators Inhofe, Boxer, Vitter, and Carper 278
Text of the amendment No. 1 offered by Senator Fischer 288
Text of the amendment No. 1 offered by Senators Gillibrand and Merkley 291
Text of the amendment No. 2 offered by Senator Whitehouse 296
Text of the amendment No. 2 offered by Senators Wicker and Booker 300

BUSINESS MEETING

WEDNESDAY, JUNE 24, 2015

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m. in room 406, Dirksen Senate Building, Hon. James M. Inhofe (chairman of the committee) presiding.

Present: Senators Inhofe, Boxer, Vitter, Barrasso, Capito, Crapo, Boozman, Sessions, Wicker, Fischer, Rounds, Sullivan, Carper, Cardin, Sanders, Whitehouse, Merkley, Gillibrand, Booker, and Markey.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. Our meeting will come to order.

Welcome to today's markup. It has been a long time, and we have talked about it. We have been down this road before, and now it is a reality today.

As I have said many times, my top priority this year is to pass a fiscally responsible, long term highway bill. Ranking Member Boxer, Senator Vitter, Senator Carper and I have worked hard to put this together. I think they agree also.

People ask questions. What are you trying to accomplish? We want a long term bill. We have gone through the agony of short term extensions, and we do not have to do that again. For the sake of America, we should not do that again. That is too expensive.

Unfortunately, what used to be the best transportation system in the world is now deteriorating. Senator Boxer made some comments about her observations in China and some of the things that are going on. We are just not in the position we were at one time.

American businesses rely on an efficient and reliable transportation network. More than 250 million vehicles traverse the highway system each year and businesses require a reliable transportation network to operate. However, every day, 20,000 miles of our highways slow below posted speed limits or experience stop-and-go conditions. This type of congestion has a huge negative impact on America's businesses.

The DRIVE Act has several key components that position America's transportation system to support our growing economy. This bill defines the Federal role to prioritize projects that are most in the national interest. This bill creates a new freight program that gives American businesses increased access to energy production,

agriculture, mining and the ports where we trade with the rest of the world.

In order to implement these reforms, we are cutting red tape to accelerate project delivery. This is something we have successfully done on two other occasions.

We are carrying that forward again today. This is accomplished by improving collaboration, eliminating redundancies, and removing barriers that delay the process. We are making the NEPA process more efficient so projects can be delivered in a timely fashion.

A solution is urgent, because today we quite literally sit at a crossroads. In order to repair deficient bridges, eliminate waste, and reduce congestion, Congress must act now and pass a long-term bill, the bill we have before us today.

Senator Boxer.

[The prepared statement of Senator Inhofe follows:]

Chairman, Committee on Environment and Public Works

Welcome to today's markup. As I have said many times, my top priority this year is to pass a fiscally-responsible, long-term highway bill. Ranking Member Boxer, Senator Vitter, Senator Carper and I have worked hard to put together a 6 year bill that we believe will put America back on the map as the best place to do business.

Unfortunately, what used to be the best transportation system in the world is now deteriorating, and our global competitors are greatly outpacing us in their infrastructure investment.

American businesses rely on an efficient and reliable transportation network. More than 250 million vehicles traverse the highway system each year and businesses require a reliable transportation network to operate.

But every day, 20,000 miles of our highways slow below posted speed limits or experience stop-and-go conditions. This type of congestion has a huge negative impact on America's businesses.

"The Drive Act" has several key components that position America's transportation system to support our growing economy. This bill defines the federal role to prioritize projects that are most in the national interest. This bill creates a new freight program that gives American businesses increased access to energy production, agriculture, mining and the ports where we trade with the rest of the world.

In order to implement these reforms, we are cutting red tape to accelerate project delivery. This is accomplished by improving collaboration, eliminating redundancies, and removing barriers that delay the process.

We are making the NEPA process more efficient so projects can be delivered in a timely fashion.

A solution is urgent, because today we quite literally sit at a crossroads. In order to repair deficient bridges, eliminate waste, and reduce congestion, Congress must act now and pass a long-term surface infrastructure solution. Beyond solving existing problems, a long-term bill will pave the way for the next 50 years of American excellence in infrastructure.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. Mr. Chairman, this is what I call a really good day in this committee. I hope it starts a trend in the Senate.

My Chairman, Senator Jim Inhofe, and I have negotiated, along with Senators Vitter and Carper, and, I have to say, every member on our side and every member on his side, a strong, 6-year surface transportation bill, which we are calling the DRIVE Act.

This bill comes not a minute too soon, because we are 38 days away from the expiration of the current highway program extension. Shortly after that, the Highway Trust Fund, which funds highways and transit, will go broke.

We have 61,300 structurally deficient bridges in the U.S., and 50 percent of our roads are in less than good condition. That is unacceptable. Our transportation systems used to be the envy of the world, as my colleague pointed out, but now we lag behind.

States and local governments rely on the Federal Government to fund parts of their surface transportation programs. Some States depend on Federal resources for 60, 70, 80, 90 and even 100 percent. Millions of American workers and thousands of businesses are relying on us to pass this transportation bill. I will go through the highlights for me.

One is increased funding above current levels, which will begin to help us address the Nation's massive backlog. Second is a national freight program, which will dedicate billions of dollars per year to improving goods movement. It costs businesses a fortune when they cannot move their goods in a timely way.

Third is projects of national significance, which will target funds to the most deserving mega-projects in the country. Fourth is funding for transportation alternatives, to continue investing in active transportation projects that provide cost-effective transportation alternatives while also improving safety, protecting public health, and reducing congestion.

Fifth is a program about which I care deeply, a robust TIFIA program that meets the current needs. I would remind colleagues that every dollar of TIFIA funding is matched by 30 or more dollars from private sector and government sources.

Sixth is a new reform which was actually cheered by my colleagues when I explained it to them. I thank you, Mr. Chairman, for working so hard on this. This is a new reform that allows local sponsors to get funding for their local projects directly rather than having to go to the States and the State takes off an amount of money for administration.

When we cooperate and really negotiate, everybody has to give up a little. During the negotiations of this bill, in order to get the things I just highlighted, there were things I had to agree to that were painful for me such as accelerating project delivery.

However, I want to make it clear that the provisions I worked on with Senator Inhofe do not undermine current environmental health and safety laws. They just speed things up so that we can get the job done.

I have been clear from the start that the Democratic conference would like to see an even more robust transportation bill given the

needs we have. President Obama has introduced his idea. I think he calls it the GROW Act.

We will continue on our side to fight for a more robust bill. We believe it is incredible that we have been able to come together to get this bill done. We are proud of it, and we are proud of our staffs across the aisle.

I do want to say to my Chairman, this was really a moment for us again. We came close to losing the whole thing over the weekend, but we never gave up, and we found the compromise we needed.

I want to add something here that I think is important. Yesterday, by chance, I had the opportunity to talk to Speaker Boehner, who I just ran into in the hallway. He called me, and he wanted to talk about this transportation bill.

Mr. Chairman and members, he told me he strongly supports a 6-year bill and that he is going to work hard to get it there. When I told him of our bipartisan agreement, Mr. Chairman, he could not have been more pleased.

This is really good to have the leaders in the House, I know the Democrats feel the same way, if we can all work together.

Yesterday in the House, a TSCA bill passed 398 to 1, what an amazing, remarkable thing, to take a bill that was so controversial and get it to a place where it could have that kind of vote. I hope we can follow the lead on that.

I thank you so very much.

[The prepared statement of Senator Boxer follows:]

Ranking Member Boxer's Opening Statement DRIVE Act Business Meeting

Ranking Member, Committee on Environment and Public Works

(Remarks as prepared for delivery)

This is what I call a really good day in the United States Senate, and I hope it starts a trend. My Chairman, Senator Jim Inhofe, and I have negotiated, along with Senators Vitter and Carper, a strong, six-year surface transportation bill, which we are calling the DRIVE Act.

This bill comes not a minute too soon, because we are 38 days away from the expiration of the current highway program extension. Shortly after that, the Highway Trust Fund, which funds highways and transit, will go broke. That is what you call an emergency, because states rely heavily on the Highway Trust Fund.

We have 61,300 structurally deficient bridges in the U.S., and 50 percent of our roads are in less than good condition. That is unacceptable. Our transportation systems used to be the envy of the world, but now we lag behind our overseas competitors in infrastructure investment.

States and local governments rely on the federal government to fund their surface transportation programs – some states depend on federal resources for 60, 70, 80, 90 percent. Millions of American workers and thousands of businesses are relying on us to pass this transportation bill.

Here are some of the highlights in the bill:

1. Increased funding above current levels, which will begin to help us address the nation's massive infrastructure investment backlog;
2. A national freight program, which will dedicate billions of dollars per year to improving goods movement, vital to commerce and our economic security;
3. Projects of national significance, which will target funds to the most deserving mega-projects that provide regional and nationwide benefits;
4. Funding for transportation alternatives, to continue investing in active transportation projects that provide cost-effective transportation alternatives while also improving safety, protecting public health, and reducing congestion;
5. A robust TIFIA program that meets the current needs, and I would remind colleagues that every dollar of TIFIA funding is matched by 30 or more dollars from private and government sources; and
6. A new reform that allows local sponsors to get funding for their local projects rather than having to go to the states.

When we cooperate and really negotiate, everybody has to give up a little and set their priorities. During the negotiations of this bill, in order to get the things I just highlighted, there were things I had to agree to on accelerating project delivery, but these provisions do not undermine current environmental health and safety laws. They just speed things up.

I have been clear from the start that the Democratic Caucus would like to see an even more robust transportation bill, like the one President Obama has proposed.

That is why I will continue to work for a more robust bill, but I want to be clear that in my view it is incredible that we have been able to come together across the aisle to get this bill done. I want to thank Chairman Inhofe and his staff, as well as my staff, for getting us to this point.

Overwhelming bipartisan support for this bill will serve as a signal that we are serious about getting this done, and I hope that the momentum created by our action here today will encourage the other Committees in the House and Senate to move quickly to act.

I am so proud that Senator Inhofe has been able to win support for a robust bill. Yesterday I had the opportunity to talk briefly with Speaker Boehner, and he expressed to me his strong support for a six-year bill and spoke with pleasure that we have reached agreement on a bipartisan bill.

Senator INHOFE. Thank you, Senator Boxer.

As a reminder, I think we are all aware that in order to pass the legislation, we have to have a quorum of 11 but just 7 to approve amendments. Right now, we are at 13, nobody leave.

We will begin considering the text circulated with the notice provided to all offices as usual. I will ask if members seek recognition on each amendment and allow each member to call up their own amendments.

We can have committee counsel available, which they are available and seated now at the table to answer questions concerning the legislation and the amendments from the committee members. At the conclusion of the member statements and questions, we will vote on the amendments and proceed to a vote on S. 1647.

To begin, the Ranking Member, Senator Vitter, Senator Carper and I have developed a list of amendments that can be agreed to. I would ask that the following amendments be adopted en bloc.

Fischer No. 1 is modified. Gillibrand-Merkley No. 1 is modified. Whitehouse No. 2 is modified. Wicker-Booker No. 2 is modified. These amendments and modifications were stipulated last night, and there is no objection.

Is there objection?

Without objection, so ordered.

[The referenced legislation follows:]

114TH CONGRESS
1ST SESSION

S. _____

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE (for himself, Mrs. BOXER, Mr. VITTER, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Developing a Reliable and Innovative Vision for the Economy Act" or the "DRIVE Act".

SEC. 2. DEFINITIONS; TABLE OF CONTENTS.

(a) DEFINITIONS.—In this Act:

1 (1) DEPARTMENT.—The term "Department"
2 means the Department of Transportation.
3 (2) SECRETARY.—The term "Secretary" means
4 the Secretary of Transportation.
5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions; table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1001. Authorization of appropriations.
Sec. 1002. Obligation ceiling.
Sec. 1003. Apportionment.
Sec. 1004. Surface transportation program.
Sec. 1005. Metropolitan transportation planning.
Sec. 1006. Statewide and nonmetropolitan transportation planning.
Sec. 1007. Highway use tax evasion projects.
Sec. 1008. Bundling of bridge projects.
Sec. 1009. Flexibility for certain rural road and bridge projects.
Sec. 1010. Construction of ferry boats and ferry terminal facilities.
Sec. 1011. Highway safety improvement program.
Sec. 1012. Data collection on unpaved public roads.
Sec. 1013. Congestion mitigation and air quality improvement program.
Sec. 1014. National freight program.
Sec. 1015. Assistance for major projects program.
Sec. 1016. Transportation alternatives.
Sec. 1017. Consolidation of programs.
Sec. 1018. State flexibility for National Highway System modifications.
Sec. 1019. Toll roads, bridges, tunnels, and ferries.
Sec. 1020. HOV facilities.
Sec. 1021. Interstate system reconstruction and rehabilitation pilot program.
Sec. 1022. Emergency relief for federally owned roads.
Sec. 1023. Bridges requiring closure or load restrictions.
Sec. 1024. National electric vehicle charging and natural gas fueling corridors.
Sec. 1025. Asset management.
Sec. 1026. Tribal transportation program amendment.
Sec. 1027. Nationally significant Federal lands and Tribal projects program.
Sec. 1028. Federal lands programmatic activities.
Sec. 1029. Federal lands transportation program.

Subtitle B—Acceleration of Project Delivery

Sec. 1101. Categorical exclusion for projects of limited Federal assistance.
Sec. 1102. Programmatic agreement template.
Sec. 1103. Agency coordination.
Sec. 1104. Initiation of environmental review process.

Sec. 1105. Improving collaboration for accelerated decision making.
Sec. 1106. Accelerated decisionmaking in environmental reviews.
Sec. 1107. Improving transparency in environmental reviews.
Sec. 1108. Integration of planning and environmental review.
Sec. 1109. Use of programmatic mitigation plans.
Sec. 1110. Adoption of Departmental environmental documents.
Sec. 1111. Technical assistance for States.
Sec. 1112. Surface transportation project delivery program.
Sec. 1113. Categorical exclusions for multimodal projects.
Sec. 1114. Modernization of the environmental review process.
Sec. 1115. Service club, charitable association, or religious service signs.
Sec. 1116. Satisfaction of requirements for certain historic sites.
Sec. 1117. Bridge exemption from consideration under certain provisions.
Sec. 1118. Elimination of barriers to improve at-risk bridges.
Sec. 1119. At-risk project preagreement authority.

Subtitle C—Miscellaneous

Sec. 1201. Credits for untaxed transportation fuels.
Sec. 1202. Justification reports for access points on the Interstate System.
Sec. 1203. Exemptions.
Sec. 1204. High priority corridors on the national highway system.
Sec. 1205. Repeat intoxicated driver law.
Sec. 1206. Vehicle-to-infrastructure equipment.
Sec. 1207. Designated projects.
Sec. 1208. Relinquishment.
Sec. 1209. Transfer and sale of toll credits.
Sec. 1210. Regional infrastructure accelerator demonstration program.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

Sec. 2001. Research, technology, and education.
Sec. 2002. Intelligent transportation systems.
Sec. 2003. Future interstate study.
Sec. 2004. Researching surface transportation system funding alternatives.

Subtitle B—Data

Sec. 2101. Tribal data collection.
Sec. 2102. Performance management data support program.

Subtitle C—Transparency and Best Practices

Sec. 2201. Every Day Counts initiative.
Sec. 2202. Department of Transportation performance measures.
Sec. 2203. Grant program for achievement in transportation for performance and innovation.
Sec. 2204. Highway trust fund transparency and accountability.
Sec. 2205. Report on highway trust fund administrative expenditures.
Sec. 2206. Availability of reports.
Sec. 2207. Performance period adjustment.
Sec. 2208. Design standards.

TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

Sec. 3001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

TITLE IV—TECHNICAL CORRECTIONS TO MAP–21

Sec. 4001. Technical corrections.

TITLE V—MISCELLANEOUS

Sec. 5001. Appalachian development highway system.
Sec. 5002. Appalachian regional development program.

TITLE VI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

Sec. 6001. Extension of Federal-aid highway programs.
Sec. 6002. Administrative expenses.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, and to carry out section 134 of that title—

(A) $40,579,500,000 for fiscal year 2016;

(B) $41,421,300,000 for fiscal year 2017;

(C) $42,327,100,000 for fiscal year 2018;

(D) $43,300,400,000 for fiscal year 2019;

(E) $44,394,700,000 for fiscal year 2020; and

(F) $45,515,900,000 for fiscal year 2021.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $675,000,000 for each of fiscal years 2016 through 2021.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

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

(i) $460,000,000 for fiscal year 2016;

(ii) $470,000,000 for fiscal year 2017;

(iii) $480,000,000 for fiscal year 2018;

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

(v) $500,000,000 for fiscal year 2020; and

(vi) $510,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

(I) $305,000,000 for fiscal year 2016;

(II) $310,000,000 for fiscal year 2017;

(III) $315,000,000 for fiscal year 2018;

(IV) $320,000,000 for fiscal year 2019;

(V) $325,000,000 for fiscal year 2020; and

(VI) $330,000,000 for fiscal year 2021.

(ii) SPECIAL RULE.—

(I) $240,000,000 of the amount made available for each fiscal year

shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

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

(i) $255,000,000 for fiscal year 2016;

(ii) $260,000,000 for fiscal year 2017;

(iii) $265,000,000 for fiscal year 2018;

(iv) $270,000,000 for fiscal year 2019;

(v) $275,000,000 for fiscal year 2020; and

(vi) $280,000,000 for fiscal year 2021.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $190,000,000 for each of fiscal years 2016 through 2021.

(5) ASSISTANCE FOR MAJOR PROJECTS PROGRAM.—For the assistance for major projects program under section 171 of title 23, United States Code—

(A) $300,000,000 for fiscal year 2016;

(B) $350,000,000 for fiscal year 2017;

(C) $400,000,000 for fiscal year 2018;

(D) $450,000,000 for fiscal year 2019;

(E) $450,000,000 for fiscal year 2020; and

(F) $450,000,000 for fiscal year 2021.

(b) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

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

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $135,000,000 for each of fiscal years 2016 through 2021.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States

1 Code, $62,500,000 for each of fiscal years 2016
2 through 2021.
3 (C) TRAINING AND EDUCATION.—To carry
4 out training and education under section 504 of
5 title 23, United States Code, $24,000,000 for
6 each of fiscal years 2016 through 2021.
7 (D) INTELLIGENT TRANSPORTATION SYS-
8 TEMS PROGRAM.—To carry out the intelligent
9 transportation systems program under sections
10 512 through 518 of title 23, United States
11 Code, $100,000,000 for each of fiscal years
12 2016 through 2021.
13 (E) UNIVERSITY TRANSPORTATION CEN-
14 TERS PROGRAM.—To carry out the university
15 transportation centers program under section
16 5505 of title 49, United States Code,
17 $72,500,000 for each of fiscal years 2016
18 through 2021.
19 (F) BUREAU OF TRANSPORTATION STATIS-
20 TICS.—To carry out chapter 63 of title 49,
21 United States Code, $26,000,000 for each of
22 fiscal years 2016 through 2021.
23 (2) ADMINISTRATION.—The Federal Highway
24 Administration shall administer the programs de-

1 scribed in subparagraphs (D) through (F) of para-
2 graph (1).
3 (3) APPLICABILITY OF TITLE 23, UNITED
4 STATES CODE.—Funds authorized to be appro-
5 priated by paragraph (1) shall—
6 (A) be available for obligation in the same
7 manner as if those funds were apportioned
8 under chapter 1 of title 23, United States Code;
9 (B) remain available until expended; and
10 (C) not be transferable.
11 (c) DISADVANTAGED BUSINESS ENTERPRISES.—
12 (1) FINDINGS.—Congress finds that—
13 (A) while significant progress has occurred
14 due to the establishment of the disadvantaged
15 business enterprise program, discrimination and
16 related barriers continue to pose significant ob-
17 stacles for minority- and women-owned busi-
18 nesses seeking to do business in federally as-
19 sisted surface transportation markets across the
20 United States;
21 (B) the continuing barriers described in
22 subparagraph (A) merit the continuation of the
23 disadvantaged business enterprise program;
24 (C) Congress has received and reviewed
25 testimony and documentation of race and gen-

1 der discrimination from numerous sources, in-
2 cluding congressional hearings and roundtables,
3 scientific reports, reports issued by public and
4 private agencies, news stories, reports of dis-
5 crimination by organizations and individuals,
6 and discrimination lawsuits, which show that
7 race- and gender-neutral efforts alone are insuf-
8 ficient to address the problem;
9 (D) the testimony and documentation de-
10 scribed in subparagraph (C) demonstrate that
11 discrimination across the United States poses a
12 barrier to full and fair participation in surface
13 transportation-related businesses of women
14 business owners and minority business owners
15 and has impacted firm development and many
16 aspects of surface transportation-related busi-
17 ness in the public and private markets; and
18 (E) the testimony and documentation de-
19 scribed in subparagraph (C) provide a strong
20 basis that there is a compelling need for the
21 continuation of the disadvantaged business en-
22 terprise program to address race and gender
23 discrimination in surface transportation-related
24 business.

1 (2) DEFINITIONS.—In this subsection, the fol-
2 lowing definitions apply:
3 (A) SMALL BUSINESS CONCERN.—
4 (i) IN GENERAL.—The term "small
5 business concern" means a small business
6 concern (as the term is used in section 3
7 of the Small Business Act (15 U.S.C.
8 632)).
9 (ii) EXCLUSIONS.—The term "small
10 business concern" does not include any
11 concern or group of concerns controlled by
12 the same socially and economically dis-
13 advantaged individual or individuals that
14 have average annual gross receipts during
15 the preceding 3 fiscal years in excess of
16 $22,410,000, as adjusted annually by the
17 Secretary for inflation.
18 (B) SOCIALLY AND ECONOMICALLY DIS-
19 ADVANTAGED INDIVIDUALS.—The term "so-
20 cially and economically disadvantaged individ-
21 uals" has the meaning given the term in section
22 8(d) of the Small Business Act (15 U.S.C.
23 637(d)) and relevant subcontracting regulations
24 issued pursuant to that Act, except that women
25 shall be presumed to be socially and economi-

1 cally disadvantaged individuals for purposes of
2 this subsection.
3 (3) AMOUNTS FOR SMALL BUSINESS CON-
4 CERNS.—Except to the extent that the Secretary de-
5 termines otherwise, not less than 10 percent of the
6 amounts made available for any program under title
7 I of this Act and section 403 of title 23, United
8 States Code, shall be expended through small busi-
9 ness concerns owned and controlled by socially and
10 economically disadvantaged individuals.
11 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
12 NESS ENTERPRISES.—Each State shall annually—
13 (A) survey and compile a list of the small
14 business concerns referred to in paragraph (2)
15 in the State, including the location of the small
16 business concerns in the State; and
17 (B) notify the Secretary, in writing, of the
18 percentage of the small business concerns that
19 are controlled by—
20 (i) women;
21 (ii) socially and economically dis-
22 advantaged individuals (other than
23 women); and

1 (iii) individuals who are women and
2 are otherwise socially and economically dis-
3 advantaged individuals.
4 (5) UNIFORM CERTIFICATION.—
5 (A) IN GENERAL.—The Secretary shall es-
6 tablish minimum uniform criteria for use by
7 State governments in certifying whether a con-
8 cern qualifies as a small business concern for
9 the purpose of this subsection.
10 (B) INCLUSIONS.—The minimum uniform
11 criteria established under subparagraph (A)
12 shall include, with respect to a potential small
13 business concern—
14 (i) on-site visits;
15 (ii) personal interviews with personnel;
16 (iii) issuance or inspection of licenses;
17 (iv) analyses of stock ownership;
18 (v) listings of equipment;
19 (vi) analyses of bonding capacity;
20 (vii) listings of work completed;
21 (viii) examination of the resumes of
22 principal owners;
23 (ix) analyses of financial capacity; and
24 (x) analyses of the type of work pre-
25 ferred.

1 (6) REPORTING.—The Secretary shall establish
2 minimum requirements for use by State govern-
3 ments in reporting to the Secretary—
4 (A) information concerning disadvantaged
5 business enterprise awards, commitments, and
6 achievements; and
7 (B) such other information as the Sec-
8 retary determines to be appropriate for the
9 proper monitoring of the disadvantaged busi-
10 ness enterprise program.
11 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
12 ing in this subsection limits the eligibility of an indi-
13 vidual or entity to receive funds made available
14 under title I of this Act and section 403 of title 23,
15 United States Code, if the individual or entity is pre-
16 vented, in whole or in part, from complying with
17 paragraph (2) because a Federal court issues a final
18 order in which the court finds that a requirement or
19 the implementation of paragraph (2) is unconstitu-
20 tional.
21 (d) CONFORMING AMENDMENT.—Section 1101(b) of
22 MAP–21 (Public Law 112–141; 126 Stat. 414) is re-
23 pealed.

SEC. 1002. OBLIGATION CEILING.

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

(1) $43,076,500,000 for fiscal year 2016;

(2) $43,997,300,000 for fiscal year 2017;

(3) $44,982,100,000 for fiscal year 2018;

(4) $46,034,400,000 for fiscal year 2019;

(5) $47,157,700,000 for fiscal year 2020; and

(6) $48,307,900,000 for fiscal year 2021.

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

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

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

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance 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) section 105 of title 23, United States Code
11 (as in effect for fiscal years 2005 through 2012, but
12 only in an amount equal to $639,000,000 for each
13 of those fiscal years);
14 (10) Federal-aid highway programs for which
15 obligation authority was made available under the
16 Transportation Equity Act for the 21st Century
17 (112 Stat. 107) or subsequent Acts for multiple
18 years or to remain available until expended, but only
19 to the extent that the obligation authority has not
20 lapsed or been used;
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 each of fiscal years 2016 through 2021,
9 only in an amount equal to $639,000,000 for each
10 of those fiscal years).
11 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
12 For each of fiscal years 2016 through 2021, the Secretary
13 shall—
14 (1) not distribute obligation authority provided
15 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) not distribute an amount of obligation au-
22 thority 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) determine the proportion that—
10 (A) an amount equal to the difference be-
11 tween—
12 (i) the obligation authority provided
13 by subsection (a) for the fiscal year; and
14 (ii) the aggregate amount not distrib-
15 uted under paragraphs (1) and (2); bears
16 to
17 (B) an amount equal to the difference be-
18 tween—
19 (i) the total of the sums authorized to
20 be appropriated for the Federal-aid high-
21 way and highway safety construction pro-
22 grams (other than sums authorized to be
23 appropriated for provisions of law de-
24 scribed in paragraphs (1) through (12) of
25 subsection (b) and sums authorized to be

1 appropriated for section 119 of title 23,
2 United States Code, equal to the amount
3 referred to in subsection (b)(13) for the
4 fiscal year); and
5 (ii) the aggregate amount not distrib-
6 uted under paragraphs (1) and (2);
7 (4) distribute the obligation authority provided
8 by subsection (a), less the aggregate amount not dis-
9 tributed under paragraphs (1) and (2), for each of
10 the programs (other than programs to which para-
11 graph (1) applies) that are allocated by the Sec-
12 retary under this Act and title 23, United States
13 Code, or apportioned by the Secretary under section
14 202 or 204 of that title, by multiplying—
15 (A) the proportion determined under para-
16 graph (3); by
17 (B) the amounts authorized to be appro-
18 priated for each such program for the fiscal
19 year; and
20 (5) distribute the obligation authority provided
21 by subsection (a), less the aggregate amount not dis-
22 tributed under paragraphs (1) and (2) and the
23 amounts distributed under paragraph (4), for Fed-
24 eral-aid highway and highway safety construction
25 programs that are apportioned by the Secretary

1 under title 23, United States Code, (other than the
2 amounts apportioned for the national highway per-
3 formance program under section 119 of title 23,
4 United States Code, that are exempt from the limi-
5 tation under subsection (b)(13) and the amounts ap-
6 portioned under sections 202 and 204 of that title)
7 in the proportion that—
8 (A) amounts authorized to be appropriated
9 for the programs that are apportioned under
10 title 23, United States Code, to each State for
11 the fiscal year; bears to
12 (B) the total of the amounts authorized to
13 be appropriated for the programs that are ap-
14 portioned under title 23, United States Code, to
15 all States for the fiscal year.
16 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
17 THORITY.—Notwithstanding subsection (c), the Secretary
18 shall, after August 1 of each of fiscal years 2016 through
19 2021—
20 (1) revise a distribution of the obligation au-
21 thority made available under subsection (c) if an
22 amount distributed cannot be obligated during that
23 fiscal year; and
24 (2) redistribute sufficient amounts to those
25 States able to obligate amounts in addition to those

1 previously distributed during that fiscal year, giving
2 priority to those States having large unobligated bal-
3 ances of funds apportioned under sections 144 (as in
4 effect on the day before the date of enactment of
5 MAP–21 (126 Stat. 405)) and 104 of title 23,
6 United States Code.

7 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
8 TRANSPORTATION RESEARCH PROGRAMS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), obligation limitations imposed by sub-
11 section (a) shall apply to contract authority for
12 transportation research programs carried out under
13 chapter 5 of title 23, United States Code.

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

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

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

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

24 (1) IN GENERAL.—Not later than 30 days after
25 the date of distribution of obligation authority under

1 subsection (c) for each of fiscal years 2016 through
2 2021, the Secretary shall distribute to the States
3 any funds (excluding funds authorized for the pro-
4 gram under section 202 of title 23, United States
5 Code) that—
6 (A) are authorized to be appropriated for
7 the fiscal year for Federal-aid highway pro-
8 grams; and
9 (B) the Secretary determines will not be
10 allocated to the States (or will not be appor-
11 tioned to the States under section 204 of title
12 23, United States Code), and will not be avail-
13 able for obligation, for the fiscal year because
14 of the imposition of any obligation limitation for
15 the fiscal year.
16 (2) RATIO.—Funds shall be distributed under
17 paragraph (1) in the same proportion as the dis-
18 tribution of obligation authority under subsection
19 (c)(5).
20 (3) AVAILABILITY.—Funds distributed to each
21 State under paragraph (1) shall be available for any
22 purpose described in section 133(b) of title 23,
23 United States Code.

1 **SEC. 1003. APPORTIONMENT.**

2 (a) IN GENERAL.—Section 104 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1) by striking subpara-
5 graphs (A) and (B) and inserting the following:

6 "(A) $456,000,000 for fiscal year 2016;

7 "(B) $465,000,000 for fiscal year 2017;

8 "(C) $474,000,000 for fiscal year 2018;

9 "(D) $483,000,000 for fiscal year 2019;

10 "(E) $492,000,000 for fiscal year 2020;
11 and

12 "(F) $501,000,000 for fiscal year 2021.";

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),
15 by striking "and the congestion mitigation and
16 air quality improvement program" and insert-
17 ing "the congestion mitigation and air quality
18 improvement program, the national freight pro-
19 gram";

20 (B) in each of paragraphs (1), (2), and (3)
21 by striking "paragraphs (4) and (5)" each place
22 it appears and inserting "paragraphs (4), (5),
23 and (6), and section 213(a)";

24 (C) in paragraph (1), by striking "63.7
25 percent" and inserting "65 percent";

1 (D) in paragraph (2), by striking "29.3
2 percent" and inserting "29 percent";
3 (E) in paragraph (3), by striking "7 per-
4 cent" and inserting "6 percent";
5 (F) in paragraph (4), in the matter pre-
6 ceding subparagraph (A), by striking "deter-
7 mined for the State under subsection (c)" and
8 inserting "remaining under subsection (c) after
9 making the set-aside in accordance with para-
10 graph (5) and section 213(a)";
11 (G) by redesignating paragraph (5) as
12 paragraph (6);
13 (H) by inserting after paragraph (4) the
14 following:
15 "(5) NATIONAL FREIGHT PROGRAM.—
16 "(A) IN GENERAL.—For the national
17 freight program under section 167, the Sec-
18 retary shall set aside from the amount deter-
19 mined for a State under subsection (c) an
20 amount determined for the State under sub-
21 paragraphs (B) and (C).
22 "(B) TOTAL AMOUNT.—The total amount
23 set aside for the national freight program for
24 all States shall be—

1 "(i) $2,000,000,000 for fiscal year
2 2016;
3 "(ii) $2,100,000,000 for fiscal year
4 2017;
5 "(iii) $2,200,000,000 for fiscal year
6 2018;
7 "(iv) $2,300,000,000 for fiscal year
8 2019;
9 "(v) $2,400,000,000 for fiscal year
10 2020; and
11 "(vi) $2,500,000,000 for fiscal year
12 2021.
13 "(C) STATE SHARE.—The Secretary shall
14 distribute among the States the total set-aside
15 amount for the national freight program under
16 subparagraph (B) so that each State receives
17 an amount equal to the proportion that—
18 "(i) the total set-aside amount; bears
19 to
20 "(ii) the State total apportionments
21 determined under subsection (c).
22 "(D) METROPOLITAN PLANNING.—Of the
23 amount set aside under this paragraph for a
24 State, the Secretary shall use to carry out sec-

1 tion 134 an amount determined by multiplying
2 the set-aside amount by the proportion that—
3 "(i) the amount apportioned to the
4 State to carry out section 134 for fiscal
5 year 2009; bears to
6 "(ii) the total amount of funds appor-
7 tioned to the State for that fiscal year for
8 the programs referred to in section
9 105(a)(2), except for the high priority
10 projects program referred to in section
11 105(a)(2)(H) (as in effect on the day be-
12 fore the date of enactment of MAP–21
13 (Public Law 112–141; 126 Stat. 405).";
14 and
15 (I) in paragraph (6) (as redesignated by
16 subparagraph (G)), in the matter preceding
17 subparagraph (A), by striking "determined for
18 the State under subsection (c)" and inserting
19 "remaining under subsection (c) after making
20 the set-aside in accordance with paragraph (5)
21 and section 213(a)"; and
22 (3) in subsection (e) by adding at the end the
23 following:
24 "(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

"(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

"(i) INITIAL AMOUNT.—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State, which shall be equal to the proportion that—

"(I) the amount of apportionments that the State received for fiscal year 2014; bears to

"(II) the amount of those apportionments received by all States for that fiscal year.

"(ii) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

"(B) STATE APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134 in accordance with subparagraph (A).".

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 104(d)(1)(A) of title 23, United
3 States Code, is amended by striking "subsection
4 (b)(5)" each place it appears and inserting "para-
5 graphs (5)(D) and (6) of subsection (b)".

6 (2) Section 120(c)(3) of title 23, United States
7 Code, is amended—

8 (A) in subparagraph (A), in the matter
9 preceding clause (i), by striking "or (5)" and
10 inserting "(5)(D), or (6)"; and

11 (B) in subparagraph (C)(i), by striking
12 "and (5)" and inserting "(5)(D), and (6)".

13 (3) Section 135(i) of title 23, United States
14 Code, is amended by striking "section 104(b)(5)"
15 and inserting "paragraphs (5)(D) and (6) of section
16 104(b)".

17 (4) Section 136(b) of title 23, United States
18 Code, is amended in the first sentence by striking
19 "paragraphs (1) through (5) of section 104(b)" and
20 inserting "paragraphs (1) through (6) of section
21 104(b)".

22 (5) Section 141(b)(2) of title 23, United States
23 Code, is amended by striking "paragraphs (1)
24 through (5) of section 104(b)" and inserting "para-
25 graphs (1) through (6) of section 104(b)".

(6) Section 505(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking "through (4)" and inserting "through (5)".

SEC. 1004. SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (10), by inserting ", including emergency evacuation plans" after "programs"; and

(B) in paragraph (13), by adding a period at the end;

(2) in subsection (c)—

(A) in paragraph (1), by striking the semicolon at the end and inserting "or for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "50 percent" and inserting "55 percent";

(II) in clause (ii), by striking "greater than 5,000" and inserting "of 5,000 or more"; and

(III) in clause (iii), by striking "; and" at the end and inserting a period; and

(ii) in subparagraph (B), by striking "50 percent" and inserting "45 percent"; and

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)(ii)" and inserting "paragraph (1)(A)(iii)"; and

(ii) by striking "greater than 5,000 and less than 200,000" and inserting "of 5,000 to 200,000";

(4) in subsection (f)(1)—

(A) by striking "104(b)(3)" and inserting "104(b)(2)"; and

(B) by striking "the period of fiscal years 2011 through 2014" and inserting "each fiscal year";

(5) by redesignating subsection (h) as subsection (i);

(6) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

"(g) BRIDGES OFF THE NATIONAL HIGHWAY SYSTEM.—

"(1) DEFINITION OF OFF-NHS BRIDGE.—In this subsection, the term 'off-NHS bridge' means a highway bridge located on a public road, other than a bridge on the National Highway System."; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) SET-ASIDE.—Each State shall obligate for replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for off-NHS bridges an amount equal to the greater of—

1 "(i) 15 percent of the amount appor-
2 tioned to the State under section
3 104(b)(2); and
4 "(ii) an amount equal to at least 110
5 percent of the amount of funds the State
6 set aside for off-system bridges in fiscal
7 year 2014."; and
8 (ii) in subparagraph (B), by striking
9 "off-system" and inserting "off-NHS";
10 and
11 (C) by redesignating paragraph (3) as sub-
12 section (h);
13 (7) in subsection (h) (as so redesignated)—
14 (A) by striking the heading and inserting
15 "CREDIT FOR BRIDGES NOT ON THE NA-
16 TIONAL HIGHWAY SYSTEM.—";
17 (B) by redesignating subparagraphs (A)
18 and (B) as paragraphs (1) and (2), respectively,
19 and indenting appropriately; and
20 (C) in the matter preceding paragraph (1)
21 (as so redesignated)—
22 (i) by striking "the replacement of a
23 bridge or rehabilitation of"; and

(ii) by striking ", and is determined by the Secretary upon completion to be no longer a deficient bridge"; and

(8) in subsection (i)(1) (as redesignated by paragraph (5)), by striking "under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014" and inserting "under subsection (d)(1)(A)(ii) for each fiscal year".

SEC. 1005. METROPOLITAN TRANSPORTATION PLANNING.

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

(1) in subsection (a)(1), by inserting "resilient" before "surface transportation systems";

(2) in subsection (c)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers";

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

1 "(3) REPRESENTATION.—

2 "(A) IN GENERAL.—Designation or selec-
3 tion of officials or representatives under para-
4 graph (2) shall be determined by the metropoli-
5 tan planning organization according to the by-
6 laws or enabling statute of the organization.

7 "(B) PUBLIC TRANSPORTATION REP-
8 RESENTATIVE.—Subject to the bylaws or ena-
9 bling statute of the metropolitan planning orga-
10 nization, a representative of a provider of public
11 transportation may also serve as a representa-
12 tive of a local municipality.

13 "(C) POWERS OF CERTAIN OFFICIALS.—
14 An official described in paragraph (2)(B) shall
15 have responsibilities, actions, duties, voting
16 rights, and any other authority commensurate
17 with other officials described in paragraph
18 (2)(B).''; and

19 (C) in paragraph (5) (as redesignated by
20 subparagraph (A)), by striking "paragraph (5)"
21 and inserting "paragraph (6)";

22 (4) in subsection (e)(4)(B), by striking "sub-
23 section (d)(5)" and inserting "subsection (d)(6)";

(5) in subsection (g)(3)(A), by inserting "natural disaster risk reduction," after "environmental protection,";

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) improve the resilience and reliability of the transportation system."; and

(B) in paragraph (2)(A), by striking "and in section 5301(c) of title 49" and inserting "and the general purposes described in section 5301 of title 49";

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "transit" and inserting "public transportation facilities, intercity bus facilities";

(ii) in subparagraph (G)—

(I) by striking "and provide" and inserting ", provide"; and

(II) by inserting ", and reduce vulnerability due to natural disasters of the existing transportation infrastructure" before the period at the end; and

(iii) in subparagraph (H), by inserting ", including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting "public ports," before "freight shippers,"; and

(ii) by inserting "(including intercity bus operators and commuter vanpool providers)" after "private providers of transportation"; and

(C) in paragraph (8), by striking "(2)(C)" each place it appears and inserting "(2)(E)";

(8) in subsection (j)(5)(A), by striking "subsection (k)(4)" and inserting "subsection (k)(3)";

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (*l*)—

(A) in paragraph (1), by adding a period at the end; and

(B) in paragraph (2)(D), by striking "of less than 200,000" and inserting "with a population of 200,000 or less";

(11) by striking subsection (n);

(12) by redesignating subsections (o) through (q) as subsections (n) through (p), respectively; and

(13) in subsection (o) (as so redesignated), by striking "set aside under section 104(f)" and inserting "apportioned under paragraphs (5)(D) and (6) of section 104(b)".

SEC. 1006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle

1 transportation facilities, intermodal facilities that
2 support intercity transportation, including intercity
3 buses and intercity bus facilities, and commuter van-
4 pool providers";
5 (2) in subsection (d)—
6 (A) in paragraph (1)—
7 (i) in subparagraph (G), by striking
8 "and" at the end;
9 (ii) in subparagraph (H), by striking
10 the period at the end and inserting ";
11 and"; and
12 (iii) by adding at the end the fol-
13 lowing:
14 "(I) improve the resilience and reliability
15 of the transportation system."; and
16 (B) in paragraph (2)(A), by striking "and
17 in section 5301(e) of title 49" and inserting
18 "and the general purposes described in section
19 5301 of title 49";
20 (3) in subsection (e)(1), by striking "subsection
21 (m)" and inserting "subsection (l)";
22 (4) in subsection (f)—
23 (A) in paragraph (2)(B)(i), by striking
24 "subsection (m)" and inserting "subsection
25 (l)";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "subsection (m)" and inserting "subsection (l)"; and

(ii) in clause (ii), by inserting "(including intercity bus operators and commuter vanpool providers)" after "private providers of transportation";

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking "should" and inserting "shall"; and

(D) in paragraph (8), by inserting ", including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(5) in subsection (g)—

(A) in paragraph (2)(B)(i), by striking "subsection (m)" and inserting "subsection (l)";

(B) in paragraph (3)—

(i) by inserting "public ports," before "freight shippers"; and

(ii) by inserting "(including intercity bus operators)," after "private providers of transportation"; and

(C) in paragraph (6)(A), by striking "subsection (m)" and inserting "subsection (l)";

(6) by striking subsection (j); and

(7) by redesignating subsections (k) through (m) as subsections (j) through (l), respectively.

(b) CONFORMING AMENDMENTS.—Section 134(b)(5) of title 23, United States Code, is amended by striking "section 135(m)" and inserting "section 135(l)".

SEC. 1007. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b) of title 23, United States Code, is amended by striking paragraph (2)(A) and inserting the following:

"(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed $4,000,000 for each fiscal year, to carry out this section.".

SEC. 1008. BUNDLING OF BRIDGE PROJECTS.

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

1 (1) in subsection (c)(2)(A), by striking "the
2 natural condition of the bridge" and inserting "the
3 natural condition of the water";
4 (2) by redesignating subsection (j) as sub-
5 section (k);
6 (3) by inserting after subsection (i) the fol-
7 lowing:
8 "(j) BUNDLING OF BRIDGE PROJECTS.—
9 "(1) PURPOSE.—The purpose of this subsection
10 is to save costs and time by encouraging States to
11 bundle multiple bridge projects as 1 project.
12 "(2) DEFINITION OF ELIGIBLE ENTITY.—In
13 this subsection, the term 'eligible entity' means an
14 entity eligible to carry out a bridge project under
15 section 119 or 133.
16 "(3) BUNDLING OF BRIDGE PROJECTS.—An eli-
17 gible entity may bundle 2 or more similar bridge
18 projects that are—
19 "(A) eligible projects under section 119 or
20 133;
21 "(B) included as a bundled project in a
22 transportation improvement program under sec-
23 tion 134(j) or a statewide transportation im-
24 provement program under section 135, as appli-
25 cable; and

"(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

"(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), an eligible bridge project included in a bundle under this subsection may be listed as—

"(A) 1 project for purposes of sections 134 and 135; and

"(B) a single project within the applicable bundle.

"(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

"(A) the same funding category or subcategory; and

"(B) the same Federal share."; and

(4) in subsection (k)(2) (as redesignated by paragraph (2)), by striking "104(b)(3)" and inserting "104(b)(2)".

SEC. 1009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND BRIDGE PROJECTS.

(a) AUTHORITY.—With respect to rural road and rural bridge projects eligible for funding under title 23,

1 United States Code, subject to the provisions of this sec-
2 tion and on request by a State, the Secretary may—
3 (1) exercise all existing flexibilities under and
4 exceptions to—
5 (A) the requirements of title 23, United
6 States Code; and
7 (B) other requirements administered by
8 the Secretary, in whole or part; and
9 (2) otherwise provide additional flexibility or ex-
10 pedited processing with respect to the requirements
11 described in paragraph (1).
12 (b) TYPES OF PROJECTS.—A rural road or rural
13 bridge project under this section shall—
14 (1) be located in a county that, based on the
15 most recent decennial census—
16 (A) has a population density of 20 or fewer
17 persons per square mile of land area; or
18 (B) is the county that has the lowest popu-
19 lation density of all counties in the State;
20 (2) be located within the operational right-of-
21 way (as defined in section 1316(b) of MAP–21 (23
22 U.S.C. 109 note; 126 Stat. 549)) of an existing road
23 or bridge; and
24 (3)(A) receive less than $5,000,000 of Federal
25 funds; or

1 (B) have a total estimated cost of not more
2 than $30,000,000 and Federal funds com-
3 prising less than 15 percent of the total esti-
4 mated project cost.
5 (c) PROCESS TO ASSIST RURAL PROJECTS.—
6 (1) ASSISTANCE WITH FEDERAL REQUIRE-
7 MENTS.—
8 (A) IN GENERAL.—For projects under this
9 section, the Secretary shall seek to provide, to
10 the maximum extent practicable, regulatory re-
11 lief and flexibility consistent with this section.
12 (B) EXCEPTIONS, EXEMPTIONS, AND ADDI-
13 TIONAL FLEXIBILITY.—Exceptions, exemptions,
14 and additional flexibility from regulatory re-
15 quirements may be granted if, in the opinion of
16 the Secretary—
17 (i) the project is not expected to have
18 a significant adverse impact on the envi-
19 ronment;
20 (ii) the project is not expected to have
21 an adverse impact on safety; and
22 (iii) the assistance would be in the
23 public interest for 1 or more reasons, in-
24 cluding—
25 (I) reduced project costs;

(II) expedited construction, particularly in an area where the construction season is relatively short and not granting the waiver or additional flexibility could delay the project to a later construction season; or

(III) improved safety.

(2) MAINTAINING PROTECTIONS.—Nothing in this subsection—

(A) waives the requirements of section 113 or 138 of title 23, United States Code;

(B) supersedes, amends, or modifies—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(ii) any requirement of title 23, United States Code; or

(C) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this paragraph.

SEC. 1010. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

1 (1) in subsection (a), by striking "IN GEN-
2 ERAL" and inserting "PROGRAM";
3 (2) by striking subsections (d) through (g) and
4 inserting the following:
5 "(d) FORMULA.—Of the amounts allocated under
6 subsection (c)—
7 "(1) 35 percent shall be allocated among eligi-
8 ble entities in the proportion that—
9 "(A) the number of ferry passengers, in-
10 cluding passengers in vehicles, carried by each
11 ferry system in the most recent calendar year
12 for which data is available; bears to
13 "(B) the number of ferry passengers, in-
14 cluding passengers in vehicles, carried by all
15 ferry systems in the most recent calendar year
16 for which data is available;
17 "(2) 35 percent shall be allocated among eligi-
18 ble entities in the proportion that—
19 "(A) the number of vehicles carried by
20 each ferry system in the most recent calendar
21 year for which data is available; bears to
22 "(B) the number of vehicles carried by all
23 ferry systems in the most recent calendar year
24 for which data is available; and

1 "(3) 30 percent shall be allocated among eligi-
2 ble entities in the proportion that—
3 "(A) the total route nautical miles serviced
4 by each ferry system in the most recent cal-
5 endar year for which data is available; bears to
6 "(B) the total route nautical miles serviced
7 by all ferry systems in the most recent calendar
8 year for which data is available.
9 "(e) REDISTRIBUTION OF UNOBLIGATED
10 AMOUNTS.—The Secretary shall—
11 "(1) withdraw amounts allocated to an eligible
12 entity under subsection (c) that remain unobligated
13 by the end of the third fiscal year following the fiscal
14 year for which the amounts were allocated; and
15 "(2) in the subsequent fiscal year, redistribute
16 the funds referred to in paragraph (1) in accordance
17 with the formula under subsection (d) among eligible
18 entities for which no amounts were withdrawn under
19 paragraph (1).
20 "(f) MINIMUM AMOUNT.—Notwithstanding sub-
21 section (c), a State with an eligible entity that meets the
22 requirements of this section shall receive not less than
23 $100,000 under this section for a fiscal year.
24 "(g) IMPLEMENTATION.—
25 "(1) DATA COLLECTION.—

1 "(A) NATIONAL FERRY DATABASE.—
2 Amounts made available for a fiscal year under
3 this section shall be allocated using the most re-
4 cent data available, as collected and imputed in
5 accordance with the national ferry database es-
6 tablished under section 1801(e) of SAFETEA–
7 LU (23 U.S.C. 129 note; 119 Stat. 1456).
8 "(B) ELIGIBILITY FOR FUNDING.—To be
9 eligible to receive funds under subsection (c),
10 data shall have been submitted in the most re-
11 cent collection of data for the national ferry
12 database under section 1801(e) of SAFETEA–
13 LU (23 U.S.C. 129 note; 119 Stat. 1456) for
14 at least 1 ferry service within the State.
15 "(2) ADJUSTMENTS.—On review of the data
16 submitted under paragraph (1)(B), the Secretary
17 may make adjustments to the data as the Secretary
18 determines necessary to correct misreported or in-
19 consistent data.
20 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated out of the Highway Trust
22 Fund (other than the Mass Transit Account) to carry out
23 this section $75,000,000 for each of fiscal years 2016
24 through 2021.

1 "(i) PERIOD OF AVAILABILITY.—Notwithstanding
2 section 118(b), funds made available to carry out this sec-
3 tion shall remain available until expended.
4 "(j) APPLICABILITY.—All provisions of this chapter
5 that are applicable to the National Highway System, other
6 than provisions relating to apportionment formula and
7 Federal share, shall apply to funds made available to carry
8 out this section, except as determined by the Secretary
9 to be inconsistent with this section.".
10 (b) NATIONAL FERRY DATABASE.—Section
11 1801(c)(4) of SAFETEA–LU (23 U.S.C. 129 note; 119
12 Stat. 1456) is amended by striking subparagraph (D) and
13 inserting the following:
14 "(D) make available, from the amounts
15 made available for each fiscal year to carry out
16 chapter 63 of title 49, not more than $500,000
17 to maintain the database.".
18 (c) CONFORMING AMENDMENTS.—Section 129(c) of
19 title 23, United States Code, is amended—
20 (1) in paragraph (2), in the first sentence, by
21 inserting ", or on a public transit ferry eligible
22 under chapter 53 of title 49" after "Interstate Sys-
23 tem";
24 (2) in paragraph (3)—

(A) by striking "(3) Such ferry" and inserting "(3)(A) The ferry"; and

(B) by adding at the end the following:

"(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.";

(3) in paragraph (4), by striking "and repair," and inserting "repair,"; and

(4) by striking paragraph (6) and inserting the following:

"(6) The ferry service shall be maintained in accordance with section 116.

"(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 18 of title 49, Code of Federal Regulations (as in effect on December 18, 2014).

"(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.".

SEC. 1011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking "includes, but is not limited to," and inserting "only includes"; and

(ii) by adding at the end the following:

"(xxv) Installation of vehicle-to-infrastructure communication equipment.

"(xxvi) Pedestrian hybrid beacons.

"(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

"(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii).."; and

(B) by striking paragraph (10) and redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in subsection (c)(1)(A), by striking "subsection (a)(12)" and inserting "subsection (a)(11)";

(3) in subsection (d)(2)(B)(i), by striking "subsection (a)(12)" and inserting "subsection (a)(11)"; and

(4) in subsection (g)(1)—

(A) by striking "increases" and inserting "does not decrease"; and

(B) by inserting "and exceeds the national fatality rate on rural roads," after "available,".

SEC. 1012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.

Section 148 of title 23, United States Code, is amended by adding at the end the following:

"(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

"(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

"(A)(i) more than 45 percent of the public roads in the State are gravel roads or otherwise unpaved; and

"(ii) less than 10 percent of fatalities in the State occur on those unpaved public roads; or

"(B)(i) more than 70 percent of the public roads in the State are gravel roads or otherwise unpaved; and

"(ii) less than 25 percent of fatalities in the State occur on those unpaved public roads.

"(2) CALCULATION.—The percentages described in paragraph (1) shall be based on the average for the 5 most recent years for which relevant data is available.

"(3) USE OF FUNDS.—If a State elects not to collect data on a road described in paragraph (1), the State shall not use funds provided to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.".

SEC. 1013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting "in the designated nonattainment area" after "air quality standard";

(B) in paragraph (3), by inserting "or maintenance" after "likely to contribute to the attainment";

(C) in paragraph (4), by striking "attainment of" and inserting "attainment or maintenance of the area of"; and

(D) in paragraph (8)(A)(ii)—

(i) in the matter preceding subclause (I), by inserting "or port-related freight operations" after "construction projects"; and

(ii) in subclause (II), by inserting "or chapter 53 of title 49" after "this title";

(2) in subsection (c)(2), by inserting "(giving priority to corridors designated under section 151)" after "at any location in the State";

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "would otherwise be eligible under subsection (b) if the project were carried out in a non-attainment or maintenance area or" after "may use for any project that"; and

(II) in clause (i), by striking "(excluding the amount of funds reserved under paragraph (1))"; and

(ii) in subparagraph (B)(i), by striking "MAP–21t" and inserting "MAP–21"; and

(B) in paragraph (3), by inserting ", in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21," after "the Secretary shall modify";

(4) in subsection (g)—

(A) in paragraph (2)(B), by striking "not later that" and inserting "not later than";

(B) in paragraph (3)—

(i) by striking "States and metropolitan" and inserting the following:

"(A) IN GENERAL.—States and metropolitan";

(ii) by striking "are proven to reduce" and inserting "reduce directly emitted"; and

(iii) by adding at the end the following:

"(B) USE OF PRIORITY FUNDING.—To the maximum extent practicable, PM2.5 priority funding shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.";

(5) in subsection (k)—

(A) in paragraph (1)—

(i) by striking "that has a nonattainment or maintenance area" and inserting "that has 1 or more nonattainment or maintenance areas";

(ii) by striking "a nonattainment or maintenance area that are" and inserting "the nonattainment or maintenance areas that are";

(iii) by striking "such area" both places it appears and inserting "such areas"; and

(iv) by striking "such fine particulate" and inserting "directly-emitted fine particulate";

(B) in paragraph (2), by striking "highway construction" and inserting "transportation construction"; and

(C) by adding at the end the following:

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

"(A) EXCEPTION.—In any State with a population density of 75 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of

1 this subsection shall not apply to a nonattain-
2 ment or maintenance area in the State if—
3 "(i) the nonattainment or mainte-
4 nance area does not have projects that are
5 part of the emissions analysis of a metro-
6 politan transportation plan or transpor-
7 tation improvement program; and
8 "(ii) regional motor vehicle emissions
9 are an insignificant contributor to the air
10 quality problem for PM2.5 in the non-
11 attainment or maintenance area.
12 "(B) CALCULATION.—If subparagraph (A)
13 applies to a nonattainment or maintenance area
14 in a State, the percentage of the PM2.5 set-
15 aside under paragraph (1) shall be reduced for
16 that State proportionately based on the weight-
17 ed population of the area in fine particulate
18 matter nonattainment.
19 "(4) PORT-RELATED EQUIPMENT AND VEHI-
20 CLES.—To meet the requirements under paragraph
21 (1), a State or metropolitan planning organization
22 may elect to obligate funds to the most cost-effective
23 projects to reduce emissions from port-related
24 landside nonroad or on-road equipment that is oper-

1 ated within the boundaries of a PM2.5 nonattain-
2 ment or maintenance area.";
3 (6) in subsection (*l*)(1)(B), by inserting "air
4 quality and traffic congestion" before "performance
5 targets"; and
6 (7) in subsection (m), by striking "section
7 104(b)(2)" and inserting "section 104(b)(4)".

8 **SEC. 1014. NATIONAL FREIGHT PROGRAM.**

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

11 **"§ 167. National freight program**

12 "(a) ESTABLISHMENT.—
13 "(1) IN GENERAL.—It is the policy of the
14 United States to improve the condition and perform-
15 ance of the national highway freight network to en-
16 sure that the national freight network provides the
17 foundation for the United States to compete in the
18 global economy and achieve each goal described in
19 subsection (b).
20 "(2) ESTABLISHMENT.—In support of the goals
21 described in subsection (b), the Secretary shall es-
22 tablish a national freight program in accordance
23 with this section to improve the efficient movement
24 of freight on the national highway freight network.

1 "(b) GOALS.—The goals of the national freight pro-
2 gram are—
3 "(1) to invest in infrastructure improvements
4 and to implement operational improvements on the
5 highways of the United States that—
6 "(A) strengthen the contribution of the na-
7 tional highway freight network to the economic
8 competitiveness of the United States;
9 "(B) reduce congestion and relieve bottle-
10 necks in the freight transportation system;
11 "(C) reduce the cost of freight transpor-
12 tation;
13 "(D) improve the reliability of freight
14 transportation; and
15 "(E) increase productivity, particularly for
16 domestic industries and businesses that create
17 high-value jobs;
18 "(2) to improve the safety, security, efficiency,
19 and resiliency of freight transportation in rural and
20 urban areas;
21 "(3) to improve the state of good repair of the
22 national highway freight network;
23 "(4) to use advanced technology to improve the
24 safety and efficiency of the national highway freight
25 network;

1 "(5) to incorporate concepts of performance, in-
2 novation, competition, and accountability into the
3 operation and maintenance of the national highway
4 freight network;
5 "(6) to improve the efficiency and productivity
6 of the national highway freight network; and
7 "(7) to reduce the environmental impacts of
8 freight movement.
9 "(c) ESTABLISHMENT OF A NATIONAL HIGHWAY
10 FREIGHT NETWORK.—
11 "(1) IN GENERAL.—The Secretary shall estab-
12 lish a national highway freight network in accord-
13 ance with this section to assist States in strategically
14 directing resources toward improved system perform-
15 ance for efficient movement of freight on highways.
16 "(2) NETWORK COMPONENTS.—The national
17 highway freight network shall consist of—
18 "(A) the primary highway freight system,
19 as designated under subsection (d);
20 "(B) critical rural freight corridors estab-
21 lished under subsection (e);
22 "(C) critical urban freight corridors estab-
23 lished under subsection (f); and
24 "(D) the portions of the Interstate System
25 not designated as part of the primary highway

1 freight system, including designated future
2 Interstate System routes as of the date of en-
3 actment of the DRIVE Act.
4 "(d) DESIGNATION AND REDESIGNATION OF THE
5 PRIMARY HIGHWAY FREIGHT SYSTEM.—
6 "(1) INITIAL DESIGNATION OF PRIMARY HIGH-
7 WAY FREIGHT SYSTEM.—The initial designation of
8 the primary highway freight system shall be—
9 "(A) the network designated by the Sec-
10 retary under section 167(d) of title 23, United
11 States Code, as in effect on the day before the
12 date of enactment of the DRIVE Act; and
13 "(B) all National Highway System freight
14 intermodal connectors.
15 "(2) REDESIGNATION OF PRIMARY HIGHWAY
16 FREIGHT SYSTEM.—
17 "(A) IN GENERAL.—Beginning on the date
18 that is 1 year after the date of enactment of the
19 DRIVE Act and every 5 years thereafter, using
20 the designation factors described in subpara-
21 graph (E), the Secretary shall redesignate the
22 primary highway freight system (including any
23 additional mileage added to the primary high-
24 way freight system under this paragraph as of

1 the date on which the redesignation process is
2 effective).
3 "(B) MILEAGE.—
4 "(i) FIRST REDESIGNATION.—In re-
5 designating the primary highway freight
6 system on the date that is 1 year after the
7 date of enactment of the DRIVE Act, the
8 Secretary shall limit the system to 30,000
9 centerline miles, without regard to the
10 connectivity of the primary highway freight
11 system.
12 "(ii) SUBSEQUENT REDESIGNA-
13 TIONS.—Each redesignation after the re-
14 designation described in clause (i), the Sec-
15 retary may increase the primary highway
16 freight system by up to 5 percent of the
17 total mileage of the system, without regard
18 to the connectivity of the primary highway
19 freight system.
20 "(C) CONSIDERATIONS.—
21 "(i) IN GENERAL.—In redesignating
22 the primary highway freight system, to the
23 maximum extent practicable, the Secretary
24 shall use measurable data to assess the
25 significance of goods movement, including

1 consideration of points of origin, destina-
2 tion, and linking components of the United
3 States global and domestic supply chains.
4 "(ii) INTERMODAL CONNECTORS.—In
5 redesignating the primary highway freight
6 system, the Secretary shall include all Na-
7 tional Highway System freight intermodal
8 connectors.
9 "(D) INPUT.—In addition to the process
10 provided to State freight advisory committees
11 under paragraph (3), in redesignating the pri-
12 mary highway freight system, the Secretary
13 shall provide an opportunity for State freight
14 advisory committees to submit additional miles
15 for consideration.
16 "(E) FACTORS FOR REDESIGNATION.—In
17 redesignating the primary highway freight sys-
18 tem, the Secretary shall consider—
19 "(i) the origins and destinations of
20 freight movement in, to, and from the
21 United States;
22 "(ii) land and water ports of entry;
23 "(iii) access to energy exploration, de-
24 velopment, installation, or production
25 areas;

"(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

"(v) the total freight tonnage and value moved via highways;

"(vi) significant freight bottlenecks, as identified by the Secretary;

"(vii) the annual average daily truck traffic on principal arterials; and

"(viii) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains.

"(3) STATE FLEXIBILITY FOR ADDITIONAL MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after each redesignation conducted by the Secretary under paragraph (2), each State freight advisory committee, as established in accordance with subsection (n), may increase the number of miles designated as part of the primary highway freight system in that State by not more than 10 percent of the miles designated in that State under this subsection if the additional miles—

1 "(i) close gaps between primary high-
2 way freight system segments;
3 "(ii) establish connections of the pri-
4 mary highway freight system critical to the
5 efficient movement of goods, including
6 ports, international border crossings, air-
7 ports, intermodal facilities, logistics cen-
8 ters, warehouses, and agricultural facili-
9 ties; or
10 "(iii) designate critical emerging
11 freight routes.
12 "(B) CONSIDERATIONS.—Each State
13 freight advisory committee that increases the
14 number of miles on the primary highway freight
15 system under subparagraph (A) shall—
16 "(i) consider nominations for the ad-
17 ditional miles from metropolitan planning
18 organizations within the State;
19 "(ii) ensure that the additional miles
20 are consistent with the freight plan of the
21 State; and
22 "(iii) review the primary highway
23 freight system of the State designated
24 under paragraph (1) and redesignate miles

1 in a manner that is consistent with para-
2 graph (2).
3 "(C) SUBMISSION.—Each State freight ad-
4 visory committee shall—
5 "(i) submit to the Secretary a list of
6 the additional miles added under this sub-
7 section; and
8 "(ii) certify that—
9 "(I) the additional miles meet the
10 requirements of subparagraph (A);
11 and
12 "(II) the State freight advisory
13 committee has satisfied the require-
14 ments of subparagraph (B).
15 "(e) CRITICAL RURAL FREIGHT CORRIDORS.—A
16 State may designate a public road within the borders of
17 the State as a critical rural freight corridor if the public
18 road—
19 "(1) is a rural principal arterial roadway and
20 has a minimum of 25 percent of the annual average
21 daily traffic of the road measured in passenger vehi-
22 cle equivalent units from trucks (Federal Highway
23 Administration vehicle class 8 to 13);
24 "(2) provides access to energy exploration, de-
25 velopment, installation, or production areas;

1 "(3) connects the primary highway freight sys-
2 tem, a roadway described in paragraph (1) or (2),
3 or the Interstate System to facilities that handle
4 more than—
5 "(A) 50,000 20-foot equivalent units per
6 year; or
7 "(B) 500,000 tons per year of bulk com-
8 modities;
9 "(4) provides access to—
10 "(A) a grain elevator;
11 "(B) an agricultural facility;
12 "(C) a mining facility;
13 "(D) a forestry facility; or
14 "(E) an intermodal facility;
15 "(5) connects to an international port of entry;
16 "(6) provides access to significant air, rail,
17 water, or other freight facilities in the State; or
18 "(7) is, in the determination of the State, vital
19 to improving the efficient movement of freight of im-
20 portance to the economy of the State.
21 "(f) CRITICAL URBAN FREIGHT CORRIDORS.—
22 "(1) URBANIZED AREA WITH POPULATION OF
23 500,000 OR MORE.—In an urbanized area with a pop-
24 ulation of 500,000 or more individuals, the rep-
25 resentative metropolitan planning organization, in

1 consultation with the State, may designate a public
2 road within the borders of that area of the State as
3 a critical urban freight corridor.
4 "(2) URBANIZED AREA WITH A POPULATION
5 LESS THAN 500,000.—In an urbanized area with a
6 population of less than 500,000 individuals, the
7 State, in consultation with the representative metro-
8 politan planning organization, may designate a pub-
9 lic road within the borders of that area of the State
10 as a critical urban freight corridor.
11 "(3) REQUIREMENTS FOR DESIGNATION.—A
12 designation may be made under paragraphs (1) or
13 (2) if the public road—
14 "(A) is in an urbanized area, regardless of
15 population; and
16 "(B)(i) connects an intermodal facility
17 to—
18 "(I) the primary highway freight net-
19 work;
20 "(II) the Interstate System; or
21 "(III) an intermodal freight facility;
22 "(ii) is located within a corridor of a route
23 on the primary highway freight network and
24 provides an alternative highway option impor-
25 tant to goods movement;

"(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

"(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

"(g) DESIGNATION AND CERTIFICATION.—

"(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Secretary on a rolling basis.

"(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Secretary that the designated corridor meets the requirements of the applicable subsection.

"(h) NATIONAL FREIGHT STRATEGIC PLAN.—

"(1) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop and post on the

1 public website of the Department of Transportation
2 a national freight strategic plan that includes—
3 "(A) an assessment of the condition and
4 performance of the national highway freight
5 network;
6 "(B) an identification of highway bottle-
7 necks on the national highway freight network
8 that create significant freight congestion (in-
9 cluding congestion on other nonhighway freight
10 routes) based on a quantitative methodology de-
11 veloped by the Secretary, which shall, at a min-
12 imum, include—
13 "(i) information from the Freight
14 Analysis Framework of the Federal High-
15 way Administration; and
16 "(ii) to the maximum extent prac-
17 ticable, an estimate of the cost of address-
18 ing each bottleneck and any operational
19 improvements that could be implemented;
20 "(C) forecasts of freight volumes, based on
21 the most recent data available, for the 10- and
22 20-year period beginning in the year during
23 which the plan is issued;
24 "(D) an identification of major trade gate-
25 ways and national freight corridors, including

1 nonhighway corridors, that connect major popu-
2 lation centers, trade gateways, and other major
3 freight generators for current and forecasted
4 traffic and freight volumes, the identification of
5 which shall be revised, as appropriate, in subse-
6 quent plans;
7 "(E) an assessment of statutory, regu-
8 latory, technological, institutional, financial,
9 and other barriers to improved freight transpor-
10 tation performance (including opportunities for
11 overcoming the barriers);
12 "(F) an identification of routes providing
13 access to energy exploration, development, in-
14 stallation, or production areas;
15 "(G) best practices for improving the per-
16 formance of the national highway freight net-
17 work;
18 "(H) best practices to mitigate the impacts
19 of freight movement on communities;
20 "(I) a process for addressing multistate
21 projects and encouraging jurisdictions to col-
22 laborate on multistate projects;
23 "(J) identification of locations or areas
24 with high crash rates or congestion involving

1 freight traffic, and strategies to address those
2 issues; and
3 "(K) strategies to improve freight inter-
4 modal connectivity.
5 "(2) UPDATES TO NATIONAL FREIGHT STRA-
6 TEGIC PLAN.—Not later than 5 years after the date
7 of completion of the first national freight strategic
8 plan under paragraph (1) and every 5 years there-
9 after, the Secretary shall update and repost on the
10 public website of the Department of Transportation
11 a revised national freight strategic plan.
12 "(i) HIGHWAY FREIGHT TRANSPORTATION CONDI-
13 TIONS AND PERFORMANCE REPORTS.—Not later than 2
14 years after the date of enactment of the DRIVE Act and
15 biennially thereafter, the Secretary shall prepare and sub-
16 mit to Congress a report that describes the conditions and
17 performance of the national highway freight network in
18 the United States.
19 "(j) TRANSPORTATION INVESTMENT DATA AND
20 PLANNING TOOLS.—
21 "(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of the DRIVE Act, the Sec-
23 retary shall—
24 "(A) begin development of new tools and
25 improvement of existing tools to support an

1 outcome-oriented, performance-based approach
2 to evaluate proposed freight-related and other
3 transportation projects, including—
4 "(i) methodologies for systematic
5 analysis of benefits and costs on a national
6 and regional basis;
7 "(ii) tools for ensuring that the eval-
8 uation of freight-related and other trans-
9 portation projects could consider safety,
10 economic competitiveness, environmental
11 sustainability, and system condition in the
12 project selection process;
13 "(iii) improved methods for data col-
14 lection and trend analysis;
15 "(iv) encouragement of public-private
16 partnerships to carry out data sharing ac-
17 tivities while maintaining the confiden-
18 tiality of all proprietary data; and
19 "(v) other tools to assist in effective
20 transportation planning;
21 "(B) identify transportation-related model
22 data elements to support a broad range of eval-
23 uation methods and techniques to assist in
24 making transportation investment decisions;
25 and

1 "(C) at a minimum, in consultation with
2 other relevant Federal agencies, consider any
3 improvements to existing freight flow data col-
4 lection efforts that could reduce identified
5 freight data gaps and deficiencies and help im-
6 prove forecasts of freight transportation de-
7 mand.
8 "(2) CONSULTATION.—The Secretary shall con-
9 sult with Federal, State, and other stakeholders to
10 develop, improve, and implement the tools and col-
11 lect the data described in paragraph (1).
12 "(k) USE OF APPORTIONED FUNDS.—
13 "(1) IN GENERAL.—A State shall obligate
14 funds apportioned to the State under section
15 104(b)(5) to improve the movement of freight on the
16 national highway freight network.
17 "(2) FORMULA.—The Secretary shall calculate
18 for each State the proportion that—
19 "(A) the total mileage in the State des-
20 ignated as part of the primary highway freight
21 system; bears to
22 "(B) the total mileage of the primary high-
23 way freight system in all States.
24 "(3) USE OF FUNDS.—

"(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

"(i) the primary highway freight system;

"(ii) critical rural freight corridors; and

"(iii) critical urban freight corridors.

"(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

"(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has—

1 "(A) established a freight advisory com-
2 mittee in accordance with subsection (n); and
3 "(B) developed a freight plan in accord-
4 ance with subsection (o).
5 "(5) ELIGIBILITY.—
6 "(A) IN GENERAL.—Except as provided in
7 this subsection, for a project to be eligible for
8 funding under this section the project shall—
9 "(i) contribute to the efficient move-
10 ment of freight on the national highway
11 freight network; and
12 "(ii) be consistent with a freight in-
13 vestment plan included in a freight plan of
14 the State that is in effect.
15 "(B) OTHER PROJECTS.—A State may ob-
16 ligate not more than 10 percent of the total ap-
17 portionment of the State under section
18 104(b)(5) for projects—
19 "(i) within the boundaries of public
20 and private freight rail, water facilities (in-
21 cluding ports), and intermodal facilities;
22 and
23 "(ii) that provide surface transpor-
24 tation infrastructure necessary to facilitate

1 direct intermodal interchange, transfer,
2 and access into and out of the facility.
3 "(C) ELIGIBLE PROJECTS.—Funds appor-
4 tioned to the State under section 104(b)(5) for
5 the national freight program may be obligated
6 to carry out 1 or more of the following:
7 "(i) Development phase activities, in-
8 cluding planning, feasibility analysis, rev-
9 enue forecasting, environmental review,
10 preliminary engineering and design work,
11 and other preconstruction activities.
12 "(ii) Construction, reconstruction, re-
13 habilitation, acquisition of real property
14 (including land relating to the project and
15 improvements to land), construction con-
16 tingencies, acquisition of equipment, and
17 operational improvements directly relating
18 to improving system performance.
19 "(iii) Intelligent transportation sys-
20 tems and other technology to improve the
21 flow of freight, including intelligent freight
22 transportation systems.
23 "(iv) Efforts to reduce the environ-
24 mental impacts of freight movement.

1 "(v) Environmental and community
2 mitigation of freight movement.
3 "(vi) Railway-highway grade separa-
4 tion.
5 "(vii) Geometric improvements to
6 interchanges and ramps.
7 "(viii) Truck-only lanes.
8 "(ix) Climbing and runaway truck
9 lanes.
10 "(x) Adding or widening of shoulders.
11 "(xi) Truck parking facilities eligible
12 for funding under section 1401 of MAP–
13 21 (23 U.S.C. 137 note; Public Law 112–
14 141).
15 "(xii) Real-time traffic, truck parking,
16 roadway condition, and multimodal trans-
17 portation information systems.
18 "(xiii) Electronic screening and
19 credentialing systems for vehicles, includ-
20 ing weigh-in-motion truck inspection tech-
21 nologies.
22 "(xiv) Traffic signal optimization, in-
23 cluding synchronized and adaptive signals.
24 "(xv) Work zone management and in-
25 formation systems.

"(xvi) Highway ramp metering.

"(xvii) Electronic cargo and border security technologies that improve truck freight movement.

"(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

"(xix) Additional road capacity to address highway freight bottlenecks.

"(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway freight network.

"(xxi) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

"(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

"(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

"(B) the necessary costs of—

"(i) conducting analyses and data collection related to the national freight program;

"(ii) developing and updating performance targets to carry out this section; and

"(iii) reporting to the Secretary to comply with section 150.

"(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(l) STATE PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Secretary determines that the State has met or has made significant progress towards meeting the performance targets, the State shall submit to the Secretary, on a biennial basis, a freight performance improvement plan that includes—

1 "(1) an identification of significant freight sys-
2 tem trends, needs, and issues within the State;
3 "(2) a description of the freight policies and
4 strategies that will guide the freight-related trans-
5 portation investments of the State;
6 "(3) an inventory of freight bottlenecks within
7 the State and a description of the ways in which the
8 State is allocating the national freight program
9 funds to improve those bottlenecks; and
10 "(4) a description of the actions the State will
11 undertake to meet the performance targets of the
12 State.
13 "(m) STUDY OF MULTIMODAL PROJECTS.—Not later
14 than 2 years after the date of enactment of the DRIVE
15 Act, the Secretary shall submit to Congress a report that
16 contains—
17 "(1) a study of freight projects identified in
18 State freight plans under subsection (o); and
19 "(2) an evaluation of multimodal freight
20 projects included in the State freight plans, or other-
21 wise identified by States, that are subject to the lim-
22 itation of funding for such projects under this sec-
23 tion.
24 "(n) STATE FREIGHT ADVISORY COMMITTEES.—

1 "(1) IN GENERAL.—Each State shall establish
2 a freight advisory committee consisting of a rep-
3 resentative cross-section of public and private sector
4 freight stakeholders, including representatives of
5 ports, shippers, carriers, freight-related associations,
6 the freight industry workforce, the transportation
7 department of the State, and local governments.
8 "(2) ROLE OF COMMITTEE.—A freight advisory
9 committee of a State described in paragraph (1)
10 shall—
11 "(A) advise the State on freight-related
12 priorities, issues, projects, and funding needs;
13 "(B) serve as a forum for discussion for
14 State transportation decisions affecting freight
15 mobility;
16 "(C) communicate and coordinate regional
17 priorities with other organizations;
18 "(D) promote the sharing of information
19 between the private and public sectors on
20 freight issues; and
21 "(E) participate in the development of the
22 freight plan of the State described in subsection
23 (o).
24 "(o) STATE FREIGHT PLANS.—

1 "(1) IN GENERAL.—Each State shall develop a
2 freight plan that provides a comprehensive plan for
3 the immediate and long-range planning activities
4 and investments of the State with respect to freight.
5 "(2) PLAN CONTENTS.—A freight plan de-
6 scribed in paragraph (1) shall include, at a min-
7 imum—
8 "(A) an identification of significant freight
9 system trends, needs, and issues with respect to
10 the State;
11 "(B) a description of the freight policies,
12 strategies, and performance measures that will
13 guide the freight-related transportation invest-
14 ment decisions of the State;
15 "(C) when applicable, a listing of critical
16 rural and urban freight corridors designated
17 within the State under this section;
18 "(D) a description of how the plan will im-
19 prove the ability of the State to meet the na-
20 tional freight goals established under subsection
21 (b);
22 "(E) evidence of consideration of innova-
23 tive technologies and operational strategies, in-
24 cluding intelligent transportation systems, that

1 improve the safety and efficiency of freight
2 movement;
3 "(F) in the case of routes on which travel
4 by heavy vehicles (including mining, agricul-
5 tural, energy cargo or equipment, and timber
6 vehicles) is projected to substantially deteriorate
7 the condition of roadways, a description of im-
8 provements that may be required to reduce or
9 impede the deterioration;
10 "(G) an inventory of facilities with freight
11 mobility issues, such as truck bottlenecks, with-
12 in the State, and a description of the strategies
13 the State is employing to address those freight
14 mobility issues;
15 "(H) consideration of any significant con-
16 gestion or delay caused by freight movements
17 and any strategies to mitigate that congestion
18 or delay; and
19 "(I) a freight investment plan that, subject
20 to paragraph (3)(B), includes a list of priority
21 projects and describes how funds made avail-
22 able to carry out this section would be invested
23 and matched.
24 "(3) RELATIONSHIP TO LONG-RANGE PLAN.—

1 "(A) INCORPORATION.—A freight plan de-
2 scribed in paragraph (1) may be developed sep-
3 arately from or incorporated into the statewide
4 strategic long-range transportation plan re-
5 quired by section 135.
6 "(B) FISCAL CONSTRAINT.—The freight
7 investment plan component of a freight plan
8 shall include a project, or an identified phase of
9 a project, only if funding for completion of the
10 project can reasonably be anticipated to be
11 available for the project within the time period
12 identified in the freight investment plan.
13 "(4) PLANNING PERIOD.—The freight plan
14 shall address a 10-year forecast period.
15 "(5) UPDATES.—
16 "(A) IN GENERAL.—A State shall update
17 the freight plan not less frequently than once
18 every 5 years.
19 "(B) FREIGHT INVESTMENT PLAN.—A
20 State may update the freight investment plan
21 more frequently than is required under sub-
22 paragraph (A).
23 "(p) INTELLIGENT FREIGHT TRANSPORTATION SYS-
24 TEM.—

1 "(1) DEFINITION OF INTELLIGENT FREIGHT
2 TRANSPORTATION SYSTEM.—In this section, the
3 term 'intelligent freight transportation system'
4 means—
5 "(A) an innovative or intelligent techno-
6 logical transportation system, infrastructure, or
7 facilities, including electronic roads, driverless
8 trucks, elevated freight transportation facilities,
9 and other intelligent freight transportation sys-
10 tems; and
11 "(B) a communications or information
12 processing system used singly or in combination
13 for dedicated intelligent freight lanes and con-
14 veyances that improve the efficiency, security,
15 or safety of freight on the Federal-aid highway
16 system or that operate to convey freight or im-
17 prove existing freight movements.
18 "(2) LOCATION.—An intelligent freight trans-
19 portation system shall be located—
20 "(A)(i) along existing Federal-aid high-
21 ways; or
22 "(ii) in a manner that connects ports-of-
23 entry to existing Federal-aid highways; and
24 "(B) in proximity to, or within, an existing
25 right-of-way on a Federal-aid highway.

1 "(3) OPERATING STANDARDS.—The Adminis-
2 trator of the Federal Highway Administration shall
3 determine the need for establishing operating stand-
4 ards for intelligent freight transportation systems.".
5 (b) CONFORMING AMENDMENTS.—
6 (1) The analysis for chapter 1 of title 23,
7 United States Code, is amended by adding at the
8 end the following:

"167. National freight program."

9 (2) Sections 1116, 1117, and 1118 of MAP–21
10 (23 U.S.C. 167 note; Public Law 112–141) are re-
11 pealed.

12 **SEC. 1015. ASSISTANCE FOR MAJOR PROJECTS PROGRAM.**

13 (a) IN GENERAL.—Chapter 1 of title 23, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **"§ 171. Assistance for major projects program**

17 "(a) PURPOSE OF PROGRAM.—The purpose of the as-
18 sistance for major projects program shall be to assist in
19 funding critical high-cost surface transportation infra-
20 structure projects that—
21 "(1) are difficult to complete with existing Fed-
22 eral, State, local, and private funds; and
23 "(2) will achieve 1 or more of—

"(A) generation of national or regional economic benefits and an increase in the global economic competitiveness of the United States;

"(B) reduction of congestion and the impacts of congestion;

"(C) improvement of roadways vital to national energy security;

"(D) improvement of the efficiency, reliability, and affordability of the movement of freight;

"(E) improvement of transportation safety;

"(F) improvement of existing and designated future Interstate System routes; or

"(G) improvement of the movement of people through improving rural connectivity and metropolitan accessibility.

"(b) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a State (or a group of States);

"(B) a local government;

"(C) a tribal government (or a consortium of tribal governments);

"(D) a transit agency;

"(E) a special purpose district or a public authority with a transportation function;

"(F) a port authority;

"(G) a political subdivision of a State or local government;

"(H) a Federal land management agency, jointly with the applicable State; or

"(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

"(3) ELIGIBLE PROJECT.—

"(A) IN GENERAL.—The term 'eligible project' means a surface transportation project, or a program of integrated surface transportation projects closely related in the function the projects perform, that—

"(i) is a capital project that is eligible for Federal financial assistance under—

"(I) this title; or

"(II) chapter 53 of title 49; and

"(ii) except as provided in subparagraph (B), has eligible project costs that

1 are reasonably anticipated to equal or ex-
2 ceed the lesser of—
3 "(I) $350,000,000; and
4 "(II)(aa) for a project located in
5 a single State, 30 percent of the
6 amount of Federal-aid highway funds
7 apportioned to the State for the most
8 recently completed fiscal year;
9 "(III) for a project located in a
10 single rural State with a population
11 density of 75 or fewer persons per
12 square mile based on the most recent
13 decennial census, 10 percent of the
14 amount of Federal-aid highway funds
15 apportioned to the State for the most
16 recently completed fiscal year; or
17 "(IV) for a project located in
18 more than 1 State, 75 percent of the
19 amount of Federal-aid highway funds
20 apportioned to the participating State
21 that has the largest apportionment for
22 the most recently completed fiscal
23 year.
24 "(B) FEDERAL LAND TRANSPORTATION
25 FACILITY.—In the case of a Federal land trans-

1 portation facility, the term 'eligible project'
2 means a Federal land transportation facility
3 that has eligible project costs that are reason-
4 ably anticipated to equal or exceed
5 $150,000,000.
6 "(4) ELIGIBLE PROJECT COSTS.—The term 'eli-
7 gible project costs' means the costs of—
8 "(A) development phase activities, includ-
9 ing planning, feasibility analysis, revenue fore-
10 casting, environmental review, preliminary engi-
11 neering and design work, and other
12 preconstruction activities; and
13 "(B) construction, reconstruction, rehabili-
14 tation, and acquisition of real property (includ-
15 ing land related to the project and improve-
16 ments to land), environmental mitigation, con-
17 struction contingencies, acquisition of equip-
18 ment directly related to improving system per-
19 formance, and operational improvements.
20 "(5) RURAL AREA.—The term 'rural area'
21 means an area that is outside of an urbanized area
22 with a population greater than 150,000 individuals,
23 as determined by the Bureau of the Census.
24 "(6) RURAL STATE.—The term 'rural State'
25 means a State that has a population density of 75

1 or fewer persons per square mile, based on the most
2 recent decennial census.
3 "(e) ESTABLISHMENT OF PROGRAM.—The Adminis-
4 trator shall establish a program in accordance with this
5 section to provide grants for projects that will have a sig-
6 nificant impact on a region or the Nation.
7 "(d) SOLICITATIONS AND APPLICATIONS.—
8 "(1) GRANT SOLICITATIONS.—The Adminis-
9 trator shall conduct a transparent and competitive
10 national solicitation process to review eligible
11 projects for funding under this section.
12 "(2) APPLICATIONS.—
13 "(A) IN GENERAL.—An eligible applicant
14 seeking a grant under this section shall submit
15 to the Administrator an application in such
16 form and containing such information as the
17 Administrator determines necessary, including
18 the total amount of the grant requested.
19 "(B) CONTENTS.—Each application sub-
20 mitted under this paragraph shall include data
21 on the most recent system performance and es-
22 timated system improvements that will result
23 from completion of the eligible project, includ-
24 ing projections for improvements 5, 10, and 20
25 years after completion of the project.

1 "(C) RESUBMISSION OF APPLICATIONS.—
2 An eligible applicant whose project is not se-
3 lected under this section may resubmit an appli-
4 cation in a subsequent solicitation.
5 "(e) CRITERIA FOR PROJECT EVALUATION AND SE-
6 LECTION.—
7 "(1) IN GENERAL.—The Administrator may se-
8 lect a project for funding under this section only if
9 the Administrator determines that the project—
10 "(A) is consistent with the national goals
11 described in section 150(b);
12 "(B) will significantly improve the per-
13 formance of the national surface transportation
14 network, nationally or regionally;
15 "(C) is based on the results of preliminary
16 engineering;
17 "(D) is consistent with the long-range
18 statewide transportation plan;
19 "(E) cannot be readily and efficiently com-
20 pleted without Federal financial assistance;
21 "(F) is justified based on the ability of the
22 project to achieve 1 or more of—
23 "(i) generation of national economic
24 benefits that reasonably exceed the costs of
25 the project;

1 "(ii) reduction of long-term conges-
2 tion, including impacts on a national, re-
3 gional, and statewide basis;
4 "(iii) an increase in the speed, reli-
5 ability, and accessibility of the movement
6 of people or freight; or
7 "(iv) improvement of transportation
8 safety, including reducing transportation
9 accident and serious injuries and fatalities;
10 and
11 "(G) is supported by a sufficient amount
12 of non-Federal funding, including evidence of
13 stable and dependable financing to construct,
14 maintain, and operate the infrastructure facil-
15 ity.
16 "(2) ADDITIONAL CONSIDERATIONS.—In evalu-
17 ating a project under this section, in addition to the
18 criteria described in paragraph (1), the Adminis-
19 trator shall consider the extent to which the
20 project—
21 "(A) leverages Federal investment by en-
22 couraging non-Federal contributions to the
23 project, including contributions from public-pri-
24 vate partnerships;

1 "(B) is able to begin construction by the
2 date that is not later than 18 months after the
3 date on which the project is selected;
4 "(C) incorporates innovative project deliv-
5 ery and financing to the maximum extent prac-
6 ticable;
7 "(D) helps maintain or protect the envi-
8 ronment;
9 "(E) improves roadways vital to national
10 energy security;
11 "(F) improves or upgrades designated fu-
12 ture Interstate System routes;
13 "(G) uses innovative technologies, includ-
14 ing intelligent transportation systems, that en-
15 hance the efficiency of the project; and
16 "(H) helps to improve mobility and acces-
17 sibility.
18 "(f) GEOGRAPHIC DISTRIBUTION.—In awarding
19 grants under this section, the Administrator shall take
20 measures to ensure, to the maximum extent practicable—
21 "(1) an equitable geographic distribution of
22 amounts; and
23 "(2) an appropriate balance in addressing the
24 needs of rural and urban communities.
25 "(g) FUNDING REQUIREMENTS.—

1 "(1) IN GENERAL.—Except in the case of
2 projects described in paragraph (2), the amount of
3 a grant under this section shall be at least
4 $50,000,000.
5 "(2) RURAL PROJECTS.—The amounts made
6 available for a fiscal year under this section for eligi-
7 ble projects located in rural areas or in rural States
8 shall not be—
9 "(A) less than 20 percent of the amount
10 made available for the fiscal year under this
11 section; and
12 "(B) subject to paragraph (1).
13 "(3) LIMITATION OF FUNDS.—Not more than
14 20 percent of the funds made available for a fiscal
15 year to carry out this section shall be allocated for
16 projects eligible under section 167(k)(5)(B) or chap-
17 ter 53 of title 49.
18 "(4) STATE CAP.—
19 "(A) IN GENERAL.—Not more than 20
20 percent of the funds made available for a fiscal
21 year to carry out this section may be awarded
22 to projects in a single State.
23 "(B) EXCEPTION FOR MULTISTATE
24 PROJECTS.—For purposes of the limitation de-
25 scribed in subparagraph (A), funds awarded for

1 a multistate project shall be considered to be
2 distributed evenly to each State.
3 "(5) TIFIA PROGRAM.—On the request of an
4 eligible applicant under this section, the Adminis-
5 trator may use amounts awarded to the entity to
6 pay subsidy and administrative costs necessary to
7 provide the entity Federal credit assistance under
8 chapter 6 with respect to the project for which the
9 grant was awarded.
10 "(h) GRANT REQUIREMENTS.—
11 "(1) APPLICABILITY OF PLANNING REQUIRE-
12 MENTS.—The programming and expenditure of
13 funds for projects under this section shall be con-
14 sistent with the requirements of sections 134 and
15 135.
16 "(2) DETERMINATION OF APPLICABLE MODAL
17 REQUIREMENTS.—If an eligible project that receives
18 a grant under this section has a crossmodal compo-
19 nent, the Administrator—
20 "(A) shall determine the predominant
21 modal component of the project; and
22 "(B) may apply the applicable require-
23 ments of that predominant modal component to
24 the project.

1 "(i) REPORT TO THE ADMINISTRATOR.—For each
2 project funded under this section, the project sponsor shall
3 evaluate system performance and submit to the Adminis-
4 trator a report not later than 5, 10, and 20 years after
5 completion of the project to assess whether the project
6 outcomes have met preconstruction projections.
7 "(j) CONGRESSIONAL APPROVAL.—
8 "(1) SUBMISSION OF APPLICATION.—Each eli-
9 gible applicant shall submit to the Administrator an
10 application in accordance with subsection (d)(2) at
11 such time as the Administrator determines to meet
12 the requirements of paragraph (2).
13 "(2) SUBMISSION TO CONGRESS OF PROPOSED
14 PROJECTS.—
15 "(A) IN GENERAL.—By January 1 of each
16 fiscal year, the Administrator shall submit to
17 the Committee on Environment and Public
18 Works of the Senate and the Committee on
19 Transportation and Infrastructure of the House
20 of Representatives a list of all of the projects
21 that meet the requirements of this section.
22 "(B) LIMITATION.—The list submitted
23 under subparagraph (A) shall include a total re-
24 quested grant amount at least 2 times, but not

1 to exceed 4 times, the authorization level of the
2 program in each fiscal year.
3 "(3) COMMITTEE REVIEW.—Not later than 90
4 days after the date of the receipt of the submission
5 under paragraph (2), each Committee described in
6 subparagraph (A) of that paragraph shall—
7 "(A) select projects and determine the
8 amounts to be awarded to each project, not to
9 exceed the total authorization level of the pro-
10 gram for each fiscal year; and
11 "(B) adopt a resolution making such deter-
12 mination.
13 "(4) CONGRESSIONAL APPROVAL.—Projects
14 shall be awarded on congressional adoption of a joint
15 resolution based on the Committee action under
16 paragraph (3).
17 "(5) ADMINISTRATIVE APPROVAL.—
18 "(A) IN GENERAL.—The Administrator
19 shall award grants to eligible projects in a fiscal
20 year—
21 "(i) if Congress does not adopt a joint
22 resolution under paragraph (4) by the date
23 that is 90 days after the date on which the
24 first Committee adopts a resolution under
25 paragraph (3)(B); or

1 "(ii) if neither Committee acts in ac-
2 cordance with paragraph (3).
3 "(B) TIMING.—The Administrator shall
4 award grants under subparagraph (A) not later
5 than 90 days after the date on which the rel-
6 evant event described in subparagraph (A) oc-
7 curs.
8 "(k) REPORTS.—
9 "(1) IN GENERAL.—The Administrator shall
10 make available on the website of the Federal High-
11 way Administration at the end of each fiscal year an
12 annual report that lists each project for which as-
13 sistance has been provided under this section during
14 that fiscal year.
15 "(2) COMPTROLLER GENERAL.—
16 "(A) ASSESSMENT.—The Comptroller Gen-
17 eral of the United States shall conduct an as-
18 sessment of the establishment, solicitation, se-
19 lection, and justification process with respect to
20 the funding of projects under this section.
21 "(B) REPORT.—Not later than 1 year
22 after the initial awarding of funding under this
23 section, the Comptroller General of the United
24 States shall submit to the Committee on Envi-
25 ronment and Public Works of the Senate and

1 the Committee on Transportation and Infra-
2 structure of the House of Representatives a re-
3 port that describes—
4 "(i) the process by which each project
5 was selected;
6 "(ii) the criteria used for the selection
7 of each project; and
8 "(iii) the justification for the selection
9 of each project based on the criteria de-
10 scribed in subsection (e).".
11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 1 of title 23, United States Code, is amended by
13 adding at the end the following:

"171. Assistance for major projects program.".

14 **SEC. 1016. TRANSPORTATION ALTERNATIVES.**
15 (a) IN GENERAL.—Section 213 of title 23, United
16 States Code, is amended—
17 (1) by striking subsection (a) and inserting the
18 following:
19 "(a) RESERVATION OF FUNDS.—
20 "(1) IN GENERAL.—On October 1 of each fiscal
21 year, the Secretary shall set aside from the amount
22 determined for a State under section 104(c) an
23 amount determined for the State under paragraphs
24 (2) and (3).

1 "(2) TOTAL AMOUNT.—The total amount set
2 aside for the program under this section shall be
3 $850,000,000 for each fiscal year.
4 "(3) STATE SHARE.—The Secretary shall dis-
5 tribute among the States the total set-aside amount
6 under paragraph (2) so that each State receives an
7 amount equal to the proportion that—
8 "(A) the amount apportioned to the State
9 for the transportation enhancements program
10 for fiscal year 2009 under section 133(d)(2), as
11 in effect on the day before the date of enact-
12 ment of MAP–21 (Public Law 112–141; 126
13 Stat. 405); bears to
14 "(B) the total amount of funds appor-
15 tioned to all States for that fiscal year for the
16 transportation enhancements program for fiscal
17 year 2009.";
18 (2) in subsection (c)—
19 (A) in paragraph (1)—
20 (i) in the matter preceding subpara-
21 graph (A), by striking "Of the funds" and
22 all that follows through "shall be obligated
23 under this section" in subparagraph (A)
24 and inserting "Funds reserved in a State
25 under this section shall be obligated";

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(iv) in subparagraph (C) (as so redesignated), by striking "; and" and inserting a period;

(B) in paragraph (2), by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)";

(C) in paragraph (3)(A)—

(i) by striking "Except as provided in paragraph (1)(B), the" and inserting "The"; and

(ii) by striking "paragraph (1)(A)(i)" both places it appears and inserting "paragraph (1)(A)";

(D) in paragraph (4)(B)—

(i) in clause (vi), by striking "and" at the end;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

"(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and"; and

(E) in paragraph (5)—

(i) by striking "For funds reserved" and inserting the following:

"(A) IN GENERAL.—For funds reserved";

(ii) by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)"; and

(iii) by adding at the end the following:

"(B) NO RESTRICTION ON SUBALLOCATION.—Nothing in this section prevents a metropolitan planning organization from further suballocating funds within the boundaries of the metropolitan planning area if a competitive process is implemented for the award of the suballocated funds."; and

(3) by adding at the end the following:

"(h) ANNUAL REPORTS.—

"(1) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this section shall submit to the Secretary an annual report that describes—

1 "(A) the number of project applications re-
2 ceived for each fiscal year, including—
3 "(i) the aggregate cost of the projects
4 for which applications are received; and
5 "(ii) the types of project to be carried
6 out (as described in subsection (b)), ex-
7 pressed as percentages of the total appor-
8 tionment of the State under subsection (a);
9 and
10 "(B) the number of projects selected for
11 funding for each fiscal year, including the ag-
12 gregate cost and location of projects selected.
13 "(2) PUBLIC AVAILABILITY.—The Secretary
14 shall make available to the public, in a user-friendly
15 format on the website of the Department, a copy of
16 each annual report submitted under paragraph (1).
17 "(i) EXPEDITING INFRASTRUCTURE PROJECTS.—
18 "(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this subsection, the Se-
20 cretary shall develop regulations or guidance relating
21 to the implementation of this section that encour-
22 ages the use of the programmatic approaches to en-
23 vironmental reviews, expedited procurement tech-
24 niques, and other best practices to facilitate produc-
25 tive and timely expenditure for projects that are

small, low-impact, and constructed within an existing built environment.

"(2) STATE PROCESSES.—The Secretary shall work with State departments of transportation to ensure that any regulation or guidance developed under paragraph (1) is consistently implemented by States and the Federal Highway Administration to avoid unnecessary delays in implementing projects and to ensure the effective use of Federal dollars.".

(b) CONFORMING AMENDMENT.—Section 126 of title 23, United States Code, is amended—

(1) by striking "SET-ASIDES.—" and all that follows through "Funds that" in paragraph (1) and inserting "SET-ASIDES.—Funds that"; and

(2) by striking paragraph (2).

SEC. 1017. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574) is amended in the matter preceding paragraph (1) by striking "fiscal years 2013 and 2014" and inserting "fiscal years 2013 through 2021".

SEC. 1018. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance relating to working

1 with State departments of transportation that request as-
2 sistance from the division offices of the Federal Highway
3 Administration—
4 (1) to review roads classified as principal arte-
5 rials in the State that were added to the National
6 Highway System as of October 1, 2012, so as to
7 comply with section 103 of title 23, United States
8 Code; and
9 (2) to identify any necessary functional classi-
10 fication changes to rural and urban principal arte-
11 rials.
12 (b) ADMINISTRATIVE ACTIONS.—The Secretary shall
13 direct the division offices of the Federal Highway Admin-
14 istration to work with the applicable State department of
15 transportation that requests assistance under this sec-
16 tion—
17 (1) to assist in the review of roads in accord-
18 ance with guidance issued under subsection (a);
19 (2) to expeditiously review and facilitate re-
20 quests from States to reclassify roads classified as
21 principal arterials; and
22 (3) in the case of a State that requests the
23 withdrawal of reclassified roads from the National
24 Highway System under section 103(b)(3) of title 23,
25 United States Code, to carry out that withdrawal if

1 the inclusion of the reclassified road in the National
2 Highway System is not consistent with the needs
3 and priorities of the community or region in which
4 the reclassified road is located.

5 (c) NATIONAL HIGHWAY SYSTEM MODIFICATION
6 REGULATIONS.—The Secretary shall—

7 (1) review the National Highway System modi-
8 fication process described in appendix D of part 470
9 of title 23, Code of Federal Regulations (or suc-
10 cessor regulations); and

11 (2) take any action necessary to ensure that a
12 State may submit to the Secretary a request to mod-
13 ify the National Highway System by withdrawing a
14 road from the National Highway System.

15 (d) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this Act, and annually
17 thereafter, the Secretary shall submit to the Committee
18 on Environment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives a report that includes a descrip-
21 tion of—

22 (1) each request for reclassification of National
23 Highway System roads;

24 (2) the status of each request; and

1 (3) if applicable, the justification for the denial
2 by the Secretary of a request.
3 (e) MODIFICATIONS TO THE NATIONAL HIGHWAY
4 SYSTEM.—Section 103(b)(3)(A) of title 23, United States
5 Code, is amended—
6 (1) in the matter preceding clause (i)—
7 (A) by striking ", including any modifica-
8 tion consisting of a connector to a major inter-
9 modal terminal,"; and
10 (B) by inserting ", including any modifica-
11 tion consisting of a connector to a major inter-
12 modal terminal or the withdrawal of a road
13 from that system," after "the National High-
14 way System"; and
15 (2) in clause (ii)—
16 (A) by striking "(ii) enhances" and insert-
17 ing "(ii)(I) enhances";
18 (B) by striking the period at the end and
19 inserting "; or"; and
20 (C) by adding at the end the following:
21 "(II) in the case of the withdrawal of
22 a road, is reasonable and appropriate.".
23 **SEC. 1019. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**
24 Section 129(a) of title 23, United States Code, is
25 amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (B)—

3 (i) by striking "(other than a highway

4 on the Interstate System)"; and

5 (ii) by inserting "non-HOV" after

6 "toll-free" each place it appears;

7 (B) by striking subparagraph (C); and

8 (C) by redesignating subparagraphs (D)

9 through (I) as subparagraphs (C) through (H),

10 respectively;

11 (2) by striking paragraph (4) and paragraph

12 (6);

13 (3) by redesignating paragraphs (5), (7), (8),

14 (9), and (10) as paragraphs (4), (5), (6), (7), and

15 (9), respectively;

16 (4) in paragraph (4)(B) (as so redesignated),

17 by striking "the Federal-aid system" and inserting

18 "Federal-aid highways"; and

19 (5) by inserting after paragraph (7) (as so re-

20 designated) the following:

21 "(8) EQUAL ACCESS FOR MOTORCOACHES.—A

22 private motorcoach that serves the public shall be

23 provided access to a toll facility under the same

24 rates, terms, and conditions as public transportation

25 buses in the State.".

1 **SEC. 1020. HOV FACILITIES.**

2 Section 166 of title 23, United States Code, is
3 amended—

4 (1) in subsection (b)—

5 (A) by striking paragraph (4) and insert-
6 ing the following:

7 "(4) HIGH OCCUPANCY TOLL VEHICLES.—

8 "(A) IN GENERAL.—The State agency may
9 allow vehicles not otherwise exempt under this
10 subsection to use the HOV facility if the opera-
11 tors of the vehicles pay a toll charged by the
12 agency for use of the facility and the agency—

13 "(i) establishes a program that ad-
14 dresses how motorists can enroll and par-
15 ticipate in the toll program;

16 "(ii) in the case of a high occupancy
17 vehicle facility that affects a metropolitan
18 area, submits to the Secretary a written
19 statement that the metropolitan planning
20 organization designated under section 134
21 for the area has been consulted concerning
22 the placement and amount of tolls on the
23 converted facility;

24 "(iii) develops, manages, and main-
25 tains a system that will automatically col-
26 lect the toll; and

1 "(iv) establishes policies and proce-
2 dures—
3 "(I) to manage the demand to
4 use the facility by varying the toll
5 amount that is charged;
6 "(II) to enforce violations of the
7 use of the facility; and
8 "(III) to ensure that private
9 motorcoaches that serve the public are
10 provided access to the facility under
11 the same rates, terms, and conditions,
12 as public transportation buses in the
13 State.
14 "(B) EXEMPTION FROM TOLLS.—In lev-
15 ying a toll on a facility under subparagraph
16 (A), a State agency may—
17 "(i) designate classes of vehicles that
18 are exempt from the toll; and
19 "(ii) charge different toll rates for dif-
20 ferent classes of vehicles.";
21 (B) in paragraph (5), by striking subpara-
22 graph (A) and inserting the following:
23 "(A) INHERENTLY LOW EMISSION VEHI-
24 CLE.—If a State agency establishes procedures
25 for enforcing the restrictions on the use of a

1 HOV facility by vehicles described in clauses (i)
2 and (ii), the State agency may allow the use of
3 the HOV facility by—
4 "(i) alternative fuel vehicles; and
5 "(ii) any motor vehicle described in
6 section 30D(d)(1) of the Internal Revenue
7 Code of 1986.";
8 (2) in subsection (c)—
9 (A) in paragraph (1)—
10 (i) by striking "Tolls" and inserting
11 "Notwithstanding section 301, tolls"; and
12 (ii) by striking "notwithstanding sec-
13 tion 301 and, except as provided in para-
14 graphs (2) and (3)";
15 (B) by striking paragraph (2); and
16 (C) by redesignating paragraph (3) as
17 paragraph (2); and
18 (3) in subsection (d)(1), by striking subpara-
19 graphs (D) and (E) and inserting the following:
20 "(D) MAINTENANCE OF OPERATING PER-
21 FORMANCE.—
22 "(i) SUBMISSION OF PLAN.—Not later
23 than 180 days after the date on which a
24 facility is degraded under paragraph (2),
25 the State agency with jurisdiction over the

1 facility shall submit to the Secretary for
2 approval a plan that details the actions the
3 State agency will take to bring the facility
4 into compliance with the minimum average
5 operating speed performance standard
6 through changes to operation of the facil-
7 ity, including—
8 "(I) increasing the occupancy re-
9 quirement for HOV lanes;
10 "(II) varying the toll charged to
11 vehicles allowed under subsection (b)
12 to reduce demand;
13 "(III) discontinuing allowing
14 non-HOV vehicles to use HOV lanes
15 under subsection (b); or
16 "(IV) increasing the available ca-
17 pacity of the HOV facility.
18 "(ii) NOTICE OF APPROVAL OR DIS-
19 APPROVAL.—Not later than 60 days after
20 the date of receipt of a plan under clause
21 (i), the Secretary shall provide to the State
22 agency a written notice indicating whether
23 the Secretary has approved or disapproved
24 the plan based on a determination of
25 whether the implementation of the plan

1 will bring the HOV facility into compli-
2 ance.
3 "(iii) BIANNUAL PROGRESS UP-
4 DATES.—Until the date on which the Sec-
5 retary determines that the State agency
6 has brought the HOV facility into compli-
7 ance with this subsection, the State agency
8 shall submit biannual updates that de-
9 scribe—
10 "(I) the actions taken to bring
11 the HOV facility into compliance; and
12 "(II) the progress made by those
13 actions.
14 "(E) COMPLIANCE.—The Secretary shall
15 subject the State to appropriate program sanc-
16 tions under section 1.36 of title 23, Code of
17 Federal Regulations (or successor regulations),
18 until the performance is no longer degraded,
19 if—
20 "(i) the State agency fails to submit
21 an approved action plan under subpara-
22 graph (D) to bring a degraded facility into
23 compliance; or
24 "(ii) after the State submits and the
25 Secretary approves an action plan under

1 subparagraph (D), the Secretary deter-
2 mines that, on a date that is not earlier
3 than 1 year after the approval of the ac-
4 tion plan, the State agency is not making
5 significant progress toward bringing the
6 HOV facility into compliance with the min-
7 imum average operating speed performance
8 standard.".

9 **SEC. 1021. INTERSTATE SYSTEM RECONSTRUCTION AND**
10 **REHABILITATION PILOT PROGRAM.**

11 Section 1216(b) of the Transportation Equity Act for
12 the 21st Century (Public Law 105–178; 112 Stat. 212)
13 is amended—

14 (1) in paragraph (3)—

15 (A) in subparagraph (A), by striking "the
16 age, condition, and intensity of use of the facil-
17 ity" and inserting "an analysis demonstrating
18 that the facility has a significant age, condition,
19 or intensity of use to require expedited recon-
20 struction or rehabilitation";

21 (B) in subparagraph (D)(iii), by inserting
22 ", and that demonstrates the capability of that
23 agency to perform or oversee the building, oper-
24 ation, and maintenance of a toll expressway

1 system meeting criteria for the Interstate Sys-
2 tem" before the semicolon at the end; and
3 (C) by adding at the end the following:
4 "(E) An analysis showing how the State
5 plan for implementing tolls on the facility takes
6 into account the interests and use of local, re-
7 gional, and interstate travelers.
8 "(F) An explanation of how the State will
9 collect tolls using electronic toll collection, in-
10 cluding at highway speeds, if practicable.
11 "(G) A plan describing the proposed loca-
12 tion for the collection of tolls on the facility, in-
13 cluding any locations in proximity to a State
14 border.
15 "(H) Approved documentation that the
16 project—
17 "(i) has received a categorical exclu-
18 sion, a finding of no significant impact, or
19 a record of decision under the National
20 Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.); and
22 "(ii) complies with the Uniform Relo-
23 cation Assistance and Real Property Ac-
24 quisition Policies Act of 1970 (42 U.S.C.
25 4601 et seq.).";

1 (2) by striking paragraphs (4) and (6);
2 (3) by redesignating paragraph (5) as para-
3 graph (4);
4 (4) in paragraph (4)(as so redesignated)—
5 (A) in the matter preceding subparagraph
6 (A), by striking "Before the Secretary may per-
7 mit" and inserting "As a condition of permit-
8 ting";
9 (B) in subparagraph (A)—
10 (i) in the matter preceding clause (i),
11 by striking "for—" and inserting "for per-
12 missible uses described in section
13 129(a)(3) of title 23, United States Code;
14 and"; and
15 (ii) by striking clauses (i) through
16 (iii);
17 (5) by inserting after paragraph (4) (as so re-
18 designated) the following:
19 "(5) APPLICATION PROCESSING PROCEDURE.—
20 "(A) IN GENERAL.—Not later than 60
21 days after receipt of an application under this
22 subsection, the Secretary shall provide to the
23 applicant a written notice informing the appli-
24 cant whether—

1 "(i) the application is complete and
2 meets all requirements under this sub-
3 section; or
4 "(ii) additional information or mate-
5 rials are needed—
6 "(I) to complete the application;
7 or
8 "(II) to meet the eligibility re-
9 quirements under paragraph (3).
10 "(B) ADDITIONAL INFORMATION OR MATE-
11 RIALS.—
12 "(i) IN GENERAL.—Not later than 60
13 days after receipt of an application, the
14 Secretary shall—
15 "(I) identify any additional infor-
16 mation or materials that are needed
17 under subparagraph (A)(ii); and
18 "(II) provide to the applicant
19 written notice specifying the details of
20 the additional required information or
21 materials.
22 "(ii) AMENDED APPLICATION.—Not
23 later than 60 days after receipt of the ad-
24 ditional information under clause (i), the
25 Secretary shall determine if the amended

1 application is complete and meets all re-
2 quirements under this subsection.
3 "(C) TECHNICAL ASSISTANCE.—On the re-
4 quest of a State, the Secretary shall provide
5 technical assistance to facilitate the develop-
6 ment of a complete application under this para-
7 graph that is likely to satisfy the eligibility cri-
8 teria under paragraph (3).
9 "(D) APPROVAL OF APPLICATION.—On
10 written notice by the Secretary that the applica-
11 tion is complete and meets all requirements of
12 this subsection, the project is considered ap-
13 proved and shall be permitted to participate in
14 the program under this subsection.
15 "(E) LIMITATION ON APPROVED APPLICA-
16 TION.—
17 "(i) IN GENERAL.—For an application
18 received under this subsection on or after
19 the date of enactment of the DRIVE Act
20 for the reconstruction or rehabilitation of a
21 facility, a State shall—
22 "(I) not later than 1 year after
23 the date on which the application is
24 approved, issue a solicitation for a
25 contract to provide for the reconstruc-

1 tion or rehabilitation of the facility;
2 and
3 "(II) not later than 2 years after
4 the date on which the application is
5 approved, execute a contract for the
6 reconstruction or rehabilitation of the
7 facility.
8 "(ii) PRIOR APPLICATIONS.—For an
9 application that received a conditional pro-
10 visional approval under this subsection be-
11 fore the date of enactment of the DRIVE
12 Act, for the reconstruction or rehabilitation
13 of a facility, a State shall—
14 "(I) not later than 1 year after
15 the date of enactment of the DRIVE
16 Act, issue a solicitation for a contract
17 to provide for the reconstruction or
18 rehabilitation of the facility; and
19 "(II) not later than 2 years after
20 the date of enactment of the DRIVE
21 Act, execute a contract for the recon-
22 struction or rehabilitation of the facil-
23 ity.
24 "(iii) CANCELLATION OR EXTEN-
25 SION.—If an applicable deadline under

1 clause (i) or (ii) is not met, the Secretary
2 shall—
3 "(I) cancel the application ap-
4 proval; or
5 "(II) grant an extension of not
6 more than 1 year for the applicable
7 deadline, on the condition that—
8 "(aa) there has been demon-
9 strable progress toward meeting
10 the applicable requirements; and
11 "(bb) the requirements are
12 likely to be met within 1 year.
13 "(6) LIMITATION ON THE USE OF NATIONAL
14 HIGHWAY PERFORMANCE PROGRAM FUNDS.—During
15 the term of the pilot program, funds apportioned for
16 the national highway performance program under
17 section 104(b)(1) of title 23, United States Code,
18 may not be used for a facility for which tolls are
19 being collected under the pilot program unless the
20 funds are used for a maintenance purpose, as de-
21 fined in section 101(a) of title 23, United States
22 Code.";
23 (6) by redesignating paragraphs (7) and (8) as
24 paragraphs (8) and (9), respectively;

(7) by inserting after paragraph (6) the following:

"(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time."; and

(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting "after the date of enactment of the DRIVE Act" after "10 years".

SEC. 1022. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

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

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).".

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

"(1) DEFINITIONS.—In this subsection:

"(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

"(i) is maintained;

"(ii) is open to the general public; and

"(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

"(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.".

SEC. 1023. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.

Section 144(h) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

1 (2) by inserting after paragraph (5) the fol-
2 lowing:
3 "(6) BRIDGES REQUIRING CLOSURE OR LOAD
4 RESTRICTIONS.—
5 "(A) BRIDGES OWNED BY FEDERAL AGEN-
6 CIES OR TRIBAL GOVERNMENTS.—If a Federal
7 agency or tribal government fails to ensure that
8 any highway bridge that is open to public travel
9 and located in the jurisdiction of the Federal
10 agency or tribal government is properly closed
11 or restricted to loads that the bridge can carry
12 safely, the Secretary—
13 "(i) shall, on learning of the need to
14 close or restrict loads on the bridge, re-
15 quire the Federal agency or tribal govern-
16 ment to take action necessary—
17 "(I) to close the bridge within 48
18 hours; or
19 "(II) within 30 days, to restrict
20 public travel on the bridge to loads
21 that the bridge can carry safely; and
22 "(ii) may, if the Federal agency or
23 tribal government fails to take action re-
24 quired under clause (i), withhold all fund-

1 ing authorized under this title for the Fed-
2 eral agency or tribal government.".
3 "(B) OTHER BRIDGES.—If a State fails to
4 ensure that any highway bridge, other than a
5 bridge described in subparagraph (A), that is
6 open to public travel and is located within the
7 boundaries of the State is properly closed or re-
8 stricted to loads the bridge can carry safely, the
9 Secretary—
10 "(i) shall, on learning of the need to
11 close or restrict loads on the bridge, re-
12 quire the State to take action necessary—
13 "(I) to close the bridge within 48
14 hours; or
15 "(II) within 30 days, to restrict
16 public travel on the bridge to loads
17 that the bridge can carry safely; and
18 "(ii) may, if the State fails to take ac-
19 tion required under clause (i), withhold ap-
20 proval for Federal-aid projects in that
21 State."; and
22 (3) in paragraph (8) (as redesignated by para-
23 graph (1)), by striking "(6)" and inserting "(7)".

1 **SEC. 1024. NATIONAL ELECTRIC VEHICLE CHARGING AND**
2 **NATURAL GAS FUELING CORRIDORS.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by inserting after section 150 the
5 following:

6 **"§ 151. National electric vehicle charging and natural**
7 **gas fueling corridors**

8 "(a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of the DRIVE Act, the Secretary shall
10 designate national electric vehicle charging and natural
11 gas fueling corridors that identify the near- and long-term
12 need for, and location of, electric vehicle charging infra-
13 structure and natural gas fueling infrastructure at stra-
14 tegic locations along major national highways to improve
15 the mobility of passenger and commercial vehicles that
16 employ electric and natural gas fueling technologies across
17 the United States.

18 "(b) DESIGNATION OF CORRIDORS.—In designating
19 the corridors under subsection (a), the Secretary shall—

20 "(1) solicit nominations from State and local
21 officials for facilities to be included in the corridors;

22 "(2) incorporate existing electric vehicle charg-
23 ing and natural gas fueling corridors designated by
24 a State or group of States; and

1 "(3) consider the demand for, and location of,
2 existing electric vehicle charging and natural gas
3 fueling infrastructure.
4 "(e) STAKEHOLDERS.—In designating corridors
5 under subsection (a), the Secretary shall involve, on a vol-
6 untary basis, stakeholders that include—
7 "(1) the heads of other Federal agencies;
8 "(2) State and local officials;
9 "(3) representatives of—
10 "(A) energy utilities;
11 "(B) the electric and natural gas vehicle
12 industries;
13 "(C) the freight and shipping industry;
14 "(D) clean technology firms;
15 "(E) the hospitality industry;
16 "(F) the restaurant industry; and
17 "(G) highway rest stop vendors; and
18 "(4) such other stakeholders as the Secretary
19 determines to be necessary.
20 "(d) REDESIGNATION.—Not later than 5 years after
21 the date of establishment of the corridors under subsection
22 (a), and every 5 years thereafter, the Secretary shall up-
23 date and redesignate the corridors.

1 "(e) REPORT.—During designation and redesignation
2 of the corridors under this section, the Secretary shall
3 issue a report that—
4 "(1) identifies electric vehicle charging and nat-
5 ural gas fueling infrastructure and standardization
6 needs for electricity providers, natural gas providers,
7 infrastructure providers, vehicle manufacturers, elec-
8 tricity purchasers, and natural gas purchasers; and
9 "(2) establishes an aspirational goal of achiev-
10 ing strategic deployment of electric vehicle charging
11 and natural gas fueling infrastructure in those cor-
12 ridors by the end of fiscal year 2021.".
13 (b) CONFORMING AMENDMENT.—The analysis of
14 chapter 1 of title 23, United States Code, is amended by
15 striking the item relating to section 151 and inserting the
16 following:

"151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.".

17 **SEC. 1025. ASSET MANAGEMENT.**
18 (a) Section 119(f)(2) of title 23, United States Code,
19 is amended—
20 (1) in subparagraph (A), by striking "struc-
21 turally deficient" and inserting "being in poor condi-
22 tion"; and
23 (2) in subparagraph (B), by striking "struc-
24 turally deficient" and inserting "being in poor condi-
25 tion".

1 (b) Section 144 of title 23, United States Code, is
2 amended—
3 (1) in subsection (a)(1)(B), by striking "defi-
4 cient"; and
5 (2) in subsection (b)(5), by striking "each
6 structurally deficient bridge" and inserting "each
7 bridge in poor condition".
8 (c) Section 202(d) of title 23, United States Code,
9 is amended—
10 (1) in paragraph (1), by striking "deficient";
11 (2) in paragraph (2)(B), by striking "defi-
12 cient"; and
13 (3) in paragraph (3)—
14 (A) in subparagraph (A), by striking the
15 semicolon at the end and inserting "; and";
16 (B) in subparagraph (B), by striking ";
17 and" at the end and inserting a period; and
18 (C) by striking subparagraph (C).
19 **SEC. 1026. TRIBAL TRANSPORTATION PROGRAM AMEND-**
20 **MENT.**
21 Section 202 of title 23, United States Code, is
22 amended—
23 (1) in subsection (a)(6), by striking "6 percent"
24 and inserting "5 percent"; and

1 (2) in subsection (d)(2), in the matter pre-
2 ceding subparagraph (A) by striking "2 percent"
3 and inserting "3 percent".

4 **SEC. 1027. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
5 **TRIBAL PROJECTS PROGRAM.**

6 (a) PURPOSE.—The Secretary shall establish a na-
7 tionally significant Federal lands and tribal projects pro-
8 gram (referred to in this section as the "program") to pro-
9 vide funding to construct, reconstruct, or rehabilitate na-
10 tionally significant Federal lands and tribal transportation
11 projects.

12 (b) ELIGIBLE APPLICANTS.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), entities eligible to receive funds under
15 sections 201, 202, 203, and 204 of title 23, United
16 States Code, may apply for funding under the pro-
17 gram.

18 (2) SPECIAL RULE.—A State, county, or unit of
19 local government may only apply for funding under
20 the program if sponsored by an eligible Federal land
21 management agency or Indian tribe.

22 (c) ELIGIBLE PROJECTS.—An eligible project under
23 the program shall be a single continuous project—

24 (1) on a Federal lands transportation facility, a
25 Federal lands access transportation facility, or a

1 Tribal transportation facility (as those terms are de-
2 fined in section 101 of title 23, United States Code),
3 except that such facility is not required to be in-
4 cluded on an inventory described in sections 202 or
5 203 of title 23, United States Code;
6 (2) for which completion of activities required
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) has been dem-
9 onstrated through—
10 (A) a record of decision with respect to the
11 project;
12 (B) a finding that the project has no sig-
13 nificant impact; or
14 (C) a determination that the project is cat-
15 egorically excluded; and
16 (3) having an estimated cost, based on the re-
17 sults of preliminary engineering, equal to or exceed-
18 ing $25,000,0000, with priority consideration given
19 to projects with an estimated cost equal to or ex-
20 ceeding $50,000,000.
21 (d) ELIGIBLE ACTIVITIES.—
22 (1) IN GENERAL.—Subject to paragraph (2), an
23 eligible applicant receiving funds under the program
24 may only use the funds for construction, reconstruc-
25 tion, and rehabilitation activities.

1 (2) INELIGIBLE ACTIVITIES.—An eligible appli-
2 cant may not use funds received under the program
3 for activities relating to project design.
4 (e) APPLICATIONS.—Eligible applicants shall submit
5 to the Secretary an application at such time, in such form,
6 and containing such information as the Secretary may re-
7 quire.
8 (f) SELECTION CRITERIA.—In selecting a project to
9 receive funds under the program, the Secretary shall con-
10 sider the extent to which the project—
11 (1) furthers the goals of the Department, in-
12 cluding state of good repair, environmental sustain-
13 ability, economic competitiveness, quality of life, and
14 safety;
15 (2) improves the condition of critical
16 multimodal transportation facilities;
17 (3) needs construction, reconstruction, or reha-
18 bilitation;
19 (4) is included in or eligible for inclusion in the
20 National Register of Historic Places;
21 (5) enhances environmental ecosystems;
22 (6) uses new technologies and innovations that
23 enhance the efficiency of the project;

1 (7) is supported by funds, other than the funds
2 received under the program, to construct, maintain,
3 and operate the facility;
4 (8) spans 2 or more States; and
5 (9) serves land owned by multiple Federal agen-
6 cies or Indian tribes.
7 (g) FEDERAL SHARE.—The Federal share of the cost
8 of a project shall be 95 percent.
9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 $150,000,000 for each of fiscal years 2016 through 2021,
12 to remain available for a period of 3 fiscal years following
13 the fiscal year for which the amounts were appropriated.
14 **SEC. 1028. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**
15 Section 201(c) of title 23, United States Code, is
16 amended—
17 (1) in paragraph (6)(A)—
18 (A) by redesignating clauses (i) and (ii) as
19 subclauses (I) and (II), respectively;
20 (B) in the matter preceding subclause (I)
21 (as so redesignated), by striking "The Secre-
22 taries" and inserting the following:
23 "(i) IN GENERAL.—The Secretaries";
24 (C) by inserting a period after "tribal
25 transportation program"; and

(D) by striking "in accordance with" and all that follows through "including—" and inserting the following:

"(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(iii) INCLUSIONS.—Data collected under this paragraph includes—"; and

(2) by striking paragraph (7) and inserting the following—

"(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

"(8) FUNDING.—

"(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall combine and use not greater than 5 percent for

1 each fiscal year of the funds authorized for pro-
2 grams under sections 203 and 204.
3 "(B) OTHER ACTIVITIES.—In addition to
4 the activities described in subparagraph (A),
5 funds described under that subparagraph may
6 be used for—
7 "(i) bridge inspections on any feder-
8 ally owned bridge even if that bridge is not
9 included on the inventory described under
10 section 203; and
11 "(ii) transportation planning activities
12 carried out by Federal land management
13 agencies eligible for funding under this
14 chapter.".
15 **SEC. 1029. FEDERAL LANDS TRANSPORTATION PROGRAM.**
16 Section 203 of title 23, United States Code, is
17 amended—
18 (1) in subsection (a)(1)—
19 (A) in subparagraph (B), by striking "op-
20 eration" and inserting "capital, operations,";
21 and
22 (B) in subparagraph (D), by striking "sub-
23 paragraph (A)(iv)" and inserting "subpara-
24 graph (A)(iv)(I)";
25 (2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv), by striking "and" at the end;

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

(iii) by adding at the end the following:

"(vi) the Bureau of Reclamation; and

"(vii) independent Federal agencies with natural resource and land management responsibilities."; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting "performance management, including" after "support"; and

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

"(vi) The Bureau of Reclamation.".

Subtitle B—Acceleration of Project Delivery

SEC. 1101. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Section 1317 of MAP-21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking "Not later than" and inserting the fol-
3 lowing:
4 "(a) IN GENERAL.—Not later than"; and
5 (2) by adding at the end the following:
6 "(b) INFLATIONARY ADJUSTMENT.—The dollar
7 amounts described in subsection (a) shall be adjusted for
8 inflation—
9 "(1) effective October 1, 2015, to reflect
10 changes since July 1, 2012, in the Consumer Price
11 Index for All Urban Consumers published by the
12 Bureau of Labor Statistics of the Department of
13 Labor; and
14 "(2) effective October 1, 2016, and each suc-
15 ceeding October 1, to reflect changes for the pre-
16 ceding 12-month period in the Consumer Price
17 Index for All Urban Consumers published by the
18 Bureau of Labor Statistics of the Department of
19 Labor.".
20 **SEC. 1102. PROGRAMMATIC AGREEMENT TEMPLATE.**
21 (a) IN GENERAL.—Section 1318 of MAP-21 (23
22 U.S.C. 109 note; Public Law 112–141) is amended by
23 adding at the end the following:
24 "(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

1 "(1) IN GENERAL.—The Secretary shall develop
2 a template programmatic agreement described in
3 subsection (d) that provides for efficient and ade-
4 quate procedures for evaluating Federal actions de-
5 scribed in section 771.117(c) of title 23, Code of
6 Federal Regulations (as in effect on the date of en-
7 actment of this subsection).
8 "(2) USE OF TEMPLATE.—The Secretary—
9 "(A) on receipt of a request from a State,
10 shall use the template programmatic agreement
11 developed under paragraph (1) in carrying out
12 this section; and
13 "(B) on consent of the applicable State,
14 may modify the template as necessary to ad-
15 dress the unique needs and characteristics of
16 the State.
17 "(3) OUTCOME MEASUREMENTS.—The Sec-
18 retary shall establish a method to verify that actions
19 described in section 771.117(c) of title 23, Code of
20 Federal Regulations (as in effect on the date of en-
21 actment of this subsection), are evaluated and docu-
22 mented in a consistent manner by the State that
23 uses the template programmatic agreement under
24 this subsection.".

1 (b) CATEGORICAL EXCLUSION DETERMINATIONS.—
2 Not later than 30 days after the date of enactment of this
3 Act, the Secretary shall revise section 771.117(g) of title
4 23, Code of Federal Regulations, to allow a programmatic
5 agreement under this section to include responsibility for
6 making categorical exclusion determinations—
7 (1) for actions described in subsections (c) and
8 (d) of section 771.117 of title 23, Code of Federal
9 Regulations; and
10 (2) that meet the criteria for a categorical ex-
11 clusion under section 1508.4 of title 40, Code of
12 Federal Regulations (as in effect on the date of en-
13 actment of this Act), and are identified in the pro-
14 grammatic agreement.
15 **SEC. 1103. AGENCY COORDINATION.**
16 (a) ROLES AND RESPONSIBILITY OF LEAD AGEN-
17 CY.—Section 139(c)(6) of title 23, United States Code,
18 is amended—
19 (1) in subparagraph (A), by striking "and" at
20 the end;
21 (2) in subparagraph (B), by striking the period
22 at the end and inserting "; and"; and
23 (3) by adding at the end the following:
24 "(C) to consider and respond to comments
25 received from participating agencies on matters

1 within the special expertise or jurisdiction of
2 the participating agencies.".
3 (b) PARTICIPATING AGENCY RESPONSIBILITIES.—
4 Section 139(d) of title 23, United States Code, is amended
5 by adding at the end the following:
6 "(8) PARTICIPATING AGENCY RESPONSIBIL-
7 ITIES.—An agency participating in the collaborative
8 environmental review process under this section
9 shall—
10 "(A) provide comments, responses, studies,
11 or methodologies on those areas within the spe-
12 cial expertise or jurisdiction of the Federal par-
13 ticipating or cooperating agency; and
14 "(B) use the process to address any envi-
15 ronmental issues of concern to the participating
16 or cooperating agency.".
17 **SEC. 1104. INITIATION OF ENVIRONMENTAL REVIEW PROC-**
18 **ESS.**
19 Section 139 of title 23, United States Code, is
20 amended—
21 (1) in subsection (a), by striking paragraph (6)
22 and inserting the following:
23 "(6) PROJECT.—
24 "(A) IN GENERAL.—The term 'project'
25 means any highway project, public transpor-

1 tation capital project, or multimodal project
2 that, if implemented as proposed by the project
3 sponsor, would require approval by any oper-
4 ating administration or secretarial office within
5 the Department.
6 "(B) CONSIDERATIONS.—For purposes of
7 this paragraph, the Secretary shall take into ac-
8 count, if known, any sources of Federal funding
9 or financing identified by the project sponsor,
10 including discretionary grant, loan, and loan
11 guarantee programs administered by the De-
12 partment.";
13 (2) in subsection (e)—
14 (A) in paragraph (1), by inserting "(in-
15 cluding any additional information that the
16 project sponsor considers to be important to ini-
17 tiate the process for the proposed project)"
18 after "location of the proposed project"; and
19 (B) by adding at the end the following:
20 "(3) REVIEW OF APPLICATION.—Not later than
21 45 days after the date on which an application is re-
22 ceived by the Secretary under this subsection, the
23 Secretary shall provide to the project sponsor a writ-
24 ten response that, as applicable—

1 "(A) describes the determination of the
2 Secretary—
3 "(i) to initiate the environmental re-
4 view process, including a timeline and an
5 expected date for the publication in the
6 Federal Register of the relevant notice of
7 intent; or
8 "(ii) to decline the application, includ-
9 ing an explanation of the reasons for that
10 decision; or
11 "(B) requests additional information, and
12 provides to the project sponsor an accounting,
13 regarding what is necessary to initiate the envi-
14 ronmental review process.
15 "(4) REQUEST TO DESIGNATE A LEAD AGEN-
16 CY.—
17 "(A) IN GENERAL.—Any project sponsor
18 may submit a request to the Secretary to des-
19 ignate a specific operating administration or
20 secretarial office within the Department of
21 Transportation to serve as the Federal lead
22 agency for a project.
23 "(B) PROPOSED SCHEDULE.—A request
24 under subparagraph (A) may include a pro-

1 posed schedule for completing the environ-
2 mental review process.
3 "(C) SECRETARIAL ACTION.—
4 "(i) IN GENERAL.—If a request under
5 subparagraph (A) is received, the Sec-
6 retary shall respond to the request not
7 later than 45 days after the date of re-
8 ceipt.
9 "(ii) REQUIREMENTS.—The response
10 shall—
11 "(I) approve the request;
12 "(II) deny the request, with an
13 explanation of the reasons; or
14 "(III) require the submission of
15 additional information.
16 "(iii) ADDITIONAL INFORMATION.—If
17 additional information is submitted in ac-
18 cordance with clause (ii)(III), the Sec-
19 retary shall respond to that submission not
20 later than 45 days after the date of re-
21 ceipt."; and
22 (3) in subsection (f)(4), by adding at the end
23 the following:
24 "(E) REDUCTION OF DUPLICATION.—

1 "(i) IN GENERAL.—In carrying out
2 this paragraph, the lead agency shall re-
3 duce duplication, to the maximum extent
4 practicable, between—
5 "(I) the evaluation of alternatives
6 under the National Environmental
7 Policy Act of 1969 (42 U.S.C. 4321
8 et seq.); and
9 "(II) the evaluation of alter-
10 natives in the metropolitan transpor-
11 tation planning process under section
12 134 of title 23, United States Code,
13 or an environmental review process
14 carried out under State law (referred
15 to in this subparagraph as a 'State
16 environmental review process').
17 "(ii) CONSIDERATION OF ALTER-
18 NATIVES.—The lead agency may eliminate
19 from detailed consideration an alternative
20 proposed in an environmental impact state-
21 ment regarding a project if, as determined
22 by the lead agency—
23 "(I) the alternative was consid-
24 ered in a metropolitan planning proc-
25 ess or a State environmental review

1 process by a metropolitan planning or-
2 ganization or a State or local trans-
3 portation agency, as applicable;
4 "(II) the lead agency provided
5 guidance to the metropolitan planning
6 organization or State or local trans-
7 portation agency, as applicable, re-
8 garding analysis of alternatives in the
9 metropolitan planning process or
10 State environmental review process,
11 including guidance on the require-
12 ments under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.) and any other require-
15 ments of Federal law necessary for
16 approval of the project;
17 "(III) the applicable metropolitan
18 planning process or State environ-
19 mental review process included an op-
20 portunity for public review and com-
21 ment;
22 "(IV) the applicable metropolitan
23 planning organization or State or
24 local transportation agency rejected

1 the alternative after considering pub-
2 lic comments;
3 "(V) the Federal lead agency
4 independently reviewed the alternative
5 evaluation approved by the applicable
6 metropolitan planning organization or
7 State or local transportation agency;
8 and
9 "(VI) the Federal lead agency
10 has determined—
11 "(aa) in consultation with
12 Federal participating or cooper-
13 ating agencies, that the alter-
14 native to be eliminated from con-
15 sideration is not necessary for
16 compliance with the National En-
17 vironmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.); or
19 "(bb) with the concurrence
20 of Federal agencies with jurisdic-
21 tion over a permit or approval re-
22 quired for a project, that the al-
23 ternative to be eliminated from
24 consideration is not necessary for

1 any permit or approval under any
2 other Federal law.".

3 **SEC. 1105. IMPROVING COLLABORATION FOR ACCELER-**
4 **ATED DECISION MAKING.**

5 (a) COORDINATION AND SCHEDULING.—Section
6 139(g)(1)(B)(i) of title 23, United States Code, is amend-
7 ed—

8 (1) by striking "The lead agency" and inserting
9 "For a project requiring an environmental impact
10 statement or environmental assessment, the lead
11 agency"; and

12 (2) by striking "may" and inserting "shall".

13 (b) ISSUE IDENTIFICATION AND RESOLUTION.—Sec-
14 tion 139(h) of title 23, United States Code, is amended—

15 (1) in paragraph (4)(C), by striking "paragraph
16 (5) and" and inserting "paragraph (5)";

17 (2) in paragraph (5)(A)(ii)(I), by inserting ",
18 including modifications to the project schedule"
19 after "review process"; and

20 (3) in paragraph (6)(B), by striking clause (ii)
21 and inserting the following:

22 "(ii) DESCRIPTION OF DATE.—The
23 date referred to in clause (i) is 1 of the fol-
24 lowing:

"(I) The date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B).

"(II) If no schedule exists, the later of—

"(aa) the date that is 180 days after the date on which an application for the permit, license or approval is complete; or

"(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(III) A modified date consistent with subsection (g)(1)(D).".

SEC. 1106. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

1 "(n) ACCELERATED DECISIONMAKING IN ENVIRON-
2 MENTAL REVIEWS.—
3 "(1) IN GENERAL.—In preparing a final envi-
4 ronmental impact statement under the National En-
5 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
6 seq.), if the lead agency modifies the statement in
7 response to comments that are minor and are con-
8 fined to factual corrections or explanations regarding
9 why the comments do not warrant additional agency
10 response, the lead agency may write on errata sheets
11 attached to the statement instead of rewriting the
12 draft statement, subject to the condition that the er-
13 rata sheets shall—
14 "(A) cite the sources, authorities, or rea-
15 sons that support the position of the lead agen-
16 cy; and
17 "(B) if appropriate, indicate the cir-
18 cumstances that would trigger agency re-
19 appraisal or further response.
20 "(2) INCORPORATION.—To the maximum ex-
21 tent practicable, the lead agency shall expeditiously
22 develop a single document that consists of a final en-
23 vironmental impact statement and a record of deci-
24 sion, unless—

"(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

"(B) there are significant new circumstances or information that—

"(i) are relevant to environmental concerns; and

"(ii) bear on the proposed action or the impacts of the proposed action.".

(b) REPEAL.—Section 1319 of MAP–21 (42 U.S.C. 4332a) is repealed.

SEC. 1107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

Section 139 of title 23, United States Code (as amended by section 1106(a)), is amended by adding at the end the following:

"(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards to make publicly available the status of reviews, approvals, and permits re-

1 quired for compliance with the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
3 or other applicable Federal laws for projects and ac-
4 tivities requiring an environmental assessment or an
5 environmental impact statement.

6 "(2) FEDERAL AGENCY PARTICIPATION.—A
7 Federal agency of jurisdiction over a review, ap-
8 proval, or permit described in paragraph (1) shall
9 provide status information in accordance with the
10 standards established by the Secretary under para-
11 graph (1).

12 "(3) STATE RESPONSIBILITIES.—A State that
13 is assigned and assumes responsibilities under sec-
14 tion 326 or 327 shall provide applicable status infor-
15 mation in accordance with standards established by
16 the Secretary under paragraph (1).".

17 **SEC. 1108. INTEGRATION OF PLANNING AND ENVIRON-**
18 **MENTAL REVIEW.**

19 Section 168 of title 23, United States Code, is
20 amended to read as follows:

21 **"§ 168. Integration of planning and environmental re-**
22 **view**

23 "(a) DEFINITIONS.—In this section, the following
24 definitions apply:

1 "(1) ENVIRONMENTAL REVIEW PROCESS.—The
2 term 'environmental review process' means the proc-
3 ess for preparing for a project an environmental im-
4 pact statement, environmental assessment, categor-
5 ical exclusion, or other document prepared under the
6 National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.).
8 "(2) LEAD AGENCY.—The term 'lead agency'
9 has the meaning given the term in section 139(a).
10 "(3) PLANNING PRODUCT.—The term 'planning
11 product' means a decision, analysis, study, or other
12 documented information that is the result of an eval-
13 uation or decisionmaking process carried out by a
14 metropolitan planning organization or a State, as
15 appropriate, during metropolitan or statewide trans-
16 portation planning under section 134 or 135, respec-
17 tively.
18 "(4) PROJECT.—The term 'project' has the
19 meaning given the term in section 139(a).
20 "(b) ADOPTION OF PLANNING PRODUCTS FOR USE
21 IN NEPA PROCEEDINGS.—
22 "(1) IN GENERAL.—Subject to subsection (d),
23 the Federal lead agency for a project may adopt and
24 use a planning product in proceedings relating to

1 any class of action in the environmental review proc-
2 ess of the project.
3 "(2) IDENTIFICATION.—If the Federal lead
4 agency makes a determination to adopt and use a
5 planning product, the Federal lead agency shall
6 identify the agencies that participated in the devel-
7 opment of the planning products.
8 "(3) PARTIAL ADOPTION OF PLANNING PROD-
9 UCTS.—The Federal lead agency may—
10 "(A) adopt an entire planning product
11 under paragraph (1); or
12 "(B) select portions of a planning project
13 under paragraph (1) for adoption.
14 "(4) TIMING.—A determination under para-
15 graph (1) with respect to the adoption of a planning
16 product may—
17 "(A) be made at the time the lead agencies
18 decide the appropriate scope of environmental
19 review for the project; or
20 "(B) occur later in the environmental re-
21 view process, as appropriate.
22 "(e) APPLICABILITY.—
23 "(1) PLANNING DECISIONS.—The lead agency
24 in the environmental review process may adopt deci-
25 sions from a planning product, including—

"(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

"(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

"(C) the purpose and the need for the proposed action;

"(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

"(E) a basic description of the environmental setting;

"(F) a decision with respect to methodologies for analysis; and

"(G) an identification of programmatic level mitigation for potential impacts of transportation projects, including—

"(i) measures to avoid, minimize, and mitigate impacts at a regional or national scale;

"(ii) investments in regional ecosystem and water resources; and

1 "(iii) a programmatic mitigation plan
2 developed in accordance with section 169.
3 "(2) PLANNING ANALYSES.—The lead agency
4 in the environmental review process may adopt anal-
5 yses from a planning product, including—
6 "(A) travel demands;
7 "(B) regional development and growth;
8 "(C) local land use, growth management,
9 and development;
10 "(D) population and employment;
11 "(E) natural and built environmental con-
12 ditions;
13 "(F) environmental resources and environ-
14 mentally sensitive areas;
15 "(G) potential environmental effects, in-
16 cluding the identification of resources of con-
17 cern and potential indirect and cumulative ef-
18 fects on those resources; and
19 "(H) mitigation needs for a proposed ac-
20 tion, or for programmatic level mitigation, for
21 potential effects that the Federal lead agency
22 determines are most effectively addressed at a
23 regional or national program level.
24 "(d) CONDITIONS.—The lead agency in the environ-
25 mental review process may adopt and use a planning prod-

1 uct under this section if the lead agency determines, with
2 the concurrence of other participating agencies with rel-
3 evant expertise and project sponsors, as appropriate, that
4 the following conditions have been met:

5 "(1) The planning product was developed
6 through a planning process conducted pursuant to
7 applicable Federal law.

8 "(2) The planning product was developed in
9 consultation with appropriate Federal and State re-
10 source agencies and Indian tribes.

11 "(3) The planning process included broad mul-
12 tidisciplinary consideration of systems-level or cor-
13 ridor-wide transportation needs and potential effects,
14 including effects on the human and natural environ-
15 ment.

16 "(4) The planning process included public no-
17 tice that the planning products produced in the plan-
18 ning process may be adopted during a subsequent
19 environmental review process in accordance with this
20 section.

21 "(5) During the environmental review process,
22 the lead agency has—

23 "(A) made the planning documents avail-
24 able for public review and comment;

1 "(B) provided notice of the intention of the
2 lead agency to adopt the planning product; and
3 "(C) considered any resulting comments.
4 "(6) There is no significant new information or
5 new circumstance that has a reasonable likelihood of
6 affecting the continued validity or appropriateness of
7 the planning product.
8 "(7) The planning product has a rational basis
9 and is based on reliable and reasonably current data
10 and reasonable and scientifically acceptable meth-
11 odologies.
12 "(8) The planning product is documented in
13 sufficient detail to support the decision or the re-
14 sults of the analysis and to meet requirements for
15 use of the information in the environmental review
16 process.
17 "(9) The planning product is appropriate for
18 adoption and use in the environmental review proc-
19 ess for the project and is incorporated in accordance
20 with the National Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.) and section 1502.21 of title
22 40, Code of Federal Regulations (as in effect on the
23 date of enactment of the DRIVE Act).

1 "(e) EFFECT OF ADOPTION.—Any planning product
2 adopted by the Federal lead agency in accordance with
3 this section may be—
4 "(1) incorporated directly into an environmental
5 review process document or other environmental doc-
6 ument; and
7 "(2) relied on and used by other Federal agen-
8 cies in carrying out reviews of the project.
9 "(f) RULES OF CONSTRUCTION.—
10 "(1) IN GENERAL.—This section does not make
11 the environmental review process applicable to the
12 transportation planning process conducted under
13 this title and chapter 53 of title 49.
14 "(2) TRANSPORTATION PLANNING ACTIVI-
15 TIES.—Initiation of the environmental review proc-
16 ess as a part of, or concurrently with, transportation
17 planning activities does not subject transportation
18 plans and programs to the environmental review
19 process.
20 "(3) PLANNING PRODUCTS.—This section does
21 not affect the use of planning products in the envi-
22 ronmental review process pursuant to other authori-
23 ties under any other provision of law or restrict the
24 initiation of the environmental review process during
25 planning.".

1 **SEC. 1109. USE OF PROGRAMMATIC MITIGATION PLANS.**

2 Section 169(f) of title 23, United States Code, is
3 amended—

4 (1) by striking "may use" and inserting "shall
5 consider"; and

6 (2) by inserting "or other Federal environ-
7 mental law" before the period at the end.

8 **SEC. 1110. ADOPTION OF DEPARTMENTAL ENVIRON-**
9 **MENTAL DOCUMENTS.**

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

12 **"§ 307. Adoption of Departmental environmental doc-**
13 **uments**

14 "(a) IN GENERAL.—An operating administration or
15 secretarial office within the Department may adopt any
16 draft environmental impact statement, final environmental
17 impact statement, environmental assessment, or any other
18 document issued under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) by another operating
20 administration or secretarial office within the Depart-
21 ment—

22 "(1) without recirculating the document (except
23 that a final environmental impact statement shall be
24 recirculated prior to adoption); and

25 "(2) if the operating administration or secre-
26 tarial office adopting the document certifies that the

1 project is substantially the same as the project re-
2 viewed under the document to be adopted.
3 "(b) COOPERATING AGENCY.—An adopting operating
4 administration or secretarial office that was a cooperating
5 agency and certifies that the project is substantially the
6 same as the project reviewed under the document to be
7 adopted and that the comments and suggestions in the
8 document have been addressed may adopt a document de-
9 scribed in subsection (a) without recirculating the docu-
10 ment.".
11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 3 of title 49, United States Code, is amended by
13 striking the item relating to section 307 and inserting the
14 following:

"Sec. 307. Adoption of Departmental environmental documents.".

15 **SEC. 1111. TECHNICAL ASSISTANCE FOR STATES.**

16 Section 326 of title 23, United States Code, is
17 amended—
18 (1) in subsection (c)—
19 (A) by redesignating paragraphs (2)
20 through (4) as paragraphs (3) through (5), re-
21 spectively; and
22 (B) by inserting after paragraph (1) the
23 following:
24 "(2) ASSISTANCE TO STATES.—On request of a
25 Governor of a State, the Secretary shall provide to

1 the State technical assistance, training, or other
2 support relating to—
3 "(A) assuming responsibility under sub-
4 section (a);
5 "(B) developing a memorandum of under-
6 standing under this subsection; or
7 "(C) addressing a responsibility in need of
8 corrective action under subsection (d)(1)(B).";
9 and
10 (2) in subsection (d), by striking paragraph (1)
11 and inserting the following:
12 "(1) TERMINATION BY SECRETARY.—The Sec-
13 retary may terminate the participation of any State
14 in the program, if—
15 "(A) the Secretary determines that the
16 State is not adequately carrying out the respon-
17 sibilities assigned to the State;
18 "(B) the Secretary provides to the State—
19 "(i) a notification of the determina-
20 tion of noncompliance;
21 "(ii) a period of not less than 120
22 days to take such corrective action as the
23 Secretary determines to be necessary to
24 comply with the applicable agreement; and

"(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

"(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.".

SEC. 1112. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) a notification of the determination of noncompliance;

"(ii) a period of not less than 120 days to take such corrective action as the

1 Secretary determines to be necessary to
2 comply with the applicable agreement; and
3 "(iii) on request of the Governor of
4 the State, a detailed description of each re-
5 sponsibility in need of corrective action re-
6 garding an inadequacy identified under
7 subparagraph (A); and
8 "(C) the State, after the notification and
9 period provided under subparagraph (B), fails
10 to take satisfactory corrective action, as deter-
11 mined by the Secretary.".

12 **SEC. 1113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL**
13 **PROJECTS.**

14 (a) MULTIMODAL PROJECT DEFINED.—Section
15 139(a) of title 23, United States Code, is amended by
16 striking paragraph (5) and inserting the following:
17 "(5) MULTIMODAL PROJECT.—The term
18 'multimodal project' means a project that requires
19 approval by more than 1 Department of Transpor-
20 tation operating administration or secretarial of-
21 fice.".

22 (b) APPLICATION OF CATEGORICAL EXCLUSIONS FOR
23 MULTIMODAL PROJECTS.—Section 304 of title 49, United
24 States Code, is amended—
25 (1) in subsection (a)—

(A) in paragraph (1), by striking "operating authority that is not the lead authority with respect to a project" and inserting "operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project"; and

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

"(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed multimodal project.";

(2) in subsection (b), by striking "under this title" and inserting "by the Secretary of Transportation";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "a categorical exclusion designated under the implementing regulations or" and inserting "a categorical exclusion designated under the National Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) implementing regulations
2 or"; and
3 (ii) by striking "other components of
4 the" and inserting "a proposed
5 multimodal"; and
6 (B) by striking paragraphs (1) through (5)
7 and inserting the following:
8 "(1) the lead authority makes a determination,
9 in consultation with the cooperating authority, on
10 the applicability of a categorical exclusion to a pro-
11 posed multimodal project;
12 "(2) the cooperating authority does not object
13 to the determination of the lead authority of the ap-
14 plicability of a categorical exclusion;
15 "(3) the lead authority determines that the
16 component of the proposed multimodal project to be
17 covered by the categorical exclusion of the cooper-
18 ating authority has independent utility; and
19 "(4) the lead authority determines that—
20 "(A) the proposed multimodal project does
21 not individually or cumulatively have a signifi-
22 cant impact on the environment; and
23 "(B) extraordinary circumstances do not
24 exist that merit additional analysis and docu-
25 mentation in an environmental impact state-

1 ment or environmental assessment required
2 under the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.)."; and
4 (4) by striking subsection (d) and inserting the
5 following:
6 "(d) COOPERATIVE 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. 1114. MODERNIZATION OF THE ENVIRONMENTAL RE-**
11 **VIEW PROCESS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall examine
14 ways to modernize, simplify, and improve the implementa-
15 tion of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4231 et seq.) by the Department.
17 (b) INCLUSIONS.—In carrying out subsection (a), the
18 Secretary shall consider—
19 (1) the use of technology in the process, such
20 as—
21 (A) searchable databases;
22 (B) geographic information system map-
23 ping tools;

1 (C) integration of those tools with fiscal
2 management systems to provide more detailed
3 data; and
4 (D) other innovative technologies;
5 (2) ways to prioritize use of programmatic envi-
6 ronmental impact statements;
7 (3) methods to encourage cooperating agencies
8 to present analyses in a concise format; and
9 (4) any other improvements that can be made
10 to modernize process implementation.
11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report de-
16 scribing the results of the review carried out under sub-
17 section (a).

18 **SEC. 1115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
19 **RELIGIOUS SERVICE SIGNS.**

20 Notwithstanding section 131 of title 23, United
21 States Code, and part 750 of title 23, Code of Federal
22 Regulations (or successor regulations), a State may allow
23 the maintenance of a sign of a service club, charitable as-
24 sociation, or religious service that was erected as of the
25 date of enactment of this Act, the area of which is less

1 than or equal to 32 square feet, if the State notifies the
2 Federal Highway Administration.

3 **SEC. 1116. SATISFACTION OF REQUIREMENTS FOR CER-**
4 **TAIN HISTORIC SITES.**

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

8 "(e) SATISFACTION OF REQUIREMENTS FOR CER-
9 TAIN HISTORIC SITES.—

10 "(1) IN GENERAL.—The Secretary shall—

11 "(A) ensure that the requirements of this
12 section are consistent with the requirements of
13 the National Environmental Policy Act of 1969
14 (42 U.S.C. 4231 et seq.) and section 306108 of
15 title 54, including implementing regulations;
16 and

17 "(B) not later than 90 days after the date
18 of enactment of this subsection, coordinate with
19 the Secretary of the Interior and the Executive
20 Director of the Advisory Council on Historic
21 Preservation (referred to in this subsection as
22 the 'Council') to establish procedures to satisfy
23 the requirements described in subparagraph (A)
24 (including regulations).

25 "(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

1 "(A) IN GENERAL.—If, in an analysis re-
2 quired under the National Environmental Pol-
3 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
4 Secretary determines that there is no feasible or
5 prudent alternative to avoid use of an historic
6 site, the Secretary may—
7 "(i) include the determination of the
8 Secretary in the analysis required under
9 that Act;
10 "(ii) provide a notice of the deter-
11 mination to—
12 "(I) each applicable State his-
13 toric preservation officer and tribal
14 historic preservation officer;
15 "(II) the Council, if the Council
16 is participating in the consultation
17 process under section 306108 of title
18 54; and
19 "(III) the Secretary of the Inte-
20 rior; and
21 "(iii) request from the applicable pres-
22 ervation officer, the Council, and the Sec-
23 retary of the Interior a concurrence that
24 the determination is sufficient to satisfy
25 the requirement of subsection (a)(1).

1 "(B) CONCURRENCE.—If the applicable
2 preservation officer, the Council, and the Sec-
3 retary of the Interior provide a concurrence re-
4 quested under subparagraph (A)(iii)—
5 "(i) no further analysis under sub-
6 section (a)(1) shall be required;
7 "(ii) the Secretary shall include in the
8 record of decision or finding of no signifi-
9 cant impact a notice of a determination
10 and each relevant concurrence to the deter-
11 mination under subparagraph (A); and
12 "(iii) not later than 3 days after the
13 receipt by the Secretary of all concurrences
14 requested under subparagraph (A)(iii), the
15 Secretary shall post on an appropriate
16 Federal website the determination and
17 each relevant concurrence described in
18 clause (ii).
19 "(3) ALIGNING HISTORICAL REVIEWS.—
20 "(A) IN GENERAL.—If the Secretary, the
21 applicable preservation officer, the Council, and
22 the Secretary of the Interior concur that there
23 is no feasible and prudent alternative as de-
24 scribed in paragraph (2), the Secretary may
25 provide to the applicable preservation officer,

1 the Council, and the Secretary of the Interior
2 notice of the intent of the Secretary to satisfy
3 the requirements of subsection (a)(2) through
4 the consultation requirements of section 306108
5 of title 54.
6 "(B) SATISFACTION OF CONDITIONS.—To
7 satisfy the requirements of subsection (a)(2),
8 each individual described in paragraph
9 (2)(A)(ii) shall concur in the treatment of the
10 applicable historic site described in the memo-
11 randum of agreement or programmatic agree-
12 ment developed under section 306108 of title
13 54.".
14 (b) PUBLIC TRANSPORTATION.—Section 303 of title
15 49, United States Code, is amended—
16 (1) in subsection (c), in the matter preceding
17 paragraph (1), by striking "subsection (d)" and in-
18 serting "subsections (d) and (e)"; and
19 (2) by adding at the end the following:
20 "(e) SATISFACTION OF REQUIREMENTS FOR CER-
21 TAIN HISTORIC SITES.—
22 "(1) IN GENERAL.—The Secretary shall—
23 "(A) ensure that the requirements of this
24 section are consistent with the requirements of
25 the National Environmental Policy Act of 1969

1 (42 U.S.C. 4231 et seq.) and section 306108 of
2 title 54, including implementing regulations;
3 and
4 "(B) not later than 90 days after the date
5 of enactment of this subsection, coordinate with
6 the Secretary of the Interior and the Executive
7 Director of the Advisory Council on Historic
8 Preservation (referred to in this subsection as
9 the 'Council') to establish procedures to satisfy
10 the requirements described in subparagraph (A)
11 (including regulations).
12 "(2) AVOIDANCE ALTERNATIVE ANALYSIS.—
13 "(A) IN GENERAL.—If, in an analysis re-
14 quired under the National Environmental Pol-
15 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
16 Secretary determines that there is no feasible or
17 prudent alternative to avoid use of an historic
18 site, the Secretary may—
19 "(i) include the determination of the
20 Secretary in the analysis required under
21 that Act;
22 "(ii) provide a notice of the deter-
23 mination to—

1 "(I) each applicable State his-
2 toric preservation officer and tribal
3 historic preservation officer;
4 "(II) the Council, if the Council
5 is participating in the consultation
6 process under section 306108 of title
7 54; and
8 "(III) the Secretary of the Inte-
9 rior; and
10 "(iii) request from the applicable pres-
11 ervation officer, the Council, and the Sec-
12 retary of the Interior a concurrence that
13 the determination is sufficient to satisfy
14 the requirement of subsection (c)(1).
15 "(B) CONCURRENCE.—If the applicable
16 preservation officer, the Council, and the Sec-
17 retary of the Interior provide a concurrence re-
18 quested under subparagraph (A)(iii)—
19 "(i) no further analysis under sub-
20 section (c)(1) shall be required;
21 "(ii) the Secretary shall include in the
22 record of decision or finding of no signifi-
23 cant impact a notice of a determination
24 and each relevant concurrence to the deter-
25 mination under subparagraph (A); and

"(iii) not later than 3 days after the receipt by the Secretary of all concurrences requested under subparagraph (A)(iii), the Secretary shall post on an appropriate Federal website the determination and each relevant concurrence described in clause (ii).

"(3) ALIGNING HISTORICAL REVIEWS.—

"(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that there is no feasible and prudent alternative as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

"(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or

1 programmatic agreement developed under sec-
2 tion 306108 of title 54.".

3 **SEC. 1117. BRIDGE EXEMPTION FROM CONSIDERATION**
4 **UNDER CERTAIN PROVISIONS.**

5 (a) PRESERVATION OF PARKLANDS.—Section 138 of
6 title 23, United States Code, as amended by section 1116,
7 is amended by adding at the end the following:

8 "(d) BRIDGE EXEMPTION FROM CONSIDERATION.—
9 A common post-1945 concrete or steel bridge or culvert
10 (as described in 77 Fed. Reg. 68790) that is exempt from
11 individual review under section 306108 of title 54, United
12 States Code, shall be exempt from consideration under
13 this section.".

14 (b) POLICY ON LANDS, WILDLIFE AND WATERFOWL
15 REFUGES, AND HISTORIC SITES.—Section 303 of title 49,
16 United States Code, as amended by section 1116, is
17 amended by adding at the end the following:

18 "(f) BRIDGE EXEMPTION FROM CONSIDERATION.—
19 A common post-1945 concrete or steel bridge or culvert
20 (as described in 77 Fed. Reg. 68790) that is exempt from
21 individual review under section 306108 of title 54, United
22 States Code, shall be exempt from consideration under
23 this section.".

1 **SEC. 1118. ELIMINATION OF BARRIERS TO IMPROVE AT-**
2 **RISK BRIDGES.**

3 (a) TEMPORARY AUTHORIZATION.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, until the Secretary of the Interior
6 takes the action described in subsection (b), the take
7 of nesting swallows to facilitate a construction
8 project on a bridge eligible for funding under title
9 23, United States Code, with any component condi-
10 tion rating of 3 or less (as defined by the National
11 Bridge Inventory General Condition Guidance issued
12 by the Federal Highway Administration) is author-
13 ized under the Migratory Bird Treaty Act (16
14 U.S.C. 703 et seq.) between April 1 and August 31.

15 (2) MEASURES TO MINIMIZE IMPACTS.—

16 (A) NOTIFICATION BEFORE TAKING.—
17 Prior to the taking of nesting swallows author-
18 ized under paragraph (1), any person taking
19 that action shall submit to the Secretary of the
20 Interior a document that contains—

21 (i) the name of the person acting
22 under the authority of paragraph (1) to
23 take nesting swallows;

24 (ii) a list of practicable measures that
25 will be undertaken to minimize or mitigate

1 significant adverse impacts on the popu-
2 lation of that species;
3 (iii) the time period during which ac-
4 tivities will be carried out that will result
5 in the taking of that species; and
6 (iv) an estimate of the number of
7 birds, by species, to be taken in the pro-
8 posed action.
9 (B) NOTIFICATION AFTER TAKING.—Not
10 later than 60 days after the taking of nesting
11 swallows authorized under paragraph (1), any
12 person taking that action shall submit to the
13 Secretary of the Interior a document that con-
14 tains the number of birds, by species, taken in
15 the action.
16 (b) AUTHORIZATION OF TAKE.—
17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior, in consultation with the Secretary, shall pro-
19 mulgate a regulation under the authority of section
20 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)
21 authorizing the take of nesting swallows to facilitate
22 bridge repair, maintenance, or construction—
23 (A) without individual permit require-
24 ments; and

1 (B) under terms and conditions determined
2 to be consistent with treaties relating to migra-
3 tory birds that protect swallow species occur-
4 ring in the United States.
5 (2) TERMINATION.—On the effective date of a
6 final rule under this subsection by the Secretary of
7 the Interior, subsection (a) shall have no force or ef-
8 fect.
9 (c) SUSPENSION OR WITHDRAWAL OF TAKE AU-
10 THORIZATION.—If the Secretary of the Interior, in con-
11 sultation with the Secretary, determines that taking of
12 nesting swallows carried out under the authority provided
13 in subsection (a)(1) is having a significant adverse impact
14 on swallow populations, the Secretary of the Interior may
15 suspend that authority through publication in the Federal
16 Register.
17 **SEC. 1119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**
18 (a) DEFINITION OF PRELIMINARY ENGINEERING.—
19 In this section, the term "preliminary engineering" means
20 allowable preconstruction project development and engi-
21 neering costs.
22 (b) AT-RISK PROJECT PREAGREEMENT AUTHOR-
23 ITY.—A recipient or subrecipient of Federal-aid funds
24 under title 23, United States Code, may—

1 (1) incur preliminary engineering costs for an
2 eligible project under title 23, United States Code,
3 before receiving project authorization from the
4 State, in the case of a subrecipient, and the Sec-
5 retary to proceed with the project; and
6 (2) request reimbursement of applicable Federal
7 funds after the project authorization is received.
8 (c) ELIGIBILITY.—The Secretary may reimburse pre-
9 liminary engineering costs incurred by a recipient or sub-
10 recipient under subsection (b)—
11 (1) if the costs meet all applicable requirements
12 under title 23, United States Code, at the time the
13 costs are incurred and the Secretary concurs that
14 the requirements have been met;
15 (2) in the case of a project located within a des-
16 ignated nonattainment or maintenance area for air
17 quality, if the conformity requirements of the Clean
18 Air Act (42 U.S.C. 7401 et seq.) have been met; and
19 (3) if the costs would have been allowable if in-
20 curred after the date of the project authorization by
21 the Department.
22 (d) AT-RISK.—A recipient or subrecipient that elects
23 to use the authority provided under this section shall—
24 (1) assume all risk for preliminary engineering
25 costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(c) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

Subtitle C—Miscellaneous

SEC. 1201. CREDITS FOR UNTAXED TRANSPORTATION FUELS.

(a) DEFINITION OF QUALIFIED REVENUES.—In this section, the term "qualified revenues" means any amounts—

(1) collected by a State—

1 (A) for the registration of a vehicle that
2 operates solely on a fuel that is not subject to
3 a Federal tax; and
4 (B) not sooner than the second registration
5 period following the purchase of the vehicle; and
6 (2) that do not exceed, for a vehicle described
7 in paragraph (1), an annual amount determined by
8 the Secretary to be equal to the annual amount paid
9 for Federal motor fuels taxes on the fuel used by an
10 average passenger car fueled solely by gasoline.
11 (b) CREDIT.—
12 (1) IN GENERAL.—Subject to paragraph (2), if
13 a State contributes qualified revenues to cover not
14 less than 5 percent of the total cost of a project eli-
15 gible for assistance under this title, the Federal
16 share payable for the project under this section may
17 be increased by an amount that is—
18 (A) equal to the percent of the total cost
19 of the project from contributed qualified reve-
20 nues; but
21 (B) not more than 5 percent of the total
22 cost of the project.
23 (2) EXPIRATION.—The authorization of an in-
24 creased Federal share for a project pursuant to
25 paragraph (1) expires on September 30, 2023.

1 (c) STUDY.—

2 (1) IN GENERAL.—Before the expiration date of
3 the credit under subsection (b)(2), the Secretary, in
4 coordination with other appropriate Federal agen-
5 cies, shall submit to the Committee on Environment
6 and Public Works of the Senate and the Committee
7 on Transportation and Infrastructure of the House
8 of Representatives a report that describes the most
9 efficient and equitable means of taxing motor vehicle
10 fuels not subject to a Federal tax as of the date of
11 submission of the report.

12 (2) REQUIREMENT.—The means described in
13 the report under paragraph (1) shall parallel, as
14 closely as practicable, the structure of other Federal
15 taxes on motor fuels.

16 **SEC. 1202. JUSTIFICATION REPORTS FOR ACCESS POINTS**
17 **ON THE INTERSTATE SYSTEM.**

18 Section 111(c) of title 23, United States Code, is
19 amended by inserting "(including new or modified free-
20 way-to-crossroad interchanges inside a transportation
21 management area)" after "the Interstate System".

22 **SEC. 1203. EXEMPTIONS.**

23 Section 127 of title 23, United States Code, is
24 amended by adding at the end the following:

1 "(m) NATURAL GAS VEHICLES.—A vehicle, if oper-
2 ated by an engine fueled primarily by natural gas, may
3 exceed any vehicle weight limit (up to a maximum gross
4 vehicle weight of 82,000 pounds) under this section by an
5 amount that is equal to the difference between—
6 "(1) the weight of the vehicle attributable to
7 the natural gas tank and fueling system carried by
8 that vehicle; and
9 "(2) the weight of a comparable diesel tank and
10 fueling system.
11 "(n) EMERGENCY VEHICLES.—
12 "(1) DEFINITION OF EMERGENCY VEHICLE.—
13 In this subsection, the term 'emergency vehicle'
14 means a vehicle designed to be used under emer-
15 gency conditions—
16 "(A) to transport personnel and equip-
17 ment; and
18 "(B) to support the suppression of fires
19 and mitigation of other hazardous situations.
20 "(2) EMERGENCY VEHICLE WEIGHT LIMIT.—
21 Notwithstanding subsection (a), a State shall not en-
22 force against an emergency vehicle a vehicle weight
23 limit (up to a maximum gross vehicle weight of
24 86,000 pounds) of less than—

1 "(A) 24,000 pounds on a single steering
2 axle;
3 "(B) 33,500 pounds on a single drive axle;
4 "(C) 62,000 pounds on a tandem axle; or
5 "(D) 52,000 pounds on a tandem rear
6 drive steer axle.
7 "(o) OPERATION OF CERTAIN SPECIALIZED VEHI-
8 CLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKAN-
9 SAS.—If any segment of United States Route 63 between
10 the exits for highways 14 and 75 in the State of Arkansas
11 is designated as part of the Interstate System—
12 "(1) a vehicle that could legally operate on the
13 segment before the date of the designation at the
14 posted speed limit may continue to operate on that
15 segment; and
16 "(2) a vehicle that can only travel below the
17 posted speed limit on the segment that could other-
18 wise legally operate on the segment before the date
19 of the designation may continue to operate on that
20 segment during daylight hours.".
21 **SEC. 1204. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
22 **HIGHWAY SYSTEM.**
23 Section 1105 of the Intermodal Surface Transpor-
24 tation Efficiency Act of 1991 (105 Stat. 2031) is amend-
25 ed—

1 (1) in subsection (c) (105 Stat. 2032; 119 Stat.
2 1213)—
3 (A) by striking paragraph (13) and insert-
4 ing the following:
5 "(13) Raleigh-Norfolk Corridor from Raleigh,
6 North Carolina, through Rocky Mount, Williamston
7 and Elizabeth City, North Carolina, to Norfolk, Vir-
8 ginia.";
9 (B) by striking paragraph (68) and insert-
10 ing the following:
11 "(68) The Washoe County Corridor and the
12 Intermountain West Corridor shall generally follow:
13 "(A) in the case of the Washoe County
14 Corridor, along Interstate Route 580/United
15 States Route 95/United States Route 95A, from
16 Reno, Nevada, to Las Vegas, Nevada; and
17 "(B) in the case of the Intermountain
18 West Corridor, from the vicinity of Las Vegas
19 extending north along United States Route 95,
20 terminating at Interstate Route 80."; and
21 (C) by adding at the end the following:
22 "(81) United States Route 117/Interstate
23 Route 795 from United States Route 70 in Golds-
24 boro, Wayne County, North Carolina, to Interstate

1 Route 40 west of Faison, Sampson County, North
2 Carolina.
3 "(82) United States Route 70 from its intersec-
4 tion with Interstate Route 40 in Garner, Wake
5 County, North Carolina, to the Port at Morehead
6 City, Carteret County, North Carolina.";
7 (2) in subsection (e)(5)—
8 (A) in subparagraph (A) (109 Stat. 597;
9 118 Stat. 293; 119 Stat. 1213), in the first
10 sentence—
11 (i) by inserting "subsection (e)(13),"
12 after "subsection (e)(9),";
13 (ii) by striking "subsections (e)(18)"
14 and all that follows through "(e)(36)" and
15 inserting "subsection (e)(18), subsection
16 (e)(20), subparagraphs (A) and (B)(i) of
17 subsection (e)(26), subsection (e)(36)" ;
18 and
19 (iii) by striking "and subsection
20 (e)(57)" and inserting "subsection (e)(57),
21 subsection (e)(68)(B), subsection (e)(81),
22 and subsection (e)(82)"; and
23 (B) in subparagraph (C)(i) (109 Stat. 598;
24 126 Stat. 427), by striking the last sentence
25 and inserting "The routes referred to in sub-

1 paragraphs (A) and (B)(i) of subsection (c)(26)
2 and in subsection (c)(68)(B) are designated as
3 Interstate Route I–11.".

4 **SEC. 1205. REPEAT INTOXICATED DRIVER LAW.**

5 Section 164(a)(4) of title 23, United States Code, is
6 amended in the matter preceding subparagraph (A) by in-
7 serting "or combination of laws" after "means a State
8 law".

9 **SEC. 1206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.**

10 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
11 GRAM.—Section 119(d)(2)(L) of title 23, United States
12 Code, is amended by inserting ", including the installation
13 of vehicle-to-infrastructure communication equipment"
14 after "capital improvements".

15 (b) SURFACE TRANSPORTATION PROGRAM.—Section
16 133(b)(16) of title 23, United States Code, by inserting
17 ", including the installation of vehicle-to-infrastructure
18 communication equipment" after "capital improvements".

19 **SEC. 1207. DESIGNATED PROJECTS.**

20 (a) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) EARMARKED AMOUNT.—The term "ear-
23 marked amount" means—

24 (A) congressionally directed spending, as
25 defined in rule XLIV of the Standing Rules of

1 the Senate, identified in a prior law, report, or
2 joint explanatory statement, that was author-
3 ized to be appropriated or appropriated more
4 than 10 fiscal years prior to the fiscal year in
5 which this Act becomes effective, and adminis-
6 tered by the Administrator of the Federal High-
7 way Administration; and
8 (B) a congressional earmark, as defined in
9 rule XXI of the Rules of the House of Rep-
10 resentatives identified in a prior law, report, or
11 joint explanatory statement, that was author-
12 ized to be appropriated or appropriated more
13 than 10 fiscal years prior to the fiscal year in
14 which this Act becomes effective, and adminis-
15 tered by the Administrator of the Federal High-
16 way Administration.
17 (2) STATE.—The term "State" has the mean-
18 ing given the term in section 101(a) of title 23,
19 United States Code.
20 (3) TERRITORY.—The term "territory" has the
21 meaning given the term in section 165(e) of title 23,
22 United States Code.
23 (b) AUTHORITY.—A State or territory may use any
24 earmarked amount and any associated obligation limita-

1 tion for any project eligible under sections 133(b) or 165
2 of title 23, United States Code, respectively.
3 (c) TERMS.—
4 (1) NOTIFICATION.—The State transportation
5 agency for the State or territory for which the ear-
6 marked amount was originally designated or directed
7 shall—
8 (A) notify the Secretary of the intent of
9 the State transportation agency to use author-
10 ity under this section; and
11 (B) submit to the Secretary a report not
12 later than September 30, 2016, identifying the
13 earmarked amount, and associated obligation
14 limitation, to be used and the projects to which
15 the funding would be applied.
16 (2) PERIOD OF AVAILABILITY.—Notwith-
17 standing the original period of availability of the ear-
18 marked amount and associated obligation limitation,
19 the funds and associated obligation limitation shall
20 remain available for obligation for a period of 3 fis-
21 cal years after the fiscal year in which the Secretary
22 is notified under paragraph (1).
23 (3) FEDERAL SHARE.—The Federal share of
24 the cost of a project carried out with funds made

1 available under this section shall be the same as
2 originally associated with the earmark.
3 (d) LIMITATIONS.—
4 (1) IN GENERAL.—The authority under sub-
5 section (b) may be exercised only—
6 (A) after September 30, 2016; and
7 (B)(i) for those projects or activities that
8 have obligated less than 10 percent of the
9 amount made available for obligation as of the
10 date of enactment of this Act; or
11 (ii) for those projects with unexpended bal-
12 ances of funds for which the earmarked amount
13 that was originally designated or directed has
14 been closed and for which payments have been
15 made under a final voucher.
16 (2) GEOGRAPHIC AREA.—
17 (A) IN GENERAL.—The earmarked amount
18 and associated obligation limitation shall only
19 be applied to projects within the same general
20 geographic area within 50 miles and within the
21 boundaries of the State or territory for which
22 the earmarked amount was originally des-
23 ignated or directed, in consultation with the rel-
24 evant metropolitan planning organization, if ap-
25 plicable.

1 (B) EXCEPTION.—A State or territory
2 may apply the earmarked amount and associ-
3 ated obligation limitation, to a project in any
4 area of the State or territory if the State or ter-
5 ritory certifies that the project for which the
6 earmarked amount was originally designated or
7 directed has been completed and payments have
8 been made under a final voucher.
9 (e) REPORT TO CONGRESS.—Not later than Decem-
10 ber 16, 2016, the Secretary shall submit a consolidated
11 report of the information provided by States and terri-
12 tories under this section to—
13 (1) the Committee on Appropriations of the
14 Senate;
15 (2) the Committee on Appropriations of the
16 House of Representatives;
17 (3) the Committee on Environment and Public
18 Works of the Senate; and
19 (4) the Committee on Transportation and In-
20 frastructure of the House of Representatives.
21 **SEC. 1208. RELINQUISHMENT.**
22 A State transportation agency may relinquish park-
23 and-ride lot facilities or portions of park-and-ride lot facili-
24 ties to a local government agency for highway purposes
25 if authorized to do so under State law.

1 **SEC. 1209. TRANSFER AND SALE OF TOLL CREDITS.**

2 (a) DEFINITIONS.—In this section, the following defi-
3 nitions apply:

4 (1) ELIGIBLE STATE.—The term "eligible
5 State" means a State that—

6 (A) is eligible to use a credit under section
7 120(i) of title 23, United States Code; and

8 (B) has been selected by the Secretary
9 under subsection (d)(2).

10 (2) RECIPIENT STATE.—The term "recipient
11 State" means a State that receives a credit by trans-
12 fer or by sale under this section from an eligible
13 State.

14 (b) ESTABLISHMENT OF PILOT PROGRAM.—Not
15 later than 1 year after the date of the establishment of
16 a nationwide toll credit monitoring and tracking system
17 under subsection (g), the Secretary shall establish and im-
18 plement a toll credit marketplace pilot program in accord-
19 ance with this section.

20 (c) PURPOSES.—The purposes of the pilot program
21 established under subsection (b) are—

22 (1) to identify whether a monetary value can be
23 assigned to toll credits;

24 (2) to identify the discounted rate of toll credits
25 for cash;

1 (3) to determine if the purchase of toll credits
2 by States provides the purchasing State budget flexi-
3 bility to deal with funding issues, including off-sys-
4 tem needs, transit systems with high operating costs,
5 or cash flow issues; and
6 (4) to test the feasibility of expanding the toll
7 credit market to allow all States to participate on a
8 permanent basis.
9 (d) SELECTION OF ELIGIBLE STATES.—
10 (1) APPLICATION TO SECRETARY.—In order to
11 participate in the pilot program established under
12 subsection (b), a State shall submit to the Secretary
13 an application at such time, in such manner, and
14 containing such information as the Secretary may
15 require.
16 (2) SELECTION.—Of the States that submit an
17 application under paragraph (1), the Secretary may
18 select not more than 10 States to be designated as
19 an eligible State.
20 (e) TRANSFER OR SALE OF CREDITS.—
21 (1) IN GENERAL.—In carrying out the pilot
22 program established under subsection (b), the Sec-
23 retary shall provide that an eligible State may trans-
24 fer or sell to a recipient State a credit not used by

1 the eligible State under section 120(i) of title 23,
2 United States Code.
3 (2) USE OF CREDITS BY TRANSFEREE OR PUR-
4 CHASER.—A recipient State may use a credit re-
5 ceived under paragraph (1) toward the non-Federal
6 share requirement for any funds made available to
7 carry out title 23 or chapter 53 of title 49, United
8 States Code.
9 (3) CONDITION ON TRANSFER OR SALE OF
10 CREDITS.—To receive a credit under paragraph (1),
11 a recipient State shall enter into an agreement with
12 the Secretary described in section 120(i) of title 23,
13 United States Code.
14 (f) USE OF PROCEEDS FROM SALE OF CREDITS.—
15 An eligible State shall use the proceeds from the sale of
16 a credit under subsection (c)(1) for any project in the eli-
17 gible State that is eligible under the surface transportation
18 program established under section 133 of title 23, United
19 States Code.
20 (g) TOLL CREDIT MONITORING AND TRACKING.—
21 Not later than 180 days after the enactment of this sec-
22 tion, the Secretary shall establish a nationwide toll credit
23 monitoring and tracking system that functions as a real-
24 time database on the inventory and use of toll credits

1 among all States (as defined in section 101(a) of title 23,
2 United States Code).
3 (h) NOTIFICATION.—Not later than 30 days after the
4 date on which a credit is transferred or sold under sub-
5 section (e)(1), the eligible State shall submit to the Sec-
6 retary in writing a notification of the transfer or sale.
7 (i) REPORTING REQUIREMENTS.—
8 (1) INITIAL REPORT.—Not later than 180 days
9 after the date of establishment of the pilot program
10 under subsection (b), the Secretary shall submit to
11 the Committee on Environment and Public Works of
12 the Senate and the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 a report on the progress of the pilot program.
15 (2) STATE REPORT.—
16 (A) REPORT BY ELIGIBLE STATE.—Not
17 later than 30 days after a purchase or sale
18 under subsection (e)(1), an eligible State shall
19 submit to the Secretary a report that de-
20 scribes—
21 (i) information on the transaction;
22 (ii) the amount of cash received and
23 the value of toll credits sold;
24 (iii) the intended use of the cash; and

1 (iv) an update on the remaining toll
2 credit balance of the State.
3 (B) REPORT BY RECIPIENT STATE.—Not
4 later than 30 days after a purchase or sale
5 under subsection (e)(1), a recipient State shall
6 submit to the Secretary a report that de-
7 scribes—
8 (i) the value of toll credits purchased;
9 (ii) the anticipated use of the toll
10 credits; and
11 (iii) plans for maintaining mainte-
12 nance of effort for spending on Federal-aid
13 highways projects.
14 (3) ANNUAL REPORT.—Not later than 1 year
15 after the date on which the pilot program under sub-
16 section (b) is established and each year thereafter
17 that the pilot program is in effect, the Secretary
18 shall—
19 (A) submit to the Committee on Environ-
20 ment and Public Works of the Senate and the
21 Committee on Transportation and Infrastruc-
22 ture of the House of Representatives a report
23 that—
24 (i) determines whether a toll credit
25 marketplace is viable;

1 (ii) describes the buying and selling
2 activities of the pilot program;
3 (iii) describes the monetary value of
4 toll credits;
5 (iv) determines whether the pilot pro-
6 gram could be expanded to more States or
7 all States; and
8 (v) provides updated information on
9 the toll credit balance accumulated by each
10 State; and
11 (B) make the report described in subpara-
12 graph (A) publicly available on the website of
13 the Department.
14 (j) TERMINATION.—The Secretary may terminate the
15 program established under this section or the participation
16 of any State in the program if the Secretary determines
17 that the program is not serving a public benefit.

18 **SEC. 1210. REGIONAL INFRASTRUCTURE ACCELERATOR**
19 **DEMONSTRATION PROGRAM.**

20 (a) IN GENERAL.—The Secretary shall establish a re-
21 gional infrastructure demonstration program (referred to
22 in this section as the "program") to assist entities in de-
23 veloping improved infrastructure priorities and financing
24 strategies for the accelerated development of a project that

1 is eligible for funding under the TIFIA program under
2 chapter 6 of title 23, United States Code.
3 (b) DESIGNATION OF REGIONAL INFRASTRUCTURE
4 ACCELERATORS.—In carrying out the program, the Sec-
5 retary may designate regional infrastructure accelerators
6 that will—
7 (1) serve a defined geographic area; and
8 (2) act as a resource in the geographic area to
9 qualified entities in accordance with this section.
10 (c) APPLICATION.—To be eligible for a designation
11 under subsection (b), a proposed regional infrastructure
12 accelerator shall submit to the Secretary a proposal at
13 such time, in such manner, and containing such informa-
14 tion as the Secretary may require.
15 (d) CRITERIA.—In evaluating a proposal submitted
16 under subsection (c), the Secretary shall consider—
17 (1) the need for geographic diversity among re-
18 gional infrastructure accelerators; and
19 (2) the ability of the proposal to promote in-
20 vestment in covered infrastructure projects, which
21 shall include a plan—
22 (A) to evaluate and promote innovative fi-
23 nancing methods for local projects, including
24 the use of the TIFIA program under chapter 6
25 of title 23, United States Code;

1 (B) to build capacity of State, local, and
2 tribal governments to evaluate and structure
3 projects involving the investment of private cap-
4 ital;
5 (C) to provide technical assistance and in-
6 formation on best practices with respect to fi-
7 nancing the projects;
8 (D) to increase transparency with respect
9 to infrastructure project analysis and using in-
10 novative financing for public infrastructure
11 projects;
12 (E) to deploy predevelopment capital pro-
13 grams designed to facilitate the creation of a
14 pipeline of infrastructure projects available for
15 investment;
16 (F) to bundle smaller-scale and rural
17 projects into larger proposals that may be more
18 attractive for investment; and
19 (G) to reduce transaction costs for public
20 project sponsors.
21 (e) ANNUAL REPORT.—Not less frequently than once
22 each year, the Secretary shall submit to Congress a report
23 that describes the findings and effectiveness of the pro-
24 gram.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b), to be expended not later than 270 days after the date of enactment of this Act; and

(2) $250,000 for administrative costs of carrying out the program.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

SEC. 2001. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—Section 503(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C)—

(A) in clause (xviii), by striking "and" at the end;

(B) in clause (xix), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xx) accelerated mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decision-

1 making capabilities without requiring lane
2 closures."; and
3 (2) in subparagraph (D)(i), by inserting "and
4 section 119(e)" after "this subparagraph".
5 (b) TECHNOLOGY AND INNOVATION DEPLOYMENT
6 PROGRAM.—Section 503(c) of title 23, United States
7 Code, is amended—
8 (1) in paragraph (1), in the matter preceding
9 subparagraph (A), by striking "carry out" and in-
10 serting "establish and implement";
11 (2) in paragraph (2)—
12 (A) in subparagraph (B), by striking
13 clause (i) and inserting the following:
14 "(i) use not less than 50 percent of
15 the funds authorized to carry out this sub-
16 section to make grants to, and enter into
17 cooperative agreements and contracts with,
18 States, other Federal agencies, institutions
19 of higher education, private sector entities,
20 and nonprofit organizations to carry out
21 demonstration programs that will accel-
22 erate the deployment and adoption of
23 transportation research activities;";
24 (B) by redesignating subparagraph (C) as
25 subparagraph (D); and

1 (C) by inserting after subparagraph (B)
2 the following:
3 "(C) INNOVATION GRANTS.—
4 "(i) IN GENERAL.—In carrying out
5 the program established under subpara-
6 graph (B)(i), the Secretary shall establish
7 a transparent competitive process in which
8 entities described in subparagraph (B)(i)
9 may submit an application to receive a
10 grant under this subsection.
11 "(ii) PUBLICATION OF APPLICATION
12 PROCESS.—A description of the application
13 process established by the Secretary
14 shall—
15 "(I) be posted on a public
16 website;
17 "(II) identify the information re-
18 quired to be included in the applica-
19 tion; and
20 "(III) identify the criteria by
21 which the Secretary shall select grant
22 recipients.
23 "(iii) SUBMISSION OF APPLICATION.—
24 To receive a grant under this paragraph,
25 an entity described in subparagraph (B)(i)

1 shall submit an application to the Sec-
2 retary.
3 "(iv) SELECTION AND APPROVAL.—
4 The Secretary shall select and approve an
5 application submitted under clause (iii)
6 based on whether the project described in
7 the application meets the goals of the pro-
8 gram described in paragraph (1)."; and
9 (3) in paragraph (3)(C), by striking "each of
10 fiscal years 2013 through 2014" and inserting "each
11 fiscal year".
12 (c) CONFORMING AMENDMENT.—Section 505(c)(1)
13 of title 23, United States Code, is amended by striking
14 "section 503(c)(2)(C)" and inserting "section 503
15 (c)(2)(D)".
16 **SEC. 2002. INTELLIGENT TRANSPORTATION SYSTEMS.**
17 (a) INTELLIGENT TRANSPORTATION SYSTEMS DE-
18 PLOYMENT.—Section 513 of title 23, United States Code,
19 is amended by adding at the end the following:
20 "(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT
21 GRANT PROGRAM.—
22 "(1) ESTABLISHMENT.—The Secretary shall es-
23 tablish a competitive grant program to accelerate the
24 deployment, operation, systems management, inter-

1 modal integration, and interoperability of the ITS
2 program and ITS-enabled operational strategies—
3 "(A) to measure and improve the perform-
4 ance of the surface transportation system;
5 "(B) to reduce traffic congestion and the
6 economic and environmental impacts of traffic
7 congestion;
8 "(C) to minimize fatalities and injuries;
9 "(D) to enhance mobility of people and
10 goods;
11 "(E) to improve traveler information and
12 services; and
13 "(F) to optimize existing roadway capacity.
14 "(2) APPLICATION.—To be eligible for a grant
15 under this subsection, an eligible entity shall submit
16 an application to the Secretary that includes—
17 "(A) a plan to deploy and provide for the
18 long-term operation and maintenance of intel-
19 ligent transportation systems to improve safety,
20 efficiency, system performance, and return on
21 investment, such as—
22 "(i) autonomous vehicle, vehicle-to-ve-
23 hicle, and vehicle-to-infrastructure commu-
24 nication technologies;

"(ii) real-time integrated traffic, transit, and multimodal transportation information;

"(iii) advanced traffic, freight, parking, and incident management systems;

"(iv) advanced technologies to improve transit and commercial vehicle operations;

"(v) synchronized, adaptive, and transit preferential traffic signals;

"(vi) advanced infrastructure condition assessment technologies; and

"(vii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

"(B) quantifiable system performance improvements, including—

"(i) reductions in traffic-related crashes, congestion, and costs;

"(ii) optimization of system efficiency; and

"(iii) improvement of access to transportation services;

1 "(C) quantifiable safety, mobility, and en-
2 vironmental benefit projections, including data-
3 driven estimates of the manner in which the
4 project will improve the efficiency of the trans-
5 portation system and reduce traffic congestion
6 in the region;
7 "( ) a plan for partnering with the private
8 sector, including telecommunications industries
9 and public service utilities, public agencies (in-
10 cluding multimodal and multijurisdictional enti-
11 ties), research institutions, organizations rep-
12 resenting transportation and technology leaders,
13 and other transportation stakeholders;
14 "(E) a plan to leverage and optimize exist-
15 ing local and regional ITS investments; and
16 "(F) a plan to ensure interoperability of
17 deployed technologies with other tolling, traffic
18 management, and intelligent transportation sys-
19 tems.
20 "(3) SELECTION.—
21 "(A) IN GENERAL.—Effective beginning
22 not later than 1 year after the date of enact-
23 ment of the RIVE Act, the Secretary may
24 provide grants to eligible entities under this
25 subsection.

1 "(B) GEOGRAPHIC DIVERSITY.—In award-
2 ing a grant under this subsection, the Secretary
3 shall ensure, to the maximum extent prac-
4 ticable, that grant recipients represent diverse
5 geographical areas of the United States, includ-
6 ing urban, suburban, and rural areas.
7 "(C) NON-FEDERAL SHARE.—In awarding
8 a grant under the subsection, the Secretary
9 shall give priority to grant recipients that dem-
10 onstrate an ability to contribute a significant
11 non-Federal share to the cost of carrying out
12 the project for which the grant is received.
13 "(4) ELIGIBLE USES.—Projects for which
14 grants awarded under this subsection may be used
15 include—
16 "(A) the deployment of autonomous vehi-
17 cle, vehicle-to-vehicle, and vehicle-to-infrastruc-
18 ture communication technologies;
19 "(B) the establishment and implementa-
20 tion of ITS and ITS-enabled operations strate-
21 gies that improve performance in the areas of—
22 "(i) traffic operations;
23 "(ii) emergency response to surface
24 transportation incidents;
25 "(iii) incident management;

1 "(iv) transit and commercial vehicle
2 operations improvements;
3 "(v) weather event response manage-
4 ment by State and local authorities;
5 "(vi) surface transportation network
6 and facility management;
7 "(vii) construction and work zone
8 management;
9 "(viii) traffic flow information;
10 "(ix) freight management; and
11 "(x) congestion management;
12 "(C) carrying out activities that support
13 the creation of networks that link metropolitan
14 and rural surface transportation systems into
15 an integrated data network, capable of col-
16 lecting, sharing, and archiving transportation
17 system traffic condition and performance infor-
18 mation;
19 "(D) the implementation of intelligent
20 transportation systems and technologies that
21 improve highway safety through information
22 and communications systems linking vehicles,
23 infrastructure, mobile devices, transportation
24 users, and emergency responders;

1 "(E) the provision of services necessary to
2 ensure the efficient operation and management
3 of ITS infrastructure, including costs associated
4 with communications, utilities, rent, hardware,
5 software, labor, administrative costs, training,
6 and technical services;
7 "(F) the provision of support for the estab-
8 lishment and maintenance of institutional rela-
9 tionships between transportation agencies, po-
10 lice, emergency medical services, private emer-
11 gency operators, freight operators, shippers,
12 public service utilities, and telecommunications
13 providers;
14 "(G) carrying out multimodal and cross-ju-
15 risdictional planning and deployment of regional
16 transportation systems operations and manage-
17 ment approaches; and
18 "(H) performing project evaluations to de-
19 termine the costs, benefits, lessons learned, and
20 future deployment strategies associated with the
21 deployment of intelligent transportation sys-
22 tems.
23 "(5) REPORT TO SECRETARY.—For each fiscal
24 year that an eligible entity receives a grant under
25 this subsection, not later than 1 year after receiving

1 the grant, each recipient shall submit to the Sec-
2 retary a report that describes how the project has
3 met the expectations projected in the deployment
4 plan submitted with the application, including infor-
5 mation on—
6 "(A) how the program has helped reduce
7 traffic crashes, congestion, costs, and other ben-
8 efits of the deployed systems;
9 "(B) the effect of measuring and improv-
10 ing transportation system performance through
11 the deployment of advanced technologies;
12 "(C) the effectiveness of providing real-
13 time integrated traffic, transit, and multimodal
14 transportation information to the public that al-
15 lows the public to make informed travel deci-
16 sions; and
17 "(D) lessons learned and recommendations
18 for future deployment strategies to optimize
19 transportation efficiency and multimodal system
20 performance.
21 "(6) REPORT TO CONGRESS.—Not later than 2
22 years after the date on which the first grant is
23 awarded under this subsection and annually there-
24 after for each fiscal year for which grants are
25 awarded under this subsection, the Secretary shall

1 submit to Congress a report that describes the effec-
2 tiveness of the grant recipients in meeting the pro-
3 jected deployment plan goals, including data on how
4 the grant program has—
5 "(A) reduced traffic-related fatalities and
6 injuries;
7 "(B) reduced traffic congestion and im-
8 proved travel-time reliability;
9 "(C) reduced transportation-related emis-
10 sions;
11 "(D) optimized multimodal system per-
12 formance;
13 "(E) improved access to transportation al-
14 ternatives;
15 "(F) provided the public with access to
16 real-time integrated traffic, transit, and
17 multimodal transportation information to make
18 informed travel decisions;
19 "(G) provided cost savings to transpor-
20 tation agencies, businesses, and the traveling
21 public; and
22 "(H) provided other benefits to transpor-
23 tation users and the general public.
24 "(7) ADDITIONAL GRANTS.—If the Secretary
25 determines, based on a report submitted under para-

1 graph (5), that a grant recipient is not complying
2 with the established grant criteria, the Secretary
3 may—
4 "(A) cease payment to the recipient of any
5 remaining grant amounts; and
6 "(B) redistribute any remaining amounts
7 to other eligible entities under this section.
8 "(8) NON-FEDERAL SHARE.—The Federal
9 share of the cost of a project for which a grant is
10 provided under this subsection shall not exceed 50
11 percent of the cost of the project.
12 "(9) FUNDING.—Of the funds made available
13 each fiscal year to carry out the intelligent transpor-
14 tation system program under sections 512 through
15 518, not less than $30,000,000 shall be used to
16 carry out this subsection.".
17 (b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS
18 AND PURPOSES.—Section 514(a) of title 23, United
19 States Code, is amended—
20 (1) in paragraph (4), by striking "and" at the
21 end; and
22 (2) by striking paragraph (5) and inserting the
23 following:

"(5) improvement of the ability of the United States to respond to security-related or other man-made emergencies and natural disasters; and

"(6) enhancement of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of ITS applications in freight operations.".

(c) ITS ADVISORY COMMITTEE REPORT.—Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking "February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012" and inserting "May 1 of each year".

SEC. 2003. FUTURE INTERSTATE STUDY.

(a) FINDINGS.—Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) the 47,000-mile national Interstate System is the backbone to that transportation infrastructure system; and

(3) as of the date of enactment of this Act—

(A) many segments of the approximately 60- year-old Interstate System are well beyond the 50-year design life of the System and yet these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage;

(B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increasing and changing travel demands; and

(C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system network that meets the growing and shifting

1 demands of the 21st century and for the next 50 years
2 (referred to in this section as the "study").
3 (c) 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 entitled "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" and dated Decem-
11 ber 2013.
12 (d) RECOMMENDATIONS.—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 to achieve the goals; and
20 (2) is encouraged to build on the robust institu-
21 tional knowledge in the highway industry in applying
22 the techniques involved in implementing the study.
23 (e) CONSIDERATIONS.—In carrying out the study, the
24 Transportation Research Board shall determine the need

1 for reconstruction and improvement of the Interstate Sys-
2 tem 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 next 50 years, including long-
9 term deterioration and reconstruction needs;
10 (3) those National Highway System routes that
11 should be added to the existing Interstate System to
12 more efficiently serve national traffic flows;
13 (4) features that would take advantage of tech-
14 nological capabilities to address modern standards of
15 construction, maintenance, and operations, for pur-
16 poses of safety, and system management, taking into
17 further consideration system performance and cost;
18 and
19 (5) the resources necessary to maintain and im-
20 prove the Interstate System, including the resources
21 required to upgrade those National Highway System
22 routes identified in paragraph (3) to Interstate
23 standards.
24 (f) CONSULTATION.—In carrying out the study, the
25 Transportation Research Board—

1 (1) shall convene and consult with a panel of
2 national experts including current and future own-
3 ers, operators, and users of the Interstate System
4 and private sector stakeholders; and
5 (2) is encouraged to consult with—
6 (A) the Federal Highway Administration;
7 (B) States;
8 (C) planning agencies at the metropolitan,
9 State, and regional levels;
10 (D) the motor carrier industry;
11 (E) freight shippers;
12 (F) highway safety groups; and
13 (G) other appropriate entities.
14 (g) REPORT.—Not later than 3 years after the date
15 of enactment of this Act, the Transportation Research
16 Board shall submit to the Secretary, the Committee on
17 Environment and Public Works of the Senate, and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a report on the results of the
20 study conducted under this section.
21 (h) FUNDING.—From amounts authorized to carry
22 out the Highway Research and Development Program, the
23 Secretary shall use up to $5,000,000 for fiscal year 2016
24 to carry out this section.

1 **SEC. 2004. RESEARCHING SURFACE TRANSPORTATION SYS-**
2 **TEM FUNDING ALTERNATIVES.**

3 (a) IN GENERAL.—The Secretary shall promote the
4 research of user-based alternative revenue mechanisms
5 that preserve a user fee structure to maintain the long-
6 term solvency of the Highway Trust Fund.

7 (b) OBJECTIVES.—The objectives of the research de-
8 scribed in subsection (a) shall be—

9 (1) to study uncertainties relating to the design,
10 acceptance, and implementation of 2 or more future
11 user-based alternative revenue mechanisms;

12 (2) to define the functionality of those user-
13 based alternative revenue mechanisms;

14 (3) to conduct or promote research activities to
15 demonstrate and test those user-based alternative
16 revenue mechanisms, including by conducting field
17 trials, by partnering with individual States, groups
18 of States, or other appropriate entities to conduct
19 the research activities;

20 (4) to conduct outreach to increase public
21 awareness regarding the need for alternative funding
22 sources for surface transportation programs and
23 provide information on possible approaches;

24 (5) to provide recommendations regarding
25 adoption and implementation of those user-based al-
26 ternative revenue mechanisms; and

1 (6) to minimize the administrative cost of any
2 potential user-based alternative revenue mechanisms.
3 (c) GRANTS.—The Secretary shall provide grants to
4 individual States, groups of States, or other appropriate
5 entities to conduct research that addresses—
6 (1) the implementation, interoperability, public
7 acceptance, and other potential hurdles to the adop-
8 tion of a user-based alternative revenue mechanism;
9 (2) the protection of personal privacy;
10 (3) the use of independent and private third-
11 party vendors to collect fees and operate the user-
12 based alternative revenue mechanism;
13 (4) equity concerns, including the impacts of
14 the user-based alternative revenue mechanism on
15 differing income groups, various geographic areas,
16 and the relative burdens on rural and urban drivers;
17 (5) ease of compliance for different users of the
18 transportation system;
19 (6) the reliability and security of technology
20 used to implement the user-based alternative rev-
21 enue mechanism;
22 (7) the flexibility and choices of user-based al-
23 ternative revenue mechanisms, including the ability
24 of users to select from various technology and pay-
25 ment options;

1 (8) the cost of administering the user-based al-
2 ternative revenue mechanism; and
3 (9) the ability of the administering entity to
4 audit and enforce user compliance.
5 (d) ADVISORY COUNCIL.—
6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary, in
8 consultation with the Secretary of the Treasury,
9 shall establish and lead a Surface Transportation
10 Revenue Alternatives Advisory Council (referred to
11 in this subsection as the "Council") to inform the
12 selection and evaluation of user-based alternative
13 revenue mechanisms.
14 (2) MEMBERSHIP.—
15 (A) IN GENERAL.—The members of the
16 Council shall—
17 (i) be appointed by the Secretary; and
18 (ii) include, at a minimum—
19 (I) representatives with experi-
20 ence in user-based alternative revenue
21 mechanisms, of which—
22 (aa) not fewer than 1 shall
23 be from the Department;

1 (bb) not fewer than 1 shall
2 be from the Department of the
3 Treasury; and
4 (cc) not fewer than 2 shall
5 be from State departments of
6 transportation;
7 (II) representatives from applica-
8 ble users of the surface transportation
9 system; and
10 (III) appropriate technology and
11 public privacy experts.
12 (B) GEOGRAPHIC CONSIDERATIONS.—The
13 Secretary shall consider geographic diversity
14 when selecting members under this paragraph.
15 (3) FUNCTIONS.—Not later than 1 year after
16 the date on which the Council is established, the
17 Council shall, at a minimum—
18 (A) define the functionality of 2 or more
19 user-based alternative revenue mechanisms;
20 (B) identify technological, administrative,
21 institutional, privacy, and other issues that—
22 (i) are associated with the user-based
23 alternative revenue mechanisms; and
24 (ii) may be researched through re-
25 search activities;

1 (C) conduct public outreach to identify and
2 assess questions and concerns about the user-
3 based alternative revenue mechanisms for fu-
4 ture evaluation through research activities; and
5 (D) provide recommendations to the Sec-
6 retary on the process and criteria used for se-
7 lecting research activities under subsection (c).
8 (4) EVALUATIONS.—The Council shall conduct
9 periodic evaluations of the research activities that
10 have received assistance from the Secretary under
11 this section.
12 (5) APPLICABILITY OF FEDERAL ADVISORY
13 COMMITTEE ACT.—The Council shall not be subject
14 to the Federal Advisory Committee Act (5 U.S.C.
15 App.).
16 (e) BIENNIAL REPORTS.—Not later than 2 years
17 after the date of enactment of this Act, and every 2 years
18 thereafter until the completion of the research activities
19 under this section, the Secretary shall submit to the Sec-
20 retary of the Treasury, the Committee on Finance and the
21 Committee on Environment and Public Works of the Sen-
22 ate, and the Committee on Ways and Means and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report describing the progress of the
25 research activities.

1 (f) FINAL REPORT.—On the completion of the re-
2 search activities under this section, the Secretary and the
3 Secretary of the Treasury, acting jointly, shall submit to
4 the Committee on Finance and the Committee on Environ-
5 ment and Public Works of the Senate and the Committee
6 on Ways and Means and the Committee on Transportation
7 and Infrastructure of the House of Representatives a re-
8 port describing the results of the research activities and
9 any recommendations.
10 (g) FUNDING.—Of the funds authorized to carry out
11 section 503(b) of title 23, United States Code—
12 (1) $15,000,000 shall be used to carry out this
13 section in fiscal year 2016; and
14 (2) $20,000,000 shall be used to carry out this
15 section in each of fiscal years 2017 through 2021.

16 **Subtitle B—Data**

17 **SEC. 2101. TRIBAL DATA COLLECTION.**

18 Section 201(c)(6) of title 23, United States Code, is
19 amended by adding at the end the following:
20 "(C) TRIBAL DATA COLLECTION.—In addi-
21 tion to the data to be collected under subpara-
22 graph (A), not later than 90 days after the end
23 of each fiscal year, any entity carrying out a
24 project under the tribal transportation program
25 under section 202 shall submit to the Secretary

and the Secretary of Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

"(i) The names of projects or activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

"(ii) A description of the projects or activities identified under clause (i).

"(iii) The current status of the projects or activities identified under clause (i).

"(iv) An estimate of the number of jobs created and the number of jobs retained by the projects or activities identified under clause (i).".

SEC. 2102. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including

1 the performance management requirements under section
2 150 of title 23, United States Code).
3 (b) INCLUSIONS.—The data analysis activities au-
4 thorized under subsection (a) may include—
5 (1) collecting and distributing vehicle probe
6 data describing traffic on Federal-aid highways;
7 (2) collecting household travel behavior data to
8 assess local and cross-jurisdictional travel, including
9 to accommodate external and through travel;
10 (3) enhancing existing data collection and anal-
11 ysis tools to accommodate performance measures,
12 targets, and related data, so as to better understand
13 trip origin and destination, trip time, and mode;
14 (4) enhancing existing data analysis tools to im-
15 prove performance predictions and travel models in
16 reports described in section 150(e) of title 23,
17 United States Code; and
18 (5) developing tools—
19 (A) to improve performance analysis; and
20 (B) to evaluate the effects of project in-
21 vestments on performance.
22 (c) FUNDING.—From amounts authorized to carry
23 out the Highway Research and Development Program, the
24 Administrator may use up to $10,000,000 for each of fis-
25 cal years 2016 through 2021 to carry out this section.

Subtitle C—Transparency and Best Practices

SEC. 2201. EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration (referred to in this section as the "Administrator") shall continue the Every Day Counts initiative to work with States, local transpor-

1 tation agencies, and industry stakeholders to identify and
2 deploy proven innovative practices and products that—
3 (1) accelerate innovation deployment;
4 (2) shorten the project delivery process;
5 (3) improve environmental sustainability;
6 (4) enhance roadway safety; and
7 (5) reduce congestion.
8 (c) INNOVATION DEPLOYMENT.—
9 (1) IN GENERAL.—At least every 2 years, the
10 Administrator shall work collaboratively with stake-
11 holders to identify a new collection of innovations,
12 best practices, and data to be deployed to highway
13 stakeholders through case studies, webinars, and
14 demonstration projects.
15 (2) REQUIREMENTS.—In identifying a collection
16 described in paragraph (1), the Secretary shall take
17 into account market readiness, impacts, benefits,
18 and ease of adoption of the innovation or practice.
19 (d) PUBLICATION.—Each collection identified under
20 subsection (c) shall be published by the Administrator on
21 a publicly available website.
22 **SEC. 2202. DEPARTMENT OF TRANSPORTATION PERFORM-**
23 **ANCE MEASURES.**
24 (a) PERFORMANCE MEASURES.—Not later than 1
25 year after the date of enactment of this Act, the Secretary,

1 in coordination with the heads of other Federal agencies
2 with responsibility for the review and approval of projects
3 funded under title 23, United States Code, shall measure
4 and report on—

5 (1) the progress made toward aligning Federal
6 reviews of projects funded under title 23, United
7 States Code, and the improvement of project delivery
8 associated with those projects; and

9 (2) as applicable, the effectiveness of the De-
10 partment in achieving the goals described in section
11 150(b) of title 23, United States Code, through dis-
12 cretionary programs.

13 (b) REPORT.—Not later than 2 years after the date
14 of enactment of this Act and biennially thereafter, the Sec-
15 retary shall submit to the Committee on Environment and
16 Public Works of the Senate and the Committee on Trans-
17 portation and Infrastructure of the House of Representa-
18 tives a report describing the results of the evaluation con-
19 ducted under subsection (a).

20 (c) INSPECTOR GENERAL REPORT.—Not later than
21 3 years after the date of enactment of this Act, the Inspec-
22 tor General of the Department shall submit to the Com-
23 mittee on Environment and Public Works of the Senate
24 and the Committee on Transportation and Infrastructure

1 of the House of Representatives a report describing the
2 results of the evaluation conducted under subsection (a).

3 **SEC. 2203. GRANT PROGRAM FOR ACHIEVEMENT IN TRANS-**
4 **PORTATION FOR PERFORMANCE AND INNO-**
5 **VATION.**

6 (a) DEFINITIONS.—In this section:
7 (1) ELIGIBLE ENTITY.—The term "eligible enti-
8 ty" includes—
9 (A) a State;
10 (B) a unit of local government;
11 (C) a tribal organization (as defined in sec-
12 tion 4 of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 450b));
14 and
15 (D) a metropolitan planning organization.
16 (2) STATE.—The term "State" means—
17 (A) a State;
18 (B) the District of Columbia;
19 (C) the Commonwealth of Puerto Rico;
20 and
21 (D) any other territory (as defined in sec-
22 tion 165(e)(1) of title 23, United States Code).
23 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish a competitive grant program to reward—

1 (1) achievement in transportation performance
2 management; and
3 (2) the implementation of strategies that
4 achieve innovation and efficiency in surface trans-
5 portation.
6 (c) PURPOSE.—The purpose of the program under
7 this section shall be to reward entities for the implementa-
8 tion of policies and procedures that—
9 (1) support performance-based management of
10 the surface transportation system and improve
11 transportation outcomes; or
12 (2) use innovative technologies and practices
13 that improve the efficiency and performance of the
14 surface transportation system.
15 (d) APPLICATION.—
16 (1) IN GENERAL.—An eligible entity may sub-
17 mit to the Secretary an application for a grant
18 under this section.
19 (2) CONTENTS.—An application under para-
20 graph (1) shall indicate the means by which the eli-
21 gible entity has met the requirements and purpose
22 of the program under this section, including by—
23 (A) establishing, and making progress to-
24 ward achieving, performance targets that exceed

1 the requirements of title 23, United States
2 Code;
3 (B) using innovative techniques and prac-
4 tices that enhance the effective movement of
5 people, goods, and services, such as technologies
6 that reduce construction time, improve oper-
7 ational efficiencies, and extend the service life
8 of highways and bridges; and
9 (C) employing transportation planning
10 tools and procedures that improve transparency
11 and the development of transportation invest-
12 ment strategies within the jurisdiction of the el-
13 igible entity.
14 (e) EVALUATION CRITERIA.—In awarding a grant
15 under this section, the Secretary shall take into consider-
16 ation the extent to which the application of the applicable
17 eligible entity under subsection (d)—
18 (1) demonstrates performance in meeting the
19 requirements of subsection (c); and
20 (2) promotes the national goals described in
21 section 150(b) of title 23, United States Code.
22 (f) ELIGIBLE ACTIVITIES.—Amounts made available
23 to carry out this section shall be used for projects eligible
24 for funding under—
25 (1) title 23, United States Code; or

1 (2) chapter 53 of title 49, United States Code.
2 (g) LIMITATION.—The amount of a grant under this
3 section shall be not more than $15,000,000.
4 (h) AUTHORIZATION OF APPROPRIATIONS.—
5 (1) IN GENERAL.—There is authorized to be
6 appropriated to carry out this section $150,000,000
7 for each of fiscal years 2016 through 2021, to re-
8 main available until expended.
9 (2) ADMINISTRATIVE COSTS.—The Secretary
10 shall withhold a reasonable amount of funds made
11 available under paragraph (1) for administration of
12 the program under this section, not to exceed 3 per-
13 cent of the amount appropriated for each applicable
14 fiscal year.
15 (i) APPLICABILITY OF REQUIREMENTS.—Amounts
16 made available under this section shall be administered as
17 if the funds were apportioned under chapter 1 of title 23,
18 United States Code.

19 **SEC. 2204. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
20 **COUNTABILITY.**

21 (a) IN GENERAL.—Section 104 of title 23, United
22 States Code, is amended by striking subsection (g) and
23 inserting the following:
24 "(g) HIGHWAY TRUST FUND TRANSPARENCY AND
25 ACCOUNTABILITY REPORT.—

1 "(1) PUBLICLY AVAILABLE REPORT.—Not later
2 than 180 days after the date of enactment of the
3 DRIVE Act and quarterly thereafter, the Secretary
4 shall compile data in accordance with this subsection
5 on the use of Federal-aid highway program funds
6 made available under this title.
7 "(2) REQUIREMENTS.—The Secretary shall en-
8 sure that the reports required under this subsection
9 are made available in a user-friendly manner on the
10 public website of the Department of Transportation
11 and can be searched and downloaded by users of the
12 website.
13 "(3) CONTENTS OF REPORT.—
14 "(A) APPORTIONED AND ALLOCATED PRO-
15 GRAMS.—For each fiscal year, the report shall
16 include comprehensive data for each program,
17 organized by State, that includes—
18 "(i) the total amount of funds avail-
19 able for obligation, identifying the unobli-
20 gated balance of funds available at the end
21 of the preceding fiscal year and new fund-
22 ing available for the current fiscal year;
23 "(ii) the total amount of funding obli-
24 gated during the current fiscal year;

1 "(iii) the remaining amount of funds
2 available for obligation;
3 "(iv) changes in the obligated, unex-
4 pended balance during the current fiscal
5 year, including the obligated, unexpended
6 balance at the end of the preceding fiscal
7 year and current fiscal year expenditures;
8 and
9 "(v) the percentage of the total
10 amount of obligations for the current fiscal
11 year used for construction and the total
12 amount obligated during the current fiscal
13 year for rehabilitation.
14 "(B) PROJECT DATA.—To the maximum
15 extent practicable, the report shall include
16 project-specific data, including data describ-
17 ing—
18 "(i) the specific location of a project;
19 "(ii) whether the project is located in
20 an area of the State with a population of—
21 "(I) less than 5,000 individuals;
22 "(II) 5,000 or more individuals
23 but less than 50,000 individuals; or
24 "(III) 50,000 or more individ-
25 uals;

"(iii) the total cost of the project;

"(iv) the amount of Federal funding being used on the project;

"(v) the 1 or more programs from which Federal funds are obligated on the project;

"(vi) the type of improvement being made, such as categorizing the project as—

"(I) a road reconstruction project;

"(II) a new road construction project;

"(III) a new bridge construction project;

"(IV) a bridge rehabilitation project; or

"(V) a bridge replacement project; and

"(vii) the ownership of the highway or bridge.

"(C) TRANSFERS BETWEEN PROGRAMS.—The report shall include a description of the amount of funds transferred between programs by each State under section 126.".

1 (b) CONFORMING AMENDMENT.—Section 1503 of
2 MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is
3 amended by striking subsection (c).

4 **SEC. 2205. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
5 **TRATIVE EXPENDITURES.**

6 (a) INITIAL REPORT.—Not later than 150 days after
7 the date of enactment of this Act, the Comptroller General
8 of the United States shall submit to Congress a report
9 describing the administrative expenses of the Federal
10 Highway Administration funded from the Highway Trust
11 Fund during the 3 most recent fiscal years.

12 (b) UPDATES.—Not later than 5 years after the date
13 on which the report is submitted under subsection (a) and
14 every 5 years thereafter, the Comptroller General shall
15 submit to Congress a report that updates the information
16 provided in the report under that subsection for the pre-
17 ceding 5-year period.

18 (c) INCLUSIONS.—Each report submitted under sub-
19 section (a) or (b) shall include a description of the—

20 (1) types of administrative expenses of pro-
21 grams and offices funded by the Highway Trust
22 Fund;

23 (2) tracking and monitoring of administrative
24 expenses;

1 (3) controls in place to ensure that funding for
2 administrative expenses is used as efficiently as
3 practicable; and
4 (4) flexibility of the Department to reallocate
5 amounts from the Highway Trust Fund between
6 full-time equivalent employees and other functions.

7 **SEC. 2206. AVAILABILITY OF REPORTS.**

8 (a) IN GENERAL.—The Secretary shall make avail-
9 able to the public on the website of the Department any
10 report required to be submitted by the Secretary to Con-
11 gress after the date of enactment of this Act.
12 (b) DEADLINE.—Each report described in subsection
13 (a) shall be made available on the website not later than
14 30 days after the report is submitted to Congress.

15 **SEC. 2207. PERFORMANCE PERIOD ADJUSTMENT.**

16 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
17 GRAM.—Section 119 of title 23, United States Code, is
18 amended—
19 (1) in subsection (e)(7), by striking "for 2 con-
20 secutive reports submitted under this paragraph
21 shall include in the next report submitted" and in-
22 serting "shall include as part of the performance
23 target report under section 150(e)"; and
24 (2) in subsection (f)(1)(A), by striking "If, dur-
25 ing 2 consecutive reporting periods, the condition of

1 the Interstate System, excluding bridges on the
2 Interstate System, in a State falls" and inserting "If
3 a State reports that the condition of the Interstate
4 System, excluding bridges on the Interstate System,
5 has fallen".

6 (b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—
7 Section 148(i) of title 23, United States Code, is amend-
8 ed—

9 (1) in the matter preceding paragraph (1), by
10 striking "performance targets of the State estab-
11 lished under section 150(d) by the date that is 2
12 years after the date of the establishment of the per-
13 formance targets" and inserting "safety performance
14 targets of the State established under section
15 150(d)"; and

16 (2) in paragraphs (1) and (2), by inserting
17 "safety" before "performance targets" each place it
18 appears.

19 **SEC. 2208. DESIGN STANDARDS.**

20 (a) IN GENERAL.—Section 109 of title 23, United
21 States Code, is amended—

22 (1) in subsection (e)—

23 (A) in paragraph (1), in the matter pre-
24 ceding subparagraph (A), by striking "may take

1 into account" and inserting "shall consider";
2 and
3 (B) in paragraph (2)—
4 (i) in subparagraph (C), by striking
5 "and" at the end;
6 (ii) by redesignating subparagraph
7 (D) as subparagraph (F); and
8 (iii) by inserting after subparagraph
9 (C) the following:
10 "(D) the publication entitled 'Highway
11 Safety Manual' of the American Association of
12 State Highway and Transportation Officials;
13 "(E) the publication entitled 'Urban Street
14 Design Guide' of the National Association of
15 City Transportation Officials; and"; and
16 (2) in subsection (f), by inserting "pedestrian
17 walkways," after "bikeways,".
18 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-
19 standing section 109(o) of title 23, United States Code,
20 a local jurisdiction may use a roadway design guide that
21 is different from the roadway design guide used by the
22 State in which the local jurisdiction is located for the de-
23 sign of projects on all roadways under the ownership of
24 the local jurisdiction (other than a highway on the Inter-
25 state System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

SEC. 3001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

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

(A) by striking "In this chapter, the" and inserting "The"; and

(B) by inserting "to sections 601 through 609" after "apply";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting "; and"; and
3 (C) by adding at the end the following:
4 "(D) capitalizing a rural projects fund
5 using the proceeds of a secured loan made to a
6 State infrastructure bank in accordance with
7 sections 602 and 603, for the purpose of mak-
8 ing loans to sponsors of rural infrastructure
9 projects in accordance with section 610.";
10 (3) in paragraph (3), by striking "this chapter"
11 and inserting "the TIFIA program";
12 (4) in paragraph (10)—
13 (A) in the matter preceding subparagraph
14 (A)—
15 (i) by inserting "related" before
16 "projects"; and
17 (ii) by striking "(which shall receive
18 an investment grade rating from a rating
19 agency)";
20 (B) in subparagraph (A), by striking "sub-
21 ject to the availability of future funds being
22 made available to carry out this chapter;" and
23 inserting "subject to—

"(i) the availability of future funds being made available to carry out the TIFIA program; and

"(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);"; and

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

"(ii) receiving an investment grade rating from a rating agency;";

(iii) in clause (iii) (as so redesignated), by striking "section 602(c)" and inserting "including sections 602(c) and 603(b)(1)"; and

(iv) in clause (iv) (as so redesignated), by striking "this chapter" and inserting "the TIFIA program";

(5) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking the period at the end and inserting "; and"; and

1 (B) by adding at the end the following:
2 "(E) a project to improve or construct
3 public infrastructure that is located within
4 walking distance of, and accessible to, a fixed
5 guideway transit facility, passenger rail station,
6 intercity bus station, or intermodal facility, in-
7 cluding a transportation, public utility, and cap-
8 ital project described in section 5302(3)(G)(v)
9 of title 49, and related infrastructure;
10 "(F) a project for the acquisition of plant
11 and wildlife habitat pursuant to a conservation
12 plan that—
13 "(i) has been approved by the Sec-
14 retary of the Interior pursuant to section
15 10 of the Endangered Species Act of 1973
16 (16 U.S.C. 1539); and
17 "(ii) as determined by the Secretary
18 of the Interior, would mitigate the environ-
19 mental impacts of transportation infra-
20 structure projects otherwise eligible for as-
21 sistance under the TIFIA program; and
22 "(G) the capitalization of a rural projects
23 fund by a State infrastructure bank with the
24 proceeds of a secured loan made in accordance
25 with sections 602 and 603, for the purpose of

1 making loans to sponsors of rural infrastructure
2 projects in accordance with section 610.";
3 (6) in paragraph (15), by striking "means" and
4 all that follows through the period at the end and
5 inserting "means a surface transportation infra-
6 structure project located in an area that is outside
7 of an urbanized area with a population greater than
8 150,000 individuals, as determined by the Bureau of
9 the Census.";
10 (7) by redesignating paragraphs (16), (17),
11 (18), (19), and (20) as paragraphs (17), (18), (20),
12 (21), and (22), respectively;
13 (8) by inserting after paragraph (15) the fol-
14 lowing:
15 "(16) RURAL PROJECTS FUND.—The term
16 'rural projects fund' means a fund—
17 "(A) established by a State infrastructure
18 bank in accordance with section 610(d)(4);
19 "(B) capitalized with the proceeds of a se-
20 cured loan made to the bank in accordance with
21 sections 602 and 603; and
22 "(C) for the purpose of making loans to
23 sponsors of rural infrastructure projects in ac-
24 cordance with section 610.";

1 (9) by inserting after paragraph (18) (as redes-
2 ignated) the following:
3 "(19) STATE INFRASTRUCTURE BANK.—The
4 term 'State infrastructure bank' means an infra-
5 structure bank established under section 610."; and
6 (10) in paragraph (22) (as redesignated), by in-
7 serting "established under sections 602 through
8 609" after "Department".
9 (b) DETERMINATION OF ELIGIBILITY AND PROJECT
10 SELECTION.—Section 602 of title 23, United States Code,
11 is amended—
12 (1) in subsection (a)—
13 (A) in paragraph (1), in the matter pre-
14 ceding subparagraph (A), by striking "this
15 chapter" and inserting "the TIFIA program";
16 (B) in paragraph (2)(A), by striking "this
17 chapter" and inserting "the TIFIA program";
18 (C) in paragraph (3), by striking "this
19 chapter" and inserting "the TIFIA program";
20 (D) in paragraph (5)—
21 (i) by striking the heading and insert-
22 ing "ELIGIBLE PROJECT COST PARAM-
23 ETERS.—";
24 (ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "subparagraph (B), to be eligible for assistance under this chapter, a project" and inserting "subparagraphs (B) and (C), a project under the TIFIA program";

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

"(i) $50,000,000; and"; and

(III) in clause (ii), by striking "assistance"; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through "In the case" and inserting the following:

"(B) EXCEPTIONS.—

"(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case"; and

(II) by adding at the end the following:

"(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible

1 project costs shall be reasonably antici-
2 pated to equal or exceed $10,000,000.
3 "(iii) RURAL PROJECTS.—In the case
4 of a rural infrastructure project or a
5 project capitalizing a rural projects fund,
6 eligible project costs shall be reasonably
7 anticipated to equal or exceed
8 $10,000,000, but not to exceed
9 $100,000,000.
10 "(iv) LOCAL INFRASTRUCTURE
11 PROJECTS.—Eligible project costs shall be
12 reasonably anticipated to equal or exceed
13 $10,000,000 in the case of projects or pro-
14 grams of projects—
15 "(I) in which the applicant is a
16 local government, public authority, or
17 instrumentality of local government;
18 "(II) located on a facility owned
19 by a local government; or
20 "(III) for which the Secretary de-
21 termines that a local government is
22 substantially involved in the develop-
23 ment of the project.";
24 (E) in paragraph (9), in the matter pre-
25 ceding subparagraph (A), by striking "this

1 chapter" and inserting "the TIFIA program";
2 and
3 (F) in paragraph (10)—
4 (i) by striking "To be eligible" and in-
5 serting the following:
6 "(A) IN GENERAL.—Except as provided in
7 subparagraph (B), to be eligible";
8 (ii) by striking "this chapter" each
9 place it appears and inserting "the TIFIA
10 program";
11 (iii) by striking "not later than" and
12 inserting "no later than"; and
13 (iv) by adding at the end the fol-
14 lowing:
15 "(B) RURAL PROJECTS FUND.—In the
16 case of a project capitalizing a rural projects
17 fund, the State infrastructure bank shall dem-
18 onstrate, not later than 2 years after the date
19 on which a secured loan is obligated for the
20 project under the TIFIA program, that the
21 bank has executed a loan agreement with a bor-
22 rower for a rural infrastructure project in ac-
23 cordance with section 610. After the demonstra-
24 tion is made, the bank may draw upon the se-
25 cured loan. At the end of the 2-year period, to

1 the extent the bank has not used the loan com-
2 mitment, the Secretary may extend the term of
3 the loan or withdraw the loan commitment.";
4 (2) in subsection (b), by striking paragraph (2)
5 and inserting the following:
6 "(2) MASTER CREDIT AGREEMENTS.—
7 "(A) PROGRAM OF RELATED PROJECTS.—
8 The Secretary may enter into a master credit
9 agreement for a program of related projects se-
10 cured by a common security pledge on terms
11 acceptable to the Secretary.
12 "(B) ADEQUATE FUNDING NOT AVAIL-
13 ABLE.—If the Secretary fully obligates funding
14 to eligible projects for a fiscal year and ade-
15 quate funding is not available to fund a credit
16 instrument, a project sponsor of an eligible
17 project may elect to enter into a master credit
18 agreement and wait to execute a credit instru-
19 ment until the fiscal year for which additional
20 funds are available to receive credit assist-
21 ance.";
22 (3) in subsection (c)(1), in the matter preceding
23 subparagraph (A), by striking "this chapter" and in-
24 serting "the TIFIA program"; and

1 (4) in subsection (e), by striking "this chapter"
2 and inserting "the TIFIA program".
3 (c) SECURED LOAN TERMS AND LIMITATIONS.—Sec-
4 tion 603(b) of title 23, United States Code, is amended—
5 (1) in paragraph (2)—
6 (A) by striking "The amount of" and in-
7 serting the following:
8 "(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the amount of"; and
10 (B) by adding at the end the following:
11 "(B) RURAL PROJECTS FUND.—In the
12 case of a project capitalizing a rural projects
13 fund, the maximum amount of a secured loan
14 made to a State infrastructure bank shall be
15 determined in accordance with section
16 602(a)(5)(B)(iii).";
17 (2) in paragraph (3)(A)(i)—
18 (A) in subclause (III), by striking "or" at
19 the end;
20 (B) in subclause (IV), by striking "and" at
21 the end and inserting "or"; and
22 (C) by adding at the end the following:
23 "(V) in the case of a secured
24 loan for a project capitalizing a rural
25 projects fund, any other dedicated

1 revenue sources available to a State
2 infrastructure bank, including repay-
3 ments from loans made by the bank
4 for rural infrastructure projects;
5 and";
6 (3) in paragraph (4)(B)—
7 (A) in clause (i), by striking "under this
8 chapter" and inserting "or a rural projects fund
9 under the TIFIA program"; and
10 (B) in clause (ii), by inserting "and rural
11 project funds" after "rural infrastructure
12 projects";
13 (4) in paragraph (5)—
14 (A) by redesignating subparagraphs (A)
15 and (B) as clauses (i) and (ii), respectively, and
16 indenting appropriately;
17 (B) in the matter preceding subparagraph
18 (A), by striking "The final" and inserting the
19 following:
20 "(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the final"; and
22 (C) by adding at the end the following:
23 "(B) RURAL PROJECTS FUND.—In the
24 case of a project capitalizing a rural projects
25 fund, the final maturity date of the secured

1 loan shall not exceed 35 years after the date on
2 which the secured loan is obligated.";
3 (5) in paragraph (8), by striking "this chapter"
4 and inserting "the TIFIA program"; and
5 (6) in paragraph (9)—
6 (A) by striking "The total Federal assist-
7 ance provided on a project receiving a loan
8 under this chapter" and inserting the following:
9 "(A) IN GENERAL.—The total Federal as-
10 sistance provided for a project receiving a loan
11 under the TIFIA program"; and
12 (B) by adding at the end the following:
13 "(B) RURAL PROJECTS FUND.—A project
14 capitalizing a rural projects fund shall satisfy
15 clause (i) through compliance with the Federal
16 share requirement described in section
17 610(e)(3)(B).".
18 (d) PROGRAM ADMINISTRATION.—Section 605 of
19 title 23, United States Code, is amended—
20 (1) by striking "this chapter" each place it ap-
21 pears and inserting "the TIFIA program"; and
22 (2) by adding at the end the following:
23 "(f) ASSISTANCE TO SMALL PROJECTS.—
24 "(1) RESERVATION OF FUNDS.—Of the funds
25 made available to carry out the TIFIA program for

1 each fiscal year, and after the set-aside under sec-
2 tion 608(a)(6), not less than $2,000,000 shall be
3 made available for the Secretary to use in lieu of
4 fees collected under subsection (b) for projects under
5 the TIFIA program having eligible project costs that
6 are reasonably anticipated not to equal or exceed
7 $75,000,000.

8 "(2) RELEASE OF FUNDS.—Any funds not used
9 under paragraph (1) shall be made available on Oc-
10 tober 1 of the following fiscal year to provide credit
11 assistance to any project under the TIFIA pro-
12 gram.".

13 (e) STATE AND LOCAL PERMITS.—Section 606 of
14 title 23, United States Code, is amended in the matter
15 preceding paragraph (1) by striking "this chapter" and
16 inserting "the TIFIA program".

17 (f) REGULATIONS.—Section 607 of title 23, United
18 States Code, is amended by striking "this chapter" and
19 inserting "the TIFIA program".

20 (g) FUNDING.—Section 608 of title 23, United States
21 Code, is amended—

22 (1) by striking "this chapter" each place it ap-
23 pears and inserting "the TIFIA program"; and

24 (2) in subsection (a)—

(A) in paragraph (2), by inserting "of" after "504(f)";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or rural projects funds" after "rural infrastructure projects"; and

(ii) in subparagraph (B), by inserting "or rural projects funds" after "rural infrastructure projects"; and

(C) in paragraph (6), by striking "0.50 percent" and inserting "0.75 percent".

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking "this chapter (other than section 610)" each place it appears and inserting "the TIFIA program".

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

"(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.";

1 (2) in subsection (d)—

2 (A) in paragraph (1)(A), by striking "each
3 of fiscal years" and all that follows through the
4 end of subparagraph (A) and inserting "each
5 fiscal year under each of paragraphs (1), (2),
6 and (5) of section 104(b); and";

7 (B) in paragraph (2), by striking "in each
8 of fiscal years 2005 through 2009" and insert-
9 ing "in each fiscal year";

10 (C) in paragraph (3), by striking "in each
11 of fiscal years 2005 through 2009" and insert-
12 ing "in each fiscal year";

13 (D) by redesignating paragraphs (4)
14 through (6) as paragraphs (5) through (7), re-
15 spectively;

16 (E) by inserting after paragraph (3) the
17 following:

18 "(4) RURAL PROJECTS FUND.—Subject to sub-
19 section (j), the Secretary may permit a State enter-
20 ing into a cooperative agreement under this section
21 to establish a State infrastructure bank to deposit
22 into the rural projects fund of the bank the proceeds
23 of a secured loan made to the bank in accordance
24 with section 602 and 603."; and

1 (F) in paragraph (6) (as redesignated), by
2 striking "section 133(d)(3)" and inserting "sec-
3 tion 133(d)(1)(A)(i)";
4 (3) by striking subsection (e) and inserting the
5 following:
6 "(e) FORMS OF ASSISTANCE FROM STATE INFRA-
7 STRUCTURE BANKS.—
8 "(1) IN GENERAL.—A State infrastructure
9 bank established under this section may—
10 "(A) with funds deposited into the highway
11 account, transit account, or rail account of the
12 bank, make loans or provide other forms of
13 credit assistance to a public or private entity to
14 carry out a project eligible for assistance under
15 this section; and
16 "(B) with funds deposited into the rural
17 projects fund, make loans to a public or private
18 entity to carry out a rural infrastructure
19 project.
20 "(2) SUBORDINATION OF LOAN.—The amount
21 of a loan or other form of credit assistance provided
22 for a project described in paragraph (1) may be sub-
23 ordinated to any other debt financing for the
24 project.

1 "(3) MAXIMUM AMOUNT OF ASSISTANCE.—A
2 State infrastructure bank established under this sec-
3 tion may—
4 "(A) with funds deposited into the highway
5 account, transit account, or rail account, make
6 loans or provide other forms of credit assistance
7 to a public or private entity in an amount up
8 to 100 percent of the cost of carrying out a
9 project eligible for assistance under this section;
10 and
11 "(B) with funds deposited into the rural
12 projects fund, make loans to a public or private
13 entity in an amount not to exceed 80 percent
14 of the cost of carrying out a rural infrastruc-
15 ture project.
16 "(4) INITIAL ASSISTANCE.—Initial assistance
17 provided with respect to a project from Federal
18 funds deposited into a State infrastructure bank
19 under this section may not be made in the form of
20 a grant.";
21 (4) in subsection (g)—
22 (A) in paragraph (1), by striking "each ac-
23 count" and inserting "the highway account, the
24 transit account, and the rail account"; and

(B) in paragraph (4), by inserting ", except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603" after "feasible"; and

(5) in subsection (k), by striking "For each of fiscal years 2005 through 2009" and inserting "For each fiscal year".

TITLE IV—TECHNICAL CORRECTIONS TO MAP–21

SEC. 4001. TECHNICAL CORRECTIONS.

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by inserting a comma after "disabilities"; and

(2) in subparagraph (F)(i), by striking "133(b)(11)" and inserting "133(b)(14)".

(b) Section 119(d)(1)(A) of title 23, United States Code, is amended by striking "mobility," and inserting "congestion reduction, system reliability,".

(c) Section 126(b) of title 23, United States Code (as amended by section 1016(b)), is amended by striking "133(d)" and inserting "133(d)(1)(A)".

1 (d) Section 127(a)(3) of title 23, United States Code,
2 is amended by striking "118(b)(2) of this title" and in-
3 serting "118(b)".
4 (e) Section 150(e)(3)(B) of title 23, United States
5 Code, is amended by striking the semicolon at the end and
6 inserting a period.
7 (f) Section 153(h)(2) of title 23, United States Code,
8 is amended by striking "paragraphs (1) through (3)" and
9 inserting "paragraphs (1), (2), and (4)".
10 (g) Section 163(f)(2) of title 23, United States Code,
11 is amended by striking "118(b)(2)" and inserting
12 "118(b)".
13 (h) Section 165(c)(7) of title 23, United States Code,
14 is amended by striking "paragraphs (2), (4), (7), (8),
15 (14), and (19)" and inserting "paragraphs (2), (4), (6),
16 (7), and (14)".
17 (i) Section 202(b)(3) of title 23, United States Code,
18 is amended—
19 (1) in subparagraph (A)(i), in the matter pre-
20 ceding subclause (I), by inserting "(a)(6)," after
21 "subsections"; and
22 (2) in subparagraph (C)(ii)(IV), by striking
23 "(III).]" and inserting "(III).".

1 (j) Section 217(a) of title 23, United States Code,
2 is amended by striking "104(b)(3)" and inserting
3 "104(b)(4)".
4 (k) Section 327(a)(2)(B)(iii) of title 23, United
5 States Code, is amended by striking "(42 U.S.C. 13 4321
6 et seq.)" and inserting "(42 U.S.C. 4321 et seq.)".
7 (l) Section 504(a)(4) of title 23, United States Code,
8 is amended by striking "104(b)(3)" and inserting
9 "104(b)(2)".
10 (m) Section 515 of title 23, United States Code, is
11 amended by striking "this chapter" each place it appears
12 and inserting "sections 512 through 518".
13 (n) Section 518(a) of title 23, United States Code,
14 is amended by inserting "a report" after "House of Rep-
15 resentatives".
16 (o) Section 6302(b)(3)(B)(vi)(III) of title 49, United
17 States Code, is amended by striking "6310" and inserting
18 "6309".
19 (p) Section 1301(*l*)(3) of SAFETEA–LU (23 U.S.C.
20 101 note; Public Law 109–59) is amended—
21 (1) in subparagraph (A)(i), by striking "com-
22 plied" and inserting "compiled"; and
23 (2) in subparagraph (B), by striking "para-
24 graph (1)" and inserting "subparagraph (A)".

(q) Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777), is amended by striking "hereby enacted into law" and inserting "granted".

(r) Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking "sections 503(b), 503(d), and 509" and inserting "section 503(b)".

TITLE V—MISCELLANEOUS

SEC. 5001. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking "2021" each place it appears and inserting "2050"; and

(2) by striking "shall be 100 percent" each place it appears and inserting "shall be up to 100 percent, as determined by the State".

SEC. 5002. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

1 **"§ 14509. High-speed broadband deployment initia-**
2 **tive**

3 "(a) IN GENERAL.—The Appalachian Regional Com-
4 mission may provide technical assistance, make grants,
5 enter into contracts, or otherwise provide amounts to indi-
6 viduals or entities in the Appalachian region for projects
7 and activities—

8 "(1) to increase affordable access to broadband
9 networks throughout the Appalachian region;

10 "(2) to conduct research, analysis, and training
11 to increase broadband adoption efforts in the Appa-
12 lachian region;

13 "(3) to provide technology assets, including
14 computers, smartboards, and video projectors to
15 educational systems throughout the Appalachian re-
16 gion;

17 "(4) to increase distance learning opportunities
18 throughout the Appalachian region;

19 "(5) to increase the use of telehealth tech-
20 nologies in the Appalachian region; and

21 "(6) to promote e-commerce applications in the
22 Appalachian region.

23 "(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
24 cost of any activity eligible for a grant under this sec-
25 tion—

1 "(1) not more than 50 percent may be provided
2 from amounts appropriated to carry out this section;
3 and
4 "(2) notwithstanding paragraph (1)—
5 "(A) in the case of a project to be carried
6 out in a county for which a distressed county
7 designation is in effect under section 14526,
8 not more than 80 percent may be provided from
9 amounts appropriated to carry out this section;
10 and
11 "(B) in the case of a project to be carried
12 out in a county for which an at-risk designation
13 is in effect under section 14526, not more than
14 70 percent may be provided from amounts ap-
15 propriated to carry out this section.
16 "(c) SOURCES OF ASSISTANCE.—Subject to sub-
17 section (b), a grant provided under this section may be
18 provided from amounts made available to carry out this
19 section in combination with amounts made available—
20 "(1) under any other Federal program; or
21 "(2) from any other source.
22 "(d) FEDERAL SHARE.—Notwithstanding any provi-
23 sion of law limiting the Federal share under any other
24 Federal program, amounts made available to carry out
25 this section may be used to increase that Federal share,

1 as the Appalachian Regional Commission determines to be
2 appropriate.".

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 145 of title 40, United States Code, is
5 amended by inserting after the item relating to sec-
6 tion 14508 the following:

"14509. High-speed broadband deployment initiative.".

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 14703 of title 40, United States Code, is amended—

9 (1) in subsection (a)(5), by striking "fiscal year
10 2012" and inserting "each of fiscal years 2012
11 through 2021";

12 (2) by redesignating subsections (c) and (d) as
13 subsections (d) and (e), respectively; and

14 (3) by inserting after subsection (b) the fol-
15 lowing:

16 "(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-
17 TIVE.—Of the amounts made available under subsection
18 (a), $10,000,000 shall be used to carry out section 14509
19 for each of fiscal years 2016 through 2021.".

20 (c) TERMINATION.—Section 14704 of title 40, United
21 States Code, is amended by striking "2012" and inserting
22 "2021".

23 (d) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section take effect on October 1, 2015.

TITLE VI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

SEC. 6001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001 of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1840; 129 Stat. 219) is amended—

(1) in subsection (a), by striking "July 31, 2015" and inserting "September 30, 2015";

(2) in subsection (b)(1)—

(A) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(B) by striking "304/365" and inserting "365/365"; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(ii) by striking "304/365" and inserting "365/365"; and

(B) in paragraph (2)(B), by striking "by this subsection".

1 (b) OBLIGATION CEILING.—Section 1102 of MAP–
2 21 (23 U.S.C. 104 note; Public Law 112–141) is amend-
3 ed—
4 (1) in subsection (a)(3)—
5 (A) by striking "$33,528,284,932" and in-
6 serting "$40,256,000,000"; and
7 (B) by striking "July 31, 2015" and in-
8 serting "September 30, 2015";
9 (2) in subsection (b)(12)—
10 (A) by striking "July 31, 2015" and in-
11 serting "September 30, 2015"; and
12 (B) by striking "304/365" and inserting
13 "365/365";
14 (3) in subsection (c)—
15 (A) in the matter preceding paragraph (1),
16 by striking "July 31, 2015" and inserting
17 "September 30, 2015"; and
18 (B) in paragraph (2)—
19 (i) by striking "July 31, 2015" and
20 inserting "September 30, 2015"; and
21 (ii) by striking "304/365" and inserting
22 "365/365"; and
23 (4) in subsection (f)(1), in the matter preceding
24 subparagraph (A), by striking "July 31, 2015" and
25 inserting "September 30, 2015".

1 (c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
2 Section 1123(h)(1) of MAP-21 (23 U.S.C. 202 note; Pub-
3 lic Law 112–141) is amended—
4 (1) by striking "$24,986,301" and inserting
5 "$30,000,000"; and
6 (2) by striking "July 31, 2015" and inserting
7 "September 30, 2015".

8 **SEC. 6002. ADMINISTRATIVE EXPENSES.**

9 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
10 Section 1002(a) of the Highway and Transportation
11 Funding Act of 2014 (Public Law 113–159; 128 Stat.
12 1842; 129 Stat. 220) is amended—
13 (1) by striking "$366,465,753" and inserting
14 "$440,000,000"; and
15 (2) by striking "July 31, 2015" and inserting
16 "September 30, 2015".
17 (b) CONTRACT AUTHORITY.—Section 1002(b)(2) of
18 the Highway and Transportation Funding Act of 2014
19 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is
20 amended by striking "July 31, 2015" and inserting "Sep-
21 tember 30, 2015".

AMENDMENT NO._____ Calendar No._____

Purpose: To make technical corrections.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S.____

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. INHOFE (for himself, Mrs. BOXER, Mr. VITTER, and Mr. CARPER)

Viz:

1 On page 4, line 17, insert "the transportation alter-
2 natives program under section 213 of that title," before
3 "and to carry".

4 On page 25, line 9, strike "set-aside" and insert "set-
5 asides".

6 On page 26, strike lines 18 through 21 and insert
7 the following:

1 "(i) the total apportionment deter-
2 mined under subsection (c) for a State;
3 bears to
4 "(ii) the total apportionments for all
5 States.

6 On page 27, line 20, strike "set-aside" and insert
7 "set-asides".

8 On page 32, line 3, insert "and" at the end.

9 On page 32, strike lines 7 through 9.

10 On page 34, lines 5 through 7, strike "the State set
11 aside for off-system bridges in fiscal year 2014" and insert
12 "set aside for bridges not on Federal-aid highways in the
13 State for fiscal year 2014".

14 On page 39, line 15, strike "and".

15 On page 39, line 19, strike the period at the end and
16 insert "; and".

1 On page 39, between lines 19 and 20, insert the fol-
2 lowing:
3 (14) by adding at the end the following:
4 "(q) TREATMENT OF LAKE TAHOE REGION.—
5 "(1) DEFINITION OF LAKE TAHOE REGION.—In
6 this subsection, the term 'Lake Tahoe Region' has
7 the meaning given the term 'region' in subsection (a)
8 of Article II of the Lake Tahoe Regional Planning
9 Compact (Public Law 96–551; 94 Stat. 3234).
10 "(2) TREATMENT.—For the purpose of this
11 title, the Lake Tahoe Region shall be treated as—
12 "(A) a metropolitan planning organization;
13 "(B) a transportation management area
14 under subsection (k); and
15 "(C) an urbanized area, which is com-
16 prised of a population of 145,000 in the State
17 of California and a population of 65,000 in the
18 State of Nevada.
19 "(3) SUBALLOCATED FUNDING.—
20 "(A) SECTION 133.—When determining the
21 amount under subparagraph (A) of section
22 133(d)(1) that shall be obligated for a fiscal
23 year in the States of California and Nevada
24 under clauses (i), (ii), and (iii) of that subpara-

1 graph, the Secretary shall, for each of those
2 States—
3 "(i) calculate the population under
4 each of those clauses;
5 "(ii) decrease the amount under sec-
6 tion 133(d)(1)(A)(iii) by the population
7 specified in paragraph (2) of this sub-
8 section for the Lake Tahoe Region in that
9 State; and
10 "(iii) increase the amount under sec-
11 tion 133(d)(1)(A)(i) by the population
12 specified in paragraph (2) of this sub-
13 section for the Lake Tahoe Region in that
14 State.
15 "(B) SECTION 213.—When determining the
16 amount under paragraph (1) of section 213(c)
17 that shall be obligated for a fiscal year in the
18 States of California and Nevada under subpara-
19 graphs (A), (B), and (C) of that paragraph, the
20 Secretary shall, for each of those States—
21 "(i) calculate the population under
22 each of those subparagraphs;
23 "(ii) decrease the amount under sec-
24 tion 213(c)(1)(C) by the population speci-

1 fied in paragraph (2) of this subsection for
2 the Lake Tahoe Region in that State; and
3 "(iii) increase the amount under sec-
4 tion 213(c)(1)(A) by the population speci-
5 fied in paragraph (2) of this subsection for
6 the Lake Tahoe Region in that State.".

7 On page 45, line 16, strike "20" and insert "80".

8 On page 58, line 22, strike "75" and insert "80".

9 On page 92, line 5, strike "30" and insert "25".

10 On page 92, line 11, strike "75" and insert "80".

11 On page 93, line 25, strike "75" and insert "80".

12 On page 105, line 4, strike "and".

13 On page 105, between lines 4 and 5, insert the fol-
14 lowing:
15 (iv) in subparagraph (B) (as so redes-
16 ignated), by striking "greater than 5,000"
17 and inserting "of 5,000 or more"; and

1 On page 105, line 5, strike "(iv)" and insert "(v)".

2 On page 108, strike lines 10 through 15 and insert
3 the following:
4 (b) CONFORMING AMENDMENT.—Section 126(b) of
5 title 23, United States Code, is amended—
6 (1) by striking "SET-ASIDES.—" and all that
7 follows through "Funds that" in paragraph (1) and
8 inserting "SET-ASIDES.—Funds that";
9 (2) by striking "sections 104(d) and 133(d)"
10 and inserting "sections 104(d), 133(d), and 213(c)";
11 and
12 (3) by striking paragraph (2).

13 On page 139, between lines 18 and 19, insert the fol-
14 lowing:
15 **SEC. 1030. INNOVATIVE PROJECT DELIVERY.**
16 Section 120(c)(3) of title 23, United States Code, is
17 amended—
18 (1) in subparagraph (A)(ii)—
19 (A) by inserting "engineering, or design
20 approaches," after "technologies,"; and
21 (B) by striking "or contracting" and in-
22 serting "or contracting or project delivery"; and

1 (2) in subparagraph (B)(iii), by inserting "and
2 alternative design or alternative bid" before the
3 semicolon at the end.

4 On page 163, lines 7 and 8, strike "the comments
5 and suggestions in the document" and insert "its com-
6 ments and suggestions".

7 On page 171, lines 11 and 12, strike "ensure that
8 the requirements of this section are consistent with" and
9 insert "align, to the maximum extent practicable, with".

10 On page 173, line 3, insert "each" after "Interior".

11 On page 173, beginning on line 4, strike "subpara-
12 graph (A)(iii)—" and all that follows through line 18 and
13 insert the following: "subparagraph (A)(iii), no further
14 analysis under subsection (a)(1) shall be required.
15 "(C) PUBLICATION.—A notice of a deter-
16 mination, together with each relevant concur-
17 rence to that determination, under subpara-
18 graph (A) shall be—
19 "(i) included in the record of decision
20 or finding of no significant impact of the
21 Secretary; and

1 "(ii) posted on an appropriate Federal
2 website 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 On page 173, lines 22 and 23, strike "that there is
7 no feasible and prudent alternative" and insert "that no
8 feasible and product alternative exists".

9 On page 174, lines 23 and 24, strike "ensure that
10 the requirements of this section are consistent with" and
11 insert "align, to the maximum extent practicable, the re-
12 quirements of this section with".

13 On page 176, line 17, insert "each" after "Interior".

14 On page 176, beginning on line 18, strike "subpara-
15 graph (A)(iii)—" and all that follows through page 177,
16 line 7, and insert the following: "subparagraph (A)(iii),
17 no further analysis under subsection (a)(1) shall be re-
18 quired.

19 "(C) PUBLICATION.—A notice of a deter-
20 mination, together with each relevant concur-

1 rence to that determination, under subpara-
2 graph (A) shall be—
3 "(i) included in the record of decision
4 or finding of no significant impact of the
5 Secretary; and
6 "(ii) posted on an appropriate Federal
7 website by not later than 3 days after the
8 date of receipt by the Secretary of all con-
9 currences requested under subparagraph
10 (A)(iii).

11 On page 177, lines 11 and 12, strike "that there is
12 no feasible and prudent alternative" and insert "that no
13 feasible and product alternative exists".

14 On page 179, lines 4 and 5, strike "Notwithstanding
15 any other provision of law, until" and insert "Until".

16 On page 203, lines 5 through 7, strike "to be ex-
17 pended not later than 270 days after the date of enact-
18 ment of this Act".

19 On page 235, line 6, insert "out of the general fund
20 of the Treasury" after "appropriated".

1 Beginning on page 241, strike line 23 and all that
2 follows through page 242, line 2 and insert the following:
3 (A) in paragraph (1)—
4 (i) in the matter preceding subpara-
5 graph (A), by striking "may take into ac-
6 count" and inserting "shall consider"; and
7 (ii) in subparagraph (C), by striking
8 "access for" and inserting "access and
9 safety for"; and

10 On page 267, after line 24, add the following:

11 **SEC. 5003. WATER INFRASTRUCTURE FINANCE AND INNO-**
12 **VATION.**

13 Section 3907(a) of title 33, United States Code, is
14 amended—
15 (1) by striking paragraph (5); and
16 (2) by redesignating paragraphs (6) and (7) as
17 paragraphs (5) and (6), respectively.

S. 1647, FISCHER #1: To provide States flexibility in developing and administering State freight plans, as Modified.

15 JUN 23 AM 9:05

WEI15079 S.L.C.

AMENDMENT NO._____ Calendar No._____

Purpose: To provide States flexibility in developing and administering State freight plans.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S._____

To amend title 23, United States Code, to authorize funds for Federal-aid highways, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FISCHER

Viz:

1 On page 66, line 18, insert "State, under the advise-
2 ment of the" after "each".

3 On page 67, line 12, insert "State, under the advise-
4 ment of the" after "Each".

5 On page 68, line 3, insert "State, under the advise-
6 ment of the" after "Each".

7 On page 68, line 12, insert "State, under the advise-
8 ment of the" after "(II) the".

1 Beginning on page 85, strike line 22 and all that fol-
2 lows through page 86, line ~~10~~ 2, and insert the following:
3 "(E) a description of how innovative tech-
4 nologies and operational strategies, including
5 intelligent transportation systems, that improve
6 the safety and efficiency of freight movement,
7 were considered;
8 "(F) an inventory of facilities with freight
9 On page 86, line 15, strike "(H)" and insert "(G)".
10 On page 86, line 19, strike "(I)" and insert "(H)".

Gillibrand-Merkley #1

This amendment directs the Secretary of Transportation to use existing authorities, programs, and funding to encourage and facilitate pollinator habitat efforts by willing State Departments of Transportation and other transportation right-of-way managers. This includes planting and maintaining pollinator friendly and native vegetation along right-of-ways, encouraging partnerships with stakeholders that support these plantings, and facilitating research on the economic and environmental benefits of these types of programs. Economic analysis of existing state programs suggests significant cost savings of 25 to 30% due to less frequent mowing and maintenance of highway right-of-ways.

15 JUN 23 AM 9:23

EDW15623 S.L.C.

AMENDMENT NO._____ Calendar No._____

Purpose: To amend title 23, United States Code, to encourage and facilitate efforts by States and other transportation rights-of-way managers to adopt integrated vegetation management practices, including enhancing plantings of native forbs and grasses that provide habitats and forage for Monarch butterflies and other native pollinators and honey bees.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S._____

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. GILLIBRAND (for herself and Mr. MERKLEY)

Viz:

1 On page 267, after line 24, insert the following:

2 **SEC. 5003. ADMINISTRATIVE PROVISIONS TO ENCOURAGE**

3 **POLLINATOR HABITAT AND FORAGE ON**

4 **TRANSPORTATION RIGHTS-OF-WAY.**

5 (a) IN GENERAL.—Section 319 of title 23, United

6 States Code, is amended—

(1) in subsection (a), by inserting "(including the enhancement of habitat and forage for pollinators)" before "adjacent"; and

(2) by adding at the end the following:

"(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary, the Secretary shall, in conjunction with willing States, as appropriate— under this title

"(1) ~~conduct or~~ encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

"(2) ~~enhance~~ encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators;

~~"(3) encourage leveraging through partnerships and coordination with stakeholders in support of pollinators and plantings of native forbs and grasses, such as environmental groups, research institutions, other agencies, businesses, and community organizations;~~

1 "(4) conduct or facilitate research and dem-
2 onstration projects on the economic and environ-
3 mental benefits and best practices for integrated
4 vegetation management, reduced mowing, and plant-
5 ings of native forbs and grasses for pollinator habi-
6 tat, forage, and migratory way stations for Monarch
7 butterflies and other migrating pollinators; and
8 "(5) solicit participation in the activities de-
9 scribed in paragraphs (1) through (4) by—
10 "(A) representatives of the industries of
11 transportation, landscape management, polli-
12 nator health, agriculture and horticulture; and
13 "(B) other affected communities.".
14 (b) REPORT.—Not later than 18 months after the
15 date of enactment of this Act, the Secretary shall submit
16 to Congress a report that includes—
17 (1) an analysis of current programs and au-
18 thorities available to carry out section 319(c) of title
19 23, United States Code;
20 (2) a summary of programs and authorities
21 being used to implement that section;
22 (3) an assessment of actions being taken by
23 willing State transportation departments and other
24 managers of transportation rights-of-way to imple-
25 ment integrated vegetation management practices,

1 reduce mowing, and enhance habitat and forage for
2 Monarch butterflies, other native pollinators, and
3 honey bees through plantings of native forbs and
4 grasses and migratory way stations for Monarch
5 butterflies and other migrating pollinators;
6 (4) a summary of Department of Transpor-
7 tation funds expended on the program; and
8 (5) any recommendations for further action.
9 (c) PROVISION OF HABITAT, FORAGE, AND MIGRA-
10 TORY WAY STATIONS FOR MONARCH BUTTERFLIES,
11 OTHER NATIVE POLLINATORS, AND HONEY BEES.—Sec-
12 tion 329(a)(1) of title 23, United States Code, is amended
13 by inserting "provision of habitat, forage, and migratory
14 way stations for Monarch butterflies, other native polli-
15 nators, and honey bees," before "and aesthetic enhance-
16 ment".

EDW15607 S.L.C.

AMENDMENT NO._____ Calendar No._____

Purpose: To direct the Administrator of the Federal Highway Administration to commission the Transportation Research Board to conduct a study on the innovative bridge research and construction program.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S._____

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WHITEHOUSE

Viz:

1 On page 267, after line 24, insert the following:

2 **SEC. 5003. STUDY ON PERFORMANCE OF BRIDGES.**

3 (a) IN GENERAL.—Subject to subsection (c), the Ad-
4 ministrator of the Federal Highway Administration (re-
5 ferred to in this section as the "Administrator") shall
6 commission the Transportation Research Board of the Na-
7 tional Academy of Sciences to conduct a study on the per-
8 formance of bridges that received funding under the inno-
9 vative bridge research and construction program (referred
10 to in this section as the "program") under section 503(b)

1 of title 23, United States Code (as in effect on the day
2 before the date of enactment of SAFETEA–LU (Public
3 Law 109–59; 119 Stat. 1144)) in meeting the goals of
4 that program, which included—
5 (1) the development of new, cost-effective inno-
6 vative material highway bridge applications;
7 (2) the reduction of maintenance costs and
8 lifecycle costs of bridges, including the costs of new
9 construction, replacement, or rehabilitation of defi-
10 cient bridges;
11 (3) the development of construction techniques
12 to increase safety and reduce construction time and
13 traffic congestion;
14 (4) the development of engineering design cri-
15 teria for innovative products and materials for use
16 in highway bridges and structures;
17 (5) the development of cost-effective and inno-
18 vative techniques to separate vehicle and pedestrian
19 traffic from railroad traffic;
20 (6) the development of highway bridges and
21 structures that will withstand natural disasters, in-
22 cluding alternative processes for the seismic retrofit
23 of bridges; and
24 (7) the development of new nondestructive
25 bridge evaluation technologies and techniques.

1 (b) CONTENTS.—The study commissioned under sub-
2 section (a) shall include—
3 (1) an analysis of the performance of bridges
4 that received funding under the program in meeting
5 the goals described in paragraphs (1) through (7) of
6 subsection (a);
7 (2) an analysis of the utility, compared to con-
8 ventional materials and technologies, of each of the
9 innovative materials and technologies used in
10 projects for bridges under the program in meeting
11 the needs of the United States in 2015 and in the
12 future for a sustainable and low lifecycle cost trans-
13 portation system;
14 (3) recommendations to Congress on how the
15 installed and lifecycle costs of bridges could be re-
16 duced through the use of innovative materials and
17 technologies, including, as appropriate, any changes
18 in the design and construction of bridges needed to
19 maximize the cost reductions; and
20 (4) a summary of any additional research that
21 may be needed to further evaluate innovative ap-
22 proaches to reducing the installed and lifecycle costs
23 of highway bridges.
24 (c) PUBLIC COMMENT.—Before commissioning the
25 study under subsection (a), the Administrator shall pro-

1 vide an opportunity for public comment on the study pro-
2 posal.
3 (d) DATA FROM STATES.—~~In order to receive funds~~
4 ~~for Federal-aid highways under chapter 1 of title 23,~~
5 ~~United States Code,~~ Each State that received funds under
6 the program shall provide to the Transportation Research
7 Board any relevant data needed to carry out the study
8 commissioned under subsection (a).
9 (e) DEADLINE.—The Administrator shall submit to
10 Congress the study commissioned under subsection (a) not
11 later than 3 years after the date of enactment of this Act.

Wicker 2

EDW15621 S.L.C.

AMENDMENT NO._____ Calendar No._____

Purpose: To make local governments and metropolitan planning organizations eligible for certain grants under section 503(c) of title 23, United States Code.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S.____

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WICKER and Mr. Booker

15 JUN 23 AM 9:22

Viz:

1 On page 204, line 18, insert "local governments, met-
2 ropolitan planning organizations," after "Federal agen-
3 cies".

Senator INHOFE. We will now proceed to amendments. Does any Senator seek recognition concerning the bill or to offer amendments?

Senator Whitehouse.

OPENING STATEMENT OF HON. SHELDON WHITEHOUSE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator WHITEHOUSE. First, let me thank you, Chairman, the Ranking Member and our two subcommittee Chairs and Ranking Members for the work you have done to bring us to this point.

We have an increase, not as much as many of us would like to see, but an increase nevertheless. We have a long term bill which we fought very hard for and which we have tried to encourage our colleagues to adopt before.

I appreciate very much my measure related to composite technologies has been included by agreement. Thank you for that.

I would like to bring to everyone's attention a piece that was left out. I will not call it for a vote here. I will continue to work to try to get it into the bill.

We had a hearing in the Budget Committee just last week. There is a new CBO chief who has been selected by the Republican majority, who has very good Republican credentials.

In his testimony, he volunteered that we needed to be prepared to address the climate change-related problem of storms and sea level rise on our coasts. This is the Republican CBO person volunteering that into his pre-filed testimony before the Budget Committee.

I hope we can begin to take seriously what is happening along our coastlines. If you go to the tide gauge outside Naval Station Newport, it is up 10 inches. That means that coastal roads around this country face new and different threats than they did when they were built.

I hope that those of us from coastal States can join together to try to seek a program that will help the particular threat that coastal roads and infrastructure face as sea levels rise and as the storms that batter them against our coasts increase in power.

I look forward to continuing to work with my colleagues on that, but I will close where I began which is with my appreciation to the Chairman and the Ranking Member for pulling this together on what I think is a very important and consequential piece of legislation.

Senator INHOFE. Thank you, Senator Whitehouse.

Let me assure you that our debate will go on in the future on this issue.

Senator WHITEHOUSE. I have no doubt about that, Mr. Chairman.

Senator INHOFE. Are there others wishing to be heard?

Senator WICKER. Could I be heard on what Senator Whitehouse just said?

Senator INHOFE. Senator Wicker.

Senator WICKER. I think this is a very sensible approach. Certainly Senator Whitehouse and I have had spirited exchanges about the cause of certain things that are going on in the environment.

It seems to me that if you have a 10-inch rise in sea level and more water pounding against the roadway, the sensible thing to do is exactly what Senator Whitehouse said, make your roadway a little higher and compensate for that perhaps with a seawall or something like that.

I think we are a lot more likely as humankind, Mr. Chairman, to be able to do that sort of thing than to think about taking action that can actually lower the level of sea level in that area.

Thank you very much. It is something that Senator Whitehouse and I can agree on.

Senator WHITEHOUSE. I appreciate Senator Wicker's comments.

Senator INHOFE. Are there other Senators wishing to be heard?

Senator Sullivan.

OPENING STATEMENT OF HON. DAN SULLIVAN, U.S. SENATOR FROM THE STATE OF ALASKA

Senator SULLIVAN. Thank you, Mr. Chairman.

I just want to commend you, the Ranking Member and particularly the staffs on the hard work that has gone into this legislation.

The one issue I think there will be, and we are starting to see it in this bill and some of the amendments that were agreed upon and bipartisan support for, is the whole issue of streamlining our permitting system at the Federal level, not cutting corners, but recognizing that in many ways, we have a Federal permitting system on infrastructure, in particular, that is broken.

We have all heard the different stories of 8 years, on average, to permit a bridge. Nobody wants that. In the Commerce Committee, we talked about airport infrastructure. We had a witness, the manager of the Seattle Airport, who said it took 15 years to get Federal permitting done to expand a runway.

I think what we need to focus on, and this legislation starts to focus on, is fixing a problem that the vast majority of Americans would agree that we cannot have a permitting system that takes years and sometimes over a decade to permit important infrastructure projects.

I think this legislation starts to address that. I think it is a very important bipartisan accomplishment.

Thank you.

Senator INHOFE. Thank you, Senator Sullivan.

Senator Sanders.

OPENING STATEMENT OF HON. BERNARD SANDERS, U.S. SENATOR FROM THE STATE OF VERMONT

Senator SANDERS. Thank you, Mr. Chairman.

I just want to congratulate you, Senator Boxer and Senators Vitter and Carper, for your very hard work.

I think, as you indicated, Mr. Chairman, and Senator Boxer, as well, it is an international embarrassment when in this great country we have an infrastructure which is crumbling. Who can defend that?

Who believes that by not paying attention to it or turning our backs on it, that it is going to get better? It is not going to get better. It is an expensive proposition, and it is one that we have to invest in.

While this is an excellent start, I am strongly supportive of this legislation, but we should understand that according to the American Society of Civil Engineers, the guys who know a lot about this, we have a long, long way to go beyond this legislation.

Our job is to rebuild our crumbling roads, bridges, water systems, wastewater plants, our rail system, our levees and our dams. When we do that, as you have indicated, Mr. Chairman, we will make America more efficient, safer and more productive.

At a time when real unemployment is close to 11 percent, we are going to create millions of decent paying jobs in areas where we really need work to be done.

Again, I want to congratulate you, Senator Boxer and the Ranking Members, for their excellent work on this legislation.

[The prepared statement of Senator Sanders follows:]

DRIVE Act
Senate Committee on Environment and Public Works
Comments by Senator Bernard Sanders
June 24, 2015

Our transportation infrastructure is crumbling, and the American people know it. Every day, they drive on roads with unforgiving potholes and over bridges that are in disrepair, and wait for hours in traffic jams.

For most of our history, the U.S. proudly led the world in building innovative transportation infrastructure that grew our economy, gave our businesses a competitive advantage, and provided our workers a decent standard of living. Sadly, that is no longer the case.

Today, the U.S. spends just 1.7 % of GDP on infrastructure, less than at any point in the last 20 years. Meanwhile, Europe spends close to twice our rate, and China spends close to four times our rate. And with each passing year, we are falling further and further behind.

It is no wonder the World Economic Forum now ranks our roads and bridges at 12th in the world, down from 7th just a decade ago. We have all heard the sobering statistics:

- One of every 9 bridges in our country is structurally deficient and nearly a quarter are functionally obsolete.

- Almost one-third of our roads are in poor or mediocre condition, and more than 42 percent of urban highways are congested;

Against that backdrop, I am very pleased that this bill that we will be voting on today bucks the recommendations of the joint budget resolution that called for a 22% cut to transportation funding this year, and a 40% cut over ten years. I sincerely congratulate the Chair of this Committee – my good friend Mr. Inhofe – for bringing forward a bill that instead <u>increases</u> highway and bridge funding by 7%.

This bill will begin to address the terrible backlog of transportation projects in all of our states.

It will give a sense of certainty to state agencies of transportation that need to have a long-term certainty to develop multi-year projects.

And, it will maintain millions of jobs in the transportation sector, and create more than 200,000 new jobs over six years. At a time when the real unemployment rate is 11%, we need these new jobs, and we need them now. Moreover, these are decent-paying jobs that cannot be shipped offshore or outsourced.

There will some Senators who will insist that we can't afford to increase spending on transportation infrastructure. To my mind, we can't afford *not* to:

- If we do not fix our crumbling roads and bridges now, they will just cost us more in the long term. I was a mayor for eight years, and as my colleagues who have been mayors or governors know, deteriorating infrastructure does not magically get better by ignoring it – it just gets more expensive to fix later.

- Traffic congestion alone costs the economy $90 billion a year in wasted time and fuel, and that does not include the environmental cost of carbon emissions from cars and trucks stuck in traffic.

- American businesses are increasingly being put at a disadvantage in the competitive global economy because they can't easily get their goods and services to market, and because their employees can't easily and affordably get to work.

- And, there is also a human cost of not acting boldly. Consider the tragic collapse of the I-35 Bridge in Minneapolis, and then remember that Americans make two hundred million trips every day across 65,000 structurally deficient bridges.

And let us also remember that while this bill's increase in road and bridge funding is welcome news, it is actually quite modest compared to the need. In fact, the American Society of Civil Engineers says we must double the current rate of spending just to get our roads, bridges and transit to a state of good repair over the next 10 years.

There's no reason why the richest country in history can't have safe and modern roads and bridges, and there is no question that this is what the American people want. In fact, a 2013 Gallup poll found that 72% support increasing government spending on infrastructure projects that put people to work.

And, groups from across the political spectrum also support increased investment in infrastructure – from organized labor to the U.S. Chamber of Commerce. Those groups agree that when infrastructure spending goes up, GDP and household incomes grow.

Even the International Monetary Fund – once a vocal proponent of austerity policies – now says that well-designed transportation projects spur $3 in economic output for each dollar spent. In fact the IMF says if the U.S. were to spend 1% more of GDP on infrastructure, our debt-to-GDP ratio of would *decrease* by 6% within 5 years.

Is this bill perfect? No. Does it spend as much on infrastructure as I would like to see? Certainly not. But Senators Inhofe and Boxer deserve a lot of credit for drafting a bill that has a 7% increase in funding.

Let's invest in rebuilding America to improve the infrastructure that our people deserve and on which our economy depends. Let's pass this bill.

Senator INHOFE. Thank you, Senator Sanders.

Are there other Senators who want to be heard?

Senator Markey.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator MARKEY. Thank you, Mr. Chairman.

I want to echo the praise of every other member thanking you, Senator Boxer, and Senators Carper and Vitter, for your excellent work, working together in partnership and bipartisan fashion.

I would like to thank you for including the language which I suggested adding safety to the historic concept of access in terms of ensuring that highways are designed with the safety of bicyclists and pedestrians also in mind.

I would like to also thank you for including language about transit-oriented development. I think this change toward how we view development, ensuring that there is up front financing available so that these core centers of development can have high anticipation of being able to build out around a transit location is very, very important.

I would also say I have concerns about the change in Section 4(f) of the historic site protections. I am not going to make an amendment here today, but I do think many across the country are going to be concerned about this change in terms of the protection of historic sites.

I am going to attempt to work with the committee between now and the floor to see if we cannot find a way of accommodating those historic protections.

Again, congratulations, Mr. Chairman.

Senator INHOFE. Thank you, Senator Markey.

Senator Vitter.

OPENING STATEMENT OF HON. DAVID VITTER, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator VITTER. Thank you, Mr. Chairman.

I just want to briefly thank you for your leadership, as well as Senator Boxer and Senator Carper. I really enjoyed working with all of you on this important bipartisan bill.

I am glad it is called the DRIVE Act. We talked about a lot of important aspects of this issue, economic growth and safety, but it is also about relieving congestion, improving people's daily lives, letting them spend more time with families. It is about all of those things.

Certainly it is very important to Louisiana, as it is to all of your States. Our highway system is 40th in the Nation, our interstates are 48th in the Nation, our bridges rank 10th in the Nation on the bad end as the most deficient and New Orleans and Baton Rouge both rank in the top 25 areas for traffic congestion.

This bill does key things to help with all of those things like bundling bridge projects together, making it a lot more efficient; a new freight program that will relieve congestion in New Orleans and Baton Rouge; prioritizing major projects like I–49 and LA–1; improving safety measures; creating certainty; and infrastructure investment in rural areas.

I look forward to passing this out of committee and passing it through the Congress, a full 6-year bill. There is no reason we cannot do this. There is no reason we cannot do it now if it is a priority.

It is great to hear other leaders like Speaker Boehner saying it is a priority. We need to prove it is priority by passing this full 6-year bill.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Vitter.

It is a priority. Let us keep in mind the Constitution is still out there. It states these are the two things we are supposed to be doing here, defending America and roads and bridges.

Senator Carper.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Thanks, Mr. Chairman.

Again, my thanks to you, Senator Boxer and Senator Vitter.

I also wanted to take a minute and thank our staffs. We have worked hard. You and Senator Boxer worked especially hard, but our staffs really knocked themselves out. I just want to say to everyone in the room who helped on this, maybe you have given us a lot of input, and we appreciate that. Thank you all.

We are trying to impart a sense of urgency. God knows we need to. The pastor at our church sometimes likes to say he would rather see a sermon than hear one. Today, we are sort of hearing the sermon but we need, as a collective body, to actually show the people a sermon on being able to get things done.

One of our favorite colleagues, Lamar Alexander, whom I affectionately call LA, and I talked about our days as Governors. He talked about transportation and tells this story. He used to say when he was Governor, would not say let us raise this tax or raise that tax in order to pay for something. He would say, here is my vision for what Tennessee could be if we were to do this or that in terms of transportation, bring the auto industry to expand this business or that business, that was the vision.

The people would say, that is a great vision, we love that vision, but how are we going to pay for it. He would say, first, let us agree on the vision, and then we go to work and figure out how to pay for it.

Today, I think we are presenting a very appealing, attractive and encouraging vision. The next challenge is to figure out how to pay for it. I know we all have different ideas of how to do that.

One of the ideas I think I talked to just about everyone on this committee, everyone on the Finance Committee and a lot of people on the Ways and Means Committee, and said what is your idea of how to pay for this stuff. There were a lot of ideas, some good, some very good. One of the ideas I consistently heard was there has to be a way to fix the bill to fix roads, highways, bridges, and transit systems in a more cost effective way. There has to be a way to do that.

I just want to commend, especially the folks, the leaders on our committee, who really tried to find more cost effective ways. Time

is money, and we sought to find ways to save some time and hopefully to save some money.

I will close with this. Another one of my pastors back in Wilmington, Delaware, likes to say, it is not so important how high we jump in church that counts, it is what we do when our feet hit the ground.

We are in church today and we are jumping up high. The important thing is what we do when we hit the ground in the Finance Committee, the Ways and Means Committee and those other places. Hopefully, we will do the Lord's work and the peoples' work at that time.

God bless you all. Amen. Church is over.

Senator INHOFE. Those were great observations. I agree with that. Let us keep in mind though we have a couple other committees that have a lesser role but a similar role. Our job is exactly what we are doing today. That is why we should be focused on what we are focused on. I think we will get it done.

Are there others who want to be heard?

Senator Sessions.

OPENING STATEMENT OF HON. JEFF SESSIONS, U.S. SENATOR FROM THE STATE OF ALABAMA

Senator SESSIONS. Thank you, Mr. Chairman.

You and Senator Boxer have done an excellent job. I know the commitment you both have to improving our highway program and our infrastructure.

Senator Carper, I remember in our church, speaking of churches, Mr. L.W. Brown would lay out this great vision, and the treasurer, Mr. George Harster, would say, how are we going to pay for it? I think you made a very important point.

The way I look at the numbers at first glance, it appears, Mr. Chairman, this is a very frugal budget. We talk about numbers that do not increase a lot over the next 6 years. We do have a plan that would add $2 billion for the freight transportation system but when you think about it, that is a 5 percent increase in a $40 billion to $50 billion budget. Then there is some cost of living that we may see in there.

I just saw Senator Hatch in the hallway as I walked over. I said, are you going to find our money? He said, yes. Maybe we can relax.

I do think we need to watch and be responsible because every committee, whether you have the National Institutes of Health, the Defense Department, Education, you want more money for your goal, and we all do. If we will stay responsible in our spending and get legitimate pay-fors, I believe we can shift some money to priorities. I do believe our infrastructure is a priority.

Thank you for your leadership.

Senator INHOFE. Thank you.

Are there other Senators who wish to be heard?

Senator Wicker.

OPENING STATEMENT OF HON. ROGER WICKER, U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator WICKER. Senator Carper, when I first joined the First Baptist Church in Tupelo, Mississippi in 1982, at the end of the

service, we would all join hands and sing, There's a Sweet, Sweet Spirit in This Place. Maybe we can adjourn by doing that.

I do want to thank the leadership for working with Senator Booker and me on several initiatives and for accepting some of our proposals. I talked to Senator Booker at breakfast this morning, and I know he has conflicts today. I had hoped I could save this one matter until he got here.

Wicker-Booker Amendment No. 1, which I will not offer, perhaps he and I will be able to push this through in a vote on the floor. Here is what it deals with. Again, I stress I will not offer this amendment.

This Congress used to earmark a small portion of our road money for local concerns. This was much appreciated by the local officials who cannot afford the roads and streets in their own communities. That was controversial, and it was felt by many members of the public that this added to the cost of the bill, so we have abandoned the process of earmarking funds for local concerns.

Wicker-Booker Amendment No. 1 would set aside 10 percent of the money allocated to the States and allow local governments to compete in a process set up by the State for those local projects, giving the mayors, the county commissioners, and boards of supervisors who come to see us at least some hope they would have a chance to compete for a small portion of the funding that will flow to the States through this Act.

To me, it has been something I think local officials have been very excited about, very hopeful about, and I am sure there will be some disappointment that it is not in the committee's mark.

I will reiterate, we are not going to offer it at this point, but it is, to me, a worthy suggestion and a worthy project not to increase one penny of the spending in this bill, but to set aside a small portion to give local counties and municipalities some hope they will be able to meet the infrastructure needs of their constituents.

Thank you again.

Senator INHOFE. Thank you, Senator Wicker.

Senator Cardin.

OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM THE STATE OF MARYLAND

Senator CARDIN. Mr. Chairman, let me join the others in congratulating you and Senator Boxer for reaching this bipartisan agreement on a 6-year reauthorization of our Surface Transportation Program.

I have been saying for months, I think most of us have, that we needed a 6-year reauthorization. I congratulate you for reaching, with Senator Boxer, I think a fair compromise, one that I will strongly support. It provides the type of certainty that is needed and provides for a modest increase in our transportation funds which I think we need to get done, and it is bipartisan.

I want to thank you for the manner in which you have handled the transportation alternative programs. Senator Cochran and I have worked on this for a long time, and I appreciate the fact that you are not only including this program that has been included in past authorizations but have provided a modest increase in funds and greater local roles.

The local governments will have an even greater say as to how their transportation alternative programs should be structured in their own communities because they know best. They are the ones who know how they can best handle the problems of their own communities.

I thank you for doing that. I look forward to supporting the bill. I intended to offer an amendment in regards to transportation alternative programs, but I am not going to offer that amendment.

I will later, when we get to the amendment process reiterate the point that, as Senator Sanders said, I would hope we could do more. To me, this is an important bill to get done. Do not get me wrong, but I would hope that we could get additional revenue, which is not this committee, and have a more robust transportation commitment at the Federal level.

I think the Chairman and Ranking Member would both agree if the funds are available, we would like to do more. I will give a blueprint where I think we could do that as far as authorization, if the funds were available.

Senator INHOFE. Thank you, Senator Cardin.

Are there other Senators wishing to seek recognition?

Senator Gillibrand.

OPENING STATEMENT OF HON. KIRSTEN GILLIBRAND, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator GILLIBRAND. Thank you, Mr. Chairman and Madam Ranking Member.

I am very grateful for this bill. I would like to speak on an amendment I sponsored with Senator Merkley.

Our amendment reduces highway maintenance costs for States by directing the Secretary of Transportation to use existing authorities, programs and funding to encourage and facilitate the use of pollinator-friendly vegetation in highway rights-of-way.

This is an issue typically discussed in the Agriculture Committee because obviously we need our pollinators to have fruits and vegetables. There have been some real challenges to them most recently with Colony Collapse Disorder.

This country is actually facing a pollinator crisis. This past year, beekeepers reported colony losses at over 40 percent. This is economically devastating for commercial beekeepers, but these losses concern us all.

In the U.S., the value of insect pollination to agriculture is estimated at $16 billion annually. More than 30 percent of the food produced in America requires insect pollination. This includes apples from New York, plums from Idaho, almonds from California, grains and seeds from South Dakota, grapes from Oregon and many others.

The economic cost of bee decline, including lower crop yields and increased production costs, has been estimated at $5.7 billion per year, a staggering sum that affects our States.

The potential causes of the declining bee population are still being debated, parasites, pesticides, farming practices. However, it is known that habitat loss is a main contributing factor. Pollinators need places to forage, to eat in areas rich with pollen and not treated with pesticides. In the U.S., there are 17 million acres of rights-

of-way next to highways that, if managed properly, could provide this much needed area for forage.

Finally and importantly, Mr. Chairman, this amendment saves money for States. At least 20 State DOTs, including West Virginia, Mississippi, Idaho, Arkansas, and Nebraska currently utilize or invest in native and pollinator-friendly roadside plantings.

Pollinator-friendly vegetation management requires less frequent mowing, offers lower maintenance costs and better control of invasive species, all without affecting road safety. One study found that the cost savings from reduced mowing would save 25 percent in roadside maintenance.

This amendment is a simple fix to address a major problem. It saves money and is an easy step to save the pollinators that are necessary for agriculture in our States. I hope all my colleagues support it.

On another issue, I would like to speak on an amendment but withdraw it, Gillibrand Amendment No. 2.

This amendment would give States the flexibility to use funding they receive through the National Highway Performance Program for bridge projects that are not on the national highway system.

The Federal Government funded the construction of bridges on the Federal-Aid Highway System. We have a responsibility to ensure they are properly maintained. States and local governments simply do not have the funds necessary to adequately repair and reconstruct all of the Federal-aid bridges not on the National Highway System and desperately need our help.

In New York, one in three bridges is in need of repairs. It would cost $1.8 billion to repair or replace all of them. This is not a story unique to my State. States and localities across this country lack adequate funding for bridge maintenance. According to the American Society of Civil Engineers, one out of every nine bridges in the United States is rated structurally deficient, meaning that it is in need of repair.

While I appreciate the set aside in the Surface Transportation Program for the non-NHS bridges that was included in the bill, the set-aside does not fully solve the problem if we only limit funding to 15 percent of existing STP allocations.

By giving States like New York, which have a large number of Federal-aid highway bridges that are not on the National Highway System with the flexibility this amendment provides, States can better prioritize and fund the bridge projects with the most need, regardless of their designation on or off the National Highway System.

I will not offer the amendment here in committee, but I will offer it on the floor. I hope people will look at it, see how it affects their States and whether they can support it.

My other amendments, Amendment Nos. 3 and 4, I will not offer today. However, I will state briefly it is very important for my State that we continue to work with local governments to develop comprehensive safety policies similar to what New York has done with the Vision Zero Program to reduce traffic fatalities.

Additionally, we should also be working to find innovative ways to accelerate project delivery for cities like New York that have the

capacity to work directly with the Federal Government to carry out transportation projects.

I am very grateful for the work of this whole committee. I think the bill is very strong, and I look forward to it moving to the floor.

Senator INHOFE. I would remind Senator Gillibrand that we did have your Amendment No. 1 as a part of the Manager's Amendment which has now been adopted.

Senator GILLIBRAND. Thank you all.

Senator INHOFE. Are there others? I do not want to start losing people.

Senator BOXER. Thirty seconds?

Senator INHOFE. Thirty seconds.

Senator BOXER. Thirty seconds.

I just want to say how happy I am right now after hearing from everyone and how rare these moments are. I believe in marking good things. I look at Senator Sessions because I was nervous about his response, but what he said was absolutely true. We have done this to meet the need.

Yes, there will be struggles over how to pay. Dwight Eisenhower said it very well, "We cannot be a secure Nation if we cannot have an infrastructure that works." I remember, I was a little girl when he did an experiment where he tried to get a convoy from the East Coast to the West Coast. It was disastrous, and that is what made him realize this one Nation under God has to have a good infrastructure system.

In closing, I would say this. We have to be a team across party lines. With all of our concerns, we like to do things a little different, let us just work together because I have also spoken with Mitch McConnell's staff, and they were very encouraging.

If we have Mitch McConnell encouraged, if we have John Boehner encouraged, we have proven we can do this. Let us be the strongest, united voice we can be to get this done. We have 36 days before the Trust Fund goes bust. This is a great day.

Senator BOOKER. Mr. Chairman, I know how much you really want to hear my prepared remarks.

Senator INHOFE. I can put them in the record.

Senator BOOKER. I am going to deny you that and just put them in the record as requested. I am sorry to disappoint my fellow Senators.

I do want to just give some gratitude to Senator Wicker who has been a strong partner with me in working to advance some critical issues.

Thank you, sir.

[The prepared statement of Senator Booker follows:]

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
EPW Business Meeting on the Highway Bill, "Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act"
Wednesday, June 24, 2015

Senator Cory Booker Statement for the Record

Chairman Inhofe and Ranking Member Boxer, thank you for your work on reauthorizing our highway and transportation programs.

I'm excited to be part of this effort and commend you, along with Senators Vitter and Carper, for crafting a bipartisan, six-year surface transportation bill.

I am also encouraged that this legislation includes a number of critically important priorities for New Jersey that I have been working very hard on with Chairman Inhofe and Ranking Member Boxer.

I want to especially thank committee leadership for establishing a funded freight program that would allow states to make needed investments in the extensive multimodal network that moves America's goods and supports U.S. businesses.

This is particularly important to New Jersey because we have the busiest seaport on the east coast and the most valuable freight corridor in the country. The corridor runs through New Jersey from New York to Philadelphia moving over $55 billion in goods each year.

Unfortunately though this corridor is one of the most significant choke points in a U.S. transportation network that moves $17 trillion in goods between metropolitan areas each year.

The new freight program is a step in the right direction, but today I have offered an amendment that would change the funding formula and allocate funding based on the value and tonnage of goods moving through each state.

We need to be thinking about our freight network from a national perspective. We need to ensure we are investing in the highly-congested, dense, choke points in the system that will allow the national network to operate with the highest possible

level of efficiency. This means investing in our ports, railways, connecting roads, and highways.

The port and freight corridor in New Jersey, which is a major regional and national economic driver, has a negative consequence -- high levels of air pollution from truck, ship, rail, and diesel-powered cargo equipment causing a disproportionate impact on vulnerable communities in the vicinity.

This pollution contributes to higher asthma rates, health problems, and presents an urgent health crisis for far too many New Jersey families.

It is unacceptable that the economic activity that benefits the entire nation is causing harm to the health of children and families in Newark, Elizabeth, Bayonne and other communities near the port.

Today's bill includes a proposal I have championed to expand eligibility for port-related air pollution reduction projects -- but we need to make more substantial investments in projects that will alleviate congestion, allow large ships to plug in when they are docking at port, and replace our old trucks.

In New Jersey, Hurricane Sandy made it clear that our roads, bridges, and transit systems are highly vulnerable. I am pleased that this bill takes an important step forward by including language I proposed allowing consideration of infrastructure resilience in the planning process.

As the Mayor of Newark, New Jersey, I learned through first-hand experience how important it is that the federal government partner with local communities to make substantial, long-term investments in our transportation infrastructure.

While I am encouraged to see modest increases in local control over federal transportation dollars included in this bill, I intend to keep pushing on this issue, along with my friend Senator Wicker, as the bill moves towards the floor.

In addition, I hope we can still work on ways to minimize impaired or drunk driving in this bill. I have a proposal that would improve the drunk driving grant program that is not in the bill, but I would appreciate continuing to work with the chair and ranking member on this.

This legislation also includes a pilot program I have championed that will allow states greater flexibility and a new opportunity to raise revenue for infrastructure investment. In New Jersey, we spend an enormous amount of our toll road revenue on making investments in our infrastructure and this pilot program will allow states like New Jersey to sell our excess federal toll credits to other states in order to boost revenue and transportation investments.

While I am encouraged by many of these much-needed policy improvements, this reauthorization represents a stable, long term underfunding of our transportation infrastructure.

The conversation we need to start having in Washington is about how we can exponentially increase the investment we are making in our transportation infrastructure.

I want to commend the administration for their ambitious infrastructure proposal: a $478 Billion bill that would increase our investment by 45 percent. We need to be thinking about our global competitiveness. The Administration's proposal should be the absolute minimum level of funding that we are seriously discussing.

I look forward to working with my colleagues on the committee to continue to push for aggressive, robust infrastructure funding for our country.

Again, thank you Chairman Inhofe and Ranking Member Boxer for taking an important step forward today.

Senator INHOFE. He made that statement before he talked about yours.

Seeing no further members wanting to seek recognition or offer amendments, I am going to move to accept the underlying text.

Senator CARDIN. Mr. Chairman, I wanted to offer an amendment. I did not know we were past that stage. I am going to offer and withdraw, but I did not realize that was going to be precluded. I will only take 30 seconds or maybe 60 seconds.

I wanted to call up Amendment No. 3, and I will withdraw it. This is the Grow America Act which would increase the 6-year authorization to $478 billion consistent with the President's budget. I do that respectful of the strong support for the underlying bill. I will withdraw the amendment.

I serve not only on this committee but the Senate Finance Committee. I am going to be part of the process to find the revenue necessary. I know there is a bipartisan group that believes we can find additional revenue.

We think through international tax reform, there is an opportunity for some permanent and one-time only revenues and that infrastructure is critically important to this country. If we are going to be able to be globally competitive, able to deal with the safety challenges we have in our communities, able to deal with the growth needs and able to get places without the extreme congestion that exists today, able to do all those issues, we need a program that is able to meet those needs.

I think the Grow America Act would do that. I would encourage us to keep an open mind if we can get the additional revenues for a more robust plan than is currently being submitted for approval here.

With that, Mr. Chairman, I would ask consent to withdraw the amendment.

Senator INHOFE. Thank you, Senator Cardin.

I move to accept S. 1647, as amended and report the legislation favorably to the Senate. Is there a second?

Senator BOXER. Second.

Senator INHOFE. There is a second. The Clerk will call the roll.

The CLERK. Mr. Barrasso.

Senator BARRASSO. Aye.

The CLERK. Mr. Booker.

Senator BOOKER. Aye.

The CLERK. Mr. Boozman.

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Boxer.

Senator BOXER. Aye.

The CLERK. Mrs. Capito.

Senator CAPITO. Aye.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Carper.

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo.

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Fischer.

Senator FISCHER. Aye.

The CLERK. Mrs. Gillibrand.
Senator GILLIBRAND. Aye.
The CLERK. Mr. Markey.
Senator MARKEY. Aye.
The CLERK. Mr. Merkley.
Senator BOXER. Aye by proxy.
The CLERK. Mr. Rounds.
Senator ROUNDS. Aye.
The CLERK. Mr. Sanders.
Senator SANDERS. Aye.
The CLERK. Mr. Sessions.
Senator SESSIONS. Aye.
The CLERK. Mr. Sullivan.
Senator SULLIVAN. Aye.
The CLERK. Mr. Vitter.
Senator INHOFE. Aye by proxy.
The CLERK. Mr. Whitehouse.
Senator WHITEHOUSE. Aye.
The CLERK. Mr. Wicker.
Senator WICKER. Aye.
The CLERK. Mr. Chairman.
Senator INHOFE. Aye.
Senator BOOZMAN. Mr. Chairman, Mr. Boozman votes aye.
Senator INHOFE. Senator Boozman votes aye in person.
The CLERK. Mr. Chairman, the yeas are 20, and the nays are 0.
Senator INHOFE. The bill passes.

I want to thank everyone for a good turnout this morning. I appreciate you.

I want to get one more motion in here. I ask unanimous consent that staff have the authority to make technical and conforming changes to the measure approved today.

Senator WHITEHOUSE. Mr. Chairman, I did not want to hold anyone while the vote was pending, but I do want to also particularly thank everyone for their support for what had been known as the Projects of National Regional Significance. It is now known as the AMP Project for big things because there are a lot of big projects that need to be done. I think this will allow that to happen. It is a very significant piece of the bill. I thank all of our leaders for making sure that was included.

Senator INHOFE. We have no more. We are adjourned.

[Whereupon, at 10:14 a.m., the committee was adjourned.]

○