

Union Calendar No. 241

114TH CONGRESS
1ST SESSION

H. R. 3763

[Report No. 114-318]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Mr. SHUSTER (for himself, Mr. DEFAZIO, Mr. GRAVES of Missouri, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 29, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on October 20, 2015]

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Surface Transportation Reauthorization and Reform Act*
 6 *of 2015”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.

Sec. 1102. Obligation ceiling.

Sec. 1103. Definitions.

Sec. 1104. Apportionment.

Sec. 1105. National highway performance program.

Sec. 1106. Surface transportation block grant program.

Sec. 1107. Railway-highway grade crossings.

Sec. 1108. Highway safety improvement program.

Sec. 1109. Congestion mitigation and air quality improvement program.

Sec. 1110. National highway freight policy.

Sec. 1111. Nationally significant freight and highway projects.

Sec. 1112. Territorial and Puerto Rico highway program.

Sec. 1113. Federal lands and tribal transportation program.

Sec. 1114. Tribal transportation program.

Sec. 1115. Federal lands transportation program.

Sec. 1116. Tribal transportation self-governance program.

Sec. 1117. Emergency relief.

Sec. 1118. Highway use tax evasion projects.

Sec. 1119. Bundling of bridge projects.

Sec. 1120. Tribal High Priority Projects program.

Sec. 1121. Construction of ferry boats and ferry terminal facilities.

Subtitle B—Planning and Performance Management

Sec. 1201. Metropolitan transportation planning.

Sec. 1202. Statewide and nonmetropolitan transportation planning.

Subtitle C—Acceleration of Project Delivery

Sec. 1301. Satisfaction of requirements for certain historic sites.

- Sec. 1302. Treatment of improvements to rail and transit under preservation requirements.*
- Sec. 1303. Clarification of transportation environmental authorities.*
- Sec. 1304. Treatment of certain bridges under preservation requirements.*
- Sec. 1305. Efficient environmental reviews for project decisionmaking.*
- Sec. 1306. Improving transparency in environmental reviews.*
- Sec. 1307. Integration of planning and environmental review.*
- Sec. 1308. Development of programmatic mitigation plans.*
- Sec. 1309. Delegation of authorities.*
- Sec. 1310. Categorical exclusion for projects of limited Federal assistance.*
- Sec. 1311. Application of categorical exclusions for multimodal projects.*
- Sec. 1312. Surface transportation project delivery program.*
- Sec. 1313. Program for eliminating duplication of environmental reviews.*
- Sec. 1314. Assessment of progress on accelerating project delivery.*
- Sec. 1315. Improving State and Federal agency engagement in environmental reviews.*
- Sec. 1316. Accelerated decisionmaking in environmental reviews.*
- Sec. 1317. Aligning Federal environmental reviews.*

Subtitle D—Miscellaneous

- Sec. 1401. Tolling; HOV facilities; Interstate reconstruction and rehabilitation.*
- Sec. 1402. Prohibition on the use of funds for automated traffic enforcement.*
- Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.*
- Sec. 1404. Highway Trust Fund transparency and accountability.*
- Sec. 1405. High priority corridors on National Highway System.*
- Sec. 1406. Flexibility for projects.*
- Sec. 1407. Productive and timely expenditure of funds.*
- Sec. 1408. Consolidation of programs.*
- Sec. 1409. Federal share payable.*
- Sec. 1410. Elimination or modification of certain reporting requirements.*
- Sec. 1411. Technical corrections.*
- Sec. 1412. Safety for users.*
- Sec. 1413. Design standards.*
- Sec. 1414. Reserve fund.*
- Sec. 1415. Adjustments.*
- Sec. 1416. National electric vehicle charging, hydrogen, and natural gas fueling corridors.*
- Sec. 1417. Ferries.*
- Sec. 1418. Study on performance of bridges.*
- Sec. 1419. Relinquishment of park-and-ride lot facilities.*
- Sec. 1420. Pilot program.*
- Sec. 1421. Innovative project delivery examples.*
- Sec. 1422. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.*
- Sec. 1423. Milk products.*
- Sec. 1424. Interstate weight limits for emergency vehicles.*
- Sec. 1425. Vehicle weight limitations—Interstate System.*
- Sec. 1426. New national goal, performance measure, and performance target.*
- Sec. 1427. Service club, charitable association, or religious service signs.*
- Sec. 1428. Work zone and guard rail safety training.*
- Sec. 1429. Motorcyclist advisory council.*
- Sec. 1430. Highway work zones.*

TITLE II—INNOVATIVE PROJECT FINANCE

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.*
- Sec. 2002. State infrastructure bank program.*
- Sec. 2003. Availability payment concession model.*

TITLE III—PUBLIC TRANSPORTATION

- Sec. 3001. Short title.*
- Sec. 3002. Definitions.*
- Sec. 3003. Metropolitan and statewide transportation planning.*
- Sec. 3004. Urbanized area formula grants.*
- Sec. 3005. Fixed guideway capital investment grants.*
- Sec. 3006. Formula grants for enhanced mobility of seniors and individuals with disabilities.*
- Sec. 3007. Formula grants for rural areas.*
- Sec. 3008. Public transportation innovation.*
- Sec. 3009. Technical assistance and workforce development.*
- Sec. 3010. Bicycle facilities.*
- Sec. 3011. General provisions.*
- Sec. 3012. Public transportation safety program.*
- Sec. 3013. Apportionments.*
- Sec. 3014. State of good repair grants.*
- Sec. 3015. Authorizations.*
- Sec. 3016. Bus and bus facility grants.*
- Sec. 3017. Obligation ceiling.*
- Sec. 3018. Innovative procurement.*
- Sec. 3019. Review of public transportation safety standards.*
- Sec. 3020. Study on evidentiary protection for public transportation safety program information.*
- Sec. 3021. Mobility of seniors and individuals with disabilities.*
- Sec. 3022. Improved transit safety measures.*
- Sec. 3023. Paratransit system under FTA approved coordinated plan.*

TITLE IV—HIGHWAY SAFETY

- Sec. 4001. Authorization of appropriations.*
- Sec. 4002. Highway safety programs.*
- Sec. 4003. Highway safety research and development.*
- Sec. 4004. High-visibility enforcement program.*
- Sec. 4005. National priority safety programs.*
- Sec. 4006. Prohibition on funds to check helmet usage or create related checkpoints for a motorcycle driver or passenger.*
- Sec. 4007. Marijuana-impaired driving.*
- Sec. 4008. National priority safety program grant eligibility.*
- Sec. 4009. Data collection.*
- Sec. 4010. Technical corrections.*

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

- Sec. 5101. Grants to States.*
- Sec. 5102. Performance and registration information systems management.*
- Sec. 5103. Authorization of appropriations.*
- Sec. 5104. Commercial driver's license program implementation.*

Sec. 5105. Extension of Federal motor carrier safety programs for fiscal year 2016.

Sec. 5106. Motor carrier safety assistance program allocation.

Sec. 5107. Maintenance of effort calculation.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

Sec. 5201. Notice of cancellation of insurance.

Sec. 5202. Regulations.

Sec. 5203. Guidance.

Sec. 5204. Petitions.

PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

Sec. 5221. Correlation study.

Sec. 5222. Beyond compliance.

Sec. 5223. Data certification.

Sec. 5224. Interim hiring standard.

Subtitle C—Commercial Motor Vehicle Safety

Sec. 5301. Implementing safety requirements.

Sec. 5302. Windshield mounted safety technology.

Sec. 5303. Prioritizing statutory rulemakings.

Sec. 5304. Safety reporting system.

Sec. 5305. New entrant safety review program.

Sec. 5306. Ready mixed concrete trucks.

Subtitle D—Commercial Motor Vehicle Drivers

Sec. 5401. Opportunities for veterans.

Sec. 5402. Drug-free commercial drivers.

Sec. 5403. Certified medical examiners.

Sec. 5404. Graduated commercial driver's license pilot program.

Sec. 5405. Veterans expanded trucking opportunities.

Subtitle E—General Provisions

Sec. 5501. Minimum financial responsibility.

Sec. 5502. Delays in goods movement.

Sec. 5503. Report on motor carrier financial responsibility.

Sec. 5504. Emergency route working group.

Sec. 5505. Household goods consumer protection working group.

Sec. 5506. Technology improvements.

Sec. 5507. Notification regarding motor carrier registration.

Sec. 5508. Report on commercial driver's license skills test delays.

Sec. 5509. Covered farm vehicles.

Sec. 5510. Operators of hi-rail vehicles.

Sec. 5511. Electronic logging device requirements.

Sec. 5512. Technical corrections.

Sec. 5513. Automobile transporter.

Sec. 5514. Ready mix concrete delivery vehicles.

TITLE VI—INNOVATION

Sec. 6001. Short title.

- Sec. 6002. Authorization of appropriations.*
Sec. 6003. Advanced transportation and congestion management technologies deployment.
Sec. 6004. Technology and innovation deployment program.
Sec. 6005. Intelligent transportation system goals.
Sec. 6006. Intelligent transportation system program report.
Sec. 6007. Intelligent transportation system national architecture and standards.
Sec. 6008. Communication systems deployment report.
Sec. 6009. Infrastructure development.
Sec. 6010. Departmental research programs.
Sec. 6011. Research and Innovative Technology Administration.
Sec. 6012. Office of Intermodalism.
Sec. 6013. University transportation centers.
Sec. 6014. Bureau of Transportation Statistics.
Sec. 6015. Surface transportation system funding alternatives.
Sec. 6016. Future interstate study.
Sec. 6017. Highway efficiency.
Sec. 6018. Motorcycle safety.
Sec. 6019. Hazardous materials research and development.
Sec. 6020. Web-based training for emergency responders.
Sec. 6021. Transportation technology policy working group.
Sec. 6022. Collaboration and support.
Sec. 6023. Prize competitions.
Sec. 6024. GAO report.
Sec. 6025. Intelligent transportation system purposes.
Sec. 6026. Infrastructure integrity.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

- Sec. 7001. Short title.*
Sec. 7002. Authorization of appropriations.
Sec. 7003. National emergency and disaster response.
Sec. 7004. Enhanced reporting.
Sec. 7005. Wetlines.
Sec. 7006. Improving publication of special permits and approvals.
Sec. 7007. GAO study on acceptance of classification examinations.
Sec. 7008. Improving the effectiveness of planning and training grants.
Sec. 7009. Motor carrier safety permits.
Sec. 7010. Thermal blankets.
Sec. 7011. Comprehensive oil spill response plans.
Sec. 7012. Information on high-hazard flammable trains.
Sec. 7013. Study and testing of electronically controlled pneumatic brakes.
Sec. 7014. Ensuring safe implementation of positive train control systems.
Sec. 7015. Phase-out of all tank cars used to transport Class 3 flammable liquids.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

- Sec. 8001. Multimodal freight transportation.*

**TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
FINANCE BUREAU**

- Sec. 9001. National Surface Transportation and Innovative Finance Bureau.*
Sec. 9002. Council on Credit and Finance.

*TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING
SAFETY*

Sec. 10001. Allocations.

Sec. 10002. Recreational boating safety.

1 SEC. 2. DEFINITIONS.

2 *In this Act, the following definitions apply:*

3 (1) *DEPARTMENT.*—*The term “Department”*
4 *means the Department of Transportation.*

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

7 **SEC. 3. EFFECTIVE DATE.**

8 *Except as otherwise provided, this Act, including the*
9 *amendments made by this Act, takes effect on October 1,*
10 *2015.*

11 **TITLE I—FEDERAL-AID**
12 **HIGHWAYS**
13 **Subtitle A—Authorizations and**
14 **Programs**

15 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*
20 *national highway performance program under section*
21 *119 of title 23, United States Code, the surface trans-*
22 *portation block grant program under section 133 of*
23 *that title, the highway safety improvement program*

1 under section 148 of that title, the congestion mitiga-
2 tion and air quality improvement program under sec-
3 tion 149 of that title, and to carry out section 134 of
4 that title—

5 (A) \$38,419,500,000 for fiscal year 2016;

6 (B) \$39,113,500,000 for fiscal year 2017;

7 (C) \$39,927,500,000 for fiscal year 2018;

8 (D) \$40,764,000,000 for fiscal year 2019;

9 (E) \$41,623,000,000 for fiscal year 2020;

10 and

11 (F) \$42,483,000,000 for fiscal year 2021.

12 (2) *TRANSPORTATION INFRASTRUCTURE FINANCE*
13 *AND INNOVATION PROGRAM.*—For credit assistance
14 under the transportation infrastructure finance and
15 innovation program under chapter 6 of title 23,
16 United States Code, \$200,000,000 for each of fiscal
17 years 2016 through 2021.

18 (3) *FEDERAL LANDS AND TRIBAL TRANSPOR-*
19 *TATION PROGRAMS.*—

20 (A) *TRIBAL TRANSPORTATION PROGRAM.*—

21 For the tribal transportation program under sec-
22 tion 202 of title 23, United States Code—

23 (i) \$465,000,000 for fiscal year 2016;

24 (ii) \$475,000,000 for fiscal year 2017;

25 (iii) \$485,000,000 for fiscal year 2018;

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

2 (v) \$495,000,000 for fiscal year 2020;

3 and

4 (vi) \$500,000,000 for fiscal year 2021.

5 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
6 *GRAM.—*

7 (i) *IN GENERAL.—For the Federal*
8 *lands transportation program under section*
9 *203 of title 23, United States Code—*

10 (I) \$325,000,000 for fiscal year
11 2016;

12 (II) \$335,000,000 for fiscal year
13 2017;

14 (III) \$345,000,000 for fiscal year
15 2018;

16 (IV) \$350,000,000 for fiscal year
17 2019;

18 (V) \$375,000,000 for fiscal year
19 2020; and

20 (VI) \$400,000,000 for fiscal year
21 2021.

22 (ii) *ALLOCATION.—Of the amount*
23 *made available for a fiscal year under*
24 *clause (i)—*

1 (I) the amount for the National
2 Park Service is—

3 (aa) \$260,000,000 for fiscal
4 year 2016;

5 (bb) \$268,000,000 for fiscal
6 year 2017;

7 (cc) \$276,000,000 for fiscal
8 year 2018;

9 (dd) \$280,000,000 for fiscal
10 year 2019;

11 (ee) \$300,000,000 for fiscal
12 year 2020; and

13 (ff) \$320,000,000 for fiscal
14 year 2021;

15 (II) the amount for the United
16 States Fish and Wildlife Service is
17 \$30,000,000 for each of fiscal years
18 2016 through 2021; and

19 (III) the amount for the United
20 States Forest Service is—

21 (aa) \$15,000,000 for fiscal
22 year 2016;

23 (bb) \$16,000,000 for fiscal
24 year 2017;

1 (cc) \$17,000,000 for fiscal
2 year 2018;

3 (dd) \$18,000,000 for fiscal
4 year 2019;

5 (ee) \$19,000,000 for fiscal
6 year 2020; and

7 (ff) \$20,000,000 for fiscal
8 year 2021.

9 (C) *FEDERAL LANDS ACCESS PROGRAM.—*
10 *For the Federal lands access program under sec-*
11 *tion 204 of title 23, United States Code—*

12 (i) \$250,000,000 for fiscal year 2016;
13 (ii) \$255,000,000 for fiscal year 2017;
14 (iii) \$260,000,000 for fiscal year 2018;
15 (iv) \$265,000,000 for fiscal year 2019;
16 (v) \$270,000,000 for fiscal year 2020;
17 and
18 (vi) \$275,000,000 for fiscal year 2021.

19 (4) *TERRITORIAL AND PUERTO RICO HIGHWAY*
20 *PROGRAM.—For the territorial and Puerto Rico high-*
21 *way program under section 165 of title 23, United*
22 *States Code, \$200,000,000 for each of fiscal years*
23 *2016 through 2021.*

24 (5) *NATIONALLY SIGNIFICANT FREIGHT AND*
25 *HIGHWAY PROJECTS.—For nationally significant*

1 *freight and highway projects under section 117 of title*
2 *23, United States Code—*

3 *(A) \$725,000,000 for fiscal year 2016;*

4 *(B) \$735,000,000 for fiscal year 2017; and*

5 *(C) \$750,000,000 for each of fiscal years*
6 *2018 through 2021.*

7 *(b) DISADVANTAGED BUSINESS ENTERPRISES.—*

8 *(1) FINDINGS.—Congress finds that—*

9 *(A) while significant progress has occurred*
10 *due to the establishment of the disadvantaged*
11 *business enterprise program, discrimination and*
12 *related barriers continue to pose significant ob-*
13 *stacles for minority- and women-owned busi-*
14 *nesses seeking to do business in federally assisted*
15 *surface transportation markets across the United*
16 *States;*

17 *(B) the continuing barriers described in*
18 *subparagraph (A) merit the continuation of the*
19 *disadvantaged business enterprise program;*

20 *(C) Congress has received and reviewed tes-*
21 *timony and documentation of race and gender*
22 *discrimination from numerous sources, including*
23 *congressional hearings and roundtables, scientific*
24 *reports, reports issued by public and private*
25 *agencies, news stories, reports of discrimination*

1 *by organizations and individuals, and discrimi-*
2 *nation lawsuits, which show that race- and gen-*
3 *der-neutral efforts alone are insufficient to ad-*
4 *dress the problem;*

5 *(D) the testimony and documentation de-*
6 *scribed in subparagraph (C) demonstrate that*
7 *discrimination across the United States poses a*
8 *barrier to full and fair participation in surface*
9 *transportation-related businesses of women busi-*
10 *ness owners and minority business owners and*
11 *has impacted firm development and many as-*
12 *pects of surface transportation-related business*
13 *in the public and private markets; and*

14 *(E) the testimony and documentation de-*
15 *scribed in subparagraph (C) provide a strong*
16 *basis that there is a compelling need for the con-*
17 *tinuation of the disadvantaged business enter-*
18 *prise program to address race and gender dis-*
19 *crimination in surface transportation-related*
20 *business.*

21 (2) *DEFINITIONS.*—*In this subsection, the fol-*
22 *lowing definitions apply:*

23 (A) *SMALL BUSINESS CONCERN.*—

24 (i) *IN GENERAL.*—*The term “small*
25 *business concern” means a small business*

1 concern (as the term is used in section 3 of
2 the Small Business Act (15 U.S.C. 632)).

3 (ii) *EXCLUSIONS.*—The term “small
4 business concern” does not include any con-
5 cern or group of concerns controlled by the
6 same socially and economically disadvan-
7 taged individual or individuals that have
8 average annual gross receipts during the
9 preceding 3 fiscal years in excess of
10 \$23,980,000, as adjusted annually by the
11 Secretary for inflation.

12 (B) *SOCIALLY AND ECONOMICALLY DIS-*
13 *ADVANTAGED INDIVIDUALS.*—The term “socially
14 and economically disadvantaged individuals”
15 has the meaning given the term in section 8(d)
16 of the Small Business Act (15 U.S.C. 637(d))
17 and relevant subcontracting regulations issued
18 pursuant to that Act, except that women shall be
19 presumed to be socially and economically dis-
20 advantaged individuals for purposes of this sub-
21 section.

22 (3) *AMOUNTS FOR SMALL BUSINESS CON-*
23 *CERNS.*—Except to the extent that the Secretary deter-
24 mines otherwise, not less than 10 percent of the
25 amounts made available for any program under titles

1 *I, II, III, and VI of this Act and section 403 of title*
2 *23, United States Code, shall be expended through*
3 *small business concerns owned and controlled by so-*
4 *cially and economically disadvantaged individuals.*

5 (4) *ANNUAL LISTING OF DISADVANTAGED BUSI-*
6 *NESS ENTERPRISES.—Each State shall annually—*

7 (A) *survey and compile a list of the small*
8 *business concerns referred to in paragraph (3) in*
9 *the State, including the location of the small*
10 *business concerns in the State; and*

11 (B) *notify the Secretary, in writing, of the*
12 *percentage of the small business concerns that*
13 *are controlled by—*

14 (i) *women;*

15 (ii) *socially and economically dis-*
16 *advantaged individuals (other than*
17 *women); and*

18 (iii) *individuals who are women and*
19 *are otherwise socially and economically dis-*
20 *advantaged individuals.*

21 (5) *UNIFORM CERTIFICATION.—*

22 (A) *IN GENERAL.—The Secretary shall es-*
23 *tablish minimum uniform criteria for use by*
24 *State governments in certifying whether a con-*

1 cern qualifies as a small business concern for the
2 purpose of this subsection.

3 (B) *INCLUSIONS.*—*The minimum uniform*
4 *criteria established under subparagraph (A) shall*
5 *include, with respect to a potential small busi-*
6 *ness concern—*

7 (i) *on-site visits;*

8 (ii) *personal interviews with personnel;*

9 (iii) *issuance or inspection of licenses;*

10 (iv) *analyses of stock ownership;*

11 (v) *listings of equipment;*

12 (vi) *analyses of bonding capacity;*

13 (vii) *listings of work completed;*

14 (viii) *examination of the resumes of*
15 *principal owners;*

16 (ix) *analyses of financial capacity;*

17 and

18 (x) *analyses of the type of work pre-*
19 *ferred.*

20 (6) *REPORTING.*—*The Secretary shall establish*
21 *minimum requirements for use by State governments*
22 *in reporting to the Secretary—*

23 (A) *information concerning disadvantaged*
24 *business enterprise awards, commitments, and*
25 *achievements; and*

1 (B) such other information as the Secretary
2 determines to be appropriate for the proper mon-
3 itoring of the disadvantaged business enterprise
4 program.

5 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
6 ing in this subsection limits the eligibility of an indi-
7 vidual or entity to receive funds made available
8 under titles I, II, III, and VI of this Act and section
9 403 of title 23, United States Code, if the entity or
10 person is prevented, in whole or in part, from com-
11 plying with paragraph (3) because a Federal court
12 issues a final order in which the court finds that a
13 requirement or the implementation of paragraph (3)
14 is unconstitutional.

15 **SEC. 1102. OBLIGATION CEILING.**

16 (a) GENERAL LIMITATION.—Subject to subsection (e),
17 and notwithstanding any other provision of law, the obliga-
18 tions for Federal-aid highway and highway safety construc-
19 tion programs shall not exceed—

20 (1) \$40,867,000,000 for fiscal year 2016;

21 (2) \$41,599,000,000 for fiscal year 2017;

22 (3) \$42,453,000,000 for fiscal year 2018;

23 (4) \$43,307,000,000 for fiscal year 2019;

24 (5) \$44,201,000,000 for fiscal year 2020; and

25 (6) \$45,096,000,000 for fiscal year 2021.

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

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

4 (2) *section 147 of the Surface Transportation As-*
5 *istance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
6 *2714);*

7 (3) *section 9 of the Federal-Aid Highway Act of*
8 *1981 (95 Stat. 1701);*

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

12 (5) *subsections (b) and (c) of section 149 of the*
13 *Surface Transportation and Uniform Relocation As-*
14 *istance Act of 1987 (101 Stat. 198);*

15 (6) *sections 1103 through 1108 of the Intermodal*
16 *Surface Transportation Efficiency Act of 1991 (105*
17 *Stat. 2027);*

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

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

24 (9) *Federal-aid highway programs for which ob-*
25 *ligation authority was made available under the*

1 *Transportation Equity Act for the 21st Century (112*
2 *Stat. 107) or subsequent Acts for multiple years or to*
3 *remain available until expended, but only to the ex-*
4 *tent that the obligation authority has not lapsed or*
5 *been used;*

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

10 *(11) section 1603 of SAFETEA-LU (23 U.S.C.*
11 *118 note; 119 Stat. 1248), to the extent that funds ob-*
12 *ligated in accordance with that section were not sub-*
13 *ject to a limitation on obligations at the time at*
14 *which the funds were initially made available for ob-*
15 *ligation;*

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

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

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

1 (1) shall not distribute obligation authority pro-
2 vided by subsection (a) for the fiscal year for—

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

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

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

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

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

20 (3) shall determine the proportion that—

21 (A) the obligation authority provided by
22 subsection (a) for the fiscal year, less the aggre-
23 gate of amounts not distributed under para-
24 graphs (1) and (2) of this subsection; bears to

1 (B) the total of the sums authorized to be
2 appropriated for the Federal-aid highway and
3 highway safety construction programs (other
4 than sums authorized to be appropriated for pro-
5 visions of law described in paragraphs (1)
6 through (12) of subsection (b) and sums author-
7 ized to be appropriated for section 119 of title
8 23, United States Code, equal to the amount re-
9 ferred to in subsection (b)(13) for the fiscal
10 year), less the aggregate of the amounts not dis-
11 tributed under paragraphs (1) and (2) of this
12 subsection;

13 (4) shall distribute the obligation authority pro-
14 vided by subsection (a), less the aggregate amounts
15 not distributed under paragraphs (1) and (2), for
16 each of the programs (other than programs to which
17 paragraph (1) applies) that are allocated by the Sec-
18 retary under this Act and title 23, United States
19 Code, or apportioned by the Secretary under sections
20 202 or 204 of that title, by multiplying—

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

23 (B) the amounts authorized to be appro-
24 priated for each such program for the fiscal year;
25 and

1 (5) shall distribute the obligation authority pro-
2 vided by subsection (a), less the aggregate amounts
3 not distributed under paragraphs (1) and (2) and the
4 amounts distributed under paragraph (4), for Fed-
5 eral-aid highway and highway safety construction
6 programs that are apportioned by the Secretary
7 under title 23, United States Code (other than the
8 amounts apportioned for the national highway per-
9 formance program in section 119 of title 23, United
10 States Code, that are exempt from the limitation
11 under subsection (b)(13) and the amounts appor-
12 tioned under sections 202 and 204 of that title) in the
13 proportion that—

14 (A) amounts authorized to be appropriated
15 for the programs that are apportioned under title
16 23, United States Code, to each State for the fis-
17 cal year; bears to

18 (B) the total of the amounts authorized to
19 be appropriated for the programs that are ap-
20 portioned under title 23, United States Code, to
21 all States for the fiscal year.

22 (d) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
23 *THORITY.*—Notwithstanding subsection (c), the Secretary
24 shall, after August 1 of each of fiscal years 2016 through
25 2021—

1 (1) *revise a distribution of the obligation author-*
 2 *ity made available under subsection (c) if an amount*
 3 *distributed cannot be obligated during that fiscal*
 4 *year; and*

5 (2) *redistribute sufficient amounts to those States*
 6 *able to obligate amounts in addition to those pre-*
 7 *viously distributed during that fiscal year, giving pri-*
 8 *ority to those States having large unobligated bal-*
 9 *ances of funds apportioned under sections 144 (as in*
 10 *effect on the day before the date of enactment of*
 11 *MAP-21 (Public Law 112-141)) and 104 of title 23,*
 12 *United States Code.*

13 (e) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
 14 *TRANSPORTATION RESEARCH PROGRAMS.—*

15 (1) *IN GENERAL.—Except as provided in para-*
 16 *graph (2), obligation limitations imposed by sub-*
 17 *section (a) shall apply to contract authority for trans-*
 18 *portation research programs carried out under—*

19 (A) *chapter 5 of title 23, United States*
 20 *Code; and*

21 (B) *title VI of this Act.*

22 (2) *EXCEPTION.—Obligation authority made*
 23 *available under paragraph (1) shall—*

24 (A) *remain available for a period of 4 fiscal*
 25 *years; and*

1 (B) be in addition to the amount of any
2 limitation imposed on obligations for Federal-
3 aid highway and highway safety construction
4 programs for future fiscal years.

5 (f) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
6 *FUNDS.*—

7 (1) *IN GENERAL.*—Not later than 30 days after
8 the date of distribution of obligation authority under
9 subsection (c) for each of fiscal years 2016 through
10 2021, the Secretary shall distribute to the States any
11 funds (excluding funds authorized for the program
12 under section 202 of title 23, United States Code)
13 that—

14 (A) are authorized to be appropriated for
15 the fiscal year for Federal-aid highway pro-
16 grams; and

17 (B) the Secretary determines will not be al-
18 located to the States (or will not be apportioned
19 to the States under section 204 of title 23,
20 United States Code), and will not be available
21 for obligation, for the fiscal year because of the
22 imposition of any obligation limitation for the
23 fiscal year.

1 (2) *RATIO*.—Funds shall be distributed under
2 paragraph (1) in the same proportion as the distribu-
3 tion of obligation authority under subsection (c)(5).

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

8 **SEC. 1103. DEFINITIONS.**

9 Section 101(a) of title 23, United States Code, is
10 amended—

11 (1) by striking paragraph (29);

12 (2) by redesignating paragraphs (15) through
13 (28) as paragraphs (16) through (29), respectively;
14 and

15 (3) by inserting after paragraph (14) the fol-
16 lowing:

17 “(15) *NATIONAL HIGHWAY FREIGHT NETWORK*.—
18 The term ‘National Highway Freight Network’ means
19 the National Highway Freight Network established
20 under section 167.”.

21 **SEC. 1104. APPORTIONMENT.**

22 (a) *ADMINISTRATIVE EXPENSES*.—Section 104(a)(1)
23 of title 23, United States Code, is amended to read as fol-
24 lows:

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated from the Highway Trust Fund (other than*
3 *the Mass Transit Account) to be made available to the*
4 *Secretary for administrative expenses of the Federal*
5 *Highway Administration \$440,000,000 for each of fis-*
6 *cal years 2016 through 2021.*”.

7 *(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE*
8 *OF BASE APPORTIONMENT.*—*Section 104(b) of title 23,*
9 *United States Code, is amended—*

10 *(1) in the subsection heading by striking “DIVI-*
11 *SION OF STATE APPORTIONMENTS AMONG PRO-*
12 *GRAMS” and inserting “DIVISION AMONG PROGRAMS*
13 *OF STATE’S SHARE OF BASE APPORTIONMENT”;*

14 *(2) in the matter preceding paragraph (1)—*

15 *(A) by inserting “of the base apporportion-*
16 *ment” after “the amount”; and*

17 *(B) by striking “surface transportation pro-*
18 *gram” and inserting “surface transportation*
19 *block grant program”;*

20 *(3) in paragraph (2)—*

21 *(A) in the paragraph heading by striking*
22 *“SURFACE TRANSPORTATION PROGRAM” and in-*
23 *serting “SURFACE TRANSPORTATION BLOCK*
24 *GRANT PROGRAM”;* and

1 (B) by striking “surface transportation pro-
2 gram” and inserting “surface transportation
3 block grant program”; and

4 (4) in each of paragraphs (4) and (5), in the
5 matter preceding subparagraph (A), by inserting “of
6 the base apportionment” after “the amount”.

7 (c) *CALCULATION OF STATE AMOUNTS.*—Section
8 104(c) of title 23, United States Code, is amended to read
9 as follows:

10 “(c) *CALCULATION OF AMOUNTS.*—

11 “(1) *STATE SHARE.*—For each of fiscal years
12 2016 through 2021, the amount for each State shall
13 be determined as follows:

14 “(A) *INITIAL AMOUNTS.*—The initial
15 amounts for each State shall be determined by
16 multiplying—

17 “(i) each of—

18 “(I) the base apportionment;

19 “(II) supplemental funds reserved
20 under subsection (h)(1) for the na-
21 tional highway performance program;
22 and

23 “(III) supplemental funds re-
24 served under subsection (h)(2) for the

1 *surface transportation block grant pro-*
2 *gram; by*

3 “(ii) *the share for each State, which*
4 *shall be equal to the proportion that—*

5 “(I) *the amount of apportion-*
6 *ments that the State received for fiscal*
7 *year 2015; bears to*

8 “(II) *the amount of those appor-*
9 *tionments received by all States for*
10 *that fiscal year.*

11 “(B) *ADJUSTMENTS TO AMOUNTS.—The ini-*
12 *tial amounts resulting from the calculation*
13 *under subparagraph (A) shall be adjusted to en-*
14 *sure that each State receives an aggregate appor-*
15 *tionment equal to at least 95 percent of the esti-*
16 *mated tax payments attributable to highway*
17 *users in the State paid into the Highway Trust*
18 *Fund (other than the Mass Transit Account) in*
19 *the most recent fiscal year for which data are*
20 *available.*

21 “(2) *STATE APPORTIONMENT.—On October 1 of*
22 *fiscal years 2016 through 2021, the Secretary shall*
23 *apportion the sums authorized to be appropriated for*
24 *expenditure on the national highway performance*
25 *program under section 119, the surface transportation*

1 *block grant program under section 133, the highway*
2 *safety improvement program under section 148, the*
3 *congestion mitigation and air quality improvement*
4 *program under section 149, and to carry out section*
5 *134 in accordance with paragraph (1).”.*

6 *(d) SUPPLEMENTAL FUNDS.—Section 104 of title 23,*
7 *United States Code, is amended by adding at the end the*
8 *following:*

9 *“(h) SUPPLEMENTAL FUNDS.—*

10 *“(1) SUPPLEMENTAL FUNDS FOR NATIONAL*
11 *HIGHWAY PERFORMANCE PROGRAM.—*

12 *“(A) AMOUNT.—Before making an appor-*
13 *tionment for a fiscal year under subsection (c),*
14 *the Secretary shall reserve for the national high-*
15 *way performance program under section 119 for*
16 *that fiscal year an amount equal to—*

17 *“(i) \$53,596,122 for fiscal year 2019;*

18 *“(ii) \$66,717,816 for fiscal year 2020;*

19 *and*

20 *“(iii) \$79,847,397 for fiscal year 2021.*

21 *“(B) TREATMENT OF FUNDS.—Funds re-*
22 *served under subparagraph (A) and apportioned*
23 *to a State under subsection (c) shall be treated*
24 *as if apportioned under subsection (b)(1), and*

1 *shall be in addition to amounts apportioned*
2 *under that subsection.*

3 “(2) *SUPPLEMENTAL FUNDS FOR SURFACE*
4 *TRANSPORTATION BLOCK GRANT PROGRAM.—*

5 “(A) *AMOUNT.—Before making an appor-*
6 *tionment for a fiscal year under subsection (c),*
7 *the Secretary shall reserve for the surface trans-*
8 *portation block grant program under section 133*
9 *for that fiscal year an amount equal to*
10 *\$819,900,000 pursuant to section 133(h), plus—*

11 “(i) *\$70,526,310 for fiscal year 2016;*

12 “(ii) *\$104,389,904 for fiscal year 2017;*

13 “(iii) *\$148,113,536 for fiscal year*
14 *2018;*

15 “(iv) *\$160,788,367 for fiscal year 2019;*

16 “(v) *\$200,153,448 for fiscal year 2020;*

17 *and*

18 “(vi) *\$239,542,191 for fiscal year 2021.*

19 “(B) *TREATMENT OF FUNDS.—Funds re-*
20 *served under subparagraph (A) and apportioned*
21 *to a State under subsection (c) shall be treated*
22 *as if apportioned under subsection (b)(2), and*
23 *shall be in addition to amounts apportioned*
24 *under that subsection.*

1 “(i) *BASE APPORTIONMENT DEFINED.*—*In this sec-*
2 *tion, the term ‘base apportionment’ means—*

3 “(1) *the combined amount authorized for appro-*
4 *riation for the national highway performance pro-*
5 *gram under section 119, the surface transportation*
6 *block grant program under section 133, the highway*
7 *safety improvement program under section 148, the*
8 *congestion mitigation and air quality improvement*
9 *program under section 149, and to carry out section*
10 *134; minus*

11 “(2) *supplemental funds reserved under sub-*
12 *section (h) for the national highway performance pro-*
13 *gram and the surface transportation block grant pro-*
14 *gram.*”.

15 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

16 *Section 119 of title 23, United States Code, is amend-*
17 *ed—*

18 (1) *in subsection (e)(7)—*

19 (A) *by striking “this paragraph” and in-*
20 *serting “section 150(e)”;* and

21 (B) *by inserting “under section 150(e)”*
22 *after “the next report submitted”;* and

23 (2) *by adding at the end the following:*

24 “(h) *TIFIA PROGRAM.*—*Upon Secretarial approval of*
25 *credit assistance under chapter 6, the Secretary, at the re-*

1 *quest of a State, may allow the State to use funds appor-*
2 *tioned under section 104(b)(1) to pay subsidy and adminis-*
3 *trative costs necessary to provide an eligible entity Federal*
4 *credit assistance under chapter 6 with respect to a project*
5 *eligible for assistance under this section.*

6 “(i) *ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN*
7 *BRIDGES.*—

8 “(1) *IN GENERAL.*—*Funds apportioned to a*
9 *State to carry out the national highway performance*
10 *program may be obligated for a project for the recon-*
11 *struction, resurfacing, restoration, rehabilitation, or*
12 *preservation of a bridge not on the National Highway*
13 *System, if the bridge is on a Federal-aid highway.*

14 “(2) *LIMITATION.*—*A State required to make ob-*
15 *ligations under subsection (f) shall ensure such re-*
16 *quirements are satisfied in order to use the flexibility*
17 *under paragraph (1).”.*

18 **SEC. 1106. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
19 **GRAM.**

20 “(a) *FINDINGS.*—*Congress finds that—*

21 “(1) *the benefits of the surface transportation*
22 *block grant program accrue principally to the resi-*
23 *dents of each State and municipality where the funds*
24 *are obligated;*

1 (2) *decisions about how funds should be obligated*
2 *are best determined by the States and municipalities*
3 *to respond to unique local circumstances and imple-*
4 *ment the most efficient solutions; and*

5 (3) *reforms of the program to promote flexibility*
6 *will enhance State and local control over transpor-*
7 *tation decisions.*

8 (b) *SURFACE TRANSPORTATION BLOCK GRANT PRO-*
9 *GRAM.—Section 133 of title 23, United States Code, is*
10 *amended—*

11 (1) *by striking subsections (a), (b), (c), and (d)*
12 *and inserting the following:*

13 “(a) *ESTABLISHMENT.—The Secretary shall establish*
14 *a surface transportation block grant program in accordance*
15 *with this section to provide flexible funding to address State*
16 *and local transportation needs.*

17 “(b) *ELIGIBLE PROJECTS.—Funds apportioned to a*
18 *State under section 104(b)(2) for the surface transportation*
19 *block grant program may be obligated for the following:*

20 “(1) *Construction of—*

21 “(A) *highways, bridges, tunnels, including*
22 *designated routes of the Appalachian develop-*
23 *ment highway system and local access roads*
24 *under section 14501 of title 40;*

1 “(B) ferry boats and terminal facilities eli-
2 gible for funding under section 129(c);

3 “(C) transit capital projects eligible for as-
4 sistance under chapter 53 of title 49;

5 “(D) infrastructure-based intelligent trans-
6 portation systems capital improvements;

7 “(E) truck parking facilities eligible for
8 funding under section 1401 of MAP-21 (23
9 U.S.C. 137 note); and

10 “(F) border infrastructure projects eligible
11 for funding under section 1303 of SAFETEA-
12 LU (23 U.S.C. 101 note).

13 “(2) Operational improvements and capital and
14 operating costs for traffic monitoring, management,
15 and control facilities and programs.

16 “(3) Environmental measures eligible under sec-
17 tions 119(g), 328, and 329 and transportation control
18 measures listed in section 108(f)(1)(A) (other than
19 clause (xvi) of that section) of the Clean Air Act (42
20 U.S.C. 7408(f)(1)(A)).

21 “(4) Highway and transit safety infrastructure
22 improvements and programs, including railway-high-
23 way grade crossings.

1 “(5) *Fringe and corridor parking facilities and*
2 *programs in accordance with section 137 and carpool*
3 *projects in accordance with section 146.*

4 “(6) *Recreational trails projects eligible for fund-*
5 *ing under section 206, pedestrian and bicycle projects*
6 *in accordance with section 217 (including modifica-*
7 *tions to comply with accessibility requirements under*
8 *the Americans with Disabilities Act of 1990 (42*
9 *U.S.C. 12101 et seq.)), and the safe routes to school*
10 *program under section 1404 of SAFETEA-LU (23*
11 *U.S.C. 402 note).*

12 “(7) *Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.*

16 “(8) *Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.*

20 “(9) *Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and*

1 *tunnels on public roads, and inspection and evalua-*
2 *tion of bridges and tunnels and other highway assets.*

3 *“(10) Surface transportation planning pro-*
4 *grams, highway and transit research and development*
5 *and technology transfer programs, and workforce de-*
6 *velopment, training, and education under chapter 5*
7 *of this title.*

8 *“(11) Surface transportation infrastructure*
9 *modifications to facilitate direct intermodal inter-*
10 *change, transfer, and access into and out of a port*
11 *terminal.*

12 *“(12) Projects and strategies designed to support*
13 *congestion pricing, including electronic toll collection*
14 *and travel demand management strategies and pro-*
15 *grams.*

16 *“(13) At the request of a State, and upon Secre-*
17 *tarial approval of credit assistance under chapter 6,*
18 *subsidy and administrative costs necessary to provide*
19 *an eligible entity Federal credit assistance under*
20 *chapter 6 with respect to a project eligible for assist-*
21 *ance under this section.*

22 *“(14) The creation and operation by a State of*
23 *an office to assist in the design, implementation, and*
24 *oversight of public-private partnerships eligible to re-*
25 *ceive funding under this title and chapter 53 of title*

1 49, and the payment of a stipend to unsuccessful pri-
2 vate bidders to offset their proposal development costs,
3 if necessary to encourage robust competition in pub-
4 lic-private partnership procurements.

5 “(15) Any type of project eligible under this sec-
6 tion as in effect on the day before the date of enact-
7 ment of the Surface Transportation Reauthorization
8 and Reform Act of 2015, including projects described
9 under section 101(a)(29) as in effect on such day.

10 “(c) LOCATION OF PROJECTS.—A surface transpor-
11 tation block grant project may not be undertaken on a road
12 functionally classified as a local road or a rural minor col-
13 lector unless the road was on a Federal-aid highway system
14 on January 1, 1991, except—

15 “(1) for a bridge or tunnel project (other than
16 the construction of a new bridge or tunnel at a new
17 location);

18 “(2) for a project described in paragraphs (4)
19 through (11) of subsection (b);

20 “(3) for a project described in section 101(a)(29),
21 as in effect on the day before the date of enactment
22 of the Surface Transportation Reauthorization and
23 Reform Act of 2015; and

24 “(4) as approved by the Secretary.

1 “(d) *ALLOCATIONS OF APPORTIONED FUNDS TO*
2 *AREAS BASED ON POPULATION.*—

3 “(1) *CALCULATION.*—*Of the funds apportioned to*
4 *a State under section 104(b)(2) (after the reservation*
5 *of funds under subsection (h))—*

6 “(A) *the percentage specified in paragraph*
7 *(6) for a fiscal year shall be obligated under this*
8 *section, in proportion to their relative shares of*
9 *the population of the State—*

10 “(i) *in urbanized areas of the State*
11 *with an urbanized area population of over*
12 *200,000;*

13 “(ii) *in areas of the State other than*
14 *urban areas with a population greater than*
15 *5,000; and*

16 “(iii) *in other areas of the State; and*

17 “(B) *the remainder may be obligated in*
18 *any area of the State.*

19 “(2) *METROPOLITAN AREAS.*—*Funds attributed*
20 *to an urbanized area under paragraph (1)(A)(i) may*
21 *be obligated in the metropolitan area established*
22 *under section 134 that encompasses the urbanized*
23 *area.*

24 “(3) *CONSULTATION WITH REGIONAL TRANSPOR-*
25 *TATION PLANNING ORGANIZATIONS.*—*For purposes of*

1 paragraph (1)(A)(iii), before obligating funding at-
2 tributed to an area with a population greater than
3 5,000 and less than 200,000, a State shall consult
4 with the regional transportation planning organiza-
5 tions that represent the area, if any.

6 “(4) *DISTRIBUTION AMONG URBANIZED AREAS*
7 *OF OVER 200,000 POPULATION.*—

8 “(A) *IN GENERAL.*—*Except as provided in*
9 *subparagraph (B), the amount of funds that a*
10 *State is required to obligate under paragraph*
11 *(1)(A)(i) shall be obligated in urbanized areas*
12 *described in paragraph (1)(A)(i) based on the*
13 *relative population of the areas.*

14 “(B) *OTHER FACTORS.*—*The State may ob-*
15 *ligate the funds described in subparagraph (A)*
16 *based on other factors if the State and the rel-*
17 *evant metropolitan planning organizations joint-*
18 *ly apply to the Secretary for the permission to*
19 *base the obligation on other factors and the Sec-*
20 *retary grants the request.*

21 “(5) *APPLICABILITY OF PLANNING REQUIRE-*
22 *MENTS.*—*Programming and expenditure of funds for*
23 *projects under this section shall be consistent with sec-*
24 *tions 134 and 135.*

1 “(6) *PERCENTAGE.*—*The percentage referred to*
2 *in paragraph (1)(A) is—*

3 “(A) *for fiscal year 2016, 51 percent;*

4 “(B) *for fiscal year 2017, 52 percent;*

5 “(C) *for fiscal year 2018, 53 percent;*

6 “(D) *for fiscal year 2019, 54 percent;*

7 “(E) *for fiscal year 2020, 55 percent; and*

8 “(F) *for fiscal year 2021, 55 percent.”;*

9 (2) *by striking the section heading and inserting*
10 **“*Surface transportation block grant pro-***
11 ***gram*”;**

12 (3) *by striking subsection (e);*

13 (4) *by redesignating subsections (f) through (h)*
14 *as subsections (e) through (g), respectively;*

15 (5) *in subsection (e)(1), as redesignated by this*
16 *subsection—*

17 (A) *by striking “104(b)(3)” and inserting*
18 *“104(b)(2)”;* and

19 (B) *by striking “fiscal years 2011 through*
20 *2014” and inserting “fiscal years 2016 through*
21 *2021”;*

22 (6) *in subsection (g)(1), as redesignated by this*
23 *subsection, 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 of fiscal years 2016 through 2021”; and

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

4 “(h) *STP SET-ASIDE.*—

5 “(1) *RESERVATION OF FUNDS.*—Of the funds ap-
6 portioned to a State under section 104(b)(2) for each
7 fiscal year, the Secretary shall reserve an amount
8 such that—

9 “(A) the Secretary reserves a total of
10 \$819,900,000 under this subsection; and

11 “(B) the State’s share of that total is deter-
12 mined by multiplying the amount under sub-
13 paragraph (A) by the ratio that—

14 “(i) the amount apportioned to the
15 State for the transportation enhancements
16 program for fiscal year 2009 under section
17 133(d)(2), as in effect on the day before the
18 date of enactment of MAP–21; bears to

19 “(ii) the total amount of funds appor-
20 tioned to all States for the transportation
21 enhancements program for fiscal year 2009.

22 “(2) *ALLOCATION WITHIN A STATE.*—Funds re-
23 served for a State under paragraph (1) shall be obli-
24 gated within that State in the manner described in
25 subsection (d), except that, for purposes of this para-

1 *graph (after funds are made available under para-*
2 *graph (5))—*

3 *“(A) for each fiscal year, the percentage re-*
4 *ferred to in paragraph (1)(A) of that subsection*
5 *shall be deemed to be 50 percent; and*

6 *“(B) the following provisions shall not*
7 *apply:*

8 *“(i) Paragraph (3) of subsection (d).*

9 *“(ii) Subsection (e).*

10 *“(3) ELIGIBLE PROJECTS.—Funds reserved*
11 *under this subsection may be obligated for projects or*
12 *activities described in section 101(a)(29) or 213, as*
13 *such provisions were in effect on the day before the*
14 *date of enactment of the Surface Transportation Re-*
15 *authorization and Reform Act of 2015.*

16 *“(4) ACCESS TO FUNDS.—*

17 *“(A) IN GENERAL.—A State or metropoli-*
18 *tan planning organization required to obligate*
19 *funds in accordance with paragraph (2) shall de-*
20 *velop a competitive process to allow eligible enti-*
21 *ties to submit projects for funding that achieve*
22 *the objectives of this subsection. A metropolitan*
23 *planning organization for an area described in*
24 *subsection (d)(1)(A)(i) shall select projects under*

1 *such process in consultation with the relevant*
2 *State.*

3 “(B) *ELIGIBLE ENTITY DEFINED.*—*In this*
4 *paragraph, the term ‘eligible entity’ means—*

5 “(i) *a local government;*

6 “(ii) *a regional transportation author-*
7 *ity;*

8 “(iii) *a transit agency;*

9 “(iv) *a natural resource or public land*
10 *agency;*

11 “(v) *a school district, local education*
12 *agency, or school;*

13 “(vi) *a tribal government; and*

14 “(vii) *any other local or regional gov-*
15 *ernmental entity with responsibility for or*
16 *oversight of transportation or recreational*
17 *trails (other than a metropolitan planning*
18 *organization or a State agency) that the*
19 *State determines to be eligible, consistent*
20 *with the goals of this subsection.*

21 “(5) *CONTINUATION OF CERTAIN RECREATIONAL*
22 *TRAILS PROJECTS.*—*For each fiscal year, a State*
23 *shall—*

24 “(A) *obligate an amount of funds reserved*
25 *under this section equal to the amount of the*

1 *funds apportioned to the State for fiscal year*
2 *2009 under section 104(h)(2), as in effect on the*
3 *day before the date of enactment of MAP–21, for*
4 *projects relating to recreational trails under sec-*
5 *tion 206;*

6 *“(B) return 1 percent of those funds to the*
7 *Secretary for the administration of that pro-*
8 *gram; and*

9 *“(C) comply with the provisions of the ad-*
10 *ministration of the recreational trails program*
11 *under section 206, including the use of appor-*
12 *tioned funds described in subsection (d)(3)(A) of*
13 *that section.*

14 *“(6) STATE FLEXIBILITY.—*

15 *“(A) RECREATIONAL TRAILS.—A State may*
16 *opt out of the recreational trails program under*
17 *paragraph (5) if the Governor of the State noti-*
18 *fies the Secretary not later than 30 days prior*
19 *to apportionments being made for any fiscal*
20 *year.*

21 *“(B) LARGE URBANIZED AREAS.—A metro-*
22 *politan planning area may use not to exceed 50*
23 *percent of the funds reserved under this sub-*
24 *section for an urbanized area described in sub-*

1 *section (d)(1)(A)(i) for any purpose eligible*
2 *under subsection (b).*

3 “(i) *TREATMENT OF PROJECTS.—Notwithstanding*
4 *any other provision of law, projects funded under this sec-*
5 *tion (excluding those carried out under subsection (h)(5))*
6 *shall be treated as projects on a Federal-aid highway under*
7 *this chapter.”.*

8 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*

9 (1) *SECTION 126.—Section 126(b)(2) of title 23,*
10 *United States Code, is amended—*

11 (A) *by striking “section 213” and inserting*
12 *“section 133(h)”;* and

13 (B) *by striking “section 213(c)(1)(B)” and*
14 *inserting “section 133(h)”.*

15 (2) *SECTION 213.—Section 213 of title 23,*
16 *United States Code, is repealed.*

17 (3) *SECTION 322.—Section 322(h)(3) of title 23,*
18 *United States Code, is amended by striking “surface*
19 *transportation program” and inserting “surface*
20 *transportation block grant program”.*

21 (4) *SECTION 504.—Section 504(a)(4) of title 23,*
22 *United States Code, is amended—*

23 (A) *by striking “104(b)(3)” and inserting*
24 *“104(b)(2)”;* and

1 (B) by striking “surface transportation pro-
2 gram” and inserting “surface transportation
3 block grant program”.

4 (5) CHAPTER 1.—Chapter 1 of title 23, United
5 States Code, is amended by striking “surface trans-
6 portation program” each place it appears and insert-
7 ing “surface transportation block grant program”.

8 (6) CHAPTER ANALYSES.—

9 (A) CHAPTER 1.—The analysis for chapter
10 1 of title 23, United States Code, is amended by
11 striking the item relating to section 133 and in-
12 serting the following:

“133. Surface transportation block grant program.”.

13 (B) CHAPTER 2.—The item relating to sec-
14 tion 213 in the analysis for chapter 2 of title 23,
15 United States Code, is repealed.

16 (7) OTHER REFERENCES.—Any reference in any
17 other law, regulation, document, paper, or other
18 record of the United States to the surface transpor-
19 tation program under section 133 of title 23, United
20 States Code, shall be deemed to be a reference to the
21 surface transportation block grant program under
22 such section.

23 **SEC. 1107. RAILWAY-HIGHWAY GRADE CROSSINGS.**

24 Section 130(e)(1) of title 23, United States Code, is
25 amended to read as follows:

1 “(1) *IN GENERAL.*—

2 “(A) *SET ASIDE.*—*Before making an appor-*
3 *tionment under section 104(b)(3) for a fiscal*
4 *year, the Secretary shall set aside, from amounts*
5 *made available to carry out the highway safety*
6 *improvement program under section 148 for such*
7 *fiscal year, for the elimination of hazards and*
8 *the installation of protective devices at railway-*
9 *highway crossings at least—*

10 “(i) \$225,000,000 for fiscal year 2016;

11 “(ii) \$230,000,000 for fiscal year 2017;

12 “(iii) \$235,000,000 for fiscal year
13 2018;

14 “(iv) \$240,000,000 for fiscal year 2019;

15 “(v) \$245,000,000 for fiscal year 2020;

16 and

17 “(vi) \$250,000,000 for fiscal year 2021.

18 “(B) *INSTALLATION OF PROTECTIVE DE-*
19 *VICES.*—*At least 1/2 of the funds set aside each*
20 *fiscal year under subparagraph (A) shall be*
21 *available for the installation of protective devices*
22 *at railway-highway crossings.*

23 “(C) *OBLIGATION AVAILABILITY.*—*Sums set*
24 *aside each fiscal year under subparagraph (A)*
25 *shall be available for obligation in the same*

1 *manner as funds apportioned under section*
2 *104(b)(1) of this title.”.*

3 **SEC. 1108. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

4 *(a) DEFINITIONS.—*

5 *(1) IN GENERAL.—Section 148(a) of title 23,*
6 *United States Code, is amended—*

7 *(A) in paragraph (4)(B)—*

8 *(i) in the matter preceding clause (i),*
9 *by striking “includes, but is not limited to,”*
10 *and inserting “only includes”; and*

11 *(ii) by adding at the end the following:*

12 *“(xxv) Installation of vehicle-to-infra-*
13 *structure communication equipment.*

14 *“(xxvi) Pedestrian hybrid beacons.*

15 *“(xxvii) Roadway improvements that*
16 *provide separation between pedestrians and*
17 *motor vehicles, including medians and pe-*
18 *destrian crossing islands.*

19 *“(xxviii) A physical infrastructure*
20 *safety project not described in clauses (i)*
21 *through (xxvii).”;*

22 *(B) by striking paragraph (10); and*

23 *(C) by redesignating paragraphs (11)*
24 *through (13) as paragraphs (10) through (12),*
25 *respectively.*

1 (2) *CONFORMING AMENDMENTS.*—Section 148 of
2 *title 23, United States Code, is amended—*

3 (A) *in subsection (c)(1)(A) by striking “sub-*
4 *sections (a)(12)” and inserting “subsections*
5 *(a)(11)”;* and

6 (B) *in subsection (d)(2)(B)(i) by striking*
7 *“subsection (a)(12)” and inserting “subsection*
8 *(a)(11)”.*

9 (b) *DATA COLLECTION.*—Section 148(f) of title 23,
10 *United States Code, is amended by adding at the end the*
11 *following:*

12 “(3) *PROCESS.*—*The Secretary shall establish a*
13 *process to allow a State to cease to collect the subset*
14 *referred to in paragraph (2)(A) for public roads that*
15 *are gravel roads or otherwise unpaved if—*

16 (A) *the State does not use funds provided*
17 *to carry out this section for a project on such*
18 *roads until the State completes a collection of the*
19 *required model inventory of roadway elements*
20 *for the roads; and*

21 (B) *the State demonstrates that the State*
22 *consulted with affected Indian tribes before ceas-*
23 *ing to collect data with respect to such roads that*
24 *are included in the National Tribal Transpor-*
25 *tation Facility Inventory.*

1 “(4) *RULE OF CONSTRUCTION.*—*Nothing in*
2 *paragraph (3) may be construed to allow a State to*
3 *cease data collection related to serious injuries or fa-*
4 *talities.*”.

5 (c) *RURAL ROAD SAFETY.*—*Section 148(g)(1) of title*
6 *23, United States Code, is amended—*

7 (1) *by striking “If the fatality rate” and insert-*
8 *ing the following:*

9 “(A) *IN GENERAL.*—*If the fatality rate*”;
10 *and*

11 (2) *by adding at the end the following:*

12 “(B) *FATALITIES EXCEEDING THE MEDIAN*
13 *RATE.*—*If the fatality rate on rural roads in a*
14 *State, for the most recent 2-year period for which*
15 *data is available, is more than the median fatal-*
16 *ity rate for rural roads among all States for*
17 *such 2-year period, the State shall be required to*
18 *demonstrate, in the subsequent State strategic*
19 *highway safety plan of the State, strategies to*
20 *address fatalities and achieve safety improve-*
21 *ments on high risk rural roads.*”.

22 (d) *COMMERCIAL MOTOR VEHICLE SAFETY BEST*
23 *PRACTICES.*—

24 (1) *REVIEW.*—*The Secretary shall conduct a re-*
25 *view of best practices with respect to the implementa-*

1 “(9) if the project or program is for the installa-
2 tion of vehicle-to-infrastructure communication equip-
3 ment.”.

4 (b) STATES FLEXIBILITY.—Section 149(d) of title 23,
5 United States Code, is amended to read as follows:

6 “(d) STATES FLEXIBILITY.—

7 “(1) STATES WITHOUT A NONATTAINMENT
8 AREA.—If a State does not have, and never has had,
9 a nonattainment area designated under the Clean Air
10 Act (42 U.S.C. 7401 et seq.), the State may use funds
11 apportioned to the State under section 104(b)(4) for
12 any project in the State that—

13 “(A) would otherwise be eligible under sub-
14 section (b) if the project were carried out in a
15 nonattainment or maintenance area; or

16 “(B) is eligible under the surface transpor-
17 tation block grant program under section 133.

18 “(2) STATES WITH A NONATTAINMENT AREA.—

19 “(A) IN GENERAL.—If a State has a non-
20 attainment area or maintenance area and re-
21 ceived funds in fiscal year 2009 under section
22 104(b)(2)(D), as in effect on the day before the
23 date of enactment of the MAP–21, above the
24 amount of funds that the State would have re-
25 ceived based on the nonattainment and mainte-

1 *nance area population of the State under sub-*
2 *paragraphs (B) and (C) of section 104(b)(2), as*
3 *in effect on the day before the date of enactment*
4 *of the MAP-21, the State may use, for any*
5 *project that would otherwise be eligible under*
6 *subsection (b) if the project were carried out in*
7 *a nonattainment or maintenance area or is eli-*
8 *gible under the surface transportation block*
9 *grant program under section 133, an amount of*
10 *funds apportioned to such State under section*
11 *104(b)(4) that is equal to the product obtained*
12 *by multiplying—*

13 *“(i) the amount apportioned to such*
14 *State under section 104(b)(4) (excluding the*
15 *amounts reserved for obligation under sub-*
16 *section (k)(1)); by*

17 *“(ii) the ratio calculated under sub-*
18 *paragraph (B).*

19 *“(B) RATIO.—For purposes of this para-*
20 *graph, the ratio shall be calculated as the pro-*
21 *portion that—*

22 *“(i) the amount for fiscal year 2009*
23 *such State was permitted by section*
24 *149(c)(2), as in effect on the day before the*
25 *date of enactment of the MAP-21, to obli-*

1 *gate in any area of the State for projects el-*
2 *igible under section 133, as in effect on the*
3 *day before the date of enactment of the*
4 *MAP-21; bears to*

5 *“(ii) the total apportionment to such*
6 *State for fiscal year 2009 under section*
7 *104(b)(2), as in effect on the day before the*
8 *date of enactment of the MAP-21.*

9 *“(3) CHANGES IN DESIGNATION.—If a new non-*
10 *attainment area is designated or a previously des-*
11 *ignated nonattainment area is redesignated as an at-*
12 *tainment area in a State under the Clean Air Act (42*
13 *U.S.C. 7401 et seq.), the Secretary shall modify, in a*
14 *manner consistent with the approach that was in ef-*
15 *fect on the day before the date of enactment of MAP-*
16 *21, the amount such State is permitted to obligate in*
17 *any area of the State for projects eligible under sec-*
18 *tion 133.”.*

19 *(c) PRIORITY CONSIDERATION.—Section 149(g)(3) of*
20 *title 23, United States Code, is amended to read as follows:*

21 *“(3) PRIORITY CONSIDERATION.—*

22 *“(A) IN GENERAL.—In distributing funds*
23 *received for congestion mitigation and air qual-*
24 *ity projects and programs from apportionments*
25 *under section 104(b)(4) in areas designated as*

1 *nonattainment or maintenance for PM_{2.5} under*
2 *the Clean Air Act (42 U.S.C. 7401 et seq.) and*
3 *where regional motor vehicle emissions are not*
4 *an insignificant contributor to the air quality*
5 *problem for PM_{2.5}, States and metropolitan*
6 *planning organizations shall give priority to*
7 *projects, including diesel retrofits, that are prov-*
8 *en to reduce direct emissions of PM_{2.5}.*

9 “(B) *USE OF FUNDING.—To the maximum*
10 *extent practicable, funding used in an area de-*
11 *scribed in subparagraph (A) shall be used on the*
12 *most cost-effective projects and programs that are*
13 *proven to reduce directly emitted fine particulate*
14 *matter.”.*

15 (d) *PRIORITY FOR USE OF FUNDS IN PM_{2.5} AREAS.—*

16 *Section 149(k) of title 23, United States Code, is amend-*
17 *ed—*

18 (1) *in paragraph (1) by striking “such fine par-*
19 *ticulate” and inserting “directly emitted fine particu-*
20 *late”;* and

21 (2) *by adding at the end the following:*

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

24 “(A) *EXCEPTION.—For any State with a*
25 *population density of 80 or fewer persons per*

1 square mile of land area, based on the most re-
2 cent decennial census, subsection (g)(3) and
3 paragraphs (1) and (2) of this subsection do not
4 apply to a nonattainment or maintenance area
5 in the State if—

6 “(i) the nonattainment or maintenance
7 area does not have projects that are part of
8 the emissions analysis of a metropolitan
9 transportation plan or transportation im-
10 provement program; and

11 “(ii) regional motor vehicle emissions
12 are an insignificant contributor to the air
13 quality problem for PM_{2.5} in the non-
14 attainment or maintenance area.

15 “(B) CALCULATION.—If subparagraph (A)
16 applies to a nonattainment or maintenance area
17 in a State, the percentage of the PM_{2.5} set aside
18 under paragraph (1) shall be reduced for that
19 State proportionately based on the weighted pop-
20 ulation of the area in fine particulate matter
21 nonattainment.”.

22 (e) PERFORMANCE PLAN.—Section 149(l)(1)(B) of
23 title 23, United States Code, is amended by inserting “emis-
24 sion and congestion reduction” after “achieving the”.

1 **SEC. 1110. NATIONAL HIGHWAY FREIGHT POLICY.**

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

4 **“§ 167. National highway freight policy**

5 “(a) *IN GENERAL.*—It is the policy of the United
6 States to improve the condition and performance of the Na-
7 tional Highway Freight Network established under this sec-
8 tion to ensure that the Network provides a foundation for
9 the United States to compete in the global economy and
10 achieve the goals described in subsection (b).

11 “(b) *GOALS.*—The goals of the national highway
12 freight policy are—

13 “(1) to invest in infrastructure improvements
14 and to implement operational improvements that—

15 “(A) strengthen the contribution of the Na-
16 tional Highway Freight Network to the economic
17 competitiveness of the United States;

18 “(B) reduce congestion and bottlenecks on
19 the National Highway Freight Network; and

20 “(C) increase productivity, particularly for
21 domestic industries and businesses that create
22 high-value jobs;

23 “(2) to improve the safety, security, and resil-
24 ience of highway freight transportation;

25 “(3) to improve the state of good repair of the
26 National Highway Freight Network;

1 “(4) to use innovation and advanced technology
2 to improve the safety, efficiency, and reliability of the
3 National Highway Freight Network;

4 “(5) to improve the economic efficiency of the
5 National Highway Freight Network;

6 “(6) to improve the short and long distance
7 movement of goods that—

8 “(A) travel across rural areas between pop-
9 ulation centers; and

10 “(B) travel between rural areas and popu-
11 lation centers;

12 “(7) to improve the flexibility of States to sup-
13 port multi-State corridor planning and the creation
14 of multi-State organizations to increase the ability of
15 States to address highway freight connectivity; and

16 “(8) to reduce the environmental impacts of
17 freight movement on the National Highway Freight
18 Network.

19 “(c) ESTABLISHMENT OF NATIONAL HIGHWAY
20 FREIGHT NETWORK.—

21 “(1) IN GENERAL.—The Secretary shall establish
22 a National Highway Freight Network in accordance
23 with this section to strategically direct Federal re-
24 sources and policies toward improved performance of
25 the Network.

1 “(2) *NETWORK COMPONENTS.—The National*
2 *Highway Freight Network shall consist of—*

3 “(A) *the Interstate System;*

4 “(B) *non-Interstate highway segments on*
5 *the 41,000-mile comprehensive primary freight*
6 *network developed by the Secretary under section*
7 *167(d) as in effect on the day before the date of*
8 *enactment of the Surface Transportation Reau-*
9 *thorization and Reform Act of 2015; and*

10 “(C) *additional non-Interstate highway seg-*
11 *ments designated by the States under subsection*
12 *(d).*

13 “(d) *STATE ADDITIONS TO NETWORK.—*

14 “(1) *IN GENERAL.—Not later than 1 year after*
15 *the date of enactment of the Surface Transportation*
16 *Reauthorization and Reform Act of 2015, each State,*
17 *in consultation with the State freight advisory com-*
18 *mittee, may increase the number of miles designated*
19 *as part of the National Highway Freight Network by*
20 *not more than 10 percent of the miles designated in*
21 *that State under subparagraphs (A) and (B) of sub-*
22 *section (c)(2) if the additional miles—*

23 “(A) *close gaps between segments of the Na-*
24 *tional Highway Freight Network;*

1 “(B) establish connections from the Na-
2 tional Highway Freight Network to critical fa-
3 cilities for the efficient movement of freight, in-
4 cluding ports, freight railroads, international
5 border crossings, airports, intermodal facilities,
6 warehouse and logistics centers, and agricultural
7 facilities; or

8 “(C) are part of critical emerging freight
9 corridors or critical commerce corridors.

10 “(2) SUBMISSION.—Each State shall—

11 “(A) submit to the Secretary a list of the
12 additional miles added under this subsection;
13 and

14 “(B) certify that the additional miles meet
15 the requirements of paragraph (1).

16 “(e) REDESIGNATION.—

17 “(1) REDESIGNATION BY SECRETARY.—

18 “(A) IN GENERAL.—Effective beginning 5
19 years after the date of enactment of the Surface
20 Transportation Reauthorization and Reform Act
21 of 2015, and every 5 years thereafter, the Sec-
22 retary shall redesignate the highway segments
23 designated by the Secretary under subsection
24 (c)(2)(B) that are on the National Highway
25 Freight Network.

1 “(B) *CONSIDERATIONS.*—*In redesignating*
2 *highway segments under subparagraph (A), the*
3 *Secretary shall consider—*

4 “(i) *changes in the origins and des-*
5 *tinations of freight movements in the*
6 *United States;*

7 “(ii) *changes in the percentage of an-*
8 *ual average daily truck traffic in the an-*
9 *ual average daily traffic on principal arte-*
10 *rials;*

11 “(iii) *changes in the location of key fa-*
12 *cilities;*

13 “(iv) *critical emerging freight cor-*
14 *ridors; and*

15 “(v) *network connectivity.*

16 “(C) *LIMITATION.*—*Each redesignation*
17 *under subparagraph (A) may increase the mile-*
18 *age on the National Highway Freight Network*
19 *designated by the Secretary by not more than 3*
20 *percent.*

21 “(2) *REDESIGNATION BY STATES.*—

22 “(A) *IN GENERAL.*—*Effective beginning 5*
23 *years after the date of enactment of the Surface*
24 *Transportation Reauthorization and Reform Act*
25 *of 2015, and every 5 years thereafter, each State*

1 *may, in consultation with the State freight advi-*
2 *sory committee, redesignate the highway seg-*
3 *ments designated by the State under subsection*
4 *(c)(2)(C) that are on the National Highway*
5 *Freight Network.*

6 “(B) *CONSIDERATIONS.—In redesignating*
7 *highway segments under subparagraph (A), the*
8 *State shall consider—*

9 “(i) *gaps between segments of the Na-*
10 *tional Highway Freight Network;*

11 “(ii) *needed connections from the Na-*
12 *tional Highway Freight Network to critical*
13 *facilities for the efficient movement of*
14 *freight, including ports, freight railroads,*
15 *international border crossings, airports,*
16 *intermodal facilities, warehouse and logis-*
17 *tics centers, and agricultural facilities; and*

18 “(iii) *critical emerging freight cor-*
19 *ridors or critical commerce corridors.*

20 “(C) *LIMITATION.—Each redesignation*
21 *under subparagraph (A) may increase the mile-*
22 *age on the National Highway Freight Network*
23 *designated by the State by not more than 3 per-*
24 *cent.*

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

4 “(i) *submit to the Secretary a list of*
5 *the miles redesignated under this para-*
6 *graph; and*

7 “(ii) *certify that the redesignated miles*
8 *meet the requirements of subsection (d)(1).”.*

9 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
10 *1 of title 23, United States Code, is amended by striking*
11 *the item relating to section 167 and inserting the following:*
“167. National highway freight policy.”.

12 **SEC. 1111. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
13 **WAY PROJECTS.**

14 (a) *IN GENERAL.*—*Title 23, United States Code, is*
15 *amended by inserting after section 116 the following:*

16 **“§117. Nationally significant freight and highway**
17 **projects**

18 “(a) *ESTABLISHMENT.*—*There is established a nation-*
19 *ally significant freight and highway projects program to*
20 *provide financial assistance for projects of national or re-*
21 *gional significance that will—*

22 “(1) *improve the safety, efficiency, and reli-*
23 *ability of the movement of freight and people;*

1 “(2) *generate national or regional economic ben-*
2 *efits and an increase in the global economic competi-*
3 *tiveness of the United States;*

4 “(3) *reduce highway congestion and bottlenecks;*

5 “(4) *improve connectivity between modes of*
6 *freight transportation; or*

7 “(5) *enhance the strength, durability, and serv-*
8 *iceability of critical highway infrastructure.*

9 “(b) *GRANT AUTHORITY.—In carrying out the pro-*
10 *gram established in subsection (a), the Secretary may make*
11 *grants, on a competitive basis, in accordance with this sec-*
12 *tion.*

13 “(c) *ELIGIBLE APPLICANTS.—*

14 “(1) *IN GENERAL.—The Secretary may make a*
15 *grant under this section to the following:*

16 “(A) *A State or group of States.*

17 “(B) *A metropolitan planning organization*
18 *that serves an urbanized area (as defined by the*
19 *Bureau of the Census) with a population of more*
20 *than 200,000 individuals.*

21 “(C) *A unit of local government.*

22 “(D) *A special purpose district or public*
23 *authority with a transportation function, includ-*
24 *ing a port authority.*

1 “(E) A Federal land management agency
2 that applies jointly with a State or group of
3 States.

4 “(2) APPLICATIONS.—To be eligible for a grant
5 under this section, an entity specified in paragraph
6 (1) shall submit to the Secretary an application in
7 such form, at such time, and containing such infor-
8 mation as the Secretary determines is appropriate.

9 “(d) ELIGIBLE PROJECTS.—

10 “(1) IN GENERAL.—Except as provided in sub-
11 section (h), the Secretary may make a grant under
12 this section only for a project that—

13 “(A) is—

14 “(i) a freight project carried out on the
15 National Highway Freight Network estab-
16 lished under section 167 of this title;

17 “(ii) a highway or bridge project car-
18 ried out on the National Highway System;

19 “(iii) an intermodal or rail freight
20 project carried out on the National
21 Multimodal Freight Network established
22 under section 70103 of title 49; or

23 “(iv) a railway-highway grade cross-
24 ing or grade separation project; and

1 “(B) has eligible project costs that are rea-
2 sonably anticipated to equal or exceed the lesser
3 of—

4 “(i) \$100,000,000; or

5 “(ii) in the case of a project—

6 “(I) located in 1 State, 30 percent
7 of the amount apportioned under this
8 chapter to the State in the most re-
9 cently completed fiscal year; or

10 “(II) located in more than 1
11 State, 50 percent of the amount appor-
12 tioned under this chapter to the par-
13 ticipating State with the largest ap-
14 portionment under this chapter in the
15 most recently completed fiscal year.

16 “(2) LIMITATION.—

17 “(A) IN GENERAL.—Not more than
18 \$500,000,000 of the amounts made available for
19 grants under this section for fiscal years 2016
20 through 2021, in the aggregate, may be used to
21 make grants for projects described in paragraph
22 (1)(A)(iii) and such a project may only receive
23 a grant under this section if—

1 “(i) the project will make a significant
2 improvement to freight movements on the
3 National Highway Freight Network; and

4 “(ii) the Federal share of the project
5 funds only elements of the project that pro-
6 vide public benefits.

7 “(B) EXCLUSIONS.—The limitation under
8 subparagraph (A) shall—

9 “(i) not apply to a railway-highway
10 grade crossing or grade separation project;
11 and

12 “(ii) with respect to a multimodal
13 project, shall apply only to the non-highway
14 portion or portions of the project.

15 “(e) ELIGIBLE PROJECT COSTS.—Grant amounts re-
16 ceived for a project under this section may be used for—

17 “(1) development phase activities, including
18 planning, feasibility analysis, revenue forecasting, en-
19 vironmental review, preliminary engineering and de-
20 sign work, and other preconstruction activities; and

21 “(2) construction, reconstruction, rehabilitation,
22 acquisition of real property (including land related to
23 the project and improvements to the land), environ-
24 mental mitigation, construction contingencies, acqui-
25 sition of equipment, and operational improvements.

1 “(f) *PROJECT REQUIREMENTS.*—*The Secretary may*
2 *make a grant for a project described under subsection (d)*
3 *only if the relevant applicant demonstrates that—*

4 “(1) *the project will generate national or re-*
5 *gional economic, mobility, or safety benefits;*

6 “(2) *the project will be cost effective;*

7 “(3) *the project will contribute to the accom-*
8 *plishment of 1 or more of the national goals described*
9 *under section 150 of this title;*

10 “(4) *the project is based on the results of prelimi-*
11 *nary engineering;*

12 “(5) *with respect to related non-Federal finan-*
13 *cial commitments—*

14 “(A) *1 or more stable and dependable*
15 *sources of funding and financing are available to*
16 *construct, maintain, and operate the project; and*

17 “(B) *contingency amounts are available to*
18 *cover unanticipated cost increases;*

19 “(6) *the project cannot be easily addressed using*
20 *other funding available to the project sponsor under*
21 *this chapter; and*

22 “(7) *the project is reasonably expected to begin*
23 *construction not later than 18 months after the date*
24 *of obligation of funds for the project.*

1 “(g) *ADDITIONAL CONSIDERATIONS.—In making a*
2 *grant under this section, the Secretary shall consider—*

3 “(1) *the extent to which a project utilizes non-*
4 *traditional financing, innovative design and con-*
5 *struction techniques, or innovative technologies;*

6 “(2) *the amount and source of non-Federal con-*
7 *tributions with respect to the proposed project; and*

8 “(3) *the need for geographic diversity among*
9 *grant recipients, including the need for a balance be-*
10 *tween the needs of rural and urban communities.*

11 “(h) *RESERVED AMOUNTS.—*

12 “(1) *IN GENERAL.—The Secretary shall reserve*
13 *not less than 10 percent of the amounts made avail-*
14 *able for grants under this section each fiscal year to*
15 *make grants for projects described in subsection*
16 *(d)(1)(A)(i) that do not satisfy the minimum thresh-*
17 *old under subsection (d)(1)(B).*

18 “(2) *GRANT AMOUNT.—Each grant made under*
19 *this subsection shall be in an amount that is at least*
20 *\$5,000,000.*

21 “(3) *PROJECT SELECTION CONSIDERATIONS.—In*
22 *addition to other applicable requirements, in making*
23 *grants under this subsection the Secretary shall con-*
24 *sider—*

1 “(A) the cost effectiveness of the proposed
2 project; and

3 “(B) the effect of the proposed project on
4 mobility in the State and region in which the
5 project is carried out.

6 “(4) *EXCESS FUNDING.*—In any fiscal year in
7 which qualified applications for grants under this
8 subsection will not allow for the amount reserved
9 under paragraph (1) to be fully utilized, the Secretary
10 shall use the unutilized amounts to make other grants
11 under this section.

12 “(5) *RURAL AREAS.*—The Secretary shall reserve
13 not less than 20 percent of the amounts made avail-
14 able for grants under this section, including the
15 amounts made available under paragraph (1), each
16 fiscal year to make grants for projects located in
17 rural areas.

18 “(i) *FEDERAL SHARE.*—

19 “(1) *IN GENERAL.*—The Federal share of the cost
20 of a project assisted with a grant under this section
21 may not exceed 50 percent.

22 “(2) *NON-FEDERAL SHARE.*—Funds apportioned
23 to a State under section 104(b)(1) or 104(b)(2) may
24 be used to satisfy the non-Federal share of the cost of
25 a project for which a grant is made under this section

1 so long as the total amount of Federal funding for the
2 project does not exceed 80 percent of project costs.

3 “(j) *AGREEMENTS TO COMBINE AMOUNTS.*—Two or
4 more entities specified in subsection (c)(1) may combine,
5 pursuant to an agreement entered into by the entities, any
6 part of the amounts provided to the entities from grants
7 under this section for a project for which the relevant grants
8 were made if—

9 “(1) the agreement will benefit each entity enter-
10 ing into the agreement; and

11 “(2) the agreement is not in violation of a law
12 of any such entity.

13 “(k) *TREATMENT OF FREIGHT PROJECTS.*—Notwith-
14 standing any other provision of law, a freight project car-
15 ried out under this section shall be treated as if the project
16 is located on a Federal-aid highway.

17 “(l) *TIFIA PROGRAM.*—At the request of an eligible
18 applicant under this section, the Secretary may use
19 amounts awarded to the entity to pay subsidy and adminis-
20 trative costs necessary to provide the entity Federal credit
21 assistance under chapter 6 with respect to the project for
22 which the grant was awarded.

23 “(m) *CONGRESSIONAL NOTIFICATION.*—

24 “(1) *NOTIFICATION.*—At least 60 days before
25 making a grant for a project under this section, the

1 *Secretary shall notify, in writing, the Committee on*
2 *Transportation and Infrastructure of the House of*
3 *Representatives and the Committee on Environment*
4 *and Public Works of the Senate of the proposed grant.*
5 *The notification shall include an evaluation and jus-*
6 *tification for the project and the amount of the pro-*
7 *posed grant award.*

8 *“(2) CONGRESSIONAL DISAPPROVAL.—The Sec-*
9 *retary may not make a grant or any other obligation*
10 *or commitment to fund a project under this section*
11 *if a joint resolution is enacted disapproving funding*
12 *for the project before the last day of the 60-day period*
13 *described in paragraph (1).”.*

14 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
15 *1 of title 23, United States Code, is amended by inserting*
16 *after the item relating to section 116 the following:*

“117. Nationally significant freight and highway projects.”.

17 *(c) REPEAL.—Section 1301 of SAFETEA-LU (23*
18 *U.S.C. 101 note), and the item relating to that section in*
19 *the table of contents in section 1(b) of such Act, are repealed.*

20 **SEC. 1112. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
21 **GRAM.**

22 *Section 165(a) of title 23, United States Code, is*
23 *amended—*

24 *(1) in paragraph (1) by striking “\$150,000,000”*
25 *and inserting “\$158,000,000”; and*

1 (2) in paragraph (2) by striking “\$40,000,000”
2 and inserting “\$42,000,000”.

3 **SEC. 1113. FEDERAL LANDS AND TRIBAL TRANSPORTATION**
4 **PROGRAM.**

5 Section 201(c)(6) of title 23, United States Code, is
6 amended by adding at the end the following:

7 “(C) *TRIBAL DATA COLLECTION.*—In addi-
8 tion to the data to be collected under subpara-
9 graph (A), not later than 90 days after the last
10 day of each fiscal year, any entity carrying out
11 a project under the tribal transportation pro-
12 gram under section 202 shall submit to the Sec-
13 retary and the Secretary of the Interior, based on
14 obligations and expenditures under the tribal
15 transportation program during the preceding fis-
16 cal year, the following data:

17 “(i) *The names of projects and activi-*
18 *ties carried out by the entity under the trib-*
19 *al transportation program during the pre-*
20 *ceding fiscal year.*

21 “(ii) *A description of the projects and*
22 *activities identified under clause (i).*

23 “(iii) *The current status of the projects*
24 *and activities identified under clause (i).*

1 “(iv) An estimate of the number of jobs
2 created and the number of jobs retained by
3 the projects and activities identified under
4 clause (i).”.

5 **SEC. 1114. TRIBAL TRANSPORTATION PROGRAM.**

6 Section 202(a)(6) of title 23, United States Code, is
7 amended by striking “6 percent” and inserting “5 percent”.

8 **SEC. 1115. FEDERAL LANDS TRANSPORTATION PROGRAM.**

9 Section 203 of title 23, United States Code, is amend-
10 ed—

11 (1) in subsection (a)(1)(B) by striking “oper-
12 ation” and inserting “capital, operations,”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)(B)—

15 (i) in clause (iv) by striking “and” at
16 the end;

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

19 (iii) by adding at the end the fol-
20 lowing:

21 “(vi) the Bureau of Reclamation; and

22 “(vii) independent Federal agencies
23 with natural resource and land manage-
24 ment responsibilities.”; and

25 (B) in paragraph (2)(B)—

1 *(i) in the matter preceding clause (i)*
 2 *by inserting “performance management, in-*
 3 *cluding” after “support”; and*

4 *(ii) in clause (i)(II) by striking “,*
 5 *and” and inserting “; and”; and*

6 *(3) in subsection (c)(2)(B) by adding at the end*
 7 *the following:*

8 *“(vi) The Bureau of Reclamation.”.*

9 **SEC. 1116. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
 10 **PROGRAM.**

11 *(a) IN GENERAL.—Chapter 2 of title 23, United States*
 12 *Code, is amended by inserting after section 206 the fol-*
 13 *lowing:*

14 **“SEC. 207. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
 15 **PROGRAM.**

16 *“(a) ESTABLISHMENT.—Subject to the requirements of*
 17 *this section, the Secretary shall establish and carry out a*
 18 *program to be known as the tribal transportation self-gov-*
 19 *ernance program. The Secretary may delegate responsibil-*
 20 *ities for administration of the program as the Secretary de-*
 21 *termines appropriate.*

22 *“(b) ELIGIBILITY.—*

23 *“(1) IN GENERAL.—Subject to paragraphs (2)*
 24 *and (3), an Indian tribe shall be eligible to partici-*
 25 *pate in the program if the Indian tribe requests par-*

1 *participation in the program by resolution or other offi-*
2 *cial action by the governing body of the Indian tribe,*
3 *and demonstrates, for the preceding 3 fiscal years, fi-*
4 *nancial stability and financial management capa-*
5 *bility, and transportation program management ca-*
6 *pability.*

7 “(2) *CRITERIA FOR DETERMINING FINANCIAL*
8 *STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—*
9 *For the purposes of paragraph (1), evidence that, dur-*
10 *ing the preceding 3 fiscal years, an Indian tribe had*
11 *no uncorrected significant and material audit excep-*
12 *tions in the required annual audit of the Indian*
13 *tribe’s self-determination contracts or self-governance*
14 *funding agreements with any Federal agency shall be*
15 *conclusive evidence of the required financial stability*
16 *and financial management capability.*

17 “(3) *CRITERIA FOR DETERMINING TRANSPOR-*
18 *TATION PROGRAM MANAGEMENT CAPABILITY.—The*
19 *Secretary shall require an Indian tribe to dem-*
20 *onstrate transportation program management capa-*
21 *bility, including the capability to manage and com-*
22 *plete projects eligible under this title and projects eli-*
23 *gible under chapter 53 of title 49, to gain eligibility*
24 *for the program.*

25 “(c) *COMPACTS.—*

1 “(1) *COMPACT REQUIRED.*—Upon the request of
2 an eligible Indian tribe, and subject to the require-
3 ments of this section, the Secretary shall negotiate
4 and enter into a written compact with the Indian
5 tribe for the purpose of providing for the participa-
6 tion of the Indian tribe in the program.

7 “(2) *CONTENTS.*—A compact entered into under
8 paragraph (1) shall set forth the general terms of the
9 government-to-government relationship between the
10 Indian tribe and the United States under the pro-
11 gram and other terms that will continue to apply in
12 future fiscal years.

13 “(3) *AMENDMENTS.*—A compact entered into
14 with an Indian tribe under paragraph (1) may be
15 amended only by mutual agreement of the Indian
16 tribe and the Secretary.

17 “(d) *ANNUAL FUNDING AGREEMENTS.*—

18 “(1) *FUNDING AGREEMENT REQUIRED.*—After
19 entering into a compact with an Indian tribe under
20 subsection (c), the Secretary shall negotiate and enter
21 into a written annual funding agreement with the In-
22 dian tribe.

23 “(2) *CONTENTS.*—

24 “(A) *IN GENERAL.*—

1 “(i) *FORMULA FUNDING AND DISCRE-*
2 *TIONARY GRANTS.—A funding agreement*
3 *entered into with an Indian tribe shall au-*
4 *thorize the Indian tribe, as determined by*
5 *the Indian tribe, to plan, conduct, consoli-*
6 *date, administer, and receive full tribal*
7 *share funding, tribal transit formula fund-*
8 *ing, and funding to tribes from discre-*
9 *tionary and competitive grants adminis-*
10 *tered by the Department for all programs,*
11 *services, functions, and activities (or por-*
12 *tions thereof) that are made available to In-*
13 *Indian tribes to carry out tribal transpor-*
14 *tation programs and programs, services,*
15 *functions, and activities (or portions there-*
16 *of) administered by the Secretary that are*
17 *otherwise available to Indian tribes.*

18 “(ii) *TRANSFERS OF STATE FUNDS.—*

19 “(I) *INCLUSION OF TRANSFERRED*
20 *FUNDS IN FUNDING AGREEMENT.—A*
21 *funding agreement entered into with*
22 *an Indian tribe shall include Federal-*
23 *aid funds apportioned to a State under*
24 *chapter 1 if the State elects to provide*
25 *a portion of such funds to the Indian*

1 *tribe for a project eligible under section*
2 *202(a).*

3 *“(II) METHOD FOR TRANSFERS.—*

4 *If a State elects to provide funds de-*
5 *scribed in subclause (I) to an Indian*
6 *tribe, the State shall transfer the funds*
7 *back to the Secretary and the Secretary*
8 *shall transfer the funds to the Indian*
9 *tribe in accordance with this section.*

10 *“(III) RESPONSIBILITY FOR*

11 *TRANSFERRED FUNDS.—Notwith-*
12 *standing any other provision of law, if*
13 *a State provides funds described in*
14 *subclause (I) to an Indian tribe—*

15 *“(aa) the State shall not be*
16 *responsible for constructing or*
17 *maintaining a project carried out*
18 *using the funds or for admin-*
19 *istering or supervising the project*
20 *or funds during the applicable*
21 *statute of limitations period re-*
22 *lated to the construction of the*
23 *project; and*

24 *“(bb) the Indian tribe shall*
25 *be responsible for constructing*

1 *and maintaining a project carried*
2 *out using the funds and for ad-*
3 *ministering and supervising the*
4 *project and funds in accordance*
5 *with this section during the appli-*
6 *cable statute of limitations period*
7 *related to the construction of the*
8 *project.*

9 “(B) ADMINISTRATION OF TRIBAL
10 SHARES.—*The tribal shares referred to in sub-*
11 *paragraph (A) shall be provided without regard*
12 *to the agency or office of the Department within*
13 *which the program, service, function, or activity*
14 *(or portion thereof) is performed.*

15 “(C) FLEXIBLE AND INNOVATIVE FINANC-
16 ING.—

17 “(i) IN GENERAL.—*A funding agree-*
18 *ment entered into with an Indian tribe*
19 *under paragraph (1) shall include provi-*
20 *sions pertaining to flexible and innovative*
21 *financing if agreed upon by the parties.*

22 “(ii) TERMS AND CONDITIONS.—

23 “(I) AUTHORITY TO ISSUE REGU-
24 LATIONS.—*The Secretary may issue*
25 *regulations to establish the terms and*

1 *conditions relating to the flexible and*
2 *innovative financing provisions re-*
3 *ferred to in clause (i).*

4 “(II) *TERMS AND CONDITIONS IN*
5 *ABSENCE OF REGULATIONS.—If the*
6 *Secretary does not issue regulations*
7 *under subclause (I), the terms and con-*
8 *ditions relating to the flexible and in-*
9 *novative financing provisions referred*
10 *to in clause (i) shall be consistent*
11 *with—*

12 “(aa) *agreements entered*
13 *into by the Department under—*

14 “(AA) *section 202(b)(7);*

15 *and*

16 “(BB) *section 202(d)(5),*

17 *as in effect before the date of*

18 *enactment of MAP-21 (Pub-*

19 *lic Law 112-141); or*

20 “(bb) *regulations of the De-*
21 *partment of the Interior relating*
22 *to flexible financing contained in*
23 *part 170 of title 25, Code of Fed-*
24 *eral Regulations, as in effect on*
25 *the date of enactment of the Sur-*

1 *face Transportation Reauthoriza-*
2 *tion and Reform Act of 2015.*

3 “(3) *TERMS.—A funding agreement shall set*
4 *forth—*

5 “(A) *terms that generally identify the pro-*
6 *grams, services, functions, and activities (or por-*
7 *tions thereof) to be performed or administered by*
8 *the Indian tribe; and*

9 “(B) *for items identified in subparagraph*
10 *(A)—*

11 “(i) *the general budget category as-*
12 *signed;*

13 “(ii) *the funds to be provided, includ-*
14 *ing those funds to be provided on a recur-*
15 *ring basis;*

16 “(iii) *the time and method of transfer*
17 *of the funds;*

18 “(iv) *the responsibilities of the Sec-*
19 *retary and the Indian tribe; and*

20 “(v) *any other provision agreed to by*
21 *the Indian tribe and the Secretary.*

22 “(4) *SUBSEQUENT FUNDING AGREEMENTS.—*

23 “(A) *APPLICABILITY OF EXISTING AGREE-*
24 *MENT.—Absent notification from an Indian tribe*
25 *that the Indian tribe is withdrawing from or ret-*

1 *proceeding the operation of 1 or more programs,*
2 *services, functions, or activities (or portions*
3 *thereof) identified in a funding agreement, or*
4 *unless otherwise agreed to by the parties, each*
5 *funding agreement shall remain in full force and*
6 *effect until a subsequent funding agreement is ex-*
7 *ecuted.*

8 *“(B) EFFECTIVE DATE OF SUBSEQUENT*
9 *AGREEMENT.—The terms of the subsequent fund-*
10 *ing agreement shall be retroactive to the end of*
11 *the term of the preceding funding agreement.*

12 *“(5) CONSENT OF INDIAN TRIBE REQUIRED.—*
13 *The Secretary shall not revise, amend, or require ad-*
14 *ditional terms in a new or subsequent funding agree-*
15 *ment without the consent of the Indian tribe that is*
16 *subject to the agreement unless such terms are re-*
17 *quired by Federal law.*

18 *“(e) GENERAL PROVISIONS.—*

19 *“(1) REDESIGN AND CONSOLIDATION.—*

20 *“(A) IN GENERAL.—An Indian tribe, in*
21 *any manner that the Indian tribe considers to be*
22 *in the best interest of the Indian community*
23 *being served, may—*

24 *“(i) redesign or consolidate programs,*
25 *services, functions, and activities (or por-*

1 *tions thereof) included in a funding agree-*
2 *ment; and*

3 *“(ii) reallocate or redirect funds for*
4 *such programs, services, functions, and ac-*
5 *tivities (or portions thereof), if the funds*
6 *are—*

7 *“(I) expended on projects identi-*
8 *fied in a transportation improvement*
9 *program approved by the Secretary;*
10 *and*

11 *“(II) used in accordance with the*
12 *requirements in—*

13 *“(aa) appropriations Acts;*

14 *“(bb) this title and chapter*
15 *53 of title 49; and*

16 *“(cc) any other applicable*
17 *law.*

18 *“(B) EXCEPTION.—Notwithstanding sub-*
19 *paragraph (A), if, pursuant to subsection (d), an*
20 *Indian tribe receives a discretionary or competi-*
21 *tive grant from the Secretary or receives State*
22 *apportioned funds, the Indian tribe shall use the*
23 *funds for the purpose for which the funds were*
24 *originally authorized.*

25 *“(2) RETROCESSION.—*

1 “(A) *IN GENERAL.*—

2 “(i) *AUTHORITY OF INDIAN TRIBES.*—
3 *An Indian tribe may retrocede (fully or*
4 *partially) to the Secretary programs, serv-*
5 *ices, functions, or activities (or portions*
6 *thereof) included in a compact or funding*
7 *agreement.*

8 “(ii) *REASSUMPTION OF REMAINING*
9 *FUNDS.*—*Following a retrocession described*
10 *in clause (i), the Secretary may—*

11 “(I) *reassume the remaining*
12 *funding associated with the retroceded*
13 *programs, functions, services, and ac-*
14 *tivities (or portions thereof) included*
15 *in the applicable compact or funding*
16 *agreement;*

17 “(II) *out of such remaining funds,*
18 *transfer funds associated with Depart-*
19 *ment of Interior programs, services,*
20 *functions, or activities (or portions*
21 *thereof) to the Secretary of the Interior*
22 *to carry out transportation services*
23 *provided by the Secretary of the Inte-*
24 *rior; and*

1 “(III) distribute funds not trans-
2 ferred under subclause (II) in accord-
3 ance with applicable law.

4 “(iii) CORRECTION OF PROGRAMS.—If
5 the Secretary makes a finding under sub-
6 section (f)(2)(B) and no funds are available
7 under subsection (f)(2)(A)(ii), the Secretary
8 shall not be required to provide additional
9 funds to complete or correct any programs,
10 functions, services, or activities (or portions
11 thereof).

12 “(B) EFFECTIVE DATE.—Unless the Indian
13 tribe rescinds a request for retrocession, the ret-
14 rocession shall become effective within the time-
15 frame specified by the parties in the compact or
16 funding agreement. In the absence of such a spec-
17 ification, the retrocession shall become effective
18 on—

19 “(i) the earlier of—

20 “(I) 1 year after the date of sub-
21 mission of the request; or

22 “(II) the date on which the fund-
23 ing agreement expires; or

24 “(ii) such date as may be mutually
25 agreed upon by the parties and, with re-

1 *spect to Department of the Interior pro-*
2 *grams, functions, services, and activities (or*
3 *portions thereof), the Secretary of the Inte-*
4 *rior.*

5 “(f) *PROVISIONS RELATING TO SECRETARY.—*

6 “(1) *DECISIONMAKER.—A decision that relates*
7 *to an appeal of the rejection of a final offer by the*
8 *Department shall be made either—*

9 “(A) *by an official of the Department who*
10 *holds a position at a higher organizational level*
11 *within the Department than the level of the de-*
12 *partmental agency in which the decision that is*
13 *the subject of the appeal was made; or*

14 “(B) *by an administrative judge.*

15 “(2) *TERMINATION OF COMPACT OR FUNDING*
16 *AGREEMENT.—*

17 “(A) *AUTHORITY TO TERMINATE.—*

18 “(i) *PROVISION TO BE INCLUDED IN*
19 *COMPACT OR FUNDING AGREEMENT.—A*
20 *compact or funding agreement shall include*
21 *a provision authorizing the Secretary, if the*
22 *Secretary makes a finding described in sub-*
23 *paragraph (B), to—*

1 “(I) terminate the compact or
2 funding agreement (or a portion there-
3 of); and

4 “(II) reassume the remaining
5 funding associated with the reassumed
6 programs, functions, services, and ac-
7 tivities included in the compact or
8 funding agreement.

9 “(ii) TRANSFERS OF FUNDS.—Out of
10 any funds reassumed under clause (i)(II),
11 the Secretary may transfer the funds associ-
12 ated with Department of the Interior pro-
13 grams, functions, services, and activities (or
14 portions thereof) to the Secretary of the In-
15 terior to provide continued transportation
16 services in accordance with applicable law.

17 “(B) FINDINGS RESULTING IN TERMI-
18 NATION.—The finding referred to in subpara-
19 graph (A) is a specific finding of—

20 “(i) imminent jeopardy to a trust
21 asset, natural resources, or public health
22 and safety that is caused by an act or omis-
23 sion of the Indian tribe and that arises out
24 of a failure to carry out the compact or

1 *funding agreement, as determined by the*
2 *Secretary; or*

3 “(ii) *gross mismanagement with re-*
4 *spect to funds or programs transferred to*
5 *the Indian tribe under the compact or fund-*
6 *ing agreement, as determined by the Sec-*
7 *retary in consultation with the Inspector*
8 *General of the Department, as appropriate.*

9 “(C) *PROHIBITION.—The Secretary shall*
10 *not terminate a compact or funding agreement*
11 *(or portion thereof) unless—*

12 “(i) *the Secretary has first provided*
13 *written notice and a hearing on the record*
14 *to the Indian tribe that is subject to the*
15 *compact or funding agreement; and*

16 “(ii) *the Indian tribe has not taken*
17 *corrective action to remedy the mismanage-*
18 *ment of funds or programs or the imminent*
19 *jeopardy to a trust asset, natural resource,*
20 *or public health and safety.*

21 “(D) *EXCEPTION.—*

22 “(i) *IN GENERAL.—Notwithstanding*
23 *subparagraph (C), the Secretary, upon*
24 *written notification to an Indian tribe that*
25 *is subject to a compact or funding agree-*

1 *ment, may immediately terminate the com-*
2 *compact or funding agreement (or portion*
3 *thereof) if—*

4 “(I) *the Secretary makes a find-*
5 *ing of imminent substantial and irrep-*
6 *arable jeopardy to a trust asset, nat-*
7 *ural resource, or public health and*
8 *safety; and*

9 “(II) *the jeopardy arises out of a*
10 *failure to carry out the compact or*
11 *funding agreement.*

12 “(ii) *HEARINGS.—If the Secretary ter-*
13 *minates a compact or funding agreement*
14 *(or portion thereof) under clause (i), the*
15 *Secretary shall provide the Indian tribe*
16 *subject to the compact or agreement with a*
17 *hearing on the record not later than 10*
18 *days after the date of such termination.*

19 “(E) *BURDEN OF PROOF.—In any hearing*
20 *or appeal involving a decision to terminate a*
21 *compact or funding agreement (or portion there-*
22 *of) under this paragraph, the Secretary shall*
23 *have the burden of proof in demonstrating by*
24 *clear and convincing evidence the validity of the*
25 *grounds for the termination.*

1 “(g) *COST PRINCIPLES.*—*In administering funds re-*
2 *ceived under this section, an Indian tribe shall apply cost*
3 *principles under the applicable Office of Management and*
4 *Budget circular, except as modified by section 450j–1 of*
5 *title 25, other provisions of law, or by any exemptions to*
6 *applicable Office of Management and Budget circulars sub-*
7 *sequently granted by the Office of Management and Budget.*
8 *No other audit or accounting standards shall be required*
9 *by the Secretary. Any claim by the Federal Government*
10 *against the Indian tribe relating to funds received under*
11 *a funding agreement based on any audit conducted pursu-*
12 *ant to this subsection shall be subject to the provisions of*
13 *section 450j–1(f) of title 25.*

14 “(h) *TRANSFER OF FUNDS.*—*The Secretary shall pro-*
15 *vide funds to an Indian tribe under a funding agreement*
16 *in an amount equal to—*

17 “(1) *the sum of the funding that the Indian tribe*
18 *would otherwise receive for the program, function,*
19 *service, or activity in accordance with a funding for-*
20 *mula or other allocation method established under*
21 *this title or chapter 53 of title 49; and*

22 “(2) *such additional amounts as the Secretary*
23 *determines equal the amounts that would have been*
24 *withheld for the costs of the Bureau of Indian Affairs*
25 *for administration of the program or project.*

1 “(i) *CONSTRUCTION PROGRAMS.*—

2 “(1) *STANDARDS.*—*Construction projects carried*
3 *out under programs administered by an Indian tribe*
4 *with funds transferred to the Indian tribe pursuant*
5 *to a funding agreement entered into under this sec-*
6 *tion shall be constructed pursuant to the construction*
7 *program standards set forth in applicable regulations*
8 *or as specifically approved by the Secretary (or the*
9 *Secretary’s designee).*

10 “(2) *MONITORING.*—*Construction programs shall*
11 *be monitored by the Secretary in accordance with ap-*
12 *plicable regulations.*

13 “(j) *FACILITATION.*—

14 “(1) *SECRETARIAL INTERPRETATION.*—*Except as*
15 *otherwise provided by law, the Secretary shall inter-*
16 *pret all Federal laws, Executive orders, and regula-*
17 *tions in a manner that will facilitate—*

18 “(A) *the inclusion of programs, services,*
19 *functions, and activities (or portions thereof)*
20 *and funds associated therewith, in compacts and*
21 *funding agreements; and*

22 “(B) *the implementation of the compacts*
23 *and funding agreements.*

24 “(2) *REGULATION WAIVER.*—

1 “(A) *IN GENERAL.*—*An Indian tribe may*
2 *submit to the Secretary a written request to*
3 *waive application of a regulation promulgated*
4 *under this section with respect to a compact or*
5 *funding agreement. The request shall identify the*
6 *regulation sought to be waived and the basis for*
7 *the request.*

8 “(B) *APPROVALS AND DENIALS.*—

9 “(i) *IN GENERAL.*—*Not later than 90*
10 *days after the date of receipt of a written*
11 *request under subparagraph (A), the Sec-*
12 *retary shall approve or deny the request in*
13 *writing.*

14 “(ii) *REVIEW.*—*The Secretary shall re-*
15 *view any application by an Indian tribe for*
16 *a waiver bearing in mind increasing oppor-*
17 *tunities for using flexible policy approaches*
18 *at the Indian tribal level.*

19 “(iii) *DEEMED APPROVAL.*—*If the Sec-*
20 *retary does not approve or deny a request*
21 *submitted under subparagraph (A) on or be-*
22 *fore the last day of the 90-day period re-*
23 *ferred to in clause (i), the request shall be*
24 *deemed approved.*

1 “(iv) *DENIALS.*—If the application for
2 a waiver is not granted, the agency shall
3 provide the applicant with the reasons for
4 the denial as part of the written response
5 required in clause (i).

6 “(v) *FINALITY OF DECISIONS.*—A deci-
7 sion by the Secretary under this subpara-
8 graph shall be final for the Department.

9 “(k) *DISCLAIMERS.*—

10 “(1) *EXISTING AUTHORITY.*—Notwithstanding
11 any other provision of law, upon the election of an
12 Indian tribe, the Secretary shall—

13 “(A) maintain current tribal transportation
14 program funding agreements and program agree-
15 ments; or

16 “(B) enter into new agreements under the
17 authority of section 202(b)(7).

18 “(2) *LIMITATION ON STATUTORY CONSTRUC-*
19 *TION.*—Nothing in this section may be construed to
20 impair or diminish the authority of the Secretary
21 under section 202(b)(7).

22 “(l) *APPLICABILITY OF INDIAN SELF-DETERMINATION*
23 *AND EDUCATION ASSISTANCE ACT.*—Except to the extent
24 in conflict with this section (as determined by the Sec-
25 retary), the following provisions of the Indian Self-Deter-

1 *mination and Education Assistance Act shall apply to com-*
2 *pact and funding agreements (except that any reference to*
3 *the Secretary of the Interior or the Secretary of Health and*
4 *Human Services in such provisions shall be treated as a*
5 *reference to the Secretary of Transportation):*

6 “(1) Subsections (a), (b), (d), (g), and (h) of sec-
7 tion 506 of such Act (25 U.S.C. 458aaa–5), relating
8 to general provisions.

9 “(2) Subsections (b) through (e) and (g) of sec-
10 tion 507 of such Act (25 U.S.C.458aaa–6), relating to
11 provisions relating to the Secretary of Health and
12 Human Services.

13 “(3) Subsections (a), (b), (d), (e), (g), (h), (i),
14 and (k) of section 508 of such Act (25 U.S.C. 458aaa–
15 7), relating to transfer of funds.

16 “(4) Section 510 of such Act (25 U.S.C. 458aaa-
17 9), relating to Federal procurement laws and regula-
18 tions.

19 “(5) Section 511 of such Act (25 U.S.C. 458aaa–
20 10), relating to civil actions.

21 “(6) Subsections (a)(1), (a)(2), and (c) through
22 (f) of section 512 of such Act (25 U.S.C. 458aaa–11),
23 relating to facilitation, except that subsection (c)(1) of
24 that section shall be applied by substituting ‘trans-

1 *portation facilities and other facilities’ for ‘school*
2 *buildings, hospitals, and other facilities’.*

3 “(7) *Subsections (a) and (b) of section 515 of*
4 *such Act (25 U.S.C. 458aaa–14), relating to dis-*
5 *claimers.*

6 “(8) *Subsections (a) and (b) of section 516 of*
7 *such Act (25 U.S.C. 458aaa–15), relating to applica-*
8 *tion of title I provisions.*

9 “(9) *Section 518 of such Act (25 U.S.C. 458aaa–*
10 *17), relating to appeals.*

11 “(m) *DEFINITIONS.—*

12 “(1) *IN GENERAL.—In this section, the following*
13 *definitions apply (except as otherwise expressly pro-*
14 *vided):*

15 “(A) *COMPACT.—The term ‘compact’ means*
16 *a compact between the Secretary and an Indian*
17 *tribe entered into under subsection (c).*

18 “(B) *DEPARTMENT.—The term ‘Depart-*
19 *ment’ means the Department of Transportation.*

20 “(C) *ELIGIBLE INDIAN TRIBE.—The term*
21 *‘eligible Indian tribe’ means an Indian tribe*
22 *that is eligible to participate in the program, as*
23 *determined under subsection (b).*

24 “(D) *FUNDING AGREEMENT.—The term*
25 *‘funding agreement’ means a funding agreement*

1 *between the Secretary and an Indian tribe en-*
2 *tered into under subsection (d).*

3 “(E) *INDIAN TRIBE.*—*The term ‘Indian*
4 *tribe’ means any Indian or Alaska Native tribe,*
5 *band, nation, pueblo, village, or community that*
6 *the Secretary of the Interior acknowledges to*
7 *exist as an Indian tribe under the Federally Rec-*
8 *ognized Indian Tribe List Act of 1994 (25*
9 *U.S.C. 479a). In any case in which an Indian*
10 *tribe has authorized another Indian tribe, an*
11 *intertribal consortium, or a tribal organization*
12 *to plan for or carry out programs, services, func-*
13 *tions, or activities (or portions thereof) on its be-*
14 *half under this part, the authorized Indian tribe,*
15 *intertribal consortium, or tribal organization*
16 *shall have the rights and responsibilities of the*
17 *authorizing Indian tribe (except as otherwise*
18 *provided in the authorizing resolution or in this*
19 *title). In such event, the term ‘Indian tribe’ as*
20 *used in this part shall include such other author-*
21 *ized Indian tribe, intertribal consortium, or trib-*
22 *al organization.*

23 “(F) *PROGRAM.*—*The term ‘program’*
24 *means the tribal transportation self-governance*
25 *program established under this section.*

1 “(G) *SECRETARY.*—*The term ‘Secretary’*
2 *means the Secretary of Transportation.*

3 “(H) *TRANSPORTATION PROGRAMS.*—*The*
4 *term ‘transportation programs’ means all pro-*
5 *grams administered or financed by the Depart-*
6 *ment under this title and chapter 53 of title 49.*

7 “(2) *APPLICABILITY OF OTHER DEFINITIONS.*—
8 *In this section, the definitions set forth in sections 4*
9 *and 505 of the Indian Self-Determination and Edu-*
10 *cation Assistance Act (25 U.S.C. 450b; 458aaa)*
11 *apply, except as otherwise expressly provided in this*
12 *section.*

13 “(n) *REGULATIONS.*—

14 “(1) *IN GENERAL.*—

15 “(A) *PROMULGATION.*—*Not later than 90*
16 *days after the date of enactment of the Surface*
17 *Transportation Reauthorization and Reform Act*
18 *of 2015, the Secretary shall initiate procedures*
19 *under subchapter III of chapter 5 of title 5 to ne-*
20 *gotiate and promulgate such regulations as are*
21 *necessary to carry out this section.*

22 “(B) *PUBLICATION OF PROPOSED REGULA-*
23 *TIONS.*—*Proposed regulations to implement this*
24 *section shall be published in the Federal Register*

1 *by the Secretary not later than 21 months after*
2 *such date of enactment.*

3 “(C) *EXPIRATION OF AUTHORITY.*—*The au-*
4 *thority to promulgate regulations under para-*
5 *graph (1) shall expire 30 months after such date*
6 *of enactment.*

7 “(D) *EXTENSION OF DEADLINES.*—*A dead-*
8 *line set forth in paragraph (1)(B) or (1)(C) may*
9 *be extended up to 180 days if the negotiated rule-*
10 *making committee referred to in paragraph (2)*
11 *concludes that the committee cannot meet the*
12 *deadline and the Secretary so notifies the appro-*
13 *priate committees of Congress.*

14 “(2) *COMMITTEE.*—

15 “(A) *IN GENERAL.*—*A negotiated rule-*
16 *making committee established pursuant to sec-*
17 *tion 565 of title 5 to carry out this subsection*
18 *shall have as its members only Federal and trib-*
19 *al government representatives, a majority of*
20 *whom shall be nominated by and be representa-*
21 *tives of Indian tribes with funding agreements*
22 *under this title.*

23 “(B) *REQUIREMENTS.*—*The committee shall*
24 *confer with, and accommodate participation by,*
25 *representatives of Indian tribes, inter-tribal con-*

1 *sortia, tribal organizations, and individual trib-*
2 *al members.*

3 “(C) *ADAPTATION OF PROCEDURES.*—*The*
4 *Secretary shall adapt the negotiated rulemaking*
5 *procedures to the unique context of self-govern-*
6 *ance and the government-to-government relation-*
7 *ship between the United States and Indian*
8 *tribes.*

9 “(3) *EFFECT.*—*The lack of promulgated regula-*
10 *tions shall not limit the effect of this section.*

11 “(4) *EFFECT OF CIRCULARS, POLICIES, MANU-*
12 *ALS, GUIDANCE, AND RULES.*—*Unless expressly agreed*
13 *to by the participating Indian tribe in the compact*
14 *or funding agreement, the participating Indian tribe*
15 *shall not be subject to any agency circular, policy,*
16 *manual, guidance, or rule adopted by the Depart-*
17 *ment, except regulations promulgated under this sec-*
18 *tion.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The analysis for such*
20 *chapter is amended by inserting after the item relating to*
21 *section 206 the following:*

 “207. *Tribal transportation self-governance program.*”.

22 **SEC. 1117. EMERGENCY RELIEF.**

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

1 (1) *in subparagraph (A) by striking “or” at the*
2 *end;*

3 (2) *in subparagraph (B) by striking the period*
4 *at the end and inserting “; or”; and*

5 (3) *by adding at the end the following:*

6 “(C) *projects eligible for assistance under*
7 *this section located on Federal lands transpor-*
8 *tation facilities or other federally owned roads*
9 *that are open to public travel (as defined in sub-*
10 *section (e)).”.*

11 (b) *DEFINITIONS.—Section 125(e) of title 23, United*
12 *States Code, is amended by striking paragraph (1) and in-*
13 *serting the following:*

14 “(1) *DEFINITIONS.—In this subsection, the fol-*
15 *lowing definitions apply:*

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

21 “(i) *is maintained;*

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

23 “(iii) *can accommodate travel by a*
24 *standard passenger vehicle, without restric-*
25 *tive gates or prohibitive signs or regula-*

1 *tions, other than for general traffic control*
2 *or restrictions based on size, weight, or class*
3 *of registration.*

4 *“(B) STANDARD PASSENGER VEHICLE.—The*
5 *term ‘standard passenger vehicle’ means a vehi-*
6 *cle with 6 inches of clearance from the lowest*
7 *point of the frame, body, suspension, or differen-*
8 *tial to the ground.”.*

9 **SEC. 1118. HIGHWAY USE TAX EVASION PROJECTS.**

10 *Section 143(b) of title 23, United States Code, is*
11 *amended—*

12 *(1) by striking paragraph (2)(A) and inserting*
13 *the following:*

14 *“(A) IN GENERAL.—From administrative*
15 *funds made available under section 104(a), the*
16 *Secretary may deduct such sums as are nec-*
17 *essary, not to exceed \$6,000,000 for each of fiscal*
18 *years 2016 through 2021, to carry out this sec-*
19 *tion.”;*

20 *(2) in the heading for paragraph (8) by insert-*
21 *ing “BLOCK GRANT” after “SURFACE TRANSPOR-*
22 *TATION”;* and

23 *(3) in paragraph (9) by inserting “, the Com-*
24 *mittee on Transportation and Infrastructure of the*
25 *House of Representatives, and the Committee on En-*

1 *vironment and Public Works of the Senate” after “the*
2 *Secretary”.*

3 **SEC. 1119. BUNDLING OF BRIDGE PROJECTS.**

4 *Section 144 of title 23, United States Code, is amend-*
5 *ed—*

6 *(1) in subsection (c)(2)(A) by striking “the nat-*
7 *ural condition of the bridge” and inserting “the nat-*
8 *ural condition of the water”;*

9 *(2) by redesignating subsection (j) as subsection*
10 *(k);*

11 *(3) by inserting after subsection (i) the following:*
12 *“(j) BUNDLING OF BRIDGE PROJECTS.—*

13 *“(1) PURPOSE.—The purpose of this subsection*
14 *is to save costs and time by encouraging States to*
15 *bundle multiple bridge projects as 1 project.*

16 *“(2) ELIGIBLE ENTITY DEFINED.—In this sub-*
17 *section, the term ‘eligible entity’ means an entity eli-*
18 *gible to carry out a bridge project under section 119*
19 *or 133.*

20 *“(3) BUNDLING OF BRIDGE PROJECTS.—An eli-*
21 *gible entity may bundle 2 or more similar bridge*
22 *projects that are—*

23 *“(A) eligible projects under section 119 or*
24 *133;*

1 “(B) included as a bundled project in a
2 transportation improvement program under sec-
3 tion 134(j) or a statewide transportation im-
4 provement program under section 135, as appli-
5 cable; and

6 “(C) awarded to a single contractor or con-
7 sultant pursuant to a contract for engineering
8 and design or construction between the con-
9 tractor and an eligible entity.

10 “(4) ITEMIZATION.—Notwithstanding any other
11 provision of law (including regulations), a bundling
12 of bridge projects under this subsection may be listed
13 as—

14 “(A) 1 project for purposes of sections 134
15 and 135; and

16 “(B) a single project within the applicable
17 bundle.

18 “(5) FINANCIAL CHARACTERISTICS.—Projects
19 bundled under this subsection shall have the same fi-
20 nancial characteristics, including—

21 “(A) the same funding category or sub-
22 category; and

23 “(B) the same Federal share.

1 “(6) *ENGINEERING COST REIMBURSEMENT.*—*The*
2 *provisions of section 102(b) do not apply to projects*
3 *carried out under this subsection.*”; and

4 (4) *in subsection (k)(2), as redesignated by para-*
5 *graph (2) of this section, by striking “104(b)(3)” and*
6 *inserting “104(b)(2)”.*

7 **SEC. 1120. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

8 *Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note)*
9 *is amended by striking “fiscal years” and all that follows*
10 *through the period at the end and inserting “fiscal years*
11 *2016 through 2021.”.*

12 **SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY**
13 **TERMINAL FACILITIES.**

14 *Section 147(e) of title 23, United States Code, is*
15 *amended by striking “2013 and 2014” and inserting “2016*
16 *through 2021”.*

17 ***Subtitle B—Planning and***
18 ***Performance Management***

19 **SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.**

20 *Section 134 of title 23, United States Code, is amend-*
21 *ed—*

22 (1) *in subsection (c)(2), by striking “and bicycle*
23 *transportation facilities” and inserting “, bicycle*
24 *transportation facilities, and intermodal facilities*

1 *that support intercity transportation, including inter-*
2 *city buses and intercity bus facilities”;*

3 *(2) in subsection (d)—*

4 *(A) by redesignating paragraphs (3)*
5 *through (6) as paragraphs (4) through (7), re-*
6 *spectively;*

7 *(B) by inserting after paragraph (2) the fol-*
8 *lowing:*

9 “*(3) REPRESENTATION.—*

10 “*(A) IN GENERAL.—Designation or selection*
11 *of officials or representatives under paragraph*
12 *(2) shall be determined by the metropolitan*
13 *planning organization according to the bylaws*
14 *or enabling statute of the organization.*

15 “*(B) PUBLIC TRANSPORTATION REPRESENT-*
16 *ATIVE.—Subject to the bylaws or enabling statute*
17 *of the metropolitan planning organization, a*
18 *representative of a provider of public transpor-*
19 *tation may also serve as a representative of a*
20 *local municipality.*

21 “*(C) POWERS OF CERTAIN OFFICIALS.—An*
22 *official described in paragraph (2)(B) shall have*
23 *responsibilities, actions, duties, voting rights,*
24 *and any other authority commensurate with*
25 *other officials described in paragraph (2).”;* and

1 (C) in paragraph (5) as so redesignated by
2 striking “paragraph (5)” and inserting “para-
3 graph (6)”;

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

6 (4) in subsection (g)(3)(A), by inserting “tour-
7 ism, natural disaster risk reduction,” after “economic
8 development,”;

9 (5) in subsection (h)—

10 (A) in paragraph (1)—

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

13 (ii) in subparagraph (H) by striking
14 the period at the end and inserting a semi-
15 colon; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(I) improve the resilience and reliability of
19 the transportation system; and

20 “(J) enhance travel and tourism.”; and

21 (B) in paragraph (2)(A) by striking “and
22 in section 5301(c) of title 49” and inserting
23 “and the general purposes described in section
24 5301 of title 49”;

25 (6) in subsection (i)—

1 (A) in paragraph (2)(A)(i) by striking
2 “transit,” and inserting “public transportation
3 facilities, intercity bus facilities,”;

4 (B) in paragraph (6)(A)—

5 (i) by inserting “public ports,” before
6 “freight shippers,”; and

7 (ii) by inserting “(including intercity
8 bus operators, employer-based commuting
9 programs, such as a carpool program, van-
10 pool program, transit benefit program,
11 parking cash-out program, shuttle program,
12 or telework program)” after “private pro-
13 viders of transportation”; and

14 (C) in paragraph (8) by striking “para-
15 graph (2)(C)” and inserting “paragraph (2)(E)”
16 each place it appears;

17 (7) in subsection (k)(3)—

18 (A) in subparagraph (A) by inserting “(in-
19 cluding intercity bus operators, employer-based
20 commuting programs such as a carpool program,
21 vanpool program, transit benefit program, park-
22 ing cash-out program, shuttle program, or
23 telework program), job access projects,” after “re-
24 duction”; and

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

1 “(C) *CONGESTION MANAGEMENT PLAN.*—A
2 *metropolitan planning organization with a*
3 *transportation management area may develop a*
4 *plan that includes projects and strategies that*
5 *will be considered in the TIP of such metropoli-*
6 *tan planning organization. Such plan shall—*

7 “(i) *develop regional goals to reduce*
8 *vehicle miles traveled during peak com-*
9 *muting hours and improve transportation*
10 *connections between areas with high job*
11 *concentration and areas with high con-*
12 *centrations of low-income households;*

13 “(ii) *identify existing public transpor-*
14 *tation services, employer-based commuter*
15 *programs, and other existing transportation*
16 *services that support access to jobs in the re-*
17 *gion; and*

18 “(iii) *identify proposed projects and*
19 *programs to reduce congestion and increase*
20 *job access opportunities.*

21 “(D) *PARTICIPATION.*—*In developing the*
22 *plan under subparagraph (C), a metropolitan*
23 *planning organization shall consult with em-*
24 *ployers, private and nonprofit providers of pub-*
25 *lic transportation, transportation management*

1 *organizations, and organizations that provide*
 2 *job access reverse commute projects or job-related*
 3 *services to low-income individuals.”;*

4 (8) *in subsection (l)—*

5 (A) *by adding a period at the end of para-*
 6 *graph (1); and*

7 (B) *in paragraph (2)(D) by striking “of less*
 8 *than 200,000” and inserting “with a population*
 9 *of 200,000 or less”;*

10 (9) *in subsection (n)(1) by inserting “49” after*
 11 *“chapter 53 of title”; and*

12 (10) *in subsection (p) by striking “Funds set*
 13 *aside under section 104(f)” and inserting “Funds ap-*
 14 *portioned under section 104(b)(5)”.*

15 **SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANS-**
 16 **PORTATION PLANNING.**

17 *Section 135 of title 23, United States Code, is amend-*
 18 *ed—*

19 (1) *in subsection (a)(2) by striking “and bicycle*
 20 *transportation facilities” and inserting, “, bicycle*
 21 *transportation facilities, and intermodal facilities*
 22 *that support intercity transportation, including inter-*
 23 *city buses and intercity bus facilities”;*

24 (2) *in subsection (d)—*

25 (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 a semi-
5 colon; and

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

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

10 “(J) enhance travel and tourism.”; and

11 (B) in paragraph (2)—

12 (i) in subparagraph (A) by striking
13 “and in section 5301(c) of title 49” and in-
14 serting “and the general purposes described
15 in section 5301 of title 49”;

16 (ii) in subparagraph (B)(ii) by strik-
17 ing “urbanized”; and

18 (iii) in subparagraph (C) by striking
19 “urbanized”; and

20 (3) in subsection (f)—

21 (A) in paragraph (3)(A)(i)—

22 (i) by inserting “public ports,” before
23 “freight shippers,”; and

24 (ii) by inserting “(including intercity
25 bus operators, employer-based commuting

1 *programs, such as a carpool program, van-*
 2 *pool program, transit benefit program,*
 3 *parking cash-out program, shuttle program,*
 4 *or telework program)” after “private pro-*
 5 *viders of transportation”; and*

6 *(B) in paragraph (7), in the matter pre-*
 7 *ceding subparagraph (A), by striking “should”*
 8 *and inserting “shall”.*

9 ***Subtitle C—Acceleration of Project***
 10 ***Delivery***

11 ***SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CERTAIN***
 12 ***HISTORIC SITES.***

13 *(a) HIGHWAYS.—Section 138 of title 23, United States*
 14 *Code, is amended by adding at the end the following:*

15 *“(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN*
 16 *HISTORIC SITES.—*

17 *“(1) IN GENERAL.—The Secretary shall—*

18 *“(A) align, to the maximum extent prac-*
 19 *ticable, with the requirements of the National*
 20 *Environmental Policy Act of 1969 (42 U.S.C.*
 21 *4231 et seq.) and section 306108 of title 54, in-*
 22 *cluding implementing regulations; and*

23 *“(B) not later than 90 days after the date*
 24 *of enactment of this subsection, coordinate with*
 25 *the Secretary of the Interior and the Executive*

1 *Director of the Advisory Council on Historic*
2 *Preservation (referred to in this subsection as the*
3 *‘Council’) to establish procedures to satisfy the*
4 *requirements described in subparagraph (A) (in-*
5 *cluding regulations).*

6 “(2) *AVOIDANCE ALTERNATIVE ANALYSIS.*—

7 “(A) *IN GENERAL.*—*If, in an analysis re-*
8 *quired under the National Environmental Policy*
9 *Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-*
10 *retary determines that there is no feasible or*
11 *prudent alternative to avoid use of a historic*
12 *site, the Secretary may—*

13 “(i) *include the determination of the*
14 *Secretary in the analysis required under*
15 *that Act;*

16 “(ii) *provide a notice of the determina-*
17 *tion to—*

18 “(I) *each applicable State historic*
19 *preservation officer and tribal historic*
20 *preservation officer;*

21 “(II) *the Council, if the Council is*
22 *participating in the consultation proc-*
23 *ess under section 306108 of title 54;*
24 *and*

1 “(III) the Secretary of the Inte-
2 rior; and

3 “(iii) request from the applicable pres-
4 ervation officer, the Council, and the Sec-
5 retary of the Interior a concurrence that the
6 determination is sufficient to satisfy the re-
7 quirement of subsection (a)(1).

8 “(B) CONCURRENCE.—If the applicable
9 preservation officer, the Council, and the Sec-
10 retary of the Interior each provide a concurrence
11 requested under subparagraph (A)(iii), no fur-
12 ther analysis under subsection (a)(1) shall be re-
13 quired.

14 “(C) PUBLICATION.—A notice of a deter-
15 mination, together with each relevant concur-
16 rence to that determination, under subparagraph
17 (A) shall be—

18 “(i) included in the record of decision
19 or finding of no significant impact of the
20 Secretary; and

21 “(ii) posted on an appropriate Federal
22 Web site by not later than 3 days after the
23 date of receipt by the Secretary of all con-
24 currences requested under subparagraph
25 (A)(iii).

1 “(3) *ALIGNING HISTORICAL REVIEWS.*—

2 “(A) *IN GENERAL.*—*If the Secretary, the*
3 *applicable preservation officer, the Council, and*
4 *the Secretary of the Interior concur that no fea-*
5 *sible and prudent alternative exists as described*
6 *in paragraph (2), the Secretary may provide to*
7 *the applicable preservation officer, the Council,*
8 *and the Secretary of the Interior notice of the in-*
9 *tent of the Secretary to satisfy the requirements*
10 *of subsection (a)(2) through the consultation re-*
11 *quirements of section 306108 of title 54.*

12 “(B) *SATISFACTION OF CONDITIONS.*—*To*
13 *satisfy the requirements of subsection (a)(2), each*
14 *individual described in paragraph (2)(A)(ii)*
15 *shall concur in the treatment of the applicable*
16 *historic site described in the memorandum of*
17 *agreement or programmatic agreement developed*
18 *under section 306108 of title 54.”.*

19 (b) *PUBLIC TRANSPORTATION.*—*Section 303 of title*
20 *49, United States Code, is amended by adding at the end*
21 *the following:*

22 “(e) *SATISFACTION OF REQUIREMENTS FOR CERTAIN*
23 *HISTORIC SITES.*—

24 “(1) *IN GENERAL.*—*The Secretary shall—*

1 “(A) align, to the maximum extent prac-
2 ticable, the requirements of this section with the
3 requirements of the National Environmental Pol-
4 icy Act of 1969 (42 U.S.C. 4231 et seq.) and sec-
5 tion 306108 of title 54, including implementing
6 regulations; and

7 “(B) not later than 90 days after the date
8 of enactment of this subsection, coordinate with
9 the Secretary of the Interior and the Executive
10 Director of the Advisory Council on Historic
11 Preservation (referred to in this subsection as the
12 ‘Council’) to establish procedures to satisfy the
13 requirements described in subparagraph (A) (in-
14 cluding regulations).

15 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

16 “(A) IN GENERAL.—If, in an analysis re-
17 quired under the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-
19 retary determines that there is no feasible or
20 prudent alternative to avoid use of a historic
21 site, the Secretary may—

22 “(i) include the determination of the
23 Secretary in the analysis required under
24 that Act;

1 “(ii) provide a notice of the determina-
2 tion to—

3 “(I) each applicable State historic
4 preservation officer and tribal historic
5 preservation officer;

6 “(II) the Council, if the Council is
7 participating in the consultation proc-
8 ess under section 306108 of title 54;
9 and

10 “(III) the Secretary of the Inte-
11 rior; and

12 “(iii) request from the applicable pres-
13 ervation officer, the Council, and the Sec-
14 retary of the Interior a concurrence that the
15 determination is sufficient to satisfy the re-
16 quirement of subsection (c)(1).

17 “(B) CONCURRENCE.—If the applicable
18 preservation officer, the Council, and the Sec-
19 retary of the Interior each provide a concurrence
20 requested under subparagraph (A)(iii), no fur-
21 ther analysis under subsection (a)(1) shall be re-
22 quired.

23 “(C) PUBLICATION.—A notice of a deter-
24 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 *Web site 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 no fea-*
15 *sible and prudent alternative exists as described*
16 *in paragraph (2), the Secretary may provide to*
17 *the applicable preservation officer, the Council,*
18 *and the Secretary of the Interior notice of the in-*
19 *tent of the Secretary to satisfy the requirements*
20 *of subsection (c)(2) through the consultation re-*
21 *quirements of section 306108 of title 54.*

22 *“(B) SATISFACTION OF CONDITIONS.—To*
23 *satisfy the requirements of subsection (c)(2), the*
24 *applicable preservation officer, the Council, and*
25 *the Secretary of the Interior shall concur in the*

1 *treatment of the applicable historic site described*
2 *in the memorandum of agreement or pro-*
3 *grammatic agreement developed under section*
4 *306108 of title 54.”.*

5 **SEC. 1302. TREATMENT OF IMPROVEMENTS TO RAIL AND**
6 **TRANSIT UNDER PRESERVATION REQUIRE-**
7 **MENTS.**

8 *(a) TITLE 23 AMENDMENT.—Section 138 of title 23,*
9 *United States Code, as amended by this Act, is further*
10 *amended by adding at the end the following:*

11 “(d) *RAIL AND TRANSIT.—*

12 “(1) *IN GENERAL.—Improvements to, or the*
13 *maintenance, rehabilitation, or operation of, railroad*
14 *or rail transit lines or elements thereof that are in use*
15 *or were historically used for the transportation of*
16 *goods or passengers shall not be considered a use of*
17 *a historic site under subsection (a), regardless of*
18 *whether the railroad or rail transit line or element*
19 *thereof is listed on, or eligible for listing on, the Na-*
20 *tional Register of Historic Places.*

21 “(2) *EXCEPTIONS.—*

22 “(A) *IN GENERAL.—Paragraph (1) shall*
23 *not apply to—*

24 “(i) *stations; or*

25 “(ii) *bridges or tunnels located on—*

1 “(I) railroad lines that have been
2 abandoned; or

3 “(II) transit lines that are not in
4 use.

5 “(B) CLARIFICATION WITH RESPECT TO
6 CERTAIN BRIDGES AND TUNNELS.—The bridges
7 and tunnels referred to in subparagraph (A)(ii)
8 do not include bridges or tunnels located on rail-
9 road or transit lines—

10 “(i) over which service has been discon-
11 tinued; or

12 “(ii) that have been railbanked or oth-
13 erwise reserved for the transportation of
14 goods or passengers.”.

15 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
16 United States Code, as amended by this Act, is further
17 amended—

18 (1) in subsection (c), in the matter preceding
19 paragraph (1), by striking “subsection (d)” and in-
20 serting “subsections (d), (e), and (f)”; and

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

22 “(f) RAIL AND TRANSIT.—

23 “(1) IN GENERAL.—Improvements to, or the
24 maintenance, rehabilitation, or operation of, railroad
25 or rail transit lines or elements thereof that are in use

1 *or were historically used for the transportation of*
2 *goods or passengers shall not be considered a use of*
3 *a historic site under subsection (c), regardless of*
4 *whether the railroad or rail transit line or element*
5 *thereof is listed on, or eligible for listing on, the Na-*
6 *tional Register of Historic Places.*

7 *“(2) EXCEPTIONS.—*

8 *“(A) IN GENERAL.—Paragraph (1) shall*
9 *not apply to—*

10 *“(i) stations; or*

11 *“(ii) bridges or tunnels located on—*

12 *“(I) railroad lines that have been*
13 *abandoned; or*

14 *“(II) transit lines that are not in*
15 *use.*

16 *“(B) CLARIFICATION WITH RESPECT TO*
17 *CERTAIN BRIDGES AND TUNNELS.—The bridges*
18 *and tunnels referred to in subparagraph (A)(ii)*
19 *do not include bridges or tunnels located on rail-*
20 *road or transit lines—*

21 *“(i) over which service has been discon-*
22 *tinued; or*

23 *“(ii) that have been railbanked or oth-*
24 *erwise reserved for the transportation of*
25 *goods or passengers.”.*

1 **SEC. 1303. CLARIFICATION OF TRANSPORTATION ENVIRON-**
2 **MENTAL AUTHORITIES.**

3 (a) *TITLE 23 AMENDMENT.—Section 138 of title 23,*
4 *United States Code, as amended by this Act, is further*
5 *amended by adding at the end the following:*

6 “(e) *REFERENCES TO PAST TRANSPORTATION ENVI-*
7 *RONMENTAL AUTHORITIES.—*

8 “(1) *SECTION 4(F) REQUIREMENTS.—The re-*
9 *quirements of this section are commonly referred to as*
10 *section 4(f) requirements (see section 4(f) of the De-*
11 *partment of Transportation Act (Public Law 89–670;*
12 *80 Stat. 934) as in effect before the repeal of that sec-*
13 *tion).*

14 “(2) *SECTION 106 REQUIREMENTS.—The require-*
15 *ments of section 306108 of title 54 are commonly re-*
16 *ferred to as section 106 requirements (see section 106*
17 *of the National Historic Preservation Act of 1966*
18 *(Public Law 89–665; 80 Stat. 915) as in effect before*
19 *the repeal of that section).”*

20 (b) *TITLE 49 AMENDMENT.—Section 303 of title 49,*
21 *United States Code, as amended by this Act, is further*
22 *amended by adding at the end the following:*

23 “(g) *REFERENCES TO PAST TRANSPORTATION ENVI-*
24 *RONMENTAL AUTHORITIES.—*

25 “(1) *SECTION 4(F) REQUIREMENTS.—The re-*
26 *quirements of this section are commonly referred to as*

1 *section 4(f) requirements (see section 4(f) of the De-*
2 *partment of Transportation Act (Public Law 89-670;*
3 *80 Stat. 934) as in effect before the repeal of that sec-*
4 *tion).*

5 *“(2) SECTION 106 REQUIREMENTS.—The require-*
6 *ments of section 306108 of title 54 are commonly re-*
7 *ferred to as section 106 requirements (see section 106*
8 *of the National Historic Preservation Act of 1966*
9 *(Public Law 89-665; 80 Stat. 915) as in effect before*
10 *the repeal of that section).”.*

11 **SEC. 1304. TREATMENT OF CERTAIN BRIDGES UNDER PRES-**
12 **ERVATION REQUIREMENTS.**

13 *(a) TITLE 23 AMENDMENT.—Section 138 of title 23,*
14 *United States Code, as amended by this Act, is further*
15 *amended by adding at the end the following:*

16 *“(f) BRIDGE EXEMPTION.—A common post-1945 con-*
17 *crete or steel bridge or culvert that is exempt from indi-*
18 *vidual review under section 306108 of title 54 (as described*
19 *in 77 Fed. Reg. 68790) shall be treated under this section*
20 *as having a de minimis impact on an area.”.*

21 *(b) TITLE 49 AMENDMENT.—Section 303 of title 49,*
22 *United States Code, as amended by this Act, is further*
23 *amended by adding at the end the following:*

24 *“(h) BRIDGE EXEMPTION.—A common post-1945 con-*
25 *crete or steel bridge or culvert that is exempt from indi-*

1 *vidual review under section 306108 of title 54 (as described*
2 *in 77 Fed. Reg. 68790) shall be treated under this section*
3 *as having a de minimis impact on an area.”.*

4 **SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
5 **PROJECT DECISIONMAKING.**

6 (a) *DEFINITIONS.—Section 139(a) of title 23, United*
7 *States Code, is amended—*

8 (1) *by striking paragraph (5) and inserting the*
9 *following:*

10 “(5) *MULTIMODAL PROJECT.—The term*
11 *‘multimodal project’ means a project that requires the*
12 *approval of more than 1 Department of Transpor-*
13 *tation operating administration or secretarial of-*
14 *fice.”;*

15 (2) *by adding at the end the following:*

16 “(9) *SUBSTANTIAL DEFERENCE.—The term ‘sub-*
17 *stantial deference’ means deference by a participating*
18 *agency to the recommendations and decisions of the*
19 *lead agency unless it is not possible to defer without*
20 *violating the participating agency’s statutory respon-*
21 *sibilities.”.*

22 (b) *APPLICABILITY.—Section 139(b)(3) of title 23,*
23 *United States Code, is amended—*

24 (1) *in subparagraph (A) in the matter preceding*
25 *clause (i) by striking “initiate a rulemaking to”; and*

1 (2) *by striking subparagraph (B) and inserting*
2 *the following:*

3 “(B) *REQUIREMENTS.—In carrying out*
4 *subparagraph (A), the Secretary shall ensure*
5 *that programmatic reviews—*

6 “(i) *promote transparency, including*
7 *the transparency of—*

8 “(I) *the analyses and data used*
9 *in the environmental reviews;*

10 “(II) *the treatment of any de-*
11 *ferred issues raised by agencies or the*
12 *public; and*

13 “(III) *the temporal and spatial*
14 *scales to be used to analyze issues*
15 *under subclauses (I) and (II);*

16 “(ii) *use accurate and timely informa-*
17 *tion, including through establishment of—*

18 “(I) *criteria for determining the*
19 *general duration of the usefulness of*
20 *the review; and*

21 “(II) *a timeline for updating an*
22 *out-of-date review;*

23 “(iii) *describe—*

1 “(I) the relationship between any
2 programmatically analysis and future
3 tiered analysis; and

4 “(II) the role of the public in the
5 creation of future tiered analysis;

6 “(iv) are available to other relevant
7 Federal and State agencies, Indian tribes,
8 and the public; and

9 “(v) provide notice and public com-
10 ment opportunities consistent with applica-
11 ble requirements.”.

12 (c) *FEDERAL LEAD AGENCY*.—Section 139(c)(1)(A) of
13 title 23, United States Code, is amended by inserting “,
14 or an operating administration thereof designated by the
15 Secretary,” after “Department of Transportation”.

16 (d) *PARTICIPATING AGENCIES*.—

17 (1) *INVITATION*.—Section 139(d)(2) of title 23,
18 United States Code, is amended by striking “The lead
19 agency shall identify, as early as practicable in the
20 environmental review process for a project,” and in-
21 serting “Not later than 45 days after the date of pub-
22 lication of a notice of intent to prepare an environ-
23 mental impact statement or the initiation of an envi-
24 ronmental assessment, the lead agency shall identify”.

1 (2) *SINGLE NEPA DOCUMENT.*—Section 139(d) of
2 *title 23, United States Code, is amended by adding*
3 *at the end the following:*

4 “(8) *SINGLE NEPA DOCUMENT.*—

5 “(A) *IN GENERAL.*—*Except as inconsistent*
6 *with paragraph (7), to the maximum extent*
7 *practicable and consistent with Federal law, all*
8 *Federal permits and reviews for a project shall*
9 *rely on a single environment document prepared*
10 *under the National Environmental Policy Act of*
11 *1969 (42 U.S.C. 4321 et seq.) under the leader-*
12 *ship of the lead agency.*

13 “(B) *USE OF DOCUMENT.*—

14 “(i) *IN GENERAL.*—*To the maximum*
15 *extent practicable, the lead agency shall de-*
16 *velop an environmental document sufficient*
17 *to satisfy the requirements for any Federal*
18 *approval or other Federal action required*
19 *for the project, including permits issued by*
20 *other Federal agencies.*

21 “(ii) *COOPERATION OF PARTICIPATING*
22 *AGENCIES.*—*Other participating agencies*
23 *shall cooperate with the lead agency and*
24 *provide timely information to help the lead*
25 *agency carry out this subparagraph.*

1 “(C) *TREATMENT AS PARTICIPATING AND*
2 *COOPERATING AGENCIES.*—*A Federal agency re-*
3 *quired to make an approval or take an action*
4 *for a project, as described in subparagraph (B),*
5 *shall work with the lead agency for the project*
6 *to ensure that the agency making the approval*
7 *or taking the action is treated as being both a*
8 *participating and cooperating agency for the*
9 *project.”.*

10 *(e) PROJECT INITIATION.*—*Section 139(e) of title 23,*
11 *United States Code, is amended by adding at the end the*
12 *following:*

13 “(3) *ENVIRONMENTAL CHECKLIST.*—

14 “(A) *DEVELOPMENT.*—*The lead agency for*
15 *a project, in consultation with participating*
16 *agencies, shall develop, as appropriate, a check-*
17 *list to help project sponsors identify potential*
18 *natural, cultural, and historic resources in the*
19 *area of the project.*

20 “(B) *PURPOSE.*—*The purposes of the check-*
21 *list are—*

22 “(i) *to identify agencies and organiza-*
23 *tions that can provide information about*
24 *natural, cultural, and historic resources;*

1 “(ii) to develop the information needed
2 to determine the range of alternatives; and
3 “(iii) to improve interagency collabo-
4 ration to help expedite the permitting proc-
5 ess for the lead agency and participating
6 agencies.”.

7 (f) *PURPOSE AND NEED.*—Section 139(f) of title 23,
8 *United States Code, is amended—*

9 (1) *in the subsection heading by inserting “; AL-*
10 *TERNATIVES ANALYSIS” after “NEED”;*

11 (2) *in paragraph (4)—*

12 (A) *by striking subparagraph (A) and in-*
13 *serting the following:*

14 “(A) *PARTICIPATION.*—

15 “(i) *IN GENERAL.*—As early as prac-
16 *ticable during the environmental review*
17 *process, the lead agency shall seek the in-*
18 *volvement of participating agencies and the*
19 *public for the purpose of reaching agree-*
20 *ment early in the environmental review*
21 *process on a reasonable range of alternatives*
22 *that will satisfy all subsequent Federal en-*
23 *vironmental review and permit require-*
24 *ments.*

1 “(ii) *COMMENTS OF PARTICIPATING*
2 *AGENCIES.—To the maximum extent prac-*
3 *ticable and consistent with applicable law,*
4 *each participating agency receiving an op-*
5 *portunity for involvement under clause (i)*
6 *shall—*

7 “(I) *limit the agency’s comments*
8 *to subject matter areas within the*
9 *agency’s special expertise or jurisdic-*
10 *tion; and*

11 “(II) *afford substantial deference*
12 *to the range of alternatives rec-*
13 *ommended by the lead agency.*

14 “(iii) *EFFECT OF NONPARTICIPA-*
15 *TION.—A participating agency that declines*
16 *to participate in the development of the*
17 *purpose and need and reasonable range of*
18 *alternatives for a project shall be required*
19 *to comply with the schedule developed under*
20 *subsection (g)(1)(B).”; and*
21 *(B) in subparagraph (B)—*

22 *(i) by striking “Following participa-*
23 *tion under paragraph (1)” and inserting*
24 *the following:*

1 “(i) *DETERMINATION.*—*Following participation under subparagraph (A)*”; and

2
3 (ii) *by adding at the end the following:*

4 “(i) *USE.*—*To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—*

11 *“(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or*

17 *“(II) for the lead agency or a participating agency to fulfill its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.”.*

22 (g) *COORDINATION AND SCHEDULING.*—

23 (1) *COORDINATION PLAN.*—*Section 139(g)(1) of*
24 *title 23, United States Code, is amended—*

1 (A) in subparagraph (A) by striking “The
2 lead agency” and inserting “Not later than 90
3 days after the date of publication of a notice of
4 intent to prepare an environmental impact state-
5 ment or the initiation of an environmental as-
6 sessment, the lead agency”; and

7 (B) in subparagraph (B)(i) by striking
8 “may establish” and inserting “shall establish”.

9 (2) *DEADLINES FOR DECISIONS UNDER OTHER*
10 *LAWS.—Section 139(g)(3) of title 23, United States*
11 *Code, is amended to read as follows:*

12 “(3) *DEADLINES FOR DECISIONS UNDER OTHER*
13 *LAWS.—*

14 “(A) *IN GENERAL.—In any case in which a*
15 *decision under any Federal law relating to a*
16 *project (including the issuance or denial of a*
17 *permit or license) is required by law, regulation,*
18 *or Executive order to be made after the date on*
19 *which the lead agency has issued a categorical*
20 *exclusion, finding of no significant impact, or*
21 *record of decision with respect to the project, any*
22 *such later decision shall be made or completed by*
23 *the later of—*

1 “(i) the date that is 180 days after the
2 lead agency’s final decision has been made;
3 or

4 “(ii) the date that is 180 days after the
5 date on which a completed application was
6 submitted for the permit or license.

7 “(B) *TREATMENT OF DELAYS.*—Following
8 the deadline established by subparagraph (A), the
9 Secretary shall submit to the Committee on
10 Transportation and Infrastructure of the House
11 of Representatives and the Committee on Envi-
12 ronment and Public Works of the Senate, and
13 publish on the Department’s Internet Web site—

14 “(i) as soon as practicable after the
15 180-day period, an initial notice of the fail-
16 ure of the Federal agency to make the deci-
17 sion; and

18 “(ii) every 60 days thereafter, until
19 such date as all decisions of the Federal
20 agency relating to the project have been
21 made by the Federal agency, an additional
22 notice that describes the number of decisions
23 of the Federal agency that remain out-
24 standing as of the date of the additional no-
25 tice.”.

1 (3) *ADOPTION OF DOCUMENTS; ACCELERATED*
2 *DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—*

3 (A) *IN GENERAL.—Section 139(g) of title*
4 *23, United States Code, is amended—*

5 (i) *by redesignating paragraph (4) as*
6 *paragraph (5); and*

7 (ii) *by inserting after paragraph (3)*
8 *the following:*

9 “(4) *ACCELERATED DECISIONMAKING IN ENVI-*
10 *RONMENTAL REVIEWS.—*

11 “(A) *IN GENERAL.—In preparing a final*
12 *environmental impact statement under the Na-*
13 *tional Environmental Policy Act of 1969 (42*
14 *U.S.C. 4321 et seq.), if the lead agency modifies*
15 *the statement in response to comments that are*
16 *minor and are confined to factual corrections or*
17 *explanations of why the comments do not war-*
18 *rant additional agency response, the lead agency*
19 *may write on errata sheets attached to the state-*
20 *ment instead of rewriting the draft statement,*
21 *subject to the condition that the errata sheets—*

22 “(i) *cite the sources, authorities, and*
23 *reasons that support the position of the*
24 *agency; and*

1 “(ii) if appropriate, indicate the cir-
2 cumstances that would trigger agency re-
3 appraisal or further response.

4 “(B) *SINGLE DOCUMENT*.—To the max-
5 imum extent practicable, the lead agency shall
6 expeditiously develop a single document that con-
7 sists of a final environmental impact statement
8 and a record of decision, unless—

9 “(i) the final environmental impact
10 statement makes substantial changes to the
11 proposed action that are relevant to envi-
12 ronmental or safety concerns; or

13 “(ii) there is a significant new cir-
14 cumstance or information relevant to envi-
15 ronmental concerns that bears on the pro-
16 posed action or the impacts of the proposed
17 action.”.

18 (B) *CONFORMING AMENDMENT*.—Section
19 1319 of MAP-21 (42 U.S.C. 4332a), and the
20 item relating to that section in the table of con-
21 tents contained in section 1(c) of that Act, are
22 repealed.

23 (h) *ISSUE IDENTIFICATION AND RESOLUTION*.—

24 (1) *ISSUE RESOLUTION*.—Section 139(h) of title
25 23, United States Code, is amended—

1 (A) by redesignating paragraphs (4)
2 through (7) as paragraphs (5) through (8), re-
3 spectively; and

4 (B) by inserting after paragraph (3) the fol-
5 lowing:

6 “(4) *ISSUE RESOLUTION*.—Any issue resolved by
7 the lead agency and participating agencies may not
8 be reconsidered unless significant new information or
9 circumstances arise.”.

10 (2) *FAILURE TO ASSURE*.—Section 139(h)(5)(C)
11 of title 23, United States Code, (as redesignated by
12 paragraph (1)(A) of this subsection) is amended by
13 striking “paragraph (5) and” and inserting “para-
14 graph (6)”.

15 (3) *ACCELERATED ISSUE RESOLUTION AND RE-*
16 *FERRAL*.—Section 139(h)(6) of title 23, United States
17 Code, (as redesignated by paragraph (1)(A) of this
18 subsection) is amended by striking subparagraph (C)
19 and inserting the following:

20 “(C) *REFERRAL TO COUNCIL ON ENVIRON-*
21 *MENTAL QUALITY*.—

22 “(i) *IN GENERAL*.—If issue resolution
23 for a project is not achieved on or before the
24 30th day after the date of a meeting under
25 subparagraph (B), the Secretary shall refer

1 *the matter to the Council on Environmental*
2 *Quality.*

3 “(ii) *MEETING.*—*Not later than 30*
4 *days after the date of receipt of a referral*
5 *from the Secretary under clause (i), the*
6 *Council on Environmental Quality shall*
7 *hold an issue resolution meeting with—*

8 “(I) *the head of the lead agency;*

9 “(II) *the heads of relevant partici-*
10 *pating agencies; and*

11 “(III) *the project sponsor (includ-*
12 *ing the Governor only if the initial*
13 *issue resolution meeting request came*
14 *from the Governor).*

15 “(iii) *RESOLUTION.*—*The Council on*
16 *Environmental Quality shall work with the*
17 *lead agency, relevant participating agen-*
18 *cies, and the project sponsor until all issues*
19 *are resolved.”.*

20 (4) *FINANCIAL PENALTY PROVISIONS.*—*Section*
21 *139(h)(7)(B)(i)(I) of title 23, United States Code, (as*
22 *redesignated by paragraph (1)(A) of this subsection)*
23 *is amended by striking “under section 106(i) is re-*
24 *quired” and inserting “is required under subsection*
25 *(h) or (i) of section 106”.*

1 (i) *ASSISTANCE TO AFFECTED STATE AND FEDERAL*
2 *AGENCIES.*—

3 (1) *IN GENERAL.*—Section 139(j)(1) of title 23,
4 *United States Code, is amended to read as follows:*

5 “(1) *IN GENERAL.*—

6 “(A) *AUTHORITY TO PROVIDE FUNDS.*—*The*
7 *Secretary may allow a public entity receiving fi-*
8 *nancial assistance from the Department of*
9 *Transportation under this title or chapter 53 of*
10 *title 49 to provide funds to Federal agencies (in-*
11 *cluding the Department), State agencies, and In-*
12 *dian tribes participating in the environmental*
13 *review process for the project or program.*

14 “(B) *USE OF FUNDS.*—*Funds referred to in*
15 *subparagraph (A) may be provided only to sup-*
16 *port activities that directly and meaningfully*
17 *contribute to expediting and improving permit-*
18 *ting and review processes, including planning,*
19 *approval, and consultation processes for the*
20 *project or program.”.*

21 (2) *ACTIVITIES ELIGIBLE FOR FUNDING.*—*Sec-*
22 *tion 139(j)(2) of title 23, United States Code, is*
23 *amended by inserting “activities directly related to*
24 *the environmental review process,” before “dedicated*
25 *staffing.”.*

1 (3) *AGREEMENT.*—Section 139(j)(6) of title 23,
2 *United States Code, is amended to read as follows:*

3 “(6) *AGREEMENT.*—Prior to providing funds ap-
4 proved by the Secretary for dedicated staffing at an
5 affected agency under paragraphs (1) and (2), the af-
6 fected agency and the requesting public entity shall
7 enter into an agreement that establishes the projects
8 and priorities to be addressed by the use of the
9 funds.”.

10 (j) *IMPLEMENTATION OF PROGRAMMATIC COMPLI-*
11 *ANCE.*—

12 (1) *RULEMAKING.*—Not later than 1 year after
13 the date of enactment of this Act, the Secretary shall
14 complete a rulemaking to implement the provisions of
15 section 139(b)(3) of title 23, *United States Code, as*
16 *amended by this section.*

17 (2) *CONSULTATION.*—Before initiating the rule-
18 making under paragraph (1), the Secretary shall con-
19 sult with relevant Federal agencies, relevant State re-
20 source agencies, State departments of transportation,
21 Indian tribes, and the public on the appropriate use
22 and scope of the programmatic approaches.

23 (3) *REQUIREMENTS.*—In carrying out this sub-
24 section, the Secretary shall ensure that the rulemaking

1 *meets the requirements of section 139(b)(3)(B) of title*
2 *23, United States Code, as amended by this section.*

3 (4) *COMMENT PERIOD.—The Secretary shall—*

4 (A) *allow not fewer than 60 days for public*
5 *notice and comment on the proposed rule; and*

6 (B) *address any comments received under*
7 *this subsection.*

8 **SEC. 1306. IMPROVING TRANSPARENCY IN ENVIRON-**
9 **MENTAL REVIEWS.**

10 (a) *IN GENERAL.—Not later than 18 months after the*
11 *date of enactment of this Act, the Secretary shall—*

12 (1) *maintain and use a searchable Internet Web*
13 *site—*

14 (A) *to make publicly available the status*
15 *and progress of projects, as defined in section*
16 *139 of title 23, United States Code, requiring an*
17 *environmental assessment or an environmental*
18 *impact statement with respect to compliance*
19 *with applicable requirements of the National En-*
20 *vironmental Policy Act of 1969 (42 U.S.C. 4321*
21 *et seq.) and any other Federal, State, or local*
22 *approval required for such projects; and*

23 (B) *to make publicly available the names of*
24 *participating agencies not participating in the*
25 *development of a project purpose and need and*

1 *range of alternatives under section 139(f) of title*
2 *23, United States Code; and*

3 *(2) in coordination with agencies described in*
4 *subsection (b) and State agencies, issue reporting*
5 *standards to meet the requirements of paragraph (1).*

6 ***(b) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPA-***
7 ***TION.—A Federal, State, or local agency participating in***
8 ***the environmental review or permitting process for a***
9 ***project, as defined in section 139 of title 23, United States***
10 ***Code, shall provide to the Secretary information regarding***
11 ***the status and progress of the approval of the project for***
12 ***publication on the Internet Web site maintained under sub-***
13 ***section (a), consistent with the standards established under***
14 ***subsection (a).***

15 ***(c) STATES WITH DELEGATED AUTHORITY.—A State***
16 ***with delegated authority for responsibilities under the Na-***
17 ***tional Environmental Policy Act of 1969 (42 U.S.C. 4321***
18 ***et seq.) pursuant to section 327 of title 23, United States***
19 ***Code, shall be responsible for supplying project development***
20 ***and compliance status to the Secretary for all applicable***
21 ***projects.***

22 **SEC. 1307. INTEGRATION OF PLANNING AND ENVIRON-**
23 **MENTAL REVIEW.**

24 ***(a) DEFINITIONS.—Section 168(a) of title 23, United***
25 ***States Code, is amended—***

1 (1) *by striking paragraph (1) and inserting the*
2 *following:*

3 “(1) *ENVIRONMENTAL REVIEW PROCESS.—The*
4 *term ‘environmental review process’ has the meaning*
5 *given that term in section 139(a).”;*

6 (2) *by redesignating paragraphs (2) through (4)*
7 *as paragraphs (3) through (5), respectively;*

8 (3) *by inserting after paragraph (1) the fol-*
9 *lowing:*

10 “(2) *LEAD AGENCY.—The term ‘lead agency’ has*
11 *the meaning given that term in section 139(a).”;* and

12 (4) *by striking paragraph (3) (as redesignated*
13 *by paragraph (2) of this subsection) and inserting the*
14 *following:*

15 “(3) *PLANNING PRODUCT.—The term ‘planning*
16 *product’ means a decision, analysis, study, or other*
17 *documented information that is the result of an eval-*
18 *uation or decisionmaking process carried out by a*
19 *metropolitan planning organization or a State, as*
20 *appropriate, during metropolitan or statewide trans-*
21 *portation planning under section 134 or section 135,*
22 *respectively.”.*

23 (b) *ADOPTION OF PLANNING PRODUCTS FOR USE IN*
24 *NEPA PROCEEDINGS.—Section 168(b) of title 23, United*
25 *States Code, is amended—*

1 (1) *in the subsection heading by inserting “OR*
2 *INCORPORATION BY REFERENCE” after “ADOPTION”;*

3 (2) *in paragraph (1) by striking “the Federal*
4 *lead agency for a project may adopt” and inserting*
5 *“and to the maximum extent practicable and appro-*
6 *priate, the lead agency for a project may adopt or in-*
7 *corporate by reference”;*

8 (3) *by striking paragraph (2) and redesignating*
9 *paragraphs (3) and (4) as paragraphs (2) and (3),*
10 *respectively;*

11 (4) *by striking paragraph (2) (as so redesign-*
12 *ated) and inserting the following:*

13 “(2) *PARTIAL ADOPTION OR INCORPORATION BY*
14 *REFERENCE OF PLANNING PRODUCTS.—The lead*
15 *agency may adopt or incorporate by reference a plan-*
16 *ning product under paragraph (1) in its entirety or*
17 *may select portions for adoption or incorporation by*
18 *reference.”; and*

19 (5) *in paragraph (3) (as so redesignated) by in-*
20 *serting “or incorporation by reference” after “adop-*
21 *tion”.*

22 (c) *APPLICABILITY.—*

23 (1) *PLANNING DECISIONS.—Section 168(c)(1) of*
24 *title 23, United States Code, is amended—*

1 (A) in the matter preceding subparagraph
2 (A) by striking “adopted” and inserting “adopt-
3 ed or incorporated by reference by the lead agen-
4 cy”;

5 (B) by redesignating subparagraphs (A)
6 through (E) as subparagraphs (B) through (F),
7 respectively;

8 (C) by inserting before subparagraph (B)
9 (as so redesignated) the following:

10 “(A) the project purpose and need;”;

11 (D) by striking subparagraph (B) (as so re-
12 designated) and inserting the following:

13 “(B) the preliminary screening of alter-
14 natives and elimination of unreasonable alter-
15 natives;”;

16 (E) in subparagraph (C) (as so redesign-
17 ated) by inserting “and general travel corridor”
18 after “modal choice”;

19 (F) in subparagraph (E) (as so redesign-
20 ated) by striking “and” at the end;

21 (G) in subparagraph (F) (as so redesign-
22 ated)—

23 (i) in the matter preceding clause (i)
24 by striking “potential impacts” and all that
25 follows through “resource agencies,” and in-

1 *serting “potential impacts of a project, in-*
2 *cluding a programmatic mitigation plan*
3 *developed in accordance with section 169,*
4 *that the lead agency”; and*

5 *(ii) in clause (ii) by striking the pe-*
6 *riod at the end and inserting “; and”; and*
7 *(H) by adding at the end the following:*

8 *“(G) whether tolling, private financial as-*
9 *sistance, or other special financial measures are*
10 *necessary to implement the project.”.*

11 *(2) PLANNING ANALYSES.—Section 168(c)(2) of*
12 *title 23, United States Code, is amended—*

13 *(A) in the matter preceding subparagraph*
14 *(A) by striking “adopted” and inserting “adopt-*
15 *ed or incorporated by reference by the lead agen-*
16 *cy”;*

17 *(B) in subparagraph (G)—*

18 *(i) by inserting “direct, indirect, and”*
19 *before “cumulative effects”; and*

20 *(ii) by striking “, identified as a result*
21 *of a statewide or regional cumulative effects*
22 *assessment”; and*

23 *(C) in subparagraph (H)—*

24 *(i) by striking “proposed action” and*
25 *inserting “proposed project”; and*

1 (ii) by striking “Federal lead agency”
2 and inserting “lead agency”.

3 (d) *CONDITIONS.*—Section 168(d) of title 23, United
4 States Code, is amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “Adoption and use” and all that follows
7 through “Federal lead agency, that” and inserting
8 “The lead agency in the environmental review process
9 may adopt or incorporate by reference and use a
10 planning product under this section if the lead agency
11 determines that”;

12 (2) in paragraph (2) by striking “by engaging
13 in active consultation” and inserting “in consulta-
14 tion”;

15 (3) by striking paragraphs (4) and (5) and in-
16 serting the following:

17 “(4) The planning process included public notice
18 that the planning products may be adopted or incor-
19 porated by reference during a subsequent environ-
20 mental review process in accordance with this section.

21 “(5) During the environmental review process,
22 but prior to determining whether to rely on and use
23 the planning product, the lead agency has—

24 “(A) made the planning documents avail-
25 able for review and comment by members of the

1 *general public and Federal, State, local, and*
2 *tribal governments that may have an interest in*
3 *the proposed action;*

4 “(B) *provided notice of the lead agency’s in-*
5 *tent to adopt the planning product or incor-*
6 *porate the planning product by reference; and*

7 “(C) *considered any resulting comments.*”;
8 (4) *in paragraph (9)—*

9 (A) *by inserting “or incorporation by ref-*
10 *erence” after “adoption”; and*

11 (B) *by inserting “and is sufficient to meet*
12 *the requirements of the National Environmental*
13 *Policy Act of 1969 (42 U.S.C. 4321 et seq.)”*
14 *after “for the project”; and*

15 (5) *in paragraph (10) by striking “not later*
16 *than 5 years prior to date on which the information*
17 *is adopted” and inserting “within the 5-year period*
18 *ending on the date on which the information is adopt-*
19 *ed or incorporated by reference”.*

20 (e) *EFFECT OF ADOPTION OR INCORPORATION BY REF-*
21 *ERENCE.—Section 168(e) of title 23, United States Code,*
22 *is amended—*

23 (1) *in the subsection heading by inserting “OR*
24 *INCORPORATION BY REFERENCE” after “ADOPTION”;*
25 *and*

1 **SEC. 1310. CATEGORICAL EXCLUSION FOR PROJECTS OF**
2 **LIMITED FEDERAL ASSISTANCE.**

3 (a) *ADJUSTMENT FOR INFLATION.*—Section 1317 of
4 *MAP–21 (23 U.S.C. 109 note)* is amended—

5 (1) in paragraph (1)(A) by inserting “(as ad-
6 justed annually by the Secretary to reflect any in-
7 creases in the Consumer Price Index prepared by the
8 Department of Labor)” after “\$5,000,000”; and

9 (2) in paragraph (1)(B) by inserting “(as ad-
10 justed annually by the Secretary to reflect any in-
11 creases in the Consumer Price Index prepared by the
12 Department of Labor)” after “\$30,000,000”.

13 (b) *RETROACTIVE APPLICATION.*—The first adjustment
14 made pursuant to the amendments made by subsection (a)
15 shall—

16 (1) be carried out not later than 60 days after
17 the date of enactment of this Act; and

18 (2) reflect the increase in the Consumer Price
19 Index since July 1, 2012.

20 **SEC. 1311. APPLICATION OF CATEGORICAL EXCLUSIONS**
21 **FOR MULTIMODAL PROJECTS.**

22 Section 304 of title 49, United States Code, is amend-
23 ed—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “operating authority
2 that” and inserting “operating administra-
3 tion or secretarial office that has expertise
4 but”; and

5 (ii) by inserting “proposed
6 multimodal” after “with respect to a”; and
7 (B) by striking paragraph (2) and inserting
8 the following:

9 “(2) *LEAD AUTHORITY.*—The term ‘lead author-
10 ity’ means a Department of Transportation operating
11 administration or secretarial office that has the lead
12 responsibility for compliance with the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
14 with respect to a proposed multimodal project.”;

15 (2) in subsection (b) by inserting “or title 23”
16 after “under this title”;

17 (3) by striking subsection (c) and inserting the
18 following:

19 “(c) *APPLICATION OF CATEGORICAL EXCLUSIONS FOR*
20 *MULTIMODAL PROJECTS.*—In considering the environ-
21 mental impacts of a proposed multimodal project, a lead
22 authority may apply categorical exclusions designated
23 under the National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.) in implementing regulations or proce-

1 *dures of a cooperating authority for a proposed multimodal*
2 *project, subject to the conditions that—*

3 *“(1) the lead authority makes a determination,*
4 *with the concurrence of the cooperating authority—*

5 *“(A) on the applicability of a categorical*
6 *exclusion to a proposed multimodal project; and*

7 *“(B) that the project satisfies the conditions*
8 *for a categorical exclusion under the National*
9 *Environmental Policy Act of 1969 (42 U.S.C.*
10 *4321 et seq.) and this section;*

11 *“(2) the lead authority follows the cooperating*
12 *authority’s implementing regulations or procedures*
13 *under such Act; and*

14 *“(3) 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 such Act.”; and*

23 *(4) by striking subsection (d) and inserting the*
24 *following:*

1 “(A) not later than 6 months after execution
2 of the agreement, meet with the State to review
3 implementation of the agreement and discuss
4 plans for the first annual audit;

5 “(B) conduct annual audits during each of
6 the first 4 years of State participation; and

7 “(C) ensure that the time period for com-
8 pleting an annual audit, from initiation to com-
9 pletion (including public comment and responses
10 to those comments), does not exceed 180 days.”;
11 and

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

13 “(3) *AUDIT TEAM.*—An audit conducted under
14 paragraph (1) shall be carried out by an audit team
15 determined by the Secretary, in consultation with the
16 State. Such consultation shall include a reasonable
17 opportunity for the State to review and provide com-
18 ments on the proposed members of the audit team.”;
19 and

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

21 “(k) *CAPACITY BUILDING.*—The Secretary, in coopera-
22 tion with representatives of State officials, may carry out
23 education, training, peer-exchange, and other initiatives as
24 appropriate—

1 “(1) to assist States in developing the capacity
2 to participate in the assignment program under this
3 section; and

4 “(2) to promote information sharing and collabo-
5 ration among States that are participating in the as-
6 signment program under this section.

7 “(1) *RELATIONSHIP TO LOCALLY ADMINISTERED*
8 *PROJECTS.*—A State granted authority under this section
9 may, as appropriate and at the request of a local govern-
10 ment—

11 “(1) exercise such authority on behalf of the local
12 government for a locally administered project; or

13 “(2) provide guidance and training on consoli-
14 dating and minimizing the documentation and envi-
15 ronmental analyses necessary for sponsors of a locally
16 administered project to comply with the National En-
17 vironmental Policy Act of 1969 (42 U.S.C. 4321 *et*
18 *seq.*) and any comparable requirements under State
19 law.”.

20 **SEC. 1313. PROGRAM FOR ELIMINATING DUPLICATION OF**
21 **ENVIRONMENTAL REVIEWS.**

22 (a) *PURPOSE.*—The purpose of this section is to elimi-
23 nate duplication of environmental reviews and approvals
24 under State and Federal laws.

1 (b) *IN GENERAL.*—Chapter 3 of title 23, United States
2 Code, is amended by adding at the end the following:

3 **“§ 330. Program for eliminating duplication of envi-**
4 **ronmental reviews**

5 “(a) *ESTABLISHMENT.*—

6 “(1) *IN GENERAL.*—The Secretary shall establish
7 a pilot program to authorize States that are approved
8 to participate in the program to conduct environ-
9 mental reviews and make approvals for projects under
10 State environmental laws and regulations instead of
11 Federal environmental laws and regulations, con-
12 sistent with the requirements of this section.

13 “(2) *PARTICIPATING STATES.*—The Secretary
14 may select not more than 5 States to participate in
15 the program.

16 “(3) *ALTERNATIVE REVIEW AND APPROVAL PRO-*
17 *CEDURES.*—In this section, the term ‘alternative envi-
18 ronmental review and approval procedures’ means—

19 “(A) substitution of 1 or more State envi-
20 ronmental laws for—

21 “(i) the National Environmental Pol-
22 icy Act of 1969 (42 U.S.C. 4321 et seq.);

23 “(ii) such provisions of sections 109(h),
24 128, and 139 related to the application of
25 that Act that are under the authority of the

1 *Secretary, as the Secretary, in consultation*
2 *with the State, considers appropriate; and*

3 *“(iii) related regulations and Execu-*
4 *tive orders; and*

5 *“(B) substitution of 1 or more State envi-*
6 *ronmental regulations for—*

7 *“(i) the National Environmental Pol-*
8 *icy Act of 1969;*

9 *“(ii) such provisions of sections 109(h),*
10 *128, and 139 related to the application of*
11 *that Act that are under the authority of the*
12 *Secretary, as the Secretary, in consultation*
13 *with the State, considers appropriate; and*

14 *“(iii) related regulations and Execu-*
15 *tive orders.*

16 *“(b) APPLICATION.—To be eligible to participate in the*
17 *program, a State shall submit to the Secretary an applica-*
18 *tion containing such information as the Secretary may re-*
19 *quire, including—*

20 *“(1) a full and complete description of the pro-*
21 *posed alternative environmental review and approval*
22 *procedures of the State;*

23 *“(2) each Federal law described in subsection*
24 *(a)(3) that the State is seeking to substitute;*

1 “(3) each State law and regulation that the
2 State intends to substitute for such Federal law, Fed-
3 eral regulation, or Executive order;

4 “(4) an explanation of the basis for concluding
5 that the State law or regulation is substantially
6 equivalent to the Federal law described in subsection
7 (a)(3);

8 “(5) a description of the projects or classes of
9 projects for which the State anticipates exercising the
10 authority that may be granted under the program;

11 “(6) verification that the State has the financial
12 resources necessary to carry out the authority that
13 may be granted under the program;

14 “(7) evidence of having sought, received, and ad-
15 dressed comments on the proposed application from
16 the public; and

17 “(8) any such additional information as the Sec-
18 retary, or, with respect to section (d)(1)(A), the Sec-
19 retary in consultation with the Chair, may require.

20 “(c) REVIEW OF APPLICATION.—In accordance with
21 subsection (d), the Secretary shall—

22 “(1) review an application submitted under sub-
23 section (b);

1 “(2) approve or disapprove the application not
2 later than 90 days after the date of receipt of the ap-
3 plication; and

4 “(3) transmit to the State notice of the approval
5 or disapproval, together with a statement of the rea-
6 sons for the approval or disapproval.

7 “(d) APPROVAL OF APPLICATION.—

8 “(1) IN GENERAL.—The Secretary shall approve
9 an application submitted under subsection (b) only
10 if—

11 “(A) the Secretary, with the concurrence of
12 the Chair, determines that the laws and regula-
13 tions of the State described in the application
14 are substantially equivalent to the Federal laws
15 that the State is seeking to substitute;

16 “(B) the Secretary determines that the State
17 has the capacity, including financial and per-
18 sonnel, to assume the responsibility; and

19 “(C) the State has executed an agreement
20 with the Secretary, in accordance with section
21 327, providing for environmental review, con-
22 sultation, or other action under Federal environ-
23 mental laws pertaining to the review or approval
24 of a specific project.

1 “(2) *EXCLUSION.*—*The National Environmental*
2 *Policy Act of 1969 shall not apply to a decision by*
3 *the Secretary to approve or disapprove an applica-*
4 *tion submitted under this section.*

5 “(e) *JUDICIAL REVIEW.*—

6 “(1) *IN GENERAL.*—*The United States district*
7 *courts shall have exclusive jurisdiction over any civil*
8 *action against a State—*

9 “(A) *for failure of the State to meet the re-*
10 *quirements of this section; or*

11 “(B) *if the action involves the exercise of*
12 *authority by the State under this section and*
13 *section 327.*

14 “(2) *STATE JURISDICTION.*—*A State court shall*
15 *have exclusive jurisdiction over any civil action*
16 *against a State if the action involves the exercise of*
17 *authority by the State under this section not covered*
18 *by paragraph (1).*

19 “(f) *ELECTION.*—*At its discretion, a State partici-*
20 *pating in the programs under this section and section 327*
21 *may elect to apply the National Environmental Protection*
22 *Act of 1969 instead of the State’s alternative environmental*
23 *review and approval procedures.*

24 “(g) *TREATMENT OF STATE LAWS AND REGULA-*
25 *TIONS.*—*To the maximum extent practicable and consistent*

1 *with Federal law, other Federal agencies with authority*
2 *over a project subject to this section shall use documents*
3 *produced by a participating State under this section to sat-*
4 *isfy the requirements of the National Environmental Policy*
5 *Act of 1969.*

6 “(h) *RELATIONSHIP TO LOCALLY ADMINISTERED*
7 *PROJECTS.—*

8 “(1) *IN GENERAL.—A State with an approved*
9 *program under this section, at the request of a local*
10 *government, may exercise authority under that pro-*
11 *gram on behalf of up to 10 local governments for lo-*
12 *cally administered projects.*

13 “(2) *SCOPE.—For up to 10 local governments se-*
14 *lected by a State with an approved program under*
15 *this section, the State shall be responsible for ensuring*
16 *that any environmental review, consultation, or other*
17 *action required under the National Environmental*
18 *Policy Act of 1969 or the State program, or both,*
19 *meets the requirements of such Act or program.*

20 “(i) *REVIEW AND TERMINATION.—*

21 “(1) *IN GENERAL.—A State program approved*
22 *under this section shall at all times be in accordance*
23 *with the requirements of this section.*

1 “(2) *REVIEW.*—*The Secretary shall review each*
2 *State program approved under this section not less*
3 *than once every 5 years.*

4 “(3) *PUBLIC NOTICE AND COMMENT.*—*In con-*
5 *ducting the review process under paragraph (2), the*
6 *Secretary shall provide notice and an opportunity for*
7 *public comment.*

8 “(4) *WITHDRAWAL OF APPROVAL.*—*If the Sec-*
9 *retary, in consultation with the Chair, determines at*
10 *any time that a State is not administering a State*
11 *program approved under this section in accordance*
12 *with the requirements of this section, the Secretary*
13 *shall so notify the State, and if appropriate corrective*
14 *action is not taken within a reasonable time, not to*
15 *exceed 90 days, the Secretary shall withdraw ap-*
16 *proval of the State program.*

17 “(5) *EXTENSIONS AND TERMINATIONS.*—*At the*
18 *conclusion of the review process under paragraph (2),*
19 *the Secretary may extend for an additional 5-year pe-*
20 *riod or terminate the authority of a State under this*
21 *section to substitute that State’s laws and regulations*
22 *for Federal laws.*

23 “(j) *REPORT TO CONGRESS.*—*Not later than 2 years*
24 *after the date of enactment of this section, and annually*
25 *thereafter, the Secretary shall submit to the Committee on*

1 *Transportation and Infrastructure of the House of Rep-*
2 *resentatives and the Committee on Environment and Public*
3 *Works of the Senate a report that describes the administra-*
4 *tion of the program, including—*

5 “(1) *the number of States participating in the*
6 *program;*

7 “(2) *the number and types of projects for which*
8 *each State participating in the program has used al-*
9 *ternative environmental review and approval proce-*
10 *dures; and*

11 “(3) *any recommendations for modifications to*
12 *the program.*

13 “(k) *DEFINITIONS.—In this section, the following defi-*
14 *initions apply:*

15 “(1) *CHAIR.—The term ‘Chair’ means the Chair*
16 *of the Council on Environmental Quality.*

17 “(2) *MULTIMODAL PROJECT.—The term*
18 *‘multimodal project’ has the meaning given that term*
19 *in section 139(a).*

20 “(3) *PROGRAM.—The term ‘program’ means the*
21 *pilot program established under this section.*

22 “(4) *PROJECT.—The term ‘project’ means—*

23 “(A) *a project requiring approval under*
24 *this title, chapter 53 of subtitle III of title 49, or*
25 *subtitle V of title 49; and*

1 “(B) a multimodal project.”.

2 (c) *RULEMAKING.*—

3 (1) *IN GENERAL.*—Not later than 270 days after
4 the date of enactment of this Act, the Secretary of
5 Transportation, in consultation with the Chair of the
6 Council on Environmental Quality, shall promulgate
7 regulations to implement the requirements of section
8 330 of title 23, United States Code, as added by this
9 section.

10 (2) *DETERMINATION OF SUBSTANTIALLY EQUIVA-*
11 *LENT.*—As part of the rulemaking required under this
12 subsection, the Chair shall—

13 (A) establish the criteria necessary to deter-
14 mine that a State law or regulation is substan-
15 tially equivalent to a Federal law described in
16 section 330(a)(3) of title 23, United States Code;

17 (B) ensure that such criteria, at a min-
18 imum—

19 (i) provide for protection of the envi-
20 ronment;

21 (ii) provide opportunity for public
22 participation and comment, including ac-
23 cess to the documentation necessary to re-
24 view the potential impact of a project; and

1 (iii) ensure a consistent review of
2 projects that would otherwise have been cov-
3 ered under Federal law.

4 (d) *CLERICAL AMENDMENT.*—The analysis for chapter
5 3 of title 23, United States Code, is amended by adding
6 at the end the following:

“330. Program for eliminating duplication of environmental reviews.”.

7 **SEC. 1314. ASSESSMENT OF PROGRESS ON ACCELERATING**
8 **PROJECT DELIVERY.**

9 (a) *IN GENERAL.*—Not later than 2 years after the
10 date of enactment of this Act, the Comptroller General of
11 the United States shall assess the progress made under this
12 Act, MAP-21 (Public Law 112-141), and SAFETEA-LU
13 (Public Law 109-59), including the amendments made by
14 those Acts, to accelerate the delivery of Federal-aid highway
15 and highway safety construction projects and public trans-
16 portation capital projects by streamlining the environ-
17 mental review and permitting process.

18 (b) *CONTENTS.*—The assessment required under sub-
19 section (a) shall evaluate—

20 (1) how often the various streamlining provi-
21 sions have been used;

22 (2) which of the streamlining provisions have
23 had the greatest impact on streamlining the environ-
24 mental review and permitting process;

1 (3) *what, if any, impact streamlining of the*
2 *process has had on environmental protection;*

3 (4) *how, and the extent to which, streamlining*
4 *provisions have improved and accelerated the process*
5 *for permitting under the Federal Water Pollution*
6 *Control Act (33 U.S.C. 1251 et seq.), the Endangered*
7 *Species Act of 1973 (16 U.S.C. 1531 et seq.), and*
8 *other applicable Federal laws;*

9 (5) *what impact actions by the Council on Envi-*
10 *ronmental Quality have had on accelerating Federal-*
11 *aid highway and highway safety construction projects*
12 *and public transportation capital projects;*

13 (6) *the number and percentage of projects that*
14 *proceed under a traditional environmental assessment*
15 *or environmental impact statement, and the number*
16 *and percentage of projects that proceed under categor-*
17 *ical exclusions;*

18 (7) *the extent to which the environmental review*
19 *and permitting process remains a significant source*
20 *of project delay and the sources of delays; and*

21 (8) *the costs of conducting environmental reviews*
22 *and issuing permits or licenses for a project, includ-*
23 *ing the cost of contractors and dedicated agency staff.*

1 (c) *RECOMMENDATIONS.*—*The assessment required*
2 *under subsection (a) shall include recommendations with*
3 *respect to—*

4 (1) *additional opportunities for streamlining the*
5 *environmental review process, including regulatory or*
6 *statutory changes to accelerate the processes of Federal*
7 *agencies (other than the Department) with responsi-*
8 *bility for reviewing Federal-aid highway and high-*
9 *way safety construction projects and public transpor-*
10 *tation capital projects without negatively impacting*
11 *the environment; and*

12 (2) *best practices of other Federal agencies that*
13 *should be considered for adoption by the Department.*

14 (d) *REPORT TO CONGRESS.*—*The Comptroller General*
15 *of the United States shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Environment and Public*
18 *Works of the Senate a report containing the assessment and*
19 *recommendations required under this section.*

20 **SEC. 1315. IMPROVING STATE AND FEDERAL AGENCY EN-**
21 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

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

1 **“§307. Improving State and Federal agency engage-**
2 **ment in environmental reviews**

3 “(a) *IN GENERAL.*—

4 “(1) *REQUESTS TO PROVIDE FUNDS.*—*A public*
5 *entity receiving financial assistance from the Depart-*
6 *ment of Transportation for 1 or more projects, or for*
7 *a program of projects, for a public purpose may re-*
8 *quest that the Secretary allow the public entity to*
9 *provide funds to Federal agencies, including the De-*
10 *partment, State agencies, and Indian tribes partici-*
11 *parting in the environmental planning and review*
12 *process for the project, projects, or program.*

13 “(2) *USE OF FUNDS.*—*The funds may be pro-*
14 *vided only to support activities that directly and*
15 *meaningfully contribute to expediting and improving*
16 *permitting and review processes, including planning,*
17 *approval, and consultation processes for the project,*
18 *projects, or program.*

19 “(b) *ACTIVITIES ELIGIBLE FOR FUNDING.*—*Activities*
20 *for which funds may be provided under subsection (a) in-*
21 *clude transportation planning activities that precede the*
22 *initiation of the environmental review process, activities di-*
23 *rectly related to the environmental review process, dedicated*
24 *staffing, training of agency personnel, information gath-*
25 *ering and mapping, and development of programmatic*
26 *agreements.*

1 “(c) *AMOUNTS.*—*Requests under subsection (a) may be*
2 *approved only for the additional amounts that the Sec-*
3 *retary determines are necessary for the Federal agencies,*
4 *State agencies, or Indian tribes participating in the envi-*
5 *ronmental review process to timely conduct their review.*

6 “(d) *AGREEMENTS.*—*Prior to providing funds ap-*
7 *proved by the Secretary for dedicated staffing at an affected*
8 *Federal agency under subsection (a), the affected Federal*
9 *agency and the requesting public entity shall enter into an*
10 *agreement that establishes a process to identify projects or*
11 *priorities to be addressed by the use of the funds.*

12 “(e) *RULEMAKING.*—

13 “(1) *IN GENERAL.*—*Not later than 180 days*
14 *after the date of enactment of this section, the Sec-*
15 *retary shall initiate a rulemaking to implement this*
16 *section.*

17 “(2) *FACTORS.*—*As part of the rulemaking car-*
18 *ried out under paragraph (1), the Secretary shall en-*
19 *sure—*

20 “(A) *to the maximum extent practicable,*
21 *that expediting and improving the process of en-*
22 *vironmental review and permitting through the*
23 *use of funds accepted and expended under this*
24 *section does not adversely affect the timeline for*
25 *review and permitting by Federal agencies, State*

1 **“§ 304a. Accelerated decisionmaking in environmental**
2 **reviews**

3 “(a) *IN GENERAL.*—*In preparing a final environ-*
4 *mental impact statement under the National Environ-*
5 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the*
6 *lead agency modifies the statement in response to comments*
7 *that are minor and are confined to factual corrections or*
8 *explanations of why the comments do not warrant addi-*
9 *tional agency response, the lead agency may write on errata*
10 *sheets attached to the statement, instead of rewriting the*
11 *draft statement, subject to the condition that the errata*
12 *sheets—*

13 “(1) *cite the sources, authorities, and reasons*
14 *that support the position of the agency; and*

15 “(2) *if appropriate, indicate the circumstances*
16 *that would trigger agency reappraisal or further re-*
17 *sponse.*

18 “(b) *SINGLE DOCUMENT.*—*To the maximum extent*
19 *practicable, the lead agency shall expeditiously develop a*
20 *single document that consists of a final environmental im-*
21 *pact statement and a record of decision, unless—*

22 “(1) *the final environmental impact statement*
23 *makes substantial changes to the proposed action that*
24 *are relevant to environmental or safety concerns; or*

25 “(2) *there is a significant new circumstance or*
26 *information relevant to environmental concerns that*

1 *bears on the proposed action or the impacts of the*
2 *proposed action.*

3 “(c) *ADOPTION OF DOCUMENTS.*—

4 “(1) *AVOIDING DUPLICATION.*—*To prevent dupli-*
5 *cation of analyses and support expeditious and effi-*
6 *cient decisions, the operating administrations of the*
7 *Department of Transportation shall use adoption and*
8 *incorporation by reference in accordance with this*
9 *paragraph.*

10 “(2) *ADOPTION OF DOCUMENTS OF OTHER OPER-*
11 *ATING ADMINISTRATIONS.*—*An operating administra-*
12 *tion or a secretarial office within the Department of*
13 *Transportation may adopt a draft environmental im-*
14 *part statement, an environmental assessment, or a*
15 *final environmental impact statement of another op-*
16 *erating administration for the adopting operating ad-*
17 *ministration’s use when preparing an environmental*
18 *assessment or final environmental impact statement*
19 *for a project without recirculating the document for*
20 *public review, if—*

21 “(A) *the adopting operating administration*
22 *certifies that its proposed action is substantially*
23 *the same as the project considered in the docu-*
24 *ment to be adopted;*

1 “(B) the other operating administration
2 concurs with such decision; and

3 “(C) such actions are consistent with the re-
4 quirements of the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.).

6 “(3) INCORPORATION BY REFERENCE.—An oper-
7 ating administration or secretarial office within the
8 Department of Transportation may incorporate by
9 reference all or portions of a draft environmental im-
10 pact statement, an environmental assessment, or a
11 final environmental impact statement for the adopt-
12 ing operating administration’s use when preparing
13 an environmental assessment or final environmental
14 impact statement for a project if—

15 “(A) the incorporated material is cited in
16 the environmental assessment or final environ-
17 mental impact statement and the contents of the
18 incorporated material is briefly described;

19 “(B) the incorporated material is reason-
20 ably available for inspection by potentially in-
21 terested persons within the time allowed for re-
22 view and comment; and

23 “(C) the incorporated material does not in-
24 clude proprietary data that is not available for
25 review and comment.”.

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 3 of title 49, United States Code, is amended by*
 3 *inserting after the item relating to section 304 the following:*
 “304a. *Accelerated decisionmaking in environmental reviews.*”.

4 **SEC. 1317. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.**

5 (a) *IN GENERAL.*—*Title 49, United States Code, is*
 6 *amended by inserting after section 309 the following:*

7 **“§ 310. Aligning Federal environmental reviews**

8 “(a) *COORDINATED AND CONCURRENT ENVIRON-*
 9 *MENTAL REVIEWS.*—*Not later than 1 year after the date*
 10 *of enactment of this section, the Department of Transpor-*
 11 *tation, in coordination with the heads of Federal agencies*
 12 *likely to have substantive review or approval responsibil-*
 13 *ities under Federal law, shall develop a coordinated and*
 14 *concurrent environmental review and permitting process*
 15 *for transportation projects when initiating an environ-*
 16 *mental impact statement under the National Environ-*
 17 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.; in this*
 18 *section referred to as ‘NEPA’).*

19 “(b) *CONTENTS.*—*The coordinated and concurrent en-*
 20 *vironmental review and permitting process shall—*

21 “(1) *ensure that the Department and agencies of*
 22 *jurisdiction possess sufficient information early in the*
 23 *review process to determine a statement of a transpor-*
 24 *tation project’s purpose and need and range of alter-*
 25 *natives for analysis that the lead agency and agencies*

1 *of jurisdiction will rely on for concurrent environ-*
2 *mental reviews and permitting decisions required for*
3 *the proposed project;*

4 *“(2) achieve early concurrence or issue resolution*
5 *during the NEPA scoping process on the Department*
6 *of Transportation’s statement of a project’s purpose*
7 *and need, and during development of the environ-*
8 *mental impact statement on the range of alternatives*
9 *for analysis, that the lead agency and agencies of ju-*
10 *risdiction will rely on for concurrent environmental*
11 *reviews and permitting decisions required for the pro-*
12 *posed project absent circumstances that require recon-*
13 *sideration in order to meet an agency of jurisdiction’s*
14 *obligations under a statute or Executive order; and*

15 *“(3) achieve concurrence or issue resolution in*
16 *an expedited manner if circumstances arise that re-*
17 *quire a reconsideration of the purpose and need or*
18 *range of alternatives considered during any Federal*
19 *agency’s environmental or permitting review in order*
20 *to meet an agency of jurisdiction’s obligations under*
21 *a statute or Executive order.*

22 *“(c) ENVIRONMENTAL CHECKLIST.—*

23 *“(1) IN GENERAL.—Not later than 90 days after*
24 *the date of enactment of this section, the Secretary of*
25 *Transportation and Federal agencies of jurisdiction*

1 *likely to have substantive review or approval respon-*
2 *sibilities on transportation projects shall jointly de-*
3 *velop a checklist to help project sponsors identify po-*
4 *tential natural, cultural, and historic resources in the*
5 *area of a proposed project.*

6 “(2) *PURPOSE.—The purpose of the checklist*
7 *shall be to—*

8 “(A) *identify agencies of jurisdiction and*
9 *cooperating agencies;*

10 “(B) *develop the information needed for the*
11 *purpose and need and alternatives for analysis;*
12 *and*

13 “(C) *improve interagency collaboration to*
14 *help expedite the permitting process for the lead*
15 *agency and agencies of jurisdiction.*

16 “(d) *INTERAGENCY COLLABORATION.—*

17 “(1) *IN GENERAL.—Consistent with Federal en-*
18 *vironmental statutes, the Secretary shall facilitate an-*
19 *ual interagency collaboration sessions at the appro-*
20 *priate jurisdictional level to coordinate business plans*
21 *and facilitate coordination of workload planning and*
22 *workforce management.*

23 “(2) *PURPOSE OF COLLABORATION SESSIONS.—*
24 *The interagency collaboration sessions shall ensure*
25 *that agency staff is—*

1 “(A) *fully engaged;*

2 “(B) *utilizing the flexibility of existing reg-*
3 *ulations, policies, and guidance; and*

4 “(C) *identifying additional actions to fa-*
5 *facilitate high quality, efficient, and targeted envi-*
6 *ronmental reviews and permitting decisions.*

7 “(3) *FOCUS OF COLLABORATION SESSIONS.—The*
8 *interagency collaboration sessions, and the inter-*
9 *agency collaborations generated by the sessions, shall*
10 *focus on methods to—*

11 “(A) *work with State and local transpor-*
12 *tation entities to improve project planning,*
13 *siting, and application quality; and*

14 “(B) *consult and coordinate with relevant*
15 *stakeholders and Federal, tribal, State, and local*
16 *representatives early in permitting processes.*

17 “(e) *PERFORMANCE MEASUREMENT.—Not later than*
18 *1 year after the date of enactment of this section, the Sec-*
19 *retary, in coordination with relevant Federal agencies, shall*
20 *establish a program to measure and report on progress to-*
21 *wards aligning Federal reviews as outlined in this sec-*
22 *tion.”.*

23 “(b) *CONFORMING AMENDMENT.—The analysis for*
24 *chapter 3 of title 49, United States Code, is amended by*
25 *inserting after the item relating to section 309 the following:*

 “310. *Aligning Federal environmental reviews.”.*

1 ***Subtitle D—Miscellaneous***

2 ***SEC. 1401. TOLLING; HOV FACILITIES; INTERSTATE RECON-***
 3 ***STRUCTION AND REHABILITATION.***

4 (a) *TOLLING.*—Section 129(a) of title 23, United
 5 *States Code, is amended—*

6 (1) *in paragraph (1)—*

7 (A) *in subparagraph (B) by striking “,*
 8 *bridge, or tunnel” each place it appears;*

9 (B) *in subparagraph (C) by striking “,*
 10 *bridge, or tunnel” each place it appears;*

11 (C) *by striking subparagraph (G);*

12 (D) *by redesignating subparagraphs (H)*
 13 *and (I) as subparagraphs (G) and (H); and*

14 (E) *in subparagraph (G) as redesignated—*

15 (i) *by inserting “(HOV)” after “high*
 16 *occupancy vehicle”; and*

17 (ii) *by inserting “under section 166 of*
 18 *this title” after “facility”;*

19 (2) *in paragraph (3)(A)—*

20 (A) *by striking “shall use” and inserting*
 21 *“shall ensure that”; and*

22 (B) *by inserting “are used” after “toll facil-*
 23 *ity” the second place it appears; and*

1 (3) by striking paragraph (4) and redesignating
2 paragraphs (5) through (10) as paragraphs (4)
3 through (9), respectively.

4 (b) *HOV FACILITIES*.—Section 166 of title 23, United
5 States Code, is amended—

6 (1) in subsection (a)(1)—

7 (A) by striking the paragraph heading and
8 inserting “**AUTHORITY OF PUBLIC AUTHORI-**
9 **TIES**”; and

10 (B) by striking “State agency” and insert-
11 ing “public authority”;

12 (2) in subsection (b)—

13 (A) by striking “State agency” each place it
14 appears and inserting “public authority”;

15 (B) in paragraph (3)—

16 (i) by striking “and” at the end of sub-
17 paragraph (A);

18 (ii) by striking the period at the end of
19 subparagraph (B) and inserting “; and”;
20 and

21 (iii) by inserting at the end the fol-
22 lowing:

23 “(C) provides equal access for all public
24 transportation vehicles and over-the-road buses.”;

25 and

- 1 (C) in paragraph (5)—
- 2 (i) in subparagraph (A) by striking
- 3 “2017” and inserting “2021”; and
- 4 (ii) in subparagraph (B) by striking
- 5 “2017” and inserting “2021”;
- 6 (3) in subsection (c)—
- 7 (A) by amending paragraph (1) to read as
- 8 follows:
- 9 “(1) *IN GENERAL.*—Notwithstanding section 301,
- 10 tolls may be charged under paragraphs (4) and (5)
- 11 of subsection (b), subject to the requirements of section
- 12 129.”;
- 13 (B) by striking paragraph (2) and redesignig-
- 14 nating paragraph (3) as paragraph (2); and
- 15 (C) by inserting after paragraph (2), as re-
- 16 designated, the following:
- 17 “(3) *EXEMPTION FROM TOLLS.*—In levying tolls
- 18 on a facility under this section, a public authority
- 19 may designate classes of vehicles that are exempt from
- 20 the tolls or charge different toll rates for different
- 21 classes of vehicles, if equal rates are charged for all
- 22 public transportation vehicles and over-the-road buses,
- 23 whether publicly or privately owned.”;
- 24 (4) in subsection (d)—

1 (A) by striking “State agency” each place it
2 appears and inserting “public authority”;

3 (B) in paragraph (1)—

4 (i) by redesignating subparagraphs (D)
5 and (E) as subparagraphs (E) and (F), re-
6 spectively; and

7 (ii) by inserting after subparagraph
8 (C) the following:

9 “(D) CONSULTATION OF MPO.—If the facil-
10 ity is on the Interstate System and located in a
11 metropolitan planning area established in ac-
12 cordance with section 134, consulting with the
13 metropolitan planning organization for the area
14 concerning the placement and amount of tolls on
15 the facility.”; and

16 (iii) in subparagraph (F), as redesign-
17 ated—

18 (I) by striking “State” the first
19 place it appears and inserting “public
20 authority”; and

21 (II) by striking “subparagraph
22 (D)” and inserting “subparagraph
23 (E)”; and

24 (5) in subsection (f)—

1 (A) in paragraph (4)(B)(iii) by striking
2 “State agency” and inserting “public authority”;
3 and

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

6 “(5) *OVER-THE-ROAD BUS.*—The term ‘over-the-
7 road bus’ means a vehicle as defined in section 301(5)
8 of the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12181(5)).

10 “(6) *PUBLIC AUTHORITY.*—The term ‘public au-
11 thority’ as used with respect to a HOV facility, means
12 a State, interstate compact of States, public entity
13 designated by a State, or local government having ju-
14 risdiction over the operation of the facility.”.

15 (c) *INTERSTATE SYSTEM RECONSTRUCTION AND RE-*
16 *HABILITATION PILOT PROGRAM.*—Section 1216(b) of the
17 *Transportation Equity Act for the 21st Century (Public*
18 *Law 105–178)* is amended—

19 (1) in paragraph (4)—

20 (A) in subparagraph (D) by striking “and”
21 at the end;

22 (B) in subparagraph (E) by striking the pe-
23 riod and inserting “; and”; and

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

1 “(F) the State has approved enabling legis-
2 lation required for the project to proceed.”;

3 (2) by redesignating paragraphs (6) through (8)
4 as paragraphs (8) through (10), respectively; and

5 (3) by inserting after paragraph (5) the fol-
6 lowing:

7 “(6) *REQUIREMENTS FOR PROJECT COMPLE-*
8 *TION.—*

9 “(A) *GENERAL TERM FOR EXPIRATION OF*
10 *PROVISIONAL APPLICATION.—An application*
11 *provisionally approved by the Secretary under*
12 *this subsection shall expire 3 years after the date*
13 *on which the application was provisionally ap-*
14 *proved if the State has not—*

15 “(i) submitted a complete application
16 to the Secretary that fully satisfies the eligi-
17 bility criteria under paragraph (3) and the
18 selection criteria under paragraph (4);

19 “(ii) completed the environmental re-
20 view and permitting process under the Na-
21 tional Environmental Policy Act of 1969
22 (42 U.S.C. 4321 et seq.) for the pilot project;
23 and

24 “(iii) executed a toll agreement with
25 the Secretary.

1 “(B) *EXCEPTIONS TO EXPIRATION.*—Not-
2 withstanding subparagraph (A), the Secretary
3 may extend the provisional approval for not
4 more than 1 additional year if the State dem-
5 onstrates material progress toward implementa-
6 tion of the project as evidenced by—

7 “(i) substantial progress in completing
8 the environmental review and permitting
9 process for the pilot project under the Na-
10 tional Environmental Policy Act of 1969;

11 “(ii) funding and financing commit-
12 ments for the pilot project;

13 “(iii) expressions of support for the
14 pilot project from State and local govern-
15 ments, community interests, and the public;
16 and

17 “(iv) submission of a facility manage-
18 ment plan pursuant to paragraph (3)(D).

19 “(C) *CONDITIONS FOR PREVIOUSLY PROVI-*
20 *SIONALLY APPROVED APPLICATIONS.*—A State
21 with a provisionally approved application for a
22 pilot project as of the date of enactment of the
23 Surface Transportation Reauthorization and Re-
24 form Act of 2015 shall have 1 year after such
25 date of enactment to meet the requirements of

1 (c) *AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DE-*
2 *FINED.*—*In this section, the term “automated traffic en-*
3 *forcement system” means any camera that captures an*
4 *image of a vehicle for the purposes of traffic law enforce-*
5 *ment.*

6 **SEC. 1403. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
7 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
8 **ING UNDER THE INFLUENCE.**

9 (a) *IN GENERAL.*—*Section 164(a)(4) of title 23,*
10 *United States Code, is amended—*

11 (1) *in the matter preceding subparagraph (A) by*
12 *inserting “, or a combination of State laws,” after “a*
13 *State law”;* and

14 (2) *by striking subparagraph (A) and inserting*
15 *the following:*

16 “(A) receive, for not less than 1 year—

17 “(i) a suspension of all driving privi-

18 leges;

19 “(ii) a restriction on driving privileges

20 that limits the individual to operating only

21 motor vehicles with an ignition interlock

22 system installed (allowing for limited excep-

23 tions for circumstances when the individual

24 is required to operate an employer’s motor

25 vehicle in the course and scope of employ-

1 *ment and the business entity that owns the*
2 *vehicle is not owned or controlled by the in-*
3 *dividual); or*

4 *“(iii) a combination of both clauses (i)*
5 *and (ii);”.*

6 **(b) APPLICATION.**—*The amendments made by this sec-*
7 *tion shall apply with respect to fiscal years beginning after*
8 *the date of enactment of this Act.*

9 **SEC. 1404. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
10 **COUNTABILITY.**

11 **(a) IN GENERAL.**—*Section 104 of title 23, United*
12 *States Code, is amended by striking subsection (g) and in-*
13 *serting the following:*

14 **“(g) HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
15 **COUNTABILITY REPORTS.**—

16 **“(1) COMPILATION OF DATA.**—*The Secretary*
17 *shall compile data in accordance with this subsection*
18 *on the use of Federal-aid highway funds made avail-*
19 *able under this title.*

20 **“(2) REQUIREMENTS.**—*The Secretary shall en-*
21 *sure that the reports required under this subsection*
22 *are made available in a user-friendly manner on the*
23 *public Internet Web site of the Department and can*
24 *be searched and downloaded by users of the Web site.*

25 **“(3) CONTENTS OF REPORTS.**—

1 “(A) *APPORTIONED AND ALLOCATED PRO-*
2 *GRAMS.—On a semiannual basis, the Secretary*
3 *shall make available a report on funding appor-*
4 *tioned and allocated to the States under this title*
5 *that describes—*

6 “(i) *the amount of funding obligated*
7 *by each State, year-to-date, for the current*
8 *fiscal year;*

9 “(ii) *the amount of funds remaining*
10 *available for obligation by each State;*

11 “(iii) *changes in the obligated, unex-*
12 *pended balance for each State, year-to-date,*
13 *during the current fiscal year, including the*
14 *obligated, unexpended balance at the end of*
15 *the preceding fiscal year and current fiscal*
16 *year expenditures;*

17 “(iv) *the amount and program cat-*
18 *egory of unobligated funding, year-to-date,*
19 *available for expenditure at the discretion of*
20 *the Secretary;*

21 “(v) *the rates of obligation on and off*
22 *the National Highway System, year-to-date,*
23 *for the current fiscal year of funds appor-*
24 *tioned, allocated, or set aside under this sec-*
25 *tion, according to—*

- 1 “(I) program;
- 2 “(II) funding category or sub-
- 3 category;
- 4 “(III) type of improvement;
- 5 “(IV) State; and
- 6 “(V) sub-State geographical area,
- 7 including urbanized and rural areas,
- 8 on the basis of the population of each
- 9 such area; and
- 10 “(vi) the amount of funds transferred
- 11 by each State, year-to-date, for the current
- 12 fiscal year between programs under section
- 13 126.
- 14 “(B) PROJECT DATA.—On an annual basis,
- 15 the Secretary shall make available a report that,
- 16 to the maximum extent possible, provides project-
- 17 specific data describing—
- 18 “(i) for all projects funded under this
- 19 title (excluding projects for which funds are
- 20 transferred to agencies other than the Fed-
- 21 eral Highway Administration)—
- 22 “(I) the specific location of the
- 23 project;
- 24 “(II) the total cost of the project;

1 “(III) the amount of Federal
2 funding obligated for the project;

3 “(IV) the program or programs
4 from which Federal funds have been
5 obligated for the project;

6 “(V) the type of improvement
7 being made; and

8 “(VI) the ownership of the high-
9 way or bridge; and

10 “(ii) for any project funded under this
11 title (excluding projects for which funds are
12 transferred to agencies other than the Fed-
13 eral Highway Administration) with an esti-
14 mated total cost as of the start of construc-
15 tion in excess of \$100,000,000, the data
16 specified under clause (i) and additional
17 data describing—

18 “(I) whether the project is located
19 in an area of the State with a popu-
20 lation of—

21 “(aa) less than 5,000 indi-
22 viduals;

23 “(bb) 5,000 or more individ-
24 uals but less than 50,000 individ-
25 uals;

1 “(cc) 50,000 or more individ-
2 uals but less than 200,000 indi-
3 viduals; or

4 “(dd) 200,000 or more indi-
5 viduals;

6 “(II) the estimated cost of the
7 project as of the start of project con-
8 struction, or the revised cost estimate
9 based on a description of revisions to
10 the scope of work or other factors af-
11 fecting project cost other than cost
12 overruns; and

13 “(III) the amount of non-Federal
14 funds obligated for the project.”.

15 (b) *CONFORMING AMENDMENT.*—Section 1503 of
16 *MAP-21* (23 U.S.C. 104 note; Public Law 112-141) is
17 amended by striking subsection (c).

18 **SEC. 1405. HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-**
19 **WAY SYSTEM.**

20 (a) *IDENTIFICATION OF HIGH PRIORITY CORRIDORS*
21 *ON NATIONAL HIGHWAY SYSTEM.*—Section 1105(c) of the
22 *Intermodal Surface Transportation Efficiency Act of 1991*
23 *is amended—*

24 (1) by striking paragraph (13) and inserting the
25 following:

1 “(13) *Raleigh-Norfolk Corridor from Raleigh,*
2 *North Carolina, through Rocky Mount, Williamston,*
3 *and Elizabeth City, North Carolina, to Norfolk, Vir-*
4 *ginia.*”;

5 (2) *in paragraph (18)(D)—*

6 (A) *in clause (ii) by striking “and” at the*
7 *end;*

8 (B) *in clause (iii) by striking the period at*
9 *the end and inserting “; and”;* and

10 (C) *by adding at the end the following:*

11 “(iv) *include Texas State Highway 44*
12 *from United States Route 59 at Freer,*
13 *Texas, to Texas State Highway 358.*”;

14 (3) *by striking paragraph (68) and inserting the*
15 *following:*

16 “(68) *The Washoe County Corridor and the*
17 *Intermountain West Corridor, which shall generally*
18 *follow—*

19 (A) *for the Washoe County Corridor, along*
20 *Interstate Route 580/United States Route 95/*
21 *United States Route 95A from Reno, Nevada, to*
22 *Las Vegas, Nevada; and*

23 (B) *for the Intermountain West Corridor,*
24 *from the vicinity of Las Vegas, Nevada, north*

1 *along United States Route 95 terminating at*
2 *Interstate Route 80.”; and*

3 *(4) by adding at the end the following:*

4 “(81) *United States Route 117/Interstate Route*
5 *795 from United States Route 70 in Goldsboro,*
6 *Wayne County, North Carolina, to Interstate Route*
7 *40 west of Faison, Sampson County, North Carolina.*

8 “(82) *United States Route 70 from its intersec-*
9 *tion with Interstate Route 40 in Garner, Wake Coun-*
10 *ty, North Carolina, to the Port at Morehead City,*
11 *Carteret County, North Carolina.*

12 “(83) *The Sonoran Corridor along State Route*
13 *410 connecting Interstate Route 19 and Interstate*
14 *Route 10 south of the Tucson International Airport.*

15 “(84) *The Central Texas Corridor commencing*
16 *at the logical terminus of Interstate Route 10, gen-*
17 *erally following portions of United States Route 190*
18 *eastward, passing in the vicinity Fort Hood, Killeen,*
19 *Belton, Temple, Bryan, College Station, Huntsville,*
20 *Livingston, and Woodville, to the logical terminus of*
21 *Texas Highway 63 at the Sabine River Bridge at*
22 *Burrs Crossing.*

23 “(85) *Interstate Route 81 in New York from its*
24 *intersection with Interstate Route 86 to the United*
25 *States-Canadian border.”.*

1 (b) *INCLUSION OF CERTAIN ROUTE SEGMENTS ON*
2 *INTERSTATE SYSTEM.*—Section 1105(e)(5)(A) of the Inter-
3 modal Surface Transportation Efficiency Act of 1991 is
4 amended—

5 (1) by inserting “subsection (c)(13),” after “sub-
6 section (c)(9),”;

7 (2) by striking “subsections (c)(18)” and all that
8 follows through “subsection (c)(36)” and inserting
9 “subsection (c)(18), subsection (c)(20), subparagraphs
10 (A) and (B)(i) of subsection (c)(26), subsection
11 (c)(36)”;

12 (3) by striking “and subsection (c)(57)” and in-
13 serting “subsection (c)(57), subsection (c)(68)(B), sub-
14 section (c)(81), subsection (c)(82), and subsection
15 (c)(83)”.

16 (c) *DESIGNATION.*—Section 1105(e)(5)(C)(i) of the
17 Intermodal Surface Transportation Efficiency Act of 1991
18 is amended by striking the final sentence and inserting the
19 following: “The routes referred to in subparagraphs (A) and
20 (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are
21 designated as Interstate Route I–11.”

22 (d) *FUTURE INTERSTATE DESIGNATION.*—Section
23 119(a) of the SAFETEA–LU Technical Corrections Act of
24 2008 is amended by striking “and, as a future Interstate
25 Route 66 Spur, the Natcher Parkway in Owensboro, Ken-

1 *tucky*” and inserting “between Henderson, Kentucky, and
2 Owensboro, Kentucky, and, as a future Interstate Route 65
3 and 66 Spur, the William H. Natcher Parkway between
4 Bowling Green, Kentucky, and Owensboro, Kentucky”.

5 **SEC. 1406. FLEXIBILITY FOR PROJECTS.**

6 (a) *AUTHORITY*.—With respect to projects eligible for
7 funding under title 23, United States Code, subject to sub-
8 section (b) and on request by a State, the Secretary may—

9 (1) *exercise all existing flexibilities under and*
10 *exceptions to—*

11 (A) *the requirements of title 23, United*
12 *States Code; and*

13 (B) *other requirements administered by the*
14 *Secretary, in whole or part; and*

15 (2) *otherwise provide additional flexibility or ex-*
16 *pedited processing with respect to the requirements*
17 *described in paragraph (1).*

18 (b) *MAINTAINING PROTECTIONS*.—Nothing in this sec-
19 *tion—*

20 (1) *waives the requirements of section 113 or 138*
21 *of title 23, United States Code;*

22 (2) *supersedes, amends, or modifies—*

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

1 (B) any requirement of title 23 or title 49,
2 United States Code; or

3 (3) affects the responsibility of any Federal offi-
4 cer to comply with or enforce any law or requirement
5 described in this subsection.

6 **SEC. 1407. PRODUCTIVE AND TIMELY EXPENDITURE OF**
7 **FUNDS.**

8 (a) *IN GENERAL.*—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall develop guid-
10 ance that encourages the use of programmatic approaches
11 to project delivery, expedited and prudent procurement
12 techniques, and other best practices to facilitate productive,
13 effective, and timely expenditure of funds for projects eligi-
14 ble for funding under title 23, United States Code.

15 (b) *IMPLEMENTATION.*—The Secretary shall work with
16 States to ensure that any guidance developed under sub-
17 section (a) is consistently implemented by States and the
18 Federal Highway Administration to—

19 (1) avoid unnecessary delays in completing
20 projects;

21 (2) minimize cost overruns; and

22 (3) ensure the effective use of Federal funding.

23 **SEC. 1408. CONSOLIDATION OF PROGRAMS.**

24 Section 1519(a) of MAP–21 (126 Stat. 574) is amend-
25 ed by striking “From administrative funds” and all that

1 follows through “shall be made available” and inserting
2 “For each of fiscal years 2016 through 2021, before making
3 an apportionment under section 104(b)(3) of title 23,
4 United States Code, the Secretary shall set aside, from
5 amounts made available to carry out the highway safety
6 improvement program under section 148 of such title for
7 the fiscal year, \$3,500,000”.

8 **SEC. 1409. FEDERAL SHARE PAYABLE.**

9 (a) *INNOVATIVE PROJECT DELIVERY METHODS*.—Sec-
10 tion 120(c)(3)(A)(ii) of title 23, United States Code, is
11 amended by inserting “engineering or design approaches,”
12 after “technologies,”.

13 (b) *EMERGENCY RELIEF*.—Section 120(e)(2) of title
14 23, United States Code, is amended by striking “Federal
15 land access transportation facilities,” and inserting “other
16 federally owned roads that are open to public travel,”.

17 **SEC. 1410. ELIMINATION OR MODIFICATION OF CERTAIN**
18 **REPORTING REQUIREMENTS.**

19 (a) *FUNDAMENTAL PROPERTIES OF ASPHALTS RE-*
20 *PORT*.—Section 6016(e) of the Intermodal Surface Trans-
21 portation Efficiency Act of 1991 (105 Stat. 2183) is re-
22 pealed.

23 (b) *EXPRESS LANES DEMONSTRATION PROGRAM RE-*
24 *PORTS*.—Section 1604(b)(7)(B) of SAFETEA-LU (23
25 U.S.C. 129 note) is repealed.

1 **SEC. 1411. TECHNICAL CORRECTIONS.**

2 (a) *TITLE 23.*—*Title 23, United States Code, is*
3 *amended as follows:*

4 (1) *Section 150(c)(3)(B) is amended by striking*
5 *the semicolon at the end and inserting a period.*

6 (2) *Section 154(c) is amended—*

7 (A) *in paragraph (3)(A) by striking “trans-*
8 *ferred” and inserting “reserved”; and*

9 (B) *in paragraph (5)—*

10 (i) *in the matter preceding subpara-*
11 *graph (A) by inserting “or released” after*
12 *“transferred”; and*

13 (ii) *in subparagraph (A) by striking*
14 *“under section 104(b)(l)” and inserting*
15 *“under section 104(b)(1)”.*

16 (3) *Section 164(b) is amended—*

17 (A) *in paragraph (3)(A) by striking “trans-*
18 *ferred” and inserting “reserved”; and*

19 (B) *in paragraph (5) by inserting “or re-*
20 *leased” after “transferred”.*

21 (b) *MAP–21.*—*Effective as of July 6, 2012, and as if*
22 *included therein as enacted, MAP–21 (Public Law 112–*
23 *141) is amended as follows:*

24 (1) *Section 1109(a)(2) (126 Stat. 444) is amend-*
25 *ed by striking “fourth” and inserting “fifth”.*

26 (2) *Section 1203 (126 Stat. 524) is amended—*

1 (A) in subsection (a) by striking “Section
2 150 of title 23, United States Code, is amended
3 to read as follows” and inserting “Title 23,
4 United States Code, is amended by inserting
5 after section 149 the following”; and

6 (B) in subsection (b) by striking “by strik-
7 ing the item relating to section 150 and insert-
8 ing” and inserting “by inserting after the item
9 relating to section 149”.

10 (3) Section 1313(a)(1) (126 Stat. 545) is amend-
11 ed to read as follows:

12 “(1) in the section heading by striking ‘**pilot**’;
13 and”.

14 (4) Section 1314(b) (126 Stat. 549) is amend-
15 ed—

16 (A) by inserting “chapter 3 of” after “anal-
17 ysis for”; and

18 (B) by inserting a period at the end of the
19 matter proposed to be inserted.

20 (5) Section 1519(c) (126 Stat. 575) is amend-
21 ed—

22 (A) by striking paragraph (3);

23 (B) by redesignating paragraphs (4)
24 through (12) as paragraphs (3) through (11), re-
25 spectively;

1 (C) in paragraph (7), as redesignated by
2 subparagraph (B) of this paragraph—

3 (i) by striking the period at the end of
4 the matter proposed to be struck; and

5 (ii) by adding a period at the end; and

6 (D) in paragraph (8)(A)(i)(I), as redesignated by
7 subparagraph (B) of this paragraph, by
8 striking “than rail” in the matter proposed to be
9 struck and inserting “than on rail”.

10 (6) Section 1528 is amended—

11 (A) in subsection (b) by inserting “(or a
12 lower percentage if so requested by a State with
13 respect to a project)” after “100 percent”; and

14 (B) in subsection (c) by inserting “(or a
15 lower percentage if so requested by a State with
16 respect to a project)” after “100 percent”.

17 **SEC. 1412. SAFETY FOR USERS.**

18 (a) *IN GENERAL.*—The Secretary shall encourage each
19 State and metropolitan planning organization to adopt
20 standards for the design of Federal surface transportation
21 projects that provide for the safe and adequate accommoda-
22 tion (as determined by the State) in all phases of project
23 planning, development, and operation, of all users of the
24 surface transportation network, including motorized and
25 nonmotorized users.

1 (b) *REPORT.*—Not later than 2 years after the date
2 of enactment of this section, the Secretary shall make avail-
3 able to the public a report cataloging examples of State law
4 or State transportation policy that provides for the safe and
5 adequate accommodation, in all phases of project planning,
6 development, and operation of all users of the surface trans-
7 portation network.

8 (c) *BEST PRACTICES.*—Based on the report required
9 under subsection (b), the Secretary shall identify and dis-
10 seminate examples of best practices where States have
11 adopted measures that have successfully provided for the
12 safe and adequate accommodation of all users of the trans-
13 portation network in all phases of project development and
14 operation.

15 **SEC. 1413. DESIGN STANDARDS.**

16 (a) *IN GENERAL.*—Section 109 of title 23, United
17 States Code, is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1)—

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

22 (ii) in subparagraph (B) by striking
23 “and” at the end;

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (D); and

1 (iv) by inserting after subparagraph
2 (B) the following:

3 “(C) cost savings by utilizing flexibility
4 that exists in current design guidance and regu-
5 lations; and”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (C) by striking
8 “and” at the end;

9 (ii) by redesignating subparagraph (D)
10 as subparagraph (F); and

11 (iii) by inserting after subparagraph
12 (C) the following:

13 “(D) the publication entitled ‘Highway
14 Safety Manual’ of the American Association of
15 State Highway and Transportation Officials;

16 “(E) the publication entitled ‘Urban Street
17 Design Guide’ of the National Association of
18 City Transportation Officials; and”;

19 (2) in subsection (f) by inserting “pedestrian
20 walkways,” after “bikeways,”.

21 (b) *DESIGN STANDARD FLEXIBILITY.*—Notwith-
22 standing section 109(o) of title 23, United States Code, a
23 State may allow a local jurisdiction to use a roadway de-
24 sign publication that is different from the roadway design
25 publication used by the State in which the local jurisdiction

1 *is located for the design of a project on a roadway under*
2 *the ownership of the local jurisdiction (other than a high-*
3 *way on the Interstate System) if—*

4 *(1) the local jurisdiction is a direct recipient of*
5 *Federal funds for the project;*

6 *(2) the roadway design publication—*

7 *(A) is recognized by the Federal Highway*
8 *Administration; and*

9 *(B) is adopted by the local jurisdiction; and*

10 *(3) the design complies with all other applicable*
11 *Federal laws.*

12 **SEC. 1414. RESERVE FUND.**

13 *(a) LIMITATION.—*

14 *(1) IN GENERAL.—Notwithstanding funding, au-*
15 *thorizations of appropriations, and contract authority*
16 *described in sections 1101, 1102, 3017, 4001, 5101,*
17 *and 6002 of this Act, including the amendments made*
18 *by such sections, sections 125 and 147 of title 23,*
19 *United States Code, and section 5338(a) of title 49,*
20 *United States Code, no funding, authorization of ap-*
21 *propriations, and contract authority described in*
22 *those sections for fiscal years 2019 through 2021 shall*
23 *exist unless and only to the extent that a subsequent*
24 *Act of Congress causes additional monies to be depos-*
25 *ited in the Highway Trust Fund.*

1 (2) *ADMINISTRATIVE EXPENSES.*—*The limitation*
2 *on funds provided in paragraph (1) shall not apply*
3 *to—*

4 (A) *administrative expenses of the Federal*
5 *Highway Administration under sections 104(a)*
6 *and 608(a)(6) of title 23, United States Code;*

7 (B) *administrative expenses of the National*
8 *Highway Traffic Safety Administration under*
9 *section 4001(a)(6) of this Act;*

10 (C) *administrative expenses of the Federal*
11 *Motor Carrier Safety Administration under sec-*
12 *tion 5103 of this Act; and*

13 (D) *administrative expenses of the Federal*
14 *Transit Administration under section 5338(h) of*
15 *title 49, United States Code.*

16 (b) *ADJUSTMENTS TO CONTRACT AUTHORITY.*—

17 (1) *IN GENERAL.*—*Chapter 1 of title 23, United*
18 *States Code, is amended by inserting after section 104*
19 *the following:*

20 **“§ 105. Adjustments to contract authority**

21 “(a) *CALCULATION.*—

22 “(1) *IN GENERAL.*—*The President shall include*
23 *in each of the fiscal year 2017 through 2021 budget*
24 *submissions to Congress under section 1105(a) of title*
25 *31, for each of the Highway Account and the Mass*

1 *Transit Account, a calculation of the difference be-*
2 *tween—*

3 *“(A) the actual level of monies deposited in*
4 *that account for the most recently completed fis-*
5 *cal year; and*

6 *“(B) the estimated level of receipts for that*
7 *account for the most recently completed fiscal*
8 *year, as specified in paragraph (2).*

9 *“(2) ESTIMATE.—The estimated level of receipts*
10 *specified in this paragraph are—*

11 *“(A) for the Highway Account—*

12 *“(i) for fiscal year 2015,*
13 *\$35,067,000,000;*

14 *“(ii) for fiscal year 2016,*
15 *\$35,498,000,000;*

16 *“(iii) for fiscal year 2017,*
17 *\$35,879,000,000;*

18 *“(iv) for fiscal year 2018,*
19 *\$36,084,000,000; and*

20 *“(v) for fiscal year 2019,*
21 *\$36,117,000,000; and*

22 *“(B) for the Mass Transit Account—*

23 *“(i) for fiscal year 2015,*
24 *\$4,994,000,000;*

1 “(ii) for fiscal year 2016,
2 \$5,020,000,000;

3 “(iii) for fiscal year 2017,
4 \$5,024,000,000;

5 “(iv) for fiscal year 2018,
6 \$5,011,000,000; and

7 “(v) for fiscal year 2019,
8 \$4,981,000,000.

9 “(b) *ADJUSTMENTS TO CONTRACT AUTHORITY.*—

10 “(1) *ADDITIONAL AMOUNTS.*—*If the difference*
11 *determined in a budget submission under subsection*
12 *(a) for a fiscal year for the Highway Account or the*
13 *Mass Transit Account is greater than zero, the Sec-*
14 *retary shall on October 1 of the budget year of that*
15 *submission—*

16 “(A) *make available for programs author-*
17 *ized from such account for the budget year a*
18 *total amount equal to—*

19 “(i) *the amount otherwise authorized*
20 *to be appropriated for such programs for*
21 *such budget year; plus*

22 “(ii) *an amount equal to such dif-*
23 *ference; and*

1 “(B) distribute the additional amount
2 under subparagraph (A)(ii) to each of such pro-
3 grams in accordance with subsection (c).

4 “(2) REDUCTION.—If the difference determined
5 in a budget submission under subsection (a) for a fis-
6 cal year for the Highway Account or the Mass Tran-
7 sit Account is less than zero, the Secretary shall on
8 October 1 of the budget year of that submission—

9 “(A) make available for programs author-
10 ized from such account for the budget year a
11 total amount equal to—

12 “(i) the amount otherwise authorized
13 to be appropriated for such programs for
14 such budget year; minus

15 “(ii) an amount equal to such dif-
16 ference; and

17 “(B) apply the total adjustment under sub-
18 paragraph (A)(ii) to each of such programs in
19 accordance with subsection (c).

20 “(c) DISTRIBUTION OF ADJUSTMENT AMONG PRO-
21 GRAMS.—

22 “(1) IN GENERAL.—In making an adjustment
23 for the Highway Account or the Mass Transit Ac-
24 count for a budget year under subsection (b), the Sec-
25 retary shall—

1 “(A) determine the ratio that—

2 “(i) the amount authorized to be ap-
3 propriated for a program from the account
4 for the budget year; bears to

5 “(ii) the total amount authorized to be
6 appropriated for such budget year for all
7 programs under such account;

8 “(B) multiply the ratio determined under
9 subparagraph (A) by the applicable difference
10 calculated under subsection (a); and

11 “(C) adjust the amount that the Secretary
12 would otherwise have allocated for the program
13 for such budget year by the amount calculated
14 under subparagraph (B).

15 “(2) *FORMULA PROGRAMS.*—For a program for
16 which funds are distributed by formula, the Secretary
17 shall add or subtract the adjustment to the amount
18 authorized for the program but for this section and
19 make available the adjusted program amount for such
20 program in accordance with such formula.

21 “(3) *AVAILABILITY FOR OBLIGATION.*—Adjusted
22 amounts under this subsection shall be available for
23 obligation and administered in the same manner as
24 other amounts made available for the program for
25 which the amount is adjusted.

1 “(d) *EXCLUSION OF EMERGENCY RELIEF PROGRAM*
2 *AND COVERED ADMINISTRATIVE EXPENSES.*—*The Sec-*
3 *retary shall exclude the emergency relief program under sec-*
4 *tion 125 and covered administrative expenses from—*

5 “(1) *an adjustment of funding under subsection*
6 *(c)(1); and*

7 “(2) *any calculation under subsection (b) or (c)*
8 *related to such an adjustment.*

9 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
10 *authorized to be appropriated from the appropriate account*
11 *or accounts of the Highway Trust Fund an amount equal*
12 *to the amounts calculated under subsection (a) for each of*
13 *fiscal years 2017 through 2021.*

14 “(f) *REVISION TO OBLIGATION LIMITATIONS.*—

15 “(1) *IN GENERAL.*—*If the Secretary makes an*
16 *adjustment under subsection (b) for a fiscal year to*
17 *an amount subject to a limitation on obligations im-*
18 *posed by section 1102 or 3017 of the Surface Trans-*
19 *portation Reauthorization and Reform Act of 2015—*

20 “(A) *such limitation on obligations for such*
21 *fiscal year shall be revised by an amount equal*
22 *to such adjustment; and*

23 “(B) *the Secretary shall distribute such lim-*
24 *itation on obligations, as revised under subpara-*
25 *graph (A), in accordance with such sections.*

1 “(2) *EXCLUSION OF COVERED ADMINISTRATIVE*
2 *EXPENSES.—The Secretary shall exclude covered ad-*
3 *ministrative expenses from—*

4 “(A) *any calculation relating to a revision*
5 *of a limitation on obligations under paragraph*
6 *(1)(A); and*

7 “(B) *any distribution of a revised limita-*
8 *tion on obligations under paragraph (1)(B).*

9 “(g) *DEFINITIONS.—In this section, the following defi-*
10 *initions apply:*

11 “(1) *BUDGET YEAR.—The term ‘budget year’*
12 *means the fiscal year for which a budget submission*
13 *referenced in subsection (a)(1) is submitted.*

14 “(2) *COVERED ADMINISTRATIVE EXPENSES.—The*
15 *term ‘covered administrative expenses’ means the ad-*
16 *ministrative expenses of—*

17 “(A) *the Federal Highway Administration,*
18 *as authorized under section 104(a);*

19 “(B) *the National Highway Traffic Safety*
20 *Administration, as authorized under section*
21 *4001(a)(6) of the Surface Transportation Reau-*
22 *thorization and Reform Act of 2015; and*

23 “(C) *the Federal Motor Carrier Safety Ad-*
24 *ministration, as authorized under section 31110*
25 *of title 49.*

1 “(3) *HIGHWAY ACCOUNT.*—*The term ‘Highway*
 2 *Account’ means the portion of the Highway Trust*
 3 *Fund that is not the Mass Transit Account.*”

4 “(4) *MASS TRANSIT ACCOUNT.*—*The term ‘Mass*
 5 *Transit Account’ means the Mass Transit Account of*
 6 *the Highway Trust Fund established under section*
 7 *9503(e)(1) of the Internal Revenue Code of 1986.”*”

8 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 9 *chapter 1 of title 23, United States Code, is amended*
 10 *by inserting after the item relating to section 104 the*
 11 *following:*

 “105. *Adjustments to contract authority.*”

12 **SEC. 1415. ADJUSTMENTS.**

13 (a) *IN GENERAL.*—*On July 1, 2018, of the unobligated*
 14 *balances of funds apportioned among the States under*
 15 *chapter 1 of title 23, United States Code, a total of*
 16 *\$6,000,000,000 is permanently rescinded.*

17 (b) *EXCLUSIONS FROM RESCISSION.*—*The rescission*
 18 *under subsection (a) shall not apply to funds distributed*
 19 *in accordance with—*

20 (1) *sections 104(b)(3) and 130(f) of title 23,*
 21 *United States Code;*

22 (2) *sections 133(d)(1)(A) of such title;*

23 (3) *the first sentence of section 133(d)(3)(A) of*
 24 *such title, as in effect on the day before the date of*
 25 *enactment of MAP–21 (Public Law 112–141);*

1 (4) sections 133(d)(1) and 163 of such title, as
2 in effect on the day before the date of enactment of
3 SAFETEA-LU (Public Law 109–59); and

4 (5) section 104(b)(5) of such title, as in effect on
5 the day before the date of enactment of MAP–21 (Pub-
6 lic Law 112–141).

7 (c) *DISTRIBUTION AMONG STATES.*—The amount to be
8 rescinded under this section from a State shall be deter-
9 mined by multiplying the total amount of the rescission in
10 subsection (a) by the ratio that—

11 (1) the unobligated balances subject to the rescis-
12 sion as of September 30, 2017, for the State; bears to

13 (2) the unobligated balances subject to the rescis-
14 sion as of September 30, 2017, for all States.

15 (d) *DISTRIBUTION WITHIN EACH STATE.*—The
16 amount to be rescinded under this section from each pro-
17 gram to which the rescission applies within a State shall
18 be determined by multiplying the required rescission
19 amount calculated under subsection (c) for such State by
20 the ratio that—

21 (1) the unobligated balance as of September 30,
22 2017, for such program in such State; bears to

23 (2) the unobligated balances as of September 30,
24 2017, for all programs to which the rescission applies
25 in such State.

1 **SEC. 1416. NATIONAL ELECTRIC VEHICLE CHARGING, HY-**
2 **DROGEN, AND NATURAL GAS FUELING COR-**
3 **RIDORS.**

4 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
5 Code, is amended by inserting after section 150 the fol-
6 lowing:

7 **“§151. National electric vehicle charging, hydrogen,**
8 **and natural gas fueling corridors**

9 “(a) *IN GENERAL.*—Not later than 1 year after the
10 date of enactment of the Surface Transportation Reauthor-
11 ization and Reform Act of 2015, the Secretary shall des-
12 ignate national electric vehicle charging, hydrogen, and
13 natural gas fueling corridors that identify the near- and
14 long-term need for, and location of, electric vehicle charging
15 infrastructure, hydrogen infrastructure, and natural gas
16 fueling infrastructure at strategic locations along major na-
17 tional highways to improve the mobility of passenger and
18 commercial vehicles that employ electric, hydrogen fuel cell,
19 and natural gas fueling technologies across the United
20 States.

21 “(b) *DESIGNATION OF CORRIDORS.*—In designating
22 the corridors under subsection (a), the Secretary shall—

23 “(1) solicit nominations from State and local of-
24 ficials for facilities to be included in the corridors;

25 “(2) incorporate existing electric vehicle charg-
26 ing, hydrogen fueling stations, and natural gas fuel-

1 *ing corridors designated by a State or group of*
2 *States; and*

3 *“(3) consider the demand for, and location of,*
4 *existing electric vehicle charging, hydrogen fueling*
5 *stations, and natural gas fueling infrastructure.*

6 *“(c) STAKEHOLDERS.—In designating corridors under*
7 *subsection (a), the Secretary shall involve, on a voluntary*
8 *basis, stakeholders that include—*

9 *“(1) the heads of other Federal agencies;*

10 *“(2) State and local officials;*

11 *“(3) representatives of—*

12 *“(A) energy utilities;*

13 *“(B) the electric, fuel cell electric, and nat-*
14 *ural gas vehicle industries;*

15 *“(C) the freight and shipping industry;*

16 *“(D) clean technology firms;*

17 *“(E) the hospitality industry;*

18 *“(F) the restaurant industry;*

19 *“(G) highway rest stop vendors; and*

20 *“(H) industrial gas and hydrogen manufac-*
21 *turers; and*

22 *“(4) such other stakeholders as the Secretary de-*
23 *termines to be necessary.*

24 *“(d) REDESIGNATION.—Not later than 5 years after*
25 *the date of establishment of the corridors under subsection*

1 (a), and every 5 years thereafter, the Secretary shall update
2 and redesignate the corridors.

3 “(e) *REPORT.*—During designation and redesignation
4 of the corridors under this section, the Secretary shall issue
5 a report that—

6 “(1) identifies electric vehicle charging, hydrogen
7 infrastructure, and natural gas fueling infrastructure
8 and standardization needs for electricity providers,
9 industrial gas providers, natural gas providers, infra-
10 structure providers, vehicle manufacturers, electricity
11 purchasers, and natural gas purchasers; and

12 “(2) establishes an aspirational goal of achieving
13 strategic deployment of electric vehicle charging, hy-
14 drogen infrastructure, and natural gas fueling infra-
15 structure in those corridors by the end of fiscal year
16 2021.”.

17 (b) *CONFORMING AMENDMENT.*—The analysis for
18 chapter 1 of title 23, United States Code, is amended by
19 inserting after the item relating to section 150 the following:

“151. National electric vehicle charging, hydrogen, and natural gas fueling cor-
ridors.”.

20 **SEC. 1417. FERRIES.**

21 Section 147 of title 23, United States Code, is amended
22 by adding at the end the following:

23 “(h) *REDISTRIBUTION OF UNOBLIGATED AMOUNTS.*—
24 The Secretary shall—

1 “(1) *withdraw amounts allocated to eligible enti-*
2 *ties under this section that remain unobligated by the*
3 *end of the third fiscal year following the fiscal year*
4 *for which the amounts were allocated; and*

5 “(2) *in the fiscal year beginning after a fiscal*
6 *year in which a withdrawal is made under para-*
7 *graph (1), redistribute the funds withdrawn, in ac-*
8 *cordance with the formula specified under subsection*
9 *(d), among eligible entities with respect to which no*
10 *amounts were withdrawn under paragraph (1).”.*

11 **SEC. 1418. STUDY ON PERFORMANCE OF BRIDGES.**

12 (a) *IN GENERAL.*—Subject to subsection (c), the Ad-
13 *ministrator of the Federal Highway Administration shall*
14 *commission the Transportation Research Board of the Na-*
15 *tional Academy of Sciences to conduct a study on the per-*
16 *formance of bridges that are at least 15 years old and re-*
17 *ceived funding under the innovative bridge research and*
18 *construction program (in this section referred to as the*
19 *“program”) under section 503(b) of title 23, United States*
20 *Code (as in effect on the day before the date of enactment*
21 *of SAFETEA-LU (Public Law 109-59) in meeting the*
22 *goals of that program, which included—*

23 (1) *the development of new, cost-effective innova-*
24 *tive material highway bridge applications;*

1 (2) *the reduction of maintenance costs and*
2 *lifecycle costs of bridges, including the costs of new*
3 *construction, replacement, or rehabilitation of defi-*
4 *cient bridges;*

5 (3) *the development of construction techniques to*
6 *increase safety and reduce construction time and traf-*
7 *fic congestion;*

8 (4) *the development of engineering design cri-*
9 *teria for innovative products and materials for use in*
10 *highway bridges and structures;*

11 (5) *the development of cost-effective and innova-*
12 *tive techniques to separate vehicle and pedestrian*
13 *traffic from railroad traffic;*

14 (6) *the development of highway bridges and*
15 *structures that will withstand natural disasters, in-*
16 *cluding alternative processes for the seismic retrofit of*
17 *bridges; and*

18 (7) *the development of new nondestructive bridge*
19 *evaluation technologies and techniques.*

20 (b) *CONTENTS.*—*The study commissioned under sub-*
21 *section (a) shall include—*

22 (1) *an analysis of the performance of bridges*
23 *that received funding under the program in meeting*
24 *the goals described in paragraphs (1) through (7) of*
25 *subsection (a);*

1 (2) *an analysis of the utility, compared to con-*
2 *ventional materials and technologies, of each of the*
3 *innovative materials and technologies used in projects*
4 *for bridges under the program in meeting the needs*
5 *of the United States in 2015 and in the future for a*
6 *sustainable and low lifecycle cost transportation sys-*
7 *tem;*

8 (3) *recommendations to Congress on how the in-*
9 *stalled and lifecycle costs of bridges could be reduced*
10 *through the use of innovative materials and tech-*
11 *nologies, including, as appropriate, any changes in*
12 *the design and construction of bridges needed to*
13 *maximize the cost reductions; and*

14 (4) *a summary of any additional research that*
15 *may be needed to further evaluate innovative ap-*
16 *proaches to reducing the installed and lifecycle costs*
17 *of highway bridges.*

18 (c) *PUBLIC COMMENT.*—*Before commissioning the*
19 *study under subsection (a), the Administrator shall provide*
20 *an opportunity for public comment on the study proposal.*

21 (d) *DATA FROM STATES.*—*Each State that received*
22 *funds under the program shall provide to the Transpor-*
23 *tation Research Board any relevant data needed to carry*
24 *out the study commissioned under subsection (a).*

1 (e) *DEADLINE.*—*The Administrator shall submit to*
2 *Congress a report on the results of the study commissioned*
3 *under subsection (a) not later than 3 years after the date*
4 *of enactment of this Act.*

5 **SEC. 1419. RELINQUISHMENT OF PARK-AND-RIDE LOT FA-**
6 **CILITIES.**

7 *A State transportation agency may relinquish park-*
8 *and-ride lot facilities or portions of park-and-ride lot facili-*
9 *ties to a local government agency for highway purposes if*
10 *authorized to do so under State law if the agreement pro-*
11 *viding for the relinquishment provides that—*

12 (1) *rights-of-way on the Interstate System will*
13 *remain available for future highway improvements;*
14 *and*

15 (2) *modifications to the facilities that could im-*
16 *pair the highway or interfere with the free and safe*
17 *flow of traffic are subject to the approval of the Sec-*
18 *retary.*

19 **SEC. 1420. PILOT PROGRAM.**

20 (a) *IN GENERAL.*—*The Secretary may establish a pilot*
21 *program that allows a State to utilize innovative ap-*
22 *proaches to maintain the right-of-way of Federal-aid high-*
23 *ways within such State.*

24 (b) *LIMITATION.*—*A pilot program established under*
25 *subsection (a) shall—*

- 1 (1) *terminate after not more than 6 years;*
- 2 (2) *include not more than 5 States; and*
- 3 (3) *be subject to guidelines published by the Sec-*
4 *retary.*

5 (c) *REPORT.—If the Secretary establishes a pilot pro-*
6 *gram under subsection (a), the Secretary shall, not more*
7 *than 1 year after the completion of the pilot program, sub-*
8 *mit to the Committee on Transportation and Infrastructure*
9 *of the House of Representatives and the Committee on Envi-*
10 *ronment and Public Works of the Senate a report on the*
11 *results of the pilot program.*

12 **SEC. 1421. INNOVATIVE PROJECT DELIVERY EXAMPLES.**

13 *Section 120(c)(3)(B) of title 23, United States Code,*
14 *is amended—*

- 15 (1) *in clause (iv) by striking “or” at the end;*
- 16 (2) *by redesignating clause (v) as clause (vi);*
17 *and*
- 18 (3) *by inserting after clause (iv) the following:*

19 *“(v) innovative pavement materials*
20 *that have a demonstrated life cycle of 75 or*
21 *more years, are manufactured with reduced*
22 *greenhouse gas emissions, and reduce con-*
23 *struction-related congestion by rapidly cur-*
24 *ing; or”.*

1 **SEC. 1422. 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 the
7 enhancement of habitat and forage for pollinators)”
8 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. 1423. MILK PRODUCTS.**

7 *Section 127(a) of title 23, United States Code, is*
8 *amended by adding at the end the following:*

9 *“(13) MILK PRODUCTS.—A vehicle carrying*
10 *fluid milk products shall be considered a load that*
11 *cannot be easily dismantled or divided.”.*

12 **SEC. 1424. INTERSTATE WEIGHT LIMITS FOR EMERGENCY**
13 **VEHICLES.**

14 *Section 127(a) of title 23, United States Code, as*
15 *amended by this Act, is further amended by adding at the*
16 *end the following:*

17 *“(14) EMERGENCY VEHICLES.—*

18 *“(A) IN GENERAL.—With respect to an*
19 *emergency vehicle, the following weight limits*
20 *shall apply in lieu of the maximum and min-*
21 *imum weight limits specified in this subsection:*

22 *“(i) 24,000 pounds on a single steering*
23 *axle.*

24 *“(ii) 33,500 pounds on a single drive*
25 *axle.*

1 “(iii) 62,000 pounds on a tandem axle.

2 “(iv) A maximum gross vehicle weight
3 of 86,000 pounds.

4 “(B) *EMERGENCY VEHICLE DEFINED.*—In
5 this paragraph, the term ‘emergency vehicle’
6 means a vehicle designed—

7 “(i) to be used under emergency condi-
8 tions to transport personnel and equipment;
9 and

10 “(ii) to support the suppression of fires
11 and mitigation of other hazardous situa-
12 tions.”.

13 **SEC. 1425. VEHICLE WEIGHT LIMITATIONS—INTERSTATE**
14 **SYSTEM.**

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

17 “(m) *COVERED HEAVY-DUTY TOW AND RECOVERY VE-*
18 *HICLES.*—

19 “(1) *IN GENERAL.*—The vehicle weight limita-
20 tions set forth in this section do not apply to a cov-
21 ered heavy-duty tow and recovery vehicle.

22 “(2) *COVERED HEAVY-DUTY TOW AND RECOVERY*
23 *VEHICLE DEFINED.*—In this subsection, the term ‘cov-
24 ered heavy-duty tow and recovery vehicle’ means a ve-
25 hicle that—

1 “(A) is transporting a disabled vehicle from
2 the place where the vehicle became disabled to the
3 nearest appropriate repair facility; and

4 “(B) has a gross vehicle weight that is equal
5 to or exceeds the gross vehicle weight of the dis-
6 abled vehicle being transported.”.

7 **SEC. 1426. NEW NATIONAL GOAL, PERFORMANCE MEASURE,**
8 **AND PERFORMANCE TARGET.**

9 (a) *NATIONAL GOAL.*—Section 150(b) of title 23,
10 *United States Code, is amended by adding at the end the*
11 *following:*

12 “(8) *INTEGRATED ECONOMIC DEVELOPMENT.*—
13 *To improve road conditions in economically dis-*
14 *tressed urban communities and increase access to jobs,*
15 *markets, and economic opportunities for people who*
16 *live in such communities.”.*

17 (b) *PERFORMANCE MEASURE.*—Section 150(c) of such
18 *title is amended by adding at the end the following:*

19 “(7) *INTEGRATED ECONOMIC DEVELOPMENT.*—
20 *The Secretary shall establish measures for States to*
21 *use to assess the conditions, accessibility, and reli-*
22 *ability of roads in economically distressed urban com-*
23 *munities.”.*

1 (c) *PERFORMANCE TARGET*.—Section 150(d)(1) of
2 such title is amended by striking “and (6)” and inserting
3 “(6), and (7)”.

4 **SEC. 1427. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
5 **RELIGIOUS SERVICE SIGNS.**

6 Notwithstanding section 131 of title 23, United States
7 Code, and part 750 of title 23, Code of Federal Regulations
8 (or successor regulations), a State may allow the mainte-
9 nance of a sign of a service club, charitable association, or
10 religious service that was erected as of the date of enactment
11 of this Act and the area of which is less than or equal to
12 32 square feet, if the State notifies the Federal Highway
13 Administration.

14 **SEC. 1428. WORK ZONE AND GUARD RAIL SAFETY TRAINING.**

15 (a) *IN GENERAL*.—Section 1409 of SAFETEA-LU
16 (23 U.S.C. 401 note) is amended—

17 (1) by striking the section heading and inserting

18 “**WORK ZONE AND GUARD RAIL SAFETY TRAIN-**
19 **ING**”; and

20 (2) in subsection (b) by adding at the end the
21 following:

22 “(4) Development, updating, and delivery of
23 training courses on guard rail installation, mainte-
24 nance, and inspection.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of such Act is amended by striking the item*
3 *relating to section 1409 and inserting the following:*

 “*Sec. 1409. Work zone and guard rail safety training.*”.

4 **SEC. 1429. MOTORCYCLIST ADVISORY COUNCIL.**

5 (a) *IN GENERAL.*—*The Secretary, acting through the*
6 *Administrator of the Federal Highway Administration,*
7 *and in consultation with the Committee on Transportation*
8 *and Infrastructure of the House of Representatives and the*
9 *Committee on Environment and Public Works of the Sen-*
10 *ate, shall appoint a Motorcyclist Advisory Council to co-*
11 *ordinate with and advise the Administrator on infrastruc-*
12 *ture issues of concern to motorcyclists, including—*

13 (1) *barrier design;*

14 (2) *road design, construction, and maintenance*
15 *practices; and*

16 (3) *the architecture and implementation of intel-*
17 *ligent transportation system technologies.*

18 (b) *COMPOSITION.*—*The Council shall consist of not*
19 *more than 10 members of the motorcycling community with*
20 *professional expertise in national motorcyclist safety advo-*
21 *cacy, including—*

22 (1) *at least—*

23 (A) *1 member recommended by a national*
24 *motorcyclist association;*

1 (B) 1 member recommended by a national
2 motorcycle riders foundation;

3 (C) 1 representative of the National Asso-
4 ciation of State Motorcycle Safety Administra-
5 tors;

6 (D) 2 members of State motorcyclists' orga-
7 nizations;

8 (E) 1 member recommended by a national
9 organization that represents the builders of high-
10 way infrastructure;

11 (F) 1 member recommended by a national
12 association that represents the traffic safety sys-
13 tems industry; and

14 (G) 1 member of a national safety organiza-
15 tion; and

16 (2) at least 1, but not more than 2, motorcyclists
17 who are traffic system design engineers or State
18 transportation department officials.

19 **SEC. 1430. HIGHWAY WORK ZONES.**

20 It is the sense of the House of Representatives that the
21 Federal Highway Administration should—

22 (1) do all within its power to protect workers in
23 highway work zones; and

24 (2) move rapidly to finalize regulations, as di-
25 rected in section 1405 of MAP-21 (126 Stat. 560), to

1 *protect the lives and safety of construction workers in*
2 *highway work zones from vehicle intrusions.*

3 ***TITLE II—INNOVATIVE PROJECT***
4 ***FINANCE***

5 ***SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE***
6 ***AND INNOVATION ACT OF 1998 AMENDMENTS.***

7 *(a) DEFINITIONS.—*

8 *(1) MASTER CREDIT AGREEMENT.—Section*
9 *601(a)(10) of title 23, United States Code, is amended*
10 *to read as follows:*

11 *“(10) MASTER CREDIT AGREEMENT.—The term*
12 *‘master credit agreement’ means a conditional agree-*
13 *ment to extend credit assistance for a program of re-*
14 *lated projects secured by a common security pledge*
15 *(which shall receive an investment grade rating from*
16 *a rating agency prior to the Secretary entering into*
17 *such master credit agreement) under section*
18 *602(b)(2)(A), or for a single project covered under sec-*
19 *tion 602(b)(2)(B) that does not provide for a current*
20 *obligation of Federal funds, and that would—*

21 *“(A) make contingent commitments of 1 or*
22 *more secured loans or other Federal credit in-*
23 *struments at future dates, subject to the avail-*
24 *ability of future funds being made available to*
25 *carry out this chapter and subject to the satisfac-*

1 *tion of all the conditions for the provision of*
2 *credit assistance under this chapter, including*
3 *section 603(b)(1);*

4 *“(B) establish the maximum amounts and*
5 *general terms and conditions of the secured loans*
6 *or other Federal credit instruments;*

7 *“(C) identify the 1 or more dedicated non-*
8 *Federal revenue sources that will secure the re-*
9 *payment of the secured loans or secured Federal*
10 *credit instruments;*

11 *“(D) provide for the obligation of funds for*
12 *the secured loans or secured Federal credit in-*
13 *struments after all requirements have been met*
14 *for the projects subject to the master credit agree-*
15 *ment, including—*

16 *“(i) completion of an environmental*
17 *impact statement or similar analysis re-*
18 *quired under the National Environmental*
19 *Policy Act of 1969 (42 U.S.C. 4321 et seq.);*

20 *“(ii) compliance with such other re-*
21 *quirements as are specified in this chapter,*
22 *including sections 602(c) and 603(b)(1);*
23 *and*

24 *“(iii) the availability of funds to carry*
25 *out this chapter; and*

1 “(E) require that contingent commitments
2 result in a financial close and obligation of cred-
3 it assistance not later than 3 years after the date
4 of entry into the master credit agreement, or re-
5 lease of the commitment, unless otherwise ex-
6 tended by the Secretary.”.

7 (2) *RURAL INFRASTRUCTURE PROJECT*.—Section
8 601(a)(15) of title 23, United States Code, is amended
9 to read as follows:

10 “(15) *RURAL INFRASTRUCTURE PROJECT*.—The
11 term ‘rural infrastructure project’ means a surface
12 transportation infrastructure project located outside
13 of a Census-Bureau-defined urbanized area.”.

14 (b) *MASTER CREDIT AGREEMENTS*.—Section
15 602(b)(2) of title 23, United States Code is amended to read
16 as follows:

17 “(2) *MASTER CREDIT AGREEMENTS*.—

18 “(A) *PROGRAM OF RELATED PROJECTS*.—
19 The Secretary may enter into a master credit
20 agreement for a program of related projects se-
21 cured by a common security pledge on terms ac-
22 ceptable to the Secretary.

23 “(B) *ADEQUATE FUNDING NOT AVAIL-*
24 *ABLE*.—If the Secretary fully obligates funding
25 to eligible projects in a fiscal year, and adequate

1 *funding is not available to fund a credit instru-*
2 *ment, a project sponsor of an eligible project*
3 *may elect to enter into a master credit agreement*
4 *and wait to execute a credit instrument until the*
5 *fiscal year during which additional funds are*
6 *available to receive credit assistance.”.*

7 *(c) ELIGIBLE PROJECT COSTS.—Section 602(a)(5) of*
8 *title 23, United States Code, is amended—*

9 *(1) in subparagraph (A) by inserting “and (C)”*
10 *after “(B)”;* and

11 *(2) by adding at the end the following:*

12 *“(C) LOCAL INFRASTRUCTURE PROJECTS.—*
13 *Eligible project costs shall be reasonably antici-*
14 *ipated to equal or exceed \$10,000,000 in the case*
15 *of a project or program of projects—*

16 *“(i) in which the applicant is a local*
17 *government, public authority, or instrumen-*
18 *tality of local government;*

19 *“(ii) located on a facility owned by a*
20 *local government; or*

21 *“(iii) for which the Secretary deter-*
22 *mines that a local government is substan-*
23 *tially involved in the development of the*
24 *project.”.*

1 (d) *LIMITATION ON REFINANCING OF INTERIM CON-*
2 *STRUCTION FINANCING.*—Section 603(a)(2) of title 23,
3 *United States Code, is amended to read as follows:*

4 “(2) *LIMITATION ON REFINANCING OF INTERIM*
5 *CONSTRUCTION FINANCING.*—A loan under paragraph
6 (1) shall not refinance interim construction financing
7 under paragraph (1)(B)—

8 “(A) if the maturity of such interim con-
9 struction financing is later than 1 year after the
10 substantial completion of the project; and

11 “(B) later than 1 year after the date of sub-
12 stantial completion of the project.”.

13 (e) *FUNDING.*—Section 608(a) of title 23, *United*
14 *States Code, is amended—*

15 (1) *in paragraph (4)—*

16 (A) *in subparagraph (A) by striking “Be-*
17 *ginning in fiscal year 2014, on April 1 of each*
18 *fiscal year” and inserting “Beginning in fiscal*
19 *year 2016, on August 1 of each fiscal year”;* and

20 (B) *by adding at the end the following:*

21 “(D) *LIMITATIONS.*—The Secretary may not
22 carry out a redistribution under this para-
23 graph—

24 “(i) for any fiscal year in which such
25 redistribution would adversely impact the

1 receipt of credit assistance by a qualified
2 project within such fiscal year; or

3 “(ii) if the budget authority deter-
4 mined to be necessary to cover all requests
5 for credit assistance pending before the De-
6 partment of Transportation on August 1
7 would reduce the uncommitted balance of
8 funds below the threshold established in sub-
9 paragraph (A).”; and

10 (2) by striking paragraph (6) and inserting the
11 following:

12 “(6) *ADMINISTRATIVE COSTS.*—Of the amounts
13 made available to carry out this chapter, the Sec-
14 retary may use not more than \$5,000,000 for fiscal
15 year 2016, \$5,150,000 for fiscal year 2017,
16 \$5,304,500 for fiscal year 2018, \$5,463,500 for fiscal
17 year 2019, \$5,627,500 for fiscal year 2020, and
18 \$5,760,500 for fiscal year 2021 for the administration
19 of this chapter.”.

20 **SEC. 2002. STATE INFRASTRUCTURE BANK PROGRAM.**

21 Section 610 of title 23, United States Code, is amend-
22 ed—

23 (1) in subsection (d)—

24 (A) in paragraph (1) by striking subpara-
25 graph (A) and inserting the following:

1 “(A) 10 percent of the funds apportioned to
2 the State for each of fiscal years 2016 through
3 2021 under each of sections 104(b)(1) and
4 104(b)(2); and”;

5 (B) in paragraph (2) by striking “fiscal
6 years 2005 through 2009” and inserting “fiscal
7 years 2016 through 2021”;

8 (C) in paragraph (3) by striking “fiscal
9 years 2005 through 2009” and inserting “fiscal
10 years 2016 through 2021”; and

11 (D) in paragraph (5) by striking “section
12 133(d)(3)” and inserting “section
13 133(d)(1)(A)(i)”; and

14 (2) in subsection (k) by striking “fiscal years
15 2005 through 2009” and inserting “fiscal years 2016
16 through 2021”.

17 **SEC. 2003. AVAILABILITY PAYMENT CONCESSION MODEL.**

18 (a) *PAYMENT TO STATES FOR CONSTRUCTION.*—Sec-
19 tion 121(a) of title 23, United States Code, is amended by
20 inserting “(including payments made pursuant to a long-
21 term concession agreement, such as availability payments)”
22 after “a project”.

23 (b) *PROJECT APPROVAL AND OVERSIGHT.*—Section
24 106(b)(1) of title 23, United States Code, is amended by
25 inserting “(including payments made pursuant to a long-

1 *term concession agreement, such as availability payments)*”
2 *after “construction of the project”.*

3 ***TITLE III—PUBLIC***
4 ***TRANSPORTATION***

5 ***SEC. 3001. SHORT TITLE.***

6 *This title may be cited as the “Federal Public Trans-*
7 *portation Act of 2015”.*

8 ***SEC. 3002. DEFINITIONS.***

9 *Section 5302 of title 49, United States Code, is amend-*
10 *ed—*

11 *(1) in paragraph (1)(C) by striking “land-*
12 *scaping and”; and*

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

14 *“(24) VALUE CAPTURE.—The term ‘value cap-*
15 *ture’ means recovering the increased property value to*
16 *property located near public transportation resulting*
17 *from investments in public transportation.*

18 *“(25) BASE-MODEL BUS.—The term ‘base-model*
19 *bus’ means a heavy-duty public transportation bus*
20 *manufactured to meet, but not exceed, transit-specific*
21 *minimum performance criteria developed by the Sec-*
22 *retary.”.*

1 **SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPOR-**
2 **TATION PLANNING.**

3 (a) *IN GENERAL.*—Section 5303 of title 49, United
4 States Code, is amended—

5 (1) in subsection (c)(2) by striking “and bicycle
6 transportation facilities” and inserting “, bicycle
7 transportation facilities, and intermodal facilities
8 that support intercity transportation, including inter-
9 city buses and intercity bus facilities”;

10 (2) in subsection (d)—

11 (A) by redesignating paragraphs (3)
12 through (6) as paragraphs (4) through (7), re-
13 spectively; and

14 (B) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) *REPRESENTATION.*—

17 “(A) *IN GENERAL.*—Designation or selection
18 of officials or representatives under paragraph
19 (2) shall be determined by the metropolitan
20 planning organization according to the bylaws
21 or enabling statute of the organization.

22 “(B) *PUBLIC TRANSPORTATION REPRESENT-*
23 *ATIVE.*—Subject to the bylaws or enabling statute
24 of the metropolitan planning organization, a
25 representative of a provider of public transpor-

1 *tation may also serve as a representative of a*
2 *local municipality.*

3 “(C) *POWERS OF CERTAIN OFFICIALS.*—*An*
4 *official described in paragraph (2)(B) shall have*
5 *responsibilities, actions, duties, voting rights,*
6 *and any other authority commensurate with*
7 *other officials described in paragraph (2).”;* and

8 (C) *in paragraph (5), as so redesignated, by*
9 *striking “paragraph (5)” and inserting “para-*
10 *graph (6)”;*

11 (3) *in subsection (e)(4)(B) by striking “sub-*
12 *section (d)(5)” and inserting “subsection (d)(6)”;*

13 (4) *in subsection (g)(3)(A) by inserting “tour-*
14 *ism, natural disaster risk reduction,” after “economic*
15 *development,”;*

16 (5) *in subsection (h)(1)—*

17 (A) *in subparagraph (G) by striking “and”*
18 *at the end;*

19 (B) *in subparagraph (H) by striking the*
20 *period at the end and inserting “; and”;* and

21 (C) *by adding at the end the following:*

22 “(I) *improve the resilience and reliability of*
23 *the transportation system.”;*

24 (6) *in subsection (i)—*

1 (A) in paragraph (2)(A)(i) by striking
2 “transit” and inserting “public transportation
3 facilities, intercity bus facilities”;

4 (B) in paragraph (6)(A)—

5 (i) by inserting “public ports,” before
6 “freight shippers,”; and

7 (ii) by inserting “(including intercity
8 bus operators, employer-based commuting
9 programs, such as a carpool program, van-
10 pool program, transit benefit program,
11 parking cash-out program, shuttle program,
12 or telework program)” after “private pro-
13 viders of transportation”; and

14 (C) in paragraph (8) by striking “para-
15 graph (2)(C)” each place it appears and insert-
16 ing “paragraph (2)(E)”;

17 (7) in subsection (k)(3)—

18 (A) in subparagraph (A) by inserting “(in-
19 cluding intercity bus operators, employer-based
20 commuting programs, such as a carpool pro-
21 gram, vanpool program, transit benefit program,
22 parking cash-out program, shuttle program, or
23 telework program), job access projects,” after “re-
24 duction”; and

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

1 “(C) *CONGESTION MANAGEMENT PLAN.*—A
2 *metropolitan planning organization with a*
3 *transportation management area may develop a*
4 *plan that includes projects and strategies that*
5 *will be considered in the TIP of such metropoli-*
6 *tan planning organization. Such plan shall—*

7 “(i) *develop regional goals to reduce*
8 *vehicle miles traveled during peak com-*
9 *muting hours and improve transportation*
10 *connections between areas with high job*
11 *concentration and areas with high con-*
12 *centrations of low-income households;*

13 “(ii) *identify existing public transpor-*
14 *tation services, employer-based commuter*
15 *programs, and other existing transportation*
16 *services that support access to jobs in the re-*
17 *gion; and*

18 “(iii) *identify proposed projects and*
19 *programs to reduce congestion and increase*
20 *job access opportunities.*

21 “(D) *PARTICIPATION.*—*In developing the*
22 *plan under subparagraph (C), a metropolitan*
23 *planning organization shall consult with em-*
24 *ployers, private and non-profit providers of pub-*
25 *lic transportation, transportation management*

1 *organizations, and organizations that provide*
2 *job access reverse commute projects or job-related*
3 *services to low-income individuals.”;*

4 (8) *in subsection (l)—*

5 (A) *by adding a period at the end of para-*
6 *graph (1); and*

7 (B) *in paragraph (2)(D) by striking “of less*
8 *than 200,000” and inserting “with a population*
9 *of 200,000 or less”; and*

10 (9) *in subsection (p) by striking “Funds set*
11 *aside under section 104(f)” and inserting “Funds ap-*
12 *portioned under section 104(b)(5)”.*

13 (b) *STATEWIDE AND NONMETROPOLITAN TRANSPOR-*
14 *TATION PLANNING.—Section 5304 of title 49, United States*
15 *Code, is amended—*

16 (1) *in subsection (a)(2) by striking “and bicycle*
17 *transportation facilities” and inserting “, bicycle*
18 *transportation facilities, and intermodal facilities*
19 *that support intercity transportation, including inter-*
20 *city buses and intercity bus facilities”;*

21 (2) *in subsection (d)—*

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 “; and”;
3 and

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

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

8 (B) in paragraph (2)—

9 (i) in subparagraph (B)(ii) by striking
10 “urbanized”; and

11 (ii) in subparagraph (C) by striking
12 “urbanized”; and

13 (3) in subsection (f)(3)(A)(ii)—

14 (A) by inserting “public ports,” before
15 “freight shippers,”; and

16 (B) by inserting “(including intercity bus
17 operators, employer-based commuting programs,
18 such as a carpool program, vanpool program,
19 transit benefit program, parking cash-out pro-
20 gram, shuttle program, or telework program)”
21 after “private providers of transportation”.

22 **SEC. 3004. URBANIZED AREA FORMULA GRANTS.**

23 Section 5307 of title 49, United States Code, is amend-
24 ed—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1) and
2 (2) as paragraphs (2) and (3), respectively;

3 (B) by inserting before paragraph (2) (as so
4 redesignated) the following:

5 “(1) *RECIPIENT DEFINED.*—*In this section, the*
6 *term ‘recipient’ means a designated recipient, State,*
7 *or local governmental authority that receives a grant*
8 *under this section directly from the Government.”;*

9 (C) in paragraph (3) (as so redesignated)
10 by inserting “or general public demand response
11 service” before “during” each place it appears;
12 and

13 (D) by adding at the end the following:

14 “(4) *EXCEPTION TO THE SPECIAL RULE.*—*Not-*
15 *withstanding paragraph (3), if a public transpor-*
16 *tation system described in such paragraph executes a*
17 *written agreement with 1 or more other public trans-*
18 *portation systems to allocate funds under this sub-*
19 *section, other than by measuring vehicle revenue*
20 *hours, each of the public transportation systems to the*
21 *agreement may follow the terms of such agreement*
22 *without regard to the percentages or the measured ve-*
23 *hicle revenue hours referred to in such paragraph.”;*
24 and

1 (2) in subsection (c)(1)(K)(i) by striking “1 per-
2 cent” and inserting “one-half of 1 percent”.

3 **SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT**
4 **GRANTS.**

5 Section 5309 of title 49, United States Code, is amend-
6 ed—

7 (1) in subsection (a)(6)—

8 (A) in subparagraph (A) by inserting “,
9 small start projects,” after “new fixed guideway
10 capital projects”; and

11 (B) by striking subparagraph (B) and in-
12 serting the following:

13 “(B) 2 or more projects that are any com-
14 bination of new fixed guideway capital projects,
15 small start projects, and core capacity improve-
16 ment projects.”;

17 (2) in subsection (h)(6)—

18 (A) by striking “In carrying out” and in-
19 serting the following:

20 “(A) *IN GENERAL.*—In carrying out”; and

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

22 “(B) *OPTIONAL EARLY RATING.*—At the re-
23 quest of the project sponsor, the Secretary shall
24 evaluate and rate the project in accordance with
25 paragraphs (4) and (5) and subparagraph (A) of

1 *this paragraph upon completion of the analysis*
2 *required under the National Environmental Pol-*
3 *icy Act of 1969 (42 U.S.C. 4321 et seq.).”;*

4 *(3) in subsection (i)—*

5 *(A) in paragraph (1) by striking “sub-*
6 *section (d) or (e)” and inserting “subsection (d),*
7 *(e), or (h)”;*

8 *(B) in paragraph (2)—*

9 *(i) in the matter preceding subpara-*
10 *graph (A) by inserting “new fixed guideway*
11 *capital project or core capacity improve-*
12 *ment” after “federally funded”;*

13 *(ii) by striking subparagraph (D) and*
14 *inserting the following:*

15 *“(D) the program of interrelated projects,*
16 *when evaluated as a whole—*

17 *“(i) meets the requirements of sub-*
18 *section (d)(2), subsection (e)(2), or para-*
19 *graphs (3) and (4) of subsection (h), as ap-*
20 *plicable, if the program is comprised en-*
21 *tirely of—*

22 *“(I) new fixed guideway capital*
23 *projects;*

24 *“(II) core capacity improvement*
25 *projects; or*

1 “(III) small start projects; or

2 “(ii) meets the requirements of sub-
3 section (d)(2) if the program is comprised of
4 any combination of new fixed guideway
5 projects, small start projects, and core ca-
6 pacity improvement projects.”;

7 (C) by striking paragraph (3)(A) and in-
8 serting the following:

9 “(A) *PROJECT ADVANCEMENT*.—A project
10 receiving a grant under this section that is part
11 of a program of interrelated projects may not
12 advance—

13 “(i) in the case of a small start project,
14 from the project development phase to the
15 construction phase unless the Secretary de-
16 termines that the program of interrelated
17 projects meets the applicable requirements of
18 this section and there is a reasonable likeli-
19 hood that the program will continue to meet
20 such requirements; or

21 “(ii) in the case of a new fixed guide-
22 way capital project or a core capacity im-
23 provement project, from the project develop-
24 ment phase to the engineering phase, or
25 from the engineering phase to the construc-

1 *tion phase, unless the Secretary determines*
2 *that the program of interrelated projects*
3 *meets the applicable requirements of this*
4 *section and there is a reasonable likelihood*
5 *that the program will continue to meet such*
6 *requirements.”;*

7 *(4) in subsection (l)—*

8 *(A) by striking paragraph (1) and inserting*
9 *the following:*

10 *“(1) IN GENERAL.—Based on engineering stud-*
11 *ies, studies of economic feasibility, and information*
12 *on the expected use of equipment or facilities, the Sec-*
13 *retary shall estimate the net capital project cost. A*
14 *grant for a new fixed guideway project shall not ex-*
15 *ceed 50 percent of the net capital project cost. A grant*
16 *for a core capacity project shall not exceed 80 percent*
17 *of the net capital project cost of the incremental cost*
18 *of increasing the capacity in the corridor. A grant for*
19 *a small start project shall not exceed 80 percent.”;*
20 *and*

21 *(B) by striking paragraph (4) and inserting*
22 *the following:*

23 *“(4) REMAINING COSTS.—The remainder of the*
24 *net project costs shall be provided—*

1 “(A) in cash from non-Government sources
2 other than revenues from providing public trans-
3 portation services;

4 “(B) from revenues from the sale of adver-
5 tising and concessions;

6 “(C) from an undistributed cash surplus, a
7 replacement or depreciation cash fund or reserve,
8 or new capital; or

9 “(D) from amounts appropriated or other-
10 wise made available to a department or agency
11 of the Government (other than the Department of
12 Transportation) that are eligible to be expended
13 for transportation.”;

14 (5) by striking subsection (n) and redesignating
15 subsection (o) as subsection (n); and

16 (6) by adding at the end the following:

17 “(o) *SPECIAL RULE.*—For the purposes of calculating
18 the cost effectiveness of a project described in subsection (d)
19 or (e), the Secretary shall not reduce or eliminate the cap-
20 ital costs of art and landscaping elements from the
21 annualized capital cost calculation.”.

1 **SEC. 3006. FORMULA GRANTS FOR ENHANCED MOBILITY OF**
2 **SENIORS AND INDIVIDUALS WITH DISABIL-**
3 **ITIES.**

4 *Section 5310 of title 49, United States Code, is amend-*
5 *ed by adding at the end the following:*

6 *“(i) BEST PRACTICES.—The Secretary shall collect*
7 *from, review, and disseminate to public transit agencies in-*
8 *novative practices, program models, new service delivery*
9 *options, findings from activities under subsection (h), and*
10 *transit cooperative research program reports.”.*

11 **SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.**

12 *Section 5311(g)(3) of title 49, United States Code, is*
13 *amended—*

14 *(1) by redesignating subparagraphs (A) through*
15 *(D) as subparagraphs (C) through (F), respectively;*

16 *(2) by inserting before subparagraph (C) (as so*
17 *redesignated) the following:*

18 *“(A) may be provided in cash from non-*
19 *Government sources other than revenues from*
20 *providing public transportation services;*

21 *“(B) may be provided from revenues from*
22 *the sale of advertising and concessions;”;* and

23 *(3) in subparagraph (F) (as so redesignated) by*
24 *inserting “, including all operating and capital costs*
25 *of such service whether or not offset by revenue from*

1 *such service,” after “the costs of a private operator for*
 2 *the unsubsidized segment of intercity bus service”.*

3 **SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.**

4 *(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of*
 5 *title 49, United States Code, is amended—*

6 *(1) by striking the section designation and head-*
 7 *ing and inserting the following:*

8 **“§ 5312. Public transportation innovation”;**

9 *(2) by redesignating subsections (a) through (f)*
 10 *as subsections (b) through (g), respectively;*

11 *(3) by inserting before subsection (b) (as so re-*
 12 *designated) the following:*

13 *“(a) IN GENERAL.—The Secretary shall provide assist-*
 14 *ance for projects and activities to advance innovative public*
 15 *transportation research and development in accordance*
 16 *with the requirements of this section.”;*

17 *(4) in subsection (e)(5) (as so redesignated)—*

18 *(A) in subparagraph (A) by striking clause*
 19 *(vi) and redesignating clause (vii) as clause (vi);*

20 *(B) in subparagraph (B) by striking “re-*
 21 *cipients” and inserting “participants”;*

22 *(C) in subparagraph (C) by striking clause*
 23 *(ii) and inserting the following:*

24 *“(ii) GOVERNMENT SHARE OF COSTS*
 25 *FOR CERTAIN PROJECTS.—A grant for a*

1 *project carried out under this paragraph*
2 *shall be 80 percent of the net project cost of*
3 *the project unless the grant recipient re-*
4 *quests a lower grant percentage.”; and*

5 *(D) by striking subparagraph (G);*

6 *(5) in subsection (f) (as so redesignated)—*

7 *(A) by striking “(f)” and all that follows be-*
8 *fore paragraph (1) and inserting the following:*

9 *“(f) ANNUAL REPORT ON RESEARCH.—Not later than*
10 *the first Monday in February of each year, the Secretary*
11 *shall make available to the public on the Web site of the*
12 *Department of Transportation, a report that includes—”;*

13 *(B) in paragraph (1) by adding “and” at*
14 *the end;*

15 *(C) in paragraph (2) by striking “; and”*
16 *and inserting a period; and*

17 *(D) by striking paragraph (3); and*

18 *(6) by adding at the end the following:*

19 *“(h) TRANSIT COOPERATIVE RESEARCH PROGRAM.—*

20 *“(1) IN GENERAL.—The amounts made available*
21 *under section 5338(b) are available for a public*
22 *transportation cooperative research program.*

23 *“(2) INDEPENDENT GOVERNING BOARD.—*

1 “(A) *ESTABLISHMENT.*—*The Secretary shall*
2 *establish an independent governing board for the*
3 *program under this subsection.*

4 “(B) *RECOMMENDATIONS.*—*The board shall*
5 *recommend public transportation research, devel-*
6 *opment, and technology transfer activities the*
7 *Secretary considers appropriate.*

8 “(3) *FEDERAL ASSISTANCE.*—*The Secretary may*
9 *make grants to, and enter into cooperative agreements*
10 *with, the National Academy of Sciences to carry out*
11 *activities under this subsection that the Secretary*
12 *considers appropriate.*

13 “(4) *GOVERNMENT’S SHARE.*—*If there would be*
14 *a clear and direct financial benefit to an entity under*
15 *a grant or contract financed under this subsection,*
16 *the Secretary shall establish a Government share con-*
17 *sistent with that benefit.*

18 “(5) *LIMITATION ON APPLICABILITY.*—*Sub-*
19 *sections (f) and (g) shall not apply to activities car-*
20 *ried out under this subsection.”.*

21 “(b) *CONFORMING AMENDMENTS.*—*Section 5312 of such*
22 *title (as amended by subsection (a) of this section) is further*
23 *amended—*

24 (1) *in subsection (c)(1) by striking “subsection*
25 *(a)(2)” and inserting “subsection (b)(2)”;*

1 “(1) *TECHNICAL ASSISTANCE AND STANDARDS*
2 *DEVELOPMENT.*—

3 “(A) *IN GENERAL.*—*The Secretary may*
4 *make grants and enter into contracts, coopera-*
5 *tive agreements, and other agreements (including*
6 *agreements with departments, agencies, and in-*
7 *strumentalities of the Government) to carry out*
8 *activities that the Secretary determines will as-*
9 *assist recipients of assistance under this chapter*
10 *to—*

11 “(i) *more effectively and efficiently*
12 *provide public transportation service;*

13 “(ii) *administer funds received under*
14 *this chapter in compliance with Federal*
15 *law; and*

16 “(iii) *improve public transportation.*

17 “(B) *ELIGIBLE ACTIVITIES.*—*The activities*
18 *carried out under subparagraph (A) may in-*
19 *clude—*

20 “(i) *technical assistance; and*

21 “(ii) *the development of voluntary and*
22 *consensus-based standards and best prac-*
23 *tices by the public transportation industry,*
24 *including standards and best practices for*
25 *safety, fare collection, intelligent transpor-*

1 *tation systems, accessibility, procurement,*
2 *security, asset management to maintain a*
3 *state of good repair, operations, mainte-*
4 *nance, vehicle propulsion, communications,*
5 *and vehicle electronics.*

6 “(2) *TECHNICAL ASSISTANCE.—The Secretary,*
7 *through a competitive bid process, may enter into*
8 *contracts, cooperative agreements, and other agree-*
9 *ments with national nonprofit organizations that*
10 *have the appropriate demonstrated capacity to pro-*
11 *vide public-transportation-related technical assistance*
12 *under this subsection. The Secretary may enter into*
13 *such contracts, cooperative agreements, and other*
14 *agreements to assist providers of public transpor-*
15 *tation to—*

16 *“(A) comply with the Americans with Dis-*
17 *abilities Act of 1990 (42 U.S.C. 12101 et seq.)*
18 *through technical assistance, demonstration pro-*
19 *grams, research, public education, and other ac-*
20 *tivities related to complying with such Act;*

21 *“(B) comply with human services transpor-*
22 *tation coordination requirements and to enhance*
23 *the coordination of Federal resources for human*
24 *services transportation with those of the Depart-*
25 *ment of Transportation through technical assist-*

1 *ance, training, and support services related to*
2 *complying with such requirements;*

3 “(C) *meet the transportation needs of elder-*
4 *ly individuals;*

5 “(D) *increase transit ridership in coordina-*
6 *tion with metropolitan planning organizations*
7 *and other entities through development around*
8 *public transportation stations through technical*
9 *assistance and the development of tools, guid-*
10 *ance, and analysis related to market-based devel-*
11 *opment around transit stations;*

12 “(E) *address transportation equity with re-*
13 *gard to the effect that transportation planning,*
14 *investment, and operations have for low-income*
15 *and minority individuals;*

16 “(F) *facilitate best practices to promote bus*
17 *driver safety;*

18 “(G) *meet the requirements of sections*
19 *5323(j) and 5323(m);*

20 “(H) *assist with the development and de-*
21 *ployment of zero emission transit technologies;*
22 *and*

23 “(I) *any other technical assistance activity*
24 *that the Secretary determines is necessary to ad-*
25 *vance the interests of public transportation.*

1 “(3) *ANNUAL REPORT ON TECHNICAL ASSIST-*
2 *ANCE.—Not later than the first Monday in February*
3 *of each year, the Secretary shall submit to the Com-*
4 *mittee on Banking, Housing, and Urban Affairs and*
5 *the Committee on Appropriations of the Senate and*
6 *the Committee on Transportation and Infrastructure,*
7 *the Committee on Science, Space, and Technology,*
8 *and the Committee on Appropriations of the House of*
9 *Representatives a report that includes—*

10 “(A) *a description of each project that re-*
11 *ceived assistance under this subsection during*
12 *the preceding fiscal year;*

13 “(B) *an evaluation of the activities carried*
14 *out by each organization that received assistance*
15 *under this subsection during the preceding fiscal*
16 *year;*

17 “(C) *a proposal for allocations of amounts*
18 *for assistance under this subsection for the subse-*
19 *quent fiscal year; and*

20 “(D) *measurable outcomes and impacts of*
21 *the programs funded under subsections (b) and*
22 *(c).*

23 “(4) *GOVERNMENT SHARE OF COSTS.—*

24 “(A) *IN GENERAL.—The Government share*
25 *of the cost of an activity carried out using a*

1 *grant under this subsection may not exceed 80*
2 *percent.*

3 “(B) *NON-GOVERNMENT SHARE.—The non-*
4 *Government share of the cost of an activity car-*
5 *ried out using a grant under this subsection may*
6 *be derived from in-kind contributions.*

7 “(b) *HUMAN RESOURCES AND TRAINING.—*

8 “(1) *IN GENERAL.—The Secretary may under-*
9 *take, or make grants and contracts for, programs that*
10 *address human resource needs as they apply to public*
11 *transportation activities. A program may include—*

12 “(A) *an employment training program;*

13 “(B) *an outreach program to increase vet-*
14 *eran, minority, and female employment in pub-*
15 *lic transportation activities;*

16 “(C) *research on public transportation per-*
17 *sonnel and training needs;*

18 “(D) *training and assistance for veteran*
19 *and minority business opportunities; and*

20 “(E) *consensus-based national training*
21 *standards and certifications in partnership with*
22 *industry stakeholders.*

23 “(2) *INNOVATIVE PUBLIC TRANSPORTATION*
24 *FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—*

1 “(A) *IN GENERAL.*—*The Secretary shall es-*
2 *tablish a competitive grant program to assist the*
3 *development of innovative activities eligible for*
4 *assistance under subparagraph (1).*

5 “(B) *ELIGIBLE PROGRAMS.*—*A program eli-*
6 *gible for assistance under subsection (a) shall—*

7 “(i) *develop apprenticeships for transit*
8 *maintenance and operations occupations,*
9 *including hands-on, peer trainer, classroom*
10 *and on-the-job training as well as training*
11 *for instructors and on-the-job mentors;*

12 “(ii) *build local, regional, and state-*
13 *wide transit training partnerships in co-*
14 *ordination with entities such as local em-*
15 *ployers, local public transportation opera-*
16 *tors, labor union organizations, workforce*
17 *development boards, State workforce agen-*
18 *cies, State apprenticeship agencies (where*
19 *applicable), and community colleges and*
20 *university transportation centers, to iden-*
21 *tify and address workforce skill gaps and*
22 *develop skills needed for delivering quality*
23 *transit service and supporting employee ca-*
24 *reer advancement;*

1 “(iii) provide improved capacity for
2 safety, security, and emergency prepared-
3 ness in local transit systems through—

4 “(I) developing the role of the
5 frontline workforce in building and
6 sustaining safety culture and safety
7 systems in the industry and in indi-
8 vidual public transportation systems;

9 “(II) specific training, in coordi-
10 nation with the National Transit In-
11 stitute, on security and emergency pre-
12 paredness, including protocols for co-
13 ordinating with first responders and
14 working with the broader community
15 to address natural disasters or other
16 threats to transit systems; and

17 “(III) training to address front-
18 line worker roles in promoting health
19 and safety for transit workers and the
20 riding public, and improving commu-
21 nication during emergencies between
22 the frontline workforce and the riding
23 public;

24 “(iv) address current or projected
25 workforce shortages by developing career

1 *pathway partnerships with high schools,*
2 *community colleges, and other community*
3 *organizations for recruiting and training*
4 *underrepresented populations, including*
5 *minorities, women, individuals with dis-*
6 *abilities, veterans, and low-income popu-*
7 *lations as successful transit employees who*
8 *can develop careers in the transit industry;*
9 *or*

10 “(v) address youth unemployment by
11 directing the Secretary to award grants to
12 local entities for work-based training and
13 other work-related and educational strate-
14 gies and activities of demonstrated effective-
15 ness to provide unemployed, low-income
16 young adults and low-income youth with
17 skills that will lead to employment.

18 “(C) *SELECTION OF RECIPIENTS.*—*To the*
19 *maximum extent feasible, the Secretary shall se-*
20 *lect recipients that—*

21 “(i) are geographically diverse;

22 “(ii) address the workforce and human
23 resources needs of large public transpor-
24 tation providers;

1 “(iii) address the workforce and
2 human resources needs of small public
3 transportation providers;

4 “(iv) address the workforce and human
5 resources needs of urban public transpor-
6 tation providers;

7 “(v) address the workforce and human
8 resources needs of rural public transpor-
9 tation providers;

10 “(vi) advance training related to
11 maintenance of alternative energy, energy
12 efficiency, or zero emission vehicles and fa-
13 cilities used in public transportation;

14 “(vii) target areas with high rates of
15 unemployment;

16 “(viii) address current or projected
17 workforce shortages in areas that require
18 technical expertise; and

19 “(ix) advance opportunities for mi-
20 norities, women, veterans, individuals with
21 disabilities, low-income populations, and
22 other underserved populations.

23 “(D) PROGRAM OUTCOMES.—A recipient of
24 assistance under this subsection shall dem-
25 onstrate outcomes for any program that includes

1 *skills training, on-the-job training, and work-*
2 *based learning, including—*

3 “(i) *the impact on reducing public*
4 *transportation workforce shortages in the*
5 *area served;*

6 “(ii) *the diversity of training partici-*
7 *pants; and*

8 “(iii) *the number of participants ob-*
9 *taining certifications or credentials required*
10 *for specific types of employment.*

11 “(3) *GOVERNMENT’S SHARE OF COSTS.—The*
12 *Government share of the cost of a project carried out*
13 *using a grant under paragraph (1) or (2) shall be 50*
14 *percent.*

15 “(4) *USE FOR TECHNICAL ASSISTANCE.—The*
16 *Secretary may use not more than 1 percent of*
17 *amounts made available to carry out this section to*
18 *provide technical assistance for activities and pro-*
19 *grams developed, conducted, and overseen under para-*
20 *graphs (1) and (2).*

21 “(c) *NATIONAL TRANSIT INSTITUTE.—*

22 “(1) *ESTABLISHMENT.—The Secretary shall es-*
23 *tablish a national transit institute and award grants*
24 *to a public, 4-year institution of higher education, as*
25 *defined in section 101(a) of the Higher Education Act*

1 of 1965 (20 U.S.C. 1001(a)), in order to carry out the
2 duties of the institute.

3 “(2) DUTIES.—

4 “(A) *IN GENERAL.*—In cooperation with the
5 *Federal Transit Administration, State transpor-*
6 *tation departments, public transportation au-*
7 *thorities, and national and international enti-*
8 *ties, the institute established under paragraph*
9 *(1) shall develop and conduct training and edu-*
10 *cational programs for Federal, State, and local*
11 *transportation employees, United States citizens,*
12 *and foreign nationals engaged or to be engaged*
13 *in Government-aid public transportation work.*

14 “(B) *TRAINING AND EDUCATIONAL PRO-*
15 *GRAMS.*—The training and educational pro-
16 grams developed under subparagraph (A) may
17 include courses in recent developments, tech-
18 niques, and procedures related to—

19 “(i) *intermodal and public transpor-*
20 *tation planning;*

21 “(ii) *management;*

22 “(iii) *environmental factors;*

23 “(iv) *acquisition and joint-use rights-*
24 *of-way;*

1 “(v) *engineering and architectural de-*
2 *sign;*

3 “(vi) *procurement strategies for public*
4 *transportation systems;*

5 “(vii) *turnkey approaches to delivering*
6 *public transportation systems;*

7 “(viii) *new technologies;*

8 “(ix) *emission reduction technologies;*

9 “(x) *ways to make public transpor-*
10 *tation accessible to individuals with disabil-*
11 *ities;*

12 “(xi) *construction, construction man-*
13 *agement, insurance, and risk management;*

14 “(xii) *maintenance;*

15 “(xiii) *contract administration;*

16 “(xiv) *inspection;*

17 “(xv) *innovative finance;*

18 “(xvi) *workplace safety; and*

19 “(xvii) *public transportation security.*

20 “(3) *PROVIDING EDUCATION AND TRAINING.—*
21 *Education and training of Government, State, and*
22 *local transportation employees under this subsection*
23 *shall be provided—*

1 “(A) *by the Secretary at no cost to the*
2 *States and local governments for subjects that*
3 *are a Government program responsibility; or*

4 “(B) *when the education and training are*
5 *paid under paragraph (4), by the State, with the*
6 *approval of the Secretary, through grants and*
7 *contracts with public and private agencies, other*
8 *institutions, individuals, and the institute.*

9 “(4) *AVAILABILITY OF AMOUNTS.—Not more*
10 *than 0.5 percent of the amounts made available for a*
11 *fiscal year beginning after September 30, 1991, to a*
12 *State or public transportation authority in the State*
13 *to carry out sections 5307 and 5309 is available for*
14 *expenditure by the State and public transportation*
15 *authorities in the State, with the approval of the Sec-*
16 *retary, to pay not more than 80 percent of the cost*
17 *of tuition and direct educational expenses related to*
18 *educating and training State and local transpor-*
19 *tation employees under this subsection.”.*

20 “(b) *REPEAL.—Section 5322 of such title, and the item*
21 *relating to that section in the analysis for chapter 53 of*
22 *such title, are repealed.*

23 “(c) *CLERICAL AMENDMENT.—The analysis for chapter*
24 *53 of such title is amended by striking the item relating*
25 *to section 5314 and inserting the following:*

 “5314. *Technical assistance and workforce development.”.*

1 **SEC. 3010. BICYCLE FACILITIES.**

2 *Section 5319 of title 49, United States Code, is amend-*
3 *ed—*

4 *(1) by striking “90 percent” and inserting “80*
5 *percent”; and*

6 *(2) by striking “95 percent” and inserting “80*
7 *percent”.*

8 **SEC. 3011. GENERAL PROVISIONS.**

9 *Section 5323 of title 49, United States Code, is amend-*
10 *ed—*

11 *(1) in subsection (h)—*

12 *(A) in paragraph (1) by striking “or” at*
13 *the end;*

14 *(B) by redesignating paragraph (2) as*
15 *paragraph (3); and*

16 *(C) by inserting after paragraph (1) the fol-*
17 *lowing:*

18 *“(2) pay incremental costs of incorporating art*
19 *or landscaping into facilities, including the costs of*
20 *an artist on the design team; or”;*

21 *(2) in subsection (i) by adding at the end the fol-*
22 *lowing:*

23 *“(3) ACQUISITION OF BASE-MODEL BUSES.—A*
24 *grant for the acquisition of a base-model bus for use*
25 *in public transportation may be not more than 85*
26 *percent of the net project cost.”;*

1 (3) in subsection (j)(2) by striking subparagraph
2 (C) and inserting the following:

3 “(C) when procuring rolling stock (includ-
4 ing train control, communication, and traction
5 power equipment) under this chapter—

6 “(i) the cost of components and sub-
7 components produced in the United
8 States—

9 “(I) for fiscal years 2016 and
10 2017, is more than 60 percent of the
11 cost of all components of the rolling
12 stock;

13 “(II) for fiscal years 2018 and
14 2019, is more than 65 percent of the
15 cost of all components of the rolling
16 stock; and

17 “(III) for fiscal year 2020 and
18 each fiscal year thereafter, is more
19 than 70 percent of the cost of all com-
20 ponents of the rolling stock; and

21 “(ii) final assembly of the rolling stock
22 has occurred in the United States; or”;

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

24 “(s) *VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL*
25 *SHARE*.—A recipient of assistance under this chapter may

1 *use the revenue generated from value capture financing*
 2 *mechanisms as local matching funds for capital projects*
 3 *and operating costs eligible under this chapter.*

4 “(t) *SPECIAL CONDITION ON CHARTER BUS TRANS-*
 5 *PORTATION SERVICE.—If, in a fiscal year, the Secretary is*
 6 *prohibited by law from enforcing regulations related to*
 7 *charter bus service under part 604 of title 49, Code of Fed-*
 8 *eral Regulations, for any transit agency that during fiscal*
 9 *year 2008 was both initially granted a 60-day period to*
 10 *come into compliance with such part 604, and then was*
 11 *subsequently granted an exception from such part—*

12 “(1) *the transit agency shall be precluded from*
 13 *receiving its allocation of urbanized area formula*
 14 *grant funds for that fiscal year; and*

15 “(2) *any amounts withheld pursuant to para-*
 16 *graph (1) shall be added to the amount that the Sec-*
 17 *retary may apportion under section 5336 in the fol-*
 18 *lowing fiscal year.”.*

19 **SEC. 3012. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

20 *Section 5329 of title 49, United States Code, is amend-*
 21 *ed—*

22 (1) *in subsection (b)(2)—*

23 (A) *in subparagraph (C) by striking “and”*
 24 *at the end;*

1 *(B) by redesignating subparagraph (D) as*
2 *subparagraph (E); and*

3 *(C) by inserting after subparagraph (C) the*
4 *following:*

5 *“(D) minimum safety standards to ensure*
6 *the safe operation of public transportation sys-*
7 *tems that—*

8 *“(i) are not related to performance*
9 *standards for public transportation vehicles*
10 *developed under subparagraph (C); and*

11 *“(ii) to the extent practicable, take into*
12 *consideration—*

13 *“(I) relevant recommendations of*
14 *the National Transportation Safety*
15 *Board;*

16 *“(II) best practices standards de-*
17 *veloped by the public transportation*
18 *industry;*

19 *“(III) any minimum safety*
20 *standards or performance criteria*
21 *being implemented across the public*
22 *transportation industry;*

23 *“(IV) relevant recommendations*
24 *from the report under section 3018 of*

1 *the Surface Transportation Reauthor-*
2 *ization and Reform Act of 2015; and*

3 “*(V) any additional information*
4 *that the Secretary determines necessary*
5 *and appropriate;*”;

6 *(2) by striking subsection (f) and inserting the*
7 *following:*

8 “*(f) AUTHORITY OF SECRETARY.—*

9 “*(1) IN GENERAL.—In carrying out this section,*
10 *the Secretary may—*

11 “*(A) conduct inspections, investigations, au-*
12 *ditions, examinations, and testing of the equipment,*
13 *facilities, rolling stock, and operations of the*
14 *public transportation system of a recipient;*

15 “*(B) make reports and issue directives with*
16 *respect to the safety of the public transportation*
17 *system of a recipient or the public transpor-*
18 *tation industry generally;*

19 “*(C) in conjunction with an accident inves-*
20 *tigation or an investigation into a pattern or*
21 *practice of conduct that negatively affects public*
22 *safety, issue a subpoena to, and take the deposi-*
23 *tion of, any employee of a recipient or a State*
24 *safety oversight agency, if—*

1 “(i) before the issuance of the sub-
2 poena, the Secretary requests a determina-
3 tion by the Attorney General as to whether
4 the subpoena will interfere with an ongoing
5 criminal investigation; and

6 “(ii) the Attorney General—

7 “(I) determines that the subpoena
8 will not interfere with an ongoing
9 criminal investigation; or

10 “(II) fails to make a determina-
11 tion under clause (i) before the date
12 that is 30 days after the date on which
13 the Secretary makes a request under
14 clause (i);

15 “(D) require the production of documents
16 by, and prescribe recordkeeping and reporting
17 requirements for, a recipient or a State safety
18 oversight agency;

19 “(E) investigate public transportation acci-
20 dents and incidents and provide guidance to re-
21 cipients regarding prevention of accidents and
22 incidents;

23 “(F) at reasonable times and in a reason-
24 able manner, enter and inspect relevant records

1 *of the public transportation system of a recipi-*
2 *ent; and*

3 “(G) *issue rules to carry out this section.*

4 “(2) *ADDITIONAL AUTHORITY.—*

5 “(A) *ADMINISTRATION OF STATE SAFETY*
6 *OVERSIGHT ACTIVITIES.—If the Secretary finds*
7 *that a State safety oversight agency that oversees*
8 *a rail fixed guideway system operating in more*
9 *than 2 States has become incapable of providing*
10 *adequate safety oversight of such system, the Sec-*
11 *retary may administer State safety oversight ac-*
12 *tivities for such rail fixed guideway system until*
13 *the States develop a State safety oversight pro-*
14 *gram certified by the Secretary in accordance*
15 *with subsection (e).*

16 “(B) *FUNDING.—To carry out administra-*
17 *tive and oversight activities authorized by this*
18 *paragraph, the Secretary may use—*

19 “(i) *grant funds apportioned to an eli-*
20 *gible State under subsection (e)(6) to de-*
21 *velop or carry out a State safety oversight*
22 *program; and*

23 “(ii) *grant funds apportioned to an el-*
24 *igible State under subsection (e)(6) that*

1 *have not been obligated within the adminis-*
2 *trative period of availability.”;*

3 *(3) in subsection (g)(1)—*

4 *(A) in the matter preceding subparagraph*
5 *(A) by striking “an eligible State, as defined in*
6 *subsection (e),” and inserting “a recipient”;*

7 *(B) in subparagraph (C) by striking “and”*
8 *at the end;*

9 *(C) in subparagraph (D) by striking the pe-*
10 *riod at the end and inserting “; or”;* and

11 *(D) by adding at the end the following:*

12 *“(E) withholding not more than 25 percent*
13 *of financial assistance under section 5307.”;* and

14 *(4) in subsection (g)(2)—*

15 *(A) in subparagraph (A)—*

16 *(i) by inserting after “funds” the fol-*
17 *lowing: “or withhold funds”;* and

18 *(ii) by inserting “or (1)(E)” after*
19 *“paragraph (1)(D)”;*

20 *(B) by redesignating subparagraph (B) as*
21 *subparagraph (C); and*

22 *(C) by inserting after subparagraph (A) the*
23 *following:*

24 *“(B) LIMITATION.—The Secretary may only*
25 *withhold funds in accordance with paragraph*

1 (1)(E), if enforcement actions under subpara-
2 graph (A), (B), (C), or (D) did not bring the re-
3 cipient into compliance.”.

4 **SEC. 3013. APPORTIONMENTS.**

5 Section 5336 of title 49, United States Code, is amend-
6 *ed—*

7 (1) in subsection (a) in the matter preceding
8 paragraph (1) by striking “subsection (h)(4)” and in-
9 serting “subsection (g)(5)”;

10 (2) in subsection (b)(2)(E) by striking “22.27
11 percent” and inserting “27 percent”;

12 (3) by striking subsection (g) and redesignating
13 subsections (h), (i), and (j) as subsections (g), (h),
14 and (i), respectively;

15 (4) in subsection (g) (as so redesignated)—

16 (A) in paragraph (2) by striking “sub-
17 section (j)” and inserting “subsection (i)”; and

18 (B) by striking paragraph (3) and inserting
19 the following:

20 “(3) of amounts not apportioned under para-
21 graphs (1) and (2)—

22 “(A) for fiscal years 2016 through 2018, 1.5
23 percent shall be apportioned to urbanized areas
24 with populations of less than 200,000 in accord-
25 ance with subsection (h); and

1 “(B) for fiscal years 2019 through 2021, 2
2 percent shall be apportioned to urbanized areas
3 with populations of less than 200,000 in accord-
4 ance with subsection (h);”;

5 (5) in subsection (h)(2)(A) (as so redesignated)
6 by striking “subsection (h)(3)” and inserting “sub-
7 section (g)(3)”; and

8 (6) in subsection (i) (as so redesignated) by
9 striking “subsection (h)(2)” and inserting “subsection
10 (g)(2)”.

11 **SEC. 3014. STATE OF GOOD REPAIR GRANTS.**

12 Section 5337 of title 49, United States Code, is amend-
13 ed—

14 (1) in subsection (d)—

15 (A) in paragraph (1) by striking “on a fa-
16 cility with access for other high-occupancy vehi-
17 cles” and inserting “on high-occupancy vehicle
18 lanes during peak hours”;

19 (B) in paragraph (2) by inserting “vehicle”
20 after “motorbus”; and

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

22 “(5) USE OF FUNDS.—A recipient in an urban-
23 ized area may use any portion of the amount appor-
24 tioned to the recipient under this subsection for high
25 intensity fixed guideway state of good repair projects

1 *under subsection (c) if the recipient demonstrates to*
2 *the satisfaction of the Secretary that the high inten-*
3 *sity motorbus public transportation vehicles in the*
4 *urbanized area are in a state of good repair.”; and*

5 *(2) by adding at the end the following:*

6 *“(e) GOVERNMENT SHARE OF COSTS.—*

7 *“(1) CAPITAL PROJECTS.—A grant for a capital*
8 *project under this section shall be for 80 percent of the*
9 *net project cost of the project. The recipient may pro-*
10 *vide additional local matching amounts.*

11 *“(2) REMAINING COSTS.—The remainder of the*
12 *net project cost shall be provided—*

13 *“(A) in cash from non-Government sources*
14 *other than revenues from providing public trans-*
15 *portation services;*

16 *“(B) from revenues derived from the sale of*
17 *advertising and concessions;*

18 *“(C) from an undistributed cash surplus, a*
19 *replacement or depreciation cash fund or reserve,*
20 *or new capital; or*

21 *“(D) from amounts appropriated or other-*
22 *wise made available to a department or agency*
23 *of the Government (other than the Department of*
24 *Transportation) that are eligible to be expended*
25 *for transportation.”.*

1 **SEC. 3015. AUTHORIZATIONS.**

2 *Section 5338 of title 49, United States Code, is amend-*
3 *ed to read as follows:*

4 **“§ 5338. Authorizations**

5 *“(a) FORMULA GRANTS.—*

6 *“(1) IN GENERAL.—There shall be available from*
7 *the Mass Transit Account of the Highway Trust Fund*
8 *to carry out sections 5305, 5307, 5310, 5311, 5314(c),*
9 *5318, 5335, 5337, 5339, and 5340, and section*
10 *20005(b) of the Federal Public Transportation Act of*
11 *2012—*

12 *“(A) \$8,723,925,000 for fiscal year 2016;*

13 *“(B) \$8,879,211,000 for fiscal year 2017;*

14 *“(C) \$9,059,459,000 for fiscal year 2018;*

15 *“(D) \$9,240,648,000 for fiscal year 2019;*

16 *“(E) \$9,429,000,000 for fiscal year 2020;*

17 *and*

18 *“(F) \$9,617,580,000 for fiscal year 2021.*

19 *“(2) ALLOCATION OF FUNDS.—*

20 *“(A) SECTION 5305.—Of the amounts made*
21 *available under paragraph (1), there shall be*
22 *available to carry out section 5305—*

23 *“(i) \$128,800,000 for fiscal year 2016;*

24 *“(ii) \$128,800,000 for fiscal year 2017;*

25 *“(iii) \$131,415,000 for fiscal year*
26 *2018;*

1 “(iv) \$134,043,000 for fiscal year 2019;

2 “(v) \$136,775,000 for fiscal year 2020;

3 and

4 “(vi) \$139,511,000 for fiscal year 2021.

5 “(B) *PILOT PROGRAM*.—\$10,000,000 for
6 each of fiscal years 2016 through 2021, shall be
7 available to carry out section 20005(b) of the
8 *Federal Public Transportation Act of 2012*;

9 “(C) *SECTION 5307*.—Of the amounts made
10 available under paragraph (1), there shall be al-
11 located in accordance with section 5336 to pro-
12 vide financial assistance for urbanized areas
13 under section 5307—

14 “(i) \$4,458,650,000 for fiscal year
15 2016;

16 “(ii) \$4,458,650,000 for fiscal year
17 2017;

18 “(iii) \$4,549,161,000 for fiscal year
19 2018;

20 “(iv) \$4,640,144,000 for fiscal year
21 2019;

22 “(v) \$4,734,724,000 for fiscal year
23 2020; and

24 “(vi) \$4,829,418,000 for fiscal year
25 2021.

1 “(D) SECTION 5310.—Of the amounts made
2 available under paragraph (1), there shall be
3 available to provide financial assistance for serv-
4 ices for the enhanced mobility of seniors and in-
5 dividuals with disabilities under section 5310—

6 “(i) \$262,175,000 for fiscal year 2016;

7 “(ii) \$266,841,000 for fiscal year 2017;

8 “(iii) \$272,258,000 for fiscal year
9 2018;

10 “(iv) \$277,703,000 for fiscal year 2019;

11 “(v) \$283,364,000 for fiscal year 2020;

12 and

13 “(vi) \$289,031,000 for fiscal year 2021.

14 “(E) SECTION 5311.—

15 “(i) IN GENERAL.—Of the amounts
16 made available under paragraph (1), there
17 shall be available to provide financial as-
18 sistance for rural areas under section
19 5311—

20 “(I) \$607,800,000 for fiscal year
21 2016;

22 “(II) \$607,800,000 for fiscal year
23 2017;

24 “(III) \$620,138,000 for fiscal year
25 2018;

1 “(IV) \$632,541,000 for fiscal year
2 2019;

3 “(V) \$645,434,000 for fiscal year
4 2020; and

5 “(VI) \$658,343,000 for fiscal year
6 2021.

7 “(ii) SUBALLOCATION.—Of the
8 amounts made available under clause (i)—

9 “(I) there shall be available to
10 carry out section 5311(c)(1) not less
11 than \$30,000,000 for each of fiscal
12 years 2016 through 2021; and

13 “(II) there shall be available to
14 carry out section 5311(c)(2) not less
15 than \$20,000,000 for each of fiscal
16 years 2016 through 2021.

17 “(F) SECTION 5314(c).—Of the amounts
18 made available under paragraph (1), there shall
19 be available for the national transit institute
20 under section 5314(c) \$5,000,000 for each of fis-
21 cal years 2016 through 2021.

22 “(G) SECTION 5318.—Of the amounts made
23 available under paragraph (1), there shall be
24 available for bus testing under section 5318

1 \$3,000,000 for each of fiscal years 2016 through
2 2021.

3 “(H) SECTION 5335.—Of the amounts made
4 available under paragraph (1), there shall be
5 available to carry out section 5335 \$3,850,000
6 for each of fiscal years 2016 through 2021.

7 “(I) SECTION 5337.—Of the amounts made
8 available under paragraph (1), there shall be
9 available to carry out section 5337—

10 “(i) \$2,198,389,000 for fiscal year
11 2016;

12 “(ii) \$2,237,520,000 for fiscal year
13 2017;

14 “(iii) \$2,282,941,000 for fiscal year
15 2018;

16 “(iv) \$2,328,600,000 for fiscal year
17 2019;

18 “(v) \$2,376,064,000 for fiscal year
19 2020; and

20 “(vi) \$2,423,585,000 for fiscal year
21 2021.

22 “(J) SECTION 5339(c).—Of the amounts
23 made available under paragraph (1), there shall
24 be available for bus and bus facilities programs
25 under section 5339(c)—

1 “(i) \$430,000,000 for fiscal year 2016;

2 “(ii) \$431,850,000 for fiscal year 2017;

3 “(iii) \$445,120,000 for fiscal year

4 2018;

5 “(iv) \$458,459,000 for fiscal year 2019;

6 “(v) \$472,326,000 for fiscal year 2020;

7 and

8 “(vi) \$486,210,000 for fiscal year 2021.

9 “(K) SECTION 5339(d).—Of the amounts
10 made available under paragraph (1), there shall
11 be available for bus and bus facilities competitive
12 grants under 5339(d)—

13 “(i) \$90,000,000 for fiscal year 2016;

14 and

15 “(ii) \$200,000,000 for each of fiscal
16 years 2017 through 2021.

17 “(L) SECTION 5340.—Of the amounts made
18 available under paragraph (1), there shall be al-
19 located in accordance with section 5340 to pro-
20 vide financial assistance for urbanized areas
21 under section 5307 and rural areas under section
22 5311—

23 “(i) \$525,900,000 for fiscal year 2016;

24 “(ii) \$525,900,000 for fiscal year 2017;

1 “(iii) \$536,576,000 for fiscal year
2 2018;

3 “(iv) \$547,307,000 for fiscal year 2019;

4 “(v) \$558,463,000 for fiscal year 2020;

5 and

6 “(vi) \$569,632,000 for fiscal year 2021.

7 “(b) *RESEARCH, DEVELOPMENT DEMONSTRATION AND*
8 *DEPLOYMENT PROJECTS.—There are authorized to be ap-*
9 *propriated to carry out section 5312—*

10 “(1) \$33,495,000 for fiscal year 2016;

11 “(2) \$34,091,000 for fiscal year 2017;

12 “(3) \$34,783,000 for fiscal year 2018;

13 “(4) \$35,479,000 for fiscal year 2019;

14 “(5) \$36,202,000 for fiscal year 2020; and

15 “(6) \$36,926,000 for fiscal year 2021.

16 “(c) *TECHNICAL ASSISTANCE, STANDARDS, AND*
17 *WORKFORCE DEVELOPMENT.—There are authorized to be*
18 *appropriated to carry out section 5314—*

19 “(1) \$6,156,000 for fiscal year 2016;

20 “(2) \$8,152,000 for fiscal year 2017;

21 “(3) \$10,468,000 for fiscal year 2018;

22 “(4) \$12,796,000 for fiscal year 2019;

23 “(5) \$15,216,000 for fiscal year 2020; and

24 “(6) \$17,639,000 for fiscal year 2021.

1 “(d) *CAPITAL INVESTMENT GRANTS.*—*There are au-*
2 *thorized to be appropriated to carry out section 5309—*

3 “(1) \$2,029,000,000 for fiscal year 2016;

4 “(2) \$2,065,000,000 for fiscal year 2017;

5 “(3) \$2,106,000,000 for fiscal year 2018;

6 “(4) \$2,149,000,000 for fiscal year 2019;

7 “(5) \$2,193,000,000 for fiscal year 2020; and

8 “(6) \$2,237,000,000 for fiscal year 2021.

9 “(e) *ADMINISTRATION.*—

10 “(1) *IN GENERAL.*—*There are authorized to be*
11 *appropriated to carry out section 5334, \$105,933,000*
12 *for fiscal years 2016 through 2021.*

13 “(2) *SECTION 5329.*—*Of the amounts authorized*
14 *to be appropriated under paragraph (1), not less than*
15 *\$4,500,000 for each of fiscal years 2016 through 2021*
16 *shall be available to carry out section 5329.*

17 “(3) *SECTION 5326.*—*Of the amounts made avail-*
18 *able under paragraph (1), not less than \$1,000,000*
19 *for each of fiscal years 2016 through 2021 shall be*
20 *available to carry out section 5326.*

21 “(f) *PERIOD OF AVAILABILITY.*—*Amounts made avail-*
22 *able by or appropriated under this section shall remain*
23 *available for obligation for a period of 3 years after the*
24 *last day of the fiscal year for which the funds are author-*
25 *ized.*

1 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

2 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
3 FUND.—A grant or contract that is approved by the
4 Secretary and financed with amounts made available
5 from the Mass Transit Account of the Highway Trust
6 Fund pursuant to this section is a contractual obliga-
7 tion of the Government to pay the Government share
8 of the cost of the project.

9 “(2) GRANTS FINANCED FROM GENERAL FUND.—

10 A grant or contract that is approved by the Secretary
11 and financed with amounts appropriated in advance
12 from the general fund of the Treasury pursuant to
13 this section is a contractual obligation of the Govern-
14 ment to pay the Government share of the cost of the
15 project only to the extent that amounts are appro-
16 priated for such purpose by an Act of Congress.

17 “(h) OVERSIGHT.—

18 “(1) IN GENERAL.—Of the amounts made avail-
19 able to carry out this chapter for a fiscal year, the
20 Secretary may use not more than the following
21 amounts for the activities described in paragraph (2):

22 “(A) 0.5 percent of amounts made available
23 to carry out section 5305.

24 “(B) 0.75 percent of amounts made avail-
25 able to carry out section 5307.

1 “(C) 1 percent of amounts made available
2 to carry out section 5309.

3 “(D) 1 percent of amounts made available
4 to carry out section 601 of the Passenger Rail
5 Investment and Improvement Act of 2008 (Pub-
6 lic Law 110–432; 122 Stat. 4968).

7 “(E) 0.5 percent of amounts made available
8 to carry out section 5310.

9 “(F) 0.5 percent of amounts made available
10 to carry out section 5311.

11 “(G) 0.75 percent of amounts made avail-
12 able to carry out section 5337(c), of which not
13 less than 0.25 percent shall be available to carry
14 out section 5329.

15 “(H) 0.75 percent of amounts made avail-
16 able to carry out section 5339.

17 “(2) ACTIVITIES.—The activities described in
18 this paragraph are as follows:

19 “(A) Activities to oversee the construction of
20 a major capital project.

21 “(B) Activities to review and audit the safe-
22 ty and security, procurement, management, and
23 financial compliance of a recipient or sub-
24 recipient of funds under this chapter.

1 “(C) *Activities to provide technical assist-*
2 *ance generally, and to provide technical assist-*
3 *ance to correct deficiencies identified in compli-*
4 *ance reviews and audits carried out under this*
5 *section.*

6 “(3) *GOVERNMENT SHARE OF COSTS.—The Gov-*
7 *ernment shall pay the entire cost of carrying out a*
8 *contract under this subsection.*

9 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
10 *made available under paragraph (1)(C) shall be*
11 *available to the Secretary before allocating the funds*
12 *appropriated to carry out any project under a full*
13 *funding grant agreement.”.*

14 **SEC. 3016. BUS AND BUS FACILITY GRANTS.**

15 “(a) *IN GENERAL.—Section 5339 of title 49, United*
16 *States Code, is amended to read as follows:*

17 **“§ 5339. Bus and bus facility grants**

18 “(a) *GENERAL AUTHORITY.—The Secretary may make*
19 *grants under this section to assist eligible recipients de-*
20 *scribed in subsection (b)(1) in financing capital projects—*

21 “(1) *to replace, rehabilitate, and purchase buses*
22 *and related equipment; and*

23 “(2) *to construct bus-related facilities.*

24 “(b) *ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—*

1 “(1) *RECIPIENTS.*—*Eligible recipients under this*
2 *section are designated recipients that operate fixed*
3 *route bus service or that allocate funding to fixed*
4 *route bus operators.*

5 “(2) *SUBRECIPIENTS.*—*A designated recipient*
6 *that receives a grant under this section may allocate*
7 *amounts of the grant to subrecipients that are public*
8 *agencies or private nonprofit organizations engaged*
9 *in public transportation.*

10 “(c) *FORMULA GRANT DISTRIBUTION OF FUNDS.*—

11 “(1) *IN GENERAL.*—*Funds made available for*
12 *making grants under this subsection shall be distrib-*
13 *uted as follows:*

14 “(A) *NATIONAL DISTRIBUTION.*—
15 *\$65,500,000 for each of fiscal years 2016 through*
16 *2021 shall be allocated to all States and terri-*
17 *teries, with each State receiving \$1,250,000, and*
18 *each territory receiving \$500,000, for each such*
19 *fiscal year.*

20 “(B) *DISTRIBUTION USING POPULATION*
21 *AND SERVICE FACTORS.*—*The remainder of the*
22 *funds not otherwise distributed under paragraph*
23 *(1) shall be allocated pursuant to the formula set*
24 *forth in section 5336 (other than subsection (b)*
25 *of that section).*

1 “(2) *TRANSFERS OF APPORTIONMENTS.*—

2 “(A) *TRANSFER FLEXIBILITY FOR NATIONAL*
3 *DISTRIBUTION FUNDS.*—*The Governor of a State*
4 *may transfer any part of the State’s appor­tion-*
5 *ment under subparagraph (A) to supplement—*

6 “(i) *amounts apportioned to the State*
7 *under section 5311(c); or*

8 “(ii) *amounts apportioned to urban-*
9 *ized areas under subsections (a) and (c) of*
10 *section 5336.*

11 “(B) *TRANSFER FLEXIBILITY FOR POPU-*
12 *LATION AND SERVICE FACTORS FUNDS.*—*The*
13 *Governor of a State may expend in an urbanized*
14 *area with a population of less than 200,000 any*
15 *amounts apportioned under paragraph (1)(B)*
16 *that are not allocated to designated recipients in*
17 *urbanized areas with a population of 200,000 or*
18 *more.*

19 “(3) *PERIOD OF AVAILABILITY TO RECIPIENTS.*—

20 “(A) *IN GENERAL.*—*Amounts made avail-*
21 *able under this subsection may be obligated by a*
22 *recipient for 3 years after the fiscal year in*
23 *which the amount is apportioned.*

24 “(B) *REAPPORTIONMENT OF UNOBLIGATED*
25 *AMOUNTS.*—*Not later than 30 days after the end*

1 *of the 3-year period described in subparagraph*
2 *(A), any amount that is not obligated on the last*
3 *day of that period shall be added to the amount*
4 *that may be apportioned under this subsection in*
5 *the next fiscal year.*

6 “(4) *PILOT PROGRAM FOR COST-EFFECTIVE CAP-*
7 *ITAL INVESTMENT.—*

8 “(A) *IN GENERAL.—For each of fiscal years*
9 *2016 through 2021, the Secretary shall carry out*
10 *a pilot program under which an eligible des-*
11 *ignated recipient (as described in subsection*
12 *(c)(1)) in an urbanized area with population of*
13 *not less than 200,000 and not more than 999,999*
14 *may elect to participate in a State pool in ac-*
15 *cordance with this paragraph.*

16 “(B) *PURPOSE OF STATE POOLS.—The pur-*
17 *pose of a State pool shall be to allow for trans-*
18 *fers of formula grant funds made available under*
19 *this subsection among the designated recipients*
20 *participating in the State pool in a manner that*
21 *supports the transit asset management plans of*
22 *the designated recipients under section 5326.*

23 “(C) *REQUESTS FOR PARTICIPATION.—A*
24 *State, and designated recipients in the State de-*
25 *scribed in subparagraph (A), may submit to the*

1 *Secretary a request for participation in the pro-*
2 *gram under procedures to be established by the*
3 *Secretary. A designated recipient for a*
4 *multistate area may participate in only 1 State*
5 *pool.*

6 *“(D) ALLOCATIONS TO PARTICIPATING*
7 *STATES.—For each fiscal year, the Secretary*
8 *shall allocate to each State participating in the*
9 *program the total amount of funds that other-*
10 *wise would be allocated to the urbanized areas of*
11 *the designated recipients participating in the*
12 *State’s pool for that fiscal year pursuant to the*
13 *formula referred to in paragraph (1).*

14 *“(E) ALLOCATIONS TO DESIGNATED RECIPI-*
15 *ENTS IN STATE POOLS.—A State shall distribute*
16 *the amount that is allocated to the State for a*
17 *fiscal year under subparagraph (D) among the*
18 *designated recipients participating in the State’s*
19 *pool in a manner that supports the transit asset*
20 *management plans of the recipients under sec-*
21 *tion 5326.*

22 *“(F) ALLOCATION PLANS.—A State partici-*
23 *parting in the program shall develop an alloca-*
24 *tion plan for the period of fiscal years 2016*
25 *through 2021 to ensure that a designated recipi-*

1 *ent participating in the State’s pool receives*
2 *under the program an amount of funds that*
3 *equals the amount of funds that would have oth-*
4 *erwise been available to the designated recipient*
5 *for that period pursuant to the formula referred*
6 *to in paragraph (1).*

7 *“(G) GRANTS.—The Secretary shall make*
8 *grants under this subsection for a fiscal year to*
9 *a designated recipient participating in a State*
10 *pool following notification by the State of the al-*
11 *location amount determined under subparagraph*
12 *(E).*

13 *“(d) COMPETITIVE GRANTS FOR BUS STATE OF GOOD*
14 *REPAIR.—*

15 *“(1) IN GENERAL.—The Secretary may make*
16 *grants under this subsection to eligible recipients de-*
17 *scribed in subsection (b)(1) to assist in financing cap-*
18 *ital projects described in subsection (a).*

19 *“(2) GRANT CONSIDERATIONS.—In making*
20 *grants under this subsection, the Secretary shall con-*
21 *sider the age and condition of buses, bus fleets, related*
22 *equipment, and bus-related facilities of an eligible re-*
23 *ipient.*

24 *“(3) STATEWIDE APPLICATIONS.—A State may*
25 *submit a statewide application on behalf of a public*

1 *agency or private nonprofit organization engaged in*
2 *public transportation in rural areas or other areas*
3 *for which the State allocates funds. The submission of*
4 *a statewide application shall not preclude the submis-*
5 *sion and consideration of any application under this*
6 *subsection from other eligible recipients in an urban-*
7 *ized area in a State.*

8 *“(4) REQUIREMENTS FOR SECRETARY.—The Sec-*
9 *retary shall—*

10 *“(A) disclose all metrics and evaluation*
11 *procedures to be used in considering grant appli-*
12 *cations under this subsection upon issuance of*
13 *the notice of funding availability in the Federal*
14 *Register; and*

15 *“(B) publish a summary of final scores for*
16 *selected projects, metrics, and other evaluations*
17 *used in awarding grants under this subsection in*
18 *the Federal Register.*

19 *“(5) AVAILABILITY OF FUNDS.—Any amounts*
20 *made available to carry out this subsection—*

21 *“(A) shall remain available for 2 fiscal*
22 *years after the fiscal year for which the amount*
23 *is made available; and*

1 “(B) following the period of availability
2 shall be made available to be apportioned under
3 subsection (c) for the following fiscal year.

4 “(6) *LIMITATION.*—Of the amounts made avail-
5 able under this subsection, not more than 15 percent
6 in fiscal year 2016 and not more than 5 percent in
7 each of fiscal years 2017 through 2021 may be award-
8 ed to a single recipient.

9 “(7) *GRANT FLEXIBILITY.*—If the Secretary de-
10 termines that there are not sufficient grant applica-
11 tions that meet the metrics described in paragraph
12 (4)(A) to utilize the full amount of funds made avail-
13 able to carry out this subsection for a fiscal year, the
14 Secretary may use the remainder of the funds for
15 making apportionments under sections 5307 and
16 5311.

17 “(e) *GENERALLY APPLICABLE PROVISIONS.*—

18 “(1) *GRANT REQUIREMENTS.*—A grant under
19 this section shall be subject to the requirements of—

20 “(A) section 5307 for recipients of grants
21 made in urbanized areas; and

22 “(B) section 5311 for recipients of grants
23 made in rural areas.

24 “(2) *GOVERNMENT’S SHARE OF COSTS.*—

1 “(A) *CAPITAL PROJECTS.*—A grant for a
2 *capital project under this section shall be for 80*
3 *percent of the net capital costs of the project. A*
4 *recipient of a grant under this section may pro-*
5 *vide additional local matching amounts.*

6 “(B) *REMAINING COSTS.*—*The remainder of*
7 *the net project cost shall be provided—*

8 “(i) *in cash from non-Government*
9 *sources other than revenues from providing*
10 *public transportation services;*

11 “(ii) *from revenues derived from the*
12 *sale of advertising and concessions;*

13 “(iii) *from an undistributed cash sur-*
14 *plus, a replacement or depreciation cash*
15 *fund or reserve, or new capital; or*

16 “(iv) *from amounts received under a*
17 *service agreement with a State or local so-*
18 *cial service agency or private social service*
19 *organization.*

20 “(f) *DEFINITIONS.*—*In this section, the following defi-*
21 *initions apply:*

22 “(1) *STATE.*—*The term ‘State’ means a State of*
23 *the United States.*

24 “(2) *TERRITORY.*—*The term ‘territory’ means*
25 *the District of Columbia, Puerto Rico, the Northern*

1 *Mariana Islands, Guam, American Samoa, and the*
2 *United States Virgin Islands.”.*

3 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
4 *53 of title 49, United States Code, is amended by striking*
5 *the item relating to section 5339 and inserting the fol-*
6 *lowing:*

 “5339. *Bus and bus facility grants.*”.

7 **SEC. 3017. OBLIGATION CEILING.**

8 *Notwithstanding any other provision of law, the total*
9 *of all obligations from amounts made available from the*
10 *Mass Transit Account of the Highway Trust Fund by sub-*
11 *section (a) of section 5338 of title 49, United States Code,*
12 *shall not exceed—*

13 (1) *\$8,724,000,000 in fiscal year 2016;*

14 (2) *\$8,879,000,000 in fiscal year 2017;*

15 (3) *\$9,059,000,000 in fiscal year 2018;*

16 (4) *\$9,240,000,000 in fiscal year 2019;*

17 (5) *\$9,429,000,000 in fiscal year 2020; and*

18 (6) *\$9,618,000,000 in fiscal year 2021.*

19 **SEC. 3018. INNOVATIVE PROCUREMENT.**

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

22 (1) *COOPERATIVE PROCUREMENT CONTRACT.*—

23 *The term “cooperative procurement contract” means*
24 *a contract—*

1 (A) entered into between a State govern-
2 ment and 1 or more vendors; and

3 (B) under which the vendors agree to pro-
4 vide an option to purchase rolling stock and re-
5 lated equipment to multiple participants.

6 (2) *LEAD PROCUREMENT AGENCY.*—The term
7 “lead procurement agency” means a State govern-
8 ment that acts in an administrative capacity on be-
9 half of each participant in a cooperative procurement
10 contract.

11 (3) *PARTICIPANT.*—The term “participant”
12 means a grantee that participates in a cooperative
13 procurement contract.

14 (4) *PARTICIPATE.*—The term “participate”
15 means to purchase rolling stock and related equip-
16 ment under a cooperative procurement contract using
17 assistance provided under chapter 53 of title 49,
18 United States Code.

19 (5) *GRANTEE.*—The term “grantee” means a re-
20 cipient and subrecipient of assistance under chapter
21 53 of title 49, United States Code.

22 (b) *COOPERATIVE PROCUREMENT.*—

23 (1) *GENERAL RULES.*—

24 (A) *PROCUREMENT NOT LIMITED TO INTRA-*
25 *STATE PARTICIPANTS.*—A grantee may partici-

1 *pate in a cooperative procurement contract with-*
2 *out regard to whether the grantee is located in*
3 *the same State as the parties to the contract.*

4 (B) *VOLUNTARY PARTICIPATION.—Partici-*
5 *pation by grantees in a cooperative procurement*
6 *contract shall be voluntary.*

7 (2) *AUTHORITY.—A State government may enter*
8 *into a cooperative procurement contract with 1 or*
9 *more vendors if the vendors agree to provide an op-*
10 *tion to purchase rolling stock and related equipment*
11 *to the lead procurement agency and any other partic-*
12 *ipant.*

13 (3) *APPLICABILITY OF POLICIES AND PROCE-*
14 *DURES.—In procuring rolling stock and related*
15 *equipment under a cooperative procurement contract*
16 *under this subsection, a lead procurement agency*
17 *shall comply with the policies and procedures that*
18 *apply to procurement by the State government when*
19 *using non-Federal funds, to the extent that the poli-*
20 *cies and procedures are in conformance with applica-*
21 *ble Federal law.*

22 (c) *JOINT PROCUREMENT CLEARINGHOUSE.—*

23 (1) *IN GENERAL.—The Secretary shall establish*
24 *a clearinghouse for the purpose of allowing grantees*

1 to aggregate planned rolling stock purchases and
2 identify joint procurement participants.

3 (2) *INFORMATION ON PROCUREMENTS.*—The
4 clearinghouse may include information on bus size,
5 engine type, floor type, and any other attributes nec-
6 essary to identify joint procurement participants.

7 (3) *LIMITATIONS.*—

8 (A) *ACCESS.*—The clearinghouse shall only
9 be accessible to the Federal Transit Administra-
10 tion and grantees.

11 (B) *PARTICIPATION.*—No grantees shall be
12 required to submit procurement information to
13 the database.

14 **SEC. 3019. REVIEW OF PUBLIC TRANSPORTATION SAFETY**
15 **STANDARDS.**

16 (1) *REVIEW REQUIRED.*—

17 (A) *IN GENERAL.*—Not later than 90 days
18 after the date of enactment of this Act, the Sec-
19 retary shall begin a review of the safety stand-
20 ards and protocols used in public transportation
21 systems in the United States that examines the
22 efficacy of existing standards and protocols.

23 (B) *CONTENTS OF REVIEW.*—In conducting
24 the review under this paragraph, the Secretary
25 shall review—

1 (i) *minimum safety performance*
2 *standards developed by the public transpor-*
3 *tation industry;*

4 (ii) *safety performance standards,*
5 *practices, or protocols in use by rail fixed*
6 *guideway public transportation systems, in-*
7 *cluding—*

8 (I) *written emergency plans and*
9 *procedures for passenger evacuations;*

10 (II) *training programs to ensure*
11 *public transportation personnel com-*
12 *pliance and readiness in emergency*
13 *situations;*

14 (III) *coordination plans approved*
15 *by recipients with local emergency re-*
16 *sponders having jurisdiction over a*
17 *rail fixed guideway public transpor-*
18 *tation system, including—*

19 (aa) *emergency preparedness*
20 *training, drills, and familiariza-*
21 *tion programs for the first re-*
22 *sponders; and*

23 (bb) *the scheduling of regular*
24 *field exercises to ensure appro-*
25 *priate response and effective radio*

1 *and public safety communica-*
2 *tions;*

3 *(IV) maintenance, testing, and in-*
4 *spection programs to ensure the proper*
5 *functioning of—*

6 *(aa) tunnel, station, and ve-*
7 *hicle ventilation systems;*

8 *(bb) signal and train control*
9 *systems, track, mechanical sys-*
10 *tems, and other infrastructure;*
11 *and*

12 *(cc) other systems as nec-*
13 *essary;*

14 *(V) certification requirements for*
15 *train and bus operators and control*
16 *center employees;*

17 *(VI) consensus-based standards,*
18 *practices, or protocols available to the*
19 *public transportation industry; and*

20 *(VII) any other standards, prac-*
21 *tices, or protocols the Secretary deter-*
22 *mines appropriate; and*

23 *(iii) rail and bus safety standards,*
24 *practices, or protocols in use by public*
25 *transportation systems, regarding—*

1 (I) rail and bus design and the
2 workstation of rail and bus operators,
3 as it relates to—

4 (aa) the reduction of blind-
5 spots that contribute to accidents
6 involving pedestrians; and

7 (bb) protecting rail and bus
8 operators from the risk of assault;

9 (II) scheduling fixed route rail
10 and bus service with adequate time
11 and access for operators to use rest-
12 room facilities;

13 (III) fatigue management; and

14 (IV) crash avoidance and worthi-
15 ness.

16 (2) *EVALUATION.*—After conducting the review
17 under paragraph (1), the Secretary shall, in consulta-
18 tion with representatives of the public transportation
19 industry, evaluate the need to establish additional
20 Federal minimum public transportation safety stand-
21 ards.

22 (3) *REPORT.*—After completing the review and
23 evaluation required under paragraphs (1) and (2),
24 but not later than 1 year after the date of enactment

1 of this Act, the Secretary shall make available on a
2 publicly accessible Web site, a report that includes—

3 (A) findings based on the review conducted
4 under paragraph (1);

5 (B) the outcome of the evaluation conducted
6 under paragraph (2);

7 (C) a comprehensive set of recommendations
8 to improve the safety of the public transportation
9 industry, including recommendations for statu-
10 tory changes if applicable; and

11 (D) actions that the Secretary will take to
12 address the recommendations provided under
13 subparagraph (C), including, if necessary, the
14 authorities under section 5329(b)(2)(D) of chap-
15 ter 53 of title 49, United States Code.

16 **SEC. 3020. STUDY ON EVIDENTIARY PROTECTION FOR PUB-**
17 **LIC TRANSPORTATION SAFETY PROGRAM IN-**
18 **FORMATION.**

19 (a) *STUDY.*—The Comptroller General shall complete
20 a study to evaluate whether it is in the public interest, in-
21 cluding public safety and the legal rights of persons injured
22 in public transportation accidents, to withhold from dis-
23 covery or admission into evidence in a Federal or State
24 court proceeding any plan, report, data, or other informa-
25 tion or portion thereof, submitted to, developed, produced,

1 collected, or obtained by the Secretary or the Secretary's
2 representative for purposes of complying with the require-
3 ments under section 5329 of chapter 53 of title 49, United
4 States Code, including information related to a recipient's
5 safety plan, safety risks, and mitigation measures.

6 (b) *INPUT*.—In conducting the study under subsection
7 (a), the Comptroller General shall solicit input from the
8 public transportation recipients, public transportation non-
9 profit employee labor organizations, and impacted members
10 of the general public.

11 (c) *REPORT*.—Not later than 18 months after the date
12 of enactment of this section, the Comptroller General shall
13 issue a report, with the findings of the study under sub-
14 section (a), including any recommendations on statutory
15 changes regarding evidentiary protections that will increase
16 transit safety.

17 **SEC. 3021. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
18 **DISABILITIES.**

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

21 (1) *ALLOCATED COST MODEL*.—The term “allo-
22 cated cost model” means a method of determining the
23 cost of trips by allocating the cost to each trip pur-
24 pose served by a transportation provider in a manner
25 that is proportional to the level of transportation

1 *service that the transportation provider delivers for*
2 *each trip purpose, to the extent permitted by applica-*
3 *ble Federal laws.*

4 (2) *COUNCIL.*—*The term “Council” means the*
5 *Interagency Transportation Coordinating Council on*
6 *Access and Mobility established under Executive*
7 *Order 13330 (49 U.S.C. 101 note).*

8 (b) *STRATEGIC PLAN.*—*Not later than 1 year after the*
9 *date of enactment of this Act, the Council shall publish a*
10 *strategic plan for the Council that—*

11 (1) *outlines the role and responsibilities of each*
12 *Federal agency with respect to local transportation*
13 *coordination, including nonemergency medical trans-*
14 *portation;*

15 (2) *identifies a strategy to strengthen inter-*
16 *agency collaboration;*

17 (3) *addresses any outstanding recommendations*
18 *made by the Council in the 2005 Report to the Presi-*
19 *dent relating to the implementation of Executive*
20 *Order 13330, including—*

21 (A) *a cost-sharing policy endorsed by the*
22 *Council; and*

23 (B) *recommendations to increase participa-*
24 *tion by recipients of Federal grants in locally de-*
25 *veloped, coordinated planning processes;*

1 (4) to the extent feasible, addresses recommenda-
2 tions by the Comptroller General of the United States
3 concerning local coordination of transportation serv-
4 ices;

5 (5) examines and proposes changes to Federal
6 regulations that will eliminate Federal barriers to
7 local transportation coordination, including non-
8 emergency medical transportation; and

9 (6) recommends to Congress changes to Federal
10 laws, except chapter 53 of title 49, United States
11 Code, that will eliminate Federal barriers to local
12 transportation coordination, including nonemergency
13 medical transportation.

14 (c) *DEVELOPMENT OF COST-SHARING POLICY IN COM-*
15 *PLIANCE WITH APPLICABLE FEDERAL LAWS.*—In estab-
16 lishing the cost-sharing policy required under subsection
17 (b), the Council may consider, to the extent practicable—

18 (1) the development of recommended strategies
19 for grantees of programs funded by members of the
20 Council, including strategies for grantees of programs
21 that fund nonemergency medical transportation, to
22 use the cost-sharing policy in a manner that does not
23 violate applicable Federal laws; and

24 (2) incorporation of an allocated cost model to
25 facilitate local coordination efforts that comply with

1 applicable requirements of programs funded by mem-
2 bers of the Council, such as—

3 (A) eligibility requirements;

4 (B) service delivery requirements; and

5 (C) reimbursement requirements.

6 **SEC. 3022. IMPROVED TRANSIT SAFETY MEASURES.**

7 (a) *REQUIREMENTS.*—Not later than 90 days after
8 publication of the report required in section 3019, the Sec-
9 retary shall issue a notice of proposed rulemaking on pro-
10 tecting transit operators from the risk of assault.

11 (b) *CONSIDERATION.*—In the proposed rulemaking the
12 Secretary shall consider—

13 (1) different safety needs of drivers of different
14 modes;

15 (2) differences in operating environments;

16 (3) the use of technology to mitigate driver as-
17 sault risks;

18 (4) existing experience, from both agencies and
19 operators who already are using or testing driver as-
20 sault mitigation infrastructure; and

21 (5) the impact of the rule on future rolling stock
22 procurements and vehicles currently in revenue serv-
23 ice.

24 (c) *SAVINGS CLAUSE.*—Nothing in this section may be
25 construed as prohibiting the Secretary from issuing dif-

1 *ferent comprehensive worker protections, including stand-*
 2 *ards for mitigating assaults.*

3 **SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED**
 4 **COORDINATED PLAN.**

5 *Notwithstanding the provisions of part 37.131(c) of*
 6 *title 49, Code of Federal Regulations, any paratransit sys-*
 7 *tem currently coordinating complementary paratransit*
 8 *service for more than 40 fixed route agencies shall be per-*
 9 *mitted to continue using an existing tiered, distance-based*
 10 *coordinated paratransit fare system.*

11 **TITLE IV—HIGHWAY SAFETY**

12 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

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

16 *(1) HIGHWAY SAFETY PROGRAMS.—For carrying*
 17 *out section 402 of title 23, United States Code—*

18 *(A) \$260,274,200 for fiscal year 2016;*

19 *(B) \$265,935,829 for fiscal year 2017;*

20 *(C) \$271,787,002 for fiscal year 2018;*

21 *(D) \$278,090,300 for fiscal year 2019;*

22 *(E) \$284,874,829 for fiscal year 2020; and*

23 *(F) \$291,195,558 for fiscal year 2021.*

1 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
2 *MENT.—For carrying out section 403 of title 23,*
3 *United States Code—*

4 (A) *\$115,951,600 for fiscal year 2016;*

5 (B) *\$118,398,179 for fiscal year 2017;*

6 (C) *\$121,665,968 for fiscal year 2018;*

7 (D) *\$124,926,616 for fiscal year 2019;*

8 (E) *\$128,187,201 for fiscal year 2020; and*

9 (F) *\$131,455,975 for fiscal year 2021.*

10 (3) *NATIONAL PRIORITY SAFETY PROGRAMS.—*
11 *For carrying out section 405 of title 23, United States*
12 *Code—*

13 (A) *\$275,862,400 for fiscal year 2016;*

14 (B) *\$281,186,544 for fiscal year 2017;*

15 (C) *\$286,500,970 for fiscal year 2018;*

16 (D) *\$292,316,940 for fiscal year 2019;*

17 (E) *\$298,601,754 for fiscal year 2020; and*

18 (F) *\$304,394,628 for fiscal year 2021.*

19 (4) *NATIONAL DRIVER REGISTER.—For the Na-*
20 *tional Highway Traffic Safety Administration to*
21 *carry out chapter 303 of title 49, United States*
22 *Code—*

23 (A) *\$5,000,000 for fiscal year 2016;*

24 (B) *\$5,000,000 for fiscal year 2017;*

25 (C) *\$5,000,000 for fiscal year 2018;*

1 (D) \$5,000,000 for fiscal year 2019;

2 (E) \$5,000,000 for fiscal year 2020; and

3 (F) \$5,000,000 for fiscal year 2021.

4 (5) *HIGH-VISIBILITY ENFORCEMENT PROGRAM.*—

5 *For carrying out section 404 of title 23, United States*

6 *Code—*

7 (A) \$29,411,800 for fiscal year 2016;

8 (B) \$29,979,448 for fiscal year 2017;

9 (C) \$30,546,059 for fiscal year 2018;

10 (D) \$31,166,144 for fiscal year 2019;

11 (E) \$31,836,216 for fiscal year 2020; and

12 (F) \$32,453,839 for fiscal year 2021.

13 (6) *ADMINISTRATIVE EXPENSES.*—*For adminis-*

14 *trative and related operating expenses of the National*

15 *Highway Traffic Safety Administration in carrying*

16 *out chapter 4 of title 23, United States Code, and this*

17 *title—*

18 (A) \$25,500,000 for fiscal year 2016;

19 (B) \$25,500,000 for fiscal year 2017;

20 (C) \$25,500,000 for fiscal year 2018;

21 (D) \$25,500,000 for fiscal year 2019;

22 (E) \$25,500,000 for fiscal year 2020; and

23 (F) \$25,500,000 for fiscal year 2021.

24 (b) *PROHIBITION ON OTHER USES.*—*Except as other-*

25 *wise provided in chapter 4 of title 23, United States Code,*

1 *and chapter 303 of title 49, United States Code, the*
2 *amounts made available from the Highway Trust Fund*
3 *(other than the Mass Transit Account) for a program under*
4 *such chapters—*

5 (1) *shall only be used to carry out such program;*
6 *and*

7 (2) *may not be used by States or local govern-*
8 *ments for construction purposes.*

9 (c) *APPLICABILITY OF TITLE 23.—Except as otherwise*
10 *provided in chapter 4 of title 23, United States Code, and*
11 *chapter 303 of title 49, United States Code, amounts made*
12 *available under subsection (a) for fiscal years 2016 through*
13 *2021 shall be available for obligation in the same manner*
14 *as if such funds were apportioned under chapter 1 of title*
15 *23, United States Code.*

16 (d) *STATE MATCHING REQUIREMENTS.—If a grant*
17 *awarded under chapter 4 of title 23, United States Code,*
18 *requires a State to share in the cost, the aggregate of all*
19 *expenditures for highway safety activities made during a*
20 *fiscal year by the State and its political subdivisions (exclu-*
21 *sive of Federal funds) for carrying out the grant (other than*
22 *planning and administration) that are in excess of the*
23 *amount required under Federal law shall be available for*
24 *the purpose of crediting the State during such fiscal year*
25 *for the non-Federal share of the cost of any other project*

1 *carried out under chapter 4 of title 23, United States Code*
 2 *(other than planning or administration), without regard to*
 3 *whether such expenditures were made in connection with*
 4 *such project.*

5 *(e) GRANT APPLICATION AND DEADLINE.—To receive*
 6 *a grant under chapter 4 of title 23, United States Code,*
 7 *a State shall submit an application, and the Secretary shall*
 8 *establish a single deadline for such applications to enable*
 9 *the award of grants early in the next fiscal year.*

10 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

11 *Section 402 of title 23, United States Code, is amend-*
 12 *ed—*

13 *(1) in subsection (a)(2)(A)—*

14 *(A) in clause (vi) by striking “and” at the*
 15 *end;*

16 *(B) in clause (vii) by inserting “and” after*
 17 *the semicolon; and*

18 *(C) by adding at the end the following:*

19 *“(viii) to increase driver awareness of*
 20 *commercial motor vehicles to prevent crash-*
 21 *es and reduce injuries and fatalities;”;*

22 *(2) in subsection (c)(4), by adding at the end the*
 23 *following:*

24 *“(C) SURVEY.—A State shall expend funds*
 25 *apportioned to that State under this section to*

1 *conduct a biennial survey that the Secretary*
2 *shall make publicly available through the Inter-*
3 *net Web site of the Department of Transpor-*
4 *tation that includes—*

5 *“(i) a list of automated traffic enforce-*
6 *ment systems in the State;*

7 *“(ii) adequate data to measure the*
8 *transparency, accountability, and safety at-*
9 *tributes of each automated traffic enforce-*
10 *ment system; and*

11 *“(iii) a comparison of each automated*
12 *traffic enforcement system with—*

13 *“(I) Speed Enforcement Camera*
14 *Systems Operational Guidelines (DOT*
15 *HS 810 916, March 2008); and*

16 *“(II) Red Light Camera Systems*
17 *Operational Guidelines (FHWA–SA–*
18 *05–002, January 2005).”;*

19 *(3) by striking subsection (g) and inserting the*
20 *following:*

21 *“(g) RESTRICTION.—Nothing in this section may be*
22 *construed to authorize the appropriation or expenditure of*
23 *funds for highway construction, maintenance, or design*
24 *(other than design of safety features of highways to be incor-*
25 *porated into guidelines).”;*

1 (4) in subsection (k)—

2 (A) by redesignating paragraphs (3)
3 through (5) as paragraphs (4) through (6), re-
4 spectively; and

5 (B) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) *ELECTRONIC SUBMISSION.*—The Secretary,
8 in coordination with the Governors Highway Safety
9 Association, shall develop procedures to allow States
10 to submit highway safety plans under this subsection,
11 including any attachments to the plans, in electronic
12 form.”; and

13 (5) in subsection (m)(2)(A)—

14 (A) in clause (iv) by striking “and” at the
15 end; and

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

17 “(vi) increase driver awareness of com-
18 mercial motor vehicles to prevent crashes
19 and reduce injuries and fatalities; and”.

20 **SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
21 **MENT.**

22 Section 403 of title 23, United States Code, is amend-
23 ed—

24 (1) in subsection (b)(1)—

1 (A) in subparagraph (E) by striking “and”
2 at the end;

3 (B) by redesignating subparagraph (F) as
4 subparagraph (G);

5 (C) by inserting after subparagraph (E) the
6 following:

7 “(F) the installation of ignition interlocks
8 in the United States; and”; and

9 (D) in subparagraph (G), as so redesignated,
10 by striking “in subparagraphs (A)
11 through (E)” and inserting “in subparagraphs
12 (A) through (F)”;

13 (2) in subsection (h) by striking paragraph (2)
14 and inserting the following:

15 “(2) *FUNDING.*—The Secretary shall obligate for
16 each of fiscal years 2016 through 2021, from funds
17 made available to carry out this section, except that
18 the total obligated for the period covering fiscal years
19 2016 through 2021 may not exceed \$32,000,000, to
20 conduct the research described in paragraph (1).”;
21 and

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

23 “(i) *LIMITATION ON DRUG AND ALCOHOL SURVEY*
24 *DATA.*—The Secretary shall establish procedures and guide-
25 lines to ensure that any person participating in a program

1 *or activity that collects data on drug or alcohol use by driv-*
2 *ers of motor vehicles and is carried out under this section*
3 *is informed that the program or activity is voluntary.*

4 “(j) *FEDERAL SHARE.—The Federal share of the cost*
5 *of any project or activity carried out under this section may*
6 *be not more than 100 percent.”.*

7 **SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

8 (a) *IN GENERAL.—Section 404 of title 23, United*
9 *States Code, is amended to read as follows:*

10 **“§404. High visibility enforcement program**

11 “(a) *IN GENERAL.—The Administrator of the National*
12 *Highway Traffic Safety Administration shall establish and*
13 *administer a program under which not less than 3 cam-*
14 *paigns will be carried out in each of fiscal years 2016*
15 *through 2021.*

16 “(b) *PURPOSE.—The purpose of each campaign car-*
17 *ried out under this section shall be to achieve outcomes re-*
18 *lated to not less than 1 of the following objectives:*

19 “(1) *Reduce alcohol-impaired or drug-impaired*
20 *operation of motor vehicles.*

21 “(2) *Increase use of seatbelts by occupants of*
22 *motor vehicles.*

23 “(3) *Reduce distracted driving of motor vehicles.*

24 “(c) *ADVERTISING.—The Administrator may use, or*
25 *authorize the use of, funds available to carry out this section*

1 to pay for the development, production, and use of broadcast
2 and print media advertising and Internet-based outreach
3 in carrying out campaigns under this section. Consider-
4 ation shall be given to advertising directed at non-English
5 speaking populations, including those who listen to, read,
6 or watch nontraditional media.

7 “(d) *COORDINATION WITH STATES.*—The Adminis-
8 trator shall coordinate with States in carrying out the cam-
9 paigns under this section, including advertising funded
10 under subsection (c), with consideration given to—

11 “(1) *relying on States to provide law enforce-*
12 *ment resources for the campaigns out of funding*
13 *available under sections 402 and 405; and*

14 “(2) *providing out of National Highway Traffic*
15 *Safety Administration resources most of the means*
16 *necessary for national advertising and education ef-*
17 *forts associated with the campaigns.*

18 “(e) *USE OF FUNDS.*—Funds made available to carry
19 out this section may only be used for activities described
20 in subsection (c).

21 “(f) *DEFINITIONS.*—In this section, the following defi-
22 nitions apply:

23 “(1) *CAMPAIGN.*—The term ‘campaign’ means a
24 *high-visibility traffic safety law enforcement cam-*
25 *paign.*

1 “(2) *STATE*.—The term ‘State’ has the meaning
2 such term has under section 401.”.

3 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
4 4 of title 23, United States Code, is amended by striking
5 the item relating to section 404 and inserting the following:
6 “404. High-visibility enforcement program.”.

6 **SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.**

7 (a) *GENERAL AUTHORITY*.—Section 405(a) of title 23,
8 United States Code, is amended to read as follows:

9 “(a) *GENERAL AUTHORITY*.—Subject to the require-
10 ments of this section, the Secretary of Transportation shall
11 manage programs to address national priorities for reduc-
12 ing highway deaths and injuries. Funds shall be allocated
13 according to the following:

14 “(1) *OCCUPANT PROTECTION*.—In each fiscal
15 year, 13 percent of the funds provided under this sec-
16 tion shall be allocated among States that adopt and
17 implement effective occupant protection programs to
18 reduce highway deaths and injuries resulting from in-
19 dividuals riding unrestrained or improperly re-
20 strained in motor vehicles (as described in subsection
21 (b)).

22 “(2) *STATE TRAFFIC SAFETY INFORMATION SYS-*
23 *TEM IMPROVEMENTS*.—In each fiscal year, 14.5 per-
24 cent of the funds provided under this section shall be
25 allocated among States that meet requirements with

1 *respect to State traffic safety information system im-*
2 *provements (as described in subsection (c)).*

3 “(3) *IMPAIRED DRIVING COUNTERMEASURES.—*
4 *In each fiscal year, 52.5 percent of the funds provided*
5 *under this section shall be allocated among States*
6 *that meet requirements with respect to impaired driv-*
7 *ing countermeasures (as described in subsection (d)).*

8 “(4) *DISTRACTED DRIVING.—In each fiscal year,*
9 *8.5 percent of the funds provided under this section*
10 *shall be allocated among States that adopt and imple-*
11 *ment effective laws to reduce distracted driving (as*
12 *described in subsection (e)).*

13 “(5) *MOTORCYCLIST SAFETY.—In each fiscal*
14 *year, 1.5 percent of the funds provided under this sec-*
15 *tion shall be allocated among States that implement*
16 *motorcyclist safety programs (as described in sub-*
17 *section (f)).*

18 “(6) *STATE GRADUATED DRIVER LICENSING*
19 *LAWS.—In each fiscal year, 5 percent of the funds*
20 *provided under this section shall be allocated among*
21 *States that adopt and implement graduated driver li-*
22 *censing laws (as described in subsection (g)).*

23 “(7) *NONMOTORIZED SAFETY.—In each fiscal*
24 *year, 5 percent of the funds provided under this sec-*
25 *tion shall be allocated among States that meet re-*

1 *quirements with respect to nonmotorized safety (as*
2 *described in subsection (h)).*

3 “(8) *TRANSFERS.*—*Notwithstanding paragraphs*
4 *(1) through (7), the Secretary may reallocate, before*
5 *the last day of any fiscal year, any amounts remain-*
6 *ing available to carry out any of the activities de-*
7 *scribed in subsections (b) through (h) to increase the*
8 *amount made available under section 402, in order to*
9 *ensure, to the maximum extent possible, that all such*
10 *amounts are obligated during such fiscal year.*

11 “(9) *MAINTENANCE OF EFFORT.*—

12 “(A) *REQUIREMENTS.*—*No grant may be*
13 *made to a State in any fiscal year under sub-*
14 *section (b), (c), or (d) unless the State enters into*
15 *such agreements with the Secretary as the Sec-*
16 *retary may require to ensure that the State will*
17 *maintain its aggregate expenditures from all*
18 *State and local sources for programs described in*
19 *those subsections at or above the average level of*
20 *such expenditures in the 2 fiscal years preceding*
21 *the date of enactment of this paragraph.*

22 “(B) *WAIVER.*—*Upon the request of a State,*
23 *the Secretary may waive or modify the require-*
24 *ments under subparagraph (A) for not more*
25 *than 1 fiscal year if the Secretary determines*

1 *that such a waiver would be equitable due to ex-*
2 *ceptional or uncontrollable circumstances.”.*

3 **(b) HIGH SEATBELT USE RATE.**—Section
4 *405(b)(4)(B) of title 23, United States Code, is amended*
5 *by striking “75 percent” and inserting “100 percent”.*

6 **(c) IMPAIRED DRIVING COUNTERMEASURES.**—Section
7 *405(d) of title 23, United States Code, is amended—*

8 *(1) by striking paragraph (4) and inserting the*
9 *following:*

10 *“(4) USE OF GRANT AMOUNTS.—*

11 *“(A) REQUIRED PROGRAMS.—High-range*
12 *States shall use grant funds for—*

13 *“(i) high-visibility enforcement efforts;*

14 *and*

15 *“(ii) any of the activities described in*
16 *subparagraph (B) if—*

17 *“(I) the activity is described in*
18 *the statewide plan; and*

19 *“(II) the Secretary approves the*
20 *use of funding for such activity.*

21 **(B) AUTHORIZED PROGRAMS.**—*Medium-*
22 *range and low-range States may use grant funds*
23 *for—*

24 *“(i) any of the purposes described in*
25 *subparagraph (A);*

1 “(ii) hiring a full-time or part-time
2 impaired driving coordinator of the State’s
3 activities to address the enforcement and
4 adjudication of laws regarding driving
5 while impaired by alcohol, drugs, or the
6 combination of alcohol and drugs;

7 “(iii) court support of high-visibility
8 enforcement efforts, training and education
9 of criminal justice professionals (including
10 law enforcement, prosecutors, judges, and
11 probation officers) to assist such profes-
12 sionals in handling impaired driving cases,
13 hiring traffic safety resource prosecutors,
14 hiring judicial outreach liaisons, and estab-
15 lishing driving while intoxicated courts;

16 “(iv) alcohol ignition interlock pro-
17 grams;

18 “(v) improving blood-alcohol con-
19 centration testing and reporting;

20 “(vi) paid and earned media in sup-
21 port of high-visibility enforcement efforts,
22 conducting standardized field sobriety
23 training, advanced roadside impaired driv-
24 ing evaluation training, and drug recogni-
25 tion expert training for law enforcement,

1 *and equipment and related expenditures*
2 *used in connection with impaired driving*
3 *enforcement in accordance with criteria es-*
4 *tablished by the National Highway Traffic*
5 *Safety Administration;*

6 “(vii) *training on the use of alcohol*
7 *and drug screening and brief intervention;*

8 “(viii) *training for and implementa-*
9 *tion of impaired driving assessment pro-*
10 *grams or other tools designed to increase the*
11 *probability of identifying the recidivism*
12 *risk of a person convicted of driving under*
13 *the influence of alcohol, drugs, or a com-*
14 *bination of alcohol and drugs and to deter-*
15 *mine the most effective mental health or*
16 *substance abuse treatment or sanction that*
17 *will reduce such risk;*

18 “(ix) *developing impaired driving in-*
19 *formation systems; and*

20 “(x) *costs associated with a 24–7 sobri-*
21 *ety program.*

22 “(C) *OTHER PROGRAMS.—Low-range States*
23 *may use grant funds for any expenditure de-*
24 *signed to reduce impaired driving based on prob-*
25 *lem identification and may use not more than*

1 50 percent of funds made available under this
2 subsection for any project or activity eligible for
3 funding under section 402. Medium- and high-
4 range States may use funds for any expenditure
5 designed to reduce impaired driving based on
6 problem identification upon approval by the Sec-
7 retary.”; and

8 (2) by striking paragraph (6)(A) and inserting
9 the following:

10 “(A) *IN GENERAL.*—The Secretary shall
11 make a separate grant under this subsection to
12 each State that adopts and is enforcing a law
13 that requires any individual convicted of driving
14 under the influence of alcohol or of driving while
15 intoxicated to receive a restriction on driving
16 privileges that limits the individual to operating
17 only motor vehicles with an ignition interlock
18 installed. Such law may provide limited excep-
19 tions for circumstances when—

20 “(i) a State-certified ignition interlock
21 provider is not available within 100 miles
22 of the individual’s residence;

23 “(ii) the individual is required to oper-
24 ate an employer’s motor vehicle in the
25 course and scope of employment and the

1 *business entity that owns the vehicle is not*
2 *owned or controlled by the individual; or*

3 “(iii) *the individual is certified by a*
4 *medical doctor as being unable to provide a*
5 *deep lung breath sample for analysis by an*
6 *ignition interlock device.”.*

7 *(d) DISTRACTED DRIVING GRANTS.—Section 405(e) of*
8 *title 23, United States Code, is amended to read as follows:*

9 “(e) *DISTRACTED DRIVING GRANTS.—*

10 “(1) *IN GENERAL.—The Secretary shall award a*
11 *grant under this subsection to any State that includes*
12 *distracted driving awareness as part of the State’s*
13 *driver’s license examination, and enacts and enforces*
14 *a law that meets the requirements set forth in para-*
15 *graphs (2) and (3).*

16 “(2) *PROHIBITION ON TEXTING WHILE DRIVING*
17 *OR STOPPED IN TRAFFIC.—A State law meets the re-*
18 *quirements set forth in this paragraph if the law—*

19 “(A) *prohibits a driver from texting through*
20 *a personal wireless communications device while*
21 *driving or stopped in traffic;*

22 “(B) *makes violation of the law a primary*
23 *offense; and*

24 “(C) *establishes a minimum fine for a vio-*
25 *lation of the law.*

1 “(3) *PROHIBITION ON YOUTH CELL PHONE USE*
2 *WHILE DRIVING OR STOPPED IN TRAFFIC.*—A State
3 *law meets the requirements set forth in this para-*
4 *graph if the law—*

5 “(A) *prohibits a driver from using a per-*
6 *sonal wireless communications device while driv-*
7 *ing or stopped in traffic—*

8 “(i) *younger than 18 years of age; or*
9 “(ii) *in the learner’s permit and inter-*
10 *mediate license stages set forth in subsection*
11 *(g)(2)(B);*

12 “(B) *makes violation of the law a primary*
13 *offense; and*

14 “(C) *establishes a minimum fine for a first*
15 *violation of the law.*

16 “(4) *PERMITTED EXCEPTIONS.*—A law that
17 *meets the requirements set forth in paragraph (2) or*
18 *(3) may provide exceptions for—*

19 “(A) *a driver who uses a personal wireless*
20 *communications device to contact emergency*
21 *services;*

22 “(B) *emergency services personnel who use*
23 *a personal wireless communications device*
24 *while—*

1 “(i) operating an emergency services
2 vehicle; and

3 “(ii) engaged in the performance of
4 their duties as emergency services personnel;

5 “(C) an individual employed as a commer-
6 cial motor vehicle driver or a school bus driver
7 who uses a personal wireless communications de-
8 vice within the scope of such individual’s em-
9 ployment if such use is permitted under the reg-
10 ulations promulgated pursuant to section 31136
11 of title 49; and

12 “(D) any additional exceptions determined
13 by the Secretary through a rulemaking process.

14 “(5) USE OF GRANT FUNDS.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), amounts received by a State
17 under this subsection shall be used—

18 “(i) to educate the public through ad-
19 vertising containing information about the
20 dangers of texting or using a cell phone
21 while driving;

22 “(ii) for traffic signs that notify driv-
23 ers about the distracted driving law of the
24 State; or

1 “(iii) for law enforcement costs related
2 to the enforcement of the distracted driving
3 law.

4 “(B) FLEXIBILITY.—

5 “(i) Not more than 50 percent of
6 amounts received by a State under this
7 subsection may be used for any eligible
8 project or activity under section 402.

9 “(ii) Not more than 75 percent of
10 amounts received by a State under this
11 subsection may be used for any eligible
12 project or activity under section 402 if
13 the State has conformed its distracted
14 driving data to the most recent Model
15 Minimum Uniform Crash Criteria
16 published by the Secretary.

17 “(6) ALLOCATION TO SUPPORT STATE DIS-
18 TRACTED DRIVING LAWS.—Of the amounts available
19 under this subsection in a fiscal year for distracted
20 driving grants, the Secretary may expend not more
21 than \$5,000,000 for the development and placement of
22 broadcast media to reduce distracted driving of motor
23 vehicles, including to support campaigns related to
24 distracted driving that are funded under section 404.

1 “(7) *GRANT AMOUNT.*—*The allocation of grant*
2 *fun**ds to a State under this subsection for a fiscal*
3 *year shall be in proportion to the State’s apportion-*
4 *ment under section 402 for fiscal year 2009.*

5 “(8) *DEFINITIONS.*—*In this subsection, the fol-*
6 *lowing definitions apply:*

7 “(A) *DRIVING.*—*The term ‘driving’—*

8 “*(i) means operating a motor vehicle*
9 *on a public road, including operation while*
10 *temporarily stationary because of traffic, a*
11 *traffic light or stop sign, or otherwise; and*

12 “*(ii) does not include operating a*
13 *motor vehicle when the vehicle has pulled*
14 *over to the side of, or off, an active roadway*
15 *and has stopped in a location where it can*
16 *safely remain stationary.*

17 “(B) *PERSONAL WIRELESS COMMUNICA-*
18 *TIONS DEVICE.*—*The term ‘personal wireless*
19 *communications device’—*

20 “*(i) means a device through which per-*
21 *sonal wireless services (as defined in section*
22 *332(c)(7)(C)(i) of the Communications Act*
23 *of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are*
24 *transmitted; and*

1 “(ii) does not include a global naviga-
2 tion satellite system receiver used for posi-
3 tioning, emergency notification, or naviga-
4 tion purposes.

5 “(C) *PRIMARY OFFENSE*.—The term ‘pri-
6 mary offense’ means an offense for which a law
7 enforcement officer may stop a vehicle solely for
8 the purpose of issuing a citation in the absence
9 of evidence of another offense.

10 “(D) *PUBLIC ROAD*.—The term ‘public
11 road’ has the meaning given such term in section
12 402(c).

13 “(E) *TEXTING*.—The term ‘texting’ means
14 reading from or manually entering data into a
15 personal wireless communications device, includ-
16 ing doing so for the purpose of SMS texting,
17 emailing, instant messaging, or engaging in any
18 other form of electronic data retrieval or elec-
19 tronic data communication.”.

20 (e) *MOTORCYCLIST SAFETY*.—Section 405(f) of title
21 23, *United States Code*, is amended—

22 (1) by striking paragraph (2) and inserting the
23 following:

24 “(2) *GRANT AMOUNT*.—The allocation of grant
25 funds to a State under this subsection for a fiscal

1 *year shall be in proportion to the State’s apporportion-*
2 *ment under section 402 for fiscal year 2009, except*
3 *that the amount of a grant awarded to a State for*
4 *a fiscal year may not exceed 25 percent of the amount*
5 *apportioned to the State under such section for fiscal*
6 *year 2009.”;*

7 *(2) in paragraph (4) by adding at the end the*
8 *following:*

9 *“(C) FLEXIBILITY.—Not more than 50 per-*
10 *cent of grant funds received by a State under*
11 *this subsection may be used for any eligible*
12 *project or activity under section 402 if the State*
13 *is in the lowest 25 percent of all States for mo-*
14 *torcycle deaths per 10,000 motorcycle registra-*
15 *tions based on the most recent data that con-*
16 *forms with criteria established by the Sec-*
17 *retary.”; and*

18 *(3) by adding at the end the following:*

19 *“(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not*
20 *later than 1 year after the date of enactment of this*
21 *paragraph, the Secretary shall update and provide to*
22 *the States model language for use in traffic safety*
23 *education courses, driver’s manuals, and other driver*
24 *training materials that provides instruction for driv-*

1 *ers of motor vehicles on the importance of sharing the*
2 *road safely with motorcyclists.”.*

3 *(f) STATE GRADUATED DRIVER LICENSING INCENTIVE*
4 *GRANT.—Section 405(g) of title 23, United States Code, is*
5 *amended to read as follows:*

6 *“(g) STATE GRADUATED DRIVER LICENSING INCEN-*
7 *TIVE GRANT.—*

8 *“(1) GRANTS AUTHORIZED.—Subject to the re-*
9 *quirements under this subsection, the Secretary shall*
10 *award grants to States that adopt and implement*
11 *graduated driver licensing laws in accordance with*
12 *the requirements set forth in paragraph (2).*

13 *“(2) MINIMUM REQUIREMENTS.—*

14 *“(A) IN GENERAL.—A State meets the re-*
15 *quirements set forth in this paragraph if the*
16 *State has a graduated driver licensing law that*
17 *requires novice drivers younger than 18 years of*
18 *age to comply with the 2-stage licensing process*
19 *described in subparagraph (B) before receiving*
20 *an unrestricted driver’s license.*

21 *“(B) LICENSING PROCESS.—A State is in*
22 *compliance with the 2-stage licensing process de-*
23 *scribed in this subparagraph if the State’s driv-*
24 *er’s license laws comply with the additional re-*

1 *quirements under subparagraph (C) and in-*
2 *cludes—*

3 *“(i) a learner’s permit stage that—*

4 *“(I) is not less than 6 months in*
5 *duration and remains in effect until*
6 *the driver reaches not less than 16*
7 *years of age;*

8 *“(II) contains a prohibition on*
9 *the driver using a personal wireless*
10 *communications device (as defined in*
11 *subsection (e)) while driving except*
12 *under an exception permitted under*
13 *subsection (e)(4);*

14 *“(III) requires that the driver be*
15 *accompanied and supervised at all*
16 *times while operating a motor vehicle*
17 *by a licensed driver who is—*

18 *“(aa) not less than 21 years*
19 *of age;*

20 *“(bb) the driver’s parent or*
21 *guardian; or*

22 *“(cc) a State-certified driv-*
23 *ing instructor; and*

24 *“(IV) complies with the addi-*
25 *tional requirements for a learner’s per-*

1 *mit stage set forth in subparagraph*
2 *(C)(i); and*
3 *“(ii) an intermediate stage that—*
4 *“(I) is not less than 6 months in*
5 *duration;*
6 *“(II) contains a prohibition on*
7 *the driver using a personal wireless*
8 *communications device (as defined in*
9 *subsection (e)) while driving except*
10 *under an exception permitted under*
11 *subsection (e)(4);*
12 *“(III) for the first 6 months of*
13 *such stage, restricts driving at night*
14 *when not supervised by a licensed driv-*
15 *er described in clause (i)(III), exclud-*
16 *ing transportation to work, school, or*
17 *religious activities, or in the case of an*
18 *emergency;*
19 *“(IV) for a period of not less than*
20 *6 months, prohibits the driver from op-*
21 *erating a motor vehicle with more than*
22 *1 nonfamilial passenger under 21*
23 *years of age unless a licensed driver*
24 *described in clause (i)(III) is in the ve-*
25 *hicle; and*

1 “(V) *complies with the additional*
2 *requirements for an intermediate stage*
3 *set forth in subparagraph (C)(ii).*

4 “(C) *ADDITIONAL REQUIREMENTS.—*

5 “(i) *LEARNER’S PERMIT STAGE.—In*
6 *addition to the requirements of subpara-*
7 *graph (B)(i), a learner’s permit stage shall*
8 *include not less than 2 of the following re-*
9 *quirements:*

10 “(I) *Passage of a vision and*
11 *knowledge assessment by a learner’s*
12 *permit applicant prior to receiving a*
13 *learner’s permit.*

14 “(II) *The driver completes—*

15 “(aa) *a State-certified driver*
16 *education or training course; or*

17 “(bb) *not less than 40 hours*
18 *of behind-the-wheel training with*
19 *a licensed driver described in sub-*
20 *paragraph (B)(i)(III).*

21 “(III) *In addition to any other*
22 *penalties imposed by State law, the*
23 *grant of an unrestricted driver’s license*
24 *or advancement to an intermediate*
25 *stage be automatically delayed for any*

1 *individual who, during the learner’s*
2 *permit stage, is convicted of a driving-*
3 *related offense, including—*

4 *“(aa) driving while intoxi-*
5 *cated;*

6 *“(bb) misrepresentation of*
7 *the individual’s age;*

8 *“(cc) reckless driving;*

9 *“(dd) driving without wear-*
10 *ing a seatbelt;*

11 *“(ee) speeding; or*

12 *“(ff) any other driving-re-*
13 *lated offense, as determined by the*
14 *Secretary.*

15 *“(ii) INTERMEDIATE STAGE.—In addi-*
16 *tion to the requirements of subparagraph*
17 *(B)(i), an intermediate stage shall include*
18 *not less than 2 of the following require-*
19 *ments:*

20 *“(I) Commencement of such stage*
21 *after the successful completion of a*
22 *driving skills test.*

23 *“(II) That such stage remain in*
24 *effect until the driver reaches the age of*
25 *not less than 17.*

1 “(III) In addition to any other
2 penalties imposed by State law, the
3 grant of an unrestricted driver’s license
4 be automatically delayed for any indi-
5 vidual who, during the learner’s per-
6 mit stage, is convicted of a driving-re-
7 lated offense, including those described
8 in clause (i)(III).

9 “(3) *EXCEPTION.*—A State that otherwise meets
10 the minimum requirements set forth in paragraph (2)
11 shall be deemed by the Secretary to be in compliance
12 with the requirement set forth in paragraph (2) if the
13 State enacted a law before January 1, 2011, estab-
14 lishing a class of license that permits licensees or ap-
15 plicants younger than 18 years of age to drive a
16 motor vehicle—

17 “(A) in connection with work performed on,
18 or for the operation of, a farm owned by family
19 members who are directly related to the appli-
20 cant or licensee; or

21 “(B) if demonstrable hardship would result
22 from the denial of a license to the licensees or ap-
23 plicants.

24 “(4) *ALLOCATION.*—Grant funds allocated to a
25 State under this subsection for a fiscal year shall be

1 *in proportion to the State's apportionment under sec-*
2 *tion 402 for fiscal year 2009.*

3 “(5) *USE OF FUNDS.—*

4 “(A) *IN GENERAL.—Except as provided in*
5 *subparagraph (B), grant funds received by a*
6 *State under this subsection shall be used for—*

7 “(i) *enforcing a 2-stage licensing proc-*
8 *ess that complies with paragraph (2);*

9 “(ii) *training for law enforcement per-*
10 *sonnel and other relevant State agency per-*
11 *sonnel relating to the enforcement described*
12 *in clause (i);*

13 “(iii) *publishing relevant educational*
14 *materials that pertain directly or indirectly*
15 *to the State graduated driver licensing law;*

16 “(iv) *carrying out other administrative*
17 *activities that the Secretary considers rel-*
18 *evant to the State's 2-stage licensing proc-*
19 *ess; or*

20 “(v) *carrying out a teen traffic safety*
21 *program described in section 402(m).*

22 “(B) *FLEXIBILITY.—*

23 “(i) *Not more than 75 percent of grant*
24 *funds received by a State under this sub-*

1 *section may be used for any eligible project*
2 *or activity under section 402.*

3 “(ii) *Not more than 100 percent of*
4 *grant funds received by a State under this*
5 *subsection may be used for any eligible*
6 *project or activity under section 402, if the*
7 *State is in the lowest 25 percent of all*
8 *States for the number of drivers under age*
9 *18 involved in fatal crashes in the State per*
10 *the total number of drivers under age 18 in*
11 *the State based on the most recent data that*
12 *conforms with criteria established by the*
13 *Secretary.”*

14 *(g) NONMOTORIZED SAFETY.—Section 405 of title 23,*
15 *United States Code, is amended by adding at the end the*
16 *following:*

17 “(h) *NONMOTORIZED SAFETY.—*

18 “(1) *GENERAL AUTHORITY.—Subject to the re-*
19 *quirements under this subsection, the Secretary shall*
20 *award grants to States for the purpose of decreasing*
21 *pedestrian and bicycle fatalities and injuries that re-*
22 *sult from crashes involving a motor vehicle.*

23 “(2) *FEDERAL SHARE.—The Federal share of the*
24 *cost of a project carried out by a State using amounts*

1 *from a grant awarded under this subsection may not*
2 *exceed 80 percent.*

3 “(3) *ELIGIBILITY.*—*A State shall receive a grant*
4 *under this subsection in a fiscal year if the annual*
5 *combined pedestrian and bicycle fatalities in the*
6 *State exceed 15 percent of the total annual crash fa-*
7 *talities in the State, based on the most recently re-*
8 *ported final data from the Fatality Analysis Report-*
9 *ing System.*

10 “(4) *USE OF GRANT AMOUNTS.*—*Grant funds re-*
11 *ceived by a State under this subsection may be used*
12 *for—*

13 “(A) *training of law enforcement officials*
14 *on State laws applicable to pedestrian and bicy-*
15 *cle safety;*

16 “(B) *enforcement mobilizations and cam-*
17 *paings designed to enforce State traffic laws ap-*
18 *plicable to pedestrian and bicycle safety; and*

19 “(C) *public education and awareness pro-*
20 *grams designed to inform motorists, pedestrians,*
21 *and bicyclists of State traffic laws applicable to*
22 *pedestrian and bicycle safety.*

23 “(5) *GRANT AMOUNT.*—*The allocation of grant*
24 *funds to a State under this subsection for a fiscal*

1 (4) *State-based policies on marijuana-impaired*
2 *driving.*

3 (5) *The role and extent of marijuana impair-*
4 *ment in motor vehicle accidents.*

5 (c) *REPORT.—*

6 (1) *IN GENERAL.—Not later than 1 year after*
7 *the date of enactment of this Act, the Secretary, in co-*
8 *operation with other Federal agencies as appropriate,*
9 *shall submit to the Committee on Transportation and*
10 *Infrastructure of the House of Representatives and the*
11 *Committee on Commerce, Science, and Transpor-*
12 *tation of the Senate a report on the results of the*
13 *study.*

14 (2) *CONTENTS.—The report shall include, at a*
15 *minimum, the following:*

16 (A) *FINDINGS.—The findings of the Sec-*
17 *retary based on the study, including, at a min-*
18 *imum, the following:*

19 (i) *An assessment of methodologies and*
20 *technologies for measuring driver impair-*
21 *ment resulting from the use of marijuana,*
22 *including the use of marijuana in combina-*
23 *tion with alcohol.*

24 (ii) *A description and assessment of*
25 *the role of marijuana as a causal factor in*

1 *traffic crashes and the extent of the problem*
2 *of marijuana-impaired driving.*

3 *(iii) A description and assessment of*
4 *current State laws relating to marijuana-*
5 *impaired driving.*

6 *(iv) A determination whether an im-*
7 *pairment standard for drivers under the in-*
8 *fluence of marijuana is feasible and could*
9 *reduce vehicle accidents and save lives.*

10 *(B) RECOMMENDATIONS.—The rec-*
11 *ommendations of the Secretary based on the*
12 *study, including, at a minimum, the following:*

13 *(i) Effective and efficient methods for*
14 *training law enforcement personnel, includ-*
15 *ing drug recognition experts, to detect or*
16 *measure the level of impairment of a motor*
17 *vehicle operator who is under the influence*
18 *of marijuana by the use of technology or*
19 *otherwise.*

20 *(ii) If feasible, an impairment stand-*
21 *ard for driving under the influence of mari-*
22 *juana.*

23 *(iii) Methodologies for increased data*
24 *collection regarding the prevalence and ef-*
25 *fects of marijuana-impaired driving.*

1 (d) *MARIJUANA DEFINED.*—*In this section, the term*
2 *“marijuana” includes all substances containing*
3 *tetrahydrocannabinol.*

4 **SEC. 4008. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
5 **ELIGIBILITY.**

6 *Not later than 60 days after the date on which the Sec-*
7 *retary of Transportation awards grants under section 405*
8 *of title 23, United States Code, the Secretary shall make*
9 *available on a publicly available Internet Web site of the*
10 *Department of Transportation—*

11 (1) *an identification of—*

12 (A) *the States that were awarded grants*
13 *under such section;*

14 (B) *the States that applied and were not*
15 *awarded grants under such section; and*

16 (C) *the States that did not apply for a*
17 *grant under such section; and*

18 (2) *a list of deficiencies that made a State ineli-*
19 *gible for a grant under such section for each State*
20 *under paragraph (1)(B).*

21 **SEC. 4009. DATA COLLECTION.**

22 *Section 1906 of SAFETEA-LU (23 U.S.C. 402 note)*
23 *is amended—*

24 (1) *in subsection (a)(1)—*

1 (A) by striking “(A) has enacted” and all
2 that follows through “(B) is maintaining” and
3 inserting “is maintaining”; and

4 (B) by striking “and any passengers”;

5 (2) by striking subsection (b) and inserting the
6 following:

7 “(b) *USE OF GRANT FUNDS.*—A grant received by a
8 State under subsection (a) shall be used by the State for
9 the costs of—

10 “(1) collecting and maintaining data on traffic
11 stops; and

12 “(2) evaluating the results of the data.”;

13 (3) by striking subsection (c) and redesignating
14 subsections (d) and (e) as subsections (c) and (d), re-
15 spectively;

16 (4) in subsection (c)(2), as so redesignated, by
17 striking “A State” and inserting “On or after October
18 1, 2015, a State”; and

19 (5) in subsection (d), as so redesignated—

20 (A) in the subsection heading by striking
21 “*AUTHORIZATION OF APPROPRIATIONS*” and in-
22 serting “*FUNDING*”;

23 (B) by striking paragraph (1) and inserting
24 the following:

1 “(1) *IN GENERAL.*—*From funds made available*
2 *under section 403 of title 23, United States Code, the*
3 *Secretary shall set aside \$7,500,000 for each of the fis-*
4 *cal years 2016 through 2021 to carry out this sec-*
5 *tion.*”; and

6 (C) *in paragraph (2)*—

7 (i) *by striking “authorized by” and in-*
8 *serting “made available under”*; and

9 (ii) *by striking “percent,” and all that*
10 *follows through the period at the end and*
11 *inserting “percent.”*.

12 **SEC. 4010. TECHNICAL CORRECTIONS.**

13 *Title 23, United States Code, is amended as follows:*

14 (1) *Section 402 is amended—*

15 (A) *in subsection (b)(1)*—

16 (i) *in subparagraph (C) by striking*
17 *“paragraph (3)” and inserting “paragraph*
18 *(2)”*; and

19 (ii) *in subparagraph (E)*—

20 (I) *by striking “in which” and in-*
21 *serting “for which”*; and

22 (II) *by striking “under subsection*
23 *(f)” and inserting “under subsection*
24 *(k)”*; and

1 (B) in subsection (k)(5), as redesignated by
2 this Act, by striking “under paragraph (2)(A)”
3 and inserting “under paragraph (3)(A)”.

4 (2) Section 403(e) is amended by striking “chap-
5 ter 301” and inserting “chapter 301 of title 49”.

6 (3) Section 405 is amended—

7 (A) in subsection (d)—

8 (i) in paragraph (5) by striking
9 “under section 402(c)” and inserting
10 “under section 402”; and

11 (ii) in paragraph (6)(C) by striking
12 “on the basis of the apportionment formula
13 set forth in section 402(c)” and inserting
14 “in proportion to the State’s apportionment
15 under section 402 for fiscal year 2009”; and

16 (B) in subsection (f)(4)(A)(iv)—

17 (i) by striking “such as the” and in-
18 serting “including”; and

19 (ii) by striking “developed under sub-
20 section (g)”.

1 **TITLE V—MOTOR CARRIER**
2 **SAFETY**
3 **Subtitle A—Motor Carrier Safety**
4 **Grant Consolidation**

5 **SEC. 5101. GRANTS TO STATES.**

6 (a) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
7 *GRAM.*—Section 31102 of title 49, United States Code, is
8 *amended to read as follows:*

9 **“§ 31102. Motor carrier safety assistance program**

10 “(a) *IN GENERAL.*—The Secretary of Transportation
11 *shall administer a motor carrier safety assistance program*
12 *funded under section 31104.*

13 “(b) *GOAL.*—The goal of the program is to ensure that
14 *the Secretary, States, local governments, other political ju-*
15 *risdictions, federally recognized Indian tribes, and other*
16 *persons work in partnership to establish programs to im-*
17 *prove motor carrier, commercial motor vehicle, and driver*
18 *safety to support a safe and efficient surface transportation*
19 *system by—*

20 “(1) *making targeted investments to promote safe*
21 *commercial motor vehicle transportation, including*
22 *the transportation of passengers and hazardous mate-*
23 *rials;*

24 “(2) *investing in activities likely to generate*
25 *maximum reductions in the number and severity of*

1 *commercial motor vehicle crashes and in fatalities re-*
2 *sulting from such crashes;*

3 “(3) *adopting and enforcing effective motor car-*
4 *rier, commercial motor vehicle, and driver safety reg-*
5 *ulations and practices consistent with Federal re-*
6 *quirements; and*

7 “(4) *assessing and improving statewide perform-*
8 *ance by setting program goals and meeting perform-*
9 *ance standards, measures, and benchmarks.*

10 “(c) *STATE PLANS.—*

11 “(1) *IN GENERAL.—In carrying out the pro-*
12 *gram, the Secretary shall prescribe procedures for a*
13 *State to submit a multiple-year plan, and annual up-*
14 *dates thereto, under which the State agrees to assume*
15 *responsibility for improving motor carrier safety by*
16 *adopting and enforcing State regulations, standards,*
17 *and orders that are compatible with the regulations,*
18 *standards, and orders of the Federal Government on*
19 *commercial motor vehicle safety and hazardous mate-*
20 *rials transportation safety.*

21 “(2) *CONTENTS.—The Secretary shall approve a*
22 *State plan if the Secretary determines that the plan*
23 *is adequate to comply with the requirements of this*
24 *section, and the plan—*

1 “(A) implements performance-based activi-
2 ties, including deployment and maintenance of
3 technology to enhance the efficiency and effective-
4 ness of commercial motor vehicle safety pro-
5 grams;

6 “(B) designates a lead State commercial
7 motor vehicle safety agency responsible for ad-
8 ministering the plan throughout the State;

9 “(C) contains satisfactory assurances that
10 the lead State commercial motor vehicle safety
11 agency has or will have the legal authority, re-
12 sources, and qualified personnel necessary to en-
13 force the regulations, standards, and orders;

14 “(D) contains satisfactory assurances that
15 the State will devote adequate resources to the
16 administration of the plan and enforcement of
17 the regulations, standards, and orders;

18 “(E) provides a right of entry and inspec-
19 tion to carry out the plan;

20 “(F) provides that all reports required
21 under this section be available to the Secretary
22 on request;

23 “(G) provides that the lead State commer-
24 cial motor vehicle safety agency will adopt the
25 reporting requirements and use the forms for rec-

1 *ordkeeping, inspections, and investigations that*
2 *the Secretary prescribes;*

3 “(H) requires all registrants of commercial
4 motor vehicles to demonstrate knowledge of ap-
5 plicable safety regulations, standards, and orders
6 of the Federal Government and the State;

7 “(I) provides that the State will grant max-
8 imum reciprocity for inspections conducted
9 under the North American Inspection Standards
10 through the use of a nationally accepted system
11 that allows ready identification of previously in-
12 spected commercial motor vehicles;

13 “(J) ensures that activities described in sub-
14 section (h), if financed through grants to the
15 State made under this section, will not diminish
16 the effectiveness of the development and imple-
17 mentation of the programs to improve motor car-
18 rier, commercial motor vehicle, and driver safety
19 as described in subsection (b);

20 “(K) ensures that the lead State commercial
21 motor vehicle safety agency will coordinate the
22 plan, data collection, and information systems
23 with the State highway safety improvement pro-
24 gram required under section 148(c) of title 23;

1 “(L) ensures participation in appropriate
2 Federal Motor Carrier Safety Administration in-
3 formation technology and data systems and other
4 information systems by all appropriate jurisdic-
5 tions receiving motor carrier safety assistance
6 program funding;

7 “(M) ensures that information is exchanged
8 among the States in a timely manner;

9 “(N) provides satisfactory assurances that
10 the State will undertake efforts that will empha-
11 size and improve enforcement of State and local
12 traffic safety laws and regulations related to
13 commercial motor vehicle safety;

14 “(O) provides satisfactory assurances that
15 the State will address national priorities and
16 performance goals, including—

17 “(i) activities aimed at removing im-
18 paired commercial motor vehicle drivers
19 from the highways of the United States
20 through adequate enforcement of regulations
21 on the use of alcohol and controlled sub-
22 stances and by ensuring ready roadside ac-
23 cess to alcohol detection and measuring
24 equipment;

1 “(ii) activities aimed at providing an
2 appropriate level of training to State motor
3 carrier safety assistance program officers
4 and employees on recognizing drivers im-
5 paired by alcohol or controlled substances;
6 and

7 “(iii) when conducted with an appro-
8 priate commercial motor vehicle inspection,
9 criminal interdiction activities, and appro-
10 priate strategies for carrying out those
11 interdiction activities, including interdic-
12 tion activities that affect the transportation
13 of controlled substances (as defined in sec-
14 tion 102 of the Comprehensive Drug Abuse
15 Prevention and Control Act of 1970 (21
16 U.S.C. 802) and listed in part 1308 of title
17 21, Code of Federal Regulations, as updated
18 and republished from time to time) by any
19 occupant of a commercial motor vehicle;

20 “(P) provides that the State has established
21 and dedicated sufficient resources to a program
22 to ensure that—

23 “(i) the State collects and reports to
24 the Secretary accurate, complete, and timely
25 motor carrier safety data; and

1 “(ii) the State participates in a na-
2 tional motor carrier safety data correction
3 system prescribed by the Secretary;

4 “(Q) ensures that the State will cooperate
5 in the enforcement of financial responsibility re-
6 quirements under sections 13906, 31138, and
7 31139 and regulations issued under those sec-
8 tions;

9 “(R) ensures consistent, effective, and rea-
10 sonable sanctions;

11 “(S) ensures that roadside inspections will
12 be conducted at locations that are adequate to
13 protect the safety of drivers and enforcement per-
14 sonnel;

15 “(T) provides that the State will include in
16 the training manuals for the licensing examina-
17 tion to drive noncommercial motor vehicles and
18 commercial motor vehicles information on best
19 practices for driving safely in the vicinity of
20 noncommercial and commercial motor vehicles;

21 “(U) provides that the State will enforce the
22 registration requirements of sections 13902 and
23 31134 by prohibiting the operation of any vehi-
24 cle discovered to be operated by a motor carrier
25 without a registration issued under those sections

1 *or to be operated beyond the scope of the motor*
2 *carrier's registration;*

3 “(V) *provides that the State will conduct*
4 *comprehensive and highly visible traffic enforce-*
5 *ment and commercial motor vehicle safety in-*
6 *spection programs in high-risk locations and cor-*
7 *ridors;*

8 “(W) *except in the case of an imminent*
9 *hazard or obvious safety hazard, ensures that an*
10 *inspection of a vehicle transporting passengers*
11 *for a motor carrier of passengers is conducted at*
12 *a bus station, terminal, border crossing, mainte-*
13 *nance facility, destination, or other location*
14 *where a motor carrier may make a planned stop*
15 *(excluding a weigh station);*

16 “(X) *ensures that the State will transmit to*
17 *its roadside inspectors notice of each Federal ex-*
18 *emption granted under section 31315(b) of this*
19 *title and sections 390.23 and 390.25 of title 49,*
20 *Code of Federal Regulations, and provided to the*
21 *State by the Secretary, including the name of the*
22 *person that received the exemption and any*
23 *terms and conditions that apply to the exemp-*
24 *tion;*

1 “(Y) except as provided in subsection (d),
2 provides that the State—

3 “(i) will conduct safety audits of inter-
4 state and, at the State’s discretion, intra-
5 state new entrant motor carriers under sec-
6 tion 31144(g); and

7 “(ii) if the State authorizes a third
8 party to conduct safety audits under section
9 31144(g) on its behalf, the State verifies the
10 quality of the work conducted and remains
11 solely responsible for the management and
12 oversight of the activities;

13 “(Z) provides that the State agrees to fully
14 participate in the performance and registration
15 information systems management under section
16 31106(b) not later than October 1, 2020, by com-
17 plying with the conditions for participation
18 under paragraph (3) of that section, or dem-
19 onstrates to the Secretary an alternative ap-
20 proach for identifying and immobilizing a motor
21 carrier with serious safety deficiencies in a man-
22 ner that provides an equivalent level of safety;

23 “(AA) in the case of a State that shares a
24 land border with another country, provides that
25 the State—

1 “(i) will conduct a border commercial
2 motor vehicle safety program focusing on
3 international commerce that includes en-
4 forcement and related projects; or

5 “(ii) will forfeit all funds calculated by
6 the Secretary based on border-related activi-
7 ties if the State declines to conduct the pro-
8 gram described in clause (i) in its plan;
9 and

10 “(BB) in the case of a State that meets the
11 other requirements of this section and agrees to
12 comply with the requirements established in sub-
13 section (l)(3), provides that the State may fund
14 operation and maintenance costs associated with
15 innovative technology deployment under sub-
16 section (l)(3) with motor carrier safety assistance
17 program funds authorized under section
18 31104(a)(1).

19 “(3) PUBLICATION.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the Secretary shall publish each ap-
22 proved State multiple-year plan, and each an-
23 nual update thereto, on a publically accessible
24 Internet Web site of the Department of Transpor-

1 *tation not later than 30 days after the date the*
2 *Secretary approves the plan or update.*

3 *“(B) LIMITATION.—Before publishing an*
4 *approved State multiple-year plan or annual*
5 *update under subparagraph (A), the Secretary*
6 *shall redact any information identified by the*
7 *State that, if disclosed—*

8 *“(i) would reasonably be expected to*
9 *interfere with enforcement proceedings; or*

10 *“(ii) would reveal enforcement tech-*
11 *niques or procedures that would reasonably*
12 *be expected to risk circumvention of the law.*

13 *“(d) EXCLUSION OF U.S. TERRITORIES.—The require-*
14 *ment that a State conduct safety audits of new entrant*
15 *motor carriers under subsection (c)(2)(Y) does not apply*
16 *to a territory of the United States unless required by the*
17 *Secretary.*

18 *“(e) INTRASTATE COMPATIBILITY.—The Secretary*
19 *shall prescribe regulations specifying tolerance guidelines*
20 *and standards for ensuring compatibility of intrastate com-*
21 *mercial motor vehicle safety laws, including regulations,*
22 *with Federal motor carrier safety regulations to be enforced*
23 *under subsections (b) and (c). To the extent practicable, the*
24 *guidelines and standards shall allow for maximum flexi-*

1 *bility while ensuring a degree of uniformity that will not*
2 *diminish motor vehicle safety.*

3 “(f) *MAINTENANCE OF EFFORT.*—

4 “(1) *BASELINE.*—*Except as provided under*
5 *paragraphs (2) and (3) and in accordance with sec-*
6 *tion 5106 of the Surface Transportation Reauthoriza-*
7 *tion and Reform Act of 2015, a State plan under sub-*
8 *section (c) shall provide that the total expenditure of*
9 *amounts of the lead State commercial motor vehicle*
10 *safety agency responsible for administering the plan*
11 *will be maintained at a level each fiscal year that is*
12 *at least equal to—*

13 “(A) *the average level of that expenditure*
14 *for fiscal years 2004 and 2005; or*

15 “(B) *the level of that expenditure for the*
16 *year in which the Secretary implements a new*
17 *allocation formula under section 5106 of the*
18 *Surface Transportation Reauthorization and Re-*
19 *form Act of 2015.*

20 “(2) *ADJUSTED BASELINE AFTER FISCAL YEAR*
21 *2017.*—*At the request of a State, the Secretary may*
22 *evaluate additional documentation related to the*
23 *maintenance of effort and may make reasonable ad-*
24 *justments to the maintenance of effort baseline after*
25 *the year in which the Secretary implements a new al-*

1 *location formula under section 5106 of the Surface*
2 *Transportation Reauthorization and Reform Act of*
3 *2015, and this adjusted baseline will replace the*
4 *maintenance of effort requirement under paragraph*
5 *(1).*

6 “(3) *WAIVERS.—At the request of a State, the*
7 *Secretary may waive or modify the requirements of*
8 *this subsection for a total of 1 fiscal year if the Sec-*
9 *retary determines that the waiver or modification is*
10 *reasonable, based on circumstances described by the*
11 *State, to ensure the continuation of commercial motor*
12 *vehicle enforcement activities in the State.*

13 “(4) *LEVEL OF STATE EXPENDITURES.—In esti-*
14 *imating the average level of a State’s expenditures*
15 *under paragraph (1), the Secretary—*

16 “(A) *may allow the State to exclude State*
17 *expenditures for federally sponsored demonstra-*
18 *tion and pilot programs and strike forces;*

19 “(B) *may allow the State to exclude expend-*
20 *itures for activities related to border enforcement*
21 *and new entrant safety audits; and*

22 “(C) *shall require the State to exclude State*
23 *matching amounts used to receive Federal fi-*
24 *nancing under section 31104.*

1 “(g) *USE OF UNIFIED CARRIER REGISTRATION FEES*
2 *AGREEMENT.*—Amounts generated under section 14504a
3 and received by a State and used for motor carrier safety
4 purposes may be included as part of the State’s match re-
5 quired under section 31104 or maintenance of effort re-
6 quired by subsection (f).

7 “(h) *USE OF GRANTS TO ENFORCE OTHER LAWS.*—
8 When approved as part of a State’s plan under subsection
9 (c), the State may use motor carrier safety assistance pro-
10 gram funds received under this section—

11 “(1) if the activities are carried out in conjunc-
12 tion with an appropriate inspection of a commercial
13 motor vehicle to enforce Federal or State commercial
14 motor vehicle safety regulations, for—

15 “(A) enforcement of commercial motor vehi-
16 cle size and weight limitations at locations, ex-
17 cluding fixed-weight facilities, such as near steep
18 grades or mountainous terrains, where the
19 weight of a commercial motor vehicle can signifi-
20 cantly affect the safe operation of the vehicle, or
21 at ports where intermodal shipping containers
22 enter and leave the United States; and

23 “(B) detection of and enforcement actions
24 taken as a result of criminal activity, including
25 the trafficking of human beings, in a commercial

1 *motor vehicle or by any occupant, including the*
2 *operator, of the commercial motor vehicle; and*

3 “(2) *for documented enforcement of State traffic*
4 *laws and regulations designed to promote the safe op-*
5 *eration of commercial motor vehicles, including docu-*
6 *mented enforcement of such laws and regulations re-*
7 *lating to noncommercial motor vehicles when nec-*
8 *essary to promote the safe operation of commercial*
9 *motor vehicles, if—*

10 “(A) *the number of motor carrier safety ac-*
11 *tivities, including roadside safety inspections,*
12 *conducted in the State is maintained at a level*
13 *at least equal to the average level of such activi-*
14 *ties conducted in the State in fiscal years 2004*
15 *and 2005; and*

16 “(B) *the State does not use more than 10*
17 *percent of the basic amount the State receives*
18 *under a grant awarded under section*
19 *31104(a)(1) for enforcement activities relating to*
20 *noncommercial motor vehicles necessary to pro-*
21 *mote the safe operation of commercial motor ve-*
22 *hicles unless the Secretary determines that a*
23 *higher percentage will result in significant in-*
24 *creases in commercial motor vehicle safety.*

1 “(i) *EVALUATION OF PLANS AND AWARD OF*
2 *GRANTS.*—

3 “(1) *AWARDS.*—*The Secretary shall establish cri-*
4 *teria for the application, evaluation, and approval of*
5 *State plans under this section. Subject to subsection*
6 *(j), the Secretary may allocate the amounts made*
7 *available under section 31104(a)(1) among the States.*

8 “(2) *OPPORTUNITY TO CURE.*—*If the Secretary*
9 *disapproves a plan under this section, the Secretary*
10 *shall give the State a written explanation of the rea-*
11 *sons for disapproval and allow the State to modify*
12 *and resubmit the plan for approval.*

13 “(j) *ALLOCATION OF FUNDS.*—

14 “(1) *IN GENERAL.*—*The Secretary, by regulation,*
15 *shall prescribe allocation criteria for funds made*
16 *available under section 31104(a)(1).*

17 “(2) *ANNUAL ALLOCATIONS.*—*On October 1 of*
18 *each fiscal year, or as soon as practicable thereafter,*
19 *and after making a deduction under section 31104(c),*
20 *the Secretary shall allocate amounts made available*
21 *under section 31104(a)(1) to carry out this section for*
22 *the fiscal year among the States with plans approved*
23 *under this section in accordance with the criteria pre-*
24 *scribed under paragraph (1).*

1 “(3) *ELECTIVE ADJUSTMENTS.*—Subject to the
2 *availability of funding and notwithstanding fluctua-*
3 *tions in the data elements used by the Secretary to*
4 *calculate the annual allocation amounts, after the cre-*
5 *ation of a new allocation formula under section 5106*
6 *of the Surface Transportation Reauthorization and*
7 *Reform Act of 2015, the Secretary may not make elec-*
8 *tive adjustments to the allocation formula that de-*
9 *crease a State’s Federal funding levels by more than*
10 *3 percent in a fiscal year. The 3 percent limit shall*
11 *not apply to the withholding provisions of subsection*
12 *(k).*

13 “(k) *PLAN MONITORING.*—

14 “(1) *IN GENERAL.*—On the basis of reports sub-
15 *mitted by the lead State agency responsible for ad-*
16 *ministering a State plan approved under this section*
17 *and an investigation by the Secretary, the Secretary*
18 *shall periodically evaluate State implementation of*
19 *and compliance with the State plan.*

20 “(2) *WITHHOLDING OF FUNDS.*—

21 “(A) *DISAPPROVAL.*—If, after notice and an
22 *opportunity to be heard, the Secretary finds that*
23 *a State plan previously approved under this sec-*
24 *tion is not being followed or has become inad-*
25 *equately to ensure enforcement of State regula-*

1 *tions, standards, or orders described in sub-*
2 *section (c)(1), or the State is otherwise not in*
3 *compliance with the requirements of this section,*
4 *the Secretary may withdraw approval of the*
5 *State plan and notify the State. Upon the re-*
6 *ceipt of such notice, the State plan shall no*
7 *longer be in effect and the Secretary shall with-*
8 *hold all funding to the State under this section.*

9 *“(B) NONCOMPLIANCE WITHHOLDING.—In*
10 *lieu of withdrawing approval of a State plan*
11 *under subparagraph (A), the Secretary may,*
12 *after providing notice to the State and an oppor-*
13 *tunity to be heard, withhold funding from the*
14 *State to which the State would otherwise be enti-*
15 *tled under this section for the period of the*
16 *State’s noncompliance. In exercising this option,*
17 *the Secretary may withhold—*

18 *“(i) up to 5 percent of funds during*
19 *the fiscal year that the Secretary notifies*
20 *the State of its noncompliance;*

21 *“(ii) up to 10 percent of funds for the*
22 *first full fiscal year of noncompliance;*

23 *“(iii) up to 25 percent of funds for the*
24 *second full fiscal year of noncompliance;*
25 *and*

1 “(iv) not more than 50 percent of
2 funds for the third and any subsequent full
3 fiscal year of noncompliance.

4 “(3) *JUDICIAL REVIEW*.—A State adversely af-
5 fected by a determination under paragraph (2) may
6 seek judicial review under chapter 7 of title 5. Not-
7 withstanding the disapproval of a State plan under
8 paragraph (2)(A) or the withholding of funds under
9 paragraph (2)(B), the State may retain jurisdiction
10 in an administrative or a judicial proceeding that
11 commenced before the notice of disapproval or with-
12 holding if the issues involved are not related directly
13 to the reasons for the disapproval or withholding.

14 “(l) *HIGH PRIORITY PROGRAM*.—

15 “(1) *IN GENERAL*.—The Secretary shall admin-
16 ister a high priority program funded under section
17 31104 for the purposes described in paragraphs (2)
18 and (3).

19 “(2) *ACTIVITIES RELATED TO MOTOR CARRIER*
20 *SAFETY*.—The Secretary may make discretionary
21 grants to and enter into cooperative agreements with
22 States, local governments, federally recognized Indian
23 tribes, other political jurisdictions as necessary, and
24 any person to carry out high priority activities and
25 projects that augment motor carrier safety activities

1 *and projects planned in accordance with subsections*
2 *(b) and (c), including activities and projects that—*

3 *“(A) increase public awareness and edu-*
4 *cation on commercial motor vehicle safety;*

5 *“(B) target unsafe driving of commercial*
6 *motor vehicles and noncommercial motor vehicles*
7 *in areas identified as high risk crash corridors;*

8 *“(C) improve the safe and secure movement*
9 *of hazardous materials;*

10 *“(D) improve safe transportation of goods*
11 *and persons in foreign commerce;*

12 *“(E) demonstrate new technologies to im-*
13 *prove commercial motor vehicle safety;*

14 *“(F) support participation in performance*
15 *and registration information systems manage-*
16 *ment under section 31106(b)—*

17 *“(i) for entities not responsible for sub-*
18 *mitting the plan under subsection (c); or*

19 *“(ii) for entities responsible for submit-*
20 *ting the plan under subsection (c)—*

21 *“(I) before October 1, 2020, to*
22 *achieve compliance with the require-*
23 *ments of participation; and*

24 *“(II) beginning on October 1,*
25 *2020, or once compliance is achieved,*

1 *whichever is sooner, for special initia-*
2 *tives or projects that exceed routine op-*
3 *erations required for participation;*

4 “(G) *conduct safety data improvement*
5 *projects—*

6 “(i) *that complete or exceed the re-*
7 *quirements under subsection (c)(2)(P) for*
8 *entities not responsible for submitting the*
9 *plan under subsection (c); or*

10 “(ii) *that exceed the requirements*
11 *under subsection (c)(2)(P) for entities re-*
12 *sponsible for submitting the plan under sub-*
13 *section (c); and*

14 “(H) *otherwise improve commercial motor*
15 *vehicle safety and compliance with commercial*
16 *motor vehicle safety regulations.*

17 “(3) *INNOVATIVE TECHNOLOGY DEPLOYMENT*
18 *GRANT PROGRAM.—*

19 “(A) *IN GENERAL.—The Secretary shall es-*
20 *tablish an innovative technology deployment*
21 *grant program to make discretionary grants*
22 *funded under section 31104(a)(2) to eligible*
23 *States for the innovative technology deployment*
24 *of commercial motor vehicle information systems*
25 *and networks.*

1 “(B) *PURPOSES.*—*The purposes of the pro-*
2 *gram shall be—*

3 “(i) *to advance the technological capa-*
4 *bility and promote the deployment of intel-*
5 *ligent transportation system applications*
6 *for commercial motor vehicle operations, in-*
7 *cluding commercial motor vehicle, commer-*
8 *cial driver, and carrier-specific information*
9 *systems and networks; and*

10 “(ii) *to support and maintain com-*
11 *mercial motor vehicle information systems*
12 *and networks—*

13 “(I) *to link Federal motor carrier*
14 *safety information systems with State*
15 *commercial motor vehicle systems;*

16 “(II) *to improve the safety and*
17 *productivity of commercial motor vehi-*
18 *cles and drivers; and*

19 “(III) *to reduce costs associated*
20 *with commercial motor vehicle oper-*
21 *ations and Federal and State commer-*
22 *cial motor vehicle regulatory require-*
23 *ments.*

24 “(C) *ELIGIBILITY.*—*To be eligible for a*
25 *grant under this paragraph, a State shall—*

1 “(i) have a commercial motor vehicle
2 information systems and networks program
3 plan approved by the Secretary that de-
4 scribes the various systems and networks at
5 the State level that need to be refined, re-
6 vised, upgraded, or built to accomplish de-
7 ployment of commercial motor vehicle infor-
8 mation systems and networks capabilities;

9 “(ii) certify to the Secretary that its
10 commercial motor vehicle information sys-
11 tems and networks deployment activities,
12 including hardware procurement, software
13 and system development, and infrastructure
14 modifications—

15 “(I) are consistent with the na-
16 tional intelligent transportation sys-
17 tems and commercial motor vehicle in-
18 formation systems and networks archi-
19 tectures and available standards; and

20 “(II) promote interoperability
21 and efficiency to the extent practicable;
22 and

23 “(iii) agree to execute interoperability
24 tests developed by the Federal Motor Carrier
25 Safety Administration to verify that its sys-

1 *tems conform with the national intelligent*
2 *transportation systems architecture, appli-*
3 *cable standards, and protocols for commer-*
4 *cial motor vehicle information systems and*
5 *networks.*

6 *“(D) USE OF FUNDS.—Grant funds received*
7 *under this paragraph may be used—*

8 *“(i) for deployment activities and ac-*
9 *tivities to develop new and innovative ad-*
10 *vanced technology solutions that support*
11 *commercial motor vehicle information sys-*
12 *tems and networks;*

13 *“(ii) for planning activities, including*
14 *the development or updating of program or*
15 *top level design plans in order to become el-*
16 *igible or maintain eligibility under sub-*
17 *paragraph (C); and*

18 *“(iii) for the operation and mainte-*
19 *nance costs associated with innovative tech-*
20 *nology.*

21 *“(E) SECRETARY AUTHORIZATION.—The*
22 *Secretary is authorized to award a State fund-*
23 *ing for the operation and maintenance costs as-*
24 *sociated with innovative technology deployment*

1 *Highway Trust Fund (other than the Mass Transit Ac-*
2 *count):*

3 “(1) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
4 *GRAM.—Subject to paragraph (2) and subsection (c),*
5 *to carry out section 31102—*

6 “(A) \$278,242,684 for fiscal year 2017;

7 “(B) \$293,685,550 for fiscal year 2018;

8 “(C) \$308,351,227 for fiscal year 2019;

9 “(D) \$323,798,553 for fiscal year 2020; and

10 “(E) \$339,244,023 for fiscal year 2021.

11 “(2) *HIGH PRIORITY ACTIVITIES PROGRAM.—*
12 *Subject to subsection (c), to make grants and coopera-*
13 *tive agreements under section 31102(l), the Secretary*
14 *may set aside from amounts made available under*
15 *paragraph (1) up to—*

16 “(A) \$40,798,780 for fiscal year 2017;

17 “(B) \$41,684,114 for fiscal year 2018;

18 “(C) \$42,442,764 for fiscal year 2019;

19 “(D) \$43,325,574 for fiscal year 2020; and

20 “(E) \$44,209,416 for fiscal year 2021.

21 “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*
22 *GRANT PROGRAM.—To carry out section 31103—*

23 “(A) \$1,000,000 for fiscal year 2017;

24 “(B) \$1,000,000 for fiscal year 2018;

25 “(C) \$1,000,000 for fiscal year 2019;

1 “(D) \$1,000,000 for fiscal year 2020; and

2 “(E) \$1,000,000 for fiscal year 2021.

3 “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
4 *IMPLEMENTATION PROGRAM.—Subject to subsection*
5 *(c), to carry out section 31313—*

6 “(A) \$30,958,536 for fiscal year 2017;

7 “(B) \$31,630,336 for fiscal year 2018;

8 “(C) \$32,206,008 for fiscal year 2019;

9 “(D) \$32,875,893 for fiscal year 2020; and

10 “(E) \$33,546,562 for fiscal year 2021.

11 “(b) *REIMBURSEMENT AND PAYMENT TO RECIPIENTS*
12 *FOR GOVERNMENT SHARE OF COSTS.—*

13 “(1) *IN GENERAL.—Amounts made available*
14 *under subsection (a) shall be used to reimburse finan-*
15 *cial assistance recipients proportionally for the Fed-*
16 *eral Government’s share of the costs incurred.*

17 “(2) *REIMBURSEMENT AMOUNTS.—The Secretary*
18 *shall reimburse a recipient, in accordance with a fi-*
19 *nancial assistance agreement made under section*
20 *31102, 31103, or 31313, an amount that is at least*
21 *85 percent of the costs incurred by the recipient in a*
22 *fiscal year in developing and implementing programs*
23 *under such sections. The Secretary shall pay the re-*
24 *recipient an amount not more than the Federal Govern-*
25 *ment share of the total costs approved by the Federal*

1 *Government in the financial assistance agreement.*
2 *The Secretary shall include a recipient's in-kind con-*
3 *tributions in determining the reimbursement.*

4 *“(3) VOUCHERS.—Each recipient shall submit*
5 *vouchers at least quarterly for costs the recipient in-*
6 *curs in developing and implementing programs under*
7 *sections 31102, 31103, and 31313.*

8 *“(c) DEDUCTIONS FOR PARTNER TRAINING AND PRO-*
9 *GRAM SUPPORT.—On October 1 of each fiscal year, or as*
10 *soon after that date as practicable, the Secretary may de-*
11 *duct from amounts made available under paragraphs (1),*
12 *(2), and (4) of subsection (a) for that fiscal year not more*
13 *than 1.50 percent of those amounts for partner training and*
14 *program support in that fiscal year. The Secretary shall*
15 *use at least 75 percent of those deducted amounts to train*
16 *non-Federal Government employees and to develop related*
17 *training materials in carrying out such programs.*

18 *“(d) GRANTS AND COOPERATIVE AGREEMENTS AS*
19 *CONTRACTUAL OBLIGATIONS.—The approval of a financial*
20 *assistance agreement by the Secretary under section 31102,*
21 *31103, or 31313 is a contractual obligation of the Federal*
22 *Government for payment of the Federal Government's share*
23 *of costs in carrying out the provisions of the grant or coop-*
24 *erative agreement.*

1 “(e) *ELIGIBLE ACTIVITIES.*—*The Secretary shall es-*
2 *tablish criteria for eligible activities to be funded with fi-*
3 *ancial assistance agreements under this section and pub-*
4 *lish those criteria in a notice of funding availability before*
5 *the financial assistance program application period.*

6 “(f) *PERIOD OF AVAILABILITY OF FINANCIAL ASSIST-*
7 *ANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-*
8 *TURES.*—*The period of availability for a recipient to ex-*
9 *pend funds under a grant or cooperative agreement author-*
10 *ized under subsection (a) is as follows:*

11 “(1) *For grants made for carrying out section*
12 *31102, other than section 31102(l), for the fiscal year*
13 *in which the Secretary approves the financial assist-*
14 *ance agreement and for the next fiscal year.*

15 “(2) *For grants made or cooperative agreements*
16 *entered into for carrying out section 31102(l)(2), for*
17 *the fiscal year in which the Secretary approves the fi-*
18 *ancial assistance agreement and for the next 2 fiscal*
19 *years.*

20 “(3) *For grants made for carrying out section*
21 *31102(l)(3), for the fiscal year in which the Secretary*
22 *approves the financial assistance agreement and for*
23 *the next 4 fiscal years.*

24 “(4) *For grants made for carrying out section*
25 *31103, for the fiscal year in which the Secretary ap-*

1 *proves the financial assistance agreement and for the*
 2 *next fiscal year.*

3 *“(5) For grants made or cooperative agreements*
 4 *entered into for carrying out section 31313, for the*
 5 *fiscal year in which the Secretary approves the finan-*
 6 *cial assistance agreement and for the next 4 fiscal*
 7 *years.*

8 *“(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
 9 *ABILITY.—Amounts authorized from the Highway Trust*
 10 *Fund (other than the Mass Transit Account) by this section*
 11 *shall be available for obligation on the date of their appor-*
 12 *tionment or allocation or on October 1 of the fiscal year*
 13 *for which they are authorized, whichever occurs first.*

14 *“(h) AVAILABILITY OF FUNDING.—Amounts made*
 15 *available under this section shall remain available until ex-*
 16 *pended.”.*

17 *(d) CLERICAL AMENDMENT.—The analysis for chapter*
 18 *311 of title 49, United States Code, is amended by striking*
 19 *the items relating to sections 31102, 31103, and 31104 and*
 20 *inserting the following:*

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

21 *(e) CONFORMING AMENDMENTS.—*

22 *(1) SAFETY FITNESS OF OWNERS AND OPERATOR;*

23 *SAFETY REVIEWS OF NEW OPERATORS.—Section*

1 31144(g) of title 49, United States Code, is amended
2 by striking paragraph (5).

3 (2) *INFORMATION SYSTEMS; PERFORMANCE AND*
4 *REGISTRATION INFORMATION PROGRAM.*—Section
5 31106(b) of title 49, United States Code, is amended
6 by striking paragraph (4).

7 (3) *BORDER ENFORCEMENT GRANTS.*—Section
8 31107 of title 49, United States Code, and the item
9 relating to that section in the analysis for chapter
10 311 of that title, are repealed.

11 (4) *PERFORMANCE AND REGISTRATION INFORMA-*
12 *TION SYSTEM MANAGEMENT.*—Section 31109 of title
13 49, United States Code, and the item relating to that
14 section in the analysis for chapter 311 of that title,
15 are repealed.

16 (5) *COMMERCIAL VEHICLE INFORMATION SYS-*
17 *TEMS AND NETWORKS DEPLOYMENT.*—Section 4126 of
18 *SAFETEA-LU* (49 U.S.C. 31106 note), and the item
19 relating to that section in the table of contents con-
20 tained in section 1(b) of that Act, are repealed.

21 (6) *SAFETY DATA IMPROVEMENT PROGRAM.*—
22 Section 4128 of *SAFETEA-LU* (49 U.S.C. 31100
23 note), and the item relating to that section in the
24 table of contents contained in section 1(b) of that Act,
25 are repealed.

1 (7) *GRANT PROGRAM FOR COMMERCIAL MOTOR*
2 *VEHICLE OPERATORS.*—Section 4134 of *SAFETEA-*
3 *LU* (49 U.S.C. 31301 note), and the item relating to
4 *that section in the table of contents contained in sec-*
5 *tion 1(b) of that Act, are repealed.*

6 (8) *MAINTENANCE OF EFFORT AS CONDITION ON*
7 *GRANTS TO STATES.*—Section 103(c) of the *Motor*
8 *Carrier Safety Improvement Act of 1999* (49 U.S.C.
9 *31102 note*) is repealed.

10 (9) *STATE COMPLIANCE WITH CDL REQUIRE-*
11 *MENTS.*—Section 103(e) of the *Motor Carrier Safety*
12 *Improvement Act of 1999* (49 U.S.C. 31102 note) is
13 *repealed.*

14 (10) *BORDER STAFFING STANDARDS.*—Section
15 *218(d) of the Motor Carrier Safety Improvement Act*
16 *of 1999* (49 U.S.C. 31133 note) is amended—

17 (A) in paragraph (1) by striking “section
18 *31104(f)(2)(B) of title 49, United States Code*”
19 *and inserting “section 31104(a)(1) of title 49,*
20 *United States Code”; and*

21 (B) by striking paragraph (3).

22 (f) *EFFECTIVE DATE.*—The amendments made by this
23 *section shall take effect on October 1, 2016.*

24 (g) *TRANSITION.*—Notwithstanding the amendments
25 *made by this section, the Secretary shall carry out sections*

1 31102, 31103, 31104 of title 49, United States Code, and
2 any sections repealed under subsection (e), as necessary, as
3 those sections were in effect on the day before October 1,
4 2016, with respect to applications for grants, cooperative
5 agreements, or contracts under those sections submitted be-
6 fore October 1, 2016.

7 **SEC. 5102. PERFORMANCE AND REGISTRATION INFORMA-**
8 **TION SYSTEMS MANAGEMENT.**

9 Section 31106(b) of title 49, United States Code, is
10 amended in the subheading by striking “PROGRAM” and in-
11 serting “SYSTEMS MANAGEMENT”.

12 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) *IN GENERAL.*—Subchapter I of chapter 311 of title
14 49, United States Code, is amended by adding at the end
15 the following:

16 **“§31110. Authorization of appropriations**

17 “(a) *ADMINISTRATIVE EXPENSES.*—There is author-
18 ized to be appropriated from the Highway Trust Fund
19 (other than the Mass Transit Account) for the Secretary of
20 Transportation to pay administrative expenses of the Fed-
21 eral Motor Carrier Safety Administration—

22 “(1) \$259,000,000 for fiscal year 2016;

23 “(2) \$259,000,000 for fiscal year 2017;

24 “(3) \$259,000,000 for fiscal year 2018;

25 “(4) \$259,000,000 for fiscal year 2019;

1 “(5) \$259,000,000 for fiscal year 2020; and

2 “(6) \$259,000,000 for fiscal year 2021.

3 “(b) *USE OF FUNDS.*—*The funds authorized by this*
4 *section shall be used for—*

5 “(1) *personnel costs;*

6 “(2) *administrative infrastructure;*

7 “(3) *rent;*

8 “(4) *information technology;*

9 “(5) *programs for research and technology, infor-*
10 *mation management, regulatory development, and the*
11 *administration of performance and registration infor-*
12 *mation systems management under section 31106(b);*

13 “(6) *programs for outreach and education under*
14 *subsection (c);*

15 “(7) *other operating expenses;*

16 “(8) *conducting safety reviews of new operators;*

17 *and*

18 “(9) *such other expenses as may from time to*
19 *time become necessary to implement statutory man-*
20 *dates of the Federal Motor Carrier Safety Adminis-*
21 *tration not funded from other sources.*

22 “(c) *OUTREACH AND EDUCATION PROGRAM.*—

23 “(1) *IN GENERAL.*—*The Secretary may conduct,*
24 *through any combination of grants, contracts, cooper-*
25 *ative agreements, and other activities, an internal*

1 *and external outreach and education program to be*
2 *administered by the Administrator of the Federal*
3 *Motor Carrier Safety Administration.*

4 “(2) *FEDERAL SHARE.*—*The Federal share of an*
5 *outreach and education project for which a grant,*
6 *contract, or cooperative agreement is made under this*
7 *subsection may be up to 100 percent of the cost of the*
8 *project.*

9 “(3) *FUNDING.*—*From amounts made available*
10 *under subsection (a), the Secretary shall make avail-*
11 *able not more than \$4,000,000 each fiscal year.*

12 “(d) *CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
13 *ABILITY.*—*Amounts authorized from the Highway Trust*
14 *Fund (other than the Mass Transit Account) by this section*
15 *shall be available for obligation on the date of their appor-*
16 *tionment or allocation or on October 1 of the fiscal year*
17 *for which they are authorized, whichever occurs first.*

18 “(e) *FUNDING AVAILABILITY.*—*Amounts made avail-*
19 *able under this section shall remain available until ex-*
20 *pended.*

21 “(f) *CONTRACTUAL OBLIGATION.*—*The approval of*
22 *funds by the Secretary under this section is a contractual*
23 *obligation of the Federal Government for payment of the*
24 *Federal Government’s share of costs.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *311 of title 49, United States Code, is amended by adding*
3 *at the end of the items relating to subchapter I the following:*
 “31110. Authorization of appropriations.”.

4 (c) *CONFORMING AMENDMENTS.*—

5 (1) *ADMINISTRATIVE EXPENSES; AUTHORIZATION*
6 *OF APPROPRIATIONS.*—*Section 31104 of title 49,*
7 *United States Code, is amended—*

8 (A) *by striking subsection (i); and*

9 (B) *by redesignating subsections (j) and (k)*
10 *as subsections (i) and (j), respectively.*

11 (2) *USE OF AMOUNTS MADE AVAILABLE UNDER*
12 *SUBSECTION (i).*—*Section 4116(d) of SAFETEA-LU*
13 *(49 U.S.C. 31104 note) is amended by striking “sec-*
14 *tion 31104(i)” and inserting “section 31110”.*

15 (3) *INTERNAL COOPERATION.*—*Section 31161 of*
16 *title 49, United States Code, is amended by striking*
17 *“section 31104(i)” and inserting “section 31110”.*

18 (4) *SAFETEA-LU; OUTREACH AND EDU-*
19 *CATION.*—*Section 4127 of SAFETEA-LU (119 Stat.*
20 *1741; Public Law 109–59), and the item relating to*
21 *that section in the table of contents contained in sec-*
22 *tion 1(b) of that Act, are repealed.*

1 **SEC. 5104. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**
2 **PLEMENTATION.**

3 (a) *IN GENERAL.*—Section 31313 of title 49, United
4 States Code, is amended to read as follows:

5 **“§31313. Commercial driver's license program imple-**
6 **mentation financial assistance program**

7 “(a) *IN GENERAL.*—The Secretary of Transportation
8 shall administer a financial assistance program for com-
9 mercial driver's license program implementation for the
10 purposes described in paragraphs (1) and (2).

11 “(1) *STATE COMMERCIAL DRIVER'S LICENSE*
12 *PROGRAM IMPLEMENTATION GRANTS.*—In carrying
13 out the program, the Secretary may make a grant to
14 a State agency in a fiscal year—

15 “(A) *to assist the State in complying with*
16 *the requirements of section 31311;*

17 “(B) *in the case of a State that is making*
18 *a good faith effort toward substantial compliance*
19 *with the requirements of section 31311, to im-*
20 *prove the State's implementation of its commer-*
21 *cial driver's license program, including ex-*
22 *penses—*

23 “(i) *for computer hardware and soft-*
24 *ware;*

25 “(ii) *for publications, testing, per-*
26 *sonnel, training, and quality control;*

1 “(iii) for commercial driver’s license
2 program coordinators; and

3 “(iv) to implement or maintain a sys-
4 tem to notify an employer of an operator of
5 a commercial motor vehicle of the suspen-
6 sion or revocation of the operator’s commer-
7 cial driver’s license consistent with the
8 standards developed under section 32303(b)
9 of the Commercial Motor Vehicle Safety En-
10 hancement Act of 2012 (49 U.S.C. 31304
11 note).

12 “(2) *PRIORITY ACTIVITIES.*—*The Secretary may*
13 *make a grant to or enter into a cooperative agreement*
14 *with a State agency, local government, or any person*
15 *in a fiscal year for research, development and testing,*
16 *demonstration projects, public education, and other*
17 *special activities and projects relating to commercial*
18 *drivers licensing and motor vehicle safety that—*

19 “(A) *benefit all jurisdictions of the United*
20 *States;*

21 “(B) *address national safety concerns and*
22 *circumstances;*

23 “(C) *address emerging issues relating to*
24 *commercial driver’s license improvements;*

1 *States Code, is amended by striking paragraphs (10) and*
2 *(11) and inserting the following:*

3 “(10) \$218,000,000 for fiscal year 2015; and

4 “(11) \$241,480,000 for fiscal year 2016.”.

5 (b) *EXTENSION OF GRANT PROGRAMS.—Section*
6 *4101(c) of SAFETEA-LU (119 Stat. 1715; Public Law*
7 *109–59) is amended to read as follows:*

8 “(c) *AUTHORIZATION OF APPROPRIATIONS.—The fol-*
9 *lowing sums are authorized to be appropriated from the*
10 *Highway Trust Fund (other than the Mass Transit Ac-*
11 *count):*

12 “(1) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
13 *IMPROVEMENT GRANTS.—For carrying out the com-*
14 *mercial driver’s license program improvement grants*
15 *program under section 31313 of title 49, United*
16 *States Code, \$30,480,000 for fiscal year 2016.*

17 “(2) *BORDER ENFORCEMENT GRANTS.—For bor-*
18 *der enforcement grants under section 31107 of that*
19 *title \$32,512,000 for fiscal year 2016.*

20 “(3) *PERFORMANCE AND REGISTRATION INFOR-*
21 *MATION SYSTEMS MANAGEMENT GRANT PROGRAM.—*
22 *For the performance and registration information*
23 *systems management grant program under section*
24 *31109 of that title \$5,080,000 for fiscal year 2016.*

1 “(4) *COMMERCIAL VEHICLE INFORMATION SYS-*
2 *TEMS AND NETWORKS DEPLOYMENT.*—*For carrying*
3 *out the commercial vehicle information systems and*
4 *networks deployment program under section 4126 of*
5 *this Act \$25,400,000 for fiscal year 2016.*

6 “(5) *SAFETY DATA IMPROVEMENT GRANTS.*—*For*
7 *safety data improvement grants under section 4128 of*
8 *this Act \$3,048,000 for fiscal year 2016.”.*

9 (c) *HIGH-PRIORITY ACTIVITIES.*—*Section 31104(j)(2)*
10 *of title 49, United States Code, as redesignated by this sub-*
11 *title, is amended by striking “2015” the first place it ap-*
12 *pears and inserting “2016”.*

13 (d) *NEW ENTRANT AUDITS.*—*Section 31144(g)(5)(B)*
14 *of title 49, United States Code, is amended to read as fol-*
15 *lows:*

16 “(B) *SET ASIDE.*—*The Secretary shall set*
17 *aside from amounts made available under sec-*
18 *tion 31104(a) up to \$32,000,000 for fiscal year*
19 *2016 for audits of new entrant motor carriers*
20 *conducted under this paragraph.”.*

21 (e) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*
22 *CLE OPERATORS.*—*Section 4134(c) of SAFETEA-LU (49*
23 *U.S.C. 31301 note) is amended to read as follows:*

24 “(c) *FUNDING.*—*From amounts made available under*
25 *section 31110 of title 49, United States Code, the Secretary*

1 *shall make available, \$1,000,000 for fiscal year 2016 to*
2 *carry out this section.”.*

3 (f) *COMMERCIAL VEHICLE INFORMATION SYSTEMS*
4 *AND NETWORKS DEPLOYMENT.—*

5 (1) *IN GENERAL.—Section 4126 of SAFETEA-*
6 *LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public*
7 *Law 109–59) is amended—*

8 (A) *in subsection (c)—*

9 (i) *in paragraph (2) by adding at the*
10 *end the following: “Funds deobligated by the*
11 *Secretary from previous year grants shall*
12 *not be counted toward the \$2,500,000 max-*
13 *imum aggregate amount for core deploy-*
14 *ment.”; and*

15 (ii) *in paragraph (3) by adding at the*
16 *end the following: “Funds may also be used*
17 *for planning activities, including the devel-*
18 *opment or updating of program or top level*
19 *design plans.”; and*

20 (B) *in subsection (d)(4) by adding at the*
21 *end the following: “Funds may also be used for*
22 *planning activities, including the development or*
23 *updating of program or top level design plans.”.*

24 (2) *INNOVATIVE TECHNOLOGY DEPLOYMENT PRO-*
25 *GRAM.—For fiscal year 2016, the commercial vehicle*

1 *information systems and networks deployment pro-*
2 *gram under section 4126 of SAFETEA-LU (119*
3 *Stat. 1738; Public Law 109–59) may also be referred*
4 *to as the innovative technology deployment program.*

5 **SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM**
6 **ALLOCATION.**

7 *(a) WORKING GROUP.—*

8 *(1) ESTABLISHMENT.—Not later than 180 days*
9 *after the date of enactment of this Act, the Secretary*
10 *shall establish a motor carrier safety assistance pro-*
11 *gram formula working group (in this section referred*
12 *to as the “working group”).*

13 *(2) MEMBERSHIP.—*

14 *(A) IN GENERAL.—Subject to subparagraph*
15 *(B), the working group shall consist of represent-*
16 *atives of the following:*

17 *(i) The Federal Motor Carrier Safety*
18 *Administration.*

19 *(ii) The lead State commercial motor*
20 *vehicle safety agencies responsible for ad-*
21 *ministering the plan required by section*
22 *31102 of title 49, United States Code.*

23 *(iii) An organization representing*
24 *State agencies responsible for enforcing a*

1 *program for inspection of commercial motor*
2 *vehicles.*

3 *(iv) Such other persons as the Sec-*
4 *retary considers necessary.*

5 *(B) COMPOSITION.—Representatives of*
6 *State commercial motor vehicle safety agencies*
7 *shall comprise at least 51 percent of the member-*
8 *ship.*

9 *(3) NEW ALLOCATION FORMULA.—The working*
10 *group shall analyze requirements and factors for the*
11 *establishment of a new allocation formula for the*
12 *motor carrier assistance program under section 31102*
13 *of title 49, United States Code.*

14 *(4) RECOMMENDATION.—Not later than 1 year*
15 *after the date the working group is established under*
16 *paragraph (1), the working group shall make a rec-*
17 *ommendation to the Secretary regarding a new allo-*
18 *cation formula for the motor carrier assistance pro-*
19 *gram.*

20 *(5) EXEMPTION.—The Federal Advisory Com-*
21 *mittee Act (5 U.S.C. App.) shall not apply to the*
22 *working group established under this subsection.*

23 *(6) PUBLICATION.—The Administrator of the*
24 *Federal Motor Carrier Safety Administration shall*

1 *publish on a publicly accessible Internet Web site of*
2 *the Federal Motor Carrier Safety Administration—*

3 *(A) summaries of the meetings of the work-*
4 *ing group; and*

5 *(B) the final recommendation of the work-*
6 *ing group provided to the Secretary.*

7 *(b) NOTICE OF PROPOSED RULEMAKING.—After re-*
8 *ceiving the recommendation of the working group under*
9 *subsection (a)(4), the Secretary shall publish in the Federal*
10 *Register a notice seeking public comment on the establish-*
11 *ment of a new allocation formula for the motor carrier safe-*
12 *ty assistance program.*

13 *(c) BASIS FOR FORMULA.—The Secretary shall ensure*
14 *that the new allocation formula for the motor carrier assist-*
15 *ance program is based on factors that reflect, at a min-*
16 *imum—*

17 *(1) the relative needs of the States to comply*
18 *with section 31102 of title 49, United States Code;*

19 *(2) the relative administrative capacities of and*
20 *challenges faced by States in complying with that sec-*
21 *tion;*

22 *(3) the average of each State's new entrant motor*
23 *carrier inventory for the 3-year period prior to the*
24 *date of enactment of this Act;*

1 (4) *the number of international border inspec-*
2 *tion facilities and border crossings by commercial ve-*
3 *hicles in each State; and*

4 (5) *any other factors the Secretary considers ap-*
5 *propriate.*

6 (d) *FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF*
7 *NEW ALLOCATION FORMULA.—*

8 (1) *INTERIM FORMULA.—Prior to the develop-*
9 *ment of the new allocation formula for the motor car-*
10 *rier assistance program, the Secretary may calculate*
11 *the interim funding amounts for that program in fis-*
12 *cal year 2017 (and later fiscal years, as necessary)*
13 *under section 31104(a)(1) of title 49, United States*
14 *Code, as amended by this subtitle, by using the fol-*
15 *lowing methodology:*

16 (A) *The Secretary shall calculate the fund-*
17 *ing amount to a State using the allocation for-*
18 *mula the Secretary used to award motor carrier*
19 *safety assistance program funding in fiscal year*
20 *2016 under section 31102 of title 49, United*
21 *States Code.*

22 (B) *The Secretary shall average the funding*
23 *awarded or other equitable amounts to a State*
24 *in fiscal years 2013, 2014, and 2015 for—*

1 (i) border enforcement grants under
2 section 31107 of title 49, United States
3 Code; and

4 (ii) new entrant audit grants under
5 section 31144(g)(5) of that title.

6 (C) The Secretary shall add the amounts
7 calculated in subparagraphs (A) and (B).

8 (2) ADJUSTMENTS.—Subject to the availability
9 of funding and notwithstanding fluctuations in the
10 data elements used by the Secretary, the initial
11 amounts resulting from the calculation described in
12 paragraph (1) shall be adjusted to ensure that, for
13 each State, the amount shall not be less than 97 per-
14 cent of the average amount of funding received or
15 other equitable amounts in fiscal years 2013, 2014,
16 and 2015 for—

17 (A) motor carrier safety assistance program
18 funds awarded to the State under section 31102
19 of title 49, United States Code;

20 (B) border enforcement grants awarded to
21 the State under section 31107 of title 49, United
22 States Code; and

23 (C) new entrant audit grants awarded to
24 the State under section 31144(g)(5) of title 49,
25 United States Code.

1 (3) *IMMEDIATE RELIEF.*—*In developing the new*
2 *allocation formula, the Secretary shall terminate the*
3 *withholding of motor carrier assistance program*
4 *funds from a State for at least 3 fiscal years if the*
5 *State was subject to the withholding of such funds for*
6 *matters of noncompliance immediately prior to the*
7 *date of enactment of this Act.*

8 (4) *FUTURE WITHHOLDINGS.*—*Beginning on the*
9 *date that the new allocation formula for the motor*
10 *carrier assistance program is implemented, the Sec-*
11 *retary shall impose all future withholdings in accord-*
12 *ance with section 31102(k) of title 49, United States*
13 *Code, as amended by this subtitle.*

14 (e) *TERMINATION OF WORKING GROUP.*—*The working*
15 *group established under subsection (a) shall terminate on*
16 *the date of the implementation of a new allocation formula*
17 *for the motor carrier safety assistance program.*

18 **SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.**

19 (a) *BEFORE NEW ALLOCATION FORMULA.*—

20 (1) *FISCAL YEAR 2017.*—*If a new allocation for-*
21 *mula for the motor carrier safety assistance program*
22 *has not been established under this subtitle for fiscal*
23 *year 2017, the Secretary shall calculate for fiscal year*
24 *2017 the maintenance of effort baseline required*
25 *under section 31102(f) of title 49, United States Code,*

1 *as amended by this subtitle, by averaging the expend-*
2 *itures for fiscal years 2004 and 2005 required by sec-*
3 *tion 31102(b)(4) of title 49, United States Code, as*
4 *that section was in effect on the day before the date*
5 *of enactment of this Act.*

6 (2) *SUBSEQUENT FISCAL YEARS.*—*The Secretary*
7 *may use the methodology for calculating the mainte-*
8 *nance of effort baseline specified in paragraph (1) for*
9 *fiscal year 2018 and subsequent fiscal years if a new*
10 *allocation formula for the motor carrier safety assist-*
11 *ance program has not been established for that fiscal*
12 *year.*

13 (b) *BEGINNING WITH NEW ALLOCATION FORMA-*
14 *TION.*—

15 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*
16 *(3)(B), beginning on the date that a new allocation*
17 *formula for the motor carrier safety assistance pro-*
18 *gram is established under this subtitle, upon the re-*
19 *quest of a State, the Secretary may waive or modify*
20 *the baseline maintenance of effort required of the*
21 *State by section 31102(e) of title 49, United States*
22 *Code, as amended by this subtitle, for the purpose of*
23 *establishing a new baseline maintenance of effort if*
24 *the Secretary determines that a waiver or modifica-*
25 *tion—*

1 (A) is equitable due to reasonable cir-
2 cumstances;

3 (B) will ensure the continuation of commer-
4 cial motor vehicle enforcement activities in the
5 State; and

6 (C) is necessary to ensure that the total
7 amount of State maintenance of effort and
8 matching expenditures required under sections
9 31102 and 31104 of title 49, United States Code,
10 as amended by this subtitle, does not exceed a
11 sum greater than the average of the total amount
12 of State maintenance of effort and matching ex-
13 penditures required under those sections for the
14 3 fiscal years prior to the date of enactment of
15 this Act.

16 (2) *ADJUSTMENT METHODOLOGY.*—If requested
17 by a State, the Secretary may modify the mainte-
18 nance of effort baseline referred to in paragraph (1)
19 for the State according to the following methodology:

20 (A) The Secretary shall establish the main-
21 tenance of effort baseline for the State using the
22 average baseline of fiscal years 2004 and 2005,
23 as required by section 31102(b)(4) of title 49,
24 United States Code, as that section was in effect

1 *on the day before the date of enactment of this*
2 *Act.*

3 *(B) The Secretary shall calculate the aver-*
4 *age required match by a lead State commercial*
5 *motor vehicle safety agency for fiscal years 2013,*
6 *2014, and 2015 for motor carrier safety assist-*
7 *ance grants established at 20 percent by section*
8 *31103 of title 49, United States Code, as that*
9 *section was in effect on the day before the date*
10 *of enactment of this Act.*

11 *(C) The Secretary shall calculate the esti-*
12 *mated match required under section 31104(b) of*
13 *title 49, United States Code, as amended by this*
14 *subtitle.*

15 *(D) The Secretary shall subtract the amount*
16 *in subparagraph (B) from the amount in sub-*
17 *paragraph (C) and—*

18 *(i) if the number is greater than 0, the*
19 *Secretary shall subtract the number from*
20 *the amount in subparagraph (A); or*

21 *(ii) if the number is not greater than*
22 *0, the Secretary shall calculate the mainte-*
23 *nance of effort using the methodology in*
24 *subparagraph (A).*

25 (3) *MAINTENANCE OF EFFORT AMOUNT.—*

1 (A) *IN GENERAL.*—*The Secretary shall use*
2 *the amount calculated under paragraph (2) as*
3 *the baseline maintenance of effort required under*
4 *section 31102(f) of title 49, United States Code,*
5 *as amended by this subtitle.*

6 (B) *DEADLINE.*—*If a State does not request*
7 *a waiver or modification under this subsection*
8 *before September 30 during the first fiscal year*
9 *that the Secretary implements a new allocation*
10 *formula for the motor carrier safety assistance*
11 *program under this subtitle, the Secretary shall*
12 *calculate the maintenance of effort using the*
13 *methodology described in paragraph (2)(A).*

14 (4) *MAINTENANCE OF EFFORT DESCRIBED.*—*The*
15 *maintenance of effort calculated under this section is*
16 *the amount required under section 31102(f) of title*
17 *49, United States Code, as amended by this subtitle.*

18 (c) *TERMINATION OF EFFECTIVENESS.*—*The authority*
19 *of the Secretary under this section shall terminate effective*
20 *on the date that a new maintenance of effort baseline is*
21 *calculated based on a new allocation formula for the motor*
22 *carrier safety assistance program implemented under sec-*
23 *tion 31102 of title 49, United States Code.*

1 ***Subtitle B—Federal Motor Carrier***
2 ***Safety Administration Reform***

3 ***PART I—REGULATORY REFORM***

4 ***SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.***

5 *Section 13906(e) of title 49, United States Code, is*
6 *amended by inserting “or suspend” after “revoke”.*

7 ***SEC. 5202. REGULATIONS.***

8 *Section 31136 of title 49, United States Code, is*
9 *amended—*

10 *(1) by redesignating subsection (f) as subsection*
11 *(g) and transferring such subsection to appear at the*
12 *end of section 31315 of such title; and*

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

14 *“(f) REGULATORY IMPACT ANALYSIS.—Within each*
15 *regulatory impact analysis of a proposed or final rule*
16 *issued by the Federal Motor Carrier Safety Administration,*
17 *the Secretary shall, whenever practicable—*

18 *“(1) consider the effects of the proposed or final*
19 *rule on different segments of the motor carrier indus-*
20 *try;*

21 *“(2) formulate estimates and findings based on*
22 *the best available science; and*

23 *“(3) utilize available data specific to the dif-*
24 *ferent types of motor carriers, including small and*

1 *large carriers, and drivers that will be impacted by*
2 *the proposed or final rule.*

3 “(g) *PUBLIC PARTICIPATION.*—

4 “(1) *IN GENERAL.*—*If a proposed rule promul-*
5 *gated under this part is likely to lead to the promul-*
6 *gation of a major rule, the Secretary, before promul-*
7 *gating such proposed rule, shall—*

8 “(A) *issue an advance notice of proposed*
9 *rulemaking; or*

10 “(B) *proceed with a negotiated rulemaking.*

11 “(2) *REQUIREMENTS.*—*Each advance notice of*
12 *proposed rulemaking issued under paragraph (1)*
13 *shall—*

14 “(A) *identify the need for a potential regu-*
15 *latory action;*

16 “(B) *identify and request public comment*
17 *on the best available science or technical infor-*
18 *mation relevant to analyzing potential regu-*
19 *latory alternatives;*

20 “(C) *request public comment on the avail-*
21 *able data and costs with respect to regulatory al-*
22 *ternatives reasonably likely to be considered as*
23 *part of the rulemaking; and*

24 “(D) *request public comment on available*
25 *alternatives to regulation.*

1 “(3) *WAIVER.*—*This subsection does not apply to*
2 *a proposed rule if the Secretary, for good cause, finds*
3 *(and incorporates the finding and a brief statement*
4 *of reasons for such finding in the proposed or final*
5 *rule) that an advance notice of proposed rulemaking*
6 *is impracticable, unnecessary, or contrary to the pub-*
7 *lic interest.*

8 “(h) *REVIEW OF RULES.*—

9 “(1) *IN GENERAL.*—*Once every 5 years, the Sec-*
10 *retary shall conduct a review of regulations issued*
11 *under this part.*

12 “(2) *SCHEDULE.*—*At the beginning of each 5-*
13 *year review period, the Secretary shall publish a*
14 *schedule that sets forth the plan for completing the re-*
15 *view under paragraph (1) within 5 years.*

16 “(3) *NOTIFICATION OF CHANGES.*—*During each*
17 *review period, the Secretary shall address any*
18 *changes to the schedule published under paragraph*
19 *(2) and notify the public of such changes.*

20 “(4) *CONSIDERATION OF PETITIONS.*—*In con-*
21 *ducting a review under paragraph (1), the Secretary*
22 *shall consider petitions for regulatory action under*
23 *this part received by the Administrator of the Federal*
24 *Motor Carrier Safety Administration.*

1 “(5) *ASSESSMENT.*—At the conclusion of each re-
2 view under paragraph (1), the Secretary shall publish
3 on a publicly accessible Internet Web site of the De-
4 partment of Transportation an assessment that in-
5 cludes—

6 “(A) an inventory of the regulations issued
7 during the 5-year period ending on the date on
8 which the assessment is published;

9 “(B) a determination of whether the regula-
10 tions are—

11 “(i) consistent and clear;

12 “(ii) current with the operational re-
13 alities of the motor carrier industry; and

14 “(iii) uniformly enforced; and

15 “(C) an assessment of whether the regula-
16 tions continue to be necessary.

17 “(6) *RULEMAKING.*—Not later than 2 years after
18 the completion of each review under this subsection,
19 the Secretary shall initiate a rulemaking to amend
20 regulations as necessary to address the determinations
21 made under paragraph (5)(B) and the results of the
22 assessment under paragraph (5)(C).

23 “(i) *RULE OF CONSTRUCTION.*—Nothing in subsection
24 (f) or (g) may be construed to limit the contents of an ad-
25 vance notice of proposed rulemaking.”

1 **SEC. 5203. GUIDANCE.**

2 (a) *IN GENERAL.*—

3 (1) *DATE OF ISSUANCE AND POINT OF CON-*
4 *TACT.*—*Each guidance document issued by the Fed-*
5 *eral Motor Carrier Safety Administration shall have*
6 *a date of issuance or a date of revision, as applicable,*
7 *and shall include the name and contact information*
8 *of a point of contact at the Administration who can*
9 *respond to questions regarding the guidance.*

10 (2) *PUBLIC ACCESSIBILITY.*—

11 (A) *IN GENERAL.*—*Each guidance document*
12 *issued or revised by the Federal Motor Carrier*
13 *Safety Administration shall be published on a*
14 *publicly accessible Internet Web site of the De-*
15 *partment on the date of issuance or revision.*

16 (B) *REDACTION.*—*The Administrator of the*
17 *Federal Motor Carrier Safety Administration*
18 *may redact from a guidance document published*
19 *under subparagraph (A) any information that*
20 *would reveal investigative techniques that would*
21 *compromise Administration enforcement efforts.*

22 (3) *INCORPORATION INTO REGULATIONS.*—*Not*
23 *later than 5 years after the date on which a guidance*
24 *document is published under paragraph (2) or during*
25 *an applicable review under subsection (c), whichever*
26 *is earlier, the Secretary shall revise regulations to in-*

1 *corporate the guidance document to the extent prac-*
2 *ticable.*

3 (4) *REISSUANCE.*—*If a guidance document is*
4 *not incorporated into regulations in accordance with*
5 *paragraph (3), the Administrator shall—*

6 (A) *reissue an updated version of the guid-*
7 *ance document; and*

8 (B) *review and reissue an updated version*
9 *of the guidance document every 5 years until the*
10 *date on which the guidance document is removed*
11 *or incorporated into applicable regulations.*

12 (b) *INITIAL REVIEW.*—*Not later than 1 year after the*
13 *date of enactment of this Act, the Administrator shall re-*
14 *view all guidance documents published under subsection (a)*
15 *to ensure that such documents are current, are readily ac-*
16 *cessible to the public, and meet the standards specified in*
17 *subparagraphs (A), (B), and (C) of subsection (c)(1).*

18 (c) *REGULAR REVIEW.*—

19 (1) *IN GENERAL.*—*Subject to paragraph (2), not*
20 *less than once every 5 years, the Administrator shall*
21 *conduct a comprehensive review of the guidance docu-*
22 *ments issued by the Federal Motor Carrier Safety Ad-*
23 *ministration to determine whether such documents*
24 *are—*

25 (A) *consistent and clear;*

1 (B) *uniformly and consistently enforced;*

2 *and*

3 (C) *still necessary.*

4 (2) *NOTICE AND COMMENT.—Prior to beginning*
5 *a review under paragraph (1), the Administrator*
6 *shall publish in the Federal Register a notice and re-*
7 *quest for comment that solicits input from stake-*
8 *holders on which guidance documents should be up-*
9 *dated or eliminated.*

10 (3) *REPORT.—*

11 (A) *IN GENERAL.—Not later than 60 days*
12 *after the date on which a review under para-*
13 *graph (1) is completed, the Administrator shall*
14 *publish on a publicly accessible Internet Web site*
15 *of the Department a report detailing the review*
16 *and a full inventory of the guidance documents*
17 *of the Administration.*

18 (B) *CONTENTS.—A report under subpara-*
19 *graph (A) shall include a summary of the re-*
20 *sponse of the Administration to each comment*
21 *received under paragraph (2).*

22 (d) *GUIDANCE DOCUMENT DEFINED.—In this section,*
23 *the term “guidance document” means a document issued*
24 *by the Federal Motor Carrier Safety Administration that—*

1 (1) *provides an interpretation of a regulation of*
2 *the Administration; or*

3 (2) *includes an enforcement policy of the Admin-*
4 *istration.*

5 **SEC. 5204. PETITIONS.**

6 (a) *IN GENERAL.—The Administrator of the Federal*
7 *Motor Carrier Safety Administration shall—*

8 (1) *publish on a publicly accessible Internet Web*
9 *site of the Department a summary of all petitions for*
10 *regulatory action submitted to the Administration;*

11 (2) *prioritize the petitions submitted based on*
12 *the likelihood of safety improvements resulting from*
13 *the regulatory action requested;*

14 (3) *not later than 180 days after the date a sum-*
15 *mary of a petition is published under paragraph (1),*
16 *formally respond to such petition by indicating*
17 *whether the Administrator will accept, deny, or fur-*
18 *ther review the petition;*

19 (4) *prioritize responses to petitions consistent*
20 *with a response's potential to reduce crashes, improve*
21 *enforcement, and reduce unnecessary burdens; and*

22 (5) *not later than 60 days after the date of re-*
23 *ceipt of a petition, publish on a publicly accessible*
24 *Internet Web site of the Department an updated in-*
25 *ventory of the petitions described in paragraph (1),*

1 *including any applicable disposition information for*
2 *those petitions.*

3 (b) *PETITION DEFINED.*—*In this section, the term “pe-*
4 *tition” means a request for a new regulation, a regulatory*
5 *interpretation or clarification, or a review of a regulation*
6 *to eliminate or modify an obsolete, ineffective, or overly bur-*
7 *densome regulation.*

8 ***PART II—COMPLIANCE, SAFETY,***
9 ***ACCOUNTABILITY REFORM***

10 ***SEC. 5221. CORRELATION STUDY.***

11 (a) *IN GENERAL.*—*The Administrator of the Federal*
12 *Motor Carrier Safety Administration (referred to in this*
13 *part as the “Administrator”)* shall commission the National
14 *Research Council of the National Academies to conduct a*
15 *study of—*

16 (1) *the Compliance, Safety, Accountability pro-*
17 *gram of the Federal Motor Carrier Safety Adminis-*
18 *tration (referred to in this part as the “CSA pro-*
19 *gram”); and*

20 (2) *the Safety Measurement System utilized by*
21 *the CSA program (referred to in this part as the*
22 *“SMS”).*

23 (b) *SCOPE OF STUDY.*—*In carrying out the study com-*
24 *missioned pursuant to subsection (a), the National Research*
25 *Council—*

1 (1) *shall analyze—*

2 (A) *the accuracy with which the Behavior*
3 *Analysis and Safety Improvement Categories*
4 *(referred to in this part as “BASIC”)—*

5 (i) *identify high risk carriers; and*

6 (ii) *predict or are correlated with fu-*
7 *ture crash risk, crash severity, or other safe-*
8 *ty indicators for motor carriers;*

9 (B) *the methodology used to calculate*
10 *BASIC percentiles and identify carriers for en-*
11 *forcement, including the weights assigned to par-*
12 *ticular violations and the tie between crash risk*
13 *and specific regulatory violations, with respect to*
14 *accurately identifying and predicting future*
15 *crash risk for motor carriers;*

16 (C) *the relative value of inspection informa-*
17 *tion and roadside enforcement data;*

18 (D) *any data collection gaps or data suffi-*
19 *ciency problems that may exist and the impact*
20 *of those gaps and problems on the efficacy of the*
21 *CSA program;*

22 (E) *the accuracy of safety data, including*
23 *the use of crash data from crashes in which a*
24 *motor carrier was free from fault;*

1 (F) whether BASIC percentiles for motor
2 carriers of passengers should be calculated dif-
3 ferently than for motor carriers of freight;

4 (G) the differences in the rates at which
5 safety violations are reported to the Federal
6 Motor Carrier Safety Administration for inclu-
7 sion in the SMS by various enforcement authori-
8 ties, including States, territories, and Federal
9 inspectors; and

10 (H) how members of the public use the SMS
11 and what effect making the SMS information
12 public has had on reducing crashes and elimi-
13 nating unsafe motor carriers from the industry;
14 and

15 (2) shall consider—

16 (A) whether the SMS provides comparable
17 precision and confidence, through SMS alerts
18 and percentiles, for the relative crash risk of in-
19 dividual large and small motor carriers;

20 (B) whether alternatives to the SMS would
21 identify high risk carriers more accurately; and

22 (C) the recommendations and findings of
23 the Comptroller General of the United States and
24 the Inspector General of the Department, and

1 *independent review team reports, issued before*
2 *the date of enactment of this Act.*

3 (c) *REPORT.*—*Not later than 18 months after the date*
4 *of enactment of this Act, the Administrator shall submit*
5 *a report containing the results of the study commissioned*
6 *pursuant to subsection (a) to—*

7 (1) *the Committee on Commerce, Science, and*
8 *Transportation of the Senate;*

9 (2) *the Committee on Transportation and Infra-*
10 *structure of the House of Representatives; and*

11 (3) *the Inspector General of the Department.*

12 (d) *CORRECTIVE ACTION PLAN.*—

13 (1) *IN GENERAL.*—*Not later than 120 days after*
14 *the Administrator submits the report under subsection*
15 *(c), if that report identifies a deficiency or oppor-*
16 *tunity for improvement in the CSA program or in*
17 *any element of the SMS, the Administrator shall sub-*
18 *mit to the Committee on Commerce, Science, and*
19 *Transportation of the Senate and the Committee on*
20 *Transportation and Infrastructure of the House of*
21 *Representatives a corrective action plan that—*

22 (A) *responds to the deficiencies or opportu-*
23 *nities identified by the report;*

1 (B) identifies how the Federal Motor Car-
2 rier Safety Administration will address such de-
3 ficiencies or opportunities; and

4 (C) provides an estimate of the cost, includ-
5 ing with respect to changes in staffing, enforce-
6 ment, and data collection, necessary to address
7 such deficiencies or opportunities.

8 (2) *PROGRAM REFORMS.*—The corrective action
9 plan submitted under paragraph (1) shall include an
10 implementation plan that—

11 (A) includes benchmarks;

12 (B) includes programmatic reforms, revi-
13 sions to regulations, or proposals for legislation;
14 and

15 (C) shall be considered in any rulemaking
16 by the Department that relates to the CSA pro-
17 gram, including the SMS.

18 (e) *INSPECTOR GENERAL REVIEW.*—Not later than
19 120 days after the Administrator submits a corrective ac-
20 tion plan under subsection (d), the Inspector General of the
21 Department shall—

22 (1) review the extent to which such plan imple-
23 ments—

24 (A) recommendations contained in the re-
25 port submitted under subsection (c); and

1 (B) relevant recommendations issued by the
2 Comptroller General or the Inspector General be-
3 fore the date of enactment of this Act; and

4 (2) submit to the Committee on Commerce,
5 Science, and Transportation of the Senate and the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives a report on the respon-
8 siveness of the corrective action plan to the rec-
9 ommendations described in paragraph (1).

10 **SEC. 5222. BEYOND COMPLIANCE.**

11 (a) *IN GENERAL.*—Not later than 18 months after the
12 date of enactment of this Act, the Administrator shall incor-
13 porate into the CSA program a methodology to allow rec-
14 ognition and an improved SMS score for—

15 (1) the installation of advanced safety equip-
16 ment;

17 (2) the use of enhanced driver fitness measures;

18 (3) the adoption of fleet safety management tools,
19 technologies, and programs; or

20 (4) other metrics as determined appropriate by
21 the Administrator.

22 (b) *QUALIFICATION.*—The Administrator, after pro-
23 viding notice and an opportunity for comment, shall de-
24 velop technical or other performance standards with respect
25 to advanced safety equipment, enhanced driver fitness

1 *measures, fleet safety management tools, technologies, and*
2 *programs, and other metrics for purposes of subsection (a).*

3 *(c) REPORT.—Not later than 18 months after the in-*
4 *corporation of the methodology under subsection (a), the Ad-*
5 *ministrator shall submit to the Committee on Transpor-*
6 *tation and Infrastructure of the House of Representatives*
7 *and the Committee on Commerce, Science, and Transpor-*
8 *tation of the Senate a report on the number of motor car-*
9 *riers receiving recognition and improved scores under such*
10 *methodology and the safety performance of such carriers.*

11 **SEC. 5223. DATA CERTIFICATION.**

12 *(a) IN GENERAL.—On and after the date that is 1 day*
13 *after the date of enactment of this Act, no information re-*
14 *garding analysis of violations, crashes in which a deter-*
15 *mination is made that the motor carrier or the commercial*
16 *motor vehicle driver is not at fault, alerts, or the relative*
17 *percentile for each BASIC developed under the CSA pro-*
18 *gram may be made available to the public (including*
19 *through requests under section 552 of title 5, United States*
20 *Code) until the Inspector General of the Department cer-*
21 *tifies that—*

22 *(1) the report required under section 5221(c) has*
23 *been submitted in accordance with that section;*

24 *(2) any deficiencies identified in the report re-*
25 *quired under section 5221(c) have been addressed;*

1 (3) *if applicable, the corrective action plan*
2 *under section 5221(d) has been implemented;*

3 (4) *the Administrator of the Federal Motor Car-*
4 *rier Safety Administration has fully implemented or*
5 *satisfactorily addressed the issues raised in the report*
6 *titled “Modifying the Compliance, Safety, Account-*
7 *ability Program Would Improve the Ability to Iden-*
8 *tify High Risk Carriers” of the Government Account-*
9 *ability Office and dated February 2014 (GAO–14–*
10 *114); and*

11 (5) *the CSA program has been modified in ac-*
12 *cordance with section 5222.*

13 (b) *LIMITATION ON THE USE OF CSA ANALYSIS.—In-*
14 *formation regarding alerts and the relative percentile for*
15 *each BASIC developed under the CSA program may not*
16 *be used for safety fitness determinations until the Inspector*
17 *General of the Department makes the certification under*
18 *subsection (a).*

19 (c) *CONTINUED PUBLIC AVAILABILITY OF DATA.—Not-*
20 *withstanding any other provision of this section, inspection*
21 *and violation information submitted to the Federal Motor*
22 *Carrier Safety Administration by commercial motor vehicle*
23 *inspectors and qualified law enforcement officials, out-of-*
24 *service rates, and absolute measures shall remain available*
25 *to the public.*

1 (d) *EXCEPTIONS.*—

2 (1) *IN GENERAL.*—*Notwithstanding any other*
3 *provision of this section—*

4 (A) *the Federal Motor Carrier Safety Ad-*
5 *ministration and State and local commercial*
6 *motor vehicle enforcement agencies may use the*
7 *information referred to in subsection (a) for pur-*
8 *poses of investigation and enforcement*
9 *prioritization; and*

10 (B) *a motor carrier and a commercial*
11 *motor vehicle driver may access information re-*
12 *ferred to in subsection (a) that relates directly to*
13 *the motor carrier or driver, respectively.*

14 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
15 *section may be construed to restrict the official use by*
16 *State enforcement agencies of the data collected by*
17 *State enforcement personnel.*

18 **SEC. 5224. INTERIM HIRING STANDARD.**

19 (a) *DEFINITIONS.*—*In this section, the following defi-*
20 *initions apply:*

21 (1) *ENTITY.*—*The term “entity” means a person*
22 *acting as—*

23 (A) *a shipper, other than an individual*
24 *shipper (as that term is defined in section 13102*
25 *of title 49, United States Code), or a consignee;*

1 (B) a broker or a freight forwarder (as such
2 terms are defined in section 13102 of title 49,
3 United States Code);

4 (C) a non-vessel-operating common carrier,
5 an ocean freight forwarder, or an ocean trans-
6 portation intermediary (as such terms are de-
7 fined in section 40102 of title 46, United States
8 Code);

9 (D) an indirect air carrier authorized to
10 operate under a Standard Security Program ap-
11 proved by the Transportation Security Adminis-
12 tration;

13 (E) a customs broker licensed in accordance
14 with section 111.2 of title 19, Code of Federal
15 Regulations;

16 (F) an interchange motor carrier subject to
17 paragraphs (1)(B) and (2) of section 13902(i) of
18 title 49, United States Code; or

19 (G) a warehouse (as defined in section 7-
20 102(13) of the Uniform Commercial Code).

21 (2) *MOTOR CARRIER.*—The term “motor carrier”
22 means a motor carrier (as that term is defined in sec-
23 tion 13102 of title 49, United States Code) that is
24 subject to Federal motor carrier financial responsi-
25 bility and safety regulations.

1 (b) *HIRING STANDARD.*—Subsection (c) shall only be
2 applicable to entities who, before tendering a shipment, but
3 not more than 35 days before the pickup of the shipment
4 by the hired motor carrier, verify that the motor carrier,
5 at the time of such verification—

6 (1) is registered with and authorized by the Fed-
7 eral Motor Carrier Safety Administration to operate
8 as a motor carrier, if applicable;

9 (2) has the minimum insurance coverage re-
10 quired by Federal law; and

11 (3) has a satisfactory safety fitness determina-
12 tion issued by the Federal Motor Carrier Safety Ad-
13 ministration in force.

14 (c) *INTERIM USE OF DATA.*—

15 (1) *IN GENERAL.*—With respect to an entity who
16 completed a verification under subsection (b), only in-
17 formation regarding the entity's compliance or non-
18 compliance with subsection (b) may be admitted as
19 evidence or otherwise used against the entity in a
20 civil action for damages resulting from a claim of
21 negligent selection or retention of a motor carrier.

22 (2) *EXCLUDED EVIDENCE.*—With respect to an
23 entity who completed a verification under subsection
24 (b), motor carrier data (other than the information
25 described in paragraph (1)) created or maintained by

1 *the Federal Motor Carrier Safety Administration, in-*
2 *cluding SMS data or analysis of such data, may not*
3 *be admitted into evidence in a case or proceeding in*
4 *which it is asserted or alleged that the entity's selec-*
5 *tion or retention of a motor carrier was negligent.*

6 *(d) SUNSET.—This section shall cease to be effective*
7 *on the date on which the Inspector General of the Depart-*
8 *ment makes the certification under section 5223(a).*

9 ***Subtitle C—Commercial Motor***
10 ***Vehicle Safety***

11 ***SEC. 5301. IMPLEMENTING SAFETY REQUIREMENTS.***

12 *(a) NATIONAL CLEARINGHOUSE FOR CONTROLLED*
13 *SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMER-*
14 *CIAL MOTOR VEHICLE OPERATORS.—If the deadline estab-*
15 *lished under section 31306a(a)(1) of title 49, United States*
16 *Code, has not been met, not later than 30 days after the*
17 *date of enactment of this Act, the Secretary of Transpor-*
18 *tation shall submit to the Committee on Transportation*
19 *and Infrastructure of the House of Representatives and the*
20 *Committee on Commerce, Science, and Transportation of*
21 *the Senate written notification that—*

22 *(1) explains why such deadline has not been met;*

23 *and*

24 *(2) establishes a new deadline for completion of*
25 *the requirements of such section.*

1 (b) *ELECTRONIC LOGGING DEVICES.*—*If the deadline*
2 *established under section 31137(a) of title 49, United States*
3 *Code, has not been met, not later than 30 days after the*
4 *date of enactment of this Act, the Secretary shall submit*
5 *to the Committee on Transportation and Infrastructure of*
6 *the House of Representatives and the Committee on Com-*
7 *merce, Science, and Transportation of the Senate written*
8 *notification that—*

9 (1) *explains why such deadline has not been met;*
10 *and*

11 (2) *establishes a new deadline for completion of*
12 *the requirements of such section.*

13 (c) *STANDARDS FOR TRAINING.*—*If the deadline estab-*
14 *lished under section 31305(c) of title 49, United States*
15 *Code, has not been met, not later than 30 days after the*
16 *date of enactment of this Act, the Secretary shall submit*
17 *to the Committee on Transportation and Infrastructure of*
18 *the House of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate written*
20 *notification that—*

21 (1) *explains why such deadline has not been met;*
22 *and*

23 (2) *establishes a new deadline for completion of*
24 *the requirements of such section.*

1 (d) *FURTHER RESPONSIBILITIES.*—If the Secretary
2 determines that a deadline established under subsection
3 (a)(2), (b)(2), or (c)(2) cannot be met, not later than 30
4 days after the date on which such determination is made,
5 the Secretary shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate written notification that—

9 (1) explains why such deadline cannot be met;
10 and

11 (2) establishes a new deadline for completion of
12 the relevant requirements.

13 **SEC. 5302. WINDSHIELD MOUNTED SAFETY TECHNOLOGY.**

14 (a) *IN GENERAL.*—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall issue regu-
16 lations to modify section 393.60(e)(1) of title 49, Code of
17 Federal Regulations, to permanently allow the voluntary
18 mounting on the inside of a vehicle’s windshield, within the
19 area swept by windshield wipers, of vehicle safety tech-
20 nologies, if the Secretary determines that such mounting is
21 likely to achieve a level of safety that is equivalent to, or
22 greater than, the level of safety that would be achieved with-
23 out such mounting.

24 (b) *VEHICLE SAFETY TECHNOLOGY DEFINED.*—In this
25 section, the term “vehicle safety technology” includes lane

1 *departure warning systems, collision avoidance systems, on-*
2 *board video event recording devices, and any other tech-*
3 *nology determined appropriate by the Secretary.*

4 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
5 *may be construed to alter the terms of a short-term exemp-*
6 *tion from section 393.60(e) of title 49, Code of Federal Reg-*
7 *ulations, granted and in effect as of the date of enactment*
8 *of this Act.*

9 **SEC. 5303. PRIORITIZING STATUTORY RULEMAKINGS.**

10 *The Administrator of the Federal Motor Carrier Safety*
11 *Administration shall prioritize the completion of each out-*
12 *standing rulemaking required by statute before beginning*
13 *any other rulemaking, unless the Secretary determines that*
14 *there is a significant need for such other rulemaking.*

15 **SEC. 5304. SAFETY REPORTING SYSTEM.**

16 *(a) IN GENERAL.—Not later than 1 year after the date*
17 *of enactment of this Act, the Comptroller General of the*
18 *United States shall submit to the Committee on Commerce,*
19 *Science, and Transportation of the Senate and the Com-*
20 *mittee on Transportation and Infrastructure of the House*
21 *of Representatives a report on the cost and feasibility of*
22 *establishing a self-reporting system for commercial motor*
23 *vehicle drivers or motor carriers with respect to en route*
24 *equipment failures.*

1 (b) *CONTENTS.*—*The report required under subsection*

2 (a) *shall include—*

3 (1) *an analysis of—*

4 (A) *alternatives for the reporting of equip-*
5 *ment failures in real time, including an Internet*
6 *Web site or telephone hotline;*

7 (B) *the ability of a commercial motor vehi-*
8 *cle driver or a motor carrier to provide to the*
9 *Federal Motor Carrier Safety Administration*
10 *proof of repair of a self-reported equipment fail-*
11 *ure;*

12 (C) *the ability of the Federal Motor Carrier*
13 *Safety Administration to ensure that self-re-*
14 *ported equipment failures proven to be repaired*
15 *are not used in the calculation of Behavior Anal-*
16 *ysis and Safety Improvement Category scores;*

17 (D) *the ability of roadside inspectors to ac-*
18 *cess self-reported equipment failures;*

19 (E) *the cost to establish and administer a*
20 *self-reporting system;*

21 (F) *the ability for a self-reporting system to*
22 *track individual commercial motor vehicles*
23 *through unique identifiers; and*

24 (G) *whether a self-reporting system would*
25 *yield demonstrable safety benefits;*

1 (2) *an identification of any regulatory or statu-*
2 *tory impediments to the implementation of a self-re-*
3 *porting system; and*

4 (3) *recommendations on implementing a self-re-*
5 *porting system.*

6 **SEC. 5305. NEW ENTRANT SAFETY REVIEW PROGRAM.**

7 (a) *IN GENERAL.*—*The Secretary shall conduct an as-*
8 *essment of the new operator safety review program under*
9 *section 31144(g) of title 49, United States Code, including*
10 *the program’s effectiveness in reducing crashes, fatalities,*
11 *and injuries involving commercial motor vehicles and im-*
12 *proving commercial motor vehicle safety.*

13 (b) *REPORT.*—*Not later than 1 year after the date of*
14 *enactment of this Act, the Secretary shall publish on a pub-*
15 *licly accessible Internet Web site of the Department and*
16 *submit to the Committee on Commerce, Science, and Trans-*
17 *portation of the Senate and the Committee on Transpor-*
18 *tation and Infrastructure of the House of Representatives*
19 *a report on the results of the assessment conducted under*
20 *subsection (a), including any recommendations for improv-*
21 *ing the effectiveness of the program (including recommenda-*
22 *tions for legislative changes).*

23 **SEC. 5306. READY MIXED CONCRETE TRUCKS.**

24 *A driver of a ready mixed concrete mixer truck is ex-*
25 *empt from section 3(a)(3)(ii) of part 395 of title 49, Code*

1 of Federal Regulations, if the driver is in compliance with
2 clauses (i), (iii), (iv), and (v) of subsection (e)(1) of section
3 1 of part 395 of such title (regarding the 100 air-mile log-
4 ging exemption).

5 **Subtitle D—Commercial Motor**
6 **Vehicle Drivers**

7 **SEC. 5401. OPPORTUNITIES FOR VETERANS.**

8 (a) *STANDARDS FOR TRAINING AND TESTING OF VET-*
9 *ERAN OPERATORS.*—Section 31305 of title 49, United
10 States Code, is amended by adding at the end the following:

11 “(d) *STANDARDS FOR TRAINING AND TESTING OF VET-*
12 *ERAN OPERATORS.*—

13 “(1) *IN GENERAL.*—Not later than December 31,
14 2016, the Secretary shall modify the regulations pre-
15 scribed under subsections (a) and (c) to—

16 “(A) exempt a covered individual from all
17 or a portion of a driving test if the covered indi-
18 vidual had experience in the armed forces or re-
19 serve components driving vehicles similar to a
20 commercial motor vehicle;

21 “(B) ensure that a covered individual may
22 apply for an exemption under subparagraph (A)
23 during, at least, the 1-year period beginning on
24 the date on which such individual separates from

1 *service in the armed forces or reserve compo-*
2 *nents; and*

3 “(C) *credit the training and knowledge a*
4 *covered individual received in the armed forces*
5 *or reserve components driving vehicles similar to*
6 *a commercial motor vehicle for purposes of satis-*
7 *fying minimum standards for training and*
8 *knowledge.*

9 “(2) *DEFINITIONS.—In this subsection, the fol-*
10 *lowing definitions apply:*

11 “(A) *ARMED FORCES.—The term ‘armed*
12 *forces’ has the meaning given that term in sec-*
13 *tion 101(a)(4) of title 10.*

14 “(B) *COVERED INDIVIDUAL.—The term ‘cov-*
15 *ered individual’ means—*

16 “(i) *a former member of the armed*
17 *forces; or*

18 “(ii) *a former member of the reserve*
19 *components.*

20 “(C) *RESERVE COMPONENTS.—The term*
21 *‘reserve components’ means—*

22 “(i) *the Army National Guard of the*
23 *United States;*

24 “(ii) *the Army Reserve;*

25 “(iii) *the Navy Reserve;*

1 “(iv) the Marine Corps Reserve;
2 “(v) the Air National Guard of the
3 United States;
4 “(vi) the Air Force Reserve; and
5 “(vii) the Coast Guard Reserve.”.

6 (b) *IMPLEMENTATION OF THE MILITARY COMMERCIAL*
7 *DRIVER’S LICENSE ACT.*—Not later than December 31,
8 2015, the Secretary shall issue final regulations to imple-
9 ment the exemption to the domicile requirement under sec-
10 tion 31311(a)(12)(C) of title 49, United States Code.

11 (c) *CONFORMING AMENDMENT.*—Section
12 31311(a)(12)(C)(ii) of title 49, United States Code, is
13 amended to read as follows:

14 “(i) is an active duty member of—
15 “(I) the armed forces (as that term is
16 defined in section 101(a)(4) of title 10); or
17 “(II) the reserve components (as that
18 term is defined in section 31305(d)(2)(C) of
19 this title); and”.

20 **SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.**

21 (a) *IN GENERAL.*—Section 31306 of title 49, United
22 States Code, is amended—

23 (1) in subsection (b)(1)—
24 (A) by redesignating subparagraph (B) as
25 subparagraph (C);

1 (B) in subparagraph (A) by striking “The
2 regulations shall permit such motor carriers to
3 conduct preemployment testing of such employees
4 for the use of alcohol.”; and

5 (C) by inserting after subparagraph (A) the
6 following:

7 “(B) The regulations prescribed under subparagraph
8 (A) shall permit motor carriers—

9 “(i) to conduct preemployment testing of com-
10 mercial motor vehicle operators for the use of alcohol;
11 and

12 “(ii) to use hair testing as an acceptable alter-
13 native to urine testing—

14 “(I) in conducting preemployment testing
15 for the use of a controlled substance; and

16 “(II) in conducting random testing for the
17 use of a controlled substance if the operator was
18 subject to hair testing for preemployment test-
19 ing.”;

20 (2) in subsection (b)(2)—

21 (A) in subparagraph (A) by striking “and”
22 at the end;

23 (B) in subparagraph (B) by striking the pe-
24 riod at the end and inserting “; and”; and

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

1 “(C) shall provide an exemption from hair test-
2 ing for commercial motor vehicle operators with es-
3 tablished religious beliefs that prohibit the cutting or
4 removal of hair.”; and

5 (3) in subsection (c)(2)—

6 (A) in the matter preceding subparagraph
7 (A) by inserting “for urine testing, and technical
8 guidelines for hair testing,” before “including
9 mandatory guidelines”;

10 (B) in subparagraph (B) by striking “and”
11 at the end;

12 (C) in subparagraph (C) by inserting
13 “and” after the semicolon; and

14 (D) by adding at the end the following:

15 “(D) laboratory protocols and cut-off levels
16 for hair testing to detect the use of a controlled
17 substance;”.

18 (b) *GUIDELINES.*—Not later than 1 year after the date
19 of enactment of this Act, the Secretary of Health and
20 Human Services shall issue scientific and technical guide-
21 lines for hair testing as a method of detecting the use of
22 a controlled substance for purposes of section 31306 of title
23 49, United States Code.

1 **SEC. 5403. CERTIFIED MEDICAL EXAMINERS.**

2 (a) *IN GENERAL.*—Section 31315(b)(1) of title 49,
3 *United States Code*, is amended by striking “or section
4 31136” and inserting “, section 31136, or section
5 31149(d)(3)”.

6 (b) *CONFORMING AMENDMENT.*—Section 31149(d)(3)
7 of title 49, *United States Code*, is amended by inserting
8 “, unless the person issuing the certificate is the subject of
9 an exemption issued under section 31315(b)(1)” before the
10 semicolon.

11 **SEC. 5404. GRADUATED COMMERCIAL DRIVER’S LICENSE**
12 **PILOT PROGRAM.**

13 (a) *TASK FORCE.*—

14 (1) *IN GENERAL.*—The Secretary shall convene a
15 task force to evaluate and make recommendations to
16 the Secretary on elements for inclusion in a grad-
17 uated commercial driver’s license pilot program that
18 would allow a novice licensed driver between the ages
19 of 19 years and 6 months and 21 years to safely oper-
20 ate a commercial motor vehicle in a limited capacity
21 in interstate commerce between States that enter into
22 a bi-State agreement.

23 (2) *MEMBERSHIP.*—The task force convened
24 under paragraph (1) shall include representatives of
25 State motor vehicle administrators, motor carriers,

1 *labor organizations, safety advocates, and other stake-*
2 *holders determined appropriate by the Secretary.*

3 (3) *CONSIDERATIONS.—The task force convened*
4 *under paragraph (1) shall evaluate and make rec-*
5 *ommendations on the following elements for inclusion*
6 *in a graduated commercial driver’s license pilot pro-*
7 *gram:*

8 (A) *A specified length of time for a learner’s*
9 *permit stage.*

10 (B) *A requirement that drivers under the*
11 *age of 21 years be accompanied by experienced*
12 *drivers over the age of 21 years.*

13 (C) *A restriction on travel distances.*

14 (D) *A restriction on maximum allowable*
15 *driving hours.*

16 (E) *Mandatory driver training that exceeds*
17 *the requirements for drivers over the age of 21*
18 *years issued by the Secretary under section*
19 *31305(c) of title 49, United States Code.*

20 (F) *Use of certain safety technologies in the*
21 *vehicles of drivers under the age of 21 years.*

22 (G) *Any other element the task force con-*
23 *siders appropriate.*

24 (4) *RECOMMENDATIONS.—Not later than 1 year*
25 *after the date of enactment of this Act, the task force*

1 *convened under paragraph (1) shall recommend to the*
2 *Secretary the elements the task force has determined*
3 *appropriate for inclusion in a graduated commercial*
4 *driver's license pilot program.*

5 *(b) PILOT PROGRAM.—*

6 *(1) IN GENERAL.—Not later than 1 year after re-*
7 *ceiving the recommendations of the task force under*
8 *subsection (a), the Secretary shall establish a grad-*
9 *uated commercial driver's license pilot program in*
10 *accordance with such recommendations and section*
11 *31315(c) of title 49, United States Code.*

12 *(2) PRE-ESTABLISHMENT REQUIREMENTS.—*
13 *Prior to the establishment of the pilot program under*
14 *paragraph (1), the Secretary shall—*

15 *(A) submit to Congress a report outlining*
16 *the recommendations of the task force received*
17 *under subsection (a); and*

18 *(B) publish in the Federal Register, and*
19 *provide sufficient notice of and an opportunity*
20 *for public comment on, the—*

21 *(i) proposed requirements for State*
22 *and driver participation in the pilot pro-*
23 *gram, based on the recommendations of the*
24 *task force and consistent with paragraph*
25 *(3);*

1 (ii) measures the Secretary will utilize
2 under the pilot program to ensure safety;
3 and

4 (iii) standards the Secretary will use
5 to evaluate the pilot program, including to
6 determine any changes in the level of motor
7 carrier safety as a result of the pilot pro-
8 gram.

9 (3) *PROGRAM ELEMENTS.*—The pilot program
10 established under paragraph (1)—

11 (A) may not allow an individual under the
12 age of 19 years and 6 months to participate;

13 (B) may not allow a driver between the ages
14 of 19 years and 6 months and 21 years to—

15 (i) operate a commercial motor vehicle
16 in special configuration; or

17 (ii) transport hazardous cargo;

18 (C) shall be carried out in a State (includ-
19 ing the District of Columbia) only if the Gov-
20 ernor of the State (or the Mayor of the District
21 of Columbia, if applicable) approves an agree-
22 ment with a contiguous State to allow a licensed
23 driver under the age of 21 years to operate a
24 commercial motor vehicle across both States in
25 accordance with the pilot program;

1 (D) may not recognize more than 6 agree-
2 ments described in subparagraph (C);

3 (E) may not allow more than 10 motor car-
4 riers to participate in the pilot program under
5 each agreement described in subparagraph (C);

6 (F) shall require each motor carrier partici-
7 pating in the pilot program under an agreement
8 described in subparagraph (C) to—

9 (i) have in effect a satisfactory safety
10 fitness determination that was issued by the
11 Federal Motor Carrier Safety Administra-
12 tion during the 2-year period preceding the
13 date of the Federal Register publication re-
14 quired under paragraph (2)(B); and

15 (ii) agree to have its safety perform-
16 ance monitored by the Secretary during
17 participation in the pilot program;

18 (G) shall allow for the revocation of a motor
19 carrier's participation in the pilot program if a
20 State or the Secretary determines that the motor
21 carrier violated the requirements, including safe-
22 ty requirements, of the pilot program; and

23 (H) shall ensure that a valid graduated
24 commercial driver's license issued by a State
25 that has entered into an agreement described in

1 *subparagraph (C) and is approved by the Sec-*
2 *retary to participate in the pilot program is rec-*
3 *ognized as valid in both States that are partici-*
4 *pating in the agreement.*

5 *(c) INSPECTOR GENERAL REPORT.—*

6 *(1) MONITORING.—The Inspector General of the*
7 *Department of Transportation shall monitor and re-*
8 *view the implementation of the pilot program estab-*
9 *lished under subsection (b).*

10 *(2) REPORT.—The Inspector General shall sub-*
11 *mit to Congress and the Secretary—*

12 *(A) not later than 1 year after the establish-*
13 *ment of the pilot program under subsection (b),*
14 *an interim report on the results of the review*
15 *conducted under paragraph (1); and*

16 *(B) not later than 60 days after the conclu-*
17 *sion of the pilot program, a final report on the*
18 *results of the review conducted under paragraph*
19 *(1).*

20 *(3) ADDITIONAL CONTENTS.—*

21 *(A) INTERIM REPORT.—The interim report*
22 *required under paragraph (2)(A) shall address*
23 *whether the Secretary has established sufficient*
24 *mechanisms and generated sufficient data to de-*

1 *termine if the pilot program is having any ad-*
2 *verse effects on motor carrier safety.*

3 *(B) FINAL REPORT.—The final report re-*
4 *quired under paragraph (2)(B) shall address the*
5 *impact of the pilot program on—*

6 *(i) safety; and*

7 *(ii) the number of commercial motor*
8 *vehicle drivers available for employment.*

9 **SEC. 5405. VETERANS EXPANDED TRUCKING OPPORTUNI-**
10 **TIES.**

11 *(a) IN GENERAL.—In the case of a physician-approved*
12 *veteran operator, the qualified physician of such operator*
13 *may, subject to the requirements of subsection (b), perform*
14 *a medical examination and provide a medical certificate*
15 *for purposes of compliance with the requirements of section*
16 *31149 of title 49, United States Code.*

17 *(b) CERTIFICATION.—The certification described under*
18 *subsection (a) shall include—*

19 *(1) assurances that the physician performing the*
20 *medical examination meets the requirements of a*
21 *qualified physician under this section; and*

22 *(2) certification that the physical condition of*
23 *the operator is adequate to enable such operator to op-*
24 *erate a commercial motor vehicle safely.*

1 (c) *DEFINITIONS.*—*In this section, the following defi-*
2 *initions apply:*

3 (1) *PHYSICIAN-APPROVED VETERAN OPER-*
4 *ATOR.*—*The term “physician-approved veteran oper-*
5 *ator” means an operator of a commercial motor vehi-*
6 *cle who—*

7 (A) *is a veteran who is enrolled in the*
8 *health care system established under section*
9 *1705(a) of title 38, United States Code; and*

10 (B) *is required to have a current valid med-*
11 *ical certificate pursuant to section 31149 of title*
12 *49, United States Code.*

13 (2) *QUALIFIED PHYSICIAN.*—*The term “qualified*
14 *physician” means a physician who—*

15 (A) *is employed in the Department of Vet-*
16 *erans Affairs;*

17 (B) *is familiar with the standards for, and*
18 *physical requirements of, an operator certified*
19 *pursuant to section 31149 of title 49, United*
20 *States Code; and*

21 (C) *has never, with respect such section,*
22 *been found to have acted fraudulently, including*
23 *by fraudulently awarding a medical certificate.*

1 (3) *VETERAN.*—*The term “veteran” has the*
2 *meaning given the term in section 101 of title 38,*
3 *United States Code.*

4 (d) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
5 *tion shall be construed to change any statutory penalty as-*
6 *sociated with fraud or abuse.*

7 ***Subtitle E—General Provisions***

8 ***SEC. 5501. MINIMUM FINANCIAL RESPONSIBILITY.***

9 (a) *TRANSPORTING PROPERTY.*—*If the Secretary pro-*
10 *ceeds with a rulemaking to determine whether to increase*
11 *the minimum levels of financial responsibility required*
12 *under section 31139 of title 49, United States Code, the Sec-*
13 *retary shall consider, prior to issuing a final rule—*

14 (1) *the rulemaking’s potential impact on—*

15 (A) *the safety of motor vehicle transpor-*
16 *tation; and*

17 (B) *the motor carrier industry, including*
18 *small and minority motor carriers and inde-*
19 *pendent owner-operators;*

20 (2) *the ability of the insurance industry to pro-*
21 *vide the required amount of insurance;*

22 (3) *the extent to which current minimum levels*
23 *of financial responsibility adequately cover—*

24 (A) *medical care;*

25 (B) *compensation;*

1 (C) attorney fees; and

2 (D) other identifiable costs;

3 (4) the frequency with which insurance claims
4 exceed current minimum levels of financial responsi-
5 bility in fatal accidents; and

6 (5) the impact of increased levels on motor car-
7 rier safety and accident reduction.

8 (b) *TRANSPORTING PASSENGERS.*—

9 (1) *IN GENERAL.*—Prior to initiating a rule-
10 making to change the minimum levels of financial re-
11 sponsibility under section 31138 of title 49, United
12 States Code, the Secretary shall complete a study spe-
13 cific to the minimum financial responsibility require-
14 ments for motor carriers of passengers.

15 (2) *STUDY CONTENTS.*—A study under para-
16 graph (1) shall include—

17 (A) a review of accidents, injuries, and fa-
18 talities in the over-the-road bus and school bus
19 industries;

20 (B) a review of insurance held by over-the-
21 road bus and public and private school bus com-
22 panies, including companies of various sizes,
23 and an analysis of whether such insurance is
24 adequate to cover claims;

1 (C) *an analysis of whether and how insur-*
2 *ance affects the behavior and safety record of*
3 *motor carriers of passengers, including with re-*
4 *spect to crash reduction; and*

5 (D) *an analysis of the anticipated impacts*
6 *of an increase in financial responsibility on in-*
7 *surance premiums for passenger carriers and*
8 *service availability.*

9 (3) *CONSULTATION.*—*In conducting a study*
10 *under paragraph (1), the Secretary shall consult*
11 *with—*

12 (A) *representatives of the over-the-road bus*
13 *and private school bus transportation industries,*
14 *including representatives of bus drivers; and*

15 (B) *insurers of motor carriers of passengers.*

16 (4) *REPORT.*—*If the Secretary undertakes a*
17 *study under paragraph (1), the Secretary shall sub-*
18 *mit to the Committee on Transportation and Infra-*
19 *structure of the House of Representatives and the*
20 *Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate a report on the results of the*
22 *study.*

23 **SEC. 5502. DELAYS IN GOODS MOVEMENT.**

24 (a) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Inspector Gen-
3 eral of the Department shall submit to the Committee
4 on Transportation and Infrastructure of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report on
7 the average length of time that operators of commer-
8 cial motor vehicles are delayed before the loading and
9 unloading of such vehicles and at other points in the
10 pick-up and delivery process.

11 (2) *CONTENTS.*—The report under paragraph (1)
12 shall include—

13 (A) an assessment of how delays impact—

14 (i) the economy;

15 (ii) the efficiency of the transportation
16 system;

17 (iii) motor carrier safety, including the
18 extent to which delays result in violations of
19 motor carrier safety regulations; and

20 (iv) the livelihood of motor carrier
21 drivers; and

22 (B) recommendations on how delays could
23 be mitigated.

24 (b) *COLLECTION OF DATA.*—Not later than 2 years
25 after the date of enactment of this Act, the Secretary shall

1 *establish by regulation a process to collect data on delays*
2 *experienced by operators of commercial motor vehicles be-*
3 *fore the loading and unloading of such vehicles and at other*
4 *points in the pick-up and delivery process.*

5 **SEC. 5503. REPORT ON MOTOR CARRIER FINANCIAL RE-**
6 **SPONSIBILITY.**

7 (a) *IN GENERAL.*—*Not later than April 1, 2016, the*
8 *Secretary shall publish on a publicly accessible Internet*
9 *Web site of the Department a report on the minimum levels*
10 *of financial responsibility required under section 31139 of*
11 *title 49, United States Code.*

12 (b) *CONTENTS.*—*The report required under subsection*

13 (a) *shall include an analysis of—*

14 (1) *the differences between State insurance re-*
15 *quirements and Federal requirements;*

16 (2) *the extent to which current minimum levels*
17 *of financial responsibility adequately cover—*

18 (A) *medical care;*

19 (B) *compensation;*

20 (C) *attorney fees; and*

21 (D) *other identifiable costs; and*

22 (3) *the frequency with which insurance claims*
23 *exceed the current minimum levels of financial re-*
24 *sponsibility.*

1 **SEC. 5504. EMERGENCY ROUTE WORKING GROUP.**

2 (a) *IN GENERAL.*—

3 (1) *ESTABLISHMENT.*—*Not later than 1 year*
4 *after the date of enactment of this Act, the Secretary*
5 *shall establish a working group to determine best*
6 *practices for expeditious State approval of special*
7 *permits for vehicles involved in emergency response*
8 *and recovery.*

9 (2) *MEMBERS.*—*The working group shall include*
10 *representatives from—*

11 (A) *State highway transportation depart-*
12 *ments or agencies;*

13 (B) *relevant modal agencies within the De-*
14 *partment;*

15 (C) *emergency response or recovery experts;*

16 (D) *relevant safety groups; and*

17 (E) *entities affected by special permit re-*
18 *strictions during emergency response and recov-*
19 *ery efforts.*

20 (b) *CONSIDERATIONS.*—*In determining best practices*
21 *under subsection (a), the working group shall consider*
22 *whether—*

23 (1) *impediments currently exist that prevent ex-*
24 *peditious State approval of special permits for vehi-*
25 *cles involved in emergency response and recovery;*

1 (2) *it is possible to pre-identify and establish*
2 *emergency routes between States through which infra-*
3 *structure repair materials could be delivered following*
4 *a natural disaster or emergency;*

5 (3) *a State could pre-designate an emergency*
6 *route identified under paragraph (2) as a certified*
7 *emergency route if a motor vehicle that exceeds the*
8 *otherwise applicable Federal and State truck length*
9 *or width limits may safely operate along such route*
10 *during periods of declared emergency and recovery*
11 *from such periods; and*

12 (4) *an online map could be created to identify*
13 *each pre-designated emergency route under paragraph*
14 *(3), including information on specific limitations, ob-*
15 *ligations, and notification requirements along that*
16 *route.*

17 (c) *REPORT.—*

18 (1) *SUBMISSION.—Not later than 1 year after*
19 *the date of enactment of this Act, the working group*
20 *shall submit to the Secretary a report on its findings*
21 *under this section and any recommendations for the*
22 *implementation of best practices for expeditious State*
23 *approval of special permits for vehicles involved in*
24 *emergency response and recovery.*

1 *the Federal laws concerning the interstate transportation*
2 *of household goods by motor carrier.*

3 **(b) MEMBERSHIP.**—*The Secretary shall ensure that*
4 *the working group is comprised of individuals with exper-*
5 *tise in consumer affairs, educators with expertise in how*
6 *people learn most effectively, and representatives of the*
7 *household goods moving industry.*

8 **(c) RECOMMENDATIONS.**—

9 **(1) CONTENTS.**—*The recommendations developed*
10 *by the working group shall include recommendations*
11 *on—*

12 **(A)** *condensing publication ESA 03005 of*
13 *the Federal Motor Carrier Safety Administration*
14 *into a format that is more easily used by con-*
15 *sumers;*

16 **(B)** *using state-of-the-art education tech-*
17 *niques and technologies, including optimizing*
18 *the use of the Internet as an educational tool;*
19 *and*

20 **(C)** *reducing and simplifying the paperwork*
21 *required of motor carriers and shippers in inter-*
22 *state transportation.*

23 **(2) DEADLINE.**—*Not later than 1 year after the*
24 *date of enactment of this Act—*

1 (A) *the working group shall make the rec-*
2 *ommendations described in paragraph (1); and*

3 (B) *the Secretary shall publish the rec-*
4 *ommendations on a publicly accessible Internet*
5 *Web site of the Department.*

6 (d) *REPORT.*—*Not later than 1 year after the date on*
7 *which the working group makes its recommendations under*
8 *subsection (c)(2), the Secretary shall issue a report to Con-*
9 *gress on the implementation of such recommendations.*

10 (e) *EXEMPTION.*—*The Federal Advisory Committee*
11 *Act (5 U.S.C. App.) shall not apply to the working group.*

12 (f) *TERMINATION.*—*The working group shall terminate*
13 *1 year after the date the working group makes its rec-*
14 *ommendations under subsection (c)(2).*

15 **SEC. 5506. TECHNOLOGY IMPROVEMENTS.**

16 (a) *IN GENERAL.*—*Not later than 1 year after the date*
17 *of enactment of this Act, the Comptroller General of the*
18 *United States shall conduct a comprehensive analysis of the*
19 *information technology and data collection and manage-*
20 *ment systems of the Federal Motor Carrier Safety Adminis-*
21 *tration.*

22 (b) *REQUIREMENTS.*—*The study conducted under sub-*
23 *section (a) shall—*

24 (1) *evaluate the efficacy of the existing informa-*
25 *tion technology, data collection, processing systems,*

1 *data correction procedures, and data management*
2 *systems and programs, including their interaction*
3 *with each other and their efficacy in meeting user*
4 *needs;*

5 *(2) identify any redundancies among the sys-*
6 *tems, procedures, and programs described in para-*
7 *graph (1);*

8 *(3) explore the feasibility of consolidating data*
9 *collection and processing systems;*

10 *(4) evaluate the ability of the systems, proce-*
11 *dures, and programs described in paragraph (1) to*
12 *meet the needs of—*

13 *(A) the Federal Motor Carrier Safety Ad-*
14 *ministration, at both the headquarters and State*
15 *levels;*

16 *(B) the State agencies that implement the*
17 *motor carrier safety assistance program under*
18 *section 31102 of title 49, United States Code;*
19 *and*

20 *(C) other users;*

21 *(5) evaluate the adaptability of the systems, pro-*
22 *cedures, and programs described in paragraph (1), in*
23 *order to make necessary future changes to ensure user*
24 *needs are met in an easier, timely, and more cost-effi-*
25 *cient manner;*

1 (6) *investigate and make recommendations re-*
2 *garding—*

3 (A) *deficiencies in existing data sets im-*
4 *acting program effectiveness; and*

5 (B) *methods to improve user interfaces; and*

6 (7) *identify the appropriate role the Federal*
7 *Motor Carrier Safety Administration should take*
8 *with respect to software and information systems de-*
9 *sign, development, and maintenance for the purpose*
10 *of improving the efficacy of the systems, procedures,*
11 *and programs described in paragraph (1).*

12 **SEC. 5507. NOTIFICATION REGARDING MOTOR CARRIER**
13 **REGISTRATION.**

14 *Not later than 30 days after the date of enactment of*
15 *this Act, the Secretary shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Commerce, Science, and*
18 *Transportation of the Senate written notification of the ac-*
19 *tions the Secretary is taking to ensure, to the greatest extent*
20 *practicable, that each application for registration under*
21 *section 13902 of title 49, United States Code, is processed*
22 *not later than 30 days after the date on which the applica-*
23 *tion is received by the Secretary.*

1 **SEC. 5508. REPORT ON COMMERCIAL DRIVER'S LICENSE**

2 **SKILLS TEST DELAYS.**

3 *Not later than 1 year after the date of enactment of*
4 *this Act, and each year thereafter, the Administrator of the*
5 *Federal Motor Carrier Safety Administration shall submit*
6 *to the Committee on Commerce, Science, and Transpor-*
7 *tation of the Senate and the Committee on Transportation*
8 *and Infrastructure of the House of Representatives a report*
9 *that—*

10 *(1) describes, for each State, the status of skills*
11 *testing for applicants for a commercial driver's li-*
12 *cense, including—*

13 *(A) the average wait time, by month and lo-*
14 *cation, from the date an applicant requests to*
15 *take a skills test to the date the applicant com-*
16 *pletes such test;*

17 *(B) the average wait time, by month and lo-*
18 *cation, from the date an applicant, upon failure*
19 *of a skills test, requests a retest to the date the*
20 *applicant completes such retest;*

21 *(C) the actual number of qualified commer-*
22 *cial driver's license examiners, by month and lo-*
23 *cation, available to test applicants; and*

24 *(D) the number of testing sites available*
25 *through the State department of motor vehicles*

1 *and whether this number has increased or de-*
2 *creased from the previous year; and*

3 (2) *describes specific steps that the Adminis-*
4 *trator is taking to address skills testing delays in*
5 *States that have average skills test or retest wait*
6 *times of more than 7 days from the date an applicant*
7 *requests to test or retest to the date the applicant com-*
8 *pletes such test or retest.*

9 **SEC. 5509. COVERED FARM VEHICLES.**

10 *Section 32934(b)(1) of MAP-21 (49 U.S.C. 31136*
11 *note) is amended by striking “from” and all that follows*
12 *through the period at end and inserting the following:*
13 *“from—*

14 *“(A) a requirement described in subsection*
15 *(a) or a compatible State requirement; or*

16 *“(B) any other minimum standard pro-*
17 *vided by a State relating to the operation of that*
18 *vehicle.”.*

19 **SEC. 5510. OPERATORS OF HI-RAIL VEHICLES.**

20 (a) *IN GENERAL.—In the case of a commercial motor*
21 *vehicle driver subject to the hours of service requirements*
22 *in part 395 of title 49, Code of Federal Regulations, who*
23 *is driving a hi-rail vehicle, the maximum on duty time*
24 *under section 395.3 of such title for such driver shall not*

1 *include time in transportation to or from a duty assign-*
2 *ment if such time in transportation—*

3 *(1) does not exceed 2 hours per calendar day or*
4 *a total of 30 hours per calendar month; and*

5 *(2) is fully and accurately accounted for in*
6 *records to be maintained by the motor carrier and*
7 *such records are made available upon request of the*
8 *Federal Motor Carrier Safety Administration or the*
9 *Federal Railroad Administration.*

10 *(b) EMERGENCY.—In the case of a train accident, an*
11 *act of God, a train derailment, or a major equipment fail-*
12 *ure or track condition that prevents a train from advanc-*
13 *ing, a driver described in subsection (a) may complete a*
14 *run without being in violation of the provisions of part 395*
15 *of title 49, Code of Federal Regulations.*

16 *(c) HI-RAIL VEHICLE DEFINED.—In this section, the*
17 *term “hi-rail vehicle” has the meaning given the term in*
18 *section 214.7 of title 49, Code of Federal Regulations, as*
19 *in effect on the date of enactment of this Act.*

20 **SEC. 5511. ELECTRONIC LOGGING DEVICE REQUIREMENTS.**

21 *Section 31137(b) of title 49, United States Code, is*
22 *amended—*

23 *(1) in paragraph (1)(C) by striking “apply to”*
24 *and inserting “except as provided in paragraph (3),*
25 *apply to”; and*

1 (2) *by adding at the end the following:*

2 “(3) *EXCEPTION.—A motor carrier, when trans-*
 3 *porting a motor home or recreation vehicle trailer*
 4 *within the definition of the term ‘driveaway-towaway*
 5 *operation’ (as defined in section 390.5 of title 49,*
 6 *Code of Federal Regulations), may comply with the*
 7 *hours of service requirements by requiring each driver*
 8 *to use—*

9 “(A) *a paper record of duty status form; or*

10 “(B) *an electronic logging device.”.*

11 **SEC. 5512. TECHNICAL CORRECTIONS.**

12 (a) *TITLE 49.—Title 49, United States Code, is*
 13 *amended as follows:*

14 (1) *Section 13902(i)(2) is amended by inserting*
 15 “*except as*” *before “described”.*

16 (2) *Section 13903(d) is amended by striking “(d)*
 17 *REGISTRATION AS MOTOR CARRIER REQUIRED.—”*
 18 *and all that follows through “(1) IN GENERAL.—A*
 19 *freight forwarder” and inserting “(d) REGISTRATION*
 20 *AS MOTOR CARRIER REQUIRED.—A freight for-*
 21 *warder”.*

22 (3) *Section 13905(d)(2)(D) is amended—*

23 (A) *by striking “the Secretary finds that—*
 24 ” *and all that follows through “(i) the motor car-*

1 rier,” and inserting “the Secretary finds that the
2 motor carrier,”; and

3 (B) by adding a period at the end.

4 (4) Section 14901(h) is amended by striking
5 “HOUSEHOLD GOODS” in the heading.

6 (5) Section 14916 is amended by striking the
7 section designation and heading and inserting the fol-
8 lowing:

9 **“§ 14916. Unlawful brokerage activities”.**

10 (b) MAP–21.—Effective as of July 6, 2012, and as if
11 included therein as enacted, MAP–21 (Public Law 112–
12 141) is amended as follows:

13 (1) Section 32108(a)(4) (126 Stat. 782) is
14 amended by inserting “for” before “each additional
15 day” in the matter proposed to be struck.

16 (2) Section 32301(b)(3) (126 Stat. 786) is
17 amended by striking “by amending (a) to read as fol-
18 lows:” and inserting “by striking subsection (a) and
19 inserting the following:”.

20 (3) Section 32302(c)(2)(B) (126 Stat. 789) is
21 amended by striking “section 32303(c)(1)” and in-
22 serting “section 32302(c)(1)”.

23 (4) Section 32921(b) (126 Stat. 828) is amended,
24 in the matter to be inserted, by striking “(A) In addi-
25 tion” and inserting the following:

1 “(A) *IN GENERAL*.—*In addition*”.

2 (5) *Section 32931(c) (126 Stat. 829) is amend-*
3 *ed—*

4 (A) *by striking “Secretary” and inserting*
5 *“Secretary of Transportation” in the matter to*
6 *be struck; and*

7 (B) *by striking “Secretary” and inserting*
8 *“Secretary of Transportation” in the matter to*
9 *be inserted.*

10 (c) *MOTOR CARRIER SAFETY IMPROVEMENT ACT OF*
11 1999.—*Section 229(a)(1) of the Motor Carrier Safety Im-*
12 *provement Act of 1999 (49 U.S.C. 31136 note) is amended*
13 *by inserting “of title 49, United States Code,” after “sec-*
14 *tions 31136 and 31502”.*

15 **SEC. 5513. AUTOMOBILE TRANSPORTER.**

16 *Section 31111(b)(1) of title 49, United States Code, is*
17 *amended—*

18 (1) *in subparagraph (E) by striking “or” at the*
19 *end;*

20 (2) *in subparagraph (F) by striking the period*
21 *at the end and inserting “; or”; and*

22 (3) *by adding at the end the following:*

23 “(G) *imposes a vehicle length limitation of less*
24 *than 80 feet on a stinger-steered automobile trans-*

1 porter with a front overhang of less than 4 feet and
2 a rear overhang of less than 6 feet.”.

3 **SEC. 5514. READY MIX CONCRETE DELIVERY VEHICLES.**

4 Section 31502 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(f) *READY MIXED CONCRETE DELIVERY VEHI-*
7 *CLES.—*

8 “(1) *IN GENERAL.—Notwithstanding any other*
9 *provision of law, regulations issued under this section*
10 *or section 31136 (including section 1(e)(1)(ii) of part*
11 *395 of title 49, Code of Federal Regulations) regard-*
12 *ing reporting, recordkeeping, or documentation of*
13 *duty status, shall not apply to any driver of a ready*
14 *mixed concrete delivery vehicle if—*

15 “(A) *the driver operates within a 100 air-*
16 *mile radius of the normal work reporting loca-*
17 *tion;*

18 “(B) *the driver returns to the work report-*
19 *ing location and is released from work within 14*
20 *consecutive hours;*

21 “(C) *the driver has at least 10 consecutive*
22 *hours off duty following each 14 hours on duty;*

23 “(D) *the driver does not exceed 11 hours*
24 *maximum driving time following 10 consecutive*
25 *hours off duty; and*

1 “(E) the motor carrier that employs the
2 driver maintains and retains for a period of 6
3 months accurate and true time records that
4 show—

5 “(i) the time the driver reports for
6 duty each day;

7 “(ii) the total number of hours the
8 driver is on duty each day;

9 “(iii) the time the driver is released
10 from duty each day; and

11 “(iv) the total time for the preceding
12 driving week the driver is used for the first
13 time or intermittently.

14 “(2) *DEFINITION.*—In this section, the term
15 ‘driver of ready mixed concrete delivery vehicle’
16 means a driver of a vehicle designed to deliver ready
17 mixed concrete on a daily basis and is equipped with
18 a mechanism under which the vehicle’s propulsion en-
19 gine provides the power to operate a mixer drum to
20 agitate and mix the product en route to the delivery
21 site.”.

22 **TITLE VI—INNOVATION**

23 **SEC. 6001. SHORT TITLE.**

24 This title may be cited as the “Transportation for To-
25 morrow Act of 2015”.

1 **SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*The following amounts are author-*
3 *ized to be appropriated out of the Highway Trust Fund*
4 *(other than the Mass Transit Account):*

5 (1) *HIGHWAY RESEARCH AND DEVELOPMENT*
6 *PROGRAM.*—*To carry out section 503(b) of title 23,*
7 *United States Code, \$125,000,000 for each of fiscal*
8 *years 2016 through 2021.*

9 (2) *TECHNOLOGY AND INNOVATION DEPLOYMENT*
10 *PROGRAM.*—*To carry out section 503(c) of title 23,*
11 *United States Code—*

12 (A) *\$67,000,000 for fiscal year 2016;*

13 (B) *\$67,500,000 for fiscal year 2017;*

14 (C) *\$67,500,000 for fiscal year 2018;*

15 (D) *\$67,500,000 for fiscal year 2019;*

16 (E) *\$67,500,000 for fiscal year 2020; and*

17 (F) *\$67,500,000 for fiscal year 2021.*

18 (3) *TRAINING AND EDUCATION.*—*To carry out*
19 *section 504 of title 23, United States Code*
20 *\$24,000,000 for each of fiscal years 2016 through*
21 *2021.*

22 (4) *INTELLIGENT TRANSPORTATION SYSTEMS*
23 *PROGRAM.*—*To carry out sections 512 through 518 of*
24 *title 23, United States Code \$100,000,000 for each of*
25 *fiscal years 2016 through 2021.*

1 (5) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
2 *GRAM.—To carry out section 5505 of title 49, United*
3 *States Code—*

4 (A) *\$72,500,000 for fiscal year 2016;*

5 (B) *\$75,000,000 for fiscal year 2017;*

6 (C) *\$75,000,000 for fiscal year 2018;*

7 (D) *\$77,500,000 for fiscal year 2019;*

8 (E) *\$77,500,000 for fiscal year 2020; and*

9 (F) *\$77,500,000 for fiscal year 2021.*

10 (6) *BUREAU OF TRANSPORTATION STATISTICS.—*
11 *To carry out chapter 63 of title 49, United States*
12 *Code, \$26,000,000 for each of fiscal years 2016*
13 *through 2021.*

14 (b) *APPLICABILITY OF TITLE 23, UNITED STATES*
15 *CODE.—Funds authorized to be appropriated by subsection*
16 *(a) shall—*

17 (1) *be available for obligation in the same man-*
18 *ner as if those funds were apportioned under chapter*
19 *1 of title 23, United States Code, except that the Fed-*
20 *eral share of the cost of a project or activity carried*
21 *out using those funds shall be 80 percent, unless oth-*
22 *erwise expressly provided by this Act (including the*
23 *amendments by this Act) or otherwise determined by*
24 *the Secretary; and*

1 (2) *remain available until expended and not be*
2 *transferable, except as otherwise provided in this Act.*

3 **SEC. 6003. ADVANCED TRANSPORTATION AND CONGESTION**
4 **MANAGEMENT TECHNOLOGIES DEPLOYMENT.**

5 *Section 503(c) of title 23, United States Code, is*
6 *amended by adding at the end the following:*

7 “(4) *ADVANCED TRANSPORTATION TECH-*
8 *NOLOGIES DEPLOYMENT.—*

9 “(A) *IN GENERAL.—Not later than 6*
10 *months after the date of enactment of this para-*
11 *graph, the Secretary shall establish an advanced*
12 *transportation and congestion management tech-*
13 *nologies deployment initiative to provide grants*
14 *to eligible entities to develop model deployment*
15 *sites for large scale installation and operation of*
16 *advanced transportation technologies to improve*
17 *safety, efficiency, system performance, and infra-*
18 *structure return on investment.*

19 “(B) *CRITERIA.—The Secretary shall de-*
20 *velop criteria for selection of an eligible entity to*
21 *receive a grant under this paragraph, including*
22 *how the deployment of technology will—*

23 “(i) *reduce costs and improve return*
24 *on investments, including through the en-*

1 *hanced use of existing transportation capac-*
2 *ity;*

3 *“(ii) deliver environmental benefits*
4 *that alleviate congestion and streamline*
5 *traffic flow;*

6 *“(iii) measure and improve the oper-*
7 *ational performance of the applicable trans-*
8 *portation network;*

9 *“(iv) reduce the number and severity of*
10 *traffic crashes and increase driver, pas-*
11 *senger, and pedestrian safety;*

12 *“(v) collect, disseminate, and use real-*
13 *time traffic, transit, parking, and other*
14 *transportation-related information to im-*
15 *prove mobility, reduce congestion, and pro-*
16 *vide for more efficient and accessible trans-*
17 *portation;*

18 *“(vi) monitor transportation assets to*
19 *improve infrastructure management, reduce*
20 *maintenance costs, prioritize investment de-*
21 *isions, and ensure a state of good repair;*

22 *“(vii) deliver economic benefits by re-*
23 *ducing delays, improving system perform-*
24 *ance, and providing for the efficient and re-*
25 *liable movement of goods and services; or*

1 “(viii) accelerate the deployment of ve-
2 hicle-to-vehicle, vehicle-to-infrastructure, au-
3 tonomous vehicles, and other technologies.

4 “(C) APPLICATIONS.—

5 “(i) REQUEST.—Not later than 6
6 months after the date of enactment of this
7 paragraph, and for every fiscal year there-
8 after, the Secretary shall request applica-
9 tions in accordance with clause (ii).

10 “(ii) CONTENTS.—An application sub-
11 mitted under this subparagraph shall in-
12 clude the following:

13 “(I) PLAN.—A plan to deploy and
14 provide for the long-term operation
15 and maintenance of advanced trans-
16 portation and congestion management
17 technologies to improve safety, effi-
18 ciency, system performance, and return
19 on investment.

20 “(II) OBJECTIVES.—Quantifiable
21 system performance improvements,
22 such as—

23 “(aa) reducing traffic-related
24 crashes, congestion, and costs;

1 “(bb) *optimizing system effi-*
2 *ciency; and*

3 “(cc) *improving access to*
4 *transportation services.*

5 “(III) *RESULTS.—Quantifiable*
6 *safety, mobility, and environmental*
7 *benefit projections such as data-driven*
8 *estimates of how the project will im-*
9 *prove the region’s transportation sys-*
10 *tem efficiency and reduce traffic con-*
11 *gestion.*

12 “(IV) *PARTNERSHIPS.—A plan*
13 *for partnering with the private sector*
14 *or public agencies, including*
15 *multimodal and multijurisdictional*
16 *entities, research institutions, organi-*
17 *zations representing transportation*
18 *and technology leaders, or other trans-*
19 *portation stakeholders.*

20 “(V) *LEVERAGING.—A plan to le-*
21 *verage and optimize existing local and*
22 *regional advanced transportation tech-*
23 *nology investments.*

24 “(D) *GRANT SELECTION.—*

1 “(i) *GRANT AWARDS.*—Not later than 1
2 year after the date of enactment of this
3 paragraph, and for every fiscal year there-
4 after, the Secretary shall award grants to
5 not less than 5 and not more than 8 eligible
6 entities.

7 “(ii) *GEOGRAPHIC DIVERSITY.*—In
8 awarding a grant under this paragraph, the
9 Secretary shall ensure, to the extent prac-
10 ticable, that grant recipients represent di-
11 verse geographic areas of the United States.

12 “(E) *USE OF GRANT FUNDS.*—A grant re-
13 cipient may use funds awarded under this para-
14 graph to deploy advanced transportation and
15 congestion management technologies, including—

16 “(i) advanced traveler information sys-
17 tems;

18 “(ii) advanced transportation manage-
19 ment technologies;

20 “(iii) infrastructure maintenance,
21 monitoring, and condition assessment;

22 “(iv) advanced public transportation
23 systems;

1 “(v) transportation system perform-
2 ance data collection, analysis, and dissemi-
3 nation systems;

4 “(vi) advanced safety systems, includ-
5 ing vehicle-to-vehicle and vehicle-to-infra-
6 structure communications, technologies asso-
7 ciated with autonomous vehicles, and other
8 collision avoidance technologies, including
9 systems using cellular technology;

10 “(vii) integration of intelligent trans-
11 portation systems with the Smart Grid and
12 other energy distribution and charging sys-
13 tems;

14 “(viii) electronic pricing and payment
15 systems; or

16 “(ix) advanced mobility and access
17 technologies, such as dynamic ridesharing
18 and information systems to support human
19 services for elderly and disabled individuals.

20 “(F) REPORT TO SECRETARY.—Not later
21 than 1 year after an eligible entity receives a
22 grant under this paragraph, and each year
23 thereafter, the entity shall submit a report to the
24 Secretary that describes—

1 “(i) deployment and operational costs
2 of the project compared to the benefits and
3 savings the project provides; and

4 “(ii) how the project has met the origi-
5 nal expectations projected in the deployment
6 plan submitted with the application, such
7 as—

8 “(I) data on how the project has
9 helped reduce traffic crashes, conges-
10 tion, costs, and other benefits of the de-
11 ployed systems;

12 “(II) data on the effect of meas-
13 uring and improving transportation
14 system performance through the de-
15 ployment of advanced technologies;

16 “(III) the effectiveness of pro-
17 viding real-time integrated traffic,
18 transit, and multimodal transpor-
19 tation information to the public to
20 make informed travel decisions; and

21 “(IV) lessons learned and rec-
22 ommendations for future deployment
23 strategies to optimize transportation
24 efficiency and multimodal system per-
25 formance.

1 “(G) *REPORT.*—Not later than 3 years after
2 the date that the first grant is awarded under
3 this paragraph, and each year thereafter, the
4 Secretary shall make available to the public on
5 an Internet Web site a report that describes the
6 effectiveness of grant recipients in meeting their
7 projected deployment plans, including data pro-
8 vided under subparagraph (F) on how the pro-
9 gram has—

10 “(i) *reduced traffic-related fatalities*
11 *and injuries;*

12 “(ii) *reduced traffic congestion and*
13 *improved travel time reliability;*

14 “(iii) *reduced transportation-related*
15 *emissions;*

16 “(iv) *optimized multimodal system*
17 *performance;*

18 “(v) *improved access to transportation*
19 *alternatives;*

20 “(vi) *provided the public with access to*
21 *real-time integrated traffic, transit, and*
22 *multimodal transportation information to*
23 *make informed travel decisions;*

1 “(vii) provided cost savings to trans-
2 portation agencies, businesses, and the trav-
3 eling public; or

4 “(viii) provided other benefits to trans-
5 portation users and the general public.

6 “(H) *ADDITIONAL GRANTS.*—*The Secretary*
7 *may cease to provide additional grant funds to*
8 *a recipient of a grant under this paragraph if—*

9 “(i) *the Secretary determines from*
10 *such recipient’s report that the recipient is*
11 *not carrying out the requirements of the*
12 *grant; and*

13 “(ii) *the Secretary provides written no-*
14 *tice 60 days prior to withholding funds to*
15 *the Committee on Transportation and In-*
16 *frastructure of the House of Representatives*
17 *and the Committee on Environment and*
18 *Public Works of the Senate.*

19 “(I) *FUNDING.*—

20 “(i) *IN GENERAL.*—*From funds made*
21 *available to carry out section 503(b), this*
22 *subsection, and sections 512 through 518,*
23 *the Secretary shall set aside for grants*
24 *awarded under subparagraph (D)*

1 \$75,000,000 for each of fiscal years 2016
2 through 2021.

3 “(ii) *EXPENSES FOR THE SEC-*
4 *RETARY.—Of the amounts set aside under*
5 *clause (i), the Secretary may set aside*
6 *\$2,000,000 each fiscal year for program re-*
7 *porting, evaluation, and administrative*
8 *costs related to this paragraph.*

9 “(J) *FEDERAL SHARE.—The Federal share*
10 *of the cost of a project for which a grant is*
11 *awarded under this subsection shall not exceed*
12 *50 percent of the cost of the project.*

13 “(K) *GRANT LIMITATION.—The Secretary*
14 *may not award more than 20 percent of the*
15 *amount described under subparagraph (I) in a*
16 *fiscal year to a single grant recipient.*

17 “(L) *EXPENSES FOR GRANT RECIPIENTS.—*
18 *A grant recipient under this paragraph may use*
19 *not more than 5 percent of the funds awarded*
20 *each fiscal year to carry out planning and re-*
21 *porting requirements.*

22 “(M) *GRANT FLEXIBILITY.—*

23 “(i) *IN GENERAL.—If, by August 1 of*
24 *each fiscal year, the Secretary determines*
25 *that there are not enough grant applications*

1 that meet the requirements described in sub-
2 paragraph (C) to carry out this section for
3 a fiscal year, the Secretary shall transfer to
4 the programs specified in clause (ii)—

5 “(I) any of the funds reserved for
6 the fiscal year under subparagraph (I)
7 that the Secretary has not yet awarded
8 under this paragraph; and

9 “(II) an amount of obligation
10 limitation equal to the amount of
11 funds that the Secretary transfers
12 under subclause (I).

13 “(ii) *PROGRAMS.*—The programs re-
14 ferred to in clause (i) are—

15 “(I) the program under section
16 503(b);

17 “(II) the program under section
18 503(c); and

19 “(III) the programs under sec-
20 tions 512 through 518.

21 “(iii) *DISTRIBUTION.*—Any transfer of
22 funds and obligation limitation under
23 clause (i) shall be divided among the pro-
24 grams referred to in that clause in the same
25 proportions as the Secretary originally re-

1 served funding from the programs for the
2 fiscal year under subparagraph (I).

3 “(N) *DEFINITIONS.*—*In this paragraph, the*
4 *following definitions apply:*

5 “(i) *ELIGIBLE ENTITY.*—*The term ‘eli-*
6 *gible entity’ means a State or local govern-*
7 *ment, a transit agency, metropolitan plan-*
8 *ning organization representing a popu-*
9 *lation of over 200,000, or other political*
10 *subdivision of a State or local government*
11 *or a multijurisdictional group or a con-*
12 *sortia of research institutions or academic*
13 *institutions.*

14 “(ii) *ADVANCED AND CONGESTION*
15 *MANAGEMENT TRANSPORTATION TECH-*
16 *NOLOGIES.*—*The term ‘advanced transpor-*
17 *tation and congestion management tech-*
18 *nologies’ means technologies that improve*
19 *the efficiency, safety, or state of good repair*
20 *of surface transportation systems, including*
21 *intelligent transportation systems.*

22 “(iii) *MULTIJURISDICTIONAL*
23 *GROUP.*—*The term ‘multijurisdictional*
24 *group’ means a any combination of State*
25 *governments, locals governments, metropoli-*

1 *tan planning agencies, transit agencies, or*
2 *other political subdivisions of a State for*
3 *which each member of the group—*

4 *“(I) has signed a written agree-*
5 *ment to implement the advanced trans-*
6 *portation technologies deployment ini-*
7 *tiative across jurisdictional bound-*
8 *aries; and*

9 *“(II) is an eligible entity under*
10 *this paragraph.”.*

11 **SEC. 6004. TECHNOLOGY AND INNOVATION DEPLOYMENT**
12 **PROGRAM.**

13 *Section 503(c)(3) of title 23, United States Code, is*
14 *amended—*

15 *(1) in subparagraph (C) by striking “2013*
16 *through 2014” and inserting “2016 through 2021”;*
17 *and*

18 *(2) by adding at the end the following:*

19 *“(D) PUBLICATION.—The Secretary shall*
20 *make available to the public on an Internet Web*
21 *site on an annual basis a report on the cost and*
22 *benefits from deployment of new technology and*
23 *innovations that substantially and directly re-*
24 *sulted from the program established under this*

1 paragraph. The report may include an analysis
2 of—

3 “(i) Federal, State, and local cost sav-
4 ings;

5 “(ii) project delivery time improve-
6 ments;

7 “(iii) reduced fatalities; and

8 “(iv) congestion impacts.”.

9 **SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.**

10 Section 514(a) of title 23, United States Code, is
11 amended—

12 (1) in paragraph (4) by striking “and” at the
13 end;

14 (2) in paragraph (5) by striking the period at
15 the end and inserting “; and”; and

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

17 “(6) enhancement of the national freight system
18 and support to national freight policy goals by con-
19 ducting heavy duty vehicle demonstration activities
20 and accelerating adoption of intelligent transpor-
21 tation system applications in freight operations.”.

22 **SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PRO-**
23 **GRAM REPORT.**

24 Section 515(h)(4) of title 23, United States Code, is
25 amended—

1 **“§ 519. Infrastructure development**

2 “Funds made available to carry out this chapter for
3 operational tests—

4 “(1) shall be used primarily for the development
5 of intelligent transportation system infrastructure,
6 equipment, and systems; and

7 “(2) to the maximum extent practicable, shall
8 not be used for the construction of physical surface
9 transportation infrastructure unless the construction
10 is incidental and critically necessary to the imple-
11 mentation of an intelligent transportation system
12 project.”.

13 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

14 (1) *CLERICAL AMENDMENT.*—The analysis for
15 chapter 5 of title 23, United States Code, is amended
16 by adding at the end the following new item:

“519. Infrastructure development.”.

17 (2) *TECHNICAL AMENDMENT.*—The item relating
18 to section 512 in the analysis for chapter 5 of title
19 23, United States Code, is amended to read as follows:

“512. National ITS program plan.”.

20 **SEC. 6010. DEPARTMENTAL RESEARCH PROGRAMS.**

21 (a) *ASSISTANT SECRETARY FOR RESEARCH AND*
22 *TECHNOLOGY.*—Section 102(e) of title 49, United States
23 Code, is amended—

1 (1) in paragraph (1) by striking “5” and insert-
2 ing “6”; and

3 (2) in paragraph (1)(A) by inserting “an Assist-
4 ant Secretary for Research and Technology,” after
5 “Governmental Affairs.”

6 (b) *RESEARCH ACTIVITIES*.—Section 330 of title 49,
7 United States Code, is amended—

8 (1) in the section heading by striking “**con-**
9 **tracts**” and inserting “**activities**”;

10 (2) in subsection (a) by striking “The Secretary
11 of” and inserting “*IN GENERAL*.—The Secretary of”;

12 (3) in subsection (b) by striking “In carrying”
13 and inserting “*RESPONSIBILITIES*.—In carrying”;

14 (4) in subsection (c) by striking “The Secretary”
15 and inserting “*PUBLICATIONS*.—The Secretary”; and

16 (5) by adding at the end the following:

17 “(d) *DUTIES*.—The Secretary shall provide for the fol-
18 lowing:

19 “(1) Coordination, facilitation, and review of
20 Department of Transportation research and develop-
21 ment programs and activities.

22 “(2) Advancement, and research and develop-
23 ment, of innovative technologies, including intelligent
24 transportation systems.

1 “(3) *Comprehensive transportation statistics re-*
2 *search, analysis, and reporting.*

3 “(4) *Education and training in transportation*
4 *and transportation-related fields.*

5 “(5) *Activities of the Volpe National Transpor-*
6 *tation Systems Center.*

7 “(6) *Coordination in support of multimodal and*
8 *multidisciplinary research activities.*

9 “(e) *ADDITIONAL AUTHORITIES.—The Secretary*
10 *may—*

11 “(1) *enter into grants and cooperative agree-*
12 *ments with Federal agencies, State and local govern-*
13 *ment agencies, other public entities, private organiza-*
14 *tions, and other persons to conduct research into*
15 *transportation service and infrastructure assurance*
16 *and to carry out other research activities of the De-*
17 *partment of Transportation;*

18 “(2) *carry out, on a cost-shared basis, collabo-*
19 *rative research and development to encourage innova-*
20 *tive solutions to multimodal transportation problems*
21 *and stimulate the deployment of new technology*
22 *with—*

23 “(A) *non-Federal entities, including State*
24 *and local governments, foreign governments, in-*
25 *stitutions of higher education, corporations, in-*

1 *stitutions, partnerships, sole proprietorships, and*
2 *trade associations that are incorporated or estab-*
3 *lished under the laws of any State;*

4 *“(B) Federal laboratories; and*

5 *“(C) other Federal agencies; and*

6 *“(3) directly initiate contracts, grants, coopera-*
7 *tive research and development agreements (as defined*
8 *in section 12 of the Stevenson-Wydler Technology In-*
9 *novation Act of 1980 (15 U.S.C. 3710a)), and other*
10 *agreements to fund, and accept funds from, the*
11 *Transportation Research Board of the National Acad-*
12 *emies, State departments of transportation, cities,*
13 *counties, institutions of higher education, associa-*
14 *tions, and the agents of those entities to carry out*
15 *joint transportation research and technology efforts.*

16 *“(f) FEDERAL SHARE.—*

17 *“(1) IN GENERAL.—Subject to paragraph (2), the*
18 *Federal share of the cost of an activity carried out*
19 *under subsection (e)(3) shall not exceed 50 percent.*

20 *“(2) EXCEPTION.—If the Secretary determines*
21 *that the activity is of substantial public interest or*
22 *benefit, the Secretary may approve a greater Federal*
23 *share.*

24 *“(3) NON-FEDERAL SHARE.—All costs directly*
25 *incurred by the non-Federal partners, including per-*

1 *sonnel, travel, facility, and hardware development*
2 *costs, shall be credited toward the non-Federal share*
3 *of the cost of an activity described in subsection*
4 *(e)(3).*

5 “(g) *PROGRAM EVALUATION AND OVERSIGHT.*—For
6 *each of fiscal years 2016 through 2021, the Secretary is au-*
7 *thorized to expend not more than 1 and a half percent of*
8 *the amounts authorized to be appropriated for the coordina-*
9 *tion, evaluation, and oversight of the programs adminis-*
10 *tered by the Office of the Assistant Secretary for Research*
11 *and Technology.*

12 “(h) *USE OF TECHNOLOGY.*—The research, develop-
13 *ment, or use of a technology under a contract, grant, cooper-*
14 *ative research and development agreement, or other agree-*
15 *ment entered into under this section, including the terms*
16 *under which the technology may be licensed and the result-*
17 *ing royalties may be distributed, shall be subject to the Ste-*
18 *venson-Wyidler Technology Innovation Act of 1980 (15*
19 *U.S.C. 3701 et seq.).*

20 “(i) *WAIVER OF ADVERTISING REQUIREMENTS.*—Sec-
21 *tion 6101 of title 41 shall not apply to a contract, grant,*
22 *or other agreement entered into under this section.”.*

23 (c) *CLERICAL AMENDMENT.*—The item relating to sec-
24 *tion 330 in the analysis of chapter 3 of title 49, United*
25 *States Code, is amended to read as follows:*

“330. *Research activities.*”.

1 (d) *TECHNICAL AND CONFORMING AMENDMENTS.*—

2 (1) *TITLE 5 AMENDMENTS.*—

3 (A) *POSITIONS AT LEVEL II.*—Section 5313
4 of title 5, United States Code, is amended by
5 striking “The Under Secretary of Transportation
6 for Security.”.

7 (B) *POSITIONS AT LEVEL IV.*—Section 5315
8 of title 5, United States Code, is amended in the
9 undesignated item relating to Assistant Secre-
10 taries of Transportation by striking “(4)” and
11 inserting “(5)”.

12 (C) *POSITIONS AT LEVEL V.*—Section 5316
13 of title 5, United States Code, is amended by
14 striking “Associate Deputy Secretary, Depart-
15 ment of Transportation.”.

16 (2) *BUREAU OF TRANSPORTATION STATISTICS.*—
17 Section 6302(a) of title 49, United States Code, is
18 amended to read as follows:

19 “(a) *IN GENERAL.*—There shall be within the Depart-
20 ment of Transportation the Bureau of Transportation Sta-
21 tistics.”.

22 **SEC. 6011. RESEARCH AND INNOVATIVE TECHNOLOGY AD-**
23 **MINISTRATION.**

24 (a) *REPEAL.*—Section 112 of title 49, United States
25 Code, is repealed.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *1 of title 49, United States Code, is amended by striking*
3 *the item relating to section 112.*

4 **SEC. 6012. OFFICE OF INTERMODALISM.**

5 (a) *REPEAL.*—*Section 5503 of title 49, United States*
6 *Code, is repealed.*

7 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
8 *55 of title 49, United States Code, is amended by striking*
9 *the item relating to section 5503.*

10 **SEC. 6013. UNIVERSITY TRANSPORTATION CENTERS.**

11 *Section 5505 of title 49, United States Code, is amend-*
12 *ed to read as follows:*

13 **“§ 5505. University transportation centers program**

14 “(a) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
15 *GRAM.*—

16 “(1) *ESTABLISHMENT AND OPERATION.*—*The*
17 *Secretary shall make grants under this section to eli-*
18 *gible nonprofit institutions of higher education to es-*
19 *tablish and operate university transportation centers.*

20 “(2) *ROLE OF CENTERS.*—*The role of each uni-*
21 *versity transportation center referred to in paragraph*
22 *(1) shall be—*

23 “(A) *to advance transportation expertise*
24 *and technology in the varied disciplines that*
25 *comprise the field of transportation through edu-*

1 *cation, research, and technology transfer activi-*
2 *ties;*

3 “(B) *to provide for a critical transportation*
4 *knowledge base outside of the Department of*
5 *Transportation; and*

6 “(C) *to address critical workforce needs and*
7 *educate the next generation of transportation*
8 *leaders.*

9 “(b) *COMPETITIVE SELECTION PROCESS.—*

10 “(1) *APPLICATIONS.—To receive a grant under*
11 *this section, a consortium of nonprofit institutions of*
12 *higher education shall submit to the Secretary an ap-*
13 *plication that is in such form and contains such in-*
14 *formation as the Secretary may require.*

15 “(2) *LIMITATION.—A lead institution of a con-*
16 *sortium of nonprofit institutions of higher education,*
17 *as applicable, may only submit 1 grant application*
18 *per fiscal year for each of the transportation centers*
19 *described under paragraphs (2), (3), and (4) of sub-*
20 *section (c).*

21 “(3) *COORDINATION.—The Secretary shall solicit*
22 *grant applications for national transportation cen-*
23 *ters, regional transportation centers, and Tier 1 uni-*
24 *versity transportation centers with identical adver-*
25 *tisement schedules and deadlines.*

1 “(4) *GENERAL SELECTION CRITERIA.*—

2 “(A) *IN GENERAL.*—*Except as otherwise*
3 *provided by this section, the Secretary shall*
4 *award grants under this section in nonexclusive*
5 *candidate topic areas established by the Sec-*
6 *retary that address the research priorities identi-*
7 *fied in section 503 of title 23.*

8 “(B) *CRITERIA.*—*The Secretary, in con-*
9 *sultation with the Assistant Secretary for Re-*
10 *search and Technology and the Administrator of*
11 *the Federal Highway Administration, shall select*
12 *each recipient of a grant under this section*
13 *through a competitive process based on the as-*
14 *essment of the Secretary relating to—*

15 “(i) *the demonstrated ability of the re-*
16 *recipient to address each specific topic area*
17 *described in the research and strategic plans*
18 *of the recipient;*

19 “(ii) *the demonstrated research, tech-*
20 *nology transfer, and education resources*
21 *available to the recipient to carry out this*
22 *section;*

23 “(iii) *the ability of the recipient to*
24 *provide leadership in solving immediate*

1 *and long-range national and regional trans-*
2 *portation problems;*

3 “(iv) *the ability of the recipient to*
4 *carry out research, education, and tech-*
5 *nology transfer activities that are*
6 *multimodal and multidisciplinary in scope;*

7 “(v) *the demonstrated commitment of*
8 *the recipient to carry out transportation*
9 *workforce development programs through—*

10 “(I) *degree-granting programs or*
11 *programs that provide other industry-*
12 *recognized credentials; and*

13 “(II) *outreach activities to attract*
14 *new entrants into the transportation*
15 *field, including women and underrep-*
16 *resented populations;*

17 “(vi) *the demonstrated ability of the*
18 *recipient to disseminate results and spur*
19 *the implementation of transportation re-*
20 *search and education programs through na-*
21 *tional or statewide continuing education*
22 *programs;*

23 “(vii) *the demonstrated commitment of*
24 *the recipient to the use of peer review prin-*
25 *ciples and other research best practices in*

1 *the selection, management, and dissemina-*
2 *tion of research projects;*

3 “(viii) *the strategic plan submitted by*
4 *the recipient describing the proposed re-*
5 *search to be carried out by the recipient and*
6 *the performance metrics to be used in as-*
7 *sessing the performance of the recipient in*
8 *meeting the stated research, technology*
9 *transfer, education, and outreach goals; and*

10 “(ix) *the ability of the recipient to im-*
11 *plement the proposed program in a cost-effi-*
12 *cient manner, such as through cost sharing*
13 *and overall reduced overhead, facilities, and*
14 *administrative costs.*

15 “(5) *TRANSPARENCY.—*

16 “(A) *IN GENERAL.—The Secretary shall*
17 *provide to each applicant, upon request, any*
18 *materials, including copies of reviews (with any*
19 *information that would identify a reviewer re-*
20 *dacted), used in the evaluation process of the*
21 *proposal of the applicant.*

22 “(B) *REPORTS.—The Secretary shall sub-*
23 *mit to the Committees on Transportation and*
24 *Infrastructure and Science, Space, and Tech-*
25 *nology of the House of Representatives and the*

1 *Committee on Environment and Public Works of*
2 *the Senate a report describing the overall review*
3 *process under paragraph (3) that includes—*

4 “(i) *specific criteria of evaluation used*
5 *in the review;*

6 “(ii) *descriptions of the review process;*
7 *and*

8 “(iii) *explanations of the selected*
9 *awards.*

10 “(6) *OUTSIDE STAKEHOLDERS.—The Secretary*
11 *shall, to the maximum extent practicable, consult ex-*
12 *ternal stakeholders such as the Transportation Re-*
13 *search Board of the National Research Council of the*
14 *National Academies to evaluate and competitively re-*
15 *view all proposals.*

16 “(c) *GRANTS.—*

17 “(1) *IN GENERAL.—Not later than 1 year after*
18 *the date of enactment of this section, the Secretary,*
19 *Assistant Secretary for Research and Technology, and*
20 *the Administrator of the Federal Highway Adminis-*
21 *tration shall select grant recipients under subsection*
22 *(b) and make grant amounts available to the selected*
23 *recipients.*

24 “(2) *NATIONAL TRANSPORTATION CENTERS.—*

1 “(A) *IN GENERAL.*—Subject to subpara-
2 graph (B), the Secretary shall provide grants to
3 5 consortia that the Secretary determines best
4 meet the criteria described in subsection (b)(4).

5 “(B) *RESTRICTIONS.*—

6 “(i) *IN GENERAL.*—For each fiscal
7 year, a grant made available under this
8 paragraph shall be not greater than
9 \$4,000,000 and not less than \$2,000,000 per
10 recipient.

11 “(ii) *FOCUSED RESEARCH.*—A Consor-
12 tium receiving a grant under this para-
13 graph shall focus research on 1 of the trans-
14 portation issue areas specified in section
15 508(a)(2) of title 23.

16 “(C) *MATCHING REQUIREMENT.*—

17 “(i) *IN GENERAL.*—As a condition of
18 receiving a grant under this paragraph, a
19 grant recipient shall match 100 percent of
20 the amounts made available under the
21 grant.

22 “(ii) *SOURCES.*—The matching
23 amounts referred to in clause (i) may in-
24 clude amounts made available to the recipi-
25 ent under—

1 “(I) section 504(b) of title 23; or

2 “(II) section 505 of title 23.

3 “(3) *REGIONAL UNIVERSITY TRANSPORTATION*
4 *CENTERS.—*

5 “(A) *LOCATION OF REGIONAL CENTERS.—*

6 *One regional university transportation center*
7 *shall be located in each of the 10 Federal regions*
8 *that comprise the Standard Federal Regions es-*
9 *tablished by the Office of Management and*
10 *Budget in the document entitled ‘Standard Fed-*
11 *eral Regions’ and dated April 1974 (circular A-*
12 *105).*

13 “(B) *SELECTION CRITERIA.—In conducting*
14 *a competition under subsection (b), the Secretary*
15 *shall provide grants to 10 consortia on the basis*
16 *of—*

17 “(i) *the criteria described in subsection*
18 *(b)(4);*

19 “(ii) *the location of the lead center*
20 *within the Federal region to be served; and*

21 “(iii) *whether the consortium of insti-*
22 *tutions demonstrates that the consortium*
23 *has a well-established, nationally recognized*
24 *program in transportation research and*
25 *education, as evidenced by—*

1 “(I) recent expenditures by the in-
2 stitution in highway or public trans-
3 portation research;

4 “(II) a historical track record of
5 awarding graduate degrees in profes-
6 sional fields closely related to highways
7 and public transportation; and

8 “(III) an experienced faculty who
9 specialize in professional fields closely
10 related to highways and public trans-
11 portation.

12 “(C) *RESTRICTIONS.*—For each fiscal year,
13 a grant made available under this paragraph
14 shall be not greater than \$3,000,000 and not less
15 than \$1,500,000 per recipient.

16 “(D) *MATCHING REQUIREMENTS.*—

17 “(i) *IN GENERAL.*—As a condition of
18 receiving a grant under this paragraph, a
19 grant recipient shall match 100 percent of
20 the amounts made available under the
21 grant.

22 “(ii) *SOURCES.*—The matching
23 amounts referred to in clause (i) may in-
24 clude amounts made available to the recipi-
25 ent under—

1 “(I) section 504(b) of title 23; or

2 “(II) section 505 of title 23.

3 “(E) *FOCUSED RESEARCH.*—*The Secretary*
4 *shall make a grant to 1 of the 10 regional uni-*
5 *versity transportation centers established under*
6 *this paragraph for the purpose of furthering the*
7 *objectives described in subsection (a)(2) in the*
8 *field of comprehensive transportation safety.*

9 “(4) *TIER 1 UNIVERSITY TRANSPORTATION CEN-*
10 *TERS.*—

11 “(A) *IN GENERAL.*—*The Secretary shall*
12 *provide grants of not greater than \$2,000,000*
13 *and not less than \$1,000,000 to not more than*
14 *20 recipients to carry out this paragraph.*

15 “(B) *MATCHING REQUIREMENT.*—

16 “(i) *IN GENERAL.*—*As a condition of*
17 *receiving a grant under this paragraph, a*
18 *grant recipient shall match 50 percent of*
19 *the amounts made available under the*
20 *grant.*

21 “(ii) *SOURCES.*—*The matching*
22 *amounts referred to in clause (i) may in-*
23 *clude amounts made available to the recipi-*
24 *ent under—*

25 “(I) section 504(b) of title 23; or

1 “(II) section 505 of title 23.

2 “(C) *FOCUSED RESEARCH.*—*In awarding*
3 *grants under this section, consideration shall be*
4 *given to minority institutions, as defined by sec-*
5 *tion 365 of the Higher Education Act of 1965*
6 *(20 U.S.C. 1067k), or consortia that include such*
7 *institutions that have demonstrated an ability in*
8 *transportation-related research.*

9 “(d) *PROGRAM COORDINATION.*—

10 “(1) *IN GENERAL.*—*The Secretary shall—*

11 “(A) *coordinate the research, education, and*
12 *technology transfer activities carried out by*
13 *grant recipients under this section; and*

14 “(B) *disseminate the results of that research*
15 *through the establishment and operation of a*
16 *publicly accessible online information clearing-*
17 *house.*

18 “(2) *ANNUAL REVIEW AND EVALUATION.*—*Not*
19 *less frequently than annually, and consistent with the*
20 *plan developed under section 508 of title 23, the Sec-*
21 *retary shall—*

22 “(A) *review and evaluate the programs car-*
23 *ried out under this section by grant recipients;*
24 *and*

1 “(B) submit to the Committees on Trans-
2 portation and Infrastructure and Science, Space,
3 and Technology of the House of Representatives
4 and the Committee on Environment and Public
5 Works of the Senate a report describing that re-
6 view and evaluation.

7 “(3) PROGRAM EVALUATION AND OVERSIGHT.—
8 For each of fiscal years 2016 through 2021, the Sec-
9 retary shall expend not more than 1 and a half per-
10 cent of the amounts made available to the Secretary
11 to carry out this section for any coordination, evalua-
12 tion, and oversight activities of the Secretary under
13 this section.

14 “(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—
15 Amounts made available to the Secretary to carry out this
16 section shall remain available for obligation by the Sec-
17 retary for a period of 3 years after the last day of the fiscal
18 year for which the amounts are authorized.

19 “(f) INFORMATION COLLECTION.—Any survey, ques-
20 tionnaire, or interview that the Secretary determines to be
21 necessary to carry out reporting requirements relating to
22 any program assessment or evaluation activity under this
23 section, including customer satisfaction assessments, shall
24 not be subject to chapter 35 of title 44.”.

1 **SEC. 6014. BUREAU OF TRANSPORTATION STATISTICS.**

2 (a) *BUREAU OF TRANSPORTATION STATISTICS.*—*Sec-*
3 *tion 6302(b)(3)(B) of title 49, United States Code, is*
4 *amended—*

5 (1) *in clause (vi)(III) by striking “section 6310”*
6 *and inserting “section 6309”;*

7 (2) *by redesignating clauses (vii), (viii), (ix),*
8 *and (x) as clauses (x), (xi), (xii), and (xiii), respec-*
9 *tively; and*

10 (3) *by inserting after clause (vi) the following:*

11 “(vii) *develop and improve transpor-*
12 *tation economic accounts to meet demand*
13 *for methods for estimating the economic*
14 *value of transportation infrastructure, in-*
15 *vestment, and services;*

16 “(viii) *not be required to obtain the*
17 *approval of any other officer or employee of*
18 *the Department in connection with the col-*
19 *lection or analysis of any information;*

20 “(ix) *not be required, prior to publica-*
21 *tion, to obtain the approval of any other of-*
22 *ficer or employee of the Federal Government*
23 *with respect to the substance of any statis-*
24 *tical technical reports or press releases that*
25 *the Director has prepared in accordance*
26 *with the law;”.*

1 (b) *TECHNICAL AMENDMENT.*—Section 6311(5) of title
2 49, United States Code, is amended by striking “section
3 6310” and inserting “section 6309”.

4 **SEC. 6015. SURFACE TRANSPORTATION SYSTEM FUNDING**
5 **ALTERNATIVES.**

6 (a) *IN GENERAL.*—The Secretary shall establish a pro-
7 gram to provide grants to States to demonstrate user-based
8 alternative revenue mechanisms that utilize a user fee struc-
9 ture to maintain the long-term solvency of the Highway
10 Trust Fund.

11 (b) *APPLICATION.*—To be eligible for a grant under
12 this section, a State or group of States shall submit to the
13 Secretary an application in such form and containing such
14 information as the Secretary may require.

15 (c) *OBJECTIVES.*—The Secretary shall ensure that the
16 activities carried out using funds provided under this sec-
17 tion meet the following objectives:

18 (1) *To test the design, acceptance, and imple-*
19 *mentation of 2 or more future user-based alternative*
20 *revenue mechanisms.*

21 (2) *To improve the functionality of such user-*
22 *based alternative revenue mechanisms.*

23 (3) *To conduct outreach to increase public*
24 *awareness regarding the need for alternative funding*

1 *sources for surface transportation programs and to*
2 *provide information on possible approaches.*

3 *(4) To provide recommendations regarding adop-*
4 *tion and implementation of user-based alternative*
5 *revenue mechanisms.*

6 *(5) To minimize the administrative cost of any*
7 *potential user-based alternative revenue mechanisms.*

8 *(d) USE OF FUNDS.—A State or group of States re-*
9 *ceiving funds under this section to test the design, accept-*
10 *ance, and implementation of a user-based alternative rev-*
11 *enue mechanism—*

12 *(1) shall address—*

13 *(A) the implementation, interoperability,*
14 *public acceptance, and other potential hurdles to*
15 *the adoption of the user-based alternative revenue*
16 *mechanism;*

17 *(B) the protection of personal privacy;*

18 *(C) the use of independent and private*
19 *third-party vendors to collect fees and operate the*
20 *user-based alternative revenue mechanism;*

21 *(D) market-based congestion mitigation, if*
22 *appropriate;*

23 *(E) equity concerns, including the impacts*
24 *of the user-based alternative revenue mechanism*
25 *on differing income groups, various geographic*

1 *areas, and the relative burdens on rural and*
2 *urban drivers;*

3 *(F) ease of compliance for different users of*
4 *the transportation system; and*

5 *(G) the reliability and security of tech-*
6 *nology used to implement the user-based alter-*
7 *native revenue mechanism; and*

8 *(2) may address—*

9 *(A) the flexibility and choices of user-based*
10 *alternative revenue mechanisms, including the*
11 *ability of users to select from various technology*
12 *and payment options;*

13 *(B) the cost of administering the user-based*
14 *alternative revenue mechanism; and*

15 *(C) the ability of the administering entity*
16 *to audit and enforce user compliance.*

17 *(e) CONSIDERATION.—The Secretary shall consider ge-*
18 *ographic diversity in awarding grants under this section.*

19 *(f) LIMITATIONS ON REVENUE COLLECTED.—Any rev-*
20 *enue collected through a user-based alternative revenue*
21 *mechanism established using funds provided under this sec-*
22 *tion shall not be considered a toll under section 301 of title*
23 *23, United States Code.*

1 (g) *FEDERAL SHARE.*—*The Federal share of the cost*
2 *of an activity carried out under this section may not exceed*
3 *50 percent of the total cost of the activity.*

4 (h) *REPORT TO SECRETARY.*—*Not later than 1 year*
5 *after the date on which the first eligible entity receives a*
6 *grant under this section, and each year thereafter, each re-*
7 *cipient of a grant under this section shall submit to the*
8 *Secretary a report that describes—*

9 (1) *how the demonstration activities carried out*
10 *with grant funds meet the objectives described in sub-*
11 *section (c); and*

12 (2) *lessons learned for future deployment of al-*
13 *ternative revenue mechanisms that utilize a user fee*
14 *structure.*

15 (i) *BIENNIAL REPORTS.*—*Not later than 2 years after*
16 *the date of enactment of this Act, and every 2 years there-*
17 *after until the completion of the demonstration activities*
18 *under this section, the Secretary shall make available to the*
19 *public on an Internet Web site a report describing the*
20 *progress of the demonstration activities.*

21 (j) *FUNDING.*—*Of the funds authorized to carry out*
22 *section 503(b) of title 23, United States Code—*

23 (1) *\$15,000,000 shall be used to carry out this*
24 *section for fiscal year 2016; and*

1 (2) \$20,000,000 shall be used to carry out this
2 section for each of fiscal years 2017 through 2021.

3 (k) *GRANT FLEXIBILITY.*—If, by August 1 of each fis-
4 cal year, the Secretary determines that there are not enough
5 grant applications that meet the requirements of this section
6 for a fiscal year, Secretary shall transfer to the program
7 under section 503(b) of title 23, United States Code—

8 (1) any of the funds reserved for the fiscal year
9 under subsection (j) that the Secretary has not yet
10 awarded under this section; and

11 (2) an amount of obligation limitation equal to
12 the amount of funds that the Secretary transfers
13 under paragraph (1).

14 **SEC. 6016. FUTURE INTERSTATE STUDY.**

15 (a) *FUTURE INTERSTATE SYSTEM STUDY.*—Not later
16 than 180 days after the date of enactment of this Act, the
17 Secretary shall enter into an agreement with the Transpor-
18 tation Research Board of the National Academies to conduct
19 a study on the actions needed to upgrade and restore the
20 Dwight D. Eisenhower National System of Interstate and
21 Defense Highways to its role as a premier system that meets
22 the growing and shifting demands of the 21st century.

23 (b) *METHODOLOGIES.*—In conducting the study, the
24 Transportation Research Board shall build on the meth-
25 odologies examined and recommended in the report pre-

1 *pared for the American Association of State Highway and*
2 *Transportation Officials titled “National Cooperative*
3 *Highway Research Program Project 20–24(79): Specifica-*
4 *tions for a National Study of the Future 3R, 4R, and Ca-*
5 *capacity Needs of the Interstate System”, dated December*
6 *2013.*

7 *(c) CONTENTS OF STUDY.—The study—*

8 *(1) shall include specific recommendations re-*
9 *garding the features, standards, capacity needs, ap-*
10 *plication of technologies, and intergovernmental roles*
11 *to upgrade the Interstate System, including any revi-*
12 *sions to law (including regulations) that the Trans-*
13 *portation Research Board determines appropriate;*
14 *and*

15 *(2) is encouraged to build on the institutional*
16 *knowledge in the highway industry in applying the*
17 *techniques involved in implementing the study.*

18 *(d) CONSIDERATIONS.—In carrying out the study, the*
19 *Transportation Research Board shall determine the need for*
20 *reconstruction and improvement of the Interstate System*
21 *by considering—*

22 *(1) future demands on transportation infrastruc-*
23 *ture determined for national planning purposes, in-*
24 *cluding commercial and private traffic flows to serve*
25 *future economic activity and growth;*

1 (2) *the expected condition of the current Inter-*
2 *state System over the period of 50 years beginning on*
3 *the date of enactment of this Act, including long-term*
4 *deterioration and reconstruction needs;*

5 (3) *features that would take advantage of techno-*
6 *logical capabilities to address modern standards of*
7 *construction, maintenance, and operations, for pur-*
8 *poses of safety, and system management, taking into*
9 *further consideration system performance and cost;*
10 *and*

11 (4) *the resources necessary to maintain and im-*
12 *prove the Interstate System.*

13 (e) *CONSULTATION.—In carrying out the study, the*
14 *Transportation Research Board—*

15 (1) *shall convene and consult with a panel of na-*
16 *tional experts, including operators and users of the*
17 *Interstate System and private sector stakeholders; and*

18 (2) *is encouraged to consult with—*

19 (A) *the Federal Highway Administration;*

20 (B) *States;*

21 (C) *planning agencies at the metropolitan,*
22 *State, and regional levels;*

23 (D) *the motor carrier industry;*

24 (E) *freight shippers;*

25 (F) *highway safety groups; and*

1 (G) other appropriate entities.

2 (f) *REPORT.*—Not later than 3 years after the date of
3 enactment of this Act, the Transportation Research Board
4 shall make available to the public on an Internet Web site
5 the results of the study conducted under this section.

6 (g) *FUNDING.*—From funds made available to carry
7 out section 503(b) of title 23, United States Code, the Sec-
8 retary may use to carry out this section up to \$5,000,000
9 for fiscal year 2016.

10 **SEC. 6017. HIGHWAY EFFICIENCY.**

11 (a) *STUDY.*—

12 (1) *IN GENERAL.*—The Assistant Secretary of
13 Transportation for Research and Technology may ex-
14 amine the impact of pavement durability and sus-
15 tainability on vehicle fuel consumption, vehicle wear
16 and tear, road conditions, and road repairs.

17 (2) *METHODOLOGY.*—In carrying out the study,
18 the Assistant Secretary shall—

19 (A) conduct a thorough review of relevant
20 peer-reviewed research published during at least
21 the past 5 years;

22 (B) analyze impacts of different types of
23 pavement on all motor vehicle types, including
24 commercial vehicles;

1 (C) specifically examine the impact of pave-
2 ment deformation and deflection; and

3 (D) analyze impacts of different types of
4 pavement on road conditions and road repairs.

5 (3) CONSULTATION.—In carrying out the study,
6 the Assistant Secretary shall consult with—

7 (A) experts from the different modal admin-
8 istrations of the Department and from other Fed-
9 eral agencies, including the National Institute of
10 Standards and Technology;

11 (B) State departments of transportation;

12 (C) local government engineers and public
13 works professionals;

14 (D) industry stakeholders; and

15 (E) appropriate academic experts active in
16 the field.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Assistant Sec-
20 retary shall publish on a public Web site the results
21 of the study.

22 (2) CONTENTS.—The report shall include—

23 (A) a summary of the different types of
24 pavements analyzed in the study and the im-
25 pacts of pavement durability and sustainability

1 *on vehicle fuel consumption, vehicle wear and*
2 *tear, road conditions, and road repairs; and*

3 *(B) recommendations for State and local*
4 *governments on best practice methods for im-*
5 *proving pavement durability and sustainability*
6 *to maximize vehicle fuel economy, ride quality,*
7 *and road conditions and to minimize the need*
8 *for road and vehicle repairs.*

9 **SEC. 6018. MOTORCYCLE SAFETY.**

10 *(a) STUDY.—The Assistant Secretary for Research and*
11 *Technology of the Department of Transportation may enter*
12 *into an agreement, within 45 days after the date of enact-*
13 *ment of this Act, with the National Academy of Sciences*
14 *to conduct a study on the most effective means of preventing*
15 *motorcycle crashes.*

16 *(b) PUBLICATION.—The Assistant Secretary may make*
17 *available the findings on a public Web site within 30 days*
18 *after receiving the results of the study from the National*
19 *Academy of Sciences.*

20 **SEC. 6019. HAZARDOUS MATERIALS RESEARCH AND DEVEL-**
21 **OPMENT.**

22 *Section 5118 of title 49, United States Code, is amend-*
23 *ed—*

24 *(1) in subsection (a)(2)—*

1 (A) in subparagraph (A) by striking “and”
2 at the end;

3 (B) in subparagraph (B) by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(C) coordinate, as appropriate, with other
7 Federal agencies.”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(c) COOPERATIVE RESEARCH.—

11 “(1) IN GENERAL.—As part of the program es-
12 tablished in subsection (a), the Secretary may carry
13 out cooperative research on hazardous materials
14 transport.

15 “(2) NATIONAL ACADEMIES.—The Secretary may
16 enter into an agreement with the National Academies
17 to support such research.

18 “(3) RESEARCH.—Research conducted under this
19 subsection may include activities related to—

20 “(A) emergency planning and response, in-
21 cluding information and programs that can be
22 readily assessed and implemented in local juris-
23 dictions;

24 “(B) risk analysis and perception and data
25 assessment;

1 “(C) commodity flow data, including vol-
2 untary collaboration between shippers and first
3 responders for secure data exchange of critical
4 information;

5 “(D) integration of safety and security;

6 “(E) cargo packaging and handling;

7 “(F) hazmat release consequences; and

8 “(G) materials and equipment testing.”.

9 **SEC. 6020. WEB-BASED TRAINING FOR EMERGENCY RE-**
10 **SPONDERS.**

11 Section 5115(a) of title 49, United States Code, is
12 amended by inserting “, including online curriculum as ap-
13 propriate,” after “a current curriculum of courses”.

14 **SEC. 6021. TRANSPORTATION TECHNOLOGY POLICY WORK-**
15 **ING GROUP.**

16 To improve the scientific pursuit and research proce-
17 dures concerning transportation, the Assistant Secretary for
18 Research and Technology may convene an interagency
19 working group to—

20 (1) develop within 1 year after the date of enact-
21 ment of this Act a national transportation research
22 framework;

23 (2) identify opportunities for coordination be-
24 tween the Department and universities and the pri-
25 vate sector, and prioritize these opportunities;

- 1 (3) *identify and develop a plan to implement*
2 *best practices for moving transportation research re-*
3 *sults out of the laboratory and into application; and*
4 (4) *identify and develop a plan to address re-*
5 *lated workforce development needs.*

6 **SEC. 6022. COLLABORATION AND SUPPORT.**

7 *The Secretary may solicit the support of, and identify*
8 *opportunities to collaborate with, other Federal research*
9 *agencies and national laboratories to assist in the effective*
10 *and efficient pursuit and resolution of research challenges*
11 *identified by the Secretary.*

12 **SEC. 6023. PRIZE COMPETITIONS.**

13 *Section 502(b)(7) of title 23, United States Code, is*
14 *amended—*

15 (1) *in subparagraph (D)—*

16 (A) *by inserting “(such as*
17 *www.challenge.gov)” after “public website”;*

18 (B) *by redesignating clauses (iii) and (iv)*
19 *as clauses (iv) and (v), respectively;*

20 (C) *by inserting after clause (ii) the fol-*
21 *lowing:*

22 *“(iii) the process for participants to*
23 *register for the competition;”;* and

1 (D) in clause (iv) (as redesignated by sub-
2 paragraph (B)) by striking “prize” and insert-
3 ing “cash prize purse”;

4 (2) in subparagraph (E) by striking “prize” both
5 places it appears and inserting “cash prize purse”;

6 (3) by redesignating subparagraphs (F) through
7 (K) as subparagraphs (G) through (L), respectively;

8 (4) by inserting after subparagraph (E) the fol-
9 lowing:

10 “(F) USE OF FEDERAL FACILITIES; CON-
11 SULTATION WITH FEDERAL EMPLOYEES.—An in-
12 dividual or entity is not ineligible to receive a
13 cash prize purse under this paragraph as a re-
14 sult of the individual or entity using a Federal
15 facility or consulting with a Federal employee
16 related to the individual or entity’s participa-
17 tion in a prize competition under this para-
18 graph unless the same facility or employee is
19 made available to all individuals and entities
20 participating in the prize competition on an eq-
21 uitable basis.”;

22 (5) in subparagraph (G) (as redesignated by
23 paragraph (3) of this section)—

1 (A) in clause (i)(I) by striking “competi-
2 tion” and inserting “prize competition under
3 this paragraph”;

4 (B) in clause (ii)(I)—

5 (i) by striking “participation in a
6 competition” and inserting “participation
7 in a prize competition under this para-
8 graph”; and

9 (ii) by striking “competition activi-
10 ties” and inserting “prize competition ac-
11 tivities”; and

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

13 “(iii) *INTELLECTUAL PROPERTY.—*

14 “(I) *PROHIBITION ON REQUIRING*
15 *WAIVER.—The Secretary may not re-*
16 *quire a participant to waive claims*
17 *against the Department arising out of*
18 *the unauthorized use or disclosure by*
19 *the Department of the intellectual*
20 *property, trade secrets, or confidential*
21 *business information of the partici-*
22 *pant.*

23 “(II) *PROHIBITION ON GOVERN-*
24 *MENT ACQUISITION OF INTELLECTUAL*
25 *PROPERTY RIGHTS.—The Federal Gov-*

1 *ernment may not gain an interest in*
2 *intellectual property developed by a*
3 *participant for a prize competition*
4 *under this paragraph without the writ-*
5 *ten consent of the participant.*

6 *“(III) LICENSES.—The Federal*
7 *Government may negotiate a license*
8 *for the use of intellectual property de-*
9 *veloped by a participant for a prize*
10 *competition under this paragraph.”;*

11 *(6) in subparagraph (H)(i) (as redesignated by*
12 *paragraph (3) of this section) by striking “subpara-*
13 *graph (H)” and inserting “subparagraph (I)”;*

14 *(7) in subparagraph (I) (as redesignated by*
15 *paragraph (3) of this section) by striking “an agree-*
16 *ment with a private, nonprofit entity” and inserting*
17 *“a grant, contract, cooperative agreement, or other*
18 *agreement with a private sector for-profit or non-*
19 *profit entity”;*

20 *(8) in subparagraph (J) (as redesignated by*
21 *paragraph (3) of this section)—*

22 *(A) in clause (i)—*

23 *(i) in subclause (I) by striking “the*
24 *private sector” and inserting “private sector*
25 *for-profit and nonprofit entities, to be avail-*

1 able to the extent provided by appropria-
2 tions Acts”;

3 (ii) in subclause (II) by striking “and
4 metropolitan planning organizations” and
5 inserting “metropolitan planning organiza-
6 tions, and private sector for-profit and non-
7 profit entities”; and

8 (iii) in subclause (III) by inserting
9 “for-profit or nonprofit” after “private sec-
10 tor”;

11 (B) in clause (i) by striking “prize
12 awards” and inserting “cash prize purses”;

13 (C) in clause (iv)—

14 (i) by inserting “competition” after “A
15 prize”; and

16 (ii) by striking “the prize” and insert-
17 ing “the cash prize purse”;

18 (D) in clause (v)—

19 (i) by striking “amount of a prize”
20 and inserting “amount of a cash prize
21 purse”;

22 (ii) by inserting “competition” after
23 “announcement of the prize”; and

24 (iii) in subclause (I) by inserting
25 “competition” after “prize”;

1 (E) in clause (vi) by striking “offer a prize”
2 and inserting “offer a cash prize purse”; and

3 (F) in clause (vii) by striking “cash prizes”
4 and inserting “cash prize purses”;

5 (9) in subparagraph (K) (as redesignated by
6 paragraph (3) of this section) by striking “or pro-
7 viding a prize” and inserting “a prize competition or
8 providing a cash prize purse”; and

9 (10) in subparagraph (L)(ii) (as redesignated by
10 paragraph (3) of this section)—

11 (A) in subclause (I) by striking “The Sec-
12 retary” and inserting “Not later than March 1
13 of each year, the Secretary”; and

14 (B) in subclause (II)—

15 (i) in item (cc) by striking “cash
16 prizes” both places it appears and inserting
17 “cash prize purses”; and

18 (ii) in item (ee) by striking “agency”
19 and inserting “Department”.

20 **SEC. 6024. GAO REPORT.**

21 Not later than 2 years after the date of enactment of
22 this Act, the Comptroller General of the United States shall
23 make available to the public a report that—

1 (1) *assesses the status of autonomous transpor-*
2 *tation technology policy developed by public entities*
3 *in the United States;*

4 (2) *assesses the organizational readiness of the*
5 *Department to address autonomous vehicle technology*
6 *challenges; and*

7 (3) *recommends implementation paths for auton-*
8 *omous transportation technology, applications, and*
9 *policies that are based on the assessment described in*
10 *paragraph (2).*

11 **SEC. 6025. INTELLIGENT TRANSPORTATION SYSTEM PUR-**
12 **POSES.**

13 *Section 514(b) of title 23, United States Code, is*
14 *amended—*

15 (1) *in paragraph (8) by striking “and” at the*
16 *end;*

17 (2) *in paragraph (9) by striking the period at*
18 *the end and inserting “; and”; and*

19 (3) *by adding at the end the following:*

20 “(10) *to assist in the development of cybersecu-*
21 *rity standards in cooperation with relevant modal*
22 *administrations of the Department of Transportation*
23 *and other Federal agencies to help prevent hacking,*
24 *spoofing, and disruption of connected and automated*
25 *transportation vehicles.”.*

1 **SEC. 6026. INFRASTRUCTURE INTEGRITY.**

2 *Section 503(b)(3)(C) of title 23, United States Code,*
3 *is amended—*

4 *(1) in clause (xviii) by striking “and” at the*
5 *end;*

6 *(2) in clause (xix) by striking the period at the*
7 *end and inserting “; and” ; and*

8 *(3) by adding at the end the following:*

9 *“(xx) corrosion prevention measures*
10 *for the structural integrity of bridges.”.*

11 **TITLE VII—HAZARDOUS**
12 **MATERIALS TRANSPORTATION**

13 **SEC. 7001. SHORT TITLE.**

14 *This title may be cited as the “Hazardous Materials*
15 *Transportation Safety Improvement Act of 2015”.*

16 **SEC. 7002. AUTHORIZATION OF APPROPRIATIONS.**

17 *Section 5128 of title 49, United States Code, is amend-*
18 *ed to read as follows:*

19 **“§ 5128. Authorization of appropriations**

20 *“(a) IN GENERAL.—There are authorized to be appro-*
21 *priated to the Secretary to carry out this chapter (except*
22 *sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—*

23 *“(1) \$53,000,000 for fiscal year 2016;*

24 *“(2) \$55,000,000 for fiscal year 2017;*

25 *“(3) \$57,000,000 for fiscal year 2018;*

26 *“(4) \$58,000,000 for fiscal year 2019;*

1 “(5) \$60,000,000 for fiscal year 2020; and

2 “(6) \$62,000,000 for fiscal year 2021.

3 “(b) *HAZARDOUS MATERIALS EMERGENCY PRE-*
4 *PAREDNESS FUND.*—*From the Hazardous Materials Emer-*
5 *gency Preparedness Fund established under section 5116(h),*
6 *the Secretary may expend, for each of fiscal years 2016*
7 *through 2021—*

8 “(1) \$21,988,000 to carry out section 5116(a);

9 “(2) \$150,000 to carry out section 5116(e);

10 “(3) \$625,000 to publish and distribute the
11 *Emergency Response Guidebook under section*
12 *5116(h)(3); and*

13 “(4) \$1,000,000 to carry out section 5116(i).

14 “(c) *HAZARDOUS MATERIALS TRAINING GRANTS.*—
15 *From the Hazardous Materials Emergency Preparedness*
16 *Fund established pursuant to section 5116(h), the Secretary*
17 *may expend \$5,000,000 for each of fiscal years 2016*
18 *through 2021 to carry out section 5107(e).*

19 “(d) *CREDITS TO APPROPRIATIONS.*—

20 “(1) *EXPENSES.*—*In addition to amounts other-*
21 *wise made available to carry out this chapter, the*
22 *Secretary may credit amounts received from a State,*
23 *Indian tribe, or other public authority or private en-*
24 *tity for expenses the Secretary incurs in providing*

1 *training to the State, Indian tribe, authority, or enti-*
2 *ty.*

3 “(2) *AVAILABILITY OF AMOUNTS.—Amounts*
4 *made available under this section shall remain avail-*
5 *able until expended.”.*

6 **SEC. 7003. NATIONAL EMERGENCY AND DISASTER RE-**
7 **SPONSE.**

8 *Section 5103 of title 49, United States Code, is amend-*
9 *ed—*

10 (1) *by redesignating subsections (c) and (d) as*
11 *subsections (d) and (e), respectively; and*

12 (2) *by inserting after subsection (b) the fol-*
13 *lowing:*

14 “(c) *FEDERALLY DECLARED DISASTERS AND EMER-*
15 *GENCIES.—*

16 “(1) *IN GENERAL.—The Secretary may by order*
17 *wave compliance with any part of an applicable*
18 *standard prescribed under this chapter without prior*
19 *notice and comment and on terms the Secretary con-*
20 *siders appropriate if the Secretary determines that—*

21 “(A) *it is in the public interest to grant the*
22 *waiver;*

23 “(B) *the waiver is not inconsistent with the*
24 *safety of transporting hazardous materials; and*

1 “(C) *the waiver is necessary to facilitate the*
2 *safe movement of hazardous materials into, from,*
3 *and within an area of a major disaster or emer-*
4 *gency that has been declared under the Robert T.*
5 *Stafford Disaster Relief and Emergency Assist-*
6 *ance Act (42 U.S.C. 5121 et seq.).*

7 “(2) *PERIOD OF WAIVER.—A waiver under this*
8 *subsection may be issued for a period of not more*
9 *than 60 days and may be renewed upon application*
10 *to the Secretary only after notice and an opportunity*
11 *for a hearing on the waiver. The Secretary shall im-*
12 *mediately revoke the waiver if continuation of the*
13 *waiver would not be consistent with the goals and ob-*
14 *jectives of this chapter.*

15 “(3) *STATEMENT OF REASONS.—The Secretary*
16 *shall include in any order issued under this section*
17 *the reason for granting the waiver.”.*

18 **SEC. 7004. ENHANCED REPORTING.**

19 *Section 5121(h) of title 49, United States Code, is*
20 *amended by striking “transmit to the Committee on Trans-*
21 *portation and Infrastructure of the House of Representa-*
22 *tives and the Committee on Commerce, Science, and Trans-*
23 *portation of the Senate” and inserting “make available to*
24 *the public on the Department of Transportation’s Internet*
25 *Web site”.*

1 **SEC. 7005. WETLINES.**

2 (a) *WITHDRAWAL.*—Not later than 30 days after the
3 date of enactment of this Act, the Secretary shall withdraw
4 the proposed rule described in the notice of proposed rule-
5 making issued on January 27, 2011, entitled “Safety Re-
6 quirements for External Product Piping on Cargo Tanks
7 Transporting Flammable Liquids” (76 Fed. Reg. 4847).

8 (b) *SAVINGS CLAUSE.*—Nothing in this section shall
9 prohibit the Secretary from issuing standards or regula-
10 tions regarding the safety of external product piping on
11 cargo tanks transporting flammable liquids after the with-
12 drawal is carried out pursuant to subsection (a).

13 **SEC. 7006. IMPROVING PUBLICATION OF SPECIAL PERMITS**
14 **AND APPROVALS.**

15 Section 5117 of title 49, United States Code, is amend-
16 ed—

17 (1) in subsection (b)—

18 (A) by striking “an application for a spe-
19 cial permit” and inserting “an application for a
20 new special permit or a modification to an exist-
21 ing special permit”; and

22 (B) by inserting after the first sentence the
23 following: “The Secretary shall make available to
24 the public on the Department of Transportation’s
25 Internet Web site any special permit other than
26 a new special permit or a modification to an ex-

1 *isting special permit and shall give the public an*
2 *opportunity to inspect the safety analysis and*
3 *comment on the application for a period of not*
4 *more than 15 days.”; and*

5 *(2) in subsection (c)—*

6 *(A) by striking “publish” and inserting*
7 *“make available to the public”;*

8 *(B) by striking “in the Federal Register”;*

9 *(C) by striking “180” and inserting “120”;*

10 *and*

11 *(D) by striking “the special permit” each*
12 *place it appears and inserting “a special permit*
13 *or approval”;* and

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

15 *“(g) DISCLOSURE OF FINAL ACTION.—The Secretary*
16 *shall periodically, but at least every 120 days—*

17 *“(1) publish in the Federal Register notice of the*
18 *final disposition of each application for a new special*
19 *permit, modification to an existing special permit, or*
20 *approval during the preceding quarter; and*

21 *“(2) make available to the public on the Depart-*
22 *ment of Transportation’s Internet Web site notice of*
23 *the final disposition of any other special permit dur-*
24 *ing the preceding quarter.”.*

1 **SEC. 7007. GAO STUDY ON ACCEPTANCE OF CLASSIFICA-**
2 **TION EXAMINATIONS.**

3 (a) *IN GENERAL.*—Not later than 120 days after the
4 date of enactment of this Act, the Comptroller General of
5 the United States shall evaluate and transmit to the Sec-
6 retary, the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives, and the Committee
8 on Commerce, Science, and Transportation of the Senate,
9 a report on the standards, metrics, and protocols that the
10 Secretary uses to regulate the performance of persons ap-
11 proved to recommend hazard classifications pursuant to sec-
12 tion 173.56(b) of title, 49, Code of Federal Regulations
13 (commonly referred to as “third-party labs”).

14 (b) *EVALUATION.*—The evaluation required under sub-
15 section (a) shall—

16 (1) *identify what standards and protocols are*
17 *used to approve such persons, assess the adequacy of*
18 *such standards and protocols to ensure that persons*
19 *seeking approval are qualified and capable of per-*
20 *forming classifications, and make recommendations to*
21 *address any deficiencies identified;*

22 (2) *assess the adequacy of the Secretary’s over-*
23 *sight of persons approved to perform the classifica-*
24 *tions, including the qualification of individuals en-*
25 *gaged in the oversight of approved persons, and make*

1 *recommendations to enhance oversight sufficiently to*
2 *ensure that classifications are issued as required;*

3 *(3) identify what standards and protocols exist*
4 *to rescind, suspend, or deny approval of persons who*
5 *perform such classifications, assess the adequacy of*
6 *such standards and protocols, and make recommenda-*
7 *tions to enhance such standards and protocols if nec-*
8 *essary; and*

9 *(4) include annual data for fiscal years 2005*
10 *through 2015 on the number of applications received*
11 *for new classifications pursuant to section 173.56(b)*
12 *of title 49, Code of Federal Regulations, of those ap-*
13 *plications how many classifications recommended by*
14 *persons approved by the Secretary were changed to*
15 *another classification and the reasons for the change,*
16 *and how many hazardous materials incidents have*
17 *been attributed to a classification recommended by*
18 *such approved persons in the United States.*

19 *(c) ACTION PLAN.—Not later than 120 days after re-*
20 *ceiving the report required under subsection (a), the Sec-*
21 *retary shall make available to the public a plan describing*
22 *any actions the Secretary will take to establish standards,*
23 *metrics, and protocols based on the findings and rec-*
24 *ommendations in the report to ensure that persons approved*
25 *to perform classification examinations required under sec-*

1 *tion 173.56(b) of title 49, Code of Federal Regulations, can*
2 *sufficiently perform such examinations in a manner that*
3 *meets the hazardous materials regulations.*

4 *(d) REGULATIONS.—If the report required under sub-*
5 *section (a) recommends new regulations in order for the*
6 *Secretary to have confidence in the accuracy of classifica-*
7 *tion recommendations rendered by persons approved to per-*
8 *form classification examinations required under section*
9 *173.56(b) of title 49, Code of Federal Regulations, the Sec-*
10 *retary shall issue such regulations not later than 24 months*
11 *after the date of enactment of this Act.*

12 **SEC. 7008. IMPROVING THE EFFECTIVENESS OF PLANNING**
13 **AND TRAINING GRANTS.**

14 *(a) PLANNING AND TRAINING GRANTS.—Section 5116*
15 *of title 49, United States Code, is amended—*

16 *(1) by redesignating subsections (c) through (k)*
17 *as subsections (b) through (j), respectively,*

18 *(2) by striking subsection (b); and*

19 *(3) by striking subsection (a) and inserting the*
20 *following:*

21 *“(a) PLANNING AND TRAINING GRANTS.—(1) The Sec-*
22 *retary shall make grants to States and Indian tribes—*

23 *“(A) to develop, improve, and carry out emer-*
24 *gency plans under the Emergency Planning and*
25 *Community Right-To-Know Act of 1986 (42 U.S.C.*

1 11001 et seq.), including ascertaining flow patterns of
2 hazardous material on lands under the jurisdiction of
3 a State or Indian tribe, and between lands under the
4 jurisdiction of a State or Indian tribe and lands of
5 another State or Indian tribe;

6 “(B) to decide on the need for regional hazardous
7 material emergency response teams; and

8 “(C) to train public sector employees to respond
9 to accidents and incidents involving hazardous mate-
10 rial.

11 “(2) To the extent that a grant is used to train emer-
12 gency responders under paragraph (1)(C), the State or In-
13 dian tribe shall provide written certification to the Sec-
14 retary that the emergency responders who receive training
15 under the grant will have the ability to protect nearby per-
16 sons, property, and the environment from the effects of acci-
17 dents or incidents involving the transportation of hazardous
18 material in accordance with existing regulations or Na-
19 tional Fire Protection Association standards for competence
20 of responders to accidents and incidents involving haz-
21 ardous materials.

22 “(3) The Secretary may make a grant to a State or
23 Indian tribe under paragraph (1) of this subsection only
24 if—

1 “(A) the State or Indian tribe certifies that the
2 total amount the State or Indian tribe expends (ex-
3 cept amounts of the Federal Government) for the pur-
4 pose of the grant will at least equal the average level
5 of expenditure for the last 5 years; and

6 “(B) any emergency response training provided
7 under the grant shall consist of—

8 “(i) a course developed or identified under
9 section 5115 of this title; or

10 “(ii) any other course the Secretary deter-
11 mines is consistent with the objectives of this sec-
12 tion.

13 “(4) A State or Indian tribe receiving a grant under
14 this subsection shall ensure that planning and emergency
15 response training under the grant is coordinated with adja-
16 cent States and Indian tribes.

17 “(5) A training grant under paragraph (1)(C) may
18 be used—

19 “(A) to pay—

20 “(i) the tuition costs of public sector em-
21 ployees being trained;

22 “(ii) travel expenses of those employees to
23 and from the training facility;

24 “(iii) room and board of those employees
25 when at the training facility; and

1 “(iv) travel expenses of individuals pro-
2 viding the training;

3 “(B) by the State, political subdivision, or In-
4 dian tribe to provide the training; and

5 “(C) to make an agreement with a person (in-
6 cluding an authority of a State, a political subdivi-
7 sion of a State or Indian tribe, or a local jurisdic-
8 tion), subject to approval by the Secretary, to provide
9 the training—

10 “(i) if the agreement allows the Secretary
11 and the State or Indian tribe to conduct random
12 examinations, inspections, and audits of the
13 training without prior notice;

14 “(ii) the person agrees to have an auditable
15 accounting system; and

16 “(iii) if the State or Indian tribe conducts
17 at least one on-site observation of the training
18 each year.

19 “(6) The Secretary shall allocate amounts made avail-
20 able for grants under this subsection among eligible States
21 and Indian tribes based on the needs of the States and In-
22 dian tribes for emergency response training. In making a
23 decision about those needs, the Secretary shall consider—

1 “(A) the number of hazardous material facilities
2 in the State or on land under the jurisdiction of the
3 Indian tribe;

4 “(B) the types and amounts of hazardous mate-
5 rial transported in the State or on such land;

6 “(C) whether the State or Indian tribe imposes
7 and collects a fee on transporting hazardous material;

8 “(D) whether such fee is used only to carry out
9 a purpose related to transporting hazardous material;

10 “(E) the past record of the State or Indian tribe
11 in effectively managing planning and training
12 grants; and

13 “(F) any other factors the Secretary determines
14 are appropriate to carry out this subsection.”.

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

16 (1) Section 5108(g) of title 49, United States
17 Code, is amended by striking “5116(i)” each place it
18 appears and inserting “5116(h)”.

19 (2) Section 5116 of such title is amended—

20 (A) in subsection (d), as redesignated by
21 this section, by striking “subsections (a)(2)(A)
22 and (b)(2)(A)” and inserting “subsection
23 (a)(3)(A)”;

24 (B) in subsection (h), as redesignated by
25 this section—

1 (i) in paragraph (1) by inserting “and
2 section 5107(e)” after “section”;

3 (ii) in paragraph (2) by striking “(f)”
4 and inserting “(e)”; and

5 (iii) in paragraph (4) by striking
6 “5108(g)(2) and 5115” and inserting
7 “5107(e) and 5108(g)(2)”;

8 (C) in subsection (i), as redesignated by this
9 section, by striking “subsection (b)” and insert-
10 ing “subsection (a)”; and

11 (D) in subsection (j), as redesignated by
12 this section—

13 (i) by striking “planning grants allo-
14 cated under subsection (a), training grants
15 under subsection (b), and grants under sub-
16 section (j)” and inserting “planning and
17 training grants under subsection (a) and
18 grants under subsection (i)”; and

19 (ii) by redesignating subparagraphs
20 (A) through (D) as paragraphs (1) through
21 (4), respectively.

22 (c) *ENFORCEMENT PERSONNEL*.—Section 5107(e) of
23 title 49, United States Code, is amended by inserting “,
24 State and local personnel responsible for enforcing the safe

1 *transportation of hazardous materials, or both” after*
2 *“hazmat employees” each place it appears.*

3 **SEC. 7009. MOTOR CARRIER SAFETY PERMITS.**

4 *Section 5109(h) of title 49, United States Code, is*
5 *amended to read as follows:*

6 *“(h) LIMITATION ON DENIAL.—The Secretary may not*
7 *deny a non-temporary permit held by a motor carrier pur-*
8 *suant to this section based on a comprehensive review of*
9 *that carrier triggered by safety management system scores*
10 *or out-of-service disqualification standards, unless—*

11 *“(1) the carrier has the opportunity, prior to the*
12 *denial of such permit, to submit a written description*
13 *of corrective actions taken and other documentation*
14 *the carrier wishes the Secretary to consider, including*
15 *a corrective action plan; and*

16 *“(2) the Secretary determines the actions or plan*
17 *is insufficient to address the safety concerns identified*
18 *during the course of the comprehensive review.”.*

19 **SEC. 7010. THERMAL BLANKETS.**

20 *(a) REQUIREMENTS.—Not later than 180 days after*
21 *the date of enactment of this Act, the Secretary shall issue*
22 *such regulations as are necessary to require that each tank*
23 *car built to meet the DOT–117 specification and each non-*
24 *jacketed tank car modified to meet the DOT–117R specifica-*
25 *tion be equipped with an insulating blanket with at least*

1 *1/2-inch-thick material that has been approved by the Sec-*
2 *retary pursuant to section 179.18(c) of title 49, Code of Fed-*
3 *eral Regulations.*

4 (b) *SAVINGS CLAUSE.—Nothing in this section shall*
5 *prohibit the Secretary from approving new or alternative*
6 *technologies or materials as they become available that pro-*
7 *vide a level of safety at least equivalent to the level of safety*
8 *provided for under subsection (a).*

9 **SEC. 7011. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

10 (a) *IN GENERAL.—Chapter 51 of title 49, United*
11 *States Code, is amended by inserting after section 5110 the*
12 *following:*

13 **“§5111. Comprehensive oil spill response plans**

14 “(a) *REQUIREMENTS.—Not later than 120 days after*
15 *the date of enactment of this section, the Secretary shall*
16 *issue such regulations as are necessary to require any rail-*
17 *road carrier transporting a Class 3 flammable liquid to*
18 *maintain a comprehensive oil spill response plan.*

19 “(b) *CONTENTS.—The regulations under subsection (a)*
20 *shall require each railroad carrier described in that sub-*
21 *section to—*

22 “(1) *include in the comprehensive oil spill re-*
23 *sponse plan procedures and resources, including*
24 *equipment, for responding, to the maximum extent*
25 *practicable, to a worst-case discharge;*

1 “(2) ensure that the comprehensive oil spill re-
2 sponse plan is consistent with the National Contingency
3 Plan and each applicable Area Contingency
4 Plan;

5 “(3) include in the comprehensive oil spill re-
6 sponse plan appropriate notification and training
7 procedures and procedures for coordinating with Fed-
8 eral, State, and local emergency responders;

9 “(4) review and update its comprehensive oil
10 spill response plan as appropriate; and

11 “(5) provide the comprehensive oil spill response
12 plan for acceptance by the Secretary.

13 “(c) SAVINGS CLAUSE.—Nothing in the section may
14 be construed to prohibit the Secretary from promulgating
15 differing comprehensive oil response plan standards for
16 Class I railroads, Class II railroads, and Class III rail-
17 roads.

18 “(d) RESPONSE PLANS.—The Secretary shall—

19 “(1) maintain on file a copy of the most recent
20 comprehensive oil spill response plans prepared by a
21 railroad carrier transporting a Class 3 flammable liq-
22 uid; and

23 “(2) provide to a person, upon written request,
24 a copy of the plan, which may exclude, as the Sec-
25 retary determines appropriate—

1 “(A) proprietary information;

2 “(B) security-sensitive information, includ-
3 ing information described in section 1520.5(a) of
4 title 49, Code of Federal Regulations;

5 “(C) specific response resources and tactical
6 resource deployment plans; and

7 “(D) the specific amount and location of
8 worst-case discharges, including the process by
9 which a railroad carrier determines the worst-
10 case discharge.

11 “(e) RELATIONSHIP TO FOIA.—Nothing in this sec-
12 tion may be construed to require disclose of information or
13 records that are exempt from disclosure under section 552
14 of title 5.

15 “(f) DEFINITIONS.—

16 “(1) AREA CONTINGENCY PLAN.—The term ‘Area
17 Contingency Plan’ has the meaning given the term in
18 section 311(a) of the Federal Water Pollution Control
19 Act (33 U.S.C. 1321(a)).

20 “(2) CLASS 3 FLAMMABLE LIQUID.—The term
21 ‘Class 3 flammable liquid’ has the meaning given the
22 term flammable liquid in section 173.120 of title 49,
23 Code of Federal Regulations.

24 “(3) CLASS I RAILROAD; CLASS II RAILROAD;
25 AND CLASS III RAILROAD.—The terms ‘Class I rail-

1 *road*, ‘*Class II railroad*’, and ‘*Class III railroad*’
2 *have the meaning given those terms in section 20102.*

3 “(4) *NATIONAL CONTINGENCY PLAN*.—*The term*
4 ‘*National Contingency Plan*’ *has the meaning given*
5 *the term in section 1001 of the Oil Pollution Act of*
6 *1990 (33 U.S.C. 2701).*

7 “(5) *RAILROAD CARRIER*.—*The term ‘railroad*
8 *carrier’ has the meaning given the term in section*
9 *20102.*

10 “(6) *WORST-CASE DISCHARGE*.—*The term*
11 ‘*worst-case discharge*’ *means the largest foreseeable*
12 *discharge of oil in the event of an accident or inci-*
13 *dent, as determined by each railroad carrier in ac-*
14 *cordance with regulations issued under this section.”.*

15 (b) *CLERICAL AMENDMENT*.—*The analysis for chapter*
16 *51 of title 49, United States Code, is amended by inserting*
17 *after the item relating to section 5110 the following:*

 “*5111. Comprehensive oil spill response plans.*”.

18 **SEC. 7012. INFORMATION ON HIGH-HAZARD FLAMMABLE**
19 **TRAINS.**

20 (a) *INFORMATION ON HIGH-HAZARD FLAMMABLE*
21 *TRAINS*.—*Not later than 90 days after the date of enact-*
22 *ment of this Act, the Secretary shall issue regulations to*
23 *require each applicable railroad carrier to provide informa-*
24 *tion on high-hazard flammable trains to State emergency*
25 *response commissions consistent with Emergency Order*

1 *Docket No. DOT–OST–2014–0067, and include appro-*
2 *priate protections from public release of proprietary infor-*
3 *mation and security-sensitive information, including infor-*
4 *mation described in section 1520.5(a) of title 49, Code of*
5 *Federal Regulations.*

6 (b) *HIGH-HAZARD FLAMMABLE TRAIN.*—*The term*
7 *“high-hazard flammable train” means a single train trans-*
8 *porting 20 or more tank cars loaded with a Class 3 flam-*
9 *mable liquid, as such term is defined in section 173.120*
10 *of title 49, Code of Federal Regulations, in a continuous*
11 *block or a single train transporting 35 or more tank cars*
12 *loaded with a Class 3 flammable liquid throughout the train*
13 *consist.*

14 **SEC. 7013. STUDY AND TESTING OF ELECTRONICALLY CON-**
15 **TROLLED PNEUMATIC BRAKES.**

16 (a) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY.*—

17 (1) *IN GENERAL.*—*The Comptroller General of*
18 *the United States shall conduct an independent eval-*
19 *uation of ECP brake systems, pilot program data,*
20 *and the Department’s research and analysis on the*
21 *costs, benefits, and effects of ECP brake systems.*

22 (2) *STUDY ELEMENTS.*—*In completing the inde-*
23 *pendent evaluation under paragraph (1), the Comp-*
24 *troller General of the United States shall examine the*
25 *following issues related to ECP brake systems:*

1 (A) *Data and modeling results on safety*
2 *benefits relative to conventional brakes and to*
3 *other braking technologies or systems, such as*
4 *distributed power and 2-way end-of-train de-*
5 *vices.*

6 (B) *Data and modeling results on business*
7 *benefits, including the effects of dynamic brak-*
8 *ing.*

9 (C) *Data on costs, including up-front cap-*
10 *ital costs and on-going maintenance costs.*

11 (D) *Analysis of potential operational bene-*
12 *fits and challenges, including the effects of poten-*
13 *tial locomotive and car segregation, technical re-*
14 *liability issues, and network disruptions.*

15 (E) *Analysis of potential implementation*
16 *challenges, including installation time, positive*
17 *train control integration complexities, compo-*
18 *nent availability issues, and tank car shop capa-*
19 *bilities.*

20 (F) *Analysis of international experiences*
21 *with the use of advanced braking technologies.*

22 (3) *REPORT.—Not later than 18 months after the*
23 *date of enactment of this Act, the Comptroller General*
24 *of the United States shall transmit to the Committee*
25 *on Transportation and Infrastructure of the House of*

1 *Representatives and the Committee on Commerce,*
2 *Science, and Transportation of the Senate a report on*
3 *the results of the independent evaluation under para-*
4 *graph (1).*

5 *(b) EMERGENCY BRAKING APPLICATION TESTING.—*

6 *(1) IN GENERAL.—The Secretary shall enter into*
7 *an agreement with the National Academy of Sciences*
8 *to—*

9 *(A) complete testing of ECP brake systems*
10 *during emergency braking application, including*
11 *more than 1 scenario involving the uncoupling of*
12 *a train with 70 or more DOT–117-specification*
13 *or DOT–117R-specification tank cars; and*

14 *(B) transmit, not later than 18 months*
15 *after the date of enactment of this Act, to the*
16 *Committee on Transportation and Infrastructure*
17 *of the House of Representatives and the Com-*
18 *mittee on Commerce, Science, and Transpor-*
19 *tation of the Senate a report on the results of the*
20 *testing.*

21 *(2) INDEPENDENT EXPERTS.—In completing the*
22 *testing under paragraph (1)(A), the National Acad-*
23 *emy of Sciences may contract with 1 or more engi-*
24 *neering or rail experts, as appropriate, that—*

1 (A) are not railroad carriers, entities fund-
2 ed by such carriers, or entities directly impacted
3 by the final rule issued on May 8, 2015, entitled
4 “Enhanced Tank Car Standards and Oper-
5 ational Controls for High-Hazard Flammable
6 Trains” (80 Fed. Reg. 26643); and

7 (B) have relevant experience in conducting
8 railroad safety technology tests or similar crash
9 tests.

10 (3) *TESTING FRAMEWORK.*—In completing the
11 testing under paragraph (1), the National Academy of
12 Sciences and each contractor described in paragraph
13 (2) shall ensure that the testing objectively, accu-
14 rately, and reliably measures the performance of ECP
15 brake systems relative to other braking technologies or
16 systems, such as distributed power and 2-way end-of-
17 train devices, including differences in—

18 (A) the number of cars derailed;

19 (B) the number of cars punctured;

20 (C) the measures of in-train forces; and

21 (D) the stopping distance.

22 (4) *FUNDING.*—The Secretary shall provide
23 funding, as part of the agreement under paragraph
24 (1), to the National Academy of Sciences for the test-
25 ing required under this section—

1 (A) using sums made available to carry out
2 sections 20108 and 5118 of title 49, United
3 States Code; and

4 (B) to the extent funding under subpara-
5 graph (A) is insufficient or unavailable to fund
6 the testing required under this section, using
7 such sums as are necessary from the amounts
8 appropriated to the Secretary, the Federal Rail-
9 road Administration, or the Pipeline and Haz-
10 ardous Materials Safety Administration, or a
11 combination thereof.

12 (5) *EQUIPMENT.*—The National Academy of
13 Sciences and each contractor described in paragraph
14 (2) may receive or use rolling stock, track, and other
15 equipment or infrastructure from a private entity for
16 the purposes of conducting the testing required under
17 this section.

18 (c) *EVIDENCE-BASED APPROACH.*—

19 (1) *ANALYSIS.*—The Secretary shall—

20 (A) not later than 90 days after the report
21 date, fully incorporate and update the regulatory
22 impact analysis of the final rule described in
23 subsection (b)(2)(A) of the costs, benefits, and ef-
24 fects of the applicable ECP brake system require-
25 ments;

1 (B) as soon as practicable after completion
2 of the updated analysis under subparagraph (A),
3 solicit public comment on the analysis for a pe-
4 riod of not more than 30 days; and

5 (C) not later than 60 days after the end of
6 the public comment period under subparagraph
7 (B), post the final updated regulatory impact
8 analysis on the Department of Transportation's
9 Internet Web site.

10 (2) *DETERMINATION.*—Not later than 180 days
11 after the report date, the Secretary shall—

12 (A) determine, based on whether the final
13 regulatory impact analysis described in para-
14 graph (1)(C) demonstrates that the benefits, in-
15 cluding safety benefits, of the applicable ECP
16 brake system requirements exceed the costs of
17 such requirements, whether the applicable ECP
18 brake system requirements are justified;

19 (B) if the applicable ECP brake system re-
20 quirements are justified, publish in the Federal
21 Register the determination and reasons for such
22 determination; and

23 (C) if the Secretary does not publish the de-
24 termination under subparagraph (B), repeal the
25 applicable ECP brake system requirements.

1 (3) *SAVINGS CLAUSE.*—*Nothing in this section*
2 *shall be construed to prohibit the Secretary from im-*
3 *plementing the final rule described under subsection*
4 *(b)(2)(A) prior to the determination required under*
5 *subsection (c)(2) of this section, or require the Sec-*
6 *retary to promulgate a new rulemaking on the provi-*
7 *sions of such final rule, other than the applicable*
8 *ECP brake system requirements, if the Secretary de-*
9 *termines that the applicable ECP brake system re-*
10 *quirements are not justified pursuant to this sub-*
11 *section.*

12 (d) *DEFINITIONS.*—*In this section, the following defi-*
13 *initions apply:*

14 (1) *APPLICABLE ECP BRAKE SYSTEM REQUIRE-*
15 *MENTS.*—*The term “applicable ECP brake system re-*
16 *quirements” means sections 174.310(a)(3)(ii),*
17 *174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–12(g),*
18 *and 179.202–13(i) of title 49, Code of Federal Regula-*
19 *tions, and any other regulation in effect on the date*
20 *of enactment of this Act requiring the installation of*
21 *ECP brakes or operation in ECP brake mode.*

22 (2) *CLASS 3 FLAMMABLE LIQUID.*—*The term*
23 *“Class 3 flammable liquid” has the meaning given the*
24 *term flammable liquid in section 173.120(a) of title*
25 *49, Code of Federal Regulations.*

1 (3) *ECP*.—The term “*ECP*” means electroni-
2 cally controlled pneumatic when applied to a brake or
3 brakes.

4 (4) *ECP BRAKE MODE*.—The term “*ECP brake*
5 *mode*” includes any operation of a rail car or an en-
6 tire train using an *ECP* brake system.

7 (5) *ECP BRAKE SYSTEM*.—

8 (A) *IN GENERAL*.—The term “*ECP brake*
9 *system*” means a train power braking system ac-
10 tuated by compressed air and controlled by elec-
11 tronic signals from the locomotive or an *ECP*-
12 *EOT* to the cars in the consist for service and
13 emergency applications in which the brake pipe
14 is used to provide a constant supply of com-
15 pressed air to the reservoirs on each car but does
16 not convey braking signals to the car.

17 (B) *INCLUSIONS*.—The term “*ECP brake*
18 *system*” includes dual mode and stand-alone
19 *ECP* brake systems.

20 (6) *RAILROAD CARRIER*.—The term “*railroad*
21 *carrier*” has the meaning given the term in section
22 20102 of title 49, United States Code.

23 (7) *REPORT DATE*.—The term “*report date*”
24 means the date that the reports under subsections

1 *(a)(3) and (b)(1)(B) are required to be transmitted*
2 *pursuant to those subsections.*

3 **SEC. 7014. ENSURING SAFE IMPLEMENTATION OF POSITIVE**
4 **TRAIN CONTROL SYSTEMS.**

5 *(a) SHORT TITLE.—This section may be cited as the*
6 *“Positive Train Control Enforcement and Implementation*
7 *Act of 2015”.*

8 *(b) IN GENERAL.—Section 20157 of title 49, United*
9 *States Code, is amended—*

10 *(1) in subsection (a)(1)—*

11 *(A) by striking “18 months after the date of*
12 *enactment of the Rail Safety Improvement Act of*
13 *2008” and inserting “90 days after the date of*
14 *enactment of the Positive Train Control Enforce-*
15 *ment and Implementation Act of 2015”;*

16 *(B) by striking “develop and”;*

17 *(C) by striking “a plan for implementing”*
18 *and inserting “a revised plan for imple-*
19 *menting”;*

20 *(D) by striking “December 31, 2015” and*
21 *inserting “December 31, 2018”; and*

22 *(E) in subparagraph (B) by striking*
23 *“parts” and inserting “sections”;*

24 *(2) by striking subsection (a)(2) and inserting*
25 *the following:*

1 “(2) *IMPLEMENTATION.*—

2 “(A) *CONTENTS OF REVISED PLAN.*—A re-
3 vised plan required under paragraph (1) shall—

4 “(i) describe—

5 “(I) how the positive train control
6 system will provide for interoperability
7 of the system with the movements of
8 trains of other railroad carriers over
9 its lines; and

10 “(II) how, to the extent practical,
11 the positive train control system will
12 be implemented in a manner that ad-
13 dresses areas of greater risk before
14 areas of lesser risk;

15 “(ii) comply with the positive train
16 control system implementation plan content
17 requirements under section 236.1011 of title
18 49, Code of Federal Regulations; and

19 “(iii) provide—

20 “(I) the calendar year or years in
21 which spectrum will be acquired and
22 will be available for use in each area
23 as needed for positive train control sys-
24 tem implementation, if such spectrum

1 *is not already acquired and available*
2 *for use;*

3 *“(II) the total amount of positive*
4 *train control system hardware that*
5 *will be installed for implementation,*
6 *with totals separated by each major*
7 *hardware category;*

8 *“(III) the total amount of positive*
9 *train control system hardware that*
10 *will be installed by the end of each cal-*
11 *endar year until the positive train con-*
12 *trol system is implemented, with totals*
13 *separated by each hardware category;*

14 *“(IV) the total number of employ-*
15 *ees required to receive training under*
16 *the applicable positive train control*
17 *system regulations;*

18 *“(V) the total number of employ-*
19 *ees that will receive the training, as re-*
20 *quired under the applicable positive*
21 *train control system regulations, by the*
22 *end of each calendar year until the*
23 *positive train control system is imple-*
24 *mented;*

1 “(VI) a summary of any remain-
2 ing technical, programmatic, oper-
3 ational, or other challenges to the im-
4 plementation of a positive train control
5 system, including challenges with—

6 “(aa) availability of public
7 funding;

8 “(bb) interoperability;

9 “(cc) spectrum;

10 “(dd) software;

11 “(ee) permitting; and

12 “(ff) testing, demonstration,
13 and certification; and

14 “(VII) a schedule and sequence for
15 implementing a positive train control
16 system by the deadline established
17 under paragraph (1).

18 “(B) *ALTERNATIVE SCHEDULE AND SE-*
19 *QUENCE.—Notwithstanding the implementation*
20 *deadline under paragraph (1) and in lieu of a*
21 *schedule and sequence under paragraph*
22 *(2)(A)(iii)(VII), a railroad carrier or other enti-*
23 *ty subject to paragraph (1) may include in its*
24 *revised plan an alternative schedule and se-*
25 *quence for implementing a positive train control*

1 *system, subject to review under paragraph (3).*
2 *Such schedule and sequence shall provide for im-*
3 *plementation of a positive train control system*
4 *as soon as practicable, but not later than the*
5 *date that is 24 months after the implementation*
6 *deadline under paragraph (1).*

7 “(C) *AMENDMENTS.*—*A railroad carrier or*
8 *other entity subject to paragraph (1) may file a*
9 *request to amend a revised plan, including any*
10 *alternative schedule and sequence, as applicable,*
11 *in accordance with section 236.1021 of title 49,*
12 *Code of Federal Regulations.*

13 “(D) *COMPLIANCE.*—*A railroad carrier or*
14 *other entity subject to paragraph (1) shall imple-*
15 *ment a positive train control system in accord-*
16 *ance with its revised plan, including any*
17 *amendments or any alternative schedule and se-*
18 *quence approved by the Secretary under para-*
19 *graph (3).*

20 “(3) *SECRETARIAL REVIEW.*—

21 “(A) *NOTIFICATION.*—*A railroad carrier or*
22 *other entity that submits a revised plan under*
23 *paragraph (1) and proposes an alternative*
24 *schedule and sequence under paragraph (2)(B)*
25 *shall submit to the Secretary a written notifica-*

1 *tion when such railroad carrier or other entity*
2 *is prepared for review under subparagraph (B).*

3 *“(B) CRITERIA.—Not later than 90 days*
4 *after a railroad carrier or other entity submits*
5 *a notification under subparagraph (A), the Sec-*
6 *retary shall review the alternative schedule and*
7 *sequence submitted pursuant to paragraph*
8 *(2)(B) and determine whether the railroad car-*
9 *rier or other entity has demonstrated, to the sat-*
10 *isfaction of the Secretary, that such carrier or*
11 *entity has—*

12 *“(i) installed all positive train control*
13 *system hardware consistent with the plan*
14 *contents provided pursuant to paragraph*
15 *(2)(A)(iii)(II) on or before the implementa-*
16 *tion deadline under paragraph (1);*

17 *“(ii) acquired all spectrum necessary*
18 *for implementation of a positive train con-*
19 *trol system, consistent with the plan con-*
20 *tents provided pursuant to paragraph*
21 *(2)(A)(iii)(I) on or before the implementa-*
22 *tion deadline under paragraph (1);*

23 *“(iii) completed employee training re-*
24 *quired under the applicable positive train*
25 *control system regulations;*

1 “(iv) included in its revised plan an
2 alternative schedule and sequence for imple-
3 menting a positive train control system as
4 soon as practicable, pursuant to paragraph
5 (2)(B);

6 “(v) certified to the Secretary in writ-
7 ing that it will be in full compliance with
8 the requirements of this section on or before
9 the date provided in an alternative schedule
10 and sequence, subject to approval by the
11 Secretary;

12 “(vi) in the case of a Class I railroad
13 carrier and Amtrak, implemented a positive
14 train control system or initiated revenue
15 service demonstration on the majority of
16 territories, such as subdivisions or districts,
17 or route miles that are owned or controlled
18 by such carrier and required to have oper-
19 ations governed by a positive train control
20 system; and

21 “(vii) in the case of any other railroad
22 carrier or other entity not subject to clause
23 (vi)—

24 “(I) initiated revenue service dem-
25 onstration on at least 1 territory that

1 *is required to have operations governed*
2 *by a positive train control system; or*

3 *“(II) met any other criteria estab-*
4 *lished by the Secretary.*

5 *“(C) DECISION.—*

6 *“(i) IN GENERAL.—Not later than 90*
7 *days after the receipt of the notification*
8 *from a railroad carrier or other entity*
9 *under subparagraph (A), the Secretary*
10 *shall—*

11 *“(I) approve an alternative sched-*
12 *ule and sequence submitted pursuant*
13 *to paragraph (2)(B) if the railroad*
14 *carrier or other entity meets the cri-*
15 *teria in subparagraph (B); and*

16 *“(II) notify in writing the rail-*
17 *road carrier or other entity of the deci-*
18 *sion.*

19 *“(ii) DEFICIENCIES.—Not later than*
20 *45 days after the receipt of the notification*
21 *under subparagraph (A), the Secretary shall*
22 *provide to the railroad carrier or other enti-*
23 *ty a written notification of any deficiencies*
24 *that would prevent approval under clause*
25 *(i) and provide the railroad carrier or other*

1 *entity an opportunity to correct deficiencies*
2 *before the date specified in such clause.*

3 *“(D) REVISED DEADLINES.—*

4 *“(i) PENDING REVIEWS.—For a rail-*
5 *road carrier or other entity that submits a*
6 *notification under subparagraph (A), the*
7 *deadline for implementation of a positive*
8 *train control system required under para-*
9 *graph (1) shall be extended until the date*
10 *on which the Secretary approves or dis-*
11 *approves the alternative schedule and se-*
12 *quence, if such date is later than the imple-*
13 *mentation date under paragraph (1).*

14 *“(ii) ALTERNATIVE SCHEDULE AND SE-*
15 *QUENCE DEADLINE.—If the Secretary ap-*
16 *proves a railroad carrier or other entity’s*
17 *alternative schedule and sequence under*
18 *subparagraph (C)(i), the railroad carrier or*
19 *other entity’s deadline for implementation*
20 *of a positive train control system required*
21 *under paragraph (1) shall be the date speci-*
22 *fied in that railroad carrier or other enti-*
23 *ty’s alternative schedule and sequence. The*
24 *Secretary may not approve a date for im-*

1 *plementation that is later than 24 months*
2 *from the deadline in paragraph (1).”;*

3 *(3) by striking subsections (c), (d), and (e) and*
4 *inserting the following:*

5 *“(c) PROGRESS REPORTS AND REVIEW.—*

6 *“(1) PROGRESS REPORTS.—Each railroad car-*
7 *rier or other entity subject to subsection (a) shall, not*
8 *later than March 31, 2016, and annually thereafter*
9 *until such carrier or entity has completed implemen-*
10 *tation of a positive train control system, submit to*
11 *the Secretary a report on the progress toward imple-*
12 *menting such systems, including—*

13 *“(A) the information on spectrum acquisi-*
14 *tion provided pursuant to subsection*
15 *(a)(2)(A)(iii)(I);*

16 *“(B) the totals provided pursuant to sub-*
17 *clauses (III) and (V) of subsection (a)(2)(A)(iii),*
18 *by territory, if applicable;*

19 *“(C) the extent to which the railroad carrier*
20 *or other entity is complying with the implemen-*
21 *tation schedule under subsection*
22 *(a)(2)(A)(iii)(VII) or subsection (a)(2)(B);*

23 *“(D) any update to the information pro-*
24 *vided under subsection (a)(2)(A)(iii)(VI);*

1 “(E) for each entity providing regularly
2 scheduled intercity or commuter rail passenger
3 transportation, a description of the resources
4 identified and allocated to implement a positive
5 train control system;

6 “(F) for each railroad carrier or other enti-
7 ty subject to subsection (a), the total number of
8 route miles on which a positive train control sys-
9 tem has been initiated for revenue service dem-
10 onstration or implemented, as compared to the
11 total number of route miles required to have a
12 positive train control system under subsection
13 (a); and

14 “(G) any other information requested by the
15 Secretary.

16 “(2) *PLAN REVIEW.*—The Secretary shall at least
17 annually conduct reviews to ensure that railroad car-
18 riers or other entities are complying with the revised
19 plan submitted under subsection (a), including any
20 amendments or any alternative schedule and sequence
21 approved by the Secretary. Such railroad carriers or
22 other entities shall provide such information as the
23 Secretary determines necessary to adequately conduct
24 such reviews.

1 “(3) *PUBLIC AVAILABILITY.*—Not later than 60
2 days after receipt, the Secretary shall make available
3 to the public on the Internet Web site of the Depart-
4 ment of Transportation any report submitted pursu-
5 ant to paragraph (1) or subsection (d), but may ex-
6 clude, as the Secretary determines appropriate—

7 “(A) proprietary information; and

8 “(B) security-sensitive information, includ-
9 ing information described in section 1520.5(a) of
10 title 49, Code of Federal Regulations.

11 “(d) *REPORT TO CONGRESS.*—Not later than July 1,
12 2018, the Secretary shall transmit to the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives and the Committee on Commerce, Science, and
15 Transportation of the Senate a report on the progress of
16 each railroad carrier or other entity subject to subsection
17 (a) in implementing a positive train control system.

18 “(e) *ENFORCEMENT.*—The Secretary is authorized to
19 assess civil penalties pursuant to chapter 213 for—

20 “(1) a violation of this section;

21 “(2) the failure to submit or comply with the re-
22 vised plan required under subsection (a), including
23 the failure to comply with the totals provided pursu-
24 ant to subclauses (III) and (V) of subsection

1 (a)(2)(A)(iii) and the spectrum acquisition dates pro-
2 vided pursuant to subsection (a)(2)(A)(iii)(I);

3 “(3) failure to comply with any amendments to
4 such revised plan pursuant to subsection (a)(2)(C);
5 and

6 “(4) the failure to comply with an alternative
7 schedule and sequence submitted under subsection
8 (a)(2)(B) and approved by the Secretary under sub-
9 section (a)(3)(C).”;

10 (4) in subsection (h)—

11 (A) by striking “The Secretary” and insert-
12 ing the following:

13 “(1) IN GENERAL.—The Secretary”; and

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

15 “(2) PROVISIONAL OPERATION.—Notwith-
16 standing the requirements of paragraph (1), the Sec-
17 retary may authorize a railroad carrier or other enti-
18 ty to commence operation in revenue service of a posi-
19 tive train control system or component to the extent
20 necessary to enable the safe implementation and oper-
21 ation of a positive train control system in phases.”;

22 (5) in subsection (i)—

23 (A) by redesignating paragraphs (1)
24 through (3) as paragraphs (3) through (5), re-
25 spectively; and

1 (B) by inserting before paragraph (3) (as so
2 redesignated) the following:

3 “(1) *EQUIVALENT OR GREATER LEVEL OF SAFE-*
4 *TY.—The term ‘equivalent or greater level of safety’*
5 *means the compliance of a railroad carrier with—*

6 “(A) *appropriate operating rules in place*
7 *immediately prior to the use or implementation*
8 *of such carrier’s positive train control system,*
9 *except that such rules may be changed by such*
10 *carrier to improve safe operations; and*

11 “(B) *all applicable safety regulations, ex-*
12 *cept as specified in subsection (j).*

13 “(2) *HARDWARE.—The term ‘hardware’ means a*
14 *locomotive apparatus, a wayside interface unit (in-*
15 *cluding any associated legacy signal system replace-*
16 *ments), switch position monitors needed for a positive*
17 *train control system, physical back office system*
18 *equipment, a base station radio, a wayside radio, a*
19 *locomotive radio, or a communication tower or pole.”;*
20 *and*

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

22 “(j) *EARLY ADOPTION.—*

23 “(1) *OPERATIONS.—From the date of enactment*
24 *of the Positive Train Control Enforcement and Imple-*
25 *mentation Act of 2015 through the 1-year period be-*

1 *ginning on the date on which the last Class I railroad*
2 *carrier's positive train control system subject to sub-*
3 *section (a) is certified by the Secretary under sub-*
4 *section (h)(1) of this section and is implemented on*
5 *all of that railroad carrier's lines required to have op-*
6 *erations governed by a positive train control system,*
7 *any railroad carrier, including any railroad carrier*
8 *that has its positive train control system certified by*
9 *the Secretary, shall not be subject to the operational*
10 *restrictions set forth in sections 236.567 and 236.1029*
11 *of title 49, Code of Federal Regulations, that would*
12 *apply where a controlling locomotive that is operating*
13 *in, or is to be operated in, a positive train control-*
14 *equipped track segment experiences a positive train*
15 *control system failure, a positive train control oper-*
16 *ated consist is not provided by another railroad car-*
17 *rier when provided in interchange, or a positive train*
18 *control system otherwise fails to initialize, cuts out,*
19 *or malfunctions, provided that such carrier operates*
20 *at an equivalent or greater level of safety than the*
21 *level achieved immediately prior to the use or imple-*
22 *mentation of its positive train control system.*

23 *“(2) SAFETY ASSURANCE.—During the period*
24 *described in paragraph (1), if a positive train control*
25 *system that has been certified and implemented fails*

1 to initialize, cuts out, or malfunctions, the affected
2 railroad carrier or other entity shall make reasonable
3 efforts to determine the cause of the failure and ad-
4 just, repair, or replace any faulty component causing
5 the system failure in a timely manner.

6 “(3) *PLANS.*—The positive train control safety
7 plan for each railroad carrier or other entity shall de-
8 scribe the safety measures, such as operating rules
9 and actions to comply with applicable safety regula-
10 tions, that will be put in place during any system
11 failure.

12 “(4) *NOTIFICATION.*—During the period de-
13 scribed in paragraph (1), if a positive train control
14 system that has been certified and implemented fails
15 to initialize, cuts out, or malfunctions, the affected
16 railroad carrier or other entity shall submit a notifi-
17 cation to the appropriate regional office of the Fed-
18 eral Railroad Administration within 7 days of the
19 system failure, or under alternative location and
20 deadline requirements set by the Secretary, and in-
21 clude in the notification a description of the safety
22 measures the affected railroad carrier or other entity
23 has in place.

24 “(k) *SMALL RAILROADS.*—Not later than 120 days
25 after the date of the enactment of this Act, the Secretary

1 *shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code*
2 *of Federal Regulations (relating to equipping locomotives*
3 *for applicable Class II and Class III railroads operating*
4 *in positive train control territory) to extend each deadline*
5 *under such section by 3 years.*

6 “(l) *REVENUE SERVICE DEMONSTRATION.*—When a
7 railroad carrier or other entity subject to (a)(1) notifies the
8 Secretary it is prepared to initiate revenue service dem-
9 onstration, it shall also notify any applicable tenant rail-
10 road carrier or other entity subject to subsection (a)(1).”.

11 “(c) *CONFORMING AMENDMENT.*—Section 20157(g), is
12 amended—

13 (1) by striking “The Secretary” and inserting
14 the following:

15 “(1) *IN GENERAL.*—The Secretary”; and

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

17 “(2) *CONFORMING REGULATORY AMENDMENTS.*—
18 Immediately after the date of the enactment of the
19 Positive Train Control Enforcement and Implementa-
20 tion Act of 2015, the Secretary—

21 “(A) shall remove or revise the date-specific
22 deadlines in the regulations or orders imple-
23 menting this section to the extent necessary to
24 conform with the amendments made by such Act;
25 and

1 “(B) may not enforce any such date-specific
2 deadlines or requirements that are inconsistent
3 with the amendments made by such Act.

4 “(3) *REVIEW*.—Nothing in the *Positive Train*
5 *Control Enforcement and Implementation Act of*
6 *2015, or the amendments made by such Act, shall be*
7 *construed to require the Secretary to issue regulations*
8 *to implement such Act or amendments other than the*
9 *regulatory amendments required by paragraph (2)*
10 *and subsection (k).”.*

11 **SEC. 7015. PHASE-OUT OF ALL TANK CARS USED TO TRANS-**
12 **PORT CLASS 3 FLAMMABLE LIQUIDS.**

13 (a) *IN GENERAL*.—Except as provided for in sub-
14 section (b), beginning on the date of enactment of this Act,
15 all railroad tank cars used to transport Class 3 flammable
16 liquids shall meet the DOT–117 or DOT–117R specifica-
17 tions in part 179 of title 49, Code of Federal Regulations,
18 regardless of train composition.

19 (b) *PHASE-OUT SCHEDULE*.—Certain tank cars not
20 meeting DOT–117 or DOT–117R specifications on the date
21 of enactment of this Act may be used, regardless of train
22 composition, until the following end-dates:

23 (1) *For transport of unrefined petroleum prod-*
24 *ucts in Class 3 flammable service, including crude*
25 *oil—*

1 (A) *January 1, 2018, for non-jacketed*
2 *DOT-111 tank cars;*

3 (B) *March 1, 2018, for jacketed DOT-111*
4 *tank cars;*

5 (C) *April 1, 2020, for non-jacketed CPC-*
6 *1232 tank cars; and*

7 (D) *May 1, 2025, for jacketed CPC-1232*
8 *tank cars.*

9 (2) *For transport of ethanol—*

10 (A) *May 1, 2023, for non-jacketed and jack-*
11 *eted DOT-111 tank cars;*

12 (B) *July 1, 2023, for non-jacketed CPC-*
13 *1232 tank cars; and*

14 (C) *May 1, 2025, for jacketed CPC-1232*
15 *tank cars.*

16 (3) *For transport of Class 3 flammable liquids*
17 *in Packing Group I, other than Class 3 flammable*
18 *liquids specified in paragraphs (1) and (2), May 1,*
19 *2025.*

20 (4) *For transport of Class 3 flammable liquids*
21 *in Packing Groups II and III, other than Class 3*
22 *flammable liquids specified in paragraphs (1) and*
23 *(2), May 1, 2029.*

24 (c) *RETROFITTING SHOP CAPACITY.—The Secretary*
25 *may extend the deadlines established under paragraphs (3)*

1 *and (4) of subsection (b) for a period not to exceed 2 years*
2 *if the Secretary determines that insufficient retrofitting*
3 *shop capacity will prevent the phase-out of tank cars not*
4 *meeting the DOT–117 or DOT–117R specifications by the*
5 *deadlines set forth in such paragraphs.*

6 (d) *IMPLEMENTATION.—Nothing in this section shall*
7 *be construed to require the Secretary to issue regulations*
8 *to implement this section.*

9 (e) *SAVINGS CLAUSE.—Nothing in this section shall be*
10 *construed to prohibit the Secretary from implementing the*
11 *final rule issued on May 08, 2015, entitled “Enhanced*
12 *Tank Car Standards and Operational Controls for High-*
13 *Hazard Flammable Trains” (80 Fed. Reg. 26643), other*
14 *than the provisions of the final rule that are inconsistent*
15 *with this section.*

16 (f) *CLASS 3 FLAMMABLE LIQUID DEFINED.—In this*
17 *section, the term “Class 3 flammable liquid” has the mean-*
18 *ing given the term flammable liquid in section 173.120(a)*
19 *of title 49, Code of Federal Regulations.*

20 **TITLE VIII—MULTIMODAL**
21 **FREIGHT TRANSPORTATION**

22 **SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.**

23 (a) *IN GENERAL.—Subtitle IX of title 49, United*
24 *States Code, is amended to read as follows:*

1 **“Subtitle IX—Multimodal Freight**
 2 **Transportation**

<i>“Chapter</i>	<i>Sec.</i>
<i>“701. Multimodal freight policy</i>	<i>70101</i>
<i>“702. Multimodal freight transportation planning and information</i>	<i>70201</i>

3 **“CHAPTER 701—MULTIMODAL FREIGHT**
 4 **POLICY**

<i>“Sec.</i>
<i>“70101. National multimodal freight policy.</i>
<i>“70102. National freight strategic plan.</i>
<i>“70103. National Multimodal Freight Network.</i>

5 **“§ 70101. National multimodal freight policy**

6 “(a) *IN GENERAL.—It is the policy of the United*
 7 *States to maintain and improve the condition and perform-*
 8 *ance of the National Multimodal Freight Network estab-*
 9 *lished under section 70103 to ensure that the Network pro-*
 10 *vides a foundation for the United States to compete in the*
 11 *global economy and achieve the goals described in subsection*
 12 *(b).*

13 “(b) *GOALS.—The goals of the national multimodal*
 14 *freight policy are—*

15 “(1) *to identify infrastructure improvements,*
 16 *policies, and operational innovations that—*

17 “(A) *strengthen the contribution of the Na-*
 18 *tional Multimodal Freight Network to the eco-*
 19 *nomics competitiveness of the United States;*

1 “(B) reduce congestion and eliminate bottle-
2 necks on the National Multimodal Freight Net-
3 work; and

4 “(C) increase productivity, particularly for
5 domestic industries and businesses that create
6 high-value jobs;

7 “(2) to improve the safety, security, efficiency,
8 and resiliency of multimodal freight transportation;

9 “(3) to achieve and maintain a state of good re-
10 pair on the National Multimodal Freight Network;

11 “(4) to use innovation and advanced technology
12 to improve the safety, efficiency, and reliability of the
13 National Multimodal Freight Network;

14 “(5) to improve the economic efficiency of the
15 National Multimodal Freight Network;

16 “(6) to improve the short- and long-distance
17 movement of goods that—

18 “(A) travel across rural areas between pop-
19 ulation centers;

20 “(B) travel between rural areas and popu-
21 lation centers; and

22 “(C) travel from the Nation’s ports, air-
23 ports, and gateways to the National Multimodal
24 Freight Network;

1 “(7) to improve the flexibility of States to sup-
2 port multi-State corridor planning and the creation
3 of multi-State organizations to increase the ability of
4 States to address multimodal freight connectivity;
5 and

6 “(8) to reduce the adverse environmental impacts
7 of freight movement on the National Multimodal
8 Freight Network.

9 **“§ 70102. National freight strategic plan**

10 “(a) *IN GENERAL.*—Not later than 2 years after the
11 date of enactment of this section, the Secretary of Transpor-
12 tation shall—

13 “(1) develop a national freight strategic plan in
14 accordance with this section; and

15 “(2) publish the plan on the public Internet Web
16 site of the Department of Transportation.

17 “(b) *CONTENTS.*—The national freight strategic plan
18 shall include—

19 “(1) an assessment of the condition and perform-
20 ance of the National Multimodal Freight Network;

21 “(2) forecasts of freight volumes for the suc-
22 ceeding 5-, 10-, and 20-year periods;

23 “(3) an identification of major trade gateways
24 and national freight corridors that connect major

1 *population centers, trade gateways, and other major*
2 *freight generators;*

3 *“(4) an identification of bottlenecks on the Na-*
4 *tional Multimodal Freight Network that create sig-*
5 *nificant freight congestion, based on a quantitative*
6 *methodology developed by the Secretary, which shall,*
7 *at a minimum, include—*

8 *“(A) information from the Freight Analysis*
9 *Framework of the Federal Highway Administra-*
10 *tion; and*

11 *“(B) to the maximum extent practicable, an*
12 *estimate of the cost of addressing each bottleneck*
13 *and any operational improvements that could be*
14 *implemented;*

15 *“(5) an assessment of statutory, regulatory, tech-*
16 *nological, institutional, financial, and other barriers*
17 *to improved freight transportation performance, and*
18 *a description of opportunities for overcoming the bar-*
19 *riers;*

20 *“(6) an identification of best practices for im-*
21 *proving the performance of the National Multimodal*
22 *Freight Network;*

23 *“(7) a process for addressing multistate projects*
24 *and encouraging jurisdictions to collaborate; and*

1 “(8) *strategies to improve freight intermodal*
2 *connectivity.*

3 “(c) *UPDATES.*—*Not later than 5 years after the date*
4 *of completion of the national freight strategic plan under*
5 *subsection (a), and every 5 years thereafter, the Secretary*
6 *shall update the plan and publish the updated plan on the*
7 *public Internet Web site of the Department of Transpor-*
8 *tation.*

9 “(d) *CONSULTATION.*—*The Secretary shall develop and*
10 *update the national freight strategic plan in consultation*
11 *with State departments of transportation, metropolitan*
12 *planning organizations, and other appropriate public and*
13 *private transportation stakeholders.*

14 **“§ 70103. National Multimodal Freight Network**

15 “(a) *IN GENERAL.*—*Not later than 180 days after the*
16 *date of enactment of this section, the Secretary of Transpor-*
17 *tation shall establish the National Multimodal Freight Net-*
18 *work in accordance with this section—*

19 “(1) *to focus Federal policy on the most strategic*
20 *freight assets; and*

21 “(2) *to assist in strategically directing resources*
22 *and policies toward improved performance of the Na-*
23 *tional Multimodal Freight Network.*

24 “(b) *NETWORK COMPONENTS.*—*The National*
25 *Multimodal Freight Network shall include—*

1 “(1) the National Highway Freight Network, as
2 established under section 167 of title 23;

3 “(2) the freight rail systems of Class I railroads,
4 as designated by the Surface Transportation Board;

5 “(3) the public ports of the United States that
6 have total annual foreign and domestic trade of at
7 least 2,000,000 short tons, as identified by the Water-
8 borne Commerce Statistics Center of the Army Corps
9 of Engineers, using the data from the latest year for
10 which such data is available;

11 “(4) the inland and intracoastal waterways of
12 the United States, as described in section 206 of the
13 Inland Waterways Revenue Act of 1978 (33 U.S.C.
14 1804);

15 “(5) the Great Lakes, the St. Lawrence Seaway,
16 and coastal routes along which domestic freight is
17 transported;

18 “(6) the 50 airports located in the United States
19 with the highest annual landed weight, as identified
20 by the Federal Aviation Administration; and

21 “(7) other strategic freight assets, including stra-
22 tegic intermodal facilities and freight rail lines of
23 Class II and Class III railroads, designated by the
24 Secretary as critical to interstate commerce.

1 “(c) *OTHER STRATEGIC FREIGHT ASSETS.*—In deter-
2 *mining network components in subsection (b), the Secretary*
3 *may consider strategic freight assets identified by States,*
4 *including public ports if such ports do not meet the annual*
5 *tonnage threshold, for inclusion on the National Multimodal*
6 *Freight Network.*

7 “(d) *REDESIGNATION.*—Not later than 5 years after
8 *the date of establishment of the National Multimodal*
9 *Freight Network under subsection (a), and every 5 years*
10 *thereafter, the Secretary shall update the National*
11 *Multimodal Freight Network.*

12 “(e) *CONSULTATION.*—The Secretary shall establish
13 *and update the National Multimodal Freight Network in*
14 *consultation with State departments of transportation and*
15 *other appropriate public and private transportation stake-*
16 *holders.*

17 “(f) *LANDED WEIGHT DEFINED.*—In this section, the
18 *term ‘landed weight’ means the weight of an aircraft trans-*
19 *porting only cargo in intrastate, interstate, or foreign air*
20 *transportation, as such terms are defined in section*
21 *40102(a).*

22 **“CHAPTER 702—MULTIMODAL FREIGHT**
23 **TRANSPORTATION PLANNING AND IN-**
24 **FORMATION**

“Sec.

“70201. *State freight advisory committees.*

“70202. State freight plans.

“70203. Data and tools.

1 **“§ 70201. State freight advisory committees**

2 “(a) *IN GENERAL.*—*The Secretary of Transportation*
3 *shall encourage each State to establish a freight advisory*
4 *committee consisting of a representative cross-section of*
5 *public and private sector freight stakeholders, including*
6 *representatives of ports, freight railroads, shippers, carriers,*
7 *freight-related associations, third-party logistics providers,*
8 *the freight industry workforce, the transportation depart-*
9 *ment of the State, and local governments.*

10 “(b) *ROLE OF COMMITTEE.*—*A freight advisory com-*
11 *mittee of a State described in subsection (a) shall—*

12 “(1) *advise the State on freight-related priorities,*
13 *issues, projects, and funding needs;*

14 “(2) *serve as a forum for discussion for State*
15 *transportation decisions affecting freight mobility;*

16 “(3) *communicate and coordinate regional prior-*
17 *ities with other organizations;*

18 “(4) *promote the sharing of information between*
19 *the private and public sectors on freight issues; and*

20 “(5) *participate in the development of the freight*
21 *plan of the State described in section 70202.*

22 **“§ 70202. State freight plans**

23 “(a) *IN GENERAL.*—*Each State shall develop a freight*
24 *plan that provides a comprehensive plan for the immediate*

1 *and long-range planning activities and investments of the*
2 *State with respect to freight.*

3 “(b) *PLAN CONTENTS.*—*A freight plan described in*
4 *subsection (a) shall include, at a minimum—*

5 “(1) *an identification of significant freight sys-*
6 *tem trends, needs, and issues with respect to the*
7 *State;*

8 “(2) *a description of the freight policies, strate-*
9 *gies, and performance measures that will guide the*
10 *freight-related transportation investment decisions of*
11 *the State;*

12 “(3) *a description of how the plan will improve*
13 *the ability of the State to meet the national freight*
14 *goals described in section 70101;*

15 “(4) *evidence of consideration of innovative tech-*
16 *nologies and operational strategies, including intel-*
17 *ligent transportation systems, that improve the safety*
18 *and efficiency of freight movement;*

19 “(5) *in the case of routes on which travel by*
20 *heavy vehicles (including mining, agricultural, energy*
21 *cargo or equipment, and timber vehicles) is projected*
22 *to substantially deteriorate the condition of roadways,*
23 *a description of improvements that may be required*
24 *to reduce or impede the deterioration; and*

1 “(6) an inventory of facilities with freight mobil-
2 ity issues, such as truck bottlenecks, within the State,
3 and a description of the strategies the State is em-
4 ploying to address those freight mobility issues.

5 “(c) *RELATIONSHIP TO STATE PLANS.*—

6 “(1) *IN GENERAL.*—A freight plan described in
7 subsection (a) may be developed separately from or
8 incorporated into the statewide transportation plans
9 required by section 135 of title 23.

10 “(2) *UPDATES.*—If the freight plan described in
11 subsection (a) is developed separately from the State
12 transportation improvement program, the freight
13 plan shall be updated at least every 5 years.

14 **“§ 70203. Data and tools**

15 “(a) *IN GENERAL.*—Not later than 1 year after the
16 date of enactment of this section, the Secretary shall—

17 “(1) begin development of new tools or improve
18 existing tools to support an outcome-oriented, per-
19 formance-based approach to evaluate proposed freight-
20 related and other transportation projects, including—

21 “(A) methodologies for systematic analysis
22 of benefits and costs;

23 “(B) tools for ensuring that the evaluation
24 of freight-related and other transportation
25 projects may consider safety, economic competi-

1 *tiveness, environmental sustainability, and sys-*
 2 *tem condition in the project selection process;*
 3 *and*

4 *“(C) other elements to assist in effective*
 5 *transportation planning;*

6 *“(2) identify transportation-related freight travel*
 7 *models and model data elements to support a broad*
 8 *range of evaluation methods and techniques to assist*
 9 *in making transportation investment decisions; and*

10 *“(3) at a minimum, in consultation with other*
 11 *relevant Federal agencies, consider any improvements*
 12 *to existing freight flow data collection efforts, includ-*
 13 *ing improved methods to standardize and manage the*
 14 *data, that could reduce identified freight data gaps*
 15 *and deficiencies and help improve forecasts of freight*
 16 *transportation demand.*

17 *“(b) CONSULTATION.—The Secretary shall consult*
 18 *with Federal, State, and other stakeholders to develop, im-*
 19 *prove, and implement the tools and collect the data de-*
 20 *scribed in subsection (a).”.*

21 *(b) CLERICAL AMENDMENT.—The analysis of subtitles*
 22 *for title 49, United States Code, is amended by striking the*
 23 *item relating to subtitle IX and inserting the following:*

“IX. Multimodal Freight Transportation70101”.

24 *(c) REPEALS.—Sections 1117 and 1118 of MAP–21*
 25 *(Public Law 112–141), and the items relating to such sec-*

1 *tions in the table of contents in section 1(c) of such Act,*
2 *are repealed.*

3 **TITLE IX—NATIONAL SURFACE**
4 **TRANSPORTATION AND INNO-**
5 **VATIVE FINANCE BUREAU**

6 **SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND IN-**
7 **NOVATIVE FINANCE BUREAU.**

8 *(a) IN GENERAL.—Chapter 1 of title 49, United States*
9 *Code, is amended by adding at the end the following:*

10 **“§ 116. National Surface Transportation and Innova-**
11 **tive Finance Bureau**

12 *“(a) ESTABLISHMENT.—The Secretary of Transpor-*
13 *tation shall establish a National Surface Transportation*
14 *and Innovative Finance Bureau in the Department.*

15 *“(b) PURPOSES.—The purposes of the Bureau shall*
16 *be—*

17 *“(1) to administer the application processes for*
18 *programs within the Department in accordance with*
19 *subsection (d);*

20 *“(2) to promote innovative financing best prac-*
21 *tices in accordance with subsection (e);*

22 *“(3) to reduce uncertainty and delays with re-*
23 *spect to environmental reviews and permitting in ac-*
24 *cordance with subsection (f);*

1 “(4) to reduce costs and risks to taxpayers in
2 project delivery and procurement in accordance with
3 subsection (g); and

4 “(5) to carry out subtitle IX of this title.

5 “(c) EXECUTIVE DIRECTOR.—

6 “(1) APPOINTMENT.—The Bureau shall be head-
7 ed by an Executive Director, who shall be appointed
8 in the competitive service by the Secretary, with the
9 approval of the President.

10 “(2) DUTIES.—The Executive Director shall—

11 “(A) report to the Under Secretary of
12 Transportation for Policy;

13 “(B) be responsible for the management and
14 oversight of the daily activities, decisions, oper-
15 ations, and personnel of the Bureau;

16 “(C) support the Council on Credit and Fi-
17 nance established under section 117 in accord-
18 ance with this section; and

19 “(D) carry out such additional duties as the
20 Secretary may prescribe.

21 “(d) ADMINISTRATION OF CERTAIN APPLICATION
22 PROCESSES.—

23 “(1) IN GENERAL.—The Bureau shall administer
24 the application processes for the following programs:

1 “(A) *The infrastructure finance programs*
2 *authorized under chapter 6 of title 23.*

3 “(B) *The railroad rehabilitation and im-*
4 *provement financing program authorized under*
5 *sections 501 through 503 of the Railroad Revital-*
6 *ization and Regulatory Reform Act of 1976 (45*
7 *U.S.C. 821–823).*

8 “(C) *Amount allocations authorized under*
9 *section 142(m) of the Internal Revenue Code of*
10 *1986.*

11 “(D) *The nationally significant freight and*
12 *highway projects program under section 117 of*
13 *title 23.*

14 “(2) *CONGRESSIONAL NOTIFICATION.—The Sec-*
15 *retary shall ensure that the congressional notification*
16 *requirements for each program referred to in para-*
17 *graph (1) are followed in accordance with the statu-*
18 *tory provisions applicable to the program.*

19 “(3) *REPORTS.—The Secretary shall ensure that*
20 *the reporting requirements for each program referred*
21 *to in paragraph (1) are followed in accordance with*
22 *the statutory provisions applicable to the program.*

23 “(4) *COORDINATION.—In administering the ap-*
24 *plication processes for the programs referred to in*
25 *paragraph (1), the Executive Director of the Bureau*

1 *shall coordinate with appropriate officials in the De-*
2 *partment and its modal administrations responsible*
3 *for administering such programs.*

4 “(5) *STREAMLINING APPROVAL PROCESSES.*—*Not*
5 *later than 1 year after the date of enactment of this*
6 *section, the Secretary shall submit to the Committee*
7 *on Transportation and Infrastructure of the House of*
8 *Representatives and the Committee on Commerce,*
9 *Science, and Transportation, the Committee on Bank-*
10 *ing, Housing, and Urban Affairs, and the Committee*
11 *on Environment and Public Works of the Senate a re-*
12 *port that—*

13 “(A) *evaluates the application processes for*
14 *the programs referred to in paragraph (1);*

15 “(B) *identifies administrative and legisla-*
16 *tive actions that would improve the efficiency of*
17 *the application processes without diminishing*
18 *Federal oversight; and*

19 “(C) *describes how the Secretary will imple-*
20 *ment administrative actions identified under*
21 *subparagraph (B) that do not require an Act of*
22 *Congress.*

23 “(6) *PROCEDURES AND TRANSPARENCY.*—

1 “(A) *PROCEDURES.*—*The Secretary shall,*
2 *with respect to the programs referred to in para-*
3 *graph (1)—*

4 “(i) *establish procedures for analyzing*
5 *and evaluating applications and for uti-*
6 *lizing the recommendations of the Council*
7 *on Credit and Finance;*

8 “(ii) *establish procedures for address-*
9 *ing late-arriving applications, as applica-*
10 *ble, and communicating the Bureau’s deci-*
11 *sions for accepting or rejecting late applica-*
12 *tions to the applicant and the public; and*

13 “(iii) *document major decisions in the*
14 *application evaluation process through a*
15 *decision memorandum or similar mecha-*
16 *nism that provides a clear rationale for*
17 *such decisions.*

18 “(B) *REVIEW.*—

19 “(i) *IN GENERAL.*—*The Comptroller*
20 *General of the United States shall review*
21 *the compliance of the Secretary with the re-*
22 *quirements of this paragraph.*

23 “(ii) *RECOMMENDATIONS.*—*The Comp-*
24 *troller General may make recommendations*
25 *to the Secretary in order to improve compli-*

1 *ance with the requirements of this para-*
2 *graph.*

3 “(iii) *REPORT.*—*Not later than 3*
4 *years after the date of enactment of this sec-*
5 *tion, the Comptroller General shall submit*
6 *to the Committee on Transportation and*
7 *Infrastructure of the House of Representa-*
8 *tives and the Committee on Environment*
9 *and Public Works and the Committee on*
10 *Commerce, Science, and Transportation of*
11 *the Senate a report on the results of the re-*
12 *view conducted under clause (i), including*
13 *findings and recommendations for improve-*
14 *ment.*

15 “(e) *INNOVATIVE FINANCING BEST PRACTICES.*—

16 “(1) *IN GENERAL.*—*The Bureau shall work with*
17 *the modal administrations within the Department,*
18 *the States, and other public and private interests to*
19 *develop and promote best practices for innovative fi-*
20 *nancing and public-private partnerships.*

21 “(2) *ACTIVITIES.*—*The Bureau shall carry out*
22 *paragraph (1)—*

23 “(A) *by making Federal credit assistance*
24 *programs more accessible to eligible recipients;*

1 “(B) by providing advice and expertise to
2 State and local governments that seek to leverage
3 public and private funding;

4 “(C) by sharing innovative financing best
5 practices and case studies from State and local
6 governments with other State and local govern-
7 ments that are interested in utilizing innovative
8 financing methods; and

9 “(D) by developing and monitoring—

10 “(i) best practices with respect to
11 standardized State public-private partner-
12 ship authorities and practices, including
13 best practices related to—

14 “(I) accurate and reliable as-
15 sumptions for analyzing public-private
16 partnership procurements;

17 “(II) procedures for the handling
18 of unsolicited bids;

19 “(III) policies with respect to
20 noncompete clauses; and

21 “(IV) other significant terms of
22 public-private partnership procure-
23 ments, as determined appropriate by
24 the Bureau;

1 “(ii) standard contracts for the most
2 common types of public-private partner-
3 ships for transportation facilities; and

4 “(iii) analytical tools and other tech-
5 niques to aid State and local governments
6 in determining the appropriate project de-
7 livery model, including a value for money
8 analysis.

9 “(3) *TRANSPARENCY.*—*The Bureau shall—*

10 “(A) ensure transparency of a project re-
11 ceiving credit assistance under a program identi-
12 fied in subsection (d)(1) and procured as a pub-
13 lic-private partnership by—

14 “(i) requiring the project sponsor of
15 such project to undergo a value for money
16 analysis or a comparable analysis prior to
17 deciding to advance the project as a public-
18 private partnership;

19 “(ii) requiring the analysis required
20 under subparagraph (A) and other key
21 terms of the relevant public-private partner-
22 ship agreement, to be made publicly avail-
23 able by the project sponsor at an appro-
24 priate time;

1 “(iii) not later than 3 years after the
2 completion of the project, requiring the
3 project sponsor of such project to conduct a
4 review regarding whether the private part-
5 ner is meeting the terms of the relevant pub-
6 lic private partnership agreement for the
7 project; and

8 “(iv) providing a publicly available
9 summary of the total level of Federal assist-
10 ance in such project; and

11 “(B) develop guidance to implement this
12 paragraph that takes into consideration vari-
13 ations in State and local laws and requirements
14 related to public-private partnerships.

15 “(4) *SUPPORT TO PROJECTS SPONSORS.*—At the
16 request of a State or local government, the Bureau
17 shall provide technical assistance to the State or local
18 government regarding proposed public-private part-
19 nership agreements for transportation facilities, in-
20 cluding assistance in performing a value for money
21 analysis or comparable analysis.

22 “(5) *FIXED GUIDEWAY TRANSIT PROCEDURES*
23 *REPORT.*—Not later than 1 year after the date of en-
24 actment of this section, the Secretary shall submit to
25 the Committee on Transportation and Infrastructure

1 *of the House of Representatives and the Committee on*
2 *Banking, Housing, and Urban Affairs of the Senate*
3 *a report that—*

4 *“(A) evaluates the differences between tradi-*
5 *tional design-bid-build, design-build, and public-*
6 *private partnership procurements for projects*
7 *carried out under the fixed guideway capital in-*
8 *vestment program authorized under section 5309;*

9 *“(B) identifies, for project procured as pub-*
10 *lic-private partnerships whether the review and*
11 *approval process under the program requires*
12 *modification to better suit the unique nature of*
13 *such procurements; and*

14 *“(C) describes how the Secretary will imple-*
15 *ment any administrative actions identified*
16 *under subparagraph (B) that do not require an*
17 *Act of Congress.*

18 *“(f) ENVIRONMENTAL REVIEW AND PERMITTING.—*

19 *“(1) IN GENERAL.—The Bureau shall take such*
20 *actions as are appropriate and consistent with the*
21 *goals and policies set forth in this title and title 23,*
22 *including with the concurrence of other Federal agen-*
23 *cies as required under this title and title 23, to im-*
24 *prove delivery timelines for projects.*

1 “(2) *ACTIVITIES.*—*The Bureau shall carry out*
2 *paragraph (1)—*

3 “(A) *by serving as the Department’s liaison*
4 *to the Council on Environmental Quality;*

5 “(B) *by coordinating Department-wide ef-*
6 *forts to improve the efficiency and effectiveness of*
7 *the environmental review and permitting proc-*
8 *ess;*

9 “(C) *by coordinating Department efforts*
10 *under section 139 of title 23;*

11 “(D) *by supporting modernization efforts at*
12 *Federal agencies to achieve innovative ap-*
13 *proaches to the permitting and review of*
14 *projects;*

15 “(E) *by providing technical assistance and*
16 *training to field and headquarters staff of Fed-*
17 *eral agencies on policy changes and innovative*
18 *approaches to the delivery of projects;*

19 “(F) *by identifying, developing, and track-*
20 *ing metrics for permit reviews and decisions by*
21 *Federal agencies for projects under the National*
22 *Environmental Policy Act of 1969; and*

23 “(G) *by administering and expanding the*
24 *use of Internet-based tools providing for—*

1 “(i) the development and posting of
2 schedules for permit reviews and permit de-
3 cisions for projects; and

4 “(ii) the sharing of best practices re-
5 lated to efficient permitting and reviews for
6 projects.

7 “(3) *SUPPORT TO PROJECT SPONSORS.*—At the
8 request of a State or local government, the Bureau, in
9 coordination with the other appropriate modal agen-
10 cies within the Department, shall provide technical
11 assistance with regard to the compliance of a project
12 sponsored by the State or local government with the
13 requirements of the National Environmental Policy
14 Act 1969 and relevant Federal environmental per-
15 mits.

16 “(g) *PROJECT PROCUREMENT.*—

17 “(1) *IN GENERAL.*—The Bureau shall promote
18 best practices in procurement for a project receiving
19 assistance under a program identified in subsection
20 (d)(1) by developing, in coordination with the Federal
21 Highway Administration and other modal agencies as
22 appropriate, procurement benchmarks in order to en-
23 sure accountable expenditure of Federal assistance
24 over the life cycle of such project.

1 “(2) *PROCUREMENT BENCHMARKS.*—*The pro-*
2 *curement benchmarks developed under paragraph (1)*
3 *shall, to the maximum extent practicable—*

4 “(A) *establish maximum thresholds for ac-*
5 *ceptable project cost increases and delays in*
6 *project delivery;*

7 “(B) *establish uniform methods for States to*
8 *measure cost and delivery changes over the life*
9 *cycle of a project; and*

10 “(C) *be tailored, as necessary, to various*
11 *types of project procurements, including design-*
12 *bid-build, design-build, and public private part-*
13 *nerships.*

14 “(h) *ELIMINATION AND CONSOLIDATION OF DUPLICA-*
15 *TIVE OFFICES.*—

16 “(1) *ELIMINATION OF OFFICES.*—*The Secretary*
17 *may eliminate any office within the Department if*
18 *the Secretary determines that the purposes of the of-*
19 *fice are duplicative of the purposes of the Bureau, and*
20 *the elimination of such office shall not adversely affect*
21 *the obligations of the Secretary under any Federal*
22 *law.*

23 “(2) *CONSOLIDATION OF OFFICES.*—*The Sec-*
24 *retary may consolidate any office within the Depart-*
25 *ment into the Bureau that the Secretary determines*

1 *has duties, responsibilities, resources, or expertise that*
2 *support the purposes of the Bureau.*

3 “(3) *STAFFING AND BUDGETARY RESOURCES.*—

4 “(A) *IN GENERAL.*—*The Secretary shall en-*
5 *sure that the Bureau is adequately staffed and*
6 *funded.*

7 “(B) *STAFFING.*—*The Secretary may trans-*
8 *fer to the Bureau a position within the Depart-*
9 *ment from any office that is eliminated or con-*
10 *solidated under this subsection if the Secretary*
11 *determines that the position is necessary to carry*
12 *out the purposes of the Bureau.*

13 “(C) *BUDGETARY RESOURCES.*—

14 “(i) *TRANSFER OF FUNDS FROM ELIMI-*
15 *NATED OR CONSOLIDATED OFFICES.*—*The*
16 *Secretary may transfer to the Bureau funds*
17 *allocated to any office that is eliminated or*
18 *consolidated under this subsection to carry*
19 *out the purposes of the Bureau.*

20 “(ii) *TRANSFER OF FUNDS ALLOCATED*
21 *TO ADMINISTRATIVE COSTS.*—*The Secretary*
22 *shall transfer to the Bureau funds allocated*
23 *to the administrative costs of processing ap-*
24 *plications for the programs referred to in*
25 *subsection (d)(1).*

1 “(4) *REPORT.*—Not later than 180 days after the
2 date of enactment of this section, the Secretary shall
3 submit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the
5 Committee on Environment and Public Works and
6 the Committee on Commerce, Science, and Transpor-
7 tation of the Senate a report that—

8 “(A) lists the offices eliminated under para-
9 graph (1) and provides the rationale for elimi-
10 nation of the offices;

11 “(B) lists the offices consolidated under
12 paragraph (2) and provides the rationale for
13 consolidation of the offices; and

14 “(C) describes the actions taken under para-
15 graph (3) and provides the rationale for taking
16 such actions.

17 “(i) *SAVINGS PROVISIONS.*—

18 “(1) *LAWS AND REGULATIONS.*—Nothing in this
19 section may be construed to change a law or regula-
20 tion with respect to a program referred to in sub-
21 section (d)(1).

22 “(2) *RESPONSIBILITIES.*—Nothing in this section
23 may be construed to abrogate the responsibilities of
24 an agency, operating administration, or office within
25 the Department otherwise charged by a law or regula-

1 *tion with other aspects of program administration,*
2 *oversight, and project approval or implementation for*
3 *the programs and projects subject to this section.*

4 “(j) *DEFINITIONS.—In this section, the following defi-*
5 *nitions apply:*

6 “(1) *BUREAU.—The term ‘Bureau’ means the*
7 *National Surface Transportation and Innovative Fi-*
8 *nance Bureau of the Department.*

9 “(2) *DEPARTMENT.—The term ‘Department’*
10 *means the Department of Transportation.*

11 “(3) *MULTIMODAL PROJECT.—The term*
12 *‘multimodal project’ means a project involving the*
13 *participation of more than one modal administration*
14 *or secretarial office within the Department.*

15 “(4) *PROJECT.—The term ‘project’ means a*
16 *highway project, public transportation capital*
17 *project, freight or passenger rail project, or*
18 *multimodal project.”.*

19 (b) *CLERICAL AMENDMENT.—The analysis for such*
20 *chapter is amended by adding at the end the following:*

 “116. *National Surface Transportation and Innovative Finance Bureau.”.*

21 **SEC. 9002. COUNCIL ON CREDIT AND FINANCE.**

22 (a) *IN GENERAL.—Chapter 1 of title 49, United States*
23 *Code, as amended by this Act, is further amended by adding*
24 *at the end the following:*

1 **“§ 117. Council on Credit and Finance**

2 “(a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
3 *tation shall establish a Council on Credit and Finance in*
4 *accordance with this section.*

5 “(b) *MEMBERSHIP.*—

6 “(1) *IN GENERAL.*—*The Council shall be com-*
7 *posed of the following members:*

8 “(A) *The Under Secretary of Transpor-*
9 *tation for Policy.*

10 “(B) *The Chief Financial Officer and As-*
11 *stant Secretary for Budget and Programs.*

12 “(C) *The General Counsel of the Depart-*
13 *ment of Transportation.*

14 “(D) *The Assistant Secretary for Transpor-*
15 *tation Policy.*

16 “(E) *The Administrator of the Federal*
17 *Highway Administration.*

18 “(F) *The Administrator of the Federal*
19 *Transit Administration.*

20 “(G) *The Administrator of the Federal*
21 *Railroad Administration.*

22 “(2) *ADDITIONAL MEMBERS.*—*The Secretary*
23 *may designate up to 3 additional officials of the De-*
24 *partment to serve as at-large members of the Council.*

25 “(3) *CHAIRPERSON AND VICE CHAIRPERSON.*—

1 “(A) *CHAIRPERSON.*—*The Under Secretary*
2 *of Transportation for Policy shall serve as the*
3 *chairperson of the Council.*

4 “(B) *VICE CHAIRPERSON.*—*The Chief Fi-*
5 *nancial Officer and Assistant Secretary for*
6 *Budget and Programs shall serve as the vice*
7 *chairperson of the Council.*

8 “(4) *EXECUTIVE DIRECTOR.*—*The Executive Di-*
9 *rector of the National Surface Transportation and In-*
10 *novative Finance Bureau shall serve as a nonvoting*
11 *member of the Council.*

12 “(c) *DUTIES.*—*The Council shall—*

13 “(1) *review applications for assistance submitted*
14 *under the programs referred to in section 116(d)(1);*

15 “(2) *make recommendations to the Secretary re-*
16 *garding the selection of projects to receive assistance*
17 *under the programs referred to in section 116(d)(1);*

18 “(3) *review, on a regular basis, projects that re-*
19 *ceived assistance under the programs referred to in*
20 *section 116(d)(1); and*

21 “(4) *carry out such additional duties as the Sec-*
22 *retary may prescribe.”.*

23 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
24 *chapter is further amended by adding at the end the fol-*
25 *lowing:*

“117. *Council on Credit and Finance.*”.

1 **TITLE X—SPORT FISH RESTORA-**
2 **TION AND RECREATIONAL**
3 **BOATING SAFETY**

4 **SEC. 10001. ALLOCATIONS.**

5 (a) *AUTHORIZATION.*—Section 3 of the Dingell-John-
6 son Sport Fish Restoration Act (16 U.S.C. 777b) is amend-
7 ed by striking “57 percent” and inserting “58.012 percent”.

8 (b) *IN GENERAL.*—Section 4 of the Dingell-Johnson
9 Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

10 (1) *in subsection (a)—*

11 (A) *in the matter preceding paragraph*

12 (1)—

13 (i) *by striking “For each” and all that*
14 *follows through “the balance” and inserting*
15 *“For each fiscal year through fiscal year*
16 *2021, the balance”;* and

17 (ii) *by striking “multistate conserva-*
18 *tion grants under section 14” and inserting*
19 *“activities under section 14(e)”;*

20 (B) *in paragraph (1), by striking “18.5”*
21 *percent and inserting “18.673 percent”;*

22 (C) *in paragraph (2) by striking “18.5 per-*
23 *cent” and inserting “17.315 percent”;*

24 (D) *by striking paragraphs (3) and (4);*

1 (E) by redesignating paragraph (5) as
2 paragraph (4); and

3 (F) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) *BOATING INFRASTRUCTURE IMPROVE-*
6 *MENT.*—

7 “(A) *IN GENERAL.*—An amount equal to 4
8 percent to the Secretary of the Interior for quali-
9 fied projects under section 5604(c) of the Clean
10 Vessel Act of 1992 (33 U.S.C. 1322 note) and
11 section 7404(d) of the Sportfishing and Boating
12 Safety Act of 1998 (16 U.S.C. 777g-1(d)).

13 “(B) *LIMITATION.*—Not more than 75 per-
14 cent of the amount under subparagraph (A) shall
15 be available for projects under either of the sec-
16 tions referred to in subparagraph (A).”;

17 (2) in subsection (b)—

18 (A) in paragraph (1)(A) by striking “for
19 each” and all that follows through “the Sec-
20 retary” and inserting “for each fiscal year
21 through fiscal year 2021, the Secretary”;

22 (B) by redesignating paragraph (2) as
23 paragraph (3);

24 (C) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) *SET-ASIDE FOR COAST GUARD ADMINISTRATION.*—
2

3 “(A) *IN GENERAL.*—*From the annual ap-*
4 *propriation made in accordance with section 3,*
5 *for each of fiscal years 2016 through 2021, the*
6 *Secretary of the department in which the Coast*
7 *Guard is operating may use no more than the*
8 *amount specified in subparagraph (B) for the*
9 *fiscal year for the purposes set forth in section*
10 *13107(c) of title 46, United States Code. The*
11 *amount specified in subparagraph (B) for a fis-*
12 *cal year may not be included in the amount of*
13 *the annual appropriation distributed under sub-*
14 *section (a) for the fiscal year.*

15 “(B) *AVAILABLE AMOUNTS.*—*The available*
16 *amount referred to in subparagraph (A) is—*

17 “(i) *for fiscal year 2016, \$7,800,000;*

18 “(ii) *for fiscal year 2017, \$7,900,000;*

19 “(iii) *for fiscal year 2018, \$8,000,000;*

20 “(iv) *for fiscal year 2019, \$8,100,000;*

21 “(v) *for fiscal year 2020, \$8,200,000;*

22 *and*

23 “(vi) *for fiscal year 2021,*
24 *\$8,300,000.”; and*

25 “(D) *in paragraph (3), as so redesignated—*

1 (i) in subparagraph (A), by striking
2 “until the end of the fiscal year.” and in-
3 serting “until the end of the subsequent fis-
4 cal year.”; and

5 (ii) in subparagraph (B) by striking
6 “under subsection (e)” and inserting “under
7 subsection (c)”;

8 (3) in subsection (c)—

9 (A) by striking “(c) The Secretary” and in-
10 serting “(c)(1) The Secretary,”;

11 (B) by striking “grants under section 14 of
12 this title” and inserting “activities under section
13 14(e)”;

14 (C) by striking “57 percent” and inserting
15 “58.012 percent”; and

16 (D) by adding at the end the following:

17 “(2) The Secretary shall deduct from the amount to
18 be apportioned under paragraph (1) the amounts used for
19 grants under section 14(a).”; and

20 (4) in subsection (e)(1), by striking “those sub-
21 sections,” and inserting “those paragraphs,”.

22 (c) *SUBMISSION AND APPROVAL OF PLANS AND*
23 *PROJECTS.*—Section 6(d) of the Dingell-Johnson Sport
24 Fish Restoration Act (16 U.S.C. 777e(d)) is amended by

1 *striking “for appropriations” and inserting “from appro-*
2 *priations”.*

3 *(d) UNEXPENDED OR UNOBLIGATED FUNDS.—Section*
4 *8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act*
5 *(16 U.S.C. 777g(b)(2)) is amended by striking “57 percent”*
6 *and inserting “58.012 percent”.*

7 *(e) COOPERATION.—Section 12 of the Dingell-Johnson*
8 *Sport Fish Restoration Act (16 U.S.C. 777k) is amended—*

9 *(1) by striking “57 percent” and inserting*
10 *“58.012 percent”; and*

11 *(2) by striking “under section 4(b)” and insert-*
12 *ing “under section 4(c)”.*

13 *(f) OTHER ACTIVITIES.—Section 14 of the Dingell-*
14 *Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is*
15 *amended—*

16 *(1) in subsection (a)(1), by striking “of each an-*
17 *nuual appropriation made in accordance with the pro-*
18 *visions of section 3”; and*

19 *(2) in subsection (e)—*

20 *(A) in the matter preceding paragraph (1)*
21 *by striking “Of amounts made available under*
22 *section 4(b) for each fiscal year—” and inserting*
23 *“Not more than \$1,200,000 of each annual ap-*
24 *propriation made in accordance with the provi-*

1 sions of section 3 shall be distributed to the Sec-
2 retary of the Interior for use as follows:”; and

3 (B) in paragraph (1)(D) by striking “;
4 and” and inserting a period.

5 (g) *REPEAL.*—*The Dingell-Johnson Sport Fish Res-*
6 *toration Act (16 U.S.C. 777 et seq.) is amended—*

7 (1) by striking section 15; and

8 (2) by redesignating section 16 as section 15.

9 **SEC. 10002. RECREATIONAL BOATING SAFETY.**

10 Section 13107 of title 46, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) by striking “(1) Subject to paragraph
14 (2) and subsection (c),” and inserting “Subject
15 to subsection (c),”;

16 (B) by striking “the sum of (A) the amount
17 made available from the Boat Safety Account for
18 that fiscal year under section 15 of the Dingell-
19 Johnson Sport Fish Restoration Act and (B)”;
20 and

21 (C) by striking paragraph (2); and

22 (2) in subsection (c)—

23 (A) by striking the subsection designation
24 and paragraph (1) and inserting the following:

1 “(c)(1)(A) *The Secretary may use amounts made*
2 *available each fiscal year under section 4(b)(2) of the Din-*
3 *gell-Johnson Sport Fish Restoration Act (16 U.S.C.*
4 *777c(b)(2)) for payment of expenses of the Coast Guard for*
5 *investigations, personnel, and activities directly related*
6 *to—*

7 “(i) *administering State recreational boating*
8 *safety programs under this chapter; or*

9 “(ii) *coordinating or carrying out the national*
10 *recreational boating safety program under this title.*

11 “(B) *Of the amounts used by the Secretary each fiscal*
12 *year under subparagraph (A)—*

13 “(i) *not less than \$2,000,000 is available to en-*
14 *sure compliance with chapter 43 of this title; and*

15 “(ii) *not more than \$1,500,000 is available to*
16 *conduct a survey of levels of recreational boating par-*
17 *ticipation and related matters in the United States.”;*
18 *and*

19 (B) *in paragraph (2)—*

20 (i) *by striking “No funds” and insert-*
21 *ing “On and after October 1, 2016, no*
22 *funds”;* and

23 (ii) *by striking “traditionally”.*

Union Calendar No. 241

114TH CONGRESS
1ST Session

H. R. 3763

[Report No. 114-318]

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

OCTOBER 29, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed