

113TH CONGRESS
2D SESSION

H. R. 5591

To enhance transportation programs in order to connect people to jobs, schools, and other essential services through a multimodal transportation network, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Ms. FUDGE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To enhance transportation programs in order to connect people to jobs, schools, and other essential services through a multimodal transportation network, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Con-
5 nections to Opportunity Act of 2014”.

6 **SEC. 2. PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.**

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

(1) in paragraph (4), by inserting after subparagraph (C) the following:

“(D) PUBLIC INVOLVEMENT.—Metropolitan planning organizations shall offer interested parties, such as those described in paragraph (6), a reasonable opportunity to participate in the development and consideration of scenarios.”; and

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

(b) SECTION 135 AMENDMENT.—Section 135(f)(3)(A)(ii) of title 23, United States Code, is amended by striking “comment on the transportation plan”; and inserting “provide input during the development of the transportation plan”.

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

(1) in paragraph (4), by inserting after subparagraph (C) the following:

“(D) PUBLIC INVOLVEMENT.—Metropolitan planning organizations shall offer interested parties, such as those described in paragraph (6), a reasonable opportunity to participate in

1 the development and consideration of different
 2 scenarios.”; and

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

7 (d) SECTION 5304 AMENDMENT.—Section
 8 5304(f)(3)(A)(ii) of title 49, United States Code, is
 9 amended by striking “comment on the proposed plan”;
 10 and inserting “provide input during the development of
 11 the transportation plan”.

12 **SEC. 3. CONNECTION TO OPPORTUNITY NATIONAL GOAL**
 13 **AND POTENTIAL PERFORMANCE MEASURE.**

14 (a) TRANSPORTATION CONNECTIONS TO OPPOR-
 15 TUNITY.—Section 150(b) of title 23, United States Code,
 16 is amended—

17 (1) in paragraph (2), by striking “highway in-
 18 frastructure asset system” and inserting “infrastruc-
 19 ture asset system under this title”; and

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

21 “(8) MULTIMODAL CONNECTIVITY.—To achieve
 22 an interconnected transportation system which con-
 23 nects people to jobs, schools, and other essential
 24 services through a multimodal network.”.

1 (b) ESTABLISHMENT OF PERFORMANCE MEAS-
2 URES.—Section 150(c) of title 23, United States Code, is
3 amended—

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

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

8 “(7) MULTIMODAL FREIGHT.—The Secretary
9 may, in accordance with the national freight stra-
10 tegic plan under section 167, establish performance
11 measures to assess the efficiency of the multimodal
12 freight network.

13 “(8) TRANSPORTATION CONNECTIVITY.—The
14 Secretary may, in accordance with the framework es-
15 tablished in section 134, establish a performance
16 measure to be used by metropolitan planning organi-
17 zations to assess the degree to which the transpor-
18 tation system provides multimodal connections to op-
19 portunity, particularly for transportation-disadvan-
20 tagged populations.”.

21 **SEC. 4. MEASURING TRANSPORTATION CONNECTIVITY**
22 **PILOT ACTIVITIES.**

23 (a) TITLE 23.—Section 134 of title 23, United States
24 Code, is further amended by inserting at the end, the fol-
25 lowing:

1 “(r) MEASURING TRANSPORTATION CONNECTIONS
2 TO OPPORTUNITY.—

3 “(1) CONNECTION TO OPPORTUNITY PILOT
4 PROGRAM.—

5 “(A) ESTABLISHMENT.—The Secretary
6 shall establish a pilot program in which not
7 more than 10 metropolitan planning organiza-
8 tions shall develop and deploy 1 or more pilot
9 measures and targets to improve multimodal
10 connectivity and increase connections for dis-
11 advantaged Americans and neighborhoods with
12 limited transportation options.

13 “(B) PILOT LOCATIONS.—The Secretary
14 shall select not more than 10 metropolitan plan-
15 ning organizations in not more than 10 loca-
16 tions, each of which is the sole metropolitan
17 planning organization serving an urbanized
18 area of more than 1,000,000 residents, which
19 shall include—

20 “(i) metropolitan planning organiza-
21 tions that have demonstrated previous suc-
22 cessful use of performance measurements
23 and performance-based planning efforts,
24 which the Secretary shall designate as
25 mentor grantees; and

1 “(ii) metropolitan planning organiza-
2 tions that have limited or no successful
3 previous experience in performance meas-
4 urements and performance-based planning
5 efforts, which the Secretary shall designate
6 as novice grantees.

7 “(C) PILOT PROGRAM ACTIVITIES.—

8 “(i) TRANSPORTATION CONNECTIVITY
9 INVENTORY.—Not later than 6 months
10 after selection as a pilot location, and in
11 consultation with appropriate States, tran-
12 sit agencies, and local governments, metro-
13 politan planning organizations in pilot lo-
14 cations, the selected metropolitan planning
15 organization shall develop an inventory of
16 transportation assets within such organiza-
17 tion’s metropolitan planning area which
18 describes—

19 “(I) the condition of key high-
20 way, transit, bicycle, and pedestrian
21 facilities;

22 “(II) the degree to which these
23 facilities provide residents with con-
24 nections to opportunity;

1 “(III) the identity and location of
2 transportation-disadvantaged popu-
3 lations within the planning area; and

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

10 “(ii) PERFORMANCE MEASURES.—Not
11 later than 1 year after selection as a pilot
12 location, a metropolitan planning organiza-
13 tion in such pilot location shall apply the
14 baseline data it developed in clause (i) to
15 adopt 1 or more provisional measures to
16 assess multimodal connectivity improve-
17 ments in the transportation system, includ-
18 ing measurements of multimodal
19 connectivity improvements available to
20 transportation-disadvantaged populations
21 identified in clause (i)(III) and appropriate
22 to local assets and needs.

23 “(iii) DATA COLLECTION AND RE-
24 PORTING.—A metropolitan planning orga-
25 nization selected as a pilot location shall

1 collect baseline and annual performance
2 data on multimodal transportation
3 connectivity to opportunity and report
4 these data to the Secretary throughout the
5 duration of the pilot project.

6 “(iv) KNOWLEDGE-SHARING.—A met-
7 ropolitan planning organization designated
8 as a mentor grantee shall engage in knowl-
9 edge-sharing activities with novice grantees
10 to the extent feasible, which may include
11 peer exchanges and technical assistance.

12 “(v) PROJECT IMPLEMENTATION.—

13 “(I) Notwithstanding section
14 120, a metropolitan planning organi-
15 zation may use funds remaining after
16 the completion of the transportation
17 connectivity inventory, development of
18 provisional measures, and related
19 tracking activities to pay the non-Fed-
20 eral share to implement projects with-
21 in the metropolitan planning area de-
22 scribed in subclause (II).

23 “(II) The projects referred to in
24 subclause (I) are projects that are
25 reasonably anticipated to address sys-

1 tem gaps and improve performance
2 according to the locally adopted provi-
3 sional multimodal transportation
4 connectivity measures.

5 “(2) NATIONAL PERFORMANCE MEASURE DE-
6 VELOPMENT ACTIVITIES.—The Secretary shall re-
7 serve not more than \$9,000,000 of the amount au-
8 thorized for this subsection for the 4-year period be-
9 ginning in fiscal year 2015 for use on evaluation of
10 multimodal connectivity measures developed by met-
11 ropolitan planning organizations in pilot locations,
12 and to consider development of a national indicator
13 to measure the multimodal connections to oppor-
14 tunity provided by the transportation network, in-
15 cluding the following activities:

16 “(A) NATIONAL TECHNICAL ASSISTANCE
17 AND PEER EXCHANGE FORUMS.—The Secretary
18 shall support the measure development and
19 data collection of metropolitan planning organi-
20 zations in pilot locations through technical as-
21 sistance and peer exchanges, and through work-
22 shops with States, transit agencies, and metro-
23 politan planning organizations to discuss pilot
24 program findings, and establish an online col-
25 laboration center for local jurisdictions to share

1 ideas and challenges, and document lessons
2 learned.

3 “(B) CONNECTION TO OPPORTUNITY
4 FINAL REPORT.—At the end of the pilot pro-
5 gram, the Secretary shall issue a final report in
6 consultation with the Secretary of the Depart-
7 ment of Housing and Urban Development, the
8 Secretary of the Department of Commerce and
9 the Administrator of the Environmental Protec-
10 tion Agency, and after seeking public comment.
11 The report shall document the outcomes of the
12 pilot program and make recommendations on
13 the establishment of 1 or more national
14 multimodal connectivity measures, and shall in-
15 clude—

16 “(i) the results of the efforts of the
17 pilot program to measure and improve
18 multimodal connectivity;

19 “(ii) the Secretary’s recommendations
20 for 1 or more national connectivity meas-
21 ures and integrating them into the Federal
22 transportation performance management
23 framework, in accordance with section 150;
24 and

1 “(iii) an assessment of social out-
2 comes and impacts that may result from
3 the pilot measures as well as estimated
4 savings to Federal, State, and local social
5 service subsidy programs, as well as other
6 costs avoided and new tax revenues attrib-
7 utable to increased connectivity.

8 “(C) POTENTIAL RULEMAKING.—After
9 publication of the final report under subpara-
10 graph (B), the Secretary, in consultation with
11 State departments of transportation, metropoli-
12 tan planning organizations, and other stake-
13 holders, may issue a rulemaking that estab-
14 lishes performance measures and standards as
15 described in section 150(c)(8).

16 “(3) DEFINITIONS.—For purposes of this sub-
17 section—

18 “(A) the term ‘opportunity’ means jobs,
19 schools, and health care services; and

20 “(B) the term ‘transportation-disadvan-
21 taged’ means an individual who faces challenges
22 in securing or accessing transportation due to
23 age, disability, or income constraints, including
24 lack of access to transportation or a private ve-
25 hicle.”.

1 (b) TITLE 49.—Section 5303 of title 49, United
2 States Code, is amended by inserting at the end, the fol-
3 lowing:

4 “(r) MEASURING TRANSPORTATION CONNECTIONS
5 TO OPPORTUNITY.—

6 “(1) CONNECTION TO OPPORTUNITY PILOT
7 PROGRAM.—

8 “(A) ESTABLISHMENT.—The Secretary
9 shall establish a pilot program in not more than
10 10 metropolitan planning organizations shall
11 develop and deploy 1 or more pilot measures
12 and targets to improve multimodal connectivity
13 and increase connections for transportation-dis-
14 advantaged and neighborhoods with limited
15 transportation options.

16 “(B) PILOT LOCATIONS.—The Secretary
17 shall select not more than 10 metropolitan plan-
18 ning organizations in not more than 10 loca-
19 tions, each of which is the sole metropolitan
20 planning organization serving an urbanized
21 area of more than 1,000,000 residents, which
22 shall include—

23 “(i) metropolitan planning organiza-
24 tions that have demonstrated previous suc-
25 cessful use of performance measurements

1 and performance-based planning efforts,
2 which the Secretary shall designate as
3 mentor grantees; and

4 “(ii) metropolitan planning organiza-
5 tions that have limited or no successful
6 previous experience in performance meas-
7 urements and performance-based planning
8 efforts, which the Secretary shall designate
9 as novice grantees.

10 “(C) PILOT PROGRAM ACTIVITIES.—

11 “(i) TRANSPORTATION CONNECTIVITY
12 INVENTORY.—Not later than 6 months
13 after selection as a pilot location, and in
14 consultation with appropriate States, tran-
15 sit agencies, and local governments, metro-
16 politan planning organizations in pilot lo-
17 cations, the selected metropolitan planning
18 organization shall develop an inventory of
19 transportation assets within such organiza-
20 tion’s metropolitan planning area which
21 describes—

22 “(I) the condition of key high-
23 way, transit, bicycle, and pedestrian
24 facilities;

1 “(II) the degree to which these
2 facilities provide residents with con-
3 nections to opportunity;

4 “(III) the identity and location of
5 transportation-disadvantaged popu-
6 lations within the planning area; and

7 “(IV) local challenges to
8 multimodal connectivity, such as zon-
9 ing or land use issues, availability of
10 affordable housing, and physical bar-
11 riers that obstruct access from resi-
12 dential areas to opportunity.

13 “(ii) PERFORMANCE MEASURES.—Not
14 later than 1 year after selection as a pilot
15 location, a metropolitan planning organiza-
16 tion in such pilot location shall apply the
17 baseline data it developed in clause (i) to
18 adopt 1 or more provisional measures to
19 assess multimodal connectivity improve-
20 ments in the transportation system, includ-
21 ing measurements of multimodal
22 connectivity improvements available to
23 transportation-disadvantaged populations
24 identified in clause (i)(III) and appropriate
25 to local assets and needs.

1 “(iii) DATA COLLECTION AND RE-
2 PORTING.—A metropolitan planning orga-
3 nization selected as a pilot location shall
4 collect baseline and annual performance
5 data on multimodal transportation
6 connectivity to opportunity and report
7 these data to the Secretary throughout the
8 duration of the pilot project.

9 “(iv) KNOWLEDGE-SHARING.—A met-
10 ropolitan planning organization designated
11 as a mentor grantee shall engage in knowl-
12 edge-sharing activities with novice grantees
13 to the extent feasible, which may include
14 peer exchanges and technical assistance.

15 “(v) PROJECT IMPLEMENTATION.—

16 “(I) Notwithstanding section
17 120, a metropolitan planning organi-
18 zation may use funds remaining after
19 the completion of the transportation
20 connectivity inventory, development of
21 provisional measures, and related
22 tracking activities to pay the non-Fed-
23 eral share to implement projects with-
24 in the metropolitan planning area de-
25 scribed in subclause (II).

1 “(II) The projects referred to in
2 subclause (I) are projects that are
3 reasonably anticipated to address sys-
4 tem gaps and improve performance
5 according to the locally adopted provi-
6 sional multimodal transportation
7 connectivity measures.

8 “(2) NATIONAL PERFORMANCE MEASURE DE-
9 VELOPMENT ACTIVITIES.—The Secretary shall re-
10 serve not more than \$9,000,000 of the amount au-
11 thorized for this subsection for the 4-year period be-
12 ginning in fiscal year 2015 for use on evaluation of
13 multimodal connectivity measures developed by met-
14 ropolitan planning organizations in pilot locations,
15 and to consider development of a national indicator
16 to measure the multimodal connections to oppor-
17 tunity provided by the transportation network, in-
18 cluding the following activities:

19 “(A) NATIONAL TECHNICAL ASSISTANCE
20 AND PEER EXCHANGE FORUMS.—The Secretary
21 shall support the measure development and
22 data collection of metropolitan planning organi-
23 zations in pilot locations through technical as-
24 sistance and peer exchanges, and through work-
25 shops with States, transit agencies, and metro-

1 politan planning organizations to discuss pilot
2 program findings, and establish an online col-
3 laboration center for local jurisdictions to share
4 ideas and challenges, and document lessons
5 learned.

6 “(B) CONNECTION TO OPPORTUNITY
7 FINAL REPORT.—At the end of the pilot pro-
8 gram under this subsection, the Secretary shall
9 issue a final report in consultation with the
10 Secretary of Housing and Urban Development,
11 the Secretary of Commerce, and the Adminis-
12 trator of the Environmental Protection Agency,
13 and after seeking public comment. The report
14 shall document the outcomes of the pilot pro-
15 gram and make recommendations on the estab-
16 lishment of 1 or more national multimodal
17 connectivity measures, and shall include—

18 “(i) the results of the efforts of the
19 pilot locations to measure and improve
20 multimodal connectivity;

21 “(ii) the Secretary’s recommendations
22 for 1 or more national connectivity meas-
23 ures and integrating them into the Federal
24 transportation performance management

1 framework in accordance with section 150;
2 and

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

10 “(C) POTENTIAL RULEMAKING.—Not later
11 than 2 years after the publication of the final
12 report under subparagraph (B), the Secretary,
13 in consultation with State departments of
14 transportation, metropolitan planning organiza-
15 tions, and other stakeholders, may issue a rule-
16 making that establishes performance measures
17 and standards.

18 “(3) DEFINITIONS.—For purposes of this sub-
19 section—

20 “(A) the term ‘opportunity’ means jobs,
21 schools, and health care services; and

22 “(B) the term ‘transportation-disadvan-
23 taged’ means an individual who faces challenges
24 in securing or accessing transportation due to
25 age, disability, or income constraints, including

1 lack of access to transportation or a private ve-
2 hicle.”.

3 **SEC. 5. PERFORMANCE MANAGEMENT DATA SUPPORT PRO-**
4 **GRAM.**

5 (a) PERFORMANCE MANAGEMENT DATA SUPPORT
6 PROGRAM.—Section 150 of title 23, United States Code,
7 is amended by inserting at the end the following:

8 “(f) PERFORMANCE MANAGEMENT DATA SUP-
9 PORT.—To assist metropolitan planning organizations,
10 States, and the Department in carrying out performance
11 management analyses, including the performance manage-
12 ment requirements of this chapter, the Secretary shall cre-
13 ate and maintain data sets and data analysis tools. Such
14 sets and tools may include—

15 “(1) collecting and distributing vehicle probe
16 data describing traffic on the National Highway
17 System;

18 “(2) collecting data regarding household travel
19 behavior in crossing local jurisdictional boundaries;

20 “(3) enhancing existing data collection and
21 analysis tools to accommodate performance meas-
22 ures, targets, and related data;

23 “(4) enhancing existing data analysis tools to
24 improve performance predictions in reports described

1 in subsection (e) of this section or section 5405 of
 2 title 49; and

3 “(5) developing tools to improve performance
 4 analysis and evaluate the effects of project invest-
 5 ments on performance.”.

6 (b) FEDERAL SHARE.—Section 120 of such title is
 7 amended by adding at the end the following:

8 “(l) PERFORMANCE MANAGEMENT DATA SUPPORT
 9 PROGRAM.—The Federal share payable for an activity de-
 10 veloped under the performance management data support
 11 program under section 150(f) shall be 100 percent of the
 12 cost of the activity.”.

13 **SEC. 6. MULTIMODAL ACCOMMODATIONS.**

14 (a) DESIGN STANDARDS.—Section 109 of title 23,
 15 United States Code, is amended—

16 (1) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking “may take into ac-
 19 count” and inserting “shall take into ac-
 20 count”; and

21 (ii) by striking paragraph (1)(C) and
 22 inserting the following:

23 “(C) access and safety for users of all fore-
 24 seeable modes of transportation.”; and

1 (B) in paragraph (2), by striking “may de-
2 velop” and inserting “shall develop”; and

3 (2) in subsection (m), by—

4 (A) striking “and light motorcycles”; and

5 (B) inserting “, safe, convenient, and con-
6 tinuous” before “alternate route”.

7 (b) TRANSPORTATION ALTERNATIVES.—

8 (1) FEDERAL SHARE.—Section 120 of title 23,
9 United States Code, is amended by adding at the
10 end the following:

11 “(m) TRANSPORTATION ALTERNATIVES PROGRAM.—
12 The Federal share requirements under this section appli-
13 cable to the transportation alternatives program under
14 section 213 may be met based on—

15 “(1) an individual project or activity under that
16 section; or

17 “(2) a program of projects or activities ap-
18 proved under subsection (c)(6)(B) of that section.”.

19 (2) RESERVATION OF FUNDS.—Section 213 of
20 such title is amended in subsection (a)(1) by striking
21 “of fiscal years 2013 and 2014” and inserting “fis-
22 cal year”.

23 (3) ELIGIBLE ENTITIES.—Section 213(c)(4)(B)
24 of such title is amended by—

1 (A) redesignating clauses (vi) and (vii) as
 2 clauses (viii) and (ix); and

3 (B) inserting after clause (v) the following:

4 “(vi) a nonprofit organization;

5 “(vii) a metropolitan planning organi-
 6 zation (except in the case of a competitive
 7 process carried out by such metropolitan
 8 planning organization under subparagraph
 9 (A));”.

10 (4) PROGRAM OF PROJECTS.—Section 213(c) of
 11 such title is further amended by adding at the end
 12 the following:

13 “(6) PROGRAM OF PROJECTS.—Funds may be
 14 obligated under this section for—

15 “(A) a project or activity eligible under
 16 subsection (b); or

17 “(B) a program of projects or activities eli-
 18 gible under that subsection.

19 “(7) ADMINISTRATION.—

20 “(A) SUBMISSION OF PROJECT AGREE-
 21 MENT.—For each fiscal year, each State shall
 22 submit a project agreement that—

23 “(i) certifies that the State will meet
 24 all the requirements of this section; and

1 “(ii) notifies the Secretary of the
2 amount of obligations needed to carry out
3 the program under this section.

4 “(B) REQUEST FOR ADJUSTMENTS OF
5 AMOUNTS.—Each State shall request from the
6 Secretary such adjustments to the amount of
7 obligations referred to in subparagraph (A)(ii)
8 as the State determines to be necessary.

9 “(C) EFFECT OF APPROVAL BY THE SEC-
10 RETARY.—Approval by the Secretary of a
11 project agreement under subparagraph (A)
12 shall be deemed a contractual obligation of the
13 United States to pay funds made available
14 under this title.”.

15 **SEC. 7. ESTABLISHMENT OF A BROADBAND INFRASTRUC-**
16 **TURE INITIATIVE.**

17 (a) IN GENERAL.—The Secretary shall carry out a
18 broadband infrastructure initiative to expand right-of-way
19 use to accommodate broadband infrastructure and im-
20 prove broadband access in unserved and underserved
21 areas.

22 (b) REQUIREMENTS.—The Secretary shall require
23 each State to meet the following requirements:

1 (1) STATE BROADBAND INFRASTRUCTURE
2 NEEDS.—Each State department of transportation
3 shall—

4 (A) identify the broadband infrastructure
5 needs of the State in coordination with other
6 State and local agencies and the Federal Re-
7 sponder Network Authority established in sec-
8 tion 6204 of the Middle Class Tax Relief and
9 Job Creation Act of 2012 (47 U.S.C. 1424);

10 (B) designate a broadband utility coordi-
11 nator to incorporate such needs into future
12 Federal-aid highway projects as described in
13 paragraph (2);

14 (C) provide an online system for any
15 broadband infrastructure entity to register for
16 inclusion in efforts to address such needs as de-
17 scribed in such paragraph; and

18 (D) include broadband infrastructure enti-
19 ties in transportation plans and programs de-
20 scribed in sections 134 and 135 of title 23,
21 United States Code.

22 (2) BROADBAND INFRASTRUCTURE COORDINA-
23 TION PLAN.—Each State department of transpor-
24 tation shall—

1 (A) implement a plan based on the needs
2 described in paragraph (1)(A) to promote the
3 installation of broadband infrastructure in
4 rights-of-way;

5 (B) target such installation in unserved
6 and underserved areas;

7 (C) minimize repeated excavations in
8 rights-of-way through coordination described in
9 paragraph (1)(B); and

10 (D) coordinate, to the extent practicable,
11 such deployment with other telecommunications
12 and local land use and transportation plans.

13 (3) RIGHT-OF-WAY ACCESS.—Notwithstanding
14 any other provision of law—

15 (A) Each State department of transpor-
16 tation shall—

17 (i) consider new technology and con-
18 struction practices to promote the safe and
19 efficient accommodation of broadband in-
20 frastructure in rights-of-way;

21 (ii) permit the broadband utility coor-
22 dinator to authorize any broadband infra-
23 structure entity to install broadband infra-
24 structure in rights-of-way; and

1 (iii) ensure that authorized broadband
2 infrastructure entities have access to
3 rights-of-way without charge for installa-
4 tion, operation, and maintenance of
5 broadband infrastructure; and

6 (B) each State department of transpor-
7 tation may—

8 (i) restrict such access in the interest
9 of safety; and

10 (ii) designate any longitudinal area to
11 accommodate broadband infrastructure.

12 (c) STATE FLEXIBILITY.—A State meeting the re-
13 quirements under subsection (b) may use funds authorized
14 for the surface transportation program under section 133
15 of title 23, United States Code, and the national highway
16 performance program under section 119 of such title, to
17 install broadband infrastructure as part of a Federal-aid
18 highway project located in an unserved or underserved
19 area, and the broadband infrastructure may be used to
20 support nontransportation purposes in addition to trans-
21 portation purposes.

22 (d) DEFINITIONS.—For purposes of this section:

23 (1) The term “broadband infrastructure”
24 means buried or aerial facilities that provide wired

1 or wireless connections to enable users to send and
2 receive data.

3 (2) The term “broadband infrastructure entity”
4 means any entity that installs, owns, or operates
5 broadband infrastructure and provides services to
6 members of the public.

7 (3) The term “broadband utility coordinator”
8 means an individual responsible for coordinating the
9 broadband infrastructure needs of the State with
10 Federal-aid highway projects.

11 (4) The term “Federal-aid highway” has the
12 same meaning given such term in section 101(a)(6)
13 of title 23, United States Code.

14 (5) The term “longitudinal area” means the
15 area along the length of a highway.

16 (6) The term “project” has the same meaning
17 given that term in section 101(a)(18) of title 23,
18 United States Code.

19 (7) The terms “right-of-way” and “rights-of-
20 way” mean real property, or interest therein, ac-
21 quired, dedicated, or reserved for the construction,
22 operation, and maintenance of a Federal-aid high-
23 way.

24 (8) The term “State” means any of the States,
25 the District of Columbia, or the Commonwealth of

1 Puerto Rico, that receive funds under title 23,
2 United States Code.

3 (9) The term “underserved area” means an
4 area in which—

5 (A) 50 percent or less of households have
6 access to the minimum broadband speed;

7 (B) no provider offers service speeds of at
8 least 3 Mbps; or

9 (C) 40 percent or less of the households
10 choose to subscribe to a broadband service.

11 (10) The term “unserved area” means an area
12 that does not have access to broadband services at
13 speeds of at least 768 Kbps download/200 Kbps
14 upload.

○