

## (B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—The requirements of section 22905 shall apply to any passenger or freight rail component of a project.

(ii) PUBLIC TRANSPORTATION COMPONENT.—The requirements of section 5333 shall apply to any public transportation component of a project.

(Added Pub. L. 117–58, div. B, title I, § 21201, Nov. 15, 2021, 135 Stat. 663.)

**Editorial Notes**

## REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (f)(5), is the date of enactment of Pub. L. 117–58, which was approved Nov. 15, 2021.

The National Environmental Policy Act of 1969, referred to in subssecs. (j)(3)(A)(iii), (4), and (n)(1)(C), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (n)(1)(B), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

**§ 6702. Local and regional project assistance**

## (a) DEFINITIONS.—In this section:

(1) AREA OF PERSISTENT POVERTY.—The term “area of persistent poverty” means—

- (A) any county (or equivalent jurisdiction) in which, during the 30-year period ending on the date of enactment of this chapter, 20 percent or more of the population continually lived in poverty, as measured by—
  - (i) the 1990 decennial census;
  - (ii) the 2000 decennial census; and
  - (iii) the most recent annual small area income and poverty estimate of the Bureau of the Census;
- (B) any census tract with a poverty rate of not less than 20 percent, as measured by the 5-year data series available from the American Community Survey of the Bureau of the Census for the period of 2014 through 2018; and
- (C) any territory or possession of the United States.

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

- (A) a State;
- (B) the District of Columbia;
- (C) any territory or possession of the United States;
- (D) a unit of local government;
- (E) a public agency or publicly chartered authority established by 1 or more States;
- (F) a special purpose district or public authority with a transportation function, including a port authority;
- (G) a federally recognized Indian Tribe or a consortium of such Indian Tribes;
- (H) a transit agency; and
- (I) a multi-State or multijurisdictional group of entities described in any of subparagraphs (A) through (H).

(3) ELIGIBLE PROJECT.—The term “eligible project” means—

- (A) a highway or bridge project eligible for assistance under title 23;
- (B) a public transportation project eligible for assistance under chapter 53;
- (C) a passenger rail or freight rail transportation project eligible for assistance under this title;
- (D) a port infrastructure investment, including—
  - (i) inland port infrastructure; and
  - (ii) a land port-of-entry;

(E) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII;

(F) a project for investment in a surface transportation facility located on Tribal land, the title or maintenance responsibility of which is vested in the Federal Government;

(G) a project to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species that will advance the goal of the program described in subsection (b)(2); and

(H) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goal of the program.

(4) PROGRAM.—The term “program” means the Local and Regional Project Assistance Program established under subsection (b)(1).

(5) RURAL AREA.—The term “rural area” means an area that is located outside of an urbanized area.

(6) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(7) URBANIZED AREA.—The term “urbanized area” means an area with a population of more than 200,000 residents, based on the most recent decennial census.

## (b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and carry out a program, to be known as the “Local and Regional Project Assistance Program”, to provide for capital investments in surface transportation infrastructure.

(2) GOAL.—The goal of the program shall be to fund eligible projects that will have a significant local or regional impact and improve transportation infrastructure.

## (c) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

(2) AMOUNT.—Except as otherwise provided in this section, each grant made under the program shall be in an amount equal to—

- (A) not less than \$5,000,000 for an urbanized area;
- (B) not less than \$1,000,000 for a rural area; and
- (C) not more than \$25,000,000.

(3) LIMITATION.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

## (d) SELECTION OF ELIGIBLE PROJECTS.—

(1) NOTICE OF FUNDING OPPORTUNITY.—Not later than 60 days after the date on which funds are made available to carry out the program, the Secretary shall publish a notice of funding opportunity for the funds.

(2) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application—

(A) in such form and containing such information as the Secretary considers to be appropriate; and

(B) by such date as the Secretary may establish, subject to the condition that the date shall be not later than 90 days after the date on which the Secretary issues the solicitation under paragraph (1).

(3) PRIMARY SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall evaluate the extent to which a project—

(A) improves safety;

(B) improves environmental sustainability;

(C) improves the quality of life of rural areas or urbanized areas;

(D) increases economic competitiveness and opportunity, including increasing tourism opportunities;

(E) contributes to a state of good repair; and

(F) improves mobility and community connectivity.

(4) ADDITIONAL SELECTION CRITERIA.—In selecting projects to receive grants under the program, the Secretary shall take into consideration the extent to which—

(A) the project sponsors collaborated with other public and private entities;

(B) the project adopts innovative technologies or techniques, including—

(i) innovative technology;

(ii) innovative project delivery techniques; and

(iii) innovative project financing;

(C) the project has demonstrated readiness; and

(D) the project is cost effective.

(5) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall evaluate, through a methodology that is discernible and transparent to the public, the means by which each application submitted under paragraph (2) addresses the criteria under paragraphs (3) and (4) or otherwise established by the Secretary.

(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.

(6) AWARDS.—Not later than 270 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall announce the selection by the Secretary of eligible projects to receive the grants in accordance with this section.

(7) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—On request of an eligible entity that submitted an application under

paragraph (2) for a project that is not selected to receive a grant under the program, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

(B) TREATMENT.—Technical assistance provided under this paragraph shall not be considered a guarantee of future selection of the applicable project under the program.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.

(2) EXCEPTION.—The Federal share of the cost of an eligible project carried out in a rural area, a historically disadvantaged community, or an area of persistent poverty using a grant under this subsection may exceed 80 percent, at the discretion of the Secretary.

(3) TREATMENT OF OTHER FEDERAL FUNDS.—Amounts provided under any of the following programs shall be considered to be a part of the non-Federal share for purposes of this subsection:

(A) The tribal transportation program under section 202 of title 23.

(B) The Federal lands transportation program under section 203 of title 23.

(C) The TIFIA program (as defined in section 601(a) of title 23).

(D) The Railroad Rehabilitation and Improvement Financing Program under chapter 224.

(f) OTHER CONSIDERATIONS.—

(1) IN GENERAL.—Of the total amount made available to carry out the program for each fiscal year—

(A) not more than 50 percent shall be allocated for eligible projects located in rural areas; and

(B) not more than 50 percent shall be allocated for eligible projects located in urbanized areas.

(2) HISTORICALLY DISADVANTAGED COMMUNITIES AND AREAS OF PERSISTENT POVERTY.—Of the total amount made available to carry out the program for each fiscal year, not less than 1 percent shall be awarded for projects in historically disadvantaged communities or areas of persistent poverty.

(3) MULTIMODAL AND GEOGRAPHICAL CONSIDERATIONS.—In selecting projects to receive grants under the program, the Secretary shall take into consideration geographical and modal diversity.

(g) PROJECT PLANNING.—

(1) IN GENERAL.—Of the amounts made available to carry out the program for each fiscal year, not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects.

(2) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Subparagraphs (A) and (B) of subsection (c)(2) shall not apply with respect to amounts made available for planning, preparation, or design under paragraph (1).

(h) TRANSFER OF AUTHORITY.—Of the amounts made available to carry out the program for

each fiscal year, the Secretary may transfer not more than 2 percent for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants and credit assistance in accordance with this section.

(i) CREDIT PROGRAM COSTS.—

(1) IN GENERAL.—Subject to paragraph (2), at the request of an eligible entity, the Secretary may use a grant provided to the eligible entity under the program to pay the subsidy or credit risk premium, and the administrative costs, of an eligible project that is eligible for Federal credit assistance under—

- (A) chapter 224; or
- (B) chapter 6 of title 23.

(2) LIMITATION.—Not more than 20 percent of the funds made available to carry out the program for a fiscal year may be used to carry out paragraph (1).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

(k) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that describes each eligible project for which a grant was provided under the program during that fiscal year.

(2) COMPTROLLER GENERAL.—Not later than 1 year after the date on which the initial grants are awarded for eligible projects under the program, the Comptroller General of the United States shall—

- (A) review the administration of the program, including—
  - (i) the solicitation process; and
  - (ii) the selection process, including—
    - (I) the adequacy and fairness of the process; and
    - (II) the selection criteria; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the findings of the review under subparagraph (A), including recommendations for improving the administration of the program, if any.

(Added Pub. L. 117–58, div. B, title I, §21202(a), Nov. 15, 2021, 135 Stat. 671; amended Pub. L. 117–146, §21(a), June 16, 2022, 136 Stat. 1284.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(1)(A), is the date of enactment of Pub. L. 117–58, which was approved Nov. 15, 2021.

#### AMENDMENTS

2022—Subsec. (g). Pub. L. 117–146 designated existing provisions as par. (1), inserted heading, and added par. (2).

### § 6703. National culvert removal, replacement, and restoration grant program

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PROGRAM.—The term “program” means the annual competitive grant program established under subsection (b).

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(5) UNDERSECRETARY.—The term “Undersecretary” means the Undersecretary of Commerce for Oceans and Atmosphere.

(b) ESTABLISHMENT.—The Secretary, in consultation with the Undersecretary, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that—

- (1) would meaningfully improve or restore fish passage for anadromous fish; and
- (2) with respect to weirs, may include—
  - (A) infrastructure to facilitate fish passage around or over the weir; and
  - (B) weir improvements.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under the program is—

- (1) a State;
- (2) a unit of local government; or
- (3) an Indian Tribe.

(d) GRANT SELECTION PROCESS.—The Secretary, in consultation with the Undersecretary and the Director, shall establish a process for determining criteria for awarding grants under the program, subject to subsection (e).

(e) PRIORITIZATION.—The Secretary, in consultation with the Undersecretary and the Director, shall establish procedures to prioritize awarding grants under the program to—

(1) projects that would improve fish passage for—

(A) anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

(B) anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;

(C) anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (*Orcinus orcas*); or

(D) anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

(2) projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat.

(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant to a