

Calendar No. 150114TH CONGRESS
1ST SESSION**S. 1647****[Report No. 114–80]**

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

JUNE 23, 2015

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 Environment and Public Works

JULY 15, 2015

Reported by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Developing a Reliable
3 and Innovative Vision for the Economy Act” or the
4 “DRIVE Act”.

5 **SEC. 2. DEFINITIONS; TABLE OF CONTENTS.**

6 (a) DEFINITIONS.—In this Act:

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

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

11 (b) TABLE OF CONTENTS.—The table of contents for
12 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.
- Sec. 1030. *Innovative project delivery*.

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

- Sec. 4001. Technical corrections.

TITLE V—MISCELLANEOUS

- Sec. 5001. Appalachian development highway system.
 Sec. 5002. Appalachian regional development program.
 Sec. 5003. *Water infrastructure finance and innovation.*
 Sec. 5004. *Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.*
 Sec. 5005. *Study on performance of bridges.*

TITLE VI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

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

1 **TITLE I—FEDERAL-AID**
 2 **HIGHWAYS**
 3 **Subtitle A—Authorizations and**
 4 **Programs**

5 **SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.**

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

9 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
 10 the national highway performance program under

1 section 119 of title 23, United States Code, the sur-
2 face transportation program under section 133 of
3 that title, the highway safety improvement program
4 under section 148 of that title, the congestion miti-
5 gation and air quality improvement program under
6 section 149 of that title, the national freight pro-
7 gram under section 167 of that title, *the transpor-*
8 *tation alternatives program under section 213 of that*
9 *title*, and to carry out section 134 of that title—

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

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

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

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

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

15 and

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

17 (2) TRANSPORTATION INFRASTRUCTURE FI-
18 NANCE AND INNOVATION PROGRAM.—For credit as-
19 sistance under the transportation infrastructure fi-
20 nance and innovation program under chapter 6 of
21 title 23, United States Code, \$675,000,000 for each
22 of fiscal years 2016 through 2021.

23 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
24 TATION PROGRAMS.—

1 (A) TRIBAL TRANSPORTATION PRO-
2 GRAM.—For the tribal transportation program
3 under section 202 of title 23, United States
4 Code—

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

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

7 (iii) \$480,000,000 for fiscal year
8 2018;

9 (iv) \$490,000,000 for fiscal year
10 2019;

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

12 and

13 (vi) \$510,000,000 for fiscal year
14 2021.

15 (B) FEDERAL LANDS TRANSPORTATION
16 PROGRAM.—

17 (i) AUTHORIZATION.—For the Fed-
18 eral lands transportation program under
19 section 203 of title 23, United States
20 Code—

21 (I) \$305,000,000 for fiscal year
22 2016;

23 (II) \$310,000,000 for fiscal year
24 2017;

1 (III) \$315,000,000 for fiscal year
2 2018;

3 (IV) \$320,000,000 for fiscal year
4 2019;

5 (V) \$325,000,000 for fiscal year
6 2020; and

7 (VI) \$330,000,000 for fiscal year
8 2021.

9 (ii) SPECIAL RULE.—

10 (I) \$240,000,000 of the amount
11 made available for each fiscal year
12 shall be the amount for the National
13 Park Service; and

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

18 (C) FEDERAL LANDS ACCESS PROGRAM.—

19 For the Federal lands access program under
20 section 204 of title 23, United States Code—

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

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

23 (iii) \$265,000,000 for fiscal year
24 2018;

- 1 (iv) \$270,000,000 for fiscal year
2 2019;
3 (v) \$275,000,000 for fiscal year 2020;
4 and
5 (vi) \$280,000,000 for fiscal year
6 2021.

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

12 (5) ASSISTANCE FOR MAJOR PROJECTS PRO-
13 GRAM.—For the assistance for major projects pro-
14 gram under section 171 of title 23, United States
15 Code—

- 16 (A) \$300,000,000 for fiscal year 2016;
17 (B) \$350,000,000 for fiscal year 2017;
18 (C) \$400,000,000 for fiscal year 2018;
19 (D) \$450,000,000 for fiscal year 2019;
20 (E) \$450,000,000 for fiscal year 2020; and
21 (F) \$450,000,000 for fiscal year 2021.

22 (b) RESEARCH, TECHNOLOGY, AND EDUCATION AU-
23 THORIZATIONS.—

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

4 (A) HIGHWAY RESEARCH AND DEVELOP-
5 MENT PROGRAM.—To carry out the highway re-
6 search and development program under section
7 503(b) of title 23, United States Code,
8 \$135,000,000 for each of fiscal years 2016
9 through 2021.

10 (B) TECHNOLOGY AND INNOVATION DE-
11 PLOYMENT PROGRAM.—To carry out the tech-
12 nology and innovation deployment program
13 under section 503(c) of title 23, United States
14 Code, \$62,500,000 for each of fiscal years 2016
15 through 2021.

16 (C) TRAINING AND EDUCATION.—To carry
17 out training and education under section 504 of
18 title 23, United States Code, \$24,000,000 for
19 each of fiscal years 2016 through 2021.

20 (D) INTELLIGENT TRANSPORTATION SYS-
21 TEMS PROGRAM.—To carry out the intelligent
22 transportation systems program under sections
23 512 through 518 of title 23, United States
24 Code, \$100,000,000 for each of fiscal years
25 2016 through 2021.

1 (E) UNIVERSITY TRANSPORTATION CEN-
2 TERS PROGRAM.—To carry out the university
3 transportation centers program under section
4 5505 of title 49, United States Code,
5 \$72,500,000 for each of fiscal years 2016
6 through 2021.

7 (F) BUREAU OF TRANSPORTATION STATIS-
8 TICS.—To carry out chapter 63 of title 49,
9 United States Code, \$26,000,000 for each of
10 fiscal years 2016 through 2021.

11 (2) ADMINISTRATION.—The Federal Highway
12 Administration shall administer the programs de-
13 scribed in subparagraphs (D) through (F) of para-
14 graph (1).

15 (3) APPLICABILITY OF TITLE 23, UNITED
16 STATES CODE.—Funds authorized to be appro-
17 priated by paragraph (1) shall—

18 (A) be available for obligation in the same
19 manner as if those funds were apportioned
20 under chapter 1 of title 23, United States Code;

21 (B) remain available until expended; and

22 (C) not be transferable.

23 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

24 (1) FINDINGS.—Congress finds that—

1 (A) while significant progress has occurred
2 due to the establishment of the disadvantaged
3 business enterprise program, discrimination and
4 related barriers continue to pose significant ob-
5 stacles for minority- and women-owned busi-
6 nesses seeking to do business in federally as-
7 sisted surface transportation markets across the
8 United States;

9 (B) the continuing barriers described in
10 subparagraph (A) merit the continuation of the
11 disadvantaged business enterprise program;

12 (C) Congress has received and reviewed
13 testimony and documentation of race and gen-
14 der discrimination from numerous sources, in-
15 cluding congressional hearings and roundtables,
16 scientific reports, reports issued by public and
17 private agencies, news stories, reports of dis-
18 crimination by organizations and individuals,
19 and discrimination lawsuits, which show that
20 race- and gender-neutral efforts alone are insuf-
21 ficient to address the problem;

22 (D) the testimony and documentation de-
23 scribed in subparagraph (C) demonstrate that
24 discrimination across the United States poses a
25 barrier to full and fair participation in surface

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

6 (E) the testimony and documentation de-
7 scribed in subparagraph (C) provide a strong
8 basis that there is a compelling need for the
9 continuation of the disadvantaged business en-
10 terprise program to address race and gender
11 discrimination in surface transportation-related
12 business.

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

15 (A) SMALL BUSINESS CONCERN.—

16 (i) IN GENERAL.—The term “small
17 business concern” means a small business
18 concern (as the term is used in section 3
19 of the Small Business Act (15 U.S.C.
20 632)).

21 (ii) EXCLUSIONS.—The term “small
22 business concern” does not include any
23 concern or group of concerns controlled by
24 the same socially and economically dis-
25 advantaged individual or individuals that

1 have average annual gross receipts during
2 the preceding 3 fiscal years in excess of
3 \$22,410,000, as adjusted annually by the
4 Secretary for inflation.

5 (B) SOCIALLY AND ECONOMICALLY DIS-
6 ADVANTAGED INDIVIDUALS.—The term “so-
7 cially and economically disadvantaged individ-
8 uals” has the meaning given the term in section
9 8(d) of the Small Business Act (15 U.S.C.
10 637(d)) and relevant subcontracting regulations
11 issued pursuant to that Act, except that women
12 shall be presumed to be socially and economi-
13 cally disadvantaged individuals for purposes of
14 this subsection.

15 (3) AMOUNTS FOR SMALL BUSINESS CON-
16 CERNS.—Except to the extent that the Secretary de-
17 termines otherwise, not less than 10 percent of the
18 amounts made available for any program under title
19 I of this Act and section 403 of title 23, United
20 States Code, shall be expended through small busi-
21 ness concerns owned and controlled by socially and
22 economically disadvantaged individuals.

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

1 (A) survey and compile a list of the small
2 business concerns referred to in paragraph (2)
3 in the State, including the location of the small
4 business concerns in the State; and

5 (B) notify the Secretary, in writing, of the
6 percentage of the small business concerns that
7 are controlled by—

8 (i) women;

9 (ii) socially and economically dis-
10 advantaged individuals (other than
11 women); and

12 (iii) individuals who are women and
13 are otherwise socially and economically dis-
14 advantaged individuals.

15 (5) UNIFORM CERTIFICATION.—

16 (A) IN GENERAL.—The Secretary shall es-
17 tablish minimum uniform criteria for use by
18 State governments in certifying whether a con-
19 cern qualifies as a small business concern for
20 the purpose of this subsection.

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

25 (i) on-site visits;

- 1 (ii) personal interviews with personnel;
2 (iii) issuance or inspection of licenses;
3 (iv) analyses of stock ownership;
4 (v) listings of equipment;
5 (vi) analyses of bonding capacity;
6 (vii) listings of work completed;
7 (viii) examination of the resumes of
8 principal owners;
9 (ix) analyses of financial capacity; and
10 (x) analyses of the type of work pre-
11 ferred.

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

15 (A) information concerning disadvantaged
16 business enterprise awards, commitments, and
17 achievements; and

18 (B) such other information as the Sec-
19 retary determines to be appropriate for the
20 proper monitoring of the disadvantaged busi-
21 ness enterprise program.

22 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
23 ing in this subsection limits the eligibility of an indi-
24 vidual or entity to receive funds made available
25 under title I of this Act and section 403 of title 23,

1 United States Code, if the individual or entity is pre-
2 vented, in whole or in part, from complying with
3 paragraph (2) because a Federal court issues a final
4 order in which the court finds that a requirement or
5 the implementation of paragraph (2) is unconstitu-
6 tional.

7 (d) CONFORMING AMENDMENT.—Section 1101(b) of
8 MAP–21 (Public Law 112–141; 126 Stat. 414) is re-
9 pealed.

10 **SEC. 1002. OBLIGATION CEILING.**

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

- 15 (1) \$43,076,500,000 for fiscal year 2016;
16 (2) \$43,997,300,000 for fiscal year 2017;
17 (3) \$44,982,100,000 for fiscal year 2018;
18 (4) \$46,034,400,000 for fiscal year 2019;
19 (5) \$47,157,700,000 for fiscal year 2020; and
20 (6) \$48,307,900,000 for fiscal year 2021.

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

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

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

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

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

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

12 (6) sections 1103 through 1108 of the Inter-
13 modal Surface Transportation Efficiency Act of
14 1991 (105 Stat. 2027);

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

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

21 (9) section 105 of title 23, United States Code
22 (as in effect for fiscal years 2005 through 2012, but
23 only in an amount equal to \$639,000,000 for each
24 of those fiscal years);

1 (10) Federal-aid highway programs for which
2 obligation authority was made available under the
3 Transportation Equity Act for the 21st Century
4 (112 Stat. 107) or subsequent Acts for multiple
5 years or to remain available until expended, but only
6 to the extent that the obligation authority has not
7 lapsed or been used;

8 (11) section 1603 of SAFETEA-LU (23
9 U.S.C. 118 note; 119 Stat. 1248), to the extent that
10 funds obligated in accordance with that section were
11 not subject to a limitation on obligations at the time
12 at which the funds were initially made available for
13 obligation;

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

18 (13) section 119 of title 23, United States Code
19 (but, for each of fiscal years 2016 through 2021,
20 only in an amount equal to \$639,000,000 for each
21 of those fiscal years).

22 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
23 For each of fiscal years 2016 through 2021, the Secretary
24 shall—

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

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

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

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

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

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

21 (3) determine the proportion that—

22 (A) an amount equal to the difference be-
23 tween—

24 (i) the obligation authority provided
25 by subsection (a) for the fiscal year; and

1 (ii) the aggregate amount not distrib-
2 uted under paragraphs (1) and (2); bears
3 to

4 (B) an amount equal to the difference be-
5 tween—

6 (i) the total of the sums authorized to
7 be appropriated for the Federal-aid high-
8 way and highway safety construction pro-
9 grams (other than sums authorized to be
10 appropriated for provisions of law de-
11 scribed in paragraphs (1) through (12) of
12 subsection (b) and sums authorized to be
13 appropriated for section 119 of title 23,
14 United States Code, equal to the amount
15 referred to in subsection (b)(13) for the
16 fiscal year); and

17 (ii) the aggregate amount not distrib-
18 uted under paragraphs (1) and (2);

19 (4) distribute the obligation authority provided
20 by subsection (a), less the aggregate amount not dis-
21 tributed under paragraphs (1) and (2), for each of
22 the programs (other than programs to which para-
23 graph (1) applies) that are allocated by the Sec-
24 retary under this Act and title 23, United States

1 Code, or apportioned by the Secretary under section
2 202 or 204 of that title, by multiplying—

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

5 (B) the amounts authorized to be appro-
6 priated for each such program for the fiscal
7 year; and

8 (5) distribute the obligation authority provided
9 by subsection (a), less the aggregate amount not dis-
10 tributed under paragraphs (1) and (2) and the
11 amounts distributed under paragraph (4), for Fed-
12 eral-aid highway and highway safety construction
13 programs that are apportioned by the Secretary
14 under title 23, United States Code, (other than the
15 amounts apportioned for the national highway per-
16 formance program under section 119 of title 23,
17 United States Code, that are exempt from the limi-
18 tation under subsection (b)(13) and the amounts ap-
19 portioned under sections 202 and 204 of that title)
20 in the proportion that—

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

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

5 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
6 THORITY.—Notwithstanding subsection (c), the Secretary
7 shall, after August 1 of each of fiscal years 2016 through
8 2021—

9 (1) revise a distribution of the obligation au-
10 thority made available under subsection (c) if an
11 amount distributed cannot be obligated during that
12 fiscal year; and

13 (2) redistribute sufficient amounts to those
14 States able to obligate amounts in addition to those
15 previously distributed during that fiscal year, giving
16 priority to those States having large unobligated bal-
17 ances of funds apportioned under sections 144 (as in
18 effect on the day before the date of enactment of
19 MAP-21 (126 Stat. 405)) and 104 of title 23,
20 United States Code.

21 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
22 TRANSPORTATION RESEARCH PROGRAMS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), obligation limitations imposed by sub-
25 section (a) shall apply to contract authority for

1 transportation research programs carried out under
2 chapter 5 of title 23, United States Code.

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

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

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

11 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
12 FUNDS.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of distribution of obligation authority under
15 subsection (c) for each of fiscal years 2016 through
16 2021, the Secretary shall distribute to the States
17 any funds (excluding funds authorized for the pro-
18 gram under section 202 of title 23, United States
19 Code) that—

20 (A) are authorized to be appropriated for
21 the fiscal year for Federal-aid highway pro-
22 grams; and

23 (B) the Secretary determines will not be
24 allocated to the States (or will not be appor-
25 tioned to the States under section 204 of title

1 23, United States Code), and will not be avail-
2 able for obligation, for the fiscal year because
3 of the imposition of any obligation limitation for
4 the fiscal year.

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

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

13 **SEC. 1003. APPORTIONMENT.**

14 (a) **IN GENERAL.**—Section 104 of title 23, United
15 States Code, is amended—

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

18 “(A) \$456,000,000 for fiscal year 2016;

19 “(B) \$465,000,000 for fiscal year 2017;

20 “(C) \$474,000,000 for fiscal year 2018;

21 “(D) \$483,000,000 for fiscal year 2019;

22 “(E) \$492,000,000 for fiscal year 2020;

23 and

24 “(F) \$501,000,000 for fiscal year 2021.”;

25 (2) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “and the congestion mitigation and
3 air quality improvement program” and insert-
4 ing “the congestion mitigation and air quality
5 improvement program, the national freight pro-
6 gram”;

7 (B) in each of paragraphs (1), (2), and (3)
8 by striking “paragraphs (4) and (5)” each place
9 it appears and inserting “paragraphs (4), (5),
10 and (6), and section 213(a)”;

11 (C) in paragraph (1), by striking “63.7
12 percent” and inserting “65 percent”;

13 (D) in paragraph (2), by striking “29.3
14 percent” and inserting “29 percent”;

15 (E) in paragraph (3), by striking “7 per-
16 cent” and inserting “6 percent”;

17 (F) in paragraph (4), in the matter pre-
18 ceding subparagraph (A), by striking “deter-
19 mined for the State under subsection (c)” and
20 inserting “remaining under subsection (c) after
21 making the ~~set-aside~~ *set-asides* in accordance
22 with paragraph (5) and section 213(a)”;

23 (G) by redesignating paragraph (5) as
24 paragraph (6);

1 (H) by inserting after paragraph (4) the
2 following:

3 “(5) NATIONAL FREIGHT PROGRAM.—

4 “(A) IN GENERAL.—For the national
5 freight program under section 167, the Sec-
6 retary shall set aside from the amount deter-
7 mined for a State under subsection (c) an
8 amount determined for the State under sub-
9 paragraphs (B) and (C).

10 “(B) TOTAL AMOUNT.—The total amount
11 set aside for the national freight program for
12 all States shall be—

13 “(i) \$2,000,000,000 for fiscal year
14 2016;

15 “(ii) \$2,100,000,000 for fiscal year
16 2017;

17 “(iii) \$2,200,000,000 for fiscal year
18 2018;

19 “(iv) \$2,300,000,000 for fiscal year
20 2019;

21 “(v) \$2,400,000,000 for fiscal year
22 2020; and

23 “(vi) \$2,500,000,000 for fiscal year
24 2021.

1 “(C) STATE SHARE.—The Secretary shall
 2 distribute among the States the total set-aside
 3 amount for the national freight program under
 4 subparagraph (B) so that each State receives
 5 an amount equal to the proportion that—

6 ~~“(i) the total set-aside amount; bears~~
 7 ~~to~~

8 ~~“(ii) the State total apportionments~~
 9 ~~determined under subsection (c).~~

10 “(i) *the total apportionment deter-*
 11 *mined under subsection (c) for a State;*
 12 *bears to*

13 “(ii) *the total apportionments for all*
 14 *States.*

15 “(D) METROPOLITAN PLANNING.—Of the
 16 amount set aside under this paragraph for a
 17 State, the Secretary shall use to carry out sec-
 18 tion 134 an amount determined by multiplying
 19 the set-aside amount by the proportion that—

20 “(i) the amount apportioned to the
 21 State to carry out section 134 for fiscal
 22 year 2009; bears to

23 “(ii) the total amount of funds appor-
 24 tioned to the State for that fiscal year for
 25 the programs referred to in section

1 105(a)(2), except for the high priority
 2 projects program referred to in section
 3 105(a)(2)(H) (as in effect on the day be-
 4 fore the date of enactment of MAP-21
 5 (Public Law 112-141; 126 Stat. 405).”;
 6 and

7 (I) in paragraph (6) (as redesignated by
 8 subparagraph (G)), in the matter preceding
 9 subparagraph (A), by striking “determined for
 10 the State under subsection (c)” and inserting
 11 “remaining under subsection (c) after making
 12 the ~~set-aside~~ *set-asides* in accordance with para-
 13 graph (5) and section 213(a)”;

14 (3) in subsection (c) by adding at the end the
 15 following:

16 “(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

17 “(A) STATE SHARE.—For each of fiscal
 18 years 2016 through 2021, the amount for each
 19 State of combined apportionments for the na-
 20 tional highway performance program under sec-
 21 tion 119, the surface transportation program
 22 under section 133, the highway safety improve-
 23 ment program under section 148, the conges-
 24 tion mitigation and air quality improvement
 25 program under section 149, the national freight

1 program under section 167, the transportation
2 alternatives program under section 213, and to
3 carry out section 134, shall be determined as
4 follows:

5 “(i) INITIAL AMOUNT.—The initial
6 amount for each State shall be determined
7 by multiplying the total amount available
8 for apportionment by the share for each
9 State, which shall be equal to the propor-
10 tion that—

11 “(I) the amount of apportion-
12 ments that the State received for fis-
13 cal year 2014; bears to

14 “(II) the amount of those appor-
15 tionments received by all States for
16 that fiscal year.

17 “(ii) ADJUSTMENTS TO AMOUNTS.—
18 The initial amounts resulting from the cal-
19 culation under clause (i) shall be adjusted
20 to ensure that, for each State, the amount
21 of combined apportionments for the pro-
22 grams shall not be less than 95 percent of
23 the estimated tax payments attributable to
24 highway users in the State paid into the
25 Highway Trust Fund (other than the Mass

1 Transit Account) in the most recent fiscal
2 year for which data are available.

3 “(B) STATE APPORTIONMENT.—For each
4 of fiscal years 2016 through 2021, on October
5 1, the Secretary shall apportion the sum au-
6 thorized to be appropriated for expenditure on
7 the national highway performance program
8 under section 119, the surface transportation
9 program under section 133, the highway safety
10 improvement program under section 148, the
11 congestion mitigation and air quality improve-
12 ment program under section 149, the national
13 freight program under section 167, the trans-
14 portation alternatives program under section
15 213, and to carry out section 134 in accordance
16 with subparagraph (A).”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 104(d)(1)(A) of title 23, United
19 States Code, is amended by striking “subsection
20 (b)(5)” each place it appears and inserting “para-
21 graphs (5)(D) and (6) of subsection (b)”.

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

1 (A) in subparagraph (A), in the matter
2 preceding clause (i), by striking “or (5)” and
3 inserting “(5)(D), or (6)”; and

4 (B) in subparagraph (C)(i), by striking
5 “and (5)” and inserting “(5)(D), and (6)”.

6 (3) Section 135(i) of title 23, United States
7 Code, is amended by striking “section 104(b)(5)”
8 and inserting “paragraphs (5)(D) and (6) of section
9 104(b)”.

10 (4) Section 136(b) of title 23, United States
11 Code, is amended in the first sentence by striking
12 “paragraphs (1) through (5) of section 104(b)” and
13 inserting “paragraphs (1) through (6) of section
14 104(b)”.

15 (5) Section 141(b)(2) of title 23, United States
16 Code, is amended by striking “paragraphs (1)
17 through (5) of section 104(b)” and inserting “para-
18 graphs (1) through (6) of section 104(b)”.

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

23 **SEC. 1004. SURFACE TRANSPORTATION PROGRAM.**

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

1 (1) in subsection (b)—

2 (A) in paragraph (10), by inserting “, in-
3 cluding emergency evacuation plans” after
4 “programs”; and

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

7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking the semi-
9 colon at the end and inserting “or for projects
10 described in paragraphs (2), (4), (6), (7), (11),
11 (20), (25), and (26) of subsection (b); and”;

12 (B) by striking paragraph (2); and

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

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) in the matter preceding clause
19 (i), by striking “50 percent” and in-
20 serting “55 percent”; *and*

21 (II) in clause (ii), by striking
22 “greater than 5,000” and inserting
23 “of 5,000 or more”; and

- 1 (III) in clause (iii), by striking “;
2 and” at the end and inserting a pe-
3 riod; and
4 (ii) in subparagraph (B), by striking
5 “50 percent” and inserting “45 percent”;
6 and
7 (B) in paragraph (3)—
8 (i) by striking “paragraph (1)(A)(ii)”
9 and inserting “paragraph (1)(A)(iii)”; and
10 (ii) by striking “greater than 5,000
11 and less than 200,000” and inserting “of
12 5,000 to 200,000”;
13 (4) in subsection (f)(1)—
14 (A) by striking “104(b)(3)” and inserting
15 “104(b)(2)”; and
16 (B) by striking “the period of fiscal years
17 2011 through 2014” and inserting “each fiscal
18 year”;
19 (5) by redesignating subsection (h) as sub-
20 section (i);
21 (6) in subsection (g)—
22 (A) by striking the subsection designation
23 and heading and all that follows through para-
24 graph (1) and inserting the following:

1 “(g) BRIDGES OFF THE NATIONAL HIGHWAY SYS-
2 TEM.—

3 “(1) DEFINITION OF OFF-NHS BRIDGE.—In
4 this subsection, the term ‘off-NHS bridge’ means a
5 highway bridge located on a public road, other than
6 a bridge on the National Highway System.”; and

7 (B) in paragraph (2)—

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

10 “(A) SET-ASIDE.—Each State shall obli-
11 gate for replacement (including replacement
12 with fill material), rehabilitation, preservation,
13 and protection (including scour counter-
14 measures, seismic retrofits, impact protection
15 measures, security countermeasures, and pro-
16 tection against extreme events) for off-NHS
17 bridges an amount equal to the greater of—

18 “(i) 15 percent of the amount appor-
19 tioned to the State under section
20 104(b)(2); and

21 “(ii) an amount equal to at least 110
22 percent of the amount of funds ~~the State~~
23 ~~set aside for off-system bridges in fiscal~~
24 ~~year 2014 set aside for bridges not on Fed-~~

1 *eral-aid highways in the State for fiscal*
2 *year 2014.”; and*

3 (ii) in subparagraph (B), by striking
4 “off-system” and inserting “off-NHS”;
5 and

6 (C) by redesignating paragraph (3) as sub-
7 section (h);

8 (7) in subsection (h) (as so redesignated)—

9 (A) by striking the heading and inserting
10 “CREDIT FOR BRIDGES NOT ON THE NA-
11 TIONAL HIGHWAY SYSTEM.—”;

12 (B) by redesignating subparagraphs (A)
13 and (B) as paragraphs (1) and (2), respectively,
14 and indenting appropriately; and

15 (C) in the matter preceding paragraph (1)
16 (as so redesignated)—

17 (i) by striking “the replacement of a
18 bridge or rehabilitation of”; and

19 (ii) by striking “, and is determined
20 by the Secretary upon completion to be no
21 longer a deficient bridge”; and

22 (8) in subsection (i)(1) (as redesignated by
23 paragraph (5)), by striking “under subsection
24 (d)(1)(A)(iii) for each of fiscal years 2013 through

1 2014” and inserting “under subsection (d)(1)(A)(ii)
2 for each fiscal year”.

3 **SEC. 1005. METROPOLITAN TRANSPORTATION PLANNING.**

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

6 (1) in subsection (a)(1), by inserting “resilient”
7 before “surface transportation systems”;

8 (2) in subsection (c)(2), by striking “and bicy-
9 cle transportation facilities” and inserting “, bicycle
10 transportation facilities, intermodal facilities that
11 support intercity transportation, including intercity
12 buses and intercity bus facilities, and commuter van-
13 pool providers”;

14 (3) in subsection (d)—

15 (A) by redesignating paragraphs (3)
16 through (6) as paragraphs (4) through (7), re-
17 spectively;

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

20 “(3) REPRESENTATION.—

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

1 “(B) PUBLIC TRANSPORTATION REP-
2 RESENTATIVE.—Subject to the bylaws or ena-
3 bling statute of the metropolitan planning orga-
4 nization, a representative of a provider of public
5 transportation may also serve as a representa-
6 tive of a local municipality.

7 “(C) POWERS OF CERTAIN OFFICIALS.—
8 An official described in paragraph (2)(B) shall
9 have responsibilities, actions, duties, voting
10 rights, and any other authority commensurate
11 with other officials described in paragraph
12 (2)(B).”; and

13 (C) in paragraph (5) (as redesignated by
14 subparagraph (A)), by striking “paragraph (5)”
15 and inserting “paragraph (6)”;

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

18 (5) in subsection (g)(3)(A), by inserting “nat-
19 ural disaster risk reduction,” after “environmental
20 protection,”;

21 (6) in subsection (h)—

22 (A) in paragraph (1)—

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

1 (ii) in subparagraph (H), by striking
2 the period at the end and inserting “;
3 and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(I) improve the resilience and reliability
7 of the transportation system.”; and

8 (B) in paragraph (2)(A), by striking “and
9 in section 5301(c) of title 49” and inserting
10 “and the general purposes described in section
11 5301 of title 49”;

12 (7) in subsection (i)—

13 (A) in paragraph (2)—

14 (i) in subparagraph (A)(i), by striking
15 “transit” and inserting “public transpor-
16 tation facilities, intercity bus facilities”;

17 (ii) in subparagraph (G)—

18 (I) by striking “and provide” and
19 inserting “, provide”; and

20 (II) by inserting “, and reduce
21 vulnerability due to natural disasters
22 of the existing transportation infra-
23 structure” before the period at the
24 end; and

- 1 (iii) in subparagraph (H), by inserting
2 “, including consideration of the role that
3 intercity buses may play in reducing con-
4 gestion, pollution, and energy consumption
5 in a cost-effective manner and strategies
6 and investments that preserve and enhance
7 intercity bus systems, including systems
8 that are privately owned and operated” be-
9 fore the period at the end;
- 10 (B) in paragraph (6)(A)—
- 11 (i) by inserting “public ports,” before
12 “freight shippers,”; and
- 13 (ii) by inserting “(including intercity
14 bus operators and commuter vanpool pro-
15 viders)” after “private providers of trans-
16 portation”; and
- 17 (C) in paragraph (8), by striking “(2)(C)”
18 each place it appears and inserting “(2)(E)”;
- 19 (8) in subsection (j)(5)(A), by striking “sub-
20 section (k)(4)” and inserting “subsection (k)(3)”;
- 21 (9) in subsection (k)—
- 22 (A) by striking paragraph (3); and
- 23 (B) by redesignating paragraphs (4) and
24 (5) as paragraphs (3) and (4), respectively;
- 25 (10) in subsection (l)—

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

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

6 (11) by striking subsection (n);

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

9 (13) in subsection (o) (as so redesignated), by
10 striking “set aside under section 104(f)” and insert-
11 ing “apportioned under paragraphs (5)(D) and (6)
12 of section 104(b)”~~;~~ *and*

13 (14) *by adding at the end the following:*

14 “(q) *TREATMENT OF LAKE TAHOE REGION.—*

15 “(1) *DEFINITION OF LAKE TAHOE REGION.—In*
16 *this subsection, the term ‘Lake Tahoe Region’ has the*
17 *meaning given the term ‘region’ in subsection (a) of*
18 *Article II of the Lake Tahoe Regional Planning Com-*
19 *pact (Public Law 96–551; 94 Stat. 3234).*

20 “(2) *TREATMENT.—For the purpose of this title,*
21 *the Lake Tahoe Region shall be treated as—*

22 “(A) *a metropolitan planning organization;*

23 “(B) *a transportation management area*
24 *under subsection (k); and*

1 “(C) *an urbanized area, which is comprised*
2 *of a population of 145,000 in the State of Cali-*
3 *ifornia and a population of 65,000 in the State*
4 *of Nevada.*

5 “(3) *SUBALLOCATED FUNDING.—*

6 “(A) *SECTION 133.—When determining the*
7 *amount under subparagraph (A) of section*
8 *133(d)(1) that shall be obligated for a fiscal year*
9 *in the States of California and Nevada under*
10 *clauses (i), (ii), and (iii) of that subparagraph,*
11 *the Secretary shall, for each of those States—*

12 “(i) *calculate the population under*
13 *each of those clauses;*

14 “(ii) *decrease the amount under section*
15 *133(d)(1)(A)(iii) by the population specified*
16 *in paragraph (2) of this subsection for the*
17 *Lake Tahoe Region in that State; and*

18 “(iii) *increase the amount under sec-*
19 *tion 133(d)(1)(A)(i) by the population spec-*
20 *ified in paragraph (2) of this subsection for*
21 *the Lake Tahoe Region in that State.*

22 “(B) *SECTION 213.—When determining the*
23 *amount under paragraph (1) of section 213(c)*
24 *that shall be obligated for a fiscal year in the*
25 *States of California and Nevada under subpara-*

1 *graphs (A), (B), and (C) of that paragraph, the*
 2 *Secretary shall, for each of those States—*

3 “(i) *calculate the population under*
 4 *each of those subparagraphs;*

5 “(ii) *decrease the amount under section*
 6 *213(c)(1)(C) by the population specified in*
 7 *paragraph (2) of this subsection for the*
 8 *Lake Tahoe Region in that State; and*

9 “(iii) *increase the amount under sec-*
 10 *tion 213(c)(1)(A) by the population speci-*
 11 *fied in paragraph (2) of this subsection for*
 12 *the Lake Tahoe Region in that State.”.*

13 **SEC. 1006. STATEWIDE AND NONMETROPOLITAN TRANS-**
 14 **PORTATION PLANNING.**

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

17 (1) in subsection (a)(2), by striking “and bicy-

18 ele transportation facilities” and inserting “, bicycle

19 transportation facilities, intermodal facilities that

20 support intercity transportation, including intercity

21 buses and intercity bus facilities, and commuter van-

22 pool providers”;

23 (2) in subsection (d)—

24 (A) in paragraph (1)—

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

3 (ii) in subparagraph (H), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(I) improve the resilience and reliability
9 of the transportation system.”; and

10 (B) in paragraph (2)(A), by striking “and
11 in section 5301(c) of title 49” and inserting
12 “and the general purposes described in section
13 5301 of title 49”;

14 (3) in subsection (e)(1), by striking “subsection
15 (m)” and inserting “subsection (l)”;

16 (4) in subsection (f)—

17 (A) in paragraph (2)(B)(i), by striking
18 “subsection (m)” and inserting “subsection
19 (l)”;

20 (B) in paragraph (3)(A)—

21 (i) in clause (i), by striking “sub-
22 section (m)” and inserting “subsection
23 (l)”;

24 (ii) in clause (ii), by inserting “(in-
25 cluding intercity bus operators and com-

1 muter vanpool providers)” after “private
2 providers of transportation”;

3 (C) in paragraph (7), in the matter pre-
4 ceeding subparagraph (A), by striking “should”
5 and inserting “shall”; and

6 (D) in paragraph (8), by inserting “, in-
7 cluding consideration of the role that intercity
8 buses may play in reducing congestion, pollu-
9 tion, and energy consumption in a cost-effective
10 manner and strategies and investments that
11 preserve and enhance intercity bus systems, in-
12 cluding systems that are privately owned and
13 operated” before the period at the end;

14 (5) in subsection (g)—

15 (A) in paragraph (2)(B)(i), by striking
16 “subsection (m)” and inserting “subsection
17 (l)”;

18 (B) in paragraph (3)—

19 (i) by inserting “public ports,” before
20 “freight shippers”; and

21 (ii) by inserting “(including intercity
22 bus operators),” after “private providers of
23 transportation”; and

24 (C) in paragraph (6)(A), by striking “sub-
25 section (m)” and inserting “subsection (l)”;

1 (6) by striking subsection (j); and

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

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

7 **SEC. 1007. HIGHWAY USE TAX EVASION PROJECTS.**

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

11 “(A) IN GENERAL.—From administrative
12 funds made available under section 104(a), the
13 Secretary shall deduct such sums as are nec-
14 essary, not to exceed \$4,000,000 for each fiscal
15 year, to carry out this section.”.

16 **SEC. 1008. BUNDLING OF BRIDGE PROJECTS.**

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

19 (1) in subsection (c)(2)(A), by striking “the
20 natural condition of the bridge” and inserting “the
21 natural condition of the water”;

22 (2) by redesignating subsection (j) as sub-
23 section (k);

24 (3) by inserting after subsection (i) the fol-
25 lowing:

1 “(j) BUNDLING OF BRIDGE PROJECTS.—

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

5 “(2) DEFINITION OF ELIGIBLE ENTITY.—In
6 this subsection, the term ‘eligible entity’ means an
7 entity eligible to carry out a bridge project under
8 section 119 or 133.

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

12 “(A) eligible projects under section 119 or
13 133;

14 “(B) included as a bundled project in a
15 transportation improvement program under sec-
16 tion 134(j) or a statewide transportation im-
17 provement program under section 135, as appli-
18 cable; and

19 “(C) awarded to a single contractor or con-
20 sultant pursuant to a contract for engineering
21 and design or construction between the con-
22 tractor and an eligible entity.

23 “(4) ITEMIZATION.—Notwithstanding any other
24 provision of law (including regulations), an eligible

1 bridge project included in a bundle under this sub-
2 section may be listed as—

3 “(A) 1 project for purposes of sections 134
4 and 135; and

5 “(B) a single project within the applicable
6 bundle.

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

10 “(A) the same funding category or sub-
11 category; and

12 “(B) the same Federal share.”; and

13 (4) in subsection (k)(2) (as redesignated by
14 paragraph (2)), by striking “104(b)(3)” and insert-
15 ing “104(b)(2)”.

16 **SEC. 1009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND**
17 **BRIDGE PROJECTS.**

18 (a) AUTHORITY.—With respect to rural road and
19 rural bridge projects eligible for funding under title 23,
20 United States Code, subject to the provisions of this sec-
21 tion and on request by a State, the Secretary may—

22 (1) exercise all existing flexibilities under and
23 exceptions to—

24 (A) the requirements of title 23, United
25 States Code; and

1 (B) other requirements administered by
2 the Secretary, in whole or part; and

3 (2) otherwise provide additional flexibility or ex-
4 pedited processing with respect to the requirements
5 described in paragraph (1).

6 (b) TYPES OF PROJECTS.—A rural road or rural
7 bridge project under this section shall—

8 (1) be located in a county that, based on the
9 most recent decennial census—

10 (A) has a population density of ~~20~~ 80 or
11 fewer persons per square mile of land area; or

12 (B) is the county that has the lowest popu-
13 lation density of all counties in the State;

14 (2) be located within the operational right-of-
15 way (as defined in section 1316(b) of MAP-21 (23
16 U.S.C. 109 note; 126 Stat. 549)) of an existing road
17 or bridge; and

18 (3)(A) receive less than \$5,000,000 of Federal
19 funds; or

20 (B) have a total estimated cost of not more
21 than \$30,000,000 and Federal funds com-
22 prising less than 15 percent of the total esti-
23 mated project cost.

24 (c) PROCESS TO ASSIST RURAL PROJECTS.—

1 (1) ASSISTANCE WITH FEDERAL REQUIRE-
2 MENTS.—

3 (A) IN GENERAL.—For projects under this
4 section, the Secretary shall seek to provide, to
5 the maximum extent practicable, regulatory re-
6 lief and flexibility consistent with this section.

7 (B) EXCEPTIONS, EXEMPTIONS, AND ADDI-
8 TIONAL FLEXIBILITY.—Exceptions, exemptions,
9 and additional flexibility from regulatory re-
10 quirements may be granted if, in the opinion of
11 the Secretary—

12 (i) the project is not expected to have
13 a significant adverse impact on the envi-
14 ronment;

15 (ii) the project is not expected to have
16 an adverse impact on safety; and

17 (iii) the assistance would be in the
18 public interest for 1 or more reasons, in-
19 cluding—

20 (I) reduced project costs;

21 (II) expedited construction, par-
22 ticularly in an area where the con-
23 struction season is relatively short and
24 not granting the waiver or additional

1 flexibility could delay the project to a
2 later construction season; or

3 (III) improved safety.

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

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

8 (B) supersedes, amends, or modifies—

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

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

14 (C) affects the responsibility of any Fed-
15 eral officer to comply with or enforce any law
16 or requirement described in this paragraph.

17 **SEC. 1010. CONSTRUCTION OF FERRY BOATS AND FERRY**
18 **TERMINAL FACILITIES.**

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

22 (1) in subsection (a), by striking “IN GEN-
23 ERAL” and inserting “PROGRAM”;

24 (2) by striking subsections (d) through (g) and
25 inserting the following:

1 “(d) FORMULA.—Of the amounts allocated under
2 subsection (c)—

3 “(1) 35 percent shall be allocated among eligi-
4 ble entities in the proportion that—

5 “(A) the number of ferry passengers, in-
6 cluding passengers in vehicles, carried by each
7 ferry system in the most recent calendar year
8 for which data is available; bears to

9 “(B) the number of ferry passengers, in-
10 cluding passengers in vehicles, carried by all
11 ferry systems in the most recent calendar year
12 for which data is available;

13 “(2) 35 percent shall be allocated among eligi-
14 ble entities in the proportion that—

15 “(A) the number of vehicles carried by
16 each ferry system in the most recent calendar
17 year for which data is available; bears to

18 “(B) the number of vehicles carried by all
19 ferry systems in the most recent calendar year
20 for which data is available; and

21 “(3) 30 percent shall be allocated among eligi-
22 ble entities in the proportion that—

23 “(A) the total route nautical miles serviced
24 by each ferry system in the most recent cal-
25 endar year for which data is available; bears to

1 “(B) the total route nautical miles serviced
2 by all ferry systems in the most recent calendar
3 year for which data is available.

4 “(e) REDISTRIBUTION OF UNOBLIGATED
5 AMOUNTS.—The Secretary shall—

6 “(1) withdraw amounts allocated to an eligible
7 entity under subsection (c) that remain unobligated
8 by the end of the third fiscal year following the fiscal
9 year for which the amounts were allocated; and

10 “(2) in the subsequent fiscal year, redistribute
11 the funds referred to in paragraph (1) in accordance
12 with the formula under subsection (d) among eligible
13 entities for which no amounts were withdrawn under
14 paragraph (1).

15 “(f) MINIMUM AMOUNT.—Notwithstanding sub-
16 section (c), a State with an eligible entity that meets the
17 requirements of this section shall receive not less than
18 \$100,000 under this section for a fiscal year.

19 “(g) IMPLEMENTATION.—

20 “(1) DATA COLLECTION.—

21 “(A) NATIONAL FERRY DATABASE.—
22 Amounts made available for a fiscal year under
23 this section shall be allocated using the most re-
24 cent data available, as collected and imputed in
25 accordance with the national ferry database es-

1 tablished under section 1801(e) of SAFETEA-
2 LU (23 U.S.C. 129 note; 119 Stat. 1456).

3 “(B) ELIGIBILITY FOR FUNDING.—To be
4 eligible to receive funds under subsection (c),
5 data shall have been submitted in the most re-
6 cent collection of data for the national ferry
7 database under section 1801(e) of SAFETEA-
8 LU (23 U.S.C. 129 note; 119 Stat. 1456) for
9 at least 1 ferry service within the State.

10 “(2) ADJUSTMENTS.—On review of the data
11 submitted under paragraph (1)(B), the Secretary
12 may make adjustments to the data as the Secretary
13 determines necessary to correct misreported or in-
14 consistent data.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated out of the Highway Trust
17 Fund (other than the Mass Transit Account) to carry out
18 this section \$75,000,000 for each of fiscal years 2016
19 through 2021.

20 “(i) PERIOD OF AVAILABILITY.—Notwithstanding
21 section 118(b), funds made available to carry out this sec-
22 tion shall remain available until expended.

23 “(j) APPLICABILITY.—All provisions of this chapter
24 that are applicable to the National Highway System, other
25 than provisions relating to apportionment formula and

1 Federal share, shall apply to funds made available to carry
2 out this section, except as determined by the Secretary
3 to be inconsistent with this section.”.

4 (b) NATIONAL FERRY DATABASE.—Section
5 1801(e)(4) of SAFETEA-LU (23 U.S.C. 129 note; 119
6 Stat. 1456) is amended by striking subparagraph (D) and
7 inserting the following:

8 “(D) make available, from the amounts
9 made available for each fiscal year to carry out
10 chapter 63 of title 49, not more than \$500,000
11 to maintain the database.”.

12 (c) CONFORMING AMENDMENTS.—Section 129(c) of
13 title 23, United States Code, is amended—

14 (1) in paragraph (2), in the first sentence, by
15 inserting “, or on a public transit ferry eligible
16 under chapter 53 of title 49” after “Interstate Sys-
17 tem”;

18 (2) in paragraph (3)—

19 (A) by striking “(3) Such ferry” and in-
20 serting “(3)(A) The ferry”; and

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

22 “(B) Any Federal participation shall not
23 involve the construction or purchase, for private
24 ownership, of a ferry boat, ferry terminal facil-

1 ity, or other eligible project under this sec-
2 tion.”;

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

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

7 “(6) The ferry service shall be maintained in
8 accordance with section 116.

9 “(7)(A) No ferry boat or ferry terminal with
10 Federal participation under this title may be sold,
11 leased, or otherwise disposed of, except in accord-
12 ance with part 18 of title 49, Code of Federal Regu-
13 lations (as in effect on December 18, 2014).

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

17 **SEC. 1011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

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

20 (1) in subsection (a)—

21 (A) in paragraph (4)(B)—

22 (i) in the matter preceding clause (i),
23 by striking “includes, but is not limited
24 to,” and inserting “only includes”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(xxv) Installation of vehicle-to-infra-
4 structure communication equipment.

5 “(xxvi) Pedestrian hybrid beacons.

6 “(xxvii) Roadway improvements that
7 provide separation between pedestrians and
8 motor vehicles, including medians and pe-
9 destrian crossing islands.

10 “(xxviii) An infrastructure safety
11 project not described in clauses (i) through
12 (xxvii).”; and

13 (B) by striking paragraph (10) and redesi-
14 gnating paragraphs (11) through (13) as para-
15 graphs (10) through (12), respectively;

16 (2) in subsection (c)(1)(A), by striking “sub-
17 section (a)(12)” and inserting “subsection (a)(11)”;

18 (3) in subsection (d)(2)(B)(i), by striking “sub-
19 section (a)(12)” and inserting “subsection (a)(11)”;
20 and

21 (4) in subsection (g)(1)—

22 (A) by striking “increases” and inserting
23 “does not decrease”; and

24 (B) by inserting “and exceeds the national
25 fatality rate on rural roads,” after “available,”.

1 **SEC. 1012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.**

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

4 “(k) DATA COLLECTION ON UNPAVED PUBLIC
5 ROADS.—

6 “(1) IN GENERAL.—A State may elect not to
7 collect fundamental data elements for the model in-
8 ventory of roadway elements on public roads that
9 are gravel roads or otherwise unpaved if—

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

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

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

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

21 “(2) CALCULATION.—The percentages de-
22 scribed in paragraph (1) shall be based on the aver-
23 age for the 5 most recent years for which relevant
24 data is available.

25 “(3) USE OF FUNDS.—If a State elects not to
26 collect data on a road described in paragraph (1),

1 the State shall not use funds provided to carry out
 2 this section for a project on that road until the State
 3 completes a collection of the required model inven-
 4 tory of roadway elements for the road.”.

5 **SEC. 1013. CONGESTION MITIGATION AND AIR QUALITY IM-**
 6 **PROVEMENT PROGRAM.**

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

9 (1) in subsection (b)—

10 (A) in paragraph (1)(A)(i)(I), by inserting
 11 “in the designated nonattainment area” after
 12 “air quality standard”;

13 (B) in paragraph (3), by inserting “or
 14 maintenance” after “likely to contribute to the
 15 attainment”;

16 (C) in paragraph (4), by striking “attain-
 17 ment of” and inserting “attainment or mainte-
 18 nance of the area of”;

19 (D) in paragraph (8)(A)(ii)—

20 (i) in the matter preceding subclause
 21 (I), by inserting “or port-related freight
 22 operations” after “construction projects”;
 23 and

24 (ii) in subclause (II), by inserting “or
 25 chapter 53 of title 49” after “this title”;

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

4 (3) in subsection (d)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in the matter preceding clause

8 (i), by inserting “would otherwise be

9 eligible under subsection (b) if the

10 project were carried out in a non-

11 attainment or maintenance area or”

12 after “may use for any project that”;

13 and

14 (II) in clause (i), by striking

15 “(excluding the amount of funds re-

16 served under paragraph (1))”; and

17 (ii) in subparagraph (B)(i), by strik-

18 ing “MAP-21t” and inserting “MAP-21”;

19 and

20 (B) in paragraph (3), by inserting “, in a

21 manner consistent with the approach that was

22 in effect on the day before the date of enact-

23 ment of MAP-21,” after “the Secretary shall

24 modify”;

25 (4) in subsection (g)—

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

3 (B) in paragraph (3)—

4 (i) by striking “States and metropoli-
5 tan” and inserting the following:

6 “(A) IN GENERAL.—States and metropoli-
7 tan”;

8 (ii) by striking “are proven to reduce”
9 and inserting “reduce directly emitted”;
10 and

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

13 “(B) USE OF PRIORITY FUNDING.—To the
14 maximum extent practicable, PM2.5 priority
15 funding shall be used on the most cost-effective
16 projects and programs that are proven to re-
17 duce directly emitted fine particulate matter.”;

18 (5) in subsection (k)—

19 (A) in paragraph (1)—

20 (i) by striking “that has a nonattain-
21 ment or maintenance area” and inserting
22 “that has 1 or more nonattainment or
23 maintenance areas”;

24 (ii) by striking “a nonattainment or
25 maintenance area that are” and inserting

1 “the nonattainment or maintenance areas
2 that are”;

3 (iii) by striking “such area” both
4 places it appears and inserting “such
5 areas”; and

6 (iv) by striking “such fine particu-
7 late” and inserting “directly-emitted fine
8 particulate”;

9 (B) in paragraph (2), by striking “highway
10 construction” and inserting “transportation
11 construction”; and

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

13 “(3) PM_{2.5} NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

14
15 “(A) EXCEPTION.—In any State with a
16 population density of ~~75~~ 80 or fewer persons
17 per square mile of land area, based on the most
18 recent decennial census, the requirements under
19 subsection (g)(3) and paragraphs (1) and (2) of
20 this subsection shall not apply to a nonattain-
21 ment or maintenance area in the State if—

22 “(i) the nonattainment or mainte-
23 nance area does not have projects that are
24 part of the emissions analysis of a metro-

1 politan transportation plan or transpor-
2 tation improvement program; and

3 “(ii) regional motor vehicle emissions
4 are an insignificant contributor to the air
5 quality problem for PM_{2.5} in the non-
6 attainment or maintenance area.

7 “(B) CALCULATION.—If subparagraph (A)
8 applies to a nonattainment or maintenance area
9 in a State, the percentage of the PM_{2.5} set-
10 aside under paragraph (1) shall be reduced for
11 that State proportionately based on the weight-
12 ed population of the area in fine particulate
13 matter nonattainment.

14 “(4) PORT-RELATED EQUIPMENT AND VEHI-
15 CLES.—To meet the requirements under paragraph
16 (1), a State or metropolitan planning organization
17 may elect to obligate funds to the most cost-effective
18 projects to reduce emissions from port-related
19 landside nonroad or on-road equipment that is oper-
20 ated within the boundaries of a PM_{2.5} nonattain-
21 ment or maintenance area.”;

22 (6) in subsection (l)(1)(B), by inserting “air
23 quality and traffic congestion” before “performance
24 targets”; and

1 (7) in subsection (m), by striking “section
2 104(b)(2)” and inserting “section 104(b)(4)”.

3 **SEC. 1014. NATIONAL FREIGHT PROGRAM.**

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

6 **“§ 167. National freight program**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—It is the policy of the
9 United States to improve the condition and perform-
10 ance of the national highway freight network to en-
11 sure that the national freight network provides the
12 foundation for the United States to compete in the
13 global economy and achieve each goal described in
14 subsection (b).

15 “(2) ESTABLISHMENT.—In support of the goals
16 described in subsection (b), the Secretary shall es-
17 tablish a national freight program in accordance
18 with this section to improve the efficient movement
19 of freight on the national highway freight network.

20 “(b) GOALS.—The goals of the national freight pro-
21 gram are—

22 “(1) to invest in infrastructure improvements
23 and to implement operational improvements on the
24 highways of the United States that—

1 “(A) strengthen the contribution of the na-
2 tional highway freight network to the economic
3 competitiveness of the United States;

4 “(B) reduce congestion and relieve bottle-
5 necks in the freight transportation system;

6 “(C) reduce the cost of freight transpor-
7 tation;

8 “(D) improve the reliability of freight
9 transportation; and

10 “(E) increase productivity, particularly for
11 domestic industries and businesses that create
12 high-value jobs;

13 “(2) to improve the safety, security, efficiency,
14 and resiliency of freight transportation in rural and
15 urban areas;

16 “(3) to improve the state of good repair of the
17 national highway freight network;

18 “(4) to use advanced technology to improve the
19 safety and efficiency of the national highway freight
20 network;

21 “(5) to incorporate concepts of performance, in-
22 novation, competition, and accountability into the
23 operation and maintenance of the national highway
24 freight network;

1 “(6) to improve the efficiency and productivity
2 of the national highway freight network; and

3 “(7) to reduce the environmental impacts of
4 freight movement.

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

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a national highway freight network in accord-
9 ance with this section to assist States in strategically
10 directing resources toward improved system perform-
11 ance for efficient movement of freight on highways.

12 “(2) NETWORK COMPONENTS.—The national
13 highway freight network shall consist of—

14 “(A) the primary highway freight system,
15 as designated under subsection (d);

16 “(B) critical rural freight corridors estab-
17 lished under subsection (e);

18 “(C) critical urban freight corridors estab-
19 lished under subsection (f); and

20 “(D) the portions of the Interstate System
21 not designated as part of the primary highway
22 freight system, including designated future
23 Interstate System routes as of the date of en-
24 actment of the DRIVE Act.

1 “(d) DESIGNATION AND REDESIGNATION OF THE
2 PRIMARY HIGHWAY FREIGHT SYSTEM.—

3 “(1) INITIAL DESIGNATION OF PRIMARY HIGH-
4 WAY FREIGHT SYSTEM.—The initial designation of
5 the primary highway freight system shall be—

6 “(A) the network designated by the Sec-
7 retary under section 167(d) of title 23, United
8 States Code, as in effect on the day before the
9 date of enactment of the DRIVE Act; and

10 “(B) all National Highway System freight
11 intermodal connectors.

12 “(2) REDESIGNATION OF PRIMARY HIGHWAY
13 FREIGHT SYSTEM.—

14 “(A) IN GENERAL.—Beginning on the date
15 that is 1 year after the date of enactment of the
16 DRIVE Act and every 5 years thereafter, using
17 the designation factors described in subpara-
18 graph (E), the Secretary shall redesignate the
19 primary highway freight system (including any
20 additional mileage added to the primary high-
21 way freight system under this paragraph as of
22 the date on which the redesignation process is
23 effective).

24 “(B) MILEAGE.—

1 “(i) FIRST REDESIGNATION.—In re-
2 designating the primary highway freight
3 system on the date that is 1 year after the
4 date of enactment of the DRIVE Act, the
5 Secretary shall limit the system to 30,000
6 centerline miles, without regard to the
7 connectivity of the primary highway freight
8 system.

9 “(ii) SUBSEQUENT REDESIGNA-
10 TIONS.—Each redesignation after the re-
11 designation described in clause (i), the Sec-
12 retary may increase the primary highway
13 freight system by up to 5 percent of the
14 total mileage of the system, without regard
15 to the connectivity of the primary highway
16 freight system.

17 “(C) CONSIDERATIONS.—

18 “(i) IN GENERAL.—In redesignating
19 the primary highway freight system, to the
20 maximum extent practicable, the Secretary
21 shall use measurable data to assess the
22 significance of goods movement, including
23 consideration of points of origin, destina-
24 tion, and linking components of the United
25 States global and domestic supply chains.

1 “(ii) INTERMODAL CONNECTORS.—In
2 redesignating the primary highway freight
3 system, the Secretary shall include all Na-
4 tional Highway System freight intermodal
5 connectors.

6 “(D) INPUT.—In addition to the process
7 provided to State freight advisory committees
8 under paragraph (3), in redesignating the pri-
9 mary highway freight system, the Secretary
10 shall provide an opportunity for State freight
11 advisory committees to submit additional miles
12 for consideration.

13 “(E) FACTORS FOR REDESIGNATION.—In
14 redesignating the primary highway freight sys-
15 tem, the Secretary shall consider—

16 “(i) the origins and destinations of
17 freight movement in, to, and from the
18 United States;

19 “(ii) land and water ports of entry;

20 “(iii) access to energy exploration, de-
21 velopment, installation, or production
22 areas;

23 “(iv) proximity of access to other
24 freight intermodal facilities, including rail,
25 air, water, and pipelines;

1 “(v) the total freight tonnage and
2 value moved via highways;

3 “(vi) significant freight bottlenecks, as
4 identified by the Secretary;

5 “(vii) the annual average daily truck
6 traffic on principal arterials; and

7 “(viii) the significance of goods move-
8 ment on principal arterials, including con-
9 sideration of global and domestic supply
10 chains.

11 “(3) STATE FLEXIBILITY FOR ADDITIONAL
12 MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after each redesignation conducted by the Sec-
15 retary under paragraph (2), each *State, under*
16 *the advisement of the* State freight advisory
17 committee, as established in accordance with
18 subsection (n), may increase the number of
19 miles designated as part of the primary high-
20 way freight system in that State by not more
21 than 10 percent of the miles designated in that
22 State under this subsection if the additional
23 miles—

24 “(i) close gaps between primary high-
25 way freight system segments;

1 “(ii) establish connections of the pri-
2 mary highway freight system critical to the
3 efficient movement of goods, including
4 ports, international border crossings, air-
5 ports, intermodal facilities, logistics cen-
6 ters, warehouses, and agricultural facili-
7 ties; or

8 “(iii) designate critical emerging
9 freight routes.

10 “(B) CONSIDERATIONS.—Each *State*,
11 *under the advisement of the* State freight advi-
12 sory committee that increases the number of
13 miles on the primary highway freight system
14 under subparagraph (A) shall—

15 “(i) consider nominations for the ad-
16 ditional miles from metropolitan planning
17 organizations within the State;

18 “(ii) ensure that the additional miles
19 are consistent with the freight plan of the
20 State; and

21 “(iii) review the primary highway
22 freight system of the State designated
23 under paragraph (1) and redesignate miles
24 in a manner that is consistent with para-
25 graph (2).

1 “(C) SUBMISSION.—Each *State, under the*
2 *advisement of the State* freight advisory com-
3 mittee shall—

4 “(i) submit to the Secretary a list of
5 the additional miles added under this sub-
6 section; and

7 “(ii) certify that—

8 “(I) the additional miles meet the
9 requirements of subparagraph (A);
10 and

11 “(II) the *State, under the advise-*
12 *ment of 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;

1 “(iii) serves a major freight generator, lo-
2 gistic center, or manufacturing and warehouse
3 industrial land; or

4 “(iv) is important to the movement of
5 freight within the region, as determined by the
6 metropolitan planning organization or the
7 State.

8 “(g) DESIGNATION AND CERTIFICATION.—

9 “(1) DESIGNATION.—States and metropolitan
10 planning organizations may designate corridors
11 under subsections (e) and (f) and submit the des-
12 ignated corridors to the Secretary on a rolling basis.

13 “(2) CERTIFICATION.—Each State or metro-
14 politan planning organization that designates a cor-
15 ridor under subsection (e) or (f) shall certify to the
16 Secretary that the designated corridor meets the re-
17 quirements of the applicable subsection.

18 “(h) NATIONAL FREIGHT STRATEGIC PLAN.—

19 “(1) INITIAL DEVELOPMENT OF NATIONAL
20 FREIGHT STRATEGIC PLAN.—Not later than 3 years
21 after the date of enactment of the DRIVE Act, the
22 Secretary, in consultation with State departments of
23 transportation, metropolitan planning organizations,
24 and other appropriate public and private transpor-
25 tation 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.—

1 “(A) STATES WITH HIGH PRIMARY HIGH-
2 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
3 portion of a State under paragraph (2) is great-
4 er than or equal to 3 percent, the State may ob-
5 ligate funds apportioned to the State under sec-
6 tion 104(b)(5) for projects on—

7 “(i) the primary highway freight sys-
8 tem;

9 “(ii) critical rural freight corridors;
10 and

11 “(iii) critical urban freight corridors.

12 “(B) STATES WITH LOW PRIMARY HIGH-
13 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
14 portion of a State under paragraph (2) is less
15 than 3 percent, the State may obligate funds
16 apportioned to the State under section
17 104(b)(5) for projects on any component of the
18 national highway freight network.

19 “(4) FREIGHT PLANNING.—Notwithstanding
20 any other provision of law, effective beginning 2
21 years after the date of enactment of the DRIVE
22 Act, a State may not obligate funds apportioned to
23 the State under section 104(b)(5) unless the State
24 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.

1 “(xvi) Highway ramp metering.

2 “(xvii) Electronic cargo and border se-
3 curity technologies that improve truck
4 freight movement.

5 “(xviii) Intelligent transportation sys-
6 tems that would increase truck freight effi-
7 ciencies inside the boundaries of inter-
8 modal facilities.

9 “(xix) Additional road capacity to ad-
10 dress highway freight bottlenecks.

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

15 “(xxi) Any other surface transpor-
16 tation project to improve the flow of
17 freight into and out of a facility described
18 in subparagraph (B).

19 “(6) OTHER ELIGIBLE COSTS.—In addition to
20 the eligible projects identified in paragraph (5), a
21 State may use funds apportioned under section
22 104(b)(5) for—

23 “(A) carrying out diesel retrofit or alter-
24 native fuel projects under section 149 for class
25 8 vehicles; and

1 “(B) the necessary costs of—

2 “(i) conducting analyses and data col-
3 lection related to the national freight pro-
4 gram;

5 “(ii) developing and updating per-
6 formance targets to carry out this section;
7 and

8 “(iii) reporting to the Secretary to
9 comply with section 150.

10 “(7) APPLICABILITY OF PLANNING REQUIRE-
11 MENTS.—Programming and expenditure of funds for
12 projects under this section shall be consistent with
13 the requirements of sections 134 and 135.

14 “(1) STATE PERFORMANCE TARGETS.—If the Sec-
15 retary determines that a State has not met or made sig-
16 nificant progress toward meeting the performance targets
17 related to freight movement of the State established under
18 section 150(d) by the date that is 2 years after the date
19 of the establishment of the performance targets, until the
20 date on which the Secretary determines that the State has
21 met or has made significant progress towards meeting the
22 performance targets, the State shall submit to the Sec-
23 retary, on a biennial basis, a freight performance improve-
24 ment 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 “(E) a description of how innovative tech-
4 nologies and operational strategies, including in-
5 telligent transportation systems, that improve
6 the safety and efficiency of freight movement,
7 were considered;

8 “(F) in the case of routes on which travel
9 by heavy vehicles (including mining, agricul-
10 tural, energy cargo or equipment, and timber
11 vehicles) is projected to substantially deteriorate
12 the condition of roadways, a description of im-
13 provements that may be required to reduce or
14 impede the deterioration;

15 “(G) an inventory of facilities with freight
16 mobility issues, such as truck bottlenecks, with-
17 in the State, and a description of the strategies
18 the State is employing to address those freight
19 mobility issues;

20 “(H) consideration of any significant con-
21 gestion or delay caused by freight movements
22 and any strategies to mitigate that congestion
23 or delay; and

24 “(I) a freight investment plan that, subject
25 to paragraph (3)(B), includes a list of priority

1 projects and describes how funds made avail-
2 able to carry out this section would be invested
3 and matched.

4 “(3) RELATIONSHIP TO LONG-RANGE PLAN.—

5 “(A) INCORPORATION.—A freight plan de-
6 scribed in paragraph (1) may be developed sep-
7 arately from or incorporated into the statewide
8 strategic long-range transportation plan re-
9 quired by section 135.

10 “(B) FISCAL CONSTRAINT.—The freight
11 investment plan component of a freight plan
12 shall include a project, or an identified phase of
13 a project, only if funding for completion of the
14 project can reasonably be anticipated to be
15 available for the project within the time period
16 identified in the freight investment plan.

17 “(4) PLANNING PERIOD.—The freight plan
18 shall address a 10-year forecast period.

19 “(5) UPDATES.—

20 “(A) IN GENERAL.—A State shall update
21 the freight plan not less frequently than once
22 every 5 years.

23 “(B) FREIGHT INVESTMENT PLAN.—A
24 State may update the freight investment plan

1 more frequently than is required under sub-
2 paragraph (A).

3 “(p) INTELLIGENT FREIGHT TRANSPORTATION SYS-
4 TEM.—

5 “(1) DEFINITION OF INTELLIGENT FREIGHT
6 TRANSPORTATION SYSTEM.—In this section, the
7 term ‘intelligent freight transportation system’
8 means—

9 “(A) an innovative or intelligent techno-
10 logical transportation system, infrastructure, or
11 facilities, including electronic roads, driverless
12 trucks, elevated freight transportation facilities,
13 and other intelligent freight transportation sys-
14 tems; and

15 “(B) a communications or information
16 processing system used singly or in combination
17 for dedicated intelligent freight lanes and con-
18 veyances that improve the efficiency, security,
19 or safety of freight on the Federal-aid highway
20 system or that operate to convey freight or im-
21 prove existing freight movements.

22 “(2) LOCATION.—An intelligent freight trans-
23 portation system shall be located—

24 “(A)(i) along existing Federal-aid high-
25 ways; or

1 “(ii) in a manner that connects ports-of-
2 entry to existing Federal-aid highways; and

3 “(B) in proximity to, or within, an existing
4 right-of-way on a Federal-aid highway.

5 “(3) OPERATING STANDARDS.—The Adminis-
6 trator of the Federal Highway Administration shall
7 determine the need for establishing operating stand-
8 ards for intelligent freight transportation systems.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) The analysis for chapter 1 of title 23,
11 United States Code, is amended by adding at the
12 end the following:

“167. National freight program.”

13 (2) Sections 1116, 1117, and 1118 of MAP-21
14 (23 U.S.C. 167 note; Public Law 112-141) are re-
15 pealed.

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

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

20 **“§ 171. Assistance for major projects program**

21 “(a) PURPOSE OF PROGRAM.—The purpose of the as-
22 sistance for major projects program shall be to assist in
23 funding critical high-cost surface transportation infra-
24 structure projects that—

1 “(1) are difficult to complete with existing Fed-
2 eral, State, local, and private funds; and

3 “(2) will achieve 1 or more of—

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

7 “(B) reduction of congestion and the im-
8 pacts of congestion;

9 “(C) improvement of roadways vital to na-
10 tional energy security;

11 “(D) improvement of the efficiency, reli-
12 ability, and affordability of the movement of
13 freight;

14 “(E) improvement of transportation safety;

15 “(F) improvement of existing and des-
16 ignated future Interstate System routes; or

17 “(G) improvement of the movement of peo-
18 ple through improving rural connectivity and
19 metropolitan accessibility.

20 “(b) DEFINITIONS.—In this section:

21 “(1) ADMINISTRATOR.—The term ‘Adminis-
22 trator’ means the Administrator of the Federal
23 Highway Administration.

24 “(2) ELIGIBLE APPLICANT.—The term ‘eligible
25 applicant’ means—

1 “(A) a State (or a group of States);

2 “(B) a local government;

3 “(C) a tribal government (or a consortium
4 of tribal governments);

5 “(D) a transit agency;

6 “(E) a special purpose district or a public
7 authority with a transportation function;

8 “(F) a port authority;

9 “(G) a political subdivision of a State or
10 local government;

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

13 “(I) a multistate or multijurisdictional
14 group of entities described in subparagraphs
15 (A) through (H).

16 “(3) ELIGIBLE PROJECT.—

17 “(A) IN GENERAL.—The term ‘eligible
18 project’ means a surface transportation project,
19 or a program of integrated surface transpor-
20 tation projects closely related in the function
21 the projects perform, that—

22 “(i) is a capital project that is eligible
23 for Federal financial assistance under—

24 “(I) this title; or

25 “(II) chapter 53 of title 49; and

1 “(ii) except as provided in subpara-
2 graph (B), has eligible project costs that
3 are reasonably anticipated to equal or ex-
4 ceed the lesser of—

5 “(I) \$350,000,000; and

6 “(II)(aa) for a project located in
7 a single State, ~~30~~ 25 percent of the
8 amount of Federal-aid highway funds
9 apportioned to the State for the most
10 recently completed fiscal year;

11 “(III) for a project located in a
12 single rural State with a population
13 density of ~~75~~ 80 or fewer persons per
14 square mile based on the most recent
15 decennial census, 10 percent of the
16 amount of Federal-aid highway funds
17 apportioned to the State for the most
18 recently completed fiscal year; or

19 “(IV) for a project located in
20 more than 1 State, 75 percent of the
21 amount of Federal-aid highway funds
22 apportioned to the participating State
23 that has the largest apportionment for
24 the most recently completed fiscal
25 year.

1 “(B) FEDERAL LAND TRANSPORTATION
2 FACILITY.—In the case of a Federal land trans-
3 portation facility, the term ‘eligible project’
4 means a Federal land transportation facility
5 that has eligible project costs that are reason-
6 ably anticipated to equal or exceed
7 \$150,000,000.

8 “(4) ELIGIBLE PROJECT COSTS.—The term ‘eli-
9 gible project costs’ means the costs of—

10 “(A) development phase activities, includ-
11 ing planning, feasibility analysis, revenue fore-
12 casting, environmental review, preliminary engi-
13 neering and design work, and other
14 preconstruction activities; and

15 “(B) construction, reconstruction, rehabili-
16 tation, and acquisition of real property (includ-
17 ing land related to the project and improve-
18 ments to land), environmental mitigation, con-
19 struction contingencies, acquisition of equip-
20 ment directly related to improving system per-
21 formance, and operational improvements.

22 “(5) RURAL AREA.—The term ‘rural area’
23 means an area that is outside of an urbanized area
24 with a population greater than 150,000 individuals,
25 as determined by the Bureau of the Census.

1 “(6) RURAL STATE.—The term ‘rural State’
2 means a State that has a population density of ~~75~~
3 80 or fewer persons per square mile, based on the
4 most recent decennial census.

5 “(c) ESTABLISHMENT OF PROGRAM.—The Adminis-
6 trator shall establish a program in accordance with this
7 section to provide grants for projects that will have a sig-
8 nificant impact on a region or the Nation.

9 “(d) SOLICITATIONS AND APPLICATIONS.—

10 “(1) GRANT SOLICITATIONS.—The Adminis-
11 trator shall conduct a transparent and competitive
12 national solicitation process to review eligible
13 projects for funding under this section.

14 “(2) APPLICATIONS.—

15 “(A) IN GENERAL.—An eligible applicant
16 seeking a grant under this section shall submit
17 to the Administrator an application in such
18 form and containing such information as the
19 Administrator determines necessary, including
20 the total amount of the grant requested.

21 “(B) CONTENTS.—Each application sub-
22 mitted under this paragraph shall include data
23 on the most recent system performance and es-
24 timated system improvements that will result
25 from completion of the eligible project, includ-

1 ing projections for improvements 5, 10, and 20
2 years after completion of the project.

3 “(C) RESUBMISSION OF APPLICATIONS.—

4 An eligible applicant whose project is not se-
5 lected under this section may resubmit an appli-
6 cation in a subsequent solicitation.

7 “(e) CRITERIA FOR PROJECT EVALUATION AND SE-
8 LECTION.—

9 “(1) IN GENERAL.—The Administrator may se-
10 lect a project for funding under this section only if
11 the Administrator determines that the project—

12 “(A) is consistent with the national goals
13 described in section 150(b);

14 “(B) will significantly improve the per-
15 formance of the national surface transportation
16 network, nationally or regionally;

17 “(C) is based on the results of preliminary
18 engineering;

19 “(D) is consistent with the long-range
20 statewide transportation plan;

21 “(E) cannot be readily and efficiently com-
22 pleted without Federal financial assistance;

23 “(F) is justified based on the ability of the
24 project to achieve 1 or more of—

1 “(i) generation of national economic
2 benefits that reasonably exceed the costs of
3 the project;

4 “(ii) reduction of long-term conges-
5 tion, including impacts on a national, re-
6 gional, and statewide basis;

7 “(iii) an increase in the speed, reli-
8 ability, and accessibility of the movement
9 of people or freight; or

10 “(iv) improvement of transportation
11 safety, including reducing transportation
12 accident and serious injuries and fatalities;
13 and

14 “(G) is supported by a sufficient amount
15 of non-Federal funding, including evidence of
16 stable and dependable financing to construct,
17 maintain, and operate the infrastructure facil-
18 ity.

19 “(2) ADDITIONAL CONSIDERATIONS.—In evalu-
20 ating a project under this section, in addition to the
21 criteria described in paragraph (1), the Adminis-
22 trator shall consider the extent to which the
23 project—

24 “(A) leverages Federal investment by en-
25 couraging non-Federal contributions to the

1 project, including contributions from public-private
2 partnerships;

3 “(B) is able to begin construction by the
4 date that is not later than 18 months after the
5 date on which the project is selected;

6 “(C) incorporates innovative project delivery
7 and financing to the maximum extent practicable;
8

9 “(D) helps maintain or protect the environment;
10

11 “(E) improves roadways vital to national
12 energy security;

13 “(F) improves or upgrades designated future
14 Interstate System routes;

15 “(G) uses innovative technologies, including
16 intelligent transportation systems, that enhance
17 the efficiency of the project; and

18 “(H) helps to improve mobility and accessibility.
19

20 “(f) GEOGRAPHIC DISTRIBUTION.—In awarding
21 grants under this section, the Administrator shall take
22 measures to ensure, to the maximum extent practicable—

23 “(1) an equitable geographic distribution of
24 amounts; and

1 “(2) an appropriate balance in addressing the
2 needs of rural and urban communities.

3 “(g) FUNDING REQUIREMENTS.—

4 “(1) IN GENERAL.—Except in the case of
5 projects described in paragraph (2), the amount of
6 a grant under this section shall be at least
7 \$50,000,000.

8 “(2) RURAL PROJECTS.—The amounts made
9 available for a fiscal year under this section for eligi-
10 ble projects located in rural areas or in rural States
11 shall not be—

12 “(A) less than 20 percent of the amount
13 made available for the fiscal year under this
14 section; and

15 “(B) subject to paragraph (1).

16 “(3) LIMITATION OF FUNDS.—Not more than
17 20 percent of the funds made available for a fiscal
18 year to carry out this section shall be allocated for
19 projects eligible under section 167(k)(5)(B) or chap-
20 ter 53 of title 49.

21 “(4) STATE CAP.—

22 “(A) IN GENERAL.—Not more than 20
23 percent of the funds made available for a fiscal
24 year to carry out this section may be awarded
25 to projects in a single State.

1 “(B) EXCEPTION FOR MULTISTATE
2 PROJECTS.—For purposes of the limitation de-
3 scribed in subparagraph (A), funds awarded for
4 a multistate project shall be considered to be
5 distributed evenly to each State.

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

13 “(h) GRANT REQUIREMENTS.—

14 “(1) APPLICABILITY OF PLANNING REQUIRE-
15 MENTS.—The programming and expenditure of
16 funds for projects under this section shall be con-
17 sistent with the requirements of sections 134 and
18 135.

19 “(2) DETERMINATION OF APPLICABLE MODAL
20 REQUIREMENTS.—If an eligible project that receives
21 a grant under this section has a crossmodal compo-
22 nent, the Administrator—

23 “(A) shall determine the predominant
24 modal component of the project; and

1 “(B) may apply the applicable require-
2 ments of that predominant modal component to
3 the project.

4 “(i) REPORT TO THE ADMINISTRATOR.—For each
5 project funded under this section, the project sponsor shall
6 evaluate system performance and submit to the Adminis-
7 trator a report not later than 5, 10, and 20 years after
8 completion of the project to assess whether the project
9 outcomes have met preconstruction projections.

10 “(j) CONGRESSIONAL APPROVAL.—

11 “(1) SUBMISSION OF APPLICATION.—Each eli-
12 gible applicant shall submit to the Administrator an
13 application in accordance with subsection (d)(2) at
14 such time as the Administrator determines to meet
15 the requirements of paragraph (2).

16 “(2) SUBMISSION TO CONGRESS OF PROPOSED
17 PROJECTS.—

18 “(A) IN GENERAL.—By January 1 of each
19 fiscal year, the Administrator shall submit to
20 the Committee on Environment and Public
21 Works of the Senate and the Committee on
22 Transportation and Infrastructure of the House
23 of Representatives a list of all of the projects
24 that meet the requirements of this section.

1 “(B) LIMITATION.—The list submitted
2 under subparagraph (A) shall include a total re-
3 quested grant amount at least 2 times, but not
4 to exceed 4 times, the authorization level of the
5 program in each fiscal year.

6 “(3) COMMITTEE REVIEW.—Not later than 90
7 days after the date of the receipt of the submission
8 under paragraph (2), each Committee described in
9 subparagraph (A) of that paragraph shall—

10 “(A) select projects and determine the
11 amounts to be awarded to each project, not to
12 exceed the total authorization level of the pro-
13 gram for each fiscal year; and

14 “(B) adopt a resolution making such deter-
15 mination.

16 “(4) CONGRESSIONAL APPROVAL.—Projects
17 shall be awarded on congressional adoption of a joint
18 resolution based on the Committee action under
19 paragraph (3).

20 “(5) ADMINISTRATIVE APPROVAL.—

21 “(A) IN GENERAL.—The Administrator
22 shall award grants to eligible projects in a fiscal
23 year—

24 “(i) if Congress does not adopt a joint
25 resolution under paragraph (4) by the date

1 that is 90 days after the date on which the
2 first Committee adopts a resolution under
3 paragraph (3)(B); or

4 “(ii) if neither Committee acts in ac-
5 cordance with paragraph (3).

6 “(B) TIMING.—The Administrator shall
7 award grants under subparagraph (A) not later
8 than 90 days after the date on which the rel-
9 evant event described in subparagraph (A) oc-
10 curs.

11 “(k) REPORTS.—

12 “(1) IN GENERAL.—The Administrator shall
13 make available on the website of the Federal High-
14 way Administration at the end of each fiscal year an
15 annual report that lists each project for which as-
16 sistance has been provided under this section during
17 that fiscal year.

18 “(2) COMPTROLLER GENERAL.—

19 “(A) ASSESSMENT.—The Comptroller Gen-
20 eral of the United States shall conduct an as-
21 sessment of the establishment, solicitation, se-
22 lection, and justification process with respect to
23 the funding of projects under this section.

24 “(B) REPORT.—Not later than 1 year
25 after the initial awarding of funding under this

1 section, the Comptroller General of the United
 2 States shall submit to the Committee on Envi-
 3 ronment and Public Works of the Senate and
 4 the Committee on Transportation and Infra-
 5 structure of the House of Representatives a re-
 6 port that describes—

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

9 “(ii) the criteria used for the selection
 10 of each project; and

11 “(iii) the justification for the selection
 12 of each project based on the criteria de-
 13 scribed in subsection (e).”.

14 (b) CONFORMING AMENDMENT.—The analysis for
 15 chapter 1 of title 23, United States Code, is amended by
 16 adding at the end the following:

“171. Assistance for major projects program.”.

17 **SEC. 1016. TRANSPORTATION ALTERNATIVES.**

18 (a) IN GENERAL.—Section 213 of title 23, United
 19 States Code, is amended—

20 (1) by striking subsection (a) and inserting the
 21 following:

22 “(a) RESERVATION OF FUNDS.—

23 “(1) IN GENERAL.—On October 1 of each fiscal
 24 year, the Secretary shall set aside from the amount
 25 determined for a State under section 104(c) an

1 amount determined for the State under paragraphs
2 (2) and (3).

3 “(2) TOTAL AMOUNT.—The total amount set
4 aside for the program under this section shall be
5 \$850,000,000 for each fiscal year.

6 “(3) STATE SHARE.—The Secretary shall dis-
7 tribute among the States the total set-aside amount
8 under paragraph (2) so that each State receives an
9 amount equal to the proportion that—

10 “(A) the amount apportioned to the State
11 for the transportation enhancements program
12 for fiscal year 2009 under section 133(d)(2), as
13 in effect on the day before the date of enact-
14 ment of MAP–21 (Public Law 112–141; 126
15 Stat. 405); bears to

16 “(B) the total amount of funds appor-
17 tioned to all States for that fiscal year for the
18 transportation enhancements program for fiscal
19 year 2009.”;

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “Of the funds” and
24 all that follows through “shall be obligated
25 under this section” in subparagraph (A)

1 and inserting “Funds reserved in a State
2 under this section shall be obligated”;

3 (ii) by striking subparagraph (B);

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

7 (iv) *in subparagraph (B) (as so redesi-*
8 *gnated), by striking “greater than 5,000”*
9 *and inserting “of 5,000 or more”; and*

10 (iv)(v) in subparagraph (C) (as so re-
11 designated), by striking “; and” and in-
12 sserting a period;

13 (B) in paragraph (2), by striking “para-
14 graph (1)(A)(i)” and inserting “paragraph
15 (1)(A)”;

16 (C) in paragraph (3)(A)—

17 (i) by striking “Except as provided in
18 paragraph (1)(B), the” and inserting
19 “The”; and

20 (ii) by striking “paragraph (1)(A)(i)”
21 both places it appears and inserting “para-
22 graph (1)(A)”;

23 (D) in paragraph (4)(B)—

24 (i) in clause (vi), by striking “and” at
25 the end;

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

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

5 “(vii) a nonprofit entity responsible
6 for the administration of local transpor-
7 tation safety programs; and”; and

8 (E) in paragraph (5)—

9 (i) by striking “For funds reserved”
10 and inserting the following:

11 “(A) IN GENERAL.—For funds reserved”;

12 (ii) by striking “paragraph (1)(A)(i)”
13 and inserting “paragraph (1)(A)”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(B) NO RESTRICTION ON SUBALLOCA-
17 TION.—Nothing in this section prevents a met-
18 ropolitan planning organization from further
19 suballocating funds within the boundaries of the
20 metropolitan planning area if a competitive
21 process is implemented for the award of the
22 suballocated funds.”; and

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

24 “(h) ANNUAL REPORTS.—

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

5 “(A) the number of project applications re-
6 ceived for each fiscal year, including—

7 “(i) the aggregate cost of the projects
8 for which applications are received; and

9 “(ii) the types of project to be carried
10 out (as described in subsection (b)), ex-
11 pressed as percentages of the total appor-
12 tionment of the State under subsection (a);
13 and

14 “(B) the number of projects selected for
15 funding for each fiscal year, including the ag-
16 gregate cost and location of projects selected.

17 “(2) PUBLIC AVAILABILITY.—The Secretary
18 shall make available to the public, in a user-friendly
19 format on the website of the Department, a copy of
20 each annual report submitted under paragraph (1).

21 “(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this subsection, the Sec-
24 retary shall develop regulations or guidance relating
25 to the implementation of this section that encour-

1 ages the use of the programmatic approaches to en-
 2 vironmental reviews, expedited procurement tech-
 3 niques, and other best practices to facilitate produc-
 4 tive and timely expenditure for projects that are
 5 small, low-impact, and constructed within an exist-
 6 ing built environment.

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

14 (b) CONFORMING AMENDMENT.—Section 126 of title
 15 23, United States Code, is amended—

16 (1) by striking “~~SET-ASIDES.—~~” and all that
 17 follows through “~~Funds that~~” in paragraph (1) and
 18 inserting “~~SET-ASIDES.—Funds that~~”; and

19 (2) by striking paragraph (2).

20 (b) CONFORMING AMENDMENT.—Section 126(b) of title
 21 23, United States Code, is amended—

22 (1) by striking “~~SET-ASIDES.—~~” and all that fol-
 23 lows through “~~Funds that~~” in paragraph (1) and in-
 24 serting “~~SET-ASIDES.—Funds that~~”;

1 (2) *by striking “sections 104(d) and 133(d)” and*
2 *inserting “sections 104(d), 133(d), and 213(c)”;* and
3 (3) *by striking paragraph (2).*

4 **SEC. 1017. CONSOLIDATION OF PROGRAMS.**

5 Section 1519(a) of MAP-21 (Public Law 112-141;
6 126 Stat. 574) is amended in the matter preceding para-
7 graph (1) by striking “fiscal years 2013 and 2014” and
8 inserting “fiscal years 2013 through 2021”.

9 **SEC. 1018. STATE FLEXIBILITY FOR NATIONAL HIGHWAY**
10 **SYSTEM MODIFICATIONS.**

11 (a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—
12 Not later than 90 days after the date of enactment of this
13 Act, the Secretary shall issue guidance relating to working
14 with State departments of transportation that request as-
15 sistance from the division offices of the Federal Highway
16 Administration—

17 (1) to review roads classified as principal arte-
18 rials in the State that were added to the National
19 Highway System as of October 1, 2012, so as to
20 comply with section 103 of title 23, United States
21 Code; and

22 (2) to identify any necessary functional classi-
23 fication changes to rural and urban principal arte-
24 rials.

1 (b) ADMINISTRATIVE ACTIONS.—The Secretary shall
2 direct the division offices of the Federal Highway Admin-
3 istration to work with the applicable State department of
4 transportation that requests assistance under this sec-
5 tion—

6 (1) to assist in the review of roads in accord-
7 ance with guidance issued under subsection (a);

8 (2) to expeditiously review and facilitate re-
9 quests from States to reclassify roads classified as
10 principal arterials; and

11 (3) in the case of a State that requests the
12 withdrawal of reclassified roads from the National
13 Highway System under section 103(b)(3) of title 23,
14 United States Code, to carry out that withdrawal if
15 the inclusion of the reclassified road in the National
16 Highway System is not consistent with the needs
17 and priorities of the community or region in which
18 the reclassified road is located.

19 (c) NATIONAL HIGHWAY SYSTEM MODIFICATION
20 REGULATIONS.—The Secretary shall—

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

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

5 (d) REPORT TO CONGRESS.—Not later than 1 year
6 after the date of enactment of this Act, and annually
7 thereafter, the Secretary shall submit to the Committee
8 on Environment and Public Works of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives a report that includes a descrip-
11 tion of—

12 (1) each request for reclassification of National
13 Highway System roads;

14 (2) the status of each request; and

15 (3) if applicable, the justification for the denial
16 by the Secretary of a request.

17 (e) MODIFICATIONS TO THE NATIONAL HIGHWAY
18 SYSTEM.—Section 103(b)(3)(A) of title 23, United States
19 Code, is amended—

20 (1) in the matter preceding clause (i)—

21 (A) by striking “, including any modifica-
22 tion consisting of a connector to a major inter-
23 modal terminal,”; and

24 (B) by inserting “, including any modifica-
25 tion consisting of a connector to a major inter-

1 modal terminal or the withdrawal of a road
2 from that system,” after “the National High-
3 way System”; and

4 (2) in clause (ii)—

5 (A) by striking “(ii) enhances” and insert-
6 ing “(ii)(I) enhances”;

7 (B) by striking the period at the end and
8 inserting “; or”; and

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

10 “(II) in the case of the withdrawal of
11 a road, is reasonable and appropriate.”.

12 **SEC. 1019. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

13 Section 129(a) of title 23, United States Code, is
14 amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (B)—

17 (i) by striking “(other than a highway
18 on the Interstate System)”; and

19 (ii) by inserting “non-HOV” after
20 “toll-free” each place it appears;

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

22 (C) by redesignating subparagraphs (D)
23 through (I) as subparagraphs (C) through (H),
24 respectively;

1 (2) by striking paragraph (4) and paragraph
2 (6);

3 (3) by redesignating paragraphs (5), (7), (8),
4 (9), and (10) as paragraphs (4), (5), (6), (7), and
5 (9), respectively;

6 (4) in paragraph (4)(B) (as so redesignated),
7 by striking “the Federal-aid system” and inserting
8 “Federal-aid highways”; and

9 (5) by inserting after paragraph (7) (as so re-
10 designated) the following:

11 “(8) EQUAL ACCESS FOR MOTORCOACHES.—A
12 private motorcoach that serves the public shall be
13 provided access to a toll facility under the same
14 rates, terms, and conditions as public transportation
15 buses in the State.”.

16 **SEC. 1020. HOV FACILITIES.**

17 Section 166 of title 23, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) by striking paragraph (4) and insert-
21 ing the following:

22 “(4) HIGH OCCUPANCY TOLL VEHICLES.—

23 “(A) IN GENERAL.—The State agency may
24 allow vehicles not otherwise exempt under this
25 subsection to use the HOV facility if the opera-

1 tors of the vehicles pay a toll charged by the
2 agency for use of the facility and the agency—

3 “(i) establishes a program that ad-
4 dresses how motorists can enroll and par-
5 ticipate in the toll program;

6 “(ii) in the case of a high occupancy
7 vehicle facility that affects a metropolitan
8 area, submits to the Secretary a written
9 statement that the metropolitan planning
10 organization designated under section 134
11 for the area has been consulted concerning
12 the placement and amount of tolls on the
13 converted facility;

14 “(iii) develops, manages, and main-
15 tains a system that will automatically col-
16 lect the toll; and

17 “(iv) establishes policies and proce-
18 dures—

19 “(I) to manage the demand to
20 use the facility by varying the toll
21 amount that is charged;

22 “(II) to enforce violations of the
23 use of the facility; and

24 “(III) to ensure that private
25 motorcoaches that serve the public are

1 provided access to the facility under
2 the same rates, terms, and conditions,
3 as public transportation buses in the
4 State.

5 “(B) EXEMPTION FROM TOLLS.—In lev-
6 ying a toll on a facility under subparagraph
7 (A), a State agency may—

8 “(i) designate classes of vehicles that
9 are exempt from the toll; and

10 “(ii) charge different toll rates for dif-
11 ferent classes of vehicles.”;

12 (B) in paragraph (5), by striking subpara-
13 graph (A) and inserting the following:

14 “(A) INHERENTLY LOW EMISSION VEHI-
15 CLE.—If a State agency establishes procedures
16 for enforcing the restrictions on the use of a
17 HOV facility by vehicles described in clauses (i)
18 and (ii), the State agency may allow the use of
19 the HOV facility by—

20 “(i) alternative fuel vehicles; and

21 “(ii) any motor vehicle described in
22 section 30D(d)(1) of the Internal Revenue
23 Code of 1986.”;

24 (2) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) by striking “Tolls” and inserting
2 “Notwithstanding section 301, tolls”; and

3 (ii) by striking “notwithstanding sec-
4 tion 301 and, except as provided in para-
5 graphs (2) and (3)”;

6 (B) by striking paragraph (2); and

7 (C) by redesignating paragraph (3) as
8 paragraph (2); and

9 (3) in subsection (d)(1), by striking subpara-
10 graphs (D) and (E) and inserting the following:

11 “(D) MAINTENANCE OF OPERATING PER-
12 FORMANCE.—

13 “(i) SUBMISSION OF PLAN.—Not later
14 than 180 days after the date on which a
15 facility is degraded under paragraph (2),
16 the State agency with jurisdiction over the
17 facility shall submit to the Secretary for
18 approval a plan that details the actions the
19 State agency will take to bring the facility
20 into compliance with the minimum average
21 operating speed performance standard
22 through changes to operation of the facil-
23 ity, including—

24 “(I) increasing the occupancy re-
25 quirement for HOV lanes;

1 “(II) varying the toll charged to
2 vehicles allowed under subsection (b)
3 to reduce demand;

4 “(III) discontinuing allowing
5 non-HOV vehicles to use HOV lanes
6 under subsection (b); or

7 “(IV) increasing the available ca-
8 pacity of the HOV facility.

9 “(ii) NOTICE OF APPROVAL OR DIS-
10 APPROVAL.—Not later than 60 days after
11 the date of receipt of a plan under clause
12 (i), the Secretary shall provide to the State
13 agency a written notice indicating whether
14 the Secretary has approved or disapproved
15 the plan based on a determination of
16 whether the implementation of the plan
17 will bring the HOV facility into compli-
18 ance.

19 “(iii) BIENNIAL PROGRESS UP-
20 DATES.—Until the date on which the Sec-
21 retary determines that the State agency
22 has brought the HOV facility into compli-
23 ance with this subsection, the State agency
24 shall submit biennial updates that de-
25 scribe—

1 “(I) the actions taken to bring
2 the HOV facility into compliance; and

3 “(II) the progress made by those
4 actions.

5 “(E) COMPLIANCE.—The Secretary shall
6 subject the State to appropriate program sanc-
7 tions under section 1.36 of title 23, Code of
8 Federal Regulations (or successor regulations),
9 until the performance is no longer degraded,
10 if—

11 “(i) the State agency fails to submit
12 an approved action plan under subpara-
13 graph (D) to bring a degraded facility into
14 compliance; or

15 “(ii) after the State submits and the
16 Secretary approves an action plan under
17 subparagraph (D), the Secretary deter-
18 mines that, on a date that is not earlier
19 than 1 year after the approval of the ac-
20 tion plan, the State agency is not making
21 significant progress toward bringing the
22 HOV facility into compliance with the min-
23 imum average operating speed performance
24 standard.”.

1 **SEC. 1021. INTERSTATE SYSTEM RECONSTRUCTION AND**
2 **REHABILITATION PILOT PROGRAM.**

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

6 (1) in paragraph (3)—

7 (A) in subparagraph (A), by striking “the
8 age, condition, and intensity of use of the facil-
9 ity” and inserting “an analysis demonstrating
10 that the facility has a significant age, condition,
11 or intensity of use to require expedited recon-
12 struction or rehabilitation”;

13 (B) in subparagraph (D)(iii), by inserting
14 “, and that demonstrates the capability of that
15 agency to perform or oversee the building, oper-
16 ation, and maintenance of a toll expressway
17 system meeting criteria for the Interstate Sys-
18 tem” before the semicolon at the end; and

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

20 “(E) An analysis showing how the State
21 plan for implementing tolls on the facility takes
22 into account the interests and use of local, re-
23 gional, and interstate travelers.

24 “(F) An explanation of how the State will
25 collect tolls using electronic toll collection, in-
26 cluding at highway speeds, if practicable.

1 “(G) A plan describing the proposed loca-
2 tion for the collection of tolls on the facility, in-
3 cluding any locations in proximity to a State
4 border.

5 “(H) Approved documentation that the
6 project—

7 “(i) has received a categorical exclu-
8 sion, a finding of no significant impact, or
9 a record of decision under the National
10 Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.); and

12 “(ii) complies with the Uniform Relo-
13 cation Assistance and Real Property Ac-
14 quisition Policies Act of 1970 (42 U.S.C.
15 4601 et seq.).”;

16 (2) by striking paragraphs (4) and (6);

17 (3) by redesignating paragraph (5) as para-
18 graph (4);

19 (4) in paragraph (4)(as so redesignated)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “Before the Secretary may per-
22 mit” and inserting “As a condition of permit-
23 ting”;

24 (B) in subparagraph (A)—

1 (i) in the matter preceding clause (i),
2 by striking “for—” and inserting “for per-
3 missible uses described in section
4 129(a)(3) of title 23, United States Code;
5 and”; and

6 (ii) by striking clauses (i) through
7 (iii);

8 (5) by inserting after paragraph (4) (as so re-
9 designated) the following:

10 “(5) APPLICATION PROCESSING PROCEDURE.—

11 “(A) IN GENERAL.—Not later than 60
12 days after receipt of an application under this
13 subsection, the Secretary shall provide to the
14 applicant a written notice informing the appli-
15 cant whether—

16 “(i) the application is complete and
17 meets all requirements under this sub-
18 section; or

19 “(ii) additional information or mate-
20 rials are needed—

21 “(I) to complete the application;

22 or

23 “(II) to meet the eligibility re-
24 quirements under paragraph (3).

1 “(B) ADDITIONAL INFORMATION OR MATE-
2 RIALS.—

3 “(i) IN GENERAL.—Not later than 60
4 days after receipt of an application, the
5 Secretary shall—

6 “(I) identify any additional infor-
7 mation or materials that are needed
8 under subparagraph (A)(ii); and

9 “(II) provide to the applicant
10 written notice specifying the details of
11 the additional required information or
12 materials.

13 “(ii) AMENDED APPLICATION.—Not
14 later than 60 days after receipt of the ad-
15 ditional information under clause (i), the
16 Secretary shall determine if the amended
17 application is complete and meets all re-
18 quirements under this subsection.

19 “(C) TECHNICAL ASSISTANCE.—On the re-
20 quest of a State, the Secretary shall provide
21 technical assistance to facilitate the develop-
22 ment of a complete application under this para-
23 graph that is likely to satisfy the eligibility cri-
24 teria under paragraph (3).

1 “(D) APPROVAL OF APPLICATION.—On
2 written notice by the Secretary that the applica-
3 tion is complete and meets all requirements of
4 this subsection, the project is considered ap-
5 proved and shall be permitted to participate in
6 the program under this subsection.

7 “(E) LIMITATION ON APPROVED APPLICA-
8 TION.—

9 “(i) IN GENERAL.—For an application
10 received under this subsection on or after
11 the date of enactment of the DRIVE Act
12 for the reconstruction or rehabilitation of a
13 facility, a State shall—

14 “(I) not later than 1 year after
15 the date on which the application is
16 approved, issue a solicitation for a
17 contract to provide for the reconstruc-
18 tion or rehabilitation of the facility;
19 and

20 “(II) not later than 2 years after
21 the date on which the application is
22 approved, execute a contract for the
23 reconstruction or rehabilitation of the
24 facility.

1 “(ii) PRIOR APPLICATIONS.—For an
2 application that received a conditional pro-
3 visional approval under this subsection be-
4 fore the date of enactment of the DRIVE
5 Act, for the reconstruction or rehabilitation
6 of a facility, a State shall—

7 “(I) not later than 1 year after
8 the date of enactment of the DRIVE
9 Act, issue a solicitation for a contract
10 to provide for the reconstruction or
11 rehabilitation of the facility; and

12 “(II) not later than 2 years after
13 the date of enactment of the DRIVE
14 Act, execute a contract for the recon-
15 struction or rehabilitation of the facil-
16 ity.

17 “(iii) CANCELLATION OR EXTEN-
18 SION.—If an applicable deadline under
19 clause (i) or (ii) is not met, the Secretary
20 shall—

21 “(I) cancel the application ap-
22 proval; or

23 “(II) grant an extension of not
24 more than 1 year for the applicable
25 deadline, on the condition that—

1 “(aa) there has been demon-
2 strable progress toward meeting
3 the applicable requirements; and

4 “(bb) the requirements are
5 likely to be met within 1 year.

6 “(6) LIMITATION ON THE USE OF NATIONAL
7 HIGHWAY PERFORMANCE PROGRAM FUNDS.—During
8 the term of the pilot program, funds apportioned for
9 the national highway performance program under
10 section 104(b)(1) of title 23, United States Code,
11 may not be used for a facility for which tolls are
12 being collected under the pilot program unless the
13 funds are used for a maintenance purpose, as de-
14 fined in section 101(a) of title 23, United States
15 Code.”;

16 (6) by redesignating paragraphs (7) and (8) as
17 paragraphs (8) and (9), respectively;

18 (7) by inserting after paragraph (6) the fol-
19 lowing:

20 “(7) WITHDRAWAL.—A State may elect to
21 withdraw participation of the State in the pilot pro-
22 gram at any time.”; and

23 (8) in paragraph (8) (as redesignated by para-
24 graph (6)), by inserting “after the date of enactment
25 of the DRIVE Act” after “10 years”.

1 **SEC. 1022. EMERGENCY RELIEF FOR FEDERALLY OWNED**
2 **ROADS.**

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

5 (1) in subparagraph (A), by striking “or” at
6 the end;

7 (2) in subparagraph (B), by striking the period
8 at the end and inserting “; or”; and

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

10 “(C) projects eligible for assistance under
11 this section located on tribal transportation fa-
12 cilities, Federal lands transportation facilities,
13 or other federally owned roads that are open to
14 public travel (as defined in subsection (e)(1)).”.

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

18 “(1) **DEFINITIONS.**—In this subsection:

19 “(A) **OPEN TO PUBLIC TRAVEL.**—The term
20 ‘open to public travel’ means, with respect to a
21 road, that, except during scheduled periods, ex-
22 treme weather conditions, or emergencies, the
23 road—

24 “(i) is maintained;

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

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

7 “(B) STANDARD PASSENGER VEHICLE.—
 8 The term ‘standard passenger vehicle’ means a
 9 vehicle with 6 inches of clearance from the low-
 10 est point of the frame, body, suspension, or dif-
 11 ferential to the ground.”.

12 **SEC. 1023. BRIDGES REQUIRING CLOSURE OR LOAD RE-**
 13 **STRICTIONS.**

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

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

18 (2) by inserting after paragraph (5) the fol-
 19 lowing:

20 “(6) BRIDGES REQUIRING CLOSURE OR LOAD
 21 RESTRICTIONS.—

22 “(A) BRIDGES OWNED BY FEDERAL AGEN-
 23 CIES OR TRIBAL GOVERNMENTS.—If a Federal
 24 agency or tribal government fails to ensure that
 25 any highway bridge that is open to public travel

1 and located in the jurisdiction of the Federal
2 agency or tribal government is properly closed
3 or restricted to loads that the bridge can carry
4 safely, the Secretary—

5 “(i) shall, on learning of the need to
6 close or restrict loads on the bridge, re-
7 quire the Federal agency or tribal govern-
8 ment to take action necessary—

9 “(I) to close the bridge within 48
10 hours; or

11 “(II) within 30 days, to restrict
12 public travel on the bridge to loads
13 that the bridge can carry safely; and

14 “(ii) may, if the Federal agency or
15 tribal government fails to take action re-
16 quired under clause (i), withhold all fund-
17 ing authorized under this title for the Fed-
18 eral agency or tribal government.”.

19 “(B) OTHER BRIDGES.—If a State fails to
20 ensure that any highway bridge, other than a
21 bridge described in subparagraph (A), that is
22 open to public travel and is located within the
23 boundaries of the State is properly closed or re-
24 stricted to loads the bridge can carry safely, the
25 Secretary—

1 “(i) shall, on learning of the need to
 2 close or restrict loads on the bridge, re-
 3 quire the State to take action necessary—

4 “(I) to close the bridge within 48
 5 hours; or

6 “(II) within 30 days, to restrict
 7 public travel on the bridge to loads
 8 that the bridge can carry safely; and

9 “(ii) may, if the State fails to take ac-
 10 tion required under clause (i), withhold ap-
 11 proval for Federal-aid projects in that
 12 State.”; and

13 (3) in paragraph (8) (as redesignated by para-
 14 graph (1)), by striking “(6)” and inserting “(7)”.

15 **SEC. 1024. NATIONAL ELECTRIC VEHICLE CHARGING AND**
 16 **NATURAL GAS FUELING CORRIDORS.**

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

20 **“§ 151. National electric vehicle charging and natural**
 21 **gas fueling corridors**

22 “(a) IN GENERAL.—Not later than 1 year after the
 23 date of enactment of the DRIVE Act, the Secretary shall
 24 designate national electric vehicle charging and natural
 25 gas fueling corridors that identify the near- and long-term

1 need for, and location of, electric vehicle charging infra-
2 structure and natural gas fueling infrastructure at stra-
3 tegic locations along major national highways to improve
4 the mobility of passenger and commercial vehicles that
5 employ electric and natural gas fueling technologies across
6 the United States.

7 “(b) DESIGNATION OF CORRIDORS.—In designating
8 the corridors under subsection (a), the Secretary shall—

9 “(1) solicit nominations from State and local
10 officials for facilities to be included in the corridors;

11 “(2) incorporate existing electric vehicle charg-
12 ing and natural gas fueling corridors designated by
13 a State or group of States; and

14 “(3) consider the demand for, and location of,
15 existing electric vehicle charging and natural gas
16 fueling infrastructure.

17 “(c) STAKEHOLDERS.—In designating corridors
18 under subsection (a), the Secretary shall involve, on a vol-
19 untary basis, stakeholders that include—

20 “(1) the heads of other Federal agencies;

21 “(2) State and local officials;

22 “(3) representatives of—

23 “(A) energy utilities;

24 “(B) the electric and natural gas vehicle
25 industries;

1 “(C) the freight and shipping industry;

2 “(D) clean technology firms;

3 “(E) the hospitality industry;

4 “(F) the restaurant industry; and

5 “(G) highway rest stop vendors; and

6 “(4) such other stakeholders as the Secretary
7 determines to be necessary.

8 “(d) REDESIGNATION.—Not later than 5 years after
9 the date of establishment of the corridors under subsection
10 (a), and every 5 years thereafter, the Secretary shall up-
11 date and redesignate the corridors.

12 “(e) REPORT.—During designation and redesignation
13 of the corridors under this section, the Secretary shall
14 issue a report that—

15 “(1) identifies electric vehicle charging and nat-
16 ural gas fueling infrastructure and standardization
17 needs for electricity providers, natural gas providers,
18 infrastructure providers, vehicle manufacturers, elec-
19 tricity purchasers, and natural gas purchasers; and

20 “(2) establishes an aspirational goal of achiev-
21 ing strategic deployment of electric vehicle charging
22 and natural gas fueling infrastructure in those cor-
23 ridors by the end of fiscal year 2021.”.

24 (b) CONFORMING AMENDMENT.—The analysis of
25 chapter 1 of title 23, United States Code, is amended by

1 striking the item relating to section 151 and inserting the
2 following:

“151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.”.

3 **SEC. 1025. ASSET MANAGEMENT.**

4 (a) Section 119(f)(2) of title 23, United States Code,
5 is amended—

6 (1) in subparagraph (A), by striking “struc-
7 turally deficient” and inserting “being in poor condi-
8 tion”; and

9 (2) in subparagraph (B), by striking “struc-
10 turally deficient” and inserting “being in poor condi-
11 tion”.

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

14 (1) in subsection (a)(1)(B), by striking “defi-
15 cient”; and

16 (2) in subsection (b)(5), by striking “each
17 structurally deficient bridge” and inserting “each
18 bridge in poor condition”.

19 (c) Section 202(d) of title 23, United States Code,
20 is amended—

21 (1) in paragraph (1), by striking “deficient”;

22 (2) in paragraph (2)(B), by striking “defi-
23 cient”; and

24 (3) in paragraph (3)—

1 (A) in subparagraph (A), by striking the
2 semicolon at the end and inserting “; and”;

3 (B) in subparagraph (B), by striking “;
4 and” at the end and inserting a period; and

5 (C) by striking subparagraph (C).

6 **SEC. 1026. TRIBAL TRANSPORTATION PROGRAM AMEND-**
7 **MENT.**

8 Section 202 of title 23, United States Code, is
9 amended—

10 (1) in subsection (a)(6), by striking “6 percent”
11 and inserting “5 percent”; and

12 (2) in subsection (d)(2), in the matter pre-
13 ceding subparagraph (A) by striking “2 percent”
14 and inserting “3 percent”.

15 **SEC. 1027. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
16 **TRIBAL PROJECTS PROGRAM.**

17 (a) PURPOSE.—The Secretary shall establish a na-
18 tionally significant Federal lands and tribal projects pro-
19 gram (referred to in this section as the “program”) to pro-
20 vide funding to construct, reconstruct, or rehabilitate na-
21 tionally significant Federal lands and tribal transportation
22 projects.

23 (b) ELIGIBLE APPLICANTS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), entities eligible to receive funds under

1 sections 201, 202, 203, and 204 of title 23, United
2 States Code, may apply for funding under the pro-
3 gram.

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

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

10 (1) on a Federal lands transportation facility, a
11 Federal lands access transportation facility, or a
12 Tribal transportation facility (as those terms are de-
13 fined in section 101 of title 23, United States Code),
14 except that such facility is not required to be in-
15 cluded on an inventory described in sections 202 or
16 203 of title 23, United States Code;

17 (2) for which completion of activities required
18 under the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.) has been dem-
20 onstrated through—

21 (A) a record of decision with respect to the
22 project;

23 (B) a finding that the project has no sig-
24 nificant impact; or

1 (C) a determination that the project is cat-
2 egorically excluded; and

3 (3) having an estimated cost, based on the re-
4 sults of preliminary engineering, equal to or exceed-
5 ing \$25,000,000, with priority consideration given
6 to projects with an estimated cost equal to or ex-
7 ceeding \$50,000,000.

8 (d) ELIGIBLE ACTIVITIES.—

9 (1) IN GENERAL.—Subject to paragraph (2), an
10 eligible applicant receiving funds under the program
11 may only use the funds for construction, reconstruc-
12 tion, and rehabilitation activities.

13 (2) INELIGIBLE ACTIVITIES.—An eligible appli-
14 cant may not use funds received under the program
15 for activities relating to project design.

16 (e) APPLICATIONS.—Eligible applicants shall submit
17 to the Secretary an application at such time, in such form,
18 and containing such information as the Secretary may re-
19 quire.

20 (f) SELECTION CRITERIA.—In selecting a project to
21 receive funds under the program, the Secretary shall con-
22 sider the extent to which the project—

23 (1) furthers the goals of the Department, in-
24 cluding state of good repair, environmental sustain-

1 ability, economic competitiveness, quality of life, and
2 safety;

3 (2) improves the condition of critical
4 multimodal transportation facilities;

5 (3) needs construction, reconstruction, or reha-
6 bilitation;

7 (4) is included in or eligible for inclusion in the
8 National Register of Historic Places;

9 (5) enhances environmental ecosystems;

10 (6) uses new technologies and innovations that
11 enhance the efficiency of the project;

12 (7) is supported by funds, other than the funds
13 received under the program, to construct, maintain,
14 and operate the facility;

15 (8) spans 2 or more States; and

16 (9) serves land owned by multiple Federal agen-
17 cies or Indian tribes.

18 (g) FEDERAL SHARE.—The Federal share of the cost
19 of a project shall be 95 percent.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$150,000,000 for each of fiscal years 2016 through 2021,
23 to remain available for a period of 3 fiscal years following
24 the fiscal year for which the amounts were appropriated.

1 **SEC. 1028. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

2 Section 201(c) of title 23, United States Code, is
3 amended—

4 (1) in paragraph (6)(A)—

5 (A) by redesignating clauses (i) and (ii) as
6 subclauses (I) and (II), respectively;

7 (B) in the matter preceding subclause (I)
8 (as so redesignated), by striking “The Secre-
9 taries” and inserting the following:

10 “(i) IN GENERAL.—The Secretaries”;

11 (C) by inserting a period after “tribal
12 transportation program”; and

13 (D) by striking “in accordance with” and
14 all that follows through “including—” and in-
15 serting the following:

16 “(ii) REQUIREMENT.—Data collected
17 to implement the tribal transportation pro-
18 gram shall be in accordance with the In-
19 dian Self-Determination and Education
20 Assistance Act (25 U.S.C. 450 et seq.).

21 “(iii) INCLUSIONS.—Data collected
22 under this paragraph includes—”; and

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

25 “(7) COOPERATIVE RESEARCH AND TECH-
26 NOLOGY DEPLOYMENT.—The Secretary may conduct

1 cooperative research and technology deployment in
2 coordination with Federal land management agen-
3 cies, as determined appropriate by the Secretary.

4 “(8) FUNDING.—

5 “(A) IN GENERAL.—To carry out the ac-
6 tivities described in this subsection for Federal
7 lands transportation facilities, Federal lands ac-
8 cess transportation facilities, and other federally
9 owned roads open to public travel (as that term
10 is defined in section 125(e)), the Secretary shall
11 combine and use not greater than 5 percent for
12 each fiscal year of the funds authorized for pro-
13 grams under sections 203 and 204.

14 “(B) OTHER ACTIVITIES.—In addition to
15 the activities described in subparagraph (A),
16 funds described under that subparagraph may
17 be used for—

18 “(i) bridge inspections on any feder-
19 ally owned bridge even if that bridge is not
20 included on the inventory described under
21 section 203; and

22 “(ii) transportation planning activities
23 carried out by Federal land management
24 agencies eligible for funding under this
25 chapter.”.

1 **SEC. 1029. FEDERAL LANDS TRANSPORTATION PROGRAM.**

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

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (B), by striking “op-
6 eration” and inserting “capital, operations,”;
7 and

8 (B) in subparagraph (D), by striking “sub-
9 paragraph (A)(iv)” and inserting “subpara-
10 graph (A)(iv)(I)”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)(B)—

13 (i) in clause (iv), by striking “and” at
14 the end;

15 (ii) in clause (v), by striking the pe-
16 riod at the end and inserting a semicolon;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(vi) the Bureau of Reclamation; and

21 “(vii) independent Federal agencies
22 with natural resource and land manage-
23 ment responsibilities.”; and

24 (B) in paragraph (2)(B), in the matter
25 preceding clause (i), by inserting “performance
26 management, including” after “support”; and

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

3 “(vi) The Bureau of Reclamation.”.

4 **SEC. 1030. INNOVATIVE PROJECT DELIVERY.**

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

7 (1) *in subparagraph (A)(ii)—*

8 (A) *by inserting “engineering, or design ap-*
9 *proaches,” after “technologies,”; and*

10 (B) *by striking “or contracting” and insert-*
11 *ing “or contracting or project delivery”; and*

12 (2) *in subparagraph (B)(iii), by inserting “and*
13 *alternative bidding” before the semicolon at the end.*

14 **Subtitle B—Acceleration of Project**
15 **Delivery**

16 **SEC. 1101. CATEGORICAL EXCLUSION FOR PROJECTS OF**
17 **LIMITED FEDERAL ASSISTANCE.**

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

20 (1) in the matter preceding paragraph (1), by
21 striking “Not later than” and inserting the fol-
22 lowing:

23 “(a) IN GENERAL.—Not later than”; and

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

1 “(b) INFLATIONARY ADJUSTMENT.—The dollar
2 amounts described in subsection (a) shall be adjusted for
3 inflation—

4 “(1) effective October 1, 2015, to reflect
5 changes since July 1, 2012, in the Consumer Price
6 Index for All Urban Consumers published by the
7 Bureau of Labor Statistics of the Department of
8 Labor; and

9 “(2) effective October 1, 2016, and each suc-
10 ceeding October 1, to reflect changes for the pre-
11 ceeding 12-month period in the Consumer Price
12 Index for All Urban Consumers published by the
13 Bureau of Labor Statistics of the Department of
14 Labor.”.

15 **SEC. 1102. PROGRAMMATIC AGREEMENT TEMPLATE.**

16 (a) IN GENERAL.—Section 1318 of MAP-21 (23
17 U.S.C. 109 note; Public Law 112–141) is amended by
18 adding at the end the following:

19 “(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

20 “(1) IN GENERAL.—The Secretary shall develop
21 a template programmatic agreement described in
22 subsection (d) that provides for efficient and ade-
23 quate procedures for evaluating Federal actions de-
24 scribed in section 771.117(e) of title 23, Code of

1 Federal Regulations (as in effect on the date of en-
2 actment of this subsection).

3 “(2) USE OF TEMPLATE.—The Secretary—

4 “(A) on receipt of a request from a State,
5 shall use the template programmatic agreement
6 developed under paragraph (1) in carrying out
7 this section; and

8 “(B) on consent of the applicable State,
9 may modify the template as necessary to ad-
10 dress the unique needs and characteristics of
11 the State.

12 “(3) OUTCOME MEASUREMENTS.—The Sec-
13 retary shall establish a method to verify that actions
14 described in section 771.117(c) of title 23, Code of
15 Federal Regulations (as in effect on the date of en-
16 actment of this subsection), are evaluated and docu-
17 mented in a consistent manner by the State that
18 uses the template programmatic agreement under
19 this subsection.”.

20 (b) CATEGORICAL EXCLUSION DETERMINATIONS.—

21 Not later than 30 days after the date of enactment of this
22 Act, the Secretary shall revise section 771.117(g) of title
23 23, Code of Federal Regulations, to allow a programmatic
24 agreement under this section to include responsibility for
25 making categorical exclusion determinations—

1 (1) for actions described in subsections (c) and
2 (d) of section 771.117 of title 23, Code of Federal
3 Regulations; and

4 (2) that meet the criteria for a categorical ex-
5 clusion under section 1508.4 of title 40, Code of
6 Federal Regulations (as in effect on the date of en-
7 actment of this Act), and are identified in the pro-
8 grammatic agreement.

9 **SEC. 1103. AGENCY COORDINATION.**

10 (a) ROLES AND RESPONSIBILITY OF LEAD AGEN-
11 CY.—Section 139(c)(6) of title 23, United States Code,
12 is amended—

13 (1) in subparagraph (A), by striking “and” at
14 the end;

15 (2) in subparagraph (B), by striking the period
16 at the end and inserting “; and”; and

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

18 “(C) to consider and respond to comments
19 received from participating agencies on matters
20 within the special expertise or jurisdiction of
21 the participating agencies.”.

22 (b) PARTICIPATING AGENCY RESPONSIBILITIES.—
23 Section 139(d) of title 23, United States Code, is amended
24 by adding at the end the following:

1 “(8) PARTICIPATING AGENCY RESPONSIBIL-
 2 ITIES.—An agency participating in the collaborative
 3 environmental review process under this section
 4 shall—

5 “(A) provide comments, responses, studies,
 6 or methodologies on those areas within the spe-
 7 cial expertise or jurisdiction of the Federal par-
 8 ticipating or cooperating agency; and

9 “(B) use the process to address any envi-
 10 ronmental issues of concern to the participating
 11 or cooperating agency.”.

12 **SEC. 1104. INITIATION OF ENVIRONMENTAL REVIEW PROC-**
 13 **ESS.**

14 Section 139 of title 23, United States Code, is
 15 amended—

16 (1) in subsection (a), by striking paragraph (6)
 17 and inserting the following:

18 “(6) PROJECT.—

19 “(A) IN GENERAL.—The term ‘project’
 20 means any highway project, public transpor-
 21 tation capital project, or multimodal project
 22 that, if implemented as proposed by the project
 23 sponsor, would require approval by any oper-
 24 ating administration or secretarial office within
 25 the Department.

1 “(B) CONSIDERATIONS.—For purposes of
2 this paragraph, the Secretary shall take into ac-
3 count, if known, any sources of Federal funding
4 or financing identified by the project sponsor,
5 including discretionary grant, loan, and loan
6 guarantee programs administered by the De-
7 partment.”;

8 (2) in subsection (e)—

9 (A) in paragraph (1), by inserting “(in-
10 cluding any additional information that the
11 project sponsor considers to be important to ini-
12 tiate the process for the proposed project)”
13 after “location of the proposed project”; and

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

15 “(3) REVIEW OF APPLICATION.—Not later than
16 45 days after the date on which an application is re-
17 ceived by the Secretary under this subsection, the
18 Secretary shall provide to the project sponsor a writ-
19 ten response that, as applicable—

20 “(A) describes the determination of the
21 Secretary—

22 “(i) to initiate the environmental re-
23 view process, including a timeline and an
24 expected date for the publication in the

1 Federal Register of the relevant notice of
2 intent; or

3 “(ii) to decline the application, includ-
4 ing an explanation of the reasons for that
5 decision; or

6 “(B) requests additional information, and
7 provides to the project sponsor an accounting,
8 regarding what is necessary to initiate the envi-
9 ronmental review process.

10 “(4) REQUEST TO DESIGNATE A LEAD AGEN-
11 CY.—

12 “(A) IN GENERAL.—Any project sponsor
13 may submit a request to the Secretary to des-
14 ignate a specific operating administration or
15 secretarial office within the Department of
16 Transportation to serve as the Federal lead
17 agency for a project.

18 “(B) PROPOSED SCHEDULE.—A request
19 under subparagraph (A) may include a pro-
20 posed schedule for completing the environ-
21 mental review process.

22 “(C) SECRETARIAL ACTION.—

23 “(i) IN GENERAL.—If a request under
24 subparagraph (A) is received, the Sec-
25 retary shall respond to the request not

1 later than 45 days after the date of re-
2 ceipt.

3 “(ii) REQUIREMENTS.—The response
4 shall—

5 “(I) approve the request;

6 “(II) deny the request, with an
7 explanation of the reasons; or

8 “(III) require the submission of
9 additional information.

10 “(iii) ADDITIONAL INFORMATION.—If
11 additional information is submitted in ac-
12 cordance with clause (ii)(III), the Sec-
13 retary shall respond to that submission not
14 later than 45 days after the date of re-
15 ceipt.”; and

16 (3) in subsection (f)(4), by adding at the end
17 the following:

18 “(E) REDUCTION OF DUPLICATION.—

19 “(i) IN GENERAL.—In carrying out
20 this paragraph, the lead agency shall re-
21 duce duplication, to the maximum extent
22 practicable, between—

23 “(I) the evaluation of alternatives
24 under the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4321
2 et seq.); and

3 “(II) the evaluation of alter-
4 natives in the metropolitan transpor-
5 tation planning process under section
6 134 of title 23, United States Code,
7 or an environmental review process
8 carried out under State law (referred
9 to in this subparagraph as a ‘State
10 environmental review process’).

11 “(ii) CONSIDERATION OF ALTER-
12 NATIVES.—The lead agency may eliminate
13 from detailed consideration an alternative
14 proposed in an environmental impact state-
15 ment regarding a project if, as determined
16 by the lead agency—

17 “(I) the alternative was consid-
18 ered in a metropolitan planning proc-
19 ess or a State environmental review
20 process by a metropolitan planning or-
21 ganization or a State or local trans-
22 portation agency, as applicable;

23 “(II) the lead agency provided
24 guidance to the metropolitan planning
25 organization or State or local trans-

1 transportation agency, as applicable, re-
2 garding analysis of alternatives in the
3 metropolitan planning process or
4 State environmental review process,
5 including guidance on the require-
6 ments under the National Environ-
7 mental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.) and any other require-
9 ments of Federal law necessary for
10 approval of the project;

11 “(III) the applicable metropolitan
12 planning process or State environ-
13 mental review process included an op-
14 portunity for public review and com-
15 ment;

16 “(IV) the applicable metropolitan
17 planning organization or State or
18 local transportation agency rejected
19 the alternative after considering pub-
20 lic comments;

21 “(V) the Federal lead agency
22 independently reviewed the alternative
23 evaluation approved by the applicable
24 metropolitan planning organization or

1 State or local transportation agency;
2 and

3 “(VI) the Federal lead agency
4 has determined—

5 “(aa) in consultation with
6 Federal participating or cooper-
7 ating agencies, that the alter-
8 native to be eliminated from con-
9 sideration is not necessary for
10 compliance with the National En-
11 vironmental Policy Act of 1969
12 (42 U.S.C. 4321 et seq.); or

13 “(bb) with the concurrence
14 of Federal agencies with jurisdic-
15 tion over a permit or approval re-
16 quired for a project, that the al-
17 ternative to be eliminated from
18 consideration is not necessary for
19 any permit or approval under any
20 other Federal law.”.

21 **SEC. 1105. IMPROVING COLLABORATION FOR ACCELER-**
22 **ATED DECISION MAKING.**

23 (a) COORDINATION AND SCHEDULING.—Section
24 139(g)(1)(B)(i) of title 23, United States Code, is amend-
25 ed—

1 (1) by striking “The lead agency” and inserting
2 “For a project requiring an environmental impact
3 statement or environmental assessment, the lead
4 agency”; and

5 (2) by striking “may” and inserting “shall”.

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

8 (1) in paragraph (4)(C), by striking “paragraph
9 (5) and” and inserting “paragraph (5)”;

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

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

15 “(ii) DESCRIPTION OF DATE.—The
16 date referred to in clause (i) is 1 of the fol-
17 lowing:

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

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

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

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

12 “(III) A modified date consistent
13 with subsection (g)(1)(D).”.

14 **SEC. 1106. ACCELERATED DECISIONMAKING IN ENVIRON-**
15 **MENTAL REVIEWS.**

16 (a) IN GENERAL.—Section 139 of title 23, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(n) ACCELERATED DECISIONMAKING IN ENVIRON-
20 MENTAL REVIEWS.—

21 “(1) IN GENERAL.—In preparing a final envi-
22 ronmental impact statement under the National En-
23 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.), if the lead agency modifies the statement in
25 response to comments that are minor and are con-

1 fined to factual corrections or explanations regarding
2 why the comments do not warrant additional agency
3 response, the lead agency may write on errata sheets
4 attached to the statement instead of rewriting the
5 draft statement, subject to the condition that the er-
6 rata sheets shall—

7 “(A) cite the sources, authorities, or rea-
8 sons that support the position of the lead agen-
9 cy; and

10 “(B) if appropriate, indicate the cir-
11 cumstances that would trigger agency re-
12 appraisal or further response.

13 “(2) INCORPORATION.—To the maximum ex-
14 tent practicable, the lead agency shall expeditiously
15 develop a single document that consists of a final en-
16 vironmental impact statement and a record of deci-
17 sion, unless—

18 “(A) the final environmental impact state-
19 ment makes substantial changes to the pro-
20 posed action that are relevant to environmental
21 or safety concerns; or

22 “(B) there are significant new cir-
23 cumstances or information that—

24 “(i) are relevant to environmental
25 concerns; and

1 “(ii) bear on the proposed action or
2 the impacts of the proposed action.”.

3 (b) REPEAL.—Section 1319 of MAP-21 (42 U.S.C.
4 4332a) is repealed.

5 **SEC. 1107. IMPROVING TRANSPARENCY IN ENVIRON-**
6 **MENTAL REVIEWS.**

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

10 “(o) REVIEWS, APPROVALS, AND PERMITTING PLAT-
11 FORM.—

12 “(1) IN GENERAL.—Not later than 2 years
13 after the date of enactment of this subsection, the
14 Secretary shall establish an online platform and, in
15 coordination with agencies described in paragraph
16 (2), issue reporting standards to make publicly avail-
17 able the status of reviews, approvals, and permits re-
18 quired for compliance with the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
20 or other applicable Federal laws for projects and ac-
21 tivities requiring an environmental assessment or an
22 environmental impact statement.

23 “(2) FEDERAL AGENCY PARTICIPATION.—A
24 Federal agency of jurisdiction over a review, ap-
25 proval, or permit described in paragraph (1) shall

1 provide status information in accordance with the
2 standards established by the Secretary under para-
3 graph (1).

4 “(3) STATE RESPONSIBILITIES.—A State that
5 is assigned and assumes responsibilities under sec-
6 tion 326 or 327 shall provide applicable status infor-
7 mation in accordance with standards established by
8 the Secretary under paragraph (1).”.

9 **SEC. 1108. INTEGRATION OF PLANNING AND ENVIRON-**
10 **MENTAL REVIEW.**

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

13 **“§ 168. Integration of planning and environmental re-**
14 **view**

15 “(a) DEFINITIONS.—In this section, the following
16 definitions apply:

17 “(1) ENVIRONMENTAL REVIEW PROCESS.—The
18 term ‘environmental review process’ means the proc-
19 ess for preparing for a project an environmental im-
20 pact statement, environmental assessment, categor-
21 ical exclusion, or other document prepared under the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.).

24 “(2) LEAD AGENCY.—The term ‘lead agency’
25 has the meaning given the term in section 139(a).

1 “(3) PLANNING PRODUCT.—The term ‘planning
2 product’ means a decision, analysis, study, or other
3 documented information that is the result of an eval-
4 uation or decisionmaking process carried out by a
5 metropolitan planning organization or a State, as
6 appropriate, during metropolitan or statewide trans-
7 portation planning under section 134 or 135, respec-
8 tively.

9 “(4) PROJECT.—The term ‘project’ has the
10 meaning given the term in section 139(a).

11 “(b) ADOPTION OF PLANNING PRODUCTS FOR USE
12 IN NEPA PROCEEDINGS.—

13 “(1) IN GENERAL.—Subject to subsection (d),
14 the Federal lead agency for a project may adopt and
15 use a planning product in proceedings relating to
16 any class of action in the environmental review proc-
17 ess of the project.

18 “(2) IDENTIFICATION.—If the Federal lead
19 agency makes a determination to adopt and use a
20 planning product, the Federal lead agency shall
21 identify the agencies that participated in the devel-
22 opment of the planning products.

23 “(3) PARTIAL ADOPTION OF PLANNING PROD-
24 UCTS.—The Federal lead agency may—

1 “(A) adopt an entire planning product
2 under paragraph (1); or

3 “(B) select portions of a planning project
4 under paragraph (1) for adoption.

5 “(4) TIMING.—A determination under para-
6 graph (1) with respect to the adoption of a planning
7 product may—

8 “(A) be made at the time the lead agencies
9 decide the appropriate scope of environmental
10 review for the project; or

11 “(B) occur later in the environmental re-
12 view process, as appropriate.

13 “(c) APPLICABILITY.—

14 “(1) PLANNING DECISIONS.—The lead agency
15 in the environmental review process may adopt deci-
16 sions from a planning product, including—

17 “(A) whether tolling, private financial as-
18 sistance, or other special financial measures are
19 necessary to implement the project;

20 “(B) a decision with respect to general
21 travel corridor or modal choice, including a de-
22 cision to implement corridor or subarea study
23 recommendations to advance different modal so-
24 lutions as separate projects with independent
25 utility;

1 “(C) the purpose and the need for the pro-
2 posed action;

3 “(D) preliminary screening of alternatives
4 and elimination of unreasonable alternatives;

5 “(E) a basic description of the environ-
6 mental setting;

7 “(F) a decision with respect to methodolo-
8 gies for analysis; and

9 “(G) an identification of programmatic
10 level mitigation for potential impacts of trans-
11 portation projects, including—

12 “(i) measures to avoid, minimize, and
13 mitigate impacts at a regional or national
14 scale;

15 “(ii) investments in regional eco-
16 system and water resources; and

17 “(iii) a programmatic mitigation plan
18 developed in accordance with section 169.

19 “(2) PLANNING ANALYSES.—The lead agency
20 in the environmental review process may adopt anal-
21 yses from a planning product, including—

22 “(A) travel demands;

23 “(B) regional development and growth;

24 “(C) local land use, growth management,
25 and development;

1 “(D) population and employment;

2 “(E) natural and built environmental con-
3 ditions;

4 “(F) environmental resources and environ-
5 mentally sensitive areas;

6 “(G) potential environmental effects, in-
7 cluding the identification of resources of con-
8 cern and potential indirect and cumulative ef-
9 fects on those resources; and

10 “(H) mitigation needs for a proposed ac-
11 tion, or for programmatic level mitigation, for
12 potential effects that the Federal lead agency
13 determines are most effectively addressed at a
14 regional or national program level.

15 “(d) CONDITIONS.—The lead agency in the environ-
16 mental review process may adopt and use a planning prod-
17 uct under this section if the lead agency determines, with
18 the concurrence of other participating agencies with rel-
19 evant expertise and project sponsors, as appropriate, that
20 the following conditions have been met:

21 “(1) The planning product was developed
22 through a planning process conducted pursuant to
23 applicable Federal law.

1 “(2) The planning product was developed in
2 consultation with appropriate Federal and State re-
3 source agencies and Indian tribes.

4 “(3) The planning process included broad mul-
5 tidisciplinary consideration of systems-level or cor-
6 ridor-wide transportation needs and potential effects,
7 including effects on the human and natural environ-
8 ment.

9 “(4) The planning process included public no-
10 tice that the planning products produced in the plan-
11 ning process may be adopted during a subsequent
12 environmental review process in accordance with this
13 section.

14 “(5) During the environmental review process,
15 the lead agency has—

16 “(A) made the planning documents avail-
17 able for public review and comment;

18 “(B) provided notice of the intention of the
19 lead agency to adopt the planning product; and

20 “(C) considered any resulting comments.

21 “(6) There is no significant new information or
22 new circumstance that has a reasonable likelihood of
23 affecting the continued validity or appropriateness of
24 the planning product.

1 “(7) The planning product has a rational basis
2 and is based on reliable and reasonably current data
3 and reasonable and scientifically acceptable meth-
4 odologies.

5 “(8) The planning product is documented in
6 sufficient detail to support the decision or the re-
7 sults of the analysis and to meet requirements for
8 use of the information in the environmental review
9 process.

10 “(9) The planning product is appropriate for
11 adoption and use in the environmental review proc-
12 ess for the project and is incorporated in accordance
13 with the National Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.) and section 1502.21 of title
15 40, Code of Federal Regulations (as in effect on the
16 date of enactment of the DRIVE Act).

17 “(e) EFFECT OF ADOPTION.—Any planning product
18 adopted by the Federal lead agency in accordance with
19 this section may be—

20 “(1) incorporated directly into an environmental
21 review process document or other environmental doc-
22 ument; and

23 “(2) relied on and used by other Federal agen-
24 cies in carrying out reviews of the project.

25 “(f) RULES OF CONSTRUCTION.—

1 “(1) IN GENERAL.—This section does not make
2 the environmental review process applicable to the
3 transportation planning process conducted under
4 this title and chapter 53 of title 49.

5 “(2) TRANSPORTATION PLANNING ACTIVI-
6 TIES.—Initiation of the environmental review proc-
7 ess as a part of, or concurrently with, transportation
8 planning activities does not subject transportation
9 plans and programs to the environmental review
10 process.

11 “(3) PLANNING PRODUCTS.—This section does
12 not affect the use of planning products in the envi-
13 ronmental review process pursuant to other authori-
14 ties under any other provision of law or restrict the
15 initiation of the environmental review process during
16 planning.”.

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

18 Section 169(f) of title 23, United States Code, is
19 amended—

20 (1) by striking “may use” and inserting “shall
21 consider”; and

22 (2) by inserting “or other Federal environ-
23 mental law” before the period at the end.

1 **SEC. 1110. ADOPTION OF DEPARTMENTAL ENVIRON-**
 2 **MENTAL DOCUMENTS.**

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

5 **“§ 307. Adoption of Departmental environmental doc-**
 6 **uments**

7 “(a) IN GENERAL.—An operating administration or
 8 secretarial office within the Department may adopt any
 9 draft environmental impact statement, final environmental
 10 impact statement, environmental assessment, or any other
 11 document issued under the National Environmental Policy
 12 Act of 1969 (42 U.S.C. 4321 et seq.) by another operating
 13 administration or secretarial office within the Depart-
 14 ment—

15 “(1) without recirculating the document (except
 16 that a final environmental impact statement shall be
 17 recirculated prior to adoption); and

18 “(2) if the operating administration or secre-
 19 tarial office adopting the document certifies that the
 20 project is substantially the same as the project re-
 21 viewed under the document to be adopted.

22 “(b) COOPERATING AGENCY.—An adopting operating
 23 administration or secretarial office that was a cooperating
 24 agency and certifies that the project is substantially the
 25 same as the project reviewed under the document to be
 26 adopted and that ~~the comments and suggestions in the~~

1 ~~document~~ *its comments and suggestions* have been ad-
 2 dressed may adopt a document described in subsection (a)
 3 without recirculating the document.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
 5 chapter 3 of title 49, United States Code, is amended by
 6 striking the item relating to section 307 and inserting the
 7 following:

“Sec. 307. Adoption of Departmental environmental documents.”.

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

9 Section 326 of title 23, United States Code, is
 10 amended—

11 (1) in subsection (c)—

12 (A) by redesignating paragraphs (2)
 13 through (4) as paragraphs (3) through (5), re-
 14 spectively; and

15 (B) by inserting after paragraph (1) the
 16 following:

17 “(2) ASSISTANCE TO STATES.—On request of a
 18 Governor of a State, the Secretary shall provide to
 19 the State technical assistance, training, or other
 20 support relating to—

21 “(A) assuming responsibility under sub-
 22 section (a);

23 “(B) developing a memorandum of under-
 24 standing under this subsection; or

1 “(C) addressing a responsibility in need of
2 corrective action under subsection (d)(1)(B).”;
3 and
4 (2) in subsection (d), by striking paragraph (1)
5 and inserting the following:

6 “(1) TERMINATION BY SECRETARY.—The Sec-
7 retary may terminate the participation of any State
8 in the program, if—

9 “(A) the Secretary determines that the
10 State is not adequately carrying out the respon-
11 sibilities assigned to the State;

12 “(B) the Secretary provides to the State—

13 “(i) a notification of the determina-
14 tion of noncompliance;

15 “(ii) a period of not less than 120
16 days to take such corrective action as the
17 Secretary determines to be necessary to
18 comply with the applicable agreement; and

19 “(iii) on request of the Governor of
20 the State, a detailed description of each re-
21 sponsibility in need of corrective action re-
22 garding an inadequacy identified under
23 subparagraph (A); and

24 “(C) the State, after the notification and
25 period described in clauses (i) and (ii) of sub-

1 paragraph (B), fails to take satisfactory correc-
2 tive action, as determined by the Secretary.”.

3 **SEC. 1112. SURFACE TRANSPORTATION PROJECT DELIV-**
4 **ERY PROGRAM.**

5 Section 327(j) of title 23, United States Code, is
6 amended by striking paragraph (1) and inserting the fol-
7 lowing:

8 “(1) **TERMINATION BY SECRETARY.**—The Sec-
9 retary may terminate the participation of any State
10 in the program if—

11 “(A) the Secretary determines that the
12 State is not adequately carrying out the respon-
13 sibilities assigned to the State;

14 “(B) the Secretary provides to the State—

15 “(i) a notification of the determina-
16 tion of noncompliance;

17 “(ii) a period of not less than 120
18 days to take such corrective action as the
19 Secretary determines to be necessary to
20 comply with the applicable agreement; and

21 “(iii) on request of the Governor of
22 the State, a detailed description of each re-
23 sponsibility in need of corrective action re-
24 garding an inadequacy identified under
25 subparagraph (A); and

1 “(C) the State, after the notification and
2 period provided under subparagraph (B), fails
3 to take satisfactory corrective action, as deter-
4 mined by the Secretary.”.

5 **SEC. 1113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL**
6 **PROJECTS.**

7 (a) **MULTIMODAL PROJECT DEFINED.**—Section
8 139(a) of title 23, United States Code, is amended by
9 striking paragraph (5) and inserting the following:

10 “(5) **MULTIMODAL PROJECT.**—The term
11 ‘multimodal project’ means a project that requires
12 approval by more than 1 Department of Transpor-
13 tation operating administration or secretarial of-
14 fice.”.

15 (b) **APPLICATION OF CATEGORICAL EXCLUSIONS FOR**
16 **MULTIMODAL PROJECTS.**—Section 304 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “oper-
20 ating authority that is not the lead authority
21 with respect to a project” and inserting “oper-
22 ating administration or secretarial office that
23 has expertise but is not the lead authority with
24 respect to a proposed multimodal project”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) LEAD AUTHORITY.—The term ‘lead au-
4 thority’ means a Department of Transportation op-
5 erating administration or secretarial office that has
6 the lead responsibility for compliance with the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.) for a proposed multimodal project.”;

9 (2) in subsection (b), by striking “under this
10 title” and inserting “by the Secretary of Transpor-
11 tation”;

12 (3) in subsection (c)—

13 (A) in the matter preceding paragraph

14 (1)—

15 (i) by striking “a categorical exclusion
16 designated under the implementing regula-
17 tions or” and inserting “a categorical ex-
18 clusion designated under the National En-
19 vironmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) implementing regulations
21 or”; and

22 (ii) by striking “other components of
23 the” and inserting “a proposed
24 multimodal”; and

1 (B) by striking paragraphs (1) through (5)
2 and inserting the following:

3 “(1) the lead authority makes a determination,
4 in consultation with the cooperating authority, on
5 the applicability of a categorical exclusion to a pro-
6 posed multimodal project;

7 “(2) the cooperating authority does not object
8 to the determination of the lead authority of the ap-
9 plicability of a categorical exclusion;

10 “(3) the lead authority determines that the
11 component of the proposed multimodal project to be
12 covered by the categorical exclusion of the cooper-
13 ating authority has independent utility; and

14 “(4) the lead authority determines that—

15 “(A) the proposed multimodal project does
16 not individually or cumulatively have a signifi-
17 cant impact on the environment; and

18 “(B) extraordinary circumstances do not
19 exist that merit additional analysis and docu-
20 mentation in an environmental impact state-
21 ment or environmental assessment required
22 under the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.).”; and

24 (4) by striking subsection (d) and inserting the
25 following:

1 “(d) COOPERATIVE AUTHORITY EXPERTISE.—A co-
2 operating authority shall provide expertise to the lead au-
3 thority on aspects of the multimodal project in which the
4 cooperating authority has expertise.”.

5 **SEC. 1114. MODERNIZATION OF THE ENVIRONMENTAL RE-**
6 **VIEW PROCESS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Secretary shall examine
9 ways to modernize, simplify, and improve the implementa-
10 tion of the National Environmental Policy Act of 1969 (42
11 U.S.C. 4231 et seq.) by the Department.

12 (b) INCLUSIONS.—In carrying out subsection (a), the
13 Secretary shall consider—

14 (1) the use of technology in the process, such
15 as—

16 (A) searchable databases;

17 (B) geographic information system map-
18 ping tools;

19 (C) integration of those tools with fiscal
20 management systems to provide more detailed
21 data; and

22 (D) other innovative technologies;

23 (2) ways to prioritize use of programmatic envi-
24 ronmental impact statements;

1 (3) methods to encourage cooperating agencies
2 to present analyses in a concise format; and

3 (4) any other improvements that can be made
4 to modernize process implementation.

5 (c) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, the Secretary shall submit to
7 the Committee on Environment and Public Works of the
8 Senate and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report de-
10 scribing the results of the review carried out under sub-
11 section (a).

12 **SEC. 1115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
13 **RELIGIOUS SERVICE SIGNS.**

14 Notwithstanding section 131 of title 23, United
15 States Code, and part 750 of title 23, Code of Federal
16 Regulations (or successor regulations), a State may allow
17 the maintenance of a sign of a service club, charitable as-
18 sociation, or religious service that was erected as of the
19 date of enactment of this Act, the area of which is less
20 than or equal to 32 square feet, if the State notifies the
21 Federal Highway Administration.

1 **SEC. 1116. SATISFACTION OF REQUIREMENTS FOR CER-**
2 **TAIN HISTORIC SITES.**

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

6 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
7 TAIN HISTORIC SITES.—

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

9 “(A) ensure that the requirements of this
10 section are consistent with *align, to the max-*
11 *imum extent practicable, with* the requirements
12 of the National Environmental Policy Act of
13 1969 (42 U.S.C. 4231 et seq.) and section
14 306108 of title 54, including implementing reg-
15 ulations; and

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

24 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

25 “(A) IN GENERAL.—If, in an analysis re-
26 quired under the National Environmental Pol-

1 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
2 Secretary determines that there is no feasible or
3 prudent alternative to avoid use of an historic
4 site, the Secretary may—

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

8 “(ii) provide a notice of the deter-
9 mination to—

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

13 “(II) the Council, if the Council
14 is participating in the consultation
15 process under section 306108 of title
16 54; and

17 “(III) the Secretary of the Inte-
18 rior; and

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

24 “(B) CONCURRENCE.—If the applicable
25 preservation officer, the Council, and the Sec-

1 retary of the Interior *each* provide a concur-
2 rence requested under subparagraph (A)(iii)—

3 “(i) ~~no further analysis under sub-~~
4 section (a)(1) shall be required;

5 “(ii) the Secretary shall include in the
6 record of decision or finding of no signifi-
7 cant impact a notice of a determination
8 and each relevant concurrence to the deter-
9 mination under subparagraph (A); and

10 “(iii) not later than 3 days after the
11 receipt by the Secretary of all concurrences
12 requested under subparagraph (A)(iii), the
13 Secretary shall post on an appropriate
14 Federal website the determination and
15 each relevant concurrence described in
16 clause (ii). *subparagraph (A)(iii), no fur-*
17 *ther analysis under subsection (a)(1) shall*
18 *be required.*

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

23 “(i) *included in the record of decision*
24 *or finding of no significant impact of the*
25 *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 “(3) ALIGNING HISTORICAL REVIEWS.—

7 “(A) IN GENERAL.—If the Secretary, the
8 applicable preservation officer, the Council, and
9 the Secretary of the Interior concur ~~that there~~
10 is ~~no~~ feasible and prudent alternative *that no*
11 feasible and prudent alternative exists as de-
12 scribed in paragraph (2), the Secretary may
13 provide to the applicable preservation officer,
14 the Council, and the Secretary of the Interior
15 notice of the intent of the Secretary to satisfy
16 the requirements of subsection (a)(2) through
17 the consultation requirements of section 306108
18 of title 54.

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

1 ment developed under section 306108 of title
2 54.”.

3 (b) PUBLIC TRANSPORTATION.—Section 303 of title
4 49, United States Code, is amended—

5 (1) in subsection (c), in the matter preceding
6 paragraph (1), by striking “subsection (d)” and in-
7 serting “subsections (d) and (e)”; and

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

9 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
10 TAIN HISTORIC SITES.—

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

12 “(A) ~~ensure that the requirements of this~~
13 ~~section are consistent with~~ *align, to the max-*
14 ~~imum extent practicable, the requirements of this~~
15 ~~section with~~ the requirements of the National
16 Environmental Policy Act of 1969 (42 U.S.C.
17 4231 et seq.) and section 306108 of title 54, in-
18 cluding implementing regulations; and

19 “(B) not later than 90 days after the date
20 of enactment of this subsection, coordinate with
21 the Secretary of the Interior and the Executive
22 Director of the Advisory Council on Historic
23 Preservation (referred to in this subsection as
24 the ‘Council’) to establish procedures to satisfy

1 the requirements described in subparagraph (A)
2 (including regulations).

3 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

4 “(A) IN GENERAL.—If, in an analysis re-
5 quired under the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
7 Secretary determines that there is no feasible or
8 prudent alternative to avoid use of an historic
9 site, the Secretary may—

10 “(i) include the determination of the
11 Secretary in the analysis required under
12 that Act;

13 “(ii) provide a notice of the deter-
14 mination to—

15 “(I) each applicable State his-
16 toric preservation officer and tribal
17 historic preservation officer;

18 “(II) the Council, if the Council
19 is participating in the consultation
20 process under section 306108 of title
21 54; and

22 “(III) the Secretary of the Inte-
23 rior; and

24 “(iii) request from the applicable pres-
25 ervation officer, the Council, and the Sec-

1 retary of the Interior a concurrence that
2 the determination is sufficient to satisfy
3 the requirement of subsection (c)(1).

4 “(B) CONCURRENCE.—If the applicable
5 preservation officer, the Council, and the Sec-
6 retary of the Interior *each* provide a concur-
7 rence requested under subparagraph (A)(iii)—

8 “(i) no further analysis under sub-
9 section (c)(1) shall be required;

10 “(ii) the Secretary shall include in the
11 record of decision or finding of no signifi-
12 cant impact a notice of a determination
13 and each relevant concurrence to the deter-
14 mination under subparagraph (A); and

15 “(iii) not later than 3 days after the
16 receipt by the Secretary of all concurrences
17 requested under subparagraph (A)(iii), the
18 Secretary shall post on an appropriate
19 Federal website the determination and
20 each relevant concurrence described in
21 clause (ii). subparagraph (A)(iii), no fur-
22 ther analysis under subsection (a)(1) shall
23 be required.

24 “(C) PUBLICATION.—A notice of a deter-
25 mination, together with each relevant concur-

1 *rence to that determination, under subparagraph*
 2 *(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 **“(3) ALIGNING HISTORICAL REVIEWS.—**

12 **“(A) IN GENERAL.—**If the Secretary, the
 13 applicable preservation officer, the Council, and
 14 the Secretary of the Interior concur ~~that there~~
 15 ~~is no feasible and prudent alternative that no~~
 16 *feasible and prudent alternative exists* as de-
 17 scribed in paragraph (2), the Secretary may
 18 provide to the applicable preservation officer,
 19 the Council, and the Secretary of the Interior
 20 notice of the intent of the Secretary to satisfy
 21 the requirements of subsection (c)(2) through
 22 the consultation requirements of section 306108
 23 of title 54.

24 **“(B) SATISFACTION OF CONDITIONS.—**To
 25 satisfy the requirements of subsection (c)(2),

1 States Code, shall be exempt from consideration under
2 this section.”.

3 **SEC. 1118. ELIMINATION OF BARRIERS TO IMPROVE AT-**
4 **RISK BRIDGES.**

5 (a) TEMPORARY AUTHORIZATION.—

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

17 (2) MEASURES TO MINIMIZE IMPACTS.—

18 (A) NOTIFICATION BEFORE TAKING.—

19 Prior to the taking of nesting swallows author-
20 ized under paragraph (1), any person taking
21 that action shall submit to the Secretary of the
22 Interior a document that contains—

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

1 (ii) a list of practicable measures that
2 will be undertaken to minimize or mitigate
3 significant adverse impacts on the popu-
4 lation of that species;

5 (iii) the time period during which ac-
6 tivities will be carried out that will result
7 in the taking of that species; and

8 (iv) an estimate of the number of
9 birds, by species, to be taken in the pro-
10 posed action.

11 (B) NOTIFICATION AFTER TAKING.—Not
12 later than 60 days after the taking of nesting
13 swallows authorized under paragraph (1), any
14 person taking that action shall submit to the
15 Secretary of the Interior a document that con-
16 tains the number of birds, by species, taken in
17 the action.

18 (b) AUTHORIZATION OF TAKE.—

19 (1) IN GENERAL.—The Secretary of the Inte-
20 rior, in consultation with the Secretary, shall pro-
21 mulgate a regulation under the authority of section
22 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)
23 authorizing the take of nesting swallows to facilitate
24 bridge repair, maintenance, or construction—

1 (A) without individual permit require-
2 ments; and

3 (B) under terms and conditions determined
4 to be consistent with treaties relating to migra-
5 tory birds that protect swallow species occur-
6 ring in the United States.

7 (2) TERMINATION.—On the effective date of a
8 final rule under this subsection by the Secretary of
9 the Interior, subsection (a) shall have no force or ef-
10 fect.

11 (c) SUSPENSION OR WITHDRAWAL OF TAKE AU-
12 THORIZATION.—If the Secretary of the Interior, in con-
13 sultation with the Secretary, determines that taking of
14 nesting swallows carried out under the authority provided
15 in subsection (a)(1) is having a significant adverse impact
16 on swallow populations, the Secretary of the Interior may
17 suspend that authority through publication in the Federal
18 Register.

19 **SEC. 1119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**

20 (a) DEFINITION OF PRELIMINARY ENGINEERING.—
21 In this section, the term “preliminary engineering” means
22 allowable preconstruction project development and engi-
23 neering costs.

1 (b) AT-RISK PROJECT PREAGREEMENT AUTHOR-
2 ITY.—A recipient or subrecipient of Federal-aid funds
3 under title 23, United States Code, may—

4 (1) incur preliminary engineering costs for an
5 eligible project under title 23, United States Code,
6 before receiving project authorization from the
7 State, in the case of a subrecipient, and the Sec-
8 retary to proceed with the project; and

9 (2) request reimbursement of applicable Federal
10 funds after the project authorization is received.

11 (c) ELIGIBILITY.—The Secretary may reimburse pre-
12 liminary engineering costs incurred by a recipient or sub-
13 recipient under subsection (b)—

14 (1) if the costs meet all applicable requirements
15 under title 23, United States Code, at the time the
16 costs are incurred and the Secretary concurs that
17 the requirements have been met;

18 (2) in the case of a project located within a des-
19 ignated nonattainment or maintenance area for air
20 quality, if the conformity requirements of the Clean
21 Air Act (42 U.S.C. 7401 et seq.) have been met; and

22 (3) if the costs would have been allowable if in-
23 curred after the date of the project authorization by
24 the Department.

1 (d) AT-RISK.—A recipient or subrecipient that elects
2 to use the authority provided under this section shall—

3 (1) assume all risk for preliminary engineering
4 costs incurred prior to project authorization; and

5 (2) be responsible for ensuring and dem-
6 onstrating to the Secretary that all applicable cost
7 eligibility conditions are met after the authorization
8 is received.

9 (e) RESTRICTIONS.—Nothing in this section—

10 (1) allows a recipient or subrecipient to use the
11 authority under this section to advance a project be-
12 yond preliminary engineering prior to the completion
13 of the environmental review process;

14 (2) waives the applicability of Federal require-
15 ments to a project other than the reimbursement of
16 preliminary engineering costs incurred prior to an
17 authorization to proceed in accordance with this sec-
18 tion; or

19 (3) guarantees Federal funding of the project
20 or the eligibility of the project for future Federal-aid
21 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—

(A) for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax; and

(B) not sooner than the second registration period following the purchase of the vehicle; and

(2) that do not exceed, for a vehicle described in paragraph (1), an annual amount determined by the Secretary to be equal to the annual amount paid for Federal motor fuels taxes on the fuel used by an average passenger car fueled solely by gasoline.

(b) CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

1 (A) equal to the percent of the total cost
2 of the project from contributed qualified reve-
3 nues; but

4 (B) not more than 5 percent of the total
5 cost of the project.

6 (2) EXPIRATION.—The authorization of an in-
7 creased Federal share for a project pursuant to
8 paragraph (1) expires on September 30, 2023.

9 (c) STUDY.—

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

20 (2) REQUIREMENT.—The means described in
21 the report under paragraph (1) shall parallel, as
22 closely as practicable, the structure of other Federal
23 taxes on motor fuels.

1 **SEC. 1202. JUSTIFICATION REPORTS FOR ACCESS POINTS**
 2 **ON THE INTERSTATE SYSTEM.**

3 Section 111(e) of title 23, United States Code, is
 4 amended by inserting “(including new or modified free-
 5 way-to-crossroad interchanges inside a transportation
 6 management area)” after “the Interstate System”.

7 **SEC. 1203. EXEMPTIONS.**

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

10 “(m) **NATURAL GAS VEHICLES.**—A vehicle, if oper-
 11 ated by an engine fueled primarily by natural gas, may
 12 exceed any vehicle weight limit (up to a maximum gross
 13 vehicle weight of 82,000 pounds) under this section by an
 14 amount that is equal to the difference between—

15 “(1) the weight of the vehicle attributable to
 16 the natural gas tank and fueling system carried by
 17 that vehicle; and

18 “(2) the weight of a comparable diesel tank and
 19 fueling system.

20 “(n) **EMERGENCY VEHICLES.**—

21 “(1) **DEFINITION OF EMERGENCY VEHICLE.**—
 22 In this subsection, the term ‘emergency vehicle’
 23 means a vehicle designed to be used under emer-
 24 gency conditions—

25 “(A) to transport personnel and equip-
 26 ment; and

1 “(B) to support the suppression of fires
2 and mitigation of other hazardous situations.

3 “(2) EMERGENCY VEHICLE WEIGHT LIMIT.—
4 Notwithstanding subsection (a), a State shall not en-
5 force against an emergency vehicle a vehicle weight
6 limit (up to a maximum gross vehicle weight of
7 86,000 pounds) of less than—

8 “(A) 24,000 pounds on a single steering
9 axle;

10 “(B) 33,500 pounds on a single drive axle;

11 “(C) 62,000 pounds on a tandem axle; or

12 “(D) 52,000 pounds on a tandem rear
13 drive steer axle.

14 “(o) OPERATION OF CERTAIN SPECIALIZED VEHI-
15 CLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKAN-
16 SAS.—If any segment of United States Route 63 between
17 the exits for highways 14 and 75 in the State of Arkansas
18 is designated as part of the Interstate System—

19 “(1) a vehicle that could legally operate on the
20 segment before the date of the designation at the
21 posted speed limit may continue to operate on that
22 segment; and

23 “(2) a vehicle that can only travel below the
24 posted speed limit on the segment that could other-
25 wise legally operate on the segment before the date

1 of the designation may continue to operate on that
2 segment during daylight hours.”.

3 **SEC. 1204. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
4 **HIGHWAY SYSTEM.**

5 Section 1105 of the Intermodal Surface Transpor-
6 tation Efficiency Act of 1991 (105 Stat. 2031) is amend-
7 ed—

8 (1) in subsection (c) (105 Stat. 2032; 119 Stat.
9 1213)—

10 (A) by striking paragraph (13) and insert-
11 ing the following:

12 “(13) Raleigh-Norfolk Corridor from Raleigh,
13 North Carolina, through Rocky Mount, Williamston
14 and Elizabeth City, North Carolina, to Norfolk, Vir-
15 ginia.”;

16 (B) by striking paragraph (68) and insert-
17 ing the following:

18 “(68) The Washoe County Corridor and the
19 Intermountain West Corridor shall generally follow:

20 “(A) in the case of the Washoe County
21 Corridor, along Interstate Route 580/United
22 States Route 95/United States Route 95A, from
23 Reno, Nevada, to Las Vegas, Nevada; and

24 “(B) in the case of the Intermountain
25 West Corridor, from the vicinity of Las Vegas

1 extending north along United States Route 95,
2 terminating at Interstate Route 80.”; and

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

4 “(81) United States Route 117/Interstate
5 Route 795 from United States Route 70 in Golds-
6 boro, Wayne County, North Carolina, to Interstate
7 Route 40 west of Faison, Sampson County, North
8 Carolina.

9 “(82) United States Route 70 from its intersec-
10 tion with Interstate Route 40 in Garner, Wake
11 County, North Carolina, to the Port at Morehead
12 City, Carteret County, North Carolina.”;

13 (2) in subsection (e)(5)—

14 (A) in subparagraph (A) (109 Stat. 597;
15 118 Stat. 293; 119 Stat. 1213), in the first
16 sentence—

17 (i) by inserting “subsection (c)(13),”
18 after “subsection (c)(9),”;

19 (ii) by striking “subsections (c)(18)”
20 and all that follows through “(c)(36)” and
21 inserting “subsection (c)(18), subsection
22 (c)(20), subparagraphs (A) and (B)(i) of
23 subsection (c)(26), subsection (c)(36)” ;
24 and

1 (iii) by striking “and subsection
2 (c)(57)” and inserting “subsection (c)(57),
3 subsection (c)(68)(B), subsection (c)(81),
4 and subsection (c)(82)”; and
5 (B) in subparagraph (C)(i) (109 Stat. 598;
6 126 Stat. 427), by striking the last sentence
7 and inserting “The routes referred to in sub-
8 paragraphs (A) and (B)(i) of subsection (c)(26)
9 and in subsection (c)(68)(B) are designated as
10 Interstate Route I–11.”.

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

12 Section 164(a)(4) of title 23, United States Code, is
13 amended in the matter preceding subparagraph (A) by in-
14 serting “or combination of laws” after “means a State
15 law”.

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

17 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
18 GRAM.—Section 119(d)(2)(L) of title 23, United States
19 Code, is amended by inserting “, including the installation
20 of vehicle-to-infrastructure communication equipment”
21 after “capital improvements”.

22 (b) SURFACE TRANSPORTATION PROGRAM.—Section
23 133(b)(16) of title 23, United States Code, by inserting
24 “, including the installation of vehicle-to-infrastructure
25 communication equipment” after “capital improvements”.

1 **SEC. 1207. DESIGNATED PROJECTS.**

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

4 (1) EARMARKED AMOUNT.—The term “ear-
5 marked amount” means—

6 (A) congressionally directed spending, as
7 defined in rule XLIV of the Standing Rules of
8 the Senate, identified in a prior law, report, or
9 joint explanatory statement, that was author-
10 ized to be appropriated or appropriated more
11 than 10 fiscal years prior to the fiscal year in
12 which this Act becomes effective, and adminis-
13 tered by the Administrator of the Federal High-
14 way Administration; and

15 (B) a congressional earmark, as defined in
16 rule XXI of the Rules of the House of Rep-
17 resentatives identified in a prior law, report, or
18 joint explanatory statement, that was author-
19 ized to be appropriated or appropriated more
20 than 10 fiscal years prior to the fiscal year in
21 which this Act becomes effective, and adminis-
22 tered by the Administrator of the Federal High-
23 way Administration.

24 (2) STATE.—The term “State” has the mean-
25 ing given the term in section 101(a) of title 23,
26 United States Code.

1 (3) TERRITORY.—The term “territory” has the
2 meaning given the term in section 165(c) of title 23,
3 United States Code.

4 (b) AUTHORITY.—A State or territory may use any
5 earmarked amount and any associated obligation limita-
6 tion for any project eligible under sections 133(b) or 165
7 of title 23, United States Code, respectively.

8 (c) TERMS.—

9 (1) NOTIFICATION.—The State transportation
10 agency for the State or territory for which the ear-
11 marked amount was originally designated or directed
12 shall—

13 (A) notify the Secretary of the intent of
14 the State transportation agency to use author-
15 ity under this section; and

16 (B) submit to the Secretary a report not
17 later than September 30, 2016, identifying the
18 earmarked amount, and associated obligation
19 limitation, to be used and the projects to which
20 the funding would be applied.

21 (2) PERIOD OF AVAILABILITY.—Notwith-
22 standing the original period of availability of the ear-
23 marked amount and associated obligation limitation,
24 the funds and associated obligation limitation shall
25 remain available for obligation for a period of 3 fis-

1 cal years after the fiscal year in which the Secretary
2 is notified under paragraph (1).

3 (3) FEDERAL SHARE.—The Federal share of
4 the cost of a project carried out with funds made
5 available under this section shall be the same as
6 originally associated with the earmark.

7 (d) LIMITATIONS.—

8 (1) IN GENERAL.—The authority under sub-
9 section (b) may be exercised only—

10 (A) after September 30, 2016; and

11 (B)(i) for those projects or activities that
12 have obligated less than 10 percent of the
13 amount made available for obligation as of the
14 date of enactment of this Act; or

15 (ii) for those projects with unexpended bal-
16 ances of funds for which the earmarked amount
17 that was originally designated or directed has
18 been closed and for which payments have been
19 made under a final voucher.

20 (2) GEOGRAPHIC AREA.—

21 (A) IN GENERAL.—The earmarked amount
22 and associated obligation limitation shall only
23 be applied to projects within the same general
24 geographic area within 50 miles and within the
25 boundaries of the State or territory for which

1 the earmarked amount was originally des-
2 igned or directed, in consultation with the rel-
3 evant metropolitan planning organization, if ap-
4 plicable.

5 (B) EXCEPTION.—A State or territory
6 may apply the earmarked amount and associ-
7 ated obligation limitation, to a project in any
8 area of the State or territory if the State or ter-
9 ritory certifies that the project for which the
10 earmarked amount was originally designated or
11 directed has been completed and payments have
12 been made under a final voucher.

13 (e) REPORT TO CONGRESS.—Not later than Decem-
14 ber 16, 2016, the Secretary shall submit a consolidated
15 report of the information provided by States and terri-
16 tories under this section to—

17 (1) the Committee on Appropriations of the
18 Senate;

19 (2) the Committee on Appropriations of the
20 House of Representatives;

21 (3) the Committee on Environment and Public
22 Works of the Senate; and

23 (4) the Committee on Transportation and In-
24 frastructure of the House of Representatives.

1 **SEC. 1208. RELINQUISHMENT.**

2 A State transportation agency may relinquish park-
3 and-ride lot facilities or portions of park-and-ride lot facili-
4 ties to a local government agency for highway purposes
5 if authorized to do so under State law.

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

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

9 (1) ELIGIBLE STATE.—The term “eligible
10 State” means a State that—

11 (A) is eligible to use a credit under section
12 120(i) of title 23, United States Code; and

13 (B) has been selected by the Secretary
14 under subsection (d)(2).

15 (2) RECIPIENT STATE.—The term “recipient
16 State” means a State that receives a credit by trans-
17 fer or by sale under this section from an eligible
18 State.

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

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

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

3 (2) to identify the discounted rate of toll credits
4 for cash;

5 (3) to determine if the purchase of toll credits
6 by States provides the purchasing State budget flexi-
7 bility to deal with funding issues, including off-sys-
8 tem needs, transit systems with high operating costs,
9 or cash flow issues; and

10 (4) to test the feasibility of expanding the toll
11 credit market to allow all States to participate on a
12 permanent basis.

13 (d) SELECTION OF ELIGIBLE STATES.—

14 (1) APPLICATION TO SECRETARY.—In order to
15 participate in the pilot program established under
16 subsection (b), a State shall submit to the Secretary
17 an application at such time, in such manner, and
18 containing such information as the Secretary may
19 require.

20 (2) SELECTION.—Of the States that submit an
21 application under paragraph (1), the Secretary may
22 select not more than 10 States to be designated as
23 an eligible State.

24 (e) TRANSFER OR SALE OF CREDITS.—

1 (1) IN GENERAL.—In carrying out the pilot
2 program established under subsection (b), the Sec-
3 retary shall provide that an eligible State may trans-
4 fer or sell to a recipient State a credit not used by
5 the eligible State under section 120(i) of title 23,
6 United States Code.

7 (2) USE OF CREDITS BY TRANSFEREE OR PUR-
8 CHASER.—A recipient State may use a credit re-
9 ceived under paragraph (1) toward the non-Federal
10 share requirement for any funds made available to
11 carry out title 23 or chapter 53 of title 49, United
12 States Code.

13 (3) CONDITION ON TRANSFER OR SALE OF
14 CREDITS.—To receive a credit under paragraph (1),
15 a recipient State shall enter into an agreement with
16 the Secretary described in section 120(i) of title 23,
17 United States Code.

18 (f) USE OF PROCEEDS FROM SALE OF CREDITS.—
19 An eligible State shall use the proceeds from the sale of
20 a credit under subsection (e)(1) for any project in the eli-
21 gible State that is eligible under the surface transportation
22 program established under section 133 of title 23, United
23 States Code.

24 (g) TOLL CREDIT MONITORING AND TRACKING.—
25 Not later than 180 days after the enactment of this sec-

1 tion, the Secretary shall establish a nationwide toll credit
2 monitoring and tracking system that functions as a real-
3 time database on the inventory and use of toll credits
4 among all States (as defined in section 101(a) of title 23,
5 United States Code).

6 (h) NOTIFICATION.—Not later than 30 days after the
7 date on which a credit is transferred or sold under sub-
8 section (e)(1), the eligible State shall submit to the Sec-
9 retary in writing a notification of the transfer or sale.

10 (i) REPORTING REQUIREMENTS.—

11 (1) INITIAL REPORT.—Not later than 180 days
12 after the date of establishment of the pilot program
13 under subsection (b), the Secretary shall submit to
14 the Committee on Environment and Public Works of
15 the Senate and the Committee on Transportation
16 and Infrastructure of the House of Representatives
17 a report on the progress of the pilot program.

18 (2) STATE REPORT.—

19 (A) REPORT BY ELIGIBLE STATE.—Not
20 later than 30 days after a purchase or sale
21 under subsection (e)(1), an eligible State shall
22 submit to the Secretary a report that de-
23 scribes—

24 (i) information on the transaction;

1 (ii) the amount of cash received and
2 the value of toll credits sold;

3 (iii) the intended use of the cash; and

4 (iv) an update on the remaining toll
5 credit balance of the State.

6 (B) REPORT BY RECIPIENT STATE.—Not
7 later than 30 days after a purchase or sale
8 under subsection (e)(1), a recipient State shall
9 submit to the Secretary a report that de-
10 scribes—

11 (i) the value of toll credits purchased;

12 (ii) the anticipated use of the toll
13 credits; and

14 (iii) plans for maintaining mainte-
15 nance of effort for spending on Federal-aid
16 highways projects.

17 (3) ANNUAL REPORT.—Not later than 1 year
18 after the date on which the pilot program under sub-
19 section (b) is established and each year thereafter
20 that the pilot program is in effect, the Secretary
21 shall—

22 (A) submit to the Committee on Environ-
23 ment and Public Works of the Senate and the
24 Committee on Transportation and Infrastruc-

1 ture of the House of Representatives a report
2 that—

3 (i) determines whether a toll credit
4 marketplace is viable;

5 (ii) describes the buying and selling
6 activities of the pilot program;

7 (iii) describes the monetary value of
8 toll credits;

9 (iv) determines whether the pilot pro-
10 gram could be expanded to more States or
11 all States; and

12 (v) provides updated information on
13 the toll credit balance accumulated by each
14 State; and

15 (B) make the report described in subpara-
16 graph (A) publicly available on the website of
17 the Department.

18 (j) **TERMINATION.**—The Secretary may terminate the
19 program established under this section or the participation
20 of any State in the program if the Secretary determines
21 that the program is not serving a public benefit.

22 **SEC. 1210. REGIONAL INFRASTRUCTURE ACCELERATOR**
23 **DEMONSTRATION PROGRAM.**

24 (a) **IN GENERAL.**—The Secretary shall establish a re-
25 gional infrastructure demonstration program (referred to

1 in this section as the “program”) to assist entities in de-
2 veloping improved infrastructure priorities and financing
3 strategies for the accelerated development of a project that
4 is eligible for funding under the TIFIA program under
5 chapter 6 of title 23, United States Code.

6 (b) DESIGNATION OF REGIONAL INFRASTRUCTURE
7 ACCELERATORS.—In carrying out the program, the Sec-
8 retary may designate regional infrastructure accelerators
9 that will—

- 10 (1) serve a defined geographic area; and
11 (2) act as a resource in the geographic area to
12 qualified entities in accordance with this section.

13 (c) APPLICATION.—To be eligible for a designation
14 under subsection (b), a proposed regional infrastructure
15 accelerator shall submit to the Secretary a proposal at
16 such time, in such manner, and containing such informa-
17 tion as the Secretary may require.

18 (d) CRITERIA.—In evaluating a proposal submitted
19 under subsection (c), the Secretary shall consider—

- 20 (1) the need for geographic diversity among re-
21 gional infrastructure accelerators; and
22 (2) the ability of the proposal to promote in-
23 vestment in covered infrastructure projects, which
24 shall include a plan—

1 (A) to evaluate and promote innovative fi-
2 nancing methods for local projects, including
3 the use of the TIFIA program under chapter 6
4 of title 23, United States Code;

5 (B) to build capacity of State, local, and
6 tribal governments to evaluate and structure
7 projects involving the investment of private cap-
8 ital;

9 (C) to provide technical assistance and in-
10 formation on best practices with respect to fi-
11 nancing the projects;

12 (D) to increase transparency with respect
13 to infrastructure project analysis and using in-
14 novative financing for public infrastructure
15 projects;

16 (E) to deploy predevelopment capital pro-
17 grams designed to facilitate the creation of a
18 pipeline of infrastructure projects available for
19 investment;

20 (F) to bundle smaller-scale and rural
21 projects into larger proposals that may be more
22 attractive for investment; and

23 (G) to reduce transaction costs for public
24 project sponsors.

1 (e) ANNUAL REPORT.—Not less frequently than once
 2 each year, the Secretary shall submit to Congress a report
 3 that describes the findings and effectiveness of the pro-
 4 gram.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 6 authorized to be appropriated to carry out the program
 7 \$12,000,000, of which the Secretary shall use—

8 (1) \$11,750,000 for initial grants to regional
 9 infrastructure accelerators under subsection (b); ~~to~~
 10 ~~be expended not later than 270 days after the date~~
 11 ~~of enactment of this Act; and~~

12 (2) \$250,000 for administrative costs of car-
 13 rying out the program.

14 **TITLE II—TRANSPORTATION**
 15 **INNOVATION**

16 **Subtitle A—Research**

17 **SEC. 2001. RESEARCH, TECHNOLOGY, AND EDUCATION.**

18 (a) HIGHWAY RESEARCH AND DEVELOPMENT PRO-
 19 GRAM.—Section 503(b)(3) of title 23, United States Code,
 20 is amended—

21 (1) in subparagraph (C)—

22 (A) in clause (xviii), by striking “and” at
 23 the end;

24 (B) in clause (xix), by striking the period
 25 at the end and inserting “; and”; and

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

2 “(xx) accelerated mobile, highway-
3 speed, bridge inspection methods that pro-
4 vide quantitative data-driven decision-
5 making capabilities without requiring lane
6 closures.”; and

7 (2) in subparagraph (D)(i), by inserting “and
8 section 119(e)” after “this subparagraph”.

9 (b) TECHNOLOGY AND INNOVATION DEPLOYMENT
10 PROGRAM.—Section 503(e) of title 23, United States
11 Code, is amended—

12 (1) in paragraph (1), in the matter preceding
13 subparagraph (A), by striking “carry out” and in-
14 serting “establish and implement”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (B), by striking
17 clause (i) and inserting the following:

18 “(i) use not less than 50 percent of
19 the funds authorized to carry out this sub-
20 section to make grants to, and enter into
21 cooperative agreements and contracts with,
22 States, other Federal agencies, *local gov-*
23 *ernments, metropolitan planning organiza-*
24 *tions*, institutions of higher education, pri-
25 vate sector entities, and nonprofit organi-

1 zations to carry out demonstration pro-
2 grams that will accelerate the deployment
3 and adoption of transportation research
4 activities;”;

5 (B) by redesignating subparagraph (C) as
6 subparagraph (D); and

7 (C) by inserting after subparagraph (B)
8 the following:

9 “(C) INNOVATION GRANTS.—

10 “(i) IN GENERAL.—In carrying out
11 the program established under subpara-
12 graph (B)(i), the Secretary shall establish
13 a transparent competitive process in which
14 entities described in subparagraph (B)(i)
15 may submit an application to receive a
16 grant under this subsection.

17 “(ii) PUBLICATION OF APPLICATION
18 PROCESS.—A description of the application
19 process established by the Secretary
20 shall—

21 “(I) be posted on a public
22 website;

23 “(II) identify the information re-
24 quired to be included in the applica-
25 tion; and

1 “(III) identify the criteria by
2 which the Secretary shall select grant
3 recipients.

4 “(iii) SUBMISSION OF APPLICATION.—
5 To receive a grant under this paragraph,
6 an entity described in subparagraph (B)(i)
7 shall submit an application to the Sec-
8 retary.

9 “(iv) SELECTION AND APPROVAL.—
10 The Secretary shall select and approve an
11 application submitted under clause (iii)
12 based on whether the project described in
13 the application meets the goals of the pro-
14 gram described in paragraph (1).”; and

15 (3) in paragraph (3)(C), by striking “each of
16 fiscal years 2013 through 2014” and inserting “each
17 fiscal year”.

18 (c) CONFORMING AMENDMENT.—Section 505(c)(1)
19 of title 23, United States Code, is amended by striking
20 “section 503(c)(2)(C)” and inserting “section 503
21 (c)(2)(D)”.

22 **SEC. 2002. INTELLIGENT TRANSPORTATION SYSTEMS.**

23 (a) INTELLIGENT TRANSPORTATION SYSTEMS DE-
24 PLOYMENT.—Section 513 of title 23, United States Code,
25 is amended by adding at the end the following:

1 “(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT
2 GRANT PROGRAM.—

3 “(1) ESTABLISHMENT.—The Secretary shall es-
4 tablish a competitive grant program to accelerate the
5 deployment, operation, systems management, inter-
6 modal integration, and interoperability of the ITS
7 program and ITS-enabled operational strategies—

8 “(A) to measure and improve the perform-
9 ance of the surface transportation system;

10 “(B) to reduce traffic congestion and the
11 economic and environmental impacts of traffic
12 congestion;

13 “(C) to minimize fatalities and injuries;

14 “(D) to enhance mobility of people and
15 goods;

16 “(E) to improve traveler information and
17 services; and

18 “(F) to optimize existing roadway capacity.

19 “(2) APPLICATION.—To be eligible for a grant
20 under this subsection, an eligible entity shall submit
21 an application to the Secretary that includes—

22 “(A) a plan to deploy and provide for the
23 long-term operation and maintenance of intel-
24 ligent transportation systems to improve safety,

1 efficiency, system performance, and return on
2 investment, such as—

3 “(i) autonomous vehicle, vehicle-to-ve-
4 hicle, and vehicle-to-infrastructure commu-
5 nication technologies;

6 “(ii) real-time integrated traffic, tran-
7 sit, and multimodal transportation infor-
8 mation;

9 “(iii) advanced traffic, freight, park-
10 ing, and incident management systems;

11 “(iv) advanced technologies to improve
12 transit and commercial vehicle operations;

13 “(v) synchronized, adaptive, and tran-
14 sit preferential traffic signals;

15 “(vi) advanced infrastructure condi-
16 tion assessment technologies; and

17 “(vii) other technologies to improve
18 system operations, including ITS applica-
19 tions necessary for multimodal systems in-
20 tegration and for achieving performance
21 goals;

22 “(B) quantifiable system performance im-
23 provements, including—

24 “(i) reductions in traffic-related
25 crashes, congestion, and costs;

1 “(ii) optimization of system efficiency;

2 and

3 “(iii) improvement of access to trans-
4 portation services;

5 “(C) quantifiable safety, mobility, and en-
6 vironmental benefit projections, including data-
7 driven estimates of the manner in which the
8 project will improve the efficiency of the trans-
9 portation system and reduce traffic congestion
10 in the region;

11 “(D) a plan for partnering with the private
12 sector, including telecommunications industries
13 and public service utilities, public agencies (in-
14 cluding multimodal and multijurisdictional enti-
15 ties), research institutions, organizations rep-
16 resenting transportation and technology leaders,
17 and other transportation stakeholders;

18 “(E) a plan to leverage and optimize exist-
19 ing local and regional ITS investments; and

20 “(F) a plan to ensure interoperability of
21 deployed technologies with other tolling, traffic
22 management, and intelligent transportation sys-
23 tems.

24 “(3) SELECTION.—

1 “(A) IN GENERAL.—Effective beginning
2 not later than 1 year after the date of enact-
3 ment of the DRIVE Act, the Secretary may
4 provide grants to eligible entities under this
5 subsection.

6 “(B) GEOGRAPHIC DIVERSITY.—In award-
7 ing a grant under this subsection, the Secretary
8 shall ensure, to the maximum extent prac-
9 ticable, that grant recipients represent diverse
10 geographical areas of the United States, includ-
11 ing urban, suburban, and rural areas.

12 “(C) NON-FEDERAL SHARE.—In awarding
13 a grant under the subsection, the Secretary
14 shall give priority to grant recipients that dem-
15 onstrate an ability to contribute a significant
16 non-Federal share to the cost of carrying out
17 the project for which the grant is received.

18 “(4) ELIGIBLE USES.—Projects for which
19 grants awarded under this subsection may be used
20 include—

21 “(A) the deployment of autonomous vehi-
22 cle, vehicle-to-vehicle, and vehicle-to-infrastruc-
23 ture communication technologies;

1 “(B) the establishment and implementa-
2 tion of ITS and ITS-enabled operations strate-
3 gies that improve performance in the areas of—
4 “(i) traffic operations;
5 “(ii) emergency response to surface
6 transportation incidents;
7 “(iii) incident management;
8 “(iv) transit and commercial vehicle
9 operations improvements;
10 “(v) weather event response manage-
11 ment by State and local authorities;
12 “(vi) surface transportation network
13 and facility management;
14 “(vii) construction and work zone
15 management;
16 “(viii) traffic flow information;
17 “(ix) freight management; and
18 “(x) congestion management;
19 “(C) carrying out activities that support
20 the creation of networks that link metropolitan
21 and rural surface transportation systems into
22 an integrated data network, capable of col-
23 lecting, sharing, and archiving transportation
24 system traffic condition and performance infor-
25 mation;

1 “(D) the implementation of intelligent
2 transportation systems and technologies that
3 improve highway safety through information
4 and communications systems linking vehicles,
5 infrastructure, mobile devices, transportation
6 users, and emergency responders;

7 “(E) the provision of services necessary to
8 ensure the efficient operation and management
9 of ITS infrastructure, including costs associated
10 with communications, utilities, rent, hardware,
11 software, labor, administrative costs, training,
12 and technical services;

13 “(F) the provision of support for the estab-
14 lishment and maintenance of institutional rela-
15 tionships between transportation agencies, po-
16 lice, emergency medical services, private emer-
17 gency operators, freight operators, shippers,
18 public service utilities, and telecommunications
19 providers;

20 “(G) carrying out multimodal and cross-ju-
21 risdictional planning and deployment of regional
22 transportation systems operations and manage-
23 ment approaches; and

24 “(H) performing project evaluations to de-
25 termine the costs, benefits, lessons learned, and

1 future deployment strategies associated with the
2 deployment of intelligent transportation sys-
3 tems.

4 “(5) REPORT TO SECRETARY.—For each fiscal
5 year that an eligible entity receives a grant under
6 this subsection, not later than 1 year after receiving
7 the grant, each recipient shall submit to the Sec-
8 retary a report that describes how the project has
9 met the expectations projected in the deployment
10 plan submitted with the application, including infor-
11 mation on—

12 “(A) how the program has helped reduce
13 traffic crashes, congestion, costs, and other ben-
14 efits of the deployed systems;

15 “(B) the effect of measuring and improv-
16 ing transportation system performance through
17 the deployment of advanced technologies;

18 “(C) the effectiveness of providing real-
19 time integrated traffic, transit, and multimodal
20 transportation information to the public that al-
21 lows the public to make informed travel deci-
22 sions; and

23 “(D) lessons learned and recommendations
24 for future deployment strategies to optimize

1 transportation efficiency and multimodal system
2 performance.

3 “(6) REPORT TO CONGRESS.—Not later than 2
4 years after the date on which the first grant is
5 awarded under this subsection and annually there-
6 after for each fiscal year for which grants are
7 awarded under this subsection, the Secretary shall
8 submit to Congress a report that describes the effec-
9 tiveness of the grant recipients in meeting the pro-
10 jected deployment plan goals, including data on how
11 the grant program has—

12 “(A) reduced traffic-related fatalities and
13 injuries;

14 “(B) reduced traffic congestion and im-
15 proved travel-time reliability;

16 “(C) reduced transportation-related emis-
17 sions;

18 “(D) optimized multimodal system per-
19 formance;

20 “(E) improved access to transportation al-
21 ternatives;

22 “(F) provided the public with access to
23 real-time integrated traffic, transit, and
24 multimodal transportation information to make
25 informed travel decisions;

1 “(G) provided cost savings to transpor-
2 tation agencies, businesses, and the traveling
3 public; and

4 “(H) provided other benefits to transpor-
5 tation users and the general public.

6 “(7) ADDITIONAL GRANTS.—If the Secretary
7 determines, based on a report submitted under para-
8 graph (5), that a grant recipient is not complying
9 with the established grant criteria, the Secretary
10 may—

11 “(A) cease payment to the recipient of any
12 remaining grant amounts; and

13 “(B) redistribute any remaining amounts
14 to other eligible entities under this section.

15 “(8) NON-FEDERAL SHARE.—The Federal
16 share of the cost of a project for which a grant is
17 provided under this subsection shall not exceed 50
18 percent of the cost of the project.

19 “(9) FUNDING.—Of the funds made available
20 each fiscal year to carry out the intelligent transpor-
21 tation system program under sections 512 through
22 518, not less than \$30,000,000 shall be used to
23 carry out this subsection.”.

1 (b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS
2 AND PURPOSES.—Section 514(a) of title 23, United
3 States Code, is amended—

4 (1) in paragraph (4), by striking “and” at the
5 end; and

6 (2) by striking paragraph (5) and inserting the
7 following:

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

11 “(6) enhancement of the freight system of the
12 United States and support to freight policy goals by
13 conducting heavy duty vehicle demonstration activi-
14 ties and accelerating adoption of ITS applications in
15 freight operations.”.

16 (c) ITS ADVISORY COMMITTEE REPORT.—Section
17 515(h)(4) of title 23, United States Code, is amended in
18 the matter preceding subparagraph (A) by striking “Feb-
19 ruary 1 of each year after the date of enactment of the
20 Transportation Research and Innovative Technology Act
21 of 2012” and inserting “May 1 of each year”.

22 **SEC. 2003. FUTURE INTERSTATE STUDY.**

23 (a) FINDINGS.—Congress finds that—

24 (1) a well-developed system of transportation
25 infrastructure is critical to the economic well-being,

1 health, and welfare of the people of the United
2 States;

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

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

7 (A) many segments of the approximately
8 60- year-old Interstate System are well beyond
9 the 50-year design life of the System and yet
10 these aging facilities are central to the trans-
11 portation infrastructure system, carrying 25
12 percent of the vehicle traffic of the United
13 States on just 1 percent of the total public
14 roadway mileage;

15 (B) the need for ongoing maintenance,
16 preservation, and reconstruction of the Inter-
17 state System has grown due to increasing and
18 changing travel demands; and

19 (C) simple maintenance of the current con-
20 dition and configuration of the Interstate Sys-
21 tem is insufficient for the System to fully serve
22 the transportation needs of the United States
23 for the next 50 years.

24 (b) FUTURE INTERSTATE SYSTEM STUDY.—Not
25 later than 180 days after the date of enactment of this

1 Act, the Secretary shall enter into an agreement with the
2 Transportation Research Board of the National Acad-
3 emies to conduct a study on the actions needed to upgrade
4 and restore the Dwight D. Eisenhower National System
5 of Interstate and Defense Highways to its role as a pre-
6 mier system network that meets the growing and shifting
7 demands of the 21st century and for the next 50 years
8 (referred to in this section as the “study”).

9 (c) **METHODOLOGIES.**—In conducting the study, the
10 Transportation Research Board shall build on the meth-
11 odologies examined and recommended in the report pre-
12 pared for the American Association of State Highway and
13 Transportation Officials entitled “National Cooperative
14 Highway Research Program Project 20–24(79): Specifica-
15 tions for a National Study of the Future 3R, 4R, and Ca-
16 pacity Needs of the Interstate System” and dated Decem-
17 ber 2013.

18 (d) **RECOMMENDATIONS.**—The study—

19 (1) shall include specific recommendations re-
20 garding the features, standards, capacity needs, ap-
21 plication of technologies, and intergovernmental
22 roles to upgrade the Interstate System, including
23 any revisions to law (including regulations) that the
24 Transportation Research Board determines appro-
25 priate to achieve the goals; and

1 (2) is encouraged to build on the robust institu-
2 tional knowledge in the highway industry in applying
3 the techniques involved in implementing the study.

4 (e) CONSIDERATIONS.—In carrying out the study, the
5 Transportation Research Board shall determine the need
6 for reconstruction and improvement of the Interstate Sys-
7 tem by considering—

8 (1) future demands on transportation infra-
9 structure determined for national planning purposes,
10 including commercial and private traffic flows to
11 serve future economic activity and growth;

12 (2) the expected condition of the current Inter-
13 state System over the next 50 years, including long-
14 term deterioration and reconstruction needs;

15 (3) those National Highway System routes that
16 should be added to the existing Interstate System to
17 more efficiently serve national traffic flows;

18 (4) features that would take advantage of tech-
19 nological capabilities to address modern standards of
20 construction, maintenance, and operations, for pur-
21 poses of safety, and system management, taking into
22 further consideration system performance and cost;
23 and

24 (5) the resources necessary to maintain and im-
25 prove the Interstate System, including the resources

1 required to upgrade those National Highway System
2 routes identified in paragraph (3) to Interstate
3 standards.

4 (f) CONSULTATION.—In carrying out the study, the
5 Transportation Research Board—

6 (1) shall convene and consult with a panel of
7 national experts including current and future own-
8 ers, operators, and users of the Interstate System
9 and private sector stakeholders; and

10 (2) is encouraged to consult with—

11 (A) the Federal Highway Administration;

12 (B) States;

13 (C) planning agencies at the metropolitan,
14 State, and regional levels;

15 (D) the motor carrier industry;

16 (E) freight shippers;

17 (F) highway safety groups; and

18 (G) other appropriate entities.

19 (g) REPORT.—Not later than 3 years after the date
20 of enactment of this Act, the Transportation Research
21 Board shall submit to the Secretary, the Committee on
22 Environment and Public Works of the Senate, and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the results of the
25 study conducted under this section.

1 (h) FUNDING.—From amounts authorized to carry
2 out the Highway Research and Development Program, the
3 Secretary shall use up to \$5,000,000 for fiscal year 2016
4 to carry out this section.

5 **SEC. 2004. RESEARCHING SURFACE TRANSPORTATION SYS-**
6 **TEM FUNDING ALTERNATIVES.**

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

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

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

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

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

24 (4) to conduct outreach to increase public
25 awareness regarding the need for alternative funding

1 sources for surface transportation programs and
2 provide information on possible approaches;

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

6 (6) to minimize the administrative cost of any
7 potential user-based alternative revenue mechanisms.

8 (c) GRANTS.—The Secretary shall provide grants to
9 individual States, groups of States, or other appropriate
10 entities to conduct research that addresses—

11 (1) the implementation, interoperability, public
12 acceptance, and other potential hurdles to the adop-
13 tion of a user-based alternative revenue mechanism;

14 (2) the protection of personal privacy;

15 (3) the use of independent and private third-
16 party vendors to collect fees and operate the user-
17 based alternative revenue mechanism;

18 (4) equity concerns, including the impacts of
19 the user-based alternative revenue mechanism on
20 differing income groups, various geographic areas,
21 and the relative burdens on rural and urban drivers;

22 (5) ease of compliance for different users of the
23 transportation system;

1 (6) the reliability and security of technology
2 used to implement the user-based alternative rev-
3 enue mechanism;

4 (7) the flexibility and choices of user-based al-
5 ternative revenue mechanisms, including the ability
6 of users to select from various technology and pay-
7 ment options;

8 (8) the cost of administering the user-based al-
9 ternative revenue mechanism; and

10 (9) the ability of the administering entity to
11 audit and enforce user compliance.

12 (d) ADVISORY COUNCIL.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary, in
15 consultation with the Secretary of the Treasury,
16 shall establish and lead a Surface Transportation
17 Revenue Alternatives Advisory Council (referred to
18 in this subsection as the “Council”) to inform the
19 selection and evaluation of user-based alternative
20 revenue mechanisms.

21 (2) MEMBERSHIP.—

22 (A) IN GENERAL.—The members of the
23 Council shall—

24 (i) be appointed by the Secretary; and

25 (ii) include, at a minimum—

1 (I) representatives with experi-
2 ence in user-based alternative revenue
3 mechanisms, of which—

4 (aa) not fewer than 1 shall
5 be from the Department;

6 (bb) not fewer than 1 shall
7 be from the Department of the
8 Treasury; and

9 (cc) not fewer than 2 shall
10 be from State departments of
11 transportation;

12 (II) representatives from applica-
13 ble users of the surface transportation
14 system; and

15 (III) appropriate technology and
16 public privacy experts.

17 (B) GEOGRAPHIC CONSIDERATIONS.—The
18 Secretary shall consider geographic diversity
19 when selecting members under this paragraph.

20 (3) FUNCTIONS.—Not later than 1 year after
21 the date on which the Council is established, the
22 Council shall, at a minimum—

23 (A) define the functionality of 2 or more
24 user-based alternative revenue mechanisms;

1 (B) identify technological, administrative,
2 institutional, privacy, and other issues that—

3 (i) are associated with the user-based
4 alternative revenue mechanisms; and

5 (ii) may be researched through re-
6 search activities;

7 (C) conduct public outreach to identify and
8 assess questions and concerns about the user-
9 based alternative revenue mechanisms for fu-
10 ture evaluation through research activities; and

11 (D) provide recommendations to the Sec-
12 retary on the process and criteria used for se-
13 lecting research activities under subsection (c).

14 (4) EVALUATIONS.—The Council shall conduct
15 periodic evaluations of the research activities that
16 have received assistance from the Secretary under
17 this section.

18 (5) APPLICABILITY OF FEDERAL ADVISORY
19 COMMITTEE ACT.—The Council shall not be subject
20 to the Federal Advisory Committee Act (5 U.S.C.
21 App.).

22 (e) BIENNIAL REPORTS.—Not later than 2 years
23 after the date of enactment of this Act, and every 2 years
24 thereafter until the completion of the research activities
25 under this section, the Secretary shall submit to the Sec-

1 retary of the Treasury, the Committee on Finance and the
2 Committee on Environment and Public Works of the Sen-
3 ate, and the Committee on Ways and Means and the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives a report describing the progress of the
6 research activities.

7 (f) FINAL REPORT.—On the completion of the re-
8 search activities under this section, the Secretary and the
9 Secretary of the Treasury, acting jointly, shall submit to
10 the Committee on Finance and the Committee on Environ-
11 ment and Public Works of the Senate and the Committee
12 on Ways and Means and the Committee on Transportation
13 and Infrastructure of the House of Representatives a re-
14 port describing the results of the research activities and
15 any recommendations.

16 (g) FUNDING.—Of the funds authorized to carry out
17 section 503(b) of title 23, United States Code—

18 (1) \$15,000,000 shall be used to carry out this
19 section in fiscal year 2016; and

20 (2) \$20,000,000 shall be used to carry out this
21 section in each of fiscal years 2017 through 2021.

22 **Subtitle B—Data**

23 **SEC. 2101. TRIBAL DATA COLLECTION.**

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

1 “(C) TRIBAL DATA COLLECTION.—In addi-
2 tion to the data to be collected under subpara-
3 graph (A), not later than 90 days after the end
4 of each fiscal year, any entity carrying out a
5 project under the tribal transportation program
6 under section 202 shall submit to the Secretary
7 and the Secretary of Interior, based on obliga-
8 tions and expenditures under the tribal trans-
9 portation program during the preceding fiscal
10 year, the following data:

11 “(i) The names of projects or activi-
12 ties carried out by the entity under the
13 tribal transportation program during the
14 preceding fiscal year.

15 “(ii) A description of the projects or
16 activities identified under clause (i).

17 “(iii) The current status of the
18 projects or activities identified under
19 clause (i).

20 “(iv) An estimate of the number of
21 jobs created and the number of jobs re-
22 tained by the projects or activities identi-
23 fied under clause (i).”.

1 **SEC. 2102. PERFORMANCE MANAGEMENT DATA SUPPORT**
2 **PROGRAM.**

3 (a) PERFORMANCE MANAGEMENT DATA SUPPORT.—
4 The Administrator of the Federal Highway Administra-
5 tion shall develop, use, and maintain data sets and data
6 analysis tools to assist metropolitan planning organiza-
7 tions, States, and the Federal Highway Administration in
8 carrying out performance management analyses (including
9 the performance management requirements under section
10 150 of title 23, United States Code).

11 (b) INCLUSIONS.—The data analysis activities au-
12 thorized under subsection (a) may include—

13 (1) collecting and distributing vehicle probe
14 data describing traffic on Federal-aid highways;

15 (2) collecting household travel behavior data to
16 assess local and cross-jurisdictional travel, including
17 to accommodate external and through travel;

18 (3) enhancing existing data collection and anal-
19 ysis tools to accommodate performance measures,
20 targets, and related data, so as to better understand
21 trip origin and destination, trip time, and mode;

22 (4) enhancing existing data analysis tools to im-
23 prove performance predictions and travel models in
24 reports described in section 150(e) of title 23,
25 United States Code; and

26 (5) developing tools—

1 (A) to improve performance analysis; and

2 (B) to evaluate the effects of project in-

3 vestments on performance.

4 (c) FUNDING.—From amounts authorized to carry

5 out the Highway Research and Development Program, the

6 Administrator may use up to \$10,000,000 for each of fis-

7 cal years 2016 through 2021 to carry out this section.

8 **Subtitle C—Transparency and Best**
9 **Practices**

10 **SEC. 2201. EVERY DAY COUNTS INITIATIVE.**

11 (a) IN GENERAL.—It is in the national interest for

12 the Department, State departments of transportation, and

13 all other recipients of Federal transportation funds—

14 (1) to identify, accelerate, and deploy innova-

15 tion aimed at shortening project delivery, enhancing

16 the safety of the roadways of the United States, and

17 protecting the environment;

18 (2) to ensure that the planning, design, engi-

19 neering, construction, and financing of transpor-

20 tation projects is done in an efficient and effective

21 manner;

22 (3) to promote the rapid deployment of proven

23 solutions that provide greater accountability for pub-

24 lic investments and encourage greater private sector

25 involvement; and

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

3 (b) EVERY DAY COUNTS INITIATIVE.—To advance
4 the policy described in subsection (a), the Administrator
5 of the Federal Highway Administration (referred to in this
6 section as the “Administrator”) shall continue the Every
7 Day Counts initiative to work with States, local transpor-
8 tation agencies, and industry stakeholders to identify and
9 deploy proven innovative practices and products that—

- 10 (1) accelerate innovation deployment;
- 11 (2) shorten the project delivery process;
- 12 (3) improve environmental sustainability;
- 13 (4) enhance roadway safety; and
- 14 (5) reduce congestion.

15 (c) INNOVATION DEPLOYMENT.—

16 (1) IN GENERAL.—At least every 2 years, the
17 Administrator shall work collaboratively with stake-
18 holders to identify a new collection of innovations,
19 best practices, and data to be deployed to highway
20 stakeholders through case studies, webinars, and
21 demonstration projects.

22 (2) REQUIREMENTS.—In identifying a collection
23 described in paragraph (1), the Secretary shall take
24 into account market readiness, impacts, benefits,
25 and ease of adoption of the innovation or practice.

1 (d) PUBLICATION.—Each collection identified under
2 subsection (c) shall be published by the Administrator on
3 a publicly available website.

4 **SEC. 2202. DEPARTMENT OF TRANSPORTATION PERFORM-**
5 **ANCE MEASURES.**

6 (a) PERFORMANCE MEASURES.—Not later than 1
7 year after the date of enactment of this Act, the Secretary,
8 in coordination with the heads of other Federal agencies
9 with responsibility for the review and approval of projects
10 funded under title 23, United States Code, shall measure
11 and report on—

12 (1) the progress made toward aligning Federal
13 reviews of projects funded under title 23, United
14 States Code, and the improvement of project delivery
15 associated with those projects; and

16 (2) as applicable, the effectiveness of the De-
17 partment in achieving the goals described in section
18 150(b) of title 23, United States Code, through dis-
19 cretionary programs.

20 (b) REPORT.—Not later than 2 years after the date
21 of enactment of this Act and biennially thereafter, the Sec-
22 retary shall submit to the Committee on Environment and
23 Public Works of the Senate and the Committee on Trans-
24 portation and Infrastructure of the House of Representa-

1 tives a report describing the results of the evaluation con-
 2 ducted under subsection (a).

3 (c) INSPECTOR GENERAL REPORT.—Not later than
 4 3 years after the date of enactment of this Act, the Inspec-
 5 tor General of the Department shall submit to the Com-
 6 mittee on Environment and Public Works of the Senate
 7 and the Committee on Transportation and Infrastructure
 8 of the House of Representatives a report describing the
 9 results of the evaluation conducted under subsection (a).

10 **SEC. 2203. GRANT PROGRAM FOR ACHIEVEMENT IN TRANS-**
 11 **PORTATION FOR PERFORMANCE AND INNO-**
 12 **VATION.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 15 ty” includes—

16 (A) a State;

17 (B) a unit of local government;

18 (C) a tribal organization (as defined in sec-
 19 tion 4 of the Indian Self-Determination and
 20 Education Assistance Act (25 U.S.C. 450b));
 21 and

22 (D) a metropolitan planning organization.

23 (2) STATE.—The term “State” means—

24 (A) a State;

25 (B) the District of Columbia;

1 (C) the Commonwealth of Puerto Rico;
2 and

3 (D) any other territory (as defined in sec-
4 tion 165(c)(1) of title 23, United States Code).

5 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
6 shall establish a competitive grant program to reward—

7 (1) achievement in transportation performance
8 management; and

9 (2) the implementation of strategies that
10 achieve innovation and efficiency in surface trans-
11 portation.

12 (c) PURPOSE.—The purpose of the program under
13 this section shall be to reward entities for the implementa-
14 tion of policies and procedures that—

15 (1) support performance-based management of
16 the surface transportation system and improve
17 transportation outcomes; or

18 (2) use innovative technologies and practices
19 that improve the efficiency and performance of the
20 surface transportation system.

21 (d) APPLICATION.—

22 (1) IN GENERAL.—An eligible entity may sub-
23 mit to the Secretary an application for a grant
24 under this section.

1 (2) CONTENTS.—An application under para-
2 graph (1) shall indicate the means by which the eli-
3 gible entity has met the requirements and purpose
4 of the program under this section, including by—

5 (A) establishing, and making progress to-
6 ward achieving, performance targets that exceed
7 the requirements of title 23, United States
8 Code;

9 (B) using innovative techniques and prac-
10 tices that enhance the effective movement of
11 people, goods, and services, such as technologies
12 that reduce construction time, improve oper-
13 ational efficiencies, and extend the service life
14 of highways and bridges; and

15 (C) employing transportation planning
16 tools and procedures that improve transparency
17 and the development of transportation invest-
18 ment strategies within the jurisdiction of the el-
19 igible entity.

20 (e) EVALUATION CRITERIA.—In awarding a grant
21 under this section, the Secretary shall take into consider-
22 ation the extent to which the application of the applicable
23 eligible entity under subsection (d)—

24 (1) demonstrates performance in meeting the
25 requirements of subsection (c); and

1 (2) promotes the national goals described in
2 section 150(b) of title 23, United States Code.

3 (f) ELIGIBLE ACTIVITIES.—Amounts made available
4 to carry out this section shall be used for projects eligible
5 for funding under—

6 (1) title 23, United States Code; or

7 (2) chapter 53 of title 49, United States Code.

8 (g) LIMITATION.—The amount of a grant under this
9 section shall be not more than \$15,000,000.

10 (h) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated *out of the general fund of the Treasury*
13 to carry out this section \$150,000,000 for each of
14 fiscal years 2016 through 2021, to remain available
15 until expended.

16 (2) ADMINISTRATIVE COSTS.—The Secretary
17 shall withhold a reasonable amount of funds made
18 available under paragraph (1) for administration of
19 the program under this section, not to exceed 3 per-
20 cent of the amount appropriated for each applicable
21 fiscal year.

22 (i) APPLICABILITY OF REQUIREMENTS.—Amounts
23 made available under this section shall be administered as
24 if the funds were apportioned under chapter 1 of title 23,
25 United States Code.

1 **SEC. 2204. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
2 **COUNTABILITY.**

3 (a) IN GENERAL.—Section 104 of title 23, United
4 States Code, is amended by striking subsection (g) and
5 inserting the following:

6 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
7 ACCOUNTABILITY REPORT.—

8 “(1) PUBLICLY AVAILABLE REPORT.—Not later
9 than 180 days after the date of enactment of the
10 DRIVE Act and quarterly thereafter, the Secretary
11 shall compile data in accordance with this subsection
12 on the use of Federal-aid highway program funds
13 made available under this title.

14 “(2) REQUIREMENTS.—The Secretary shall en-
15 sure that the reports required under this subsection
16 are made available in a user-friendly manner on the
17 public website of the Department of Transportation
18 and can be searched and downloaded by users of the
19 website.

20 “(3) CONTENTS OF REPORT.—

21 “(A) APPORTIONED AND ALLOCATED PRO-
22 GRAMS.—For each fiscal year, the report shall
23 include comprehensive data for each program,
24 organized by State, that includes—

25 “(i) the total amount of funds avail-
26 able for obligation, identifying the unobli-

1 gated balance of funds available at the end
2 of the preceding fiscal year and new fund-
3 ing available for the current fiscal year;

4 “(ii) the total amount of funding obli-
5 gated during the current fiscal year;

6 “(iii) the remaining amount of funds
7 available for obligation;

8 “(iv) changes in the obligated, unex-
9 pended balance during the current fiscal
10 year, including the obligated, unexpended
11 balance at the end of the preceding fiscal
12 year and current fiscal year expenditures;

13 and

14 “(v) the percentage of the total
15 amount of obligations for the current fiscal
16 year used for construction and the total
17 amount obligated during the current fiscal
18 year for rehabilitation.

19 “(B) PROJECT DATA.—To the maximum
20 extent practicable, the report shall include
21 project-specific data, including data describ-
22 ing—

23 “(i) the specific location of a project;

24 “(ii) whether the project is located in
25 an area of the State with a population of—

- 1 “(I) less than 5,000 individuals;
- 2 “(II) 5,000 or more individuals
- 3 but less than 50,000 individuals; or
- 4 “(III) 50,000 or more individ-
- 5 uals;
- 6 “(iii) the total cost of the project;
- 7 “(iv) the amount of Federal funding
- 8 being used on the project;
- 9 “(v) the 1 or more programs from
- 10 which Federal funds are obligated on the
- 11 project;
- 12 “(vi) the type of improvement being
- 13 made, such as categorizing the project
- 14 as—
- 15 “(I) a road reconstruction
- 16 project;
- 17 “(II) a new road construction
- 18 project;
- 19 “(III) a new bridge construction
- 20 project;
- 21 “(IV) a bridge rehabilitation
- 22 project; or
- 23 “(V) a bridge replacement
- 24 project; and

1 “(vii) the ownership of the highway or
2 bridge.

3 “(C) TRANSFERS BETWEEN PROGRAMS.—
4 The report shall include a description of the
5 amount of funds transferred between programs
6 by each State under section 126.”.

7 (b) CONFORMING AMENDMENT.—Section 1503 of
8 MAP-21 (23 U.S.C. 104 note; Public Law 112-141) is
9 amended by striking subsection (c).

10 **SEC. 2205. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
11 **TRATIVE EXPENDITURES.**

12 (a) INITIAL REPORT.—Not later than 150 days after
13 the date of enactment of this Act, the Comptroller General
14 of the United States shall submit to Congress a report
15 describing the administrative expenses of the Federal
16 Highway Administration funded from the Highway Trust
17 Fund during the 3 most recent fiscal years.

18 (b) UPDATES.—Not later than 5 years after the date
19 on which the report is submitted under subsection (a) and
20 every 5 years thereafter, the Comptroller General shall
21 submit to Congress a report that updates the information
22 provided in the report under that subsection for the pre-
23 ceding 5-year period.

24 (c) INCLUSIONS.—Each report submitted under sub-
25 section (a) or (b) shall include a description of the—

1 (1) types of administrative expenses of pro-
2 grams and offices funded by the Highway Trust
3 Fund;

4 (2) tracking and monitoring of administrative
5 expenses;

6 (3) controls in place to ensure that funding for
7 administrative expenses is used as efficiently as
8 practicable; and

9 (4) flexibility of the Department to reallocate
10 amounts from the Highway Trust Fund between
11 full-time equivalent employees and other functions.

12 **SEC. 2206. AVAILABILITY OF REPORTS.**

13 (a) IN GENERAL.—The Secretary shall make avail-
14 able to the public on the website of the Department any
15 report required to be submitted by the Secretary to Con-
16 gress after the date of enactment of this Act.

17 (b) DEADLINE.—Each report described in subsection
18 (a) shall be made available on the website not later than
19 30 days after the report is submitted to Congress.

20 **SEC. 2207. PERFORMANCE PERIOD ADJUSTMENT.**

21 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
22 GRAM.—Section 119 of title 23, United States Code, is
23 amended—

24 (1) in subsection (e)(7), by striking “for 2 con-
25 secutive reports submitted under this paragraph

1 shall include in the next report submitted” and in-
2 serting “shall include as part of the performance
3 target report under section 150(e)”;

4 (2) in subsection (f)(1)(A), by striking “If, dur-
5 ing 2 consecutive reporting periods, the condition of
6 the Interstate System, excluding bridges on the
7 Interstate System, in a State falls” and inserting “If
8 a State reports that the condition of the Interstate
9 System, excluding bridges on the Interstate System,
10 has fallen”.

11 (b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

12 Section 148(i) of title 23, United States Code, is amend-
13 ed—

14 (1) in the matter preceding paragraph (1), by
15 striking “performance targets of the State estab-
16 lished under section 150(d) by the date that is 2
17 years after the date of the establishment of the per-
18 formance targets” and inserting “safety performance
19 targets of the State established under section
20 150(d)”;

21 (2) in paragraphs (1) and (2), by inserting
22 “safety” before “performance targets” each place it
23 appears.

1 **SEC. 2208. DESIGN STANDARDS.**

2 (a) IN GENERAL.—Section 109 of title 23, United
3 States Code, is amended—

4 (1) in subsection (c)—

5 ~~(A) in paragraph (1), in the matter pre-~~
6 ~~ceding subparagraph (A), by striking “may take~~
7 ~~into account” and inserting “shall consider”;~~
8 ~~and~~

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-

11 graph (A), by striking “may take into ac-

12 count” and inserting “shall consider”; and

13 (ii) in subparagraph (C), by striking

14 “access for” and inserting “access and safe-

15 ty for”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (C), by striking

18 “and” at the end;

19 (ii) by redesignating subparagraph

20 (D) as subparagraph (F); and

21 (iii) by inserting after subparagraph

22 (C) the following:

23 “(D) the publication entitled ‘Highway

24 Safety Manual’ of the American Association of

25 State Highway and Transportation Officials;

1 “(E) the publication entitled ‘Urban Street
2 Design Guide’ of the National Association of
3 City Transportation Officials; and”;

4 (2) in subsection (f), by inserting “pedestrian
5 walkways,” after “bikeways,”.

6 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-
7 standing section 109(o) of title 23, United States Code,
8 a local jurisdiction may use a roadway design guide that
9 is different from the roadway design guide used by the
10 State in which the local jurisdiction is located for the de-
11 sign of projects on all roadways under the ownership of
12 the local jurisdiction (other than a highway on the Inter-
13 state System) if—

14 (1) the local jurisdiction is the project sponsor;

15 (2) the roadway design guide—

16 (A) is recognized by the Federal Highway
17 Administration; and

18 (B) is adopted by the local jurisdiction;

19 and

20 (3) the design complies with all other applicable

21 Federal laws.

1 **TITLE III—TRANSPORTATION IN-**
2 **FRASTRUCTURE FINANCE**
3 **AND INNOVATION ACT OF**
4 **1998 AMENDMENTS**

5 **SEC. 3001. TRANSPORTATION INFRASTRUCTURE FINANCE**
6 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

7 (a) DEFINITIONS.—Section 601(a) of title 23, United
8 States Code, is amended—

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

10 (A) by striking “In this chapter, the” and
11 inserting “The”; and

12 (B) by inserting “to sections 601 through
13 609” after “apply”;

14 (2) in paragraph (2)—

15 (A) in subparagraph (B), by striking
16 “and” at the end;

17 (B) in subparagraph (C), by striking the
18 period at the end and inserting “; and”; and

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

20 “(D) capitalizing a rural projects fund
21 using the proceeds of a secured loan made to a
22 State infrastructure bank in accordance with
23 sections 602 and 603, for the purpose of mak-
24 ing loans to sponsors of rural infrastructure
25 projects in accordance with section 610.”;

1 (3) in paragraph (3), by striking “this chapter”
2 and inserting “the TIFIA program”;

3 (4) in paragraph (10)—

4 (A) in the matter preceding subparagraph

5 (A)—

6 (i) by inserting “related” before
7 “projects”; and

8 (ii) by striking “(which shall receive
9 an investment grade rating from a rating
10 agency)”;

11 (B) in subparagraph (A), by striking “sub-
12 ject to the availability of future funds being
13 made available to carry out this chapter;” and
14 inserting “subject to—

15 “(i) the availability of future funds
16 being made available to carry out the
17 TIFIA program; and

18 “(ii) the satisfaction of all of the con-
19 ditions for the provision of credit assist-
20 ance under the TIFIA program, including
21 section 603(b)(1);”; and

22 (C) in subparagraph (D)—

23 (i) by redesignating clauses (ii) and
24 (iii) as clauses (iii) and (iv), respectively;

1 (ii) by inserting after clause (i) the
2 following:

3 “(ii) receiving an investment grade
4 rating from a rating agency;”;

5 (iii) in clause (iii) (as so redesign-
6 nated), by striking “section 602(c)” and
7 inserting “including sections 602(c) and
8 603(b)(1)”;

9 (iv) in clause (iv) (as so redesignated),
10 by striking “this chapter” and inserting
11 “the TIFIA program”;

12 (5) in paragraph (12)—

13 (A) in subparagraph (D)(iv), by striking
14 the period at the end and inserting “; and”;
15 and

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

17 “(E) a project to improve or construct
18 public infrastructure that is located within
19 walking distance of, and accessible to, a fixed
20 guideway transit facility, passenger rail station,
21 intercity bus station, or intermodal facility, in-
22 cluding a transportation, public utility, and cap-
23 ital project described in section 5302(3)(G)(v)
24 of title 49, and related infrastructure;

1 “(F) a project for the acquisition of plant
2 and wildlife habitat pursuant to a conservation
3 plan that—

4 “(i) has been approved by the Sec-
5 retary of the Interior pursuant to section
6 10 of the Endangered Species Act of 1973
7 (16 U.S.C. 1539); and

8 “(ii) as determined by the Secretary
9 of the Interior, would mitigate the environ-
10 mental impacts of transportation infra-
11 structure projects otherwise eligible for as-
12 sistance under the TIFIA program; and

13 “(G) the capitalization of a rural projects
14 fund by a State infrastructure bank with the
15 proceeds of a secured loan made in accordance
16 with sections 602 and 603, for the purpose of
17 making loans to sponsors of rural infrastructure
18 projects in accordance with section 610.”;

19 (6) in paragraph (15), by striking “means” and
20 all that follows through the period at the end and
21 inserting “means a surface transportation infra-
22 structure project located in an area that is outside
23 of an urbanized area with a population greater than
24 150,000 individuals, as determined by the Bureau of
25 the Census.”;

1 (7) by redesignating paragraphs (16), (17),
2 (18), (19), and (20) as paragraphs (17), (18), (20),
3 (21), and (22), respectively;

4 (8) by inserting after paragraph (15) the fol-
5 lowing:

6 “(16) RURAL PROJECTS FUND.—The term
7 ‘rural projects fund’ means a fund—

8 “(A) established by a State infrastructure
9 bank in accordance with section 610(d)(4);

10 “(B) capitalized with the proceeds of a se-
11 cured loan made to the bank in accordance with
12 sections 602 and 603; and

13 “(C) for the purpose of making loans to
14 sponsors of rural infrastructure projects in ac-
15 cordance with section 610.”;

16 (9) by inserting after paragraph (18) (as redesi-
17 gnated) the following:

18 “(19) STATE INFRASTRUCTURE BANK.—The
19 term ‘State infrastructure bank’ means an infra-
20 structure bank established under section 610.”; and

21 (10) in paragraph (22) (as redesignated), by in-
22 serting “established under sections 602 through
23 609” after “Department”.

1 (b) DETERMINATION OF ELIGIBILITY AND PROJECT
2 SELECTION.—Section 602 of title 23, United States Code,
3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “this
7 chapter” and inserting “the TIFIA program”;

8 (B) in paragraph (2)(A), by striking “this
9 chapter” and inserting “the TIFIA program”;

10 (C) in paragraph (3), by striking “this
11 chapter” and inserting “the TIFIA program”;

12 (D) in paragraph (5)—

13 (i) by striking the heading and insert-
14 ing “ELIGIBLE PROJECT COST PARAM-
15 ETERS.—”;

16 (ii) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by striking “subparagraph (B), to
19 be eligible for assistance under this
20 chapter, a project” and inserting
21 “subparagraphs (B) and (C), a
22 project under the TIFIA program”;

23 (II) by striking clause (i) and in-
24 serting the following:

25 “(i) \$50,000,000; and”; and

1 (III) in clause (ii), by striking
2 “assistance”; and
3 (iii) in subparagraph (B)—

4 (I) by striking the subparagraph
5 designation and heading and all that
6 follows through “In the case” and in-
7 serting the following:

8 “(B) EXCEPTIONS.—

9 “(i) INTELLIGENT TRANSPORTATION
10 SYSTEMS.—In the case”; and

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

13 “(ii) TRANSIT-ORIENTED DEVELOP-
14 MENT PROJECTS.—In the case of a project
15 described in section 601(a)(12)(E), eligible
16 project costs shall be reasonably antici-
17 pated to equal or exceed \$10,000,000.

18 “(iii) RURAL PROJECTS.—In the case
19 of a rural infrastructure project or a
20 project capitalizing a rural projects fund,
21 eligible project costs shall be reasonably
22 anticipated to equal or exceed
23 \$10,000,000, but not to exceed
24 \$100,000,000.

1 “(iv) LOCAL INFRASTRUCTURE
2 PROJECTS.—Eligible project costs shall be
3 reasonably anticipated to equal or exceed
4 \$10,000,000 in the case of projects or pro-
5 grams of projects—

6 “(I) in which the applicant is a
7 local government, public authority, or
8 instrumentality of local government;

9 “(II) located on a facility owned
10 by a local government; or

11 “(III) for which the Secretary de-
12 termines that a local government is
13 substantially involved in the develop-
14 ment of the project.”;

15 (E) in paragraph (9), in the matter pre-
16 ceeding subparagraph (A), by striking “this
17 chapter” and inserting “the TIFLA program”;
18 and

19 (F) in paragraph (10)—

20 (i) by striking “To be eligible” and in-
21 serting the following:

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), to be eligible”;

1 (ii) by striking “this chapter” each
2 place it appears and inserting “the TIFLA
3 program”;

4 (iii) by striking “not later than” and
5 inserting “no later than”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(B) RURAL PROJECTS FUND.—In the
9 case of a project capitalizing a rural projects
10 fund, the State infrastructure bank shall dem-
11 onstrate, not later than 2 years after the date
12 on which a secured loan is obligated for the
13 project under the TIFLA program, that the
14 bank has executed a loan agreement with a bor-
15 rower for a rural infrastructure project in ac-
16 cordance with section 610. After the demonstra-
17 tion is made, the bank may draw upon the se-
18 cured loan. At the end of the 2-year period, to
19 the extent the bank has not used the loan com-
20 mitment, the Secretary may extend the term of
21 the loan or withdraw the loan commitment.”;

22 (2) in subsection (b), by striking paragraph (2)
23 and inserting the following:

24 “(2) MASTER CREDIT AGREEMENTS.—

1 “(A) PROGRAM OF RELATED PROJECTS.—
2 The Secretary may enter into a master credit
3 agreement for a program of related projects se-
4 cured by a common security pledge on terms
5 acceptable to the Secretary.

6 “(B) ADEQUATE FUNDING NOT AVAIL-
7 ABLE.—If the Secretary fully obligates funding
8 to eligible projects for a fiscal year and ade-
9 quate funding is not available to fund a credit
10 instrument, a project sponsor of an eligible
11 project may elect to enter into a master credit
12 agreement and wait to execute a credit instru-
13 ment until the fiscal year for which additional
14 funds are available to receive credit assist-
15 ance.”;

16 (3) in subsection (c)(1), in the matter preceding
17 subparagraph (A), by striking “this chapter” and in-
18 serting “the TIFIA program”; and

19 (4) in subsection (e), by striking “this chapter”
20 and inserting “the TIFIA program”.

21 (c) SECURED LOAN TERMS AND LIMITATIONS.—Sec-
22 tion 603(b) of title 23, United States Code, is amended—

23 (1) in paragraph (2)—

24 (A) by striking “The amount of” and in-
25 serting the following:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the amount of”;

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

4 “(B) RURAL PROJECTS FUND.—In the
5 case of a project capitalizing a rural projects
6 fund, the maximum amount of a secured loan
7 made to a State infrastructure bank shall be
8 determined in accordance with section
9 602(a)(5)(B)(iii).”;

10 (2) in paragraph (3)(A)(i)—

11 (A) in subclause (III), by striking “or” at
12 the end;

13 (B) in subclause (IV), by striking “and” at
14 the end and inserting “or”; and

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

16 “(V) in the case of a secured
17 loan for a project capitalizing a rural
18 projects fund, any other dedicated
19 revenue sources available to a State
20 infrastructure bank, including repay-
21 ments from loans made by the bank
22 for rural infrastructure projects;
23 and”;

24 (3) in paragraph (4)(B)—

1 (A) in clause (i), by striking “under this
2 chapter” and inserting “or a rural projects fund
3 under the TIFIA program”; and

4 (B) in clause (ii), by inserting “and rural
5 project funds” after “rural infrastructure
6 projects”;

7 (4) in paragraph (5)—

8 (A) by redesignating subparagraphs (A)
9 and (B) as clauses (i) and (ii), respectively, and
10 indenting appropriately;

11 (B) in the matter preceding subparagraph
12 (A), by striking “The final” and inserting the
13 following:

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the final”; and

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

17 “(B) RURAL PROJECTS FUND.—In the
18 case of a project capitalizing a rural projects
19 fund, the final maturity date of the secured
20 loan shall not exceed 35 years after the date on
21 which the secured loan is obligated.”;

22 (5) in paragraph (8), by striking “this chapter”
23 and inserting “the TIFIA program”; and

24 (6) in paragraph (9)—

1 (A) by striking “The total Federal assist-
2 ance provided on a project receiving a loan
3 under this chapter” and inserting the following:

4 “(A) IN GENERAL.—The total Federal as-
5 sistance provided for a project receiving a loan
6 under the TIFIA program”; and

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

8 “(B) RURAL PROJECTS FUND.—A project
9 capitalizing a rural projects fund shall satisfy
10 clause (i) through compliance with the Federal
11 share requirement described in section
12 610(e)(3)(B).”.

13 (d) PROGRAM ADMINISTRATION.—Section 605 of
14 title 23, United States Code, is amended—

15 (1) by striking “this chapter” each place it ap-
16 pears and inserting “the TIFIA program”; and

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

18 “(f) ASSISTANCE TO SMALL PROJECTS.—

19 “(1) RESERVATION OF FUNDS.—Of the funds
20 made available to carry out the TIFIA program for
21 each fiscal year, and after the set-aside under sec-
22 tion 608(a)(6), not less than \$2,000,000 shall be
23 made available for the Secretary to use in lieu of
24 fees collected under subsection (b) for projects under
25 the TIFIA program having eligible project costs that

1 are reasonably anticipated not to equal or exceed
2 \$75,000,000.

3 “(2) RELEASE OF FUNDS.—Any funds not used
4 under paragraph (1) shall be made available on Oc-
5 tober 1 of the following fiscal year to provide credit
6 assistance to any project under the TIFIA pro-
7 gram.”.

8 (e) STATE AND LOCAL PERMITS.—Section 606 of
9 title 23, United States Code, is amended in the matter
10 preceding paragraph (1) by striking “this chapter” and
11 inserting “the TIFIA program”.

12 (f) REGULATIONS.—Section 607 of title 23, United
13 States Code, is amended by striking “this chapter” and
14 inserting “the TIFIA program”.

15 (g) FUNDING.—Section 608 of title 23, United States
16 Code, is amended—

17 (1) by striking “this chapter” each place it ap-
18 pears and inserting “the TIFIA program”; and

19 (2) in subsection (a)—

20 (A) in paragraph (2), by inserting “of”
21 after “504(f)”;

22 (B) in paragraph (3)—

23 (i) in subparagraph (A), by inserting
24 “or rural projects funds” after “rural in-
25 frastructure projects”; and

1 (ii) in subparagraph (B), by inserting
2 “or rural projects funds” after “rural in-
3 frastructure projects”; and

4 (C) in paragraph (6), by striking “0.50
5 percent” and inserting “0.75 percent”.

6 (h) REPORTS TO CONGRESS.—Section 609 of title 23,
7 United States Code, is amended by striking “this chapter
8 (other than section 610)” each place it appears and insert-
9 ing “the TIFLA program”.

10 (i) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-
11 tion 610 of title 23, United States Code, is amended—

12 (1) in subsection (a), by adding at the end the
13 following:

14 “(11) RURAL INFRASTRUCTURE PROJECT.—
15 The term ‘rural infrastructure project’ has the
16 meaning given the term in section 601.

17 “(12) RURAL PROJECTS FUND.—The term
18 ‘rural projects fund’ has the meaning given the term
19 in section 601.”;

20 (2) in subsection (d)—

21 (A) in paragraph (1)(A), by striking “each
22 of fiscal years” and all that follows through the
23 end of subparagraph (A) and inserting “each
24 fiscal year under each of paragraphs (1), (2),
25 and (5) of section 104(b); and”;

1 (B) in paragraph (2), by striking “in each
2 of fiscal years 2005 through 2009” and insert-
3 ing “in each fiscal year”;

4 (C) in paragraph (3), by striking “in each
5 of fiscal years 2005 through 2009” and insert-
6 ing “in each fiscal year”;

7 (D) by redesignating paragraphs (4)
8 through (6) as paragraphs (5) through (7), re-
9 spectively;

10 (E) by inserting after paragraph (3) the
11 following:

12 “(4) RURAL PROJECTS FUND.—Subject to sub-
13 section (j), the Secretary may permit a State enter-
14 ing into a cooperative agreement under this section
15 to establish a State infrastructure bank to deposit
16 into the rural projects fund of the bank the proceeds
17 of a secured loan made to the bank in accordance
18 with section 602 and 603.”; and

19 (F) in paragraph (6) (as redesignated), by
20 striking “section 133(d)(3)” and inserting “sec-
21 tion 133(d)(1)(A)(i)”;

22 (3) by striking subsection (e) and inserting the
23 following:

24 “(e) FORMS OF ASSISTANCE FROM STATE INFRA-
25 STRUCTURE BANKS.—

1 “(1) IN GENERAL.—A State infrastructure
2 bank established under this section may—

3 “(A) with funds deposited into the highway
4 account, transit account, or rail account of the
5 bank, make loans or provide other forms of
6 credit assistance to a public or private entity to
7 carry out a project eligible for assistance under
8 this section; and

9 “(B) with funds deposited into the rural
10 projects fund, make loans to a public or private
11 entity to carry out a rural infrastructure
12 project.

13 “(2) SUBORDINATION OF LOAN.—The amount
14 of a loan or other form of credit assistance provided
15 for a project described in paragraph (1) may be sub-
16 ordinated to any other debt financing for the
17 project.

18 “(3) MAXIMUM AMOUNT OF ASSISTANCE.—A
19 State infrastructure bank established under this sec-
20 tion may—

21 “(A) with funds deposited into the highway
22 account, transit account, or rail account, make
23 loans or provide other forms of credit assistance
24 to a public or private entity in an amount up
25 to 100 percent of the cost of carrying out a

1 project eligible for assistance under this section;
2 and

3 “(B) with funds deposited into the rural
4 projects fund, make loans to a public or private
5 entity in an amount not to exceed 80 percent
6 of the cost of carrying out a rural infrastruc-
7 ture project.

8 “(4) INITIAL ASSISTANCE.—Initial assistance
9 provided with respect to a project from Federal
10 funds deposited into a State infrastructure bank
11 under this section may not be made in the form of
12 a grant.”;

13 (4) in subsection (g)—

14 (A) in paragraph (1), by striking “each ac-
15 count” and inserting “the highway account, the
16 transit account, and the rail account”; and

17 (B) in paragraph (4), by inserting “, ex-
18 cept that any loan funded from the rural
19 projects fund of the bank shall bear interest at
20 or below the interest rate charged for the
21 TIFIA loan provided to the bank under section
22 603” after “feasible”; and

23 (5) in subsection (k), by striking “For each of
24 fiscal years 2005 through 2009” and inserting “For
25 each fiscal year”.

1 **TITLE IV—TECHNICAL**
2 **CORRECTIONS**

3 **SEC. 4001. TECHNICAL CORRECTIONS.**

4 (a) Section 101(a)(29) of title 23, United States
5 Code, is amended—

6 (1) in subparagraph (B), by inserting a comma
7 after “disabilities”; and

8 (2) in subparagraph (F)(i), by striking
9 “133(b)(11)” and inserting “133(b)(14)”.

10 (b) Section 119(d)(1)(A) of title 23, United States
11 Code, is amended by striking “mobility,” and inserting
12 “congestion reduction, system reliability,”.

13 (c) Section 126(b) of title 23, United States Code (as
14 amended by section 1016(b)), is amended by striking
15 “133(d)” and inserting “133(d)(1)(A)”.

16 (d) Section 127(a)(3) of title 23, United States Code,
17 is amended by striking “118(b)(2) of this title” and in-
18 serting “118(b)”.

19 (e) Section 150(c)(3)(B) of title 23, United States
20 Code, is amended by striking the semicolon at the end and
21 inserting a period.

22 (f) Section 153(h)(2) of title 23, United States Code,
23 is amended by striking “paragraphs (1) through (3)” and
24 inserting “paragraphs (1), (2), and (4)”.

1 (g) Section 163(f)(2) of title 23, United States Code,
2 is amended by striking “118(b)(2)” and inserting
3 “118(b)”.

4 (h) Section 165(c)(7) of title 23, United States Code,
5 is amended by striking “paragraphs (2), (4), (7), (8),
6 (14), and (19)” and inserting “paragraphs (2), (4), (6),
7 (7), and (14)”.

8 (i) Section 202(b)(3) of title 23, United States Code,
9 is amended—

10 (1) in subparagraph (A)(i), in the matter pre-
11 ceding subclause (I), by inserting “(a)(6),” after
12 “subsections”; and

13 (2) in subparagraph (C)(ii)(IV), by striking
14 “(III).]” and inserting “(III).”.

15 (j) Section 217(a) of title 23, United States Code,
16 is amended by striking “104(b)(3)” and inserting
17 “104(b)(4)”.

18 (k) Section 327(a)(2)(B)(iii) of title 23, United
19 States Code, is amended by striking “(42 U.S.C. 13 4321
20 et seq.)” and inserting “(42 U.S.C. 4321 et seq.)”.

21 (l) Section 504(a)(4) of title 23, United States Code,
22 is amended by striking “104(b)(3)” and inserting
23 “104(b)(2)”.

1 (m) Section 515 of title 23, United States Code, is
2 amended by striking “this chapter” each place it appears
3 and inserting “sections 512 through 518”.

4 (n) Section 518(a) of title 23, United States Code,
5 is amended by inserting “a report” after “House of Rep-
6 resentatives”.

7 (o) Section 6302(b)(3)(B)(vi)(III) of title 49, United
8 States Code, is amended by striking “6310” and inserting
9 “6309”.

10 (p) Section 1301(l)(3) of SAFETEA-LU (23 U.S.C.
11 101 note; Public Law 109–59) is amended—

12 (1) in subparagraph (A)(i), by striking “com-
13 plied” and inserting “compiled”; and

14 (2) in subparagraph (B), by striking “para-
15 graph (1)” and inserting “subparagraph (A)”.

16 (q) Section 4407 of SAFETEA-LU (Public Law
17 109–59; 119 Stat. 1777), is amended by striking “hereby
18 enacted into law” and inserting “granted”.

19 (r) Section 51001(a)(1) of the Transportation Re-
20 search and Innovative Technology Act of 2012 (126 Stat.
21 864) is amended by striking “sections 503(b), 503(d), and
22 509” and inserting “section 503(b)”.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 5001. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
 3 **TEM.**

4 Section 1528 of MAP–21 (40 U.S.C. 14501 note;
 5 Public Law 112–141) is amended—

6 (1) by striking “2021” each place it appears
 7 and inserting “2050”; and

8 (2) by striking “shall be 100 percent” each
 9 place it appears and inserting “shall be up to 100
 10 percent, as determined by the State”.

11 **SEC. 5002. APPALACHIAN REGIONAL DEVELOPMENT PRO-**
 12 **GRAM.**

13 (a) HIGH-SPEED BROADBAND DEVELOPMENT INI-
 14 TIATIVE.—

15 (1) IN GENERAL.—Subchapter I of chapter 145
 16 of subtitle IV of title 40, United States Code, is
 17 amended by adding at the end the following:

18 **“§ 14509. High-speed broadband deployment initia-**
 19 **tive**

20 “(a) IN GENERAL.—The Appalachian Regional Com-
 21 mission may provide technical assistance, make grants,
 22 enter into contracts, or otherwise provide amounts to indi-
 23 viduals or entities in the Appalachian region for projects
 24 and activities—

1 “(1) to increase affordable access to broadband
2 networks throughout the Appalachian region;

3 “(2) to conduct research, analysis, and training
4 to increase broadband adoption efforts in the Appa-
5 lachian region;

6 “(3) to provide technology assets, including
7 computers, smartboards, and video projectors to
8 educational systems throughout the Appalachian re-
9 gion;

10 “(4) to increase distance learning opportunities
11 throughout the Appalachian region;

12 “(5) to increase the use of telehealth tech-
13 nologies in the Appalachian region; and

14 “(6) to promote e-commerce applications in the
15 Appalachian region.

16 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
17 cost of any activity eligible for a grant under this sec-
18 tion—

19 “(1) not more than 50 percent may be provided
20 from amounts appropriated to carry out this section;
21 and

22 “(2) notwithstanding paragraph (1)—

23 “(A) in the case of a project to be carried
24 out in a county for which a distressed county
25 designation is in effect under section 14526,

1 not more than 80 percent may be provided from
2 amounts appropriated to carry out this section;
3 and

4 “(B) in the case of a project to be carried
5 out in a county for which an at-risk designation
6 is in effect under section 14526, not more than
7 70 percent may be provided from amounts ap-
8 propriated to carry out this section.

9 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
10 section (b), a grant provided under this section may be
11 provided from amounts made available to carry out this
12 section in combination with amounts made available—

13 “(1) under any other Federal program; or

14 “(2) from any other source.

15 “(d) FEDERAL SHARE.—Notwithstanding any provi-
16 sion of law limiting the Federal share under any other
17 Federal program, amounts made available to carry out
18 this section may be used to increase that Federal share,
19 as the Appalachian Regional Commission determines to be
20 appropriate.”.

21 (2) CONFORMING AMENDMENT.—The analysis
22 for chapter 145 of title 40, United States Code, is
23 amended by inserting after the item relating to sec-
24 tion 14508 the following:

“14509. High-speed broadband deployment initiative.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 14703 of title 40, United States Code, is amended—

3 (1) in subsection (a)(5), by striking “fiscal year
 4 2012” and inserting “each of fiscal years 2012
 5 through 2021”;

6 (2) by redesignating subsections (c) and (d) as
 7 subsections (d) and (e), respectively; and

8 (3) by inserting after subsection (b) the fol-
 9 lowing:

10 “(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-
 11 TIVE.—Of the amounts made available under subsection
 12 (a), \$10,000,000 shall be used to carry out section 14509
 13 for each of fiscal years 2016 through 2021.”.

14 (c) TERMINATION.—Section 14704 of title 40, United
 15 States Code, is amended by striking “2012” and inserting
 16 “2021”.

17 (d) EFFECTIVE DATE.—This section and the amend-
 18 ments made by this section take effect on October 1, 2015.

19 **SEC. 5003. WATER INFRASTRUCTURE FINANCE AND INNO-**
 20 **VATION.**

21 *Section 3907(a) of title 33, United States Code, is*
 22 *amended—*

23 (1) *by striking paragraph (5); and*

24 (2) *by redesignating paragraphs (6) and (7) as*
 25 *paragraphs (5) and (6), respectively.*

1 **SEC. 5004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE**
 2 **POLLINATOR HABITAT AND FORAGE ON**
 3 **TRANSPORTATION RIGHTS-OF-WAY.**

4 (a) *IN GENERAL.*—Section 319 of title 23, United
 5 States Code, is amended—

6 (1) in subsection (a), by inserting “(including
 7 the enhancement of habitat and forage for polli-
 8 nators)” before “adjacent”; and

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

10 “(c) *ENCOURAGEMENT OF POLLINATOR HABITAT AND*
 11 *FORAGE DEVELOPMENT AND PROTECTION ON TRANSPOR-*
 12 *TATION RIGHTS-OF-WAY.*—In carrying out any program
 13 administered by the Secretary under this title, the Secretary
 14 shall, in conjunction with willing States, as appropriate—

15 “(1) encourage integrated vegetation manage-
 16 ment practices on roadsides and other transportation
 17 rights-of-way, including reduced mowing; and

18 “(2) encourage the development of habitat and
 19 forage for Monarch butterflies, other native polli-
 20 nators, and honey bees through plantings of native
 21 forbs and grasses, including noninvasive, native milk-
 22 weed species that can serve as migratory way stations
 23 for butterflies and facilitate migrations of other polli-
 24 nators.”.

25 (b) *PROVISION OF HABITAT, FORAGE, AND MIGRATORY*
 26 *WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NA-*

1 *TIVE POLLINATORS, AND HONEY BEES.*—Section 329(a)(1)
2 *of title 23, United States Code, is amended by inserting*
3 *“provision of habitat, forage, and migratory way stations*
4 *for Monarch butterflies, other native pollinators, and honey*
5 *bees,” before “and aesthetic enhancement”.*

6 **SEC. 5005. STUDY ON PERFORMANCE OF BRIDGES.**

7 (a) *IN GENERAL.*—Subject to subsection (c), the Ad-
8 *ministrator of the Federal Highway Administration (re-*
9 *ferred to in this section as the “Administrator”)* shall com-
10 *mission the Transportation Research Board of the National*
11 *Academy of Sciences to conduct a study on the performance*
12 *of bridges that received funding under the innovative bridge*
13 *research and construction program (referred to in this sec-*
14 *tion as the “program”) under section 503(b) of title 23,*
15 *United States Code (as in effect on the day before the date*
16 *of enactment of SAFETEA-LU (Public Law 109–59; 119*
17 *Stat. 1144)) in meeting the goals of that program, which*
18 *included—*

19 (1) *the development of new, cost-effective innova-*
20 *tive material highway bridge applications;*

21 (2) *the reduction of maintenance costs and*
22 *lifecycle costs of bridges, including the costs of new*
23 *construction, replacement, or rehabilitation of defi-*
24 *cient bridges;*

1 (3) *the development of construction techniques to*
2 *increase safety and reduce construction time and traf-*
3 *fic congestion;*

4 (4) *the development of engineering design cri-*
5 *teria for innovative products and materials for use in*
6 *highway bridges and structures;*

7 (5) *the development of cost-effective and innova-*
8 *tive techniques to separate vehicle and pedestrian*
9 *traffic from railroad traffic;*

10 (6) *the development of highway bridges and*
11 *structures that will withstand natural disasters, in-*
12 *cluding alternative processes for the seismic retrofit of*
13 *bridges; and*

14 (7) *the development of new nondestructive bridge*
15 *evaluation technologies and techniques.*

16 (b) *CONTENTS.*—*The study commissioned under sub-*
17 *section (a) shall include—*

18 (1) *an analysis of the performance of bridges*
19 *that received funding under the program in meeting*
20 *the goals described in paragraphs (1) through (7) of*
21 *subsection (a);*

22 (2) *an analysis of the utility, compared to con-*
23 *ventional materials and technologies, of each of the*
24 *innovative materials and technologies used in projects*
25 *for bridges under the program in meeting the needs*

1 of the United States in 2015 and in the future for a
2 sustainable and low lifecycle cost transportation sys-
3 tem;

4 (3) recommendations to Congress on how the in-
5 stalled and lifecycle costs of bridges could be reduced
6 through the use of innovative materials and tech-
7 nologies, including, as appropriate, any changes in
8 the design and construction of bridges needed to
9 maximize the cost reductions; and

10 (4) a summary of any additional research that
11 may be needed to further evaluate innovative ap-
12 proaches to reducing the installed and lifecycle costs
13 of highway bridges.

14 (c) *PUBLIC COMMENT.*—Before commissioning the
15 study under subsection (a), the Administrator shall provide
16 an opportunity for public comment on the study proposal.

17 (d) *DATA FROM STATES.*—Each State that received
18 funds under the program shall provide to the Transpor-
19 tation Research Board any relevant data needed to carry
20 out the study commissioned under subsection (a).

21 (e) *DEADLINE.*—The Administrator shall submit to
22 Congress the study commissioned under subsection (a) not
23 later than 3 years after the date of enactment of this Act.

1 **TITLE VI—EXTENSION OF FED-**
2 **ERAL-AID HIGHWAY PRO-**
3 **GRAMS**

4 **SEC. 6001. EXTENSION OF FEDERAL-AID HIGHWAY PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—Section 1001 of the Highway and
7 Transportation Funding Act of 2014 (Public Law 113–
8 159; 128 Stat. 1840; 129 Stat. 219) is amended—

9 (1) in subsection (a), by striking “July 31,
10 2015” and inserting “September 30, 2015”;

11 (2) in subsection (b)(1)—

12 (A) by striking “July 31, 2015” and in-
13 serting “September 30, 2015”; and

14 (B) by striking “³⁰⁴/₃₆₅” and inserting
15 “³⁶⁵/₃₆₅”; and

16 (3) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking “July 31, 2015” and
19 inserting “September 30, 2015”; and

20 (ii) by striking “³⁰⁴/₃₆₅” and inserting
21 “³⁶⁵/₃₆₅”; and

22 (B) in paragraph (2)(B), by striking “by
23 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”.

Calendar No. 150

114TH CONGRESS
1ST Session

S. 1647

[Report No. 114-80]

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.

JULY 15, 2015

Reported with amendments