

(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A).

(h) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

(Added Pub. L. 117–58, div. A, title I, § 11405(a), Nov. 15, 2021, 135 Stat. 561.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section and the date of enactment of the Surface Transportation Reauthorization Act of 2021, referred to in subssecs. (f)(1) and (g)(2)(B), are the date of enactment of div. A of Pub. L. 117–58, which was approved Nov. 15, 2021.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as an Effective Date of 2021 Amendment note under section 101 of this title.

§ 177. Neighborhood access and equity grant program

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,893,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

(C) to retrofit or cap a facility described in subsection (c)(1);

(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

(E) safety improvements for vulnerable road users; and

(3) for planning and capacity building activities in disadvantaged or underserved communities to—

(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

(C) conduct predevelopment activities for projects eligible under this subsection;

(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

(E) administer or obtain technical assistance related to activities described in this subsection.

(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

(1) a State;

(2) a unit of local government;

(3) a political subdivision of a State;

(4) an entity described in section 207(m)(1)(E);

(5) a territory of the United States;

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

(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,262,000,000, to remain available until September 30, 2026,

to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

(B) has entered or will enter into a community benefits agreement with representatives of the community;

(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

(e) ADMINISTRATION.—

(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

(3) operations and administration of the Federal Highway Administration.

(h) LIMITATIONS.—Amounts made available under this section shall not—

(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.

(Added Pub. L. 117-169, title VI, § 60501(a), Aug. 16, 2022, 136 Stat. 2080.)

§ 178. Environmental review implementation funds

(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is

appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

(2) providing funds made available under this subsection to eligible entities—

(A) to build capacity of such eligible entities to conduct environmental review processes;

(B) to facilitate the environmental review process for proposed projects by—

(i) defining the scope or study areas;

(ii) identifying impacts, mitigation measures, and reasonable alternatives;

(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

(iv) conducting public engagement activities; and

(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

(b) COST SHARE.—

(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State;

(B) a unit of local government;

(C) a political subdivision of a State;

(D) a territory of the United States;

(E) an entity described in section 207(m)(1)(E);

(F) a recipient of funds under section 203; or

(G) a metropolitan planning organization (as defined in section 134(b)(2)).