

A Bill

To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.--This Act may be cited as the "Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act" or the "GROW AMERICA Act".

(b) TABLE OF CONTENTS.--The table of contents of this Act is as follows:

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- Sec. 2. Definitions.
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SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) DEPARTMENT.--The term "Department" means the Department of Transportation.

(2) SECRETARY.--The term "Secretary" means the Secretary of Transportation.

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided, this Act, and the amendments made by this Act, shall take effect on October 1, 2014.

TITLE I--TRANSPORTATION INFRASTRUCTURE INITIATIVES

Subtitle A--Increasing Efficiency in Project Delivery

SEC. 1001. IMPROVING STATE AND FEDERAL AGENCY ENGAGEMENT IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.--Title 49, United States Code, is amended by inserting after section 306 the following:

"Sec. 307. Improving State and Federal agency engagement in environmental reviews

"(a) IN GENERAL.--A public entity receiving financial assistance from the Department of Transportation for one or more projects or for a program of projects, may

1 request that the Secretary allow the public entity to provide funds to Federal agencies,
2 including the Department of Transportation, State agencies, and Indian tribes
3 participating in the environmental planning and review process for the project, projects,
4 or program. The funds may be provided only to support activities that directly and
5 meaningfully contribute to expediting and improving permitting and review processes,
6 including planning, approval and consultation processes for the project, projects, or
7 program.

8 "(b) ACTIVITIES ELIGIBLE FOR FUNDING.--Activities for which funds may
9 be provided under subsection (a) include transportation planning activities that precede
10 the initiation of the environmental review process, activities directly related to the
11 environmental review process, dedicated staffing, training of agency personnel,
12 information gathering and mapping, and development of programmatic agreements.

13 "(c) AMOUNTS.--Requests under subsection (a) may be approved only for the
14 additional amounts that the Secretary determines are necessary for the Federal agencies,
15 State agencies, or Indian tribes participating in the environmental review process to
16 timely conduct their review.

17 "(d) AGREEMENTS.--Prior to providing funds approved by the Secretary for
18 dedicated staffing at an affected Federal agency under subsection (a), the affected Federal
19 agency and the requesting public entity shall enter into an agreement that establishes a
20 process to identify projects or priorities to be addressed by the use of the funds.

21 "(e) EXISTING AUTHORITY.--Nothing in this section shall be construed as
22 conflicting with the provisions of Section 139(j) of title 23."

23 (b) CONFORMING AMENDMENT.--The analysis of chapter 3 of title 49,
24 United States Code, is amended by inserting after the item relating to section 306 the
25 following:

26 "307. Improving State and Federal agency engagement in environmental reviews."

27 **SEC. 1002. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.**

28 (a) IN GENERAL.--Title 49, United States Code, is amended by inserting after
29 section 309 the following:

30 **"Sec. 310. Aligning Federal environmental reviews**

31

1 "(a) COORDINATED AND CONCURRENT ENVIRONMENTAL
2 REVIEWS.—Within one year of the date of enactment of GROW AMERICA Act, the
3 Department of Transportation, in coordination with the Steering Committee, shall
4 develop a coordinated and concurrent environmental review and permitting process for
5 transportation projects when initiating an environmental impact statement under the
6 National Environmental Policy Act (42 U.S.C. 4321 et seq.) (referred to as ‘NEPA’ in
7 this section). This coordinated and concurrent environmental review and permitting
8 process shall--

9 “(1) ensure that the Department of Transportation and agencies of
10 jurisdiction possess sufficient information early in the review process to
11 determine a statement of a transportation project’s purpose and need and range of
12 alternatives for analysis that the lead agency and agencies of jurisdiction will rely
13 upon for concurrent environmental reviews and permitting decisions required for
14 the proposed project;

15 “(2) achieve early concurrence or issue resolution during the NEPA
16 scoping process on the Department of Transportation’s statement of a project’s
17 purpose and need and during development of the environmental impact statement
18 on the range of alternatives for analysis that the lead agency and agencies of
19 jurisdiction will rely upon for concurrent environmental reviews and permitting
20 decisions required for the proposed project absent circumstances that require
21 reconsideration in order to meet an agency of jurisdiction’s obligations under
22 statute or Executive Order; and

23 “(3) achieve concurrence or issue resolution in an expedited manner if
24 circumstances arise that require a reconsideration of the purpose and need or
25 range of alternatives considered during any Federal agency’s environmental or
26 permitting review in order to meet an agency of jurisdiction’s obligations under
27 statute or Executive Order.

28 “(b) ENVIRONMENTAL CHECKLIST –The Secretary and Federal Agencies of
29 jurisdiction likely to have substantive review or approval responsibilities on
30 transportation projects shall, within 90 days of the date of enactment of GROW
31 AMERICA Act, jointly develop a checklist to help project sponsors identify potential

1 natural, cultural, and historic resources in the area of a proposed project. The purpose of
2 the checklist is to--

3 “(1) identify agencies of jurisdiction and cooperating agencies,

4 “(2) develop the information needed for the purpose and need and
5 alternatives for analysis; and

6 “(3) improve interagency collaboration to help expedite the permitting
7 process for the lead agency and agencies of jurisdiction.

8 “(c) INTERAGENCY COLLABORATION.— Consistent with Federal
9 environmental statutes and the priority reform actions for Federal agency permitting and
10 reviews defined and identified by the Steering Committee described in Section 1009, the
11 Secretary shall facilitate annual interagency collaboration sessions at the appropriate
12 jurisdictional level to coordinate business plans and facilitate coordination of workload
13 planning and workforce management. This engagement shall also ensure agency staff is
14 fully engaged and utilizing the flexibility of existing regulations, policies, and guidance
15 and identifying additional actions to facilitate high quality, efficient, and targeted
16 environmental reviews and permitting decisions. These sessions and the interagency
17 collaborations they generate shall also focus on how to work with state and local
18 transportation entities to improve project planning, siting, and application quality and
19 how to consult and coordinate with relevant stakeholders and Federal, Tribal, state, and
20 local representatives early in permitting processes.

21 “(d) PERFORMANCE MEASUREMENT— Within one year of the date of
22 enactment of GROW AMERICA Act, the Department of Transportation, in coordination
23 with the Steering Committee, shall establish a program to measure and report on progress
24 towards aligning federal reviews as outlined in this section.”.

25 (b) CONFORMING AMENDMENT.--The analysis of subchapter I of chapter 3
26 of title 49, United States Code, is amended by adding at the end the following:

27 "310. Aligning Federal environmental reviews."

28 **SEC. 1003. IMPROVING COLLABORATION FOR ACCELERATED**
29 **DECISION MAKING.**

30 Section 139(h) of title 23, United States Code, is amended--

1 (1) in paragraph (5)(A)(ii)(I), by inserting ", including modifications to the
2 project schedule" after "review process"; and

3 (2) in paragraph (6)(B), by striking clause (ii) and inserting the following:

4 "(ii) DESCRIPTION OF DATE.--The date referred to in clause (i)
5 is one of the following:

6 "(I) The date that is 30 days after the date for rendering a
7 decision as set in the project schedule created pursuant to
8 paragraph (g)(1)(B) of this section.

9 "(II) If no schedule exists, the later of--

10 "(aa) the date that is 180 days after the date on
11 which an application for the permit, license or approval is
12 complete; or

13 "(bb) the date that is 180 days after the date on
14 which the Federal lead agency issues a decision on the
15 project under the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.).

17 "(III) A modified date consistent with subsection (g)(1)(D)
18 of this section."

19 **SEC. 1004. UNREASONABLE OBSTRUCTION OF NAVIGATION**
20 **DETERMINATION.**

21 (a) BRIDGE ACT OF 1906.--Section 4 of the Bridge Act of 1906 (33 U.S.C. 494)
22 is amended--

23 (1) by designating the existing text as subsection (a); and

24 (2) by inserting at the end the following:

25 "(b) When determining whether a bridge unreasonably obstructs the free
26 navigation of the waters over which it is constructed, the Secretary shall, for projects that
27 are funded under title 23 or title 49, United States Code, consider--

28 "(1) the necessities of rail, aviation, transit, and highway traffic; and

29 "(2) construction, maintenance, and operation costs of the proposed
30 bridge."

1 (b) GENERAL BRIDGE ACT OF 1946.--Section 502 of the General Bridge Act
2 of 1946 (33 U.S.C. 525) is amended by inserting at the end the following:

3 "(d) UNREASONABLE OBSTRUCTION OF NAVIGATION
4 DETERMINATION.--When determining whether a bridge unreasonably obstructs the
5 free navigation of the waters over which it is constructed, the Secretary shall, for projects
6 that are funded under title 23 or title 49, United States Code, consider--

7 "(1) the necessities of rail, aviation, transit, and highway traffic; and

8 "(2) construction, maintenance, and operation costs of the proposed
9 bridge."

10 **SEC. 1005. SATISFACTION OF REQUIREMENTS FOR CERTAIN**
11 **HISTORIC SITES.**

12 (a) TITLE 23 AMENDMENT.--Section 138 of title 23, United States Code, is
13 amended by adding at the end the following:

14 "(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC
15 SITES.--

16 "(1) IN GENERAL.-- The Secretary shall seek to align the requirements
17 of this section with the requirements of the National Environmental Policy Act
18 (42 U.S.C. 4231 et seq.) (NEPA), Section 106 of the National Historic
19 Preservation Act (16 U.S.C. 470f) (referred to as Section 106 in this section), and
20 their implementing regulations and will coordinate with the Department of the
21 Interior and the Advisory Council on Historic Preservation to establish procedures
22 that will satisfy the requirements of both within 90 days of enactment of GROW
23 AMERICA Act.

24 "(2) AVOIDANCE ALTERNATIVE ANALYSIS. --If, in an analysis
25 required under NEPA the Secretary determines that there is no feasible or prudent
26 alternative to avoid a use of an historic site, the Secretary may include the
27 Secretary's determination in the NEPA analysis and notify the applicable State
28 historic preservation officer, tribal historic preservation officer, the Advisory
29 Council on Historic Preservation (if the Council is participating in the Section 106
30 consultation process), and the Secretary of the Interior of such findings and
31 request concurrence that such determination is sufficient to satisfy (a)(1). If the

1 applicable preservation officer, the Council, and the Secretary of the Interior
2 concur, no further analysis under (a)(1) shall be required. The Secretary's Record
3 of Decision or Finding of No Significant Impact shall include such a finding, as
4 well as documentation of the concurrence of the applicable preservation officer,
5 the Council, and the Secretary of the Interior. A notice of intent from the
6 Secretary of such a finding, as well as notice of the concurrence of the applicable
7 preservation officer, the Council, and the Secretary of the Interior will be posted
8 on an appropriate Federal website within 3 days of their occurrence.

9 “(3) ALIGNING HISTORICAL REVIEWS. – If the Secretary, the
10 applicable preservation officer, the Council, and the Secretary of the Interior
11 concur that no feasible and prudent alternative exists as described in (2), the
12 Secretary may then notify the applicable preservation officer, the Secretary of the
13 Interior, and the Advisory Council on Historic Preservation of the Department's
14 intent to satisfy the conditions of (a)(2) through the consultation requirements of
15 Section 106. The applicable preservation officer, the Council, and the Secretary
16 of the Interior must concur in the treatment of the historic site agreed upon in the
17 Memorandum of Agreement or Programmatic Agreement developed in
18 accordance with Section 106 in order to satisfy the conditions of (a)(2).”.

19 (b) TITLE 49 AMENDMENT.--Section 303 of title 49, United States Code, is
20 amended--

21 (1) in subsection (c), by striking "subsection (d)" and inserting
22 "subsections (d) and (e)"; and

23 (2) by inserting at the end the following:
24 "(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC
25 SITES.--

26 "(1) IN GENERAL.-- The Secretary shall seek to align the requirements
27 of this section with the requirements of the National Environmental Policy Act
28 (42 U.S.C. 4231 et seq.) (NEPA), Section 106 of the National Historic
29 Preservation Act (16 U.S.C. 470f) (referred to as Section 106 in this section), and
30 their implementing regulations and will coordinate with the Department of the
31 Interior and the Advisory Council on Historic Preservation to establish procedures

1 that will satisfy the requirements of both within 90 days of enactment of GROW
2 AMERICA Act.

3 "(2) AVOIDANCE ALTERNATIVE ANALYSIS. --If, in an analysis
4 required under NEPA the Secretary determines that there is no feasible or prudent
5 alternative to avoid a use of an historic site, the Secretary may include the
6 Secretary's determination in the NEPA analysis and notify the applicable State
7 historic preservation officer, tribal historic preservation officer, the Advisory
8 Council on Historic Preservation (if the Council is participating in the Section 106
9 consultation process), and the Secretary of the Interior of such findings and
10 request concurrence that such determination is sufficient to satisfy (a)(1). If the
11 applicable preservation officer, the Council, and the Secretary of the Interior
12 concur, no further analysis under (a)(1) shall be required. The Secretary's Record
13 of Decision or Finding of No Significant Impact shall include such a finding, as
14 well as documentation of the concurrence of the applicable preservation officer,
15 the Council, and the Secretary of the Interior. A notice of intent from the
16 Secretary of such a finding, as well as notice of the concurrence of the applicable
17 preservation officer, the Council, and the Secretary of the Interior will be posted
18 on an appropriate Federal website within 3 days of their occurrence.

19 "(3) ALIGNING HISTORICAL REVIEWS. – If the Secretary, the
20 applicable preservation officer, the Council, and the Secretary of the Interior
21 concur that no feasible and prudent alternative exists as described in (2), the
22 Secretary may then notify the applicable preservation officer, the Secretary of the
23 Interior, and the Advisory Council on Historic Preservation of the Department's
24 intent to satisfy the conditions of (a)(2) through the consultation requirements of
25 Section 106. The applicable preservation officer, the Council, and the Secretary
26 of the Interior must concur in the treatment of the historic site agreed upon in the
27 Memorandum of Agreement or Programmatic Agreement developed in
28 accordance with Section 106 in order to satisfy the conditions of (a)(2)."

29 **SEC. 1006. RAIL AND TRANSIT EXEMPTION FROM CONSIDERATION**
30 **UNDER SECTION 4(f).**

1 (a) TITLE 23 AMENDMENT.--Section 138 of title 23, United States Code, as
2 amended by this Act, is further amended by inserting the following after subsection (c):

3 "(d) RAIL AND TRANSIT.--Improvements to, or the maintenance, rehabilitation,
4 or operation of railroad or rail transit lines or elements thereof, with the exception of
5 stations, that are in-use or were historically used for transportation of goods or
6 passengers, shall not be considered a use of an historic site under subsection (a),
7 regardless of whether the railroad or rail transit line or element thereof is listed on, or
8 eligible for listing on, the National Register of Historic Places."

9 (b) TITLE 49 AMENDMENT.--Section 303 of title 49, United States Code, as
10 amended by this Act, is further amended--

11 (1) in subsection (c), by striking "subsections (d) and (e)" and inserting
12 "subsections (d), (e) and (f)"; and

13 (2) by inserting the following after subsection (e):

14 "(f) RAIL AND TRANSIT.--Improvements to, or the maintenance, rehabilitation,
15 or operation of railroad or rail transit lines or elements thereof, with the exception of
16 stations, that are in-use or were historically used for transportation of goods or
17 passengers, shall not be considered a use of an historic site under subsection (c),
18 regardless of whether the railroad or rail transit line or element thereof is listed on, or
19 eligible for listing on, the National Register of Historic Places."

20 **SEC. 1007. MULTIMODAL CATEGORICAL EXCLUSIONS.**

21 Section 304 of title 49, United States Code, is amended as follows:

22 (1) Subsection (a)(1) is amended--

23 (A) by striking "operating authority" and inserting "operating
24 administration or secretarial office";

25 (B) by inserting "has expertise but" before "is not the lead"; and

26 (C) by inserting "proposed multimodal" before "project".

27 (2) Subsection (a)(2) is amended to read as follows:

28 "(2) Lead Authority.--The term 'lead authority' means a Department of
29 Transportation operating administration or secretarial office that has the lead
30 responsibility for a proposed multimodal project."

1 (3) Subsection (a)(3) is amended by striking "has the meaning given the
2 term in section 139(a) of title 23" and inserting "means an action by the
3 Department of Transportation that involves expertise of one or more Department
4 of Transportation operating administrations or secretarial offices".

5 (4) Subsection (b) is amended by striking "under this title" and inserting
6 "by the Secretary".

7 (5) Subsection (c) is amended--

8 (A) by striking "a categorical exclusion designated under the
9 implementing regulations or" and inserting "categorical exclusions
10 designated under the National Environmental Policy Act of 1969 (42
11 U.S.C. 4321, et seq.) implementing";

12 (B) by striking "other components of the" and inserting "a
13 proposed multimodal";

14 (C) by amending paragraphs (1) and (2) to read as follows:

15 "(1) the lead authority makes a preliminary determination on the
16 applicability of a categorical exclusion to a proposed multimodal project and
17 notifies the cooperating authority of its intent to apply the cooperating authority
18 categorical exclusion;

19 "(2) the cooperating authority does not object to the lead authority's
20 preliminary determination of its applicability;"

21 (D) by amending paragraph (3) by inserting "the lead authority
22 determines that" at the beginning, and " proposed multimodal" before
23 "project to be covered"; and

24 (E) by amending paragraph (4) to read as follows:

25 "(4) the lead authority, with the concurrence of the cooperating authority--

26 "(A) follows implementing regulations or procedures under the
27 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

28 "(B) determines that the proposed multimodal project does not
29 individually or cumulatively have a significant impact on the environment;
30 and

1 "(C) determines that extraordinary circumstances do not exist that
2 merit additional analysis and documentation in an environmental impact
3 statement or environmental assessment required under the National
4 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."

5 (7) Subsection (d) is amended to read as follows:

6 "(d) Cooperating Authority Expertise.--A cooperating authority shall provide
7 expertise to the lead authority on aspects of the multimodal project in which the
8 cooperating authority has expertise."

9 **SEC. 1008. IMPROVING TRANSPARENCY IN ENVIRONMENTAL**
10 **REVIEWS.**

11 (a) IN GENERAL.--Title 49, United States Code, is amended by inserting after
12 section 310, as added by this Act, the following:

13 **"Sec. 311. Improving transparency in environmental reviews**

14 "(a) IN GENERAL.--Not later than 2 years after the date of enactment of GROW
15 AMERICA Act, the Secretary shall establish an online platform and, in coordination with
16 agencies described in subsection (b), issue reporting standards to make publically
17 available the status and progress with respect to compliance with applicable requirements
18 under the National Environmental Policy Act of 1969 (42 U.S. C. 4321 et seq.) and any
19 other Federal approval required under applicable laws for projects and activities requiring
20 an environmental assessment or an environmental impact statement.

21 "(b) FEDERAL AGENCY PARTICIPATION.--A Federal agency of jurisdiction
22 over an approval required for a project under applicable laws shall provide information
23 regarding the status and progress of the approval to the online platform, consistent with
24 the standards established under subsection (a).

25 "(c) ASSIGNMENT OF RESPONSIBILITIES.--An entity with assigned
26 authority for responsibilities under the National Environmental Policy Act of 1969 (42
27 U.S. C. 4321 et seq.), pursuant to section 326 or 327 of title 23, United States Code, shall
28 be responsible for supplying project development and compliance status for all applicable
29 projects."

1 (b) CONFORMING AMENDMENT.--The analysis of chapter 3 of title 49,
2 United States Code, is amended by inserting after the item relating to section 310, as
3 added by this Act, the following:

4 "311. Improving transparency in environmental reviews."

5 **SEC. 1009. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.**

6 (a) IN GENERAL.--Title 49, United States Code, is amended by inserting after
7 section 311, as added by this Act, the following:

8 **"Sec. 312. Interagency Infrastructure Permitting Improvement Center**

9 "(a) IN GENERAL.--There is established in the Office of the Secretary an
10 Interagency Infrastructure Permitting Improvement Center (referred to in this section as
11 the 'Center').

12 "(b) ROLES AND RESPONSIBILITIES.--

13 "(1) GOVERNANCE.--The Center shall report to the chair of the Steering
14 Committee described in paragraph (2) to ensure that the perspectives of all
15 member agencies are represented.

16 "(2) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.--
17 An Infrastructure Permitting Steering Committee is established to oversee the
18 work of the Center. The Steering Committee shall be chaired by the Federal Chief
19 Performance Officer in consultation with the Chair of the Council on
20 Environmental Quality and shall be comprised of Deputy-level representatives
21 from the following agencies:

22 "(A) The Department of Defense.

23 "(B) The Department of the Interior.

24 "(C) The Department of Agriculture.

25 "(D) The Department of Commerce.

26 "(E) The Department of Transportation.

27 "(F) The Department of Energy.

28 "(G) The Department of Homeland Security.

29 "(H) The Environmental Protection Agency.

30 "(I) The Advisory Council on Historic Preservation.

31 "(J) The Department of the Army.

1 "(K) The Department of Housing and Urban Development.

2 "(L) Other agencies the Chair invites to participate.

3 "(3) ACTIVITIES.--The Center shall support the Chair of the Steering
4 Committee described in paragraph (2) and undertake the following:

5 "(A) Coordinate and support implementation of priority reform
6 actions for Federal agency permitting and reviews for areas as defined and
7 identified by the Steering Committee described in paragraph (2).

8 "(B) Support modernization efforts at agencies and interagency
9 pilots for innovative approaches to the permitting and review of
10 infrastructure projects.

11 "(C) Provide technical assistance and training to field and
12 headquarters staff of Federal agencies on policy changes, innovative
13 approaches to project delivery and other topics as appropriate.

14 "(D) Identify, develop and track metrics for timeliness of permit
15 reviews, permit decisions, and project outcomes.

16 "(E) Administer and expand the use of online transparency tools
17 providing for--

18 " (i) tracking and reporting of metrics;

19 " (ii) development and posting of schedules for permit
20 reviews and permit decisions; and

21 " (iii) sharing of best practices related to efficient project
22 permitting and reviews.

23 "(F) Provide reporting to the President on progress towards
24 achieving greater efficiency in permitting decisions and review of
25 infrastructure projects and progress towards achieving better outcomes for
26 communities and the environment.

27 "(4) INFRASTRUCTURE SECTORS COVERED.--The Center shall
28 support process improvements in the permitting and review of projects in the
29 following sectors:

30 "(A) Surface transportation.

31 "(B) Aviation.

- 1 "(C) Ports and waterways.
- 2 "(D) Water resource projects.
- 3 "(E) Renewable energy generation.
- 4 "(F) Electricity transmission.
- 5 "(G) Broadband.
- 6 "(H) Pipelines.
- 7 "(I) Other sectors, as determined by the Steering Committee
- 8 described in subparagraph (2).".

9 (b) CONFORMING AMENDMENT.--The analysis of chapter 3 of title 49,
10 United States Code, is amended by inserting after the item relating to section 312, as
11 added by this Act, the following:

12 "312. Interagency Infrastructure Permitting Improvement Center.".

13 **SEC. 1010. CLARIFICATION OF TRANSPORTATION ENVIRONMENTAL**
14 **AUTHORITIES.**

15 (a) TITLE 49 REFERENCE TO SECTION 4(f).--Section 303 of title 49, United
16 States Code, as amended by section 1012 of this Act, is further amended by inserting at
17 the end the following:

18 "(h) SECTION 4(f).--This section may be referred to as 'section 4(f)' or 'section
19 4(f) of title 49, United States Code'.".

20 (b) TITLE 23 REFERENCE TO SECTION 4(f).--Section 138 of title 23, United
21 States Code, as amended by this Act, is further amended by adding at the end the
22 following:

23 "(f) SECTION 4(f).--This section may be referred to as 'section 4(f)' or 'section
24 4(f) of title 23, United States Code'.".

25 (c) RELOCATION AND CLARIFICATION OF SECTION 1319 OF MAP-21.--

26 (1) REPEAL.--Section 1319 of the Moving Ahead for Progress in the 21st
27 Century Act (Public Law 112-141, 126 Stat. 551; 42 U.S.C. 4332a) is repealed.

28 (2) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL
29 REVIEWS.--Chapter 3 of title 49, United States Code, is amended by inserting
30 after section 304 the following:

31 **"Sec. 304a. Accelerated decisionmaking in environmental reviews.**

1 "(a) IN GENERAL.--In preparing a final environmental impact statement under the
2 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Department of
3 Transportation, when acting as lead agency, modifies the statement in response to comments that
4 are minor and are confined to factual corrections or explanations of why the comments do not
5 warrant additional Departmental response, the Department may write on errata sheets attached to
6 the statement instead of rewriting the draft statement, subject to the condition that the errata
7 sheets--

8 "(1) cite the sources, authorities, or reasons that support the position of the
9 Department; and

10 "(2) if appropriate, indicate the circumstances that would trigger Departmental
11 reappraisal or further response.

12 "(b) INCORPORATION.--To the maximum extent practicable, the Department shall
13 expeditiously develop a single document that consists of a final environmental impact statement
14 and a record of decision, unless--

15 "(1) the final environmental impact statement makes substantial changes to the
16 proposed action that are relevant to environmental or safety concerns; or

17 "(2) there are significant new circumstances or information relevant to
18 environmental concerns and that bear on the proposed action or the impacts of the
19 proposed action."

20 (d) CONFORMING AMENDMENT.--The analysis of chapter 3 of title 49,
21 United States Code, is amended by inserting the following after the item relating to
22 section 304:

23 "304a. Accelerated decisionmaking in environmental reviews."

24 (e) EFFECTIVE DATE.--The repeal and amendments made by this section are
25 effective on the date of enactment of the Moving Ahead for Progress in the 21st Century
26 Act.

27 **SEC. 1011. ADVANCE ACQUISITION.**

28
29 (a) ADVANCE ACQUISITION.--Chapter 241 of title 49, United States Code, is
30 amended by inserting the following after section 24105:

31 **"Sec. 24106. Advance acquisition**

1 "(a) RAIL CORRIDOR PRESERVATION.--The Secretary may assist a recipient
2 of funding in acquiring right-of-way and adjacent real property interests before or during
3 the completion of the environmental reviews for any project receiving funding under
4 subtitle V of title 49, United States Code, that may use such property interests if the
5 acquisition is otherwise permitted under Federal law, and the recipient requesting Federal
6 funding for the acquisition certifies, with the concurrence of the Secretary, that--

7 "(1) the recipient has authority to acquire the real property interest;

8 "(2) the acquisition of the real property interest--

9 "(A) is for a transportation purpose;

10 "(B) will not cause significant adverse environmental impact;

11 "(C) will not limit the choice of reasonable alternatives for the
12 proposed project or otherwise influence the decision of the Secretary on
13 any approval required for the project;

14 "(D) does not prevent the lead agency from making an impartial
15 decision as to whether to accept an alternative that is being considered;

16 "(E) complies with other applicable Federal laws and regulations;

17 "(F) will be acquired through negotiation, without threat of
18 condemnation; and

19 "(G) will not result in elimination or reduction of benefits or
20 assistance to a displaced person required by the Uniform Relocation
21 Assistance and Real Property Acquisition Policies Act of 1970 (42 USC
22 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 USC 2000d et
23 seq).

24 "(b) ENVIRONMENTAL REVIEWS.--

25 "(1) COMPLETION OF NEPA REVIEW.--Before authorizing Federal
26 funding for an acquisition of a real property interest, the Secretary shall complete
27 the review process under the National Environmental Policy Act of 1969 (42 USC
28 4321 et seq.) with respect to the acquisition.

29 "(2) COMPLETION OF SECTION 106.--An acquisition of a real property
30 interest involving an historic site shall not occur unless the section 106 process

1 under the National Historic Preservation Act (16 U.S.C. 470f) (as described in 77
2 Fed. Reg. 68790) is complete.

3 "(3) TIMING OF ACQUISITION.--A real property interest acquired under
4 subsection (a) may not be developed in anticipation of the proposed project until
5 all required environmental reviews for the project have been completed."

6 (b) CONFORMING AMENDMENT.--The analysis of chapter 241 of title 49,
7 United States Code, is amended by inserting the following after the item relating to
8 section 24105:

9 "Sec. 24106. Advance acquisition."

10 **SEC. 1012. BRIDGE EXEMPTION FROM CONSIDERATION UNDER**
11 **SECTION 4(f).**

12 (a) TITLE 23 AMENDMENT.--Section 138 of title 23, United States Code, as
13 amended by this Act, is further amended by adding at the end the following:

14 "(e) BRIDGE EXEMPTION FROM CONSIDERATION UNDER SECTION
15 4(f).--A common post-1945 concrete or steel bridge or culvert that is exempt from
16 individual review under section 106 of the National Historic Preservation Act (16 U.S.C.
17 470f) (as described in 77 Fed. Reg. 68790) shall also be exempt from consideration under
18 this section."

19 (b) TITLE 49 AMENDMENT.--Section 303 of title 49, United States Code, as
20 amended by this Act, is further amended by adding at the end the following:

21 "(g) BRIDGE EXEMPTION FROM CONSIDERATION UNDER SECTION
22 4(f).--A common post-1945 concrete or steel bridge or culvert that is exempt from
23 individual review under section 106 of the National Historic Preservation Act (16 U.S.C.
24 470f) (as described in 77 Fed. Reg. 68790) shall also be exempt from consideration under
25 this section."

26 **Subtitle B--Freight Policy and Financing**

27 **SEC. 1101. MULTIMODAL FREIGHT INVESTMENT PROGRAM.**

28 (a) MULTIMODAL FREIGHT INCENTIVE PROGRAM.--

29 (1) ESTABLISHMENT.--Title 49, United States Code, is amended by adding after
30 Chapter 53 the following:

31 **"CHAPTER 54--FREIGHT**

- 1 "Sec.
- 2 "5401. Multimodal freight incentive program.
- 3 "5402. National freight infrastructure program.
- 4 "5403. State freight advisory committees.
- 5 "5404. State freight plans.
- 6 "5405. National freight policy, network, plan, and data.

7 **"Sec. 5401. Multimodal freight incentive program**

8 "(a) IN GENERAL.--Subject to the requirements of this section, the Secretary
9 shall –

10 "(1) establish a program to make grants to States to improve the efficiency
11 and reliability of freight movement in the United States;

12 "(2) under subsection (c), calculate the maximum amount of funding that
13 the Secretary may allocate to a State under this section for a fiscal year; and

14 "(3) under subsection (e), allocate to a State one or more grants for which
15 the State qualifies in such fiscal year, based on the criteria specified in such
16 subsection.

17 "(b) DEFINITION.--In this section, the term "State" means any of the 50 States,
18 the District of Columbia, or Puerto Rico.

19 "(c) CALCULATION--

20 "(1) ANNUAL AMOUNT.--The Secretary shall calculate the amount of
21 funding available to be allocated to a State under this section for a fiscal year as
22 follows –

23 "(A) the amount made available to provide multimodal freight
24 incentive grants under this section for such fiscal year; multiplied by

25 "(B) the overall ratio specified in paragraph (3).

26 "(2) FLOOR AMOUNT.--Under the calculations in paragraph (1), a
27 State's amount for a fiscal year shall not be less than 0.5 percent of the amount
28 made available to provide multimodal freight incentive grants under this section
29 for such fiscal year.

30 "(3) RATIO.--Subject to paragraph (2), the Secretary shall determine the
31 overall ratio referenced in paragraph (1)(B) based on the following ratios:

1 "(A) 6.25 percent in the ratio that--
2 " (i) the number of ports in each State; bears to
3 " (ii) the number of ports in all States.
4 "(B) 6.25 percent in the ratio that--
5 " (i) the number of rail track-miles used for the movement
6 of freight in each State; bears to
7 " (ii) the number of such rail track-miles in all States.
8 "(C) 6.25 percent in the ratio that--
9 " (i) the number of cargo-handling airports in each State;
10 bears to
11 " (ii) the number of such airports in all States.
12 "(D) 6.25 percent in the ratio that--
13 " (i) the number of Interstate system miles in each State;
14 bears to
15 " (ii) the number of Interstate system miles in all States.
16 "(E) 37.5 percent in the ratio that --
17 " (i) the tonnage of rail, waterborne, highway, airport and
18 pipeline freight moved in each State; bears to
19 " (ii) the tonnage of such freight moved in all States.
20 "(F) 37.5 percent in the ratio that --
21 " (i) the value of rail, waterborne, highway, airport and
22 pipeline freight moved in each State; bears to
23 " (ii) the value of such freight moved in all States.
24 "(d) ELIGIBILITY.--A State shall use a grant under this section
25 for--
26 "(1) the development of corridor freight plans or regional freight plans; or
27 "(2) one or more phases of capital projects, equipment or operational
28 improvements on roads, rails, landside infrastructure on ports and airports, and
29 intermodal connectors included in a State freight plan under section 5404 of this
30 title for projects that--

1 "(A) maintain or improve the efficiency and reliability of freight
2 supply chains;

3 "(B) demonstrate public freight benefits;

4 "(C) improve modal components of a multimodal corridor that is
5 critical to a State or region;

6 "(D) address freight needs to facilitate a regionally or nationally
7 significant economic development issue;

8 "(E) are multimodal, multi-jurisdictional, or corridor-based and
9 address freight needs;

10 "(F) relieve freight or non-freight access, congestion, or safety
11 issues; or

12 "(G) address first and last mile connectors.

13 "(e) GRANTS.--

14 "(1) IN GENERAL.--If during a fiscal year a State meets the eligibility
15 criteria specified in paragraph (2) or (3) the Secretary shall allocate to the State in
16 such fiscal year a grant under such paragraph. The determination of whether a
17 State meets such eligibility criteria shall be made by the Secretary.

18 "(2) TIER I INCENTIVE GRANT.--

19 "(A) ALLOCATIONS OF FUNDING.--Subject to paragraph (4),
20 if a State meets the eligibility criteria specified in subparagraph (B) during
21 a fiscal year, the Secretary shall allocate to the State in such fiscal year 40
22 percent of the amount of the funds available to be allocated to the State in
23 such fiscal year.

24 "(B) ELIGIBILITY CRITERIA.--The Secretary may allocate
25 funding to a State under this paragraph in a fiscal year if the State--

26 "(i) has an established freight advisory committee in
27 accordance with section 5403 of this title;

28 "(ii) has an approved freight plan in accordance with
29 section 5404 of this title;

1 "(iii) has conducted a statewide analysis of freight needs
2 and bottlenecks on all modes of transportation, including
3 intermodal and last mile needs;

4 "(iv) demonstrates use of the statewide analysis of freight
5 needs in prioritizing projects in the freight plan required by section
6 5404 of this title; and

7 "(v) demonstrates that it will use the funding that it is
8 allocated under this paragraph for the highest priority projects that
9 are identified in the freight plan required by section 5404 of this
10 title and are ready to be advanced.

11 "(3) TIER II INCENTIVE GRANT.--

12 "(A) ALLOCATIONS OF FUNDING.--Subject to paragraph (4),
13 if a State meets the eligibility criteria specified in subparagraph (B) during
14 a fiscal year, the Secretary shall allocate to the State in such fiscal year 60
15 percent of the amount of the funds available to be allocated to the State in
16 such fiscal year.

17 "(B) ELIGIBILITY CRITERIA.--The Secretary may allocate
18 funding to a State under this paragraph in a fiscal year if the State--

19 "(i) has met the eligibility criteria specified in paragraph
20 (2)(B);

21 "(ii) has conducted, in cooperation with at least one other
22 State, a multistate analysis of freight needs and bottlenecks on all
23 modes of transportation, including intermodal and last mile needs
24 along a multistate freight corridor;

25 "(iii) has developed, in cooperation with at least one other
26 State or relevant entities in Canada or Mexico, a regional freight
27 investment plan that focuses on the end-to-end investment needs of
28 critical multistate freight corridors based on the multistate analysis
29 of freight needs and bottlenecks on all modes of transportation,
30 including intermodal and last mile needs; and

1 "(iv) demonstrates that it will use the funding that it is
2 allocated under this paragraph for the highest priority projects
3 identified in the regional freight plan.

4 "(4) TIER I and II ANALYSES AND PLANS.--

5 "(A) APPROVAL.--A State shall demonstrate that it developed the
6 analyses and plans required under paragraphs (2) and (3) with the approval
7 of a State Freight Advisory Committee.

8 "(B) CERTIFICATION.--The determination of whether the
9 analyses and plans required to qualify under paragraphs (2) and (3) satisfy
10 the requirements of the paragraphs shall be at the discretion of the
11 Secretary.

12 "(C) FORECAST PERIOD.--All analyses and plans required under
13 paragraph (3) shall address a 10-year and 20-year forecast period.

14 "(D) UPDATES.--In order to obligate funding under paragraphs
15 (2) and (3), a State shall update all analyses and plans required under such
16 paragraph at least every 5 years.

17 "(f) TRANSFER AUTHORITY.--

18 "(1) ADMINISTRATION OF PROJECTS.--For the purpose of
19 administering a grant under this subsection, funds authorized for this section may
20 be transferred within the Department and administered in accordance with the
21 requirements of titles 23 or 49 of the United States Code applicable to the agency
22 to which the funds are transferred and any other requirements applicable to the
23 project.

24 "(2) TRANSFER TO OTHER PROGRAMS.--Funds authorized for this
25 section may not be transferred to any other program under titles 23 or 49, United
26 States Code.

27 "(g) FEDERAL SHARE.--The Federal share for projects funded under this
28 section shall not exceed 80 percent. Funds authorized for this section may not be applied
29 towards the non-federal share of costs under another federal program.

1 "(h) TREATMENT FOR OBLIGATION LIMITATION DISTRIBUTION.--For
2 purposes of distributing obligation limitation in any fiscal year, the Secretary shall
3 provide funds made available for this section with obligation limitation as follows:

4 "(1) The Secretary shall provide funds authorized for that fiscal year with
5 obligation limitation under section 2002(c)(4) of the GROW AMERICA Act or
6 the equivalent provision of the relevant appropriations act for a fiscal year, as
7 appropriate.

8 "(2) The Secretary shall provide funds carried over from prior fiscal years
9 with obligation limitation under section 2002(c)(2) of such Act or the equivalent
10 provision of the relevant appropriations act for a fiscal year, as appropriate."

11 (2)FUNDING.--

12 (A) AUTHORIZATION.--There is authorized to be appropriated
13 from the highway account of the transportation trust fund to carry out
14 section 5401 of title 49, United States Code –

15 (i) \$500,000,000 for fiscal year 2015;

16 (ii) \$1,000,000,000 for fiscal year 2016;

17 (iii) \$1,500,000,000 for fiscal year 2017; and

18 (iv)\$2,000,000,000 for fiscal year 2018.

19 (B) AVAILABILITY AND ADMINISTRATION.--The funds
20 authorized by subparagraph (A) shall be--

21 (i) available for obligation on October 1 of the fiscal year
22 for which they are authorized;

23 (ii) available for obligation until expended; and

24 (iii) administered as if such funds were apportioned under
25 chapter 1 of title 23, United States Code.

26 (C) TRANSFER TO NATIONAL FREIGHT

27 INFRASTRUCTURE PROGRAM.--Notwithstanding section 5401(f)(2)
28 of title 49, United States Code, as soon as practicable after October 1,
29 2016, and each fiscal year thereafter, the Secretary shall transfer to the
30 National Freight Infrastructure program under section 5402 of such title –

1 (i) of the funds authorized under subparagraph (A) to carry
2 out section 5401 of such title, any funds that –

3 (I) were available to be allocated to a State for the
4 prior fiscal year under subsection (c) of such section; but

5 (II) the Secretary did not allocate to that State for
6 that prior fiscal year due to that State not meeting the
7 eligibility criteria specified under subsections (e)(2) or
8 (e)(3) of such section; and

9 (ii) an amount of obligation limitation equal to the amount
10 of funds that the Secretary transfers under clause (i).

11 (b) NATIONAL FREIGHT INFRASTRUCTURE PROGRAM.--

12 (1) ESTABLISHMENT.--Chapter 54 of such title is amended by adding at
13 the end the following:

14 **"Sec. 5402. National Freight Infrastructure Program**

15 "(a) GENERAL.--The Secretary shall establish and implement a National Freight
16 Infrastructure Program under this section.

17 "(b) GOALS.--The goals of the program shall be to--

18 "(1) Reduce the cost of freight transportation;

19 "(2) Improve the safety of freight transportation;

20 "(3) Relieve bottlenecks in the freight transportation system;

21 "(4) Improve the state of good repair of the freight transportation system;

22 and

23 "(5) Reduce the adverse environmental and community impacts of freight
24 transportation.

25 "(c) DEFINITIONS.--In this section the following definitions apply:

26 "(1) ELIGIBLE APPLICANT.--

27 "(A) IN GENERAL.--The term "eligible applicant" means--

28 "(i) a State (as defined in section 101(a)(25) of title 23);

29 "(ii) American Samoa, the Commonwealth of the Northern
30 Mariana Islands, Guam, or the U.S. Virgin Islands;

31 "(iii) a local government;

1 "(iv) a metropolitan planning organization;

2 "(v) a public transportation authority (including a port
3 authority);

4 "(vi) a tribal government; or

5 "(vii) a group of entities described in clauses (i) through
6 (vi).

7 "(B) GROUPS OF ENTITIES.--A group described in clause (vii)
8 of subparagraph (A) shall submit an application through a lead applicant
9 that qualifies under one of the clauses (i) through (vi) of that
10 subparagraph. Public-private partnerships are eligible provided the lead
11 applicant qualifies under one of the clauses (i) through (vi) of
12 subparagraph (A).

13 "(2) ELIGIBLE PROJECT.--

14 "(A) IN GENERAL.--The term "eligible project" means a capital
15 investment for a transportation infrastructure facility, or for an operational
16 improvement or equipment for such a facility--

17 "(i) that is for a facility significantly used for the movement
18 of freight, and that is--

19 "(I) a road, rail, air, water, or pipeline facility;

20 "(II) an intermodal facility such as a seaport or port
21 on the inland waterway system, an airport, or a
22 highway/rail intermodal facility; or

23 "(III) a facility related to an international border
24 crossing;

25 "(ii) that the Secretary has determined will help to achieve
26 the goals set out in subsection (b);

27 "(iii) for which funding committed by state and local
28 governments and other public and private partners, along with the
29 Federal funding requested, will be sufficient to complete the
30 capital investment; and

31 "(iv) that upon completion will have independent utility.

1 "(B) PLANS AND ANALYSES.--The term "eligible project"
2 includes the development of plans and analysis required by this chapter.

3 "(d) APPLICATIONS.--An eligible applicant seeking to receive a grant under this
4 section for an eligible project shall submit to the Secretary an application in such form
5 and in accordance with such requirements as the Secretary shall establish.

6 "(e) SELECTION OF PROJECTS.--The Secretary shall select projects for
7 funding based on the criteria specified in subsection (f).

8 "(f) CRITERIA FOR SELECTION.--The Secretary shall select eligible projects
9 for funding based on the following criteria:

10 "(1) The extent to which the project is likely to advance the goals
11 set forth in subsection (b).

12 "(2) The likely benefits of the project relative to its costs.

13 "(3) The extent to which the project demonstrates the use of
14 innovative technology, strategies, and practices.

15 "(4) The likely effect of the project on increasing U.S. exports.

16 "(5) The consistency of the project with the National Freight
17 Strategic Plan under section 5405 of this title.

18 "(6) Inclusion of the project in the State freight plan required under
19 section 5404 of this title.

20 "(7) The extent to which the project leverages Federal funds by
21 matching State, local, tribal, or private funds to the Federal funding
22 requested under this section.

23 "(8) The extent to which funds for the project are not available
24 from other sources.

25 "(g) RETROSPECTIVE ANALYSIS.--

26 "(1) ANALYSIS.--A grant agreement made under this section between the
27 Government and a grantee shall specify that the grantee will collect data and
28 report to the Secretary, at times that the Secretary shall specify, on--

29 "(A) the actual cost of constructing the project;

30 "(B) the time required to complete the project and put it into
31 service;

1 "(C) the level of usage of the facility built or improved by the
2 project;

3 "(D) the benefits of the project, measured in a way that is
4 consistent with the benefits that were estimated in the application for
5 funding that was submitted to the Secretary; and

6 "(E) any costs resulting from the project in addition to the costs of
7 constructing the project.

8 "(h) TERMS AND CONDITIONS.--The Secretary shall determine such other
9 terms and conditions, other than those listed in this section, as are necessary and
10 appropriate to implement this section.

11 (i) ADMINISTRATIVE AND OVERSIGHT COSTS.--

12 "(1) IN GENERAL.--The Secretary may retain up to one-half of 1 percent
13 of the amounts authorized for each fiscal year under this section for--

14 "(A) administration of the National Freight Infrastructure Program
15 under this section and

16 "(B) oversight of projects funded under this section.

17 "(2) TRANSFER OF FUNDS.--The Secretary may transfer portions of the
18 funds retained under this subsection to the Administrators of the Federal Highway
19 Administration, the Federal Railroad Administration, the Federal Aviation
20 Administration, and the Federal Maritime Administration to carry out the
21 administration and oversight of grants made under this section.

22 "(j) FEDERAL SHARE.--The Federal share for projects funded under this section
23 shall not exceed 80 percent.

24 "(k) ADMINISTRATION OF PROJECTS.--For the purpose of administering a
25 grant under this section, funds authorized for this section may be transferred within the
26 Department and administered in accordance with the requirements of titles 23 or 49 of the
27 United States Code applicable to the agency to which the funds are transferred and any
28 other requirements applicable to the project."

29 (2) FUNDING.--

1 (A) IN GENERAL.--There is authorized to be appropriated from
2 the highway account of the transportation trust fund to carry out this
3 section –

- 4 (i) \$500,000,000 for fiscal year 2015;
- 5 (ii) \$1,000,000,000 for fiscal year 2016;
- 6 (iii) \$1,500,000,000 for fiscal year 2017; and
- 7 (iv) \$2,000,000,000 for fiscal year 2018.

8 (B) ADMINISTRATION OF FUNDS.--The funds authorized by
9 subparagraph (A) shall be--

- 10 (i) available for obligation on October 1 of the fiscal year
11 for which they are authorized; and
- 12 (ii) available for obligation until expended.

13 (c) STATE FREIGHT ADVISORY COMMITTEE.--Chapter 54 of such title is
14 amended by adding at the end the following:

15 **"Sec. 5403. State freight advisory committees**

16 "(a) IN GENERAL.--

17 "(1) FREIGHT ADVISORY COMMITTEE.--Each State that receives a
18 grant under this chapter shall establish and maintain a freight advisory committee
19 consistent with criteria established by the Secretary and consisting of a
20 representative cross-section of public and private sector freight stakeholders,
21 including--

22 "(A) all modes of freight transportation active in the State,
23 including airports, highways, ports, and rail;

24 "(B) shippers;

25 "(C) carriers;

26 "(D) freight-related associations;

27 "(E) the freight industry workforce;

28 "(F) the transportation department of the State;

29 "(G) metropolitan planning organizations; and

30 "(H) local governments.

1 "(2) QUALIFICATIONS.--Individuals selected under paragraph (1) must
2 be widely recognized to have qualifications sufficient to represent the interests of
3 their specific stakeholder group, including--

4 "(A) general business and financial experience;

5 "(B) experience or qualifications in the areas freight transportation
6 and logistics;

7 "(C) experience in transportation planning;

8 "(D) representing employees of the freight industry; or

9 "(E) representing State or local governments, or metropolitan
10 planning organizations."

11 "(b) ROLE OF COMMITTEE.--The freight advisory committee shall--

12 "(1) advise the State on freight-related priorities, issues, projects, and
13 funding needs;

14 "(2) serve as a forum for discussion for State transportation decisions
15 affecting freight mobility;

16 "(3) communicate and coordinate regional priorities with other
17 organizations;

18 "(4) promote the sharing of information between the private and public
19 sectors on freight issues;

20 "(5) participate in the development of the State freight plan, including
21 advising on the development of the freight investment plan; and

22 "(6) approve the State freight plan under section 5404 of this title,
23 including the freight investment plan required thereunder."

24 (d) STATE FREIGHT PLAN.--Chapter 54 of such title is amended by adding at
25 the end the following:

26 "**Sec. 5404. State freight plan**

27 "(a) IN GENERAL.--Each State that receives a grant under this chapter shall
28 develop a freight plan that provides a multimodal, comprehensive plan for the immediate
29 and long-range planning activities and investments of the State with respect to freight.
30 The freight plan shall include a strategic, long-term component and a tactical, short-term
31 component.

1 "(b) PLAN CONTENTS.--The freight plan shall consider all modes of freight
2 transportation in the State and include, at a minimum--

3 "(1) an identification of significant freight system trends, needs, and issues
4 with respect to a State;

5 "(2) a description of the freight policies, strategies, and performance
6 measures that will guide the freight-related transportation investment decisions of
7 the State;

8 "(3) a description of how the plan will improve the ability of the State to
9 meet the national freight goals established under section 5405 of this title;

10 "(4) evidence of consideration of innovative technologies and operational
11 strategies, including intelligent transportation systems, that improve the safety and
12 efficiency of freight movement;

13 "(5) in the case of routes on which travel of heavy vehicles (including
14 mining, agricultural, energy cargo or equipment, and timber vehicles) is projected
15 to substantially deteriorate the condition of the roadways, a description of
16 improvements that may be required to reduce or impede the deterioration;

17 "(6) an inventory of facilities with freight mobility issues, such as truck
18 bottlenecks, within the State, and a description of the strategies the State is
19 employing to address those freight mobility issues; and

20 "(7) a freight investment plan that includes a list of projects in order of
21 priority and describes how multimodal freight investment funds under section
22 5401 of this title would be invested and matched.

23 "(c) RELATIONSHIP TO LONG-RANGE PLAN.--

24 "(1) INCORPORATION.--The freight plan may be developed separate
25 from or incorporated into the statewide strategic long-range transportation plan
26 required by section 135(f) of title 23, United States Code.

27 "(2) REQUIREMENT OF ANTICIPATED FULL FUNDING.--The
28 priority freight investment plan component of the freight plan shall include a
29 project, or an identified phase of a project, only if funding for completion of the
30 project can reasonably be anticipated to be available for the project within the
31 time period identified in the freight investment plan.

1 "(d) CERTIFICATION.--The Secretary shall approve state freight plans if
2 they address the requirements of this section and are consistent with the National
3 Freight Strategic Plan.

4 "(e) FORECAST PERIOD.--The freight plan shall address a 10-year forecast
5 period.

6 "(f) UPDATES.--A State shall update the freight plan at least every 5 years. The
7 State may update the freight investment plan on a more frequent basis."

8 (e) NATIONAL FREIGHT POLICY, NETWORK, PLAN, AND DATA.--
9 Chapter 54 of such title is amended by adding at the end the following:

10 **"Sec. 5405. National freight policy, network, plan, and data**

11 "(a) NATIONAL FREIGHT POLICY.--It is the policy of the United States to
12 improve the condition and performance of the national freight system to ensure that the
13 national freight system provides the foundation for the United States to compete in the
14 global economy and achieve each goal described in subsection (b).

15 "(b) GOALS.--The goals of the national freight policy are--

16 "(1) to increase the productivity and efficiency of the national freight
17 system so as to enhance the economic competitiveness of the United States;

18 "(2) to improve the safety, security, and resilience of freight
19 transportation;

20 and

21 "(3) to improve quality of life by reducing, eliminating or reversing
22 adverse environmental and community impacts of freight projects and goods
23 movement in the United States.

24 "(c) STRATEGY.--The strategies that the United States shall use to achieve the
25 goals set forth in subsection (b) shall include--

26 "(1) support for or investment in infrastructure, equipment and operational
27 improvements;

28 "(2) appropriate safety, environmental, energy, and other transportation
29 policies;

30 "(3) advanced technology and innovation;

1 "(4) enhancement of competition and accountability in the transportation
2 industries; and

3 "(5) use of performance management.

4 "(d) NATIONAL FREIGHT SYSTEM DEFINED.--In this section, the term
5 "national freight system" means the publicly and privately-owned transportation
6 facilities that are used in transporting freight within the United States, including roads,
7 railroads, ports, waterways, locks and dams, airports, airways, pipelines, warehouses,
8 distribution centers, and intermodal facilities.

9 "(e) MULTIMODAL NATIONAL FREIGHT NETWORK.--

10 "(1) ESTABLISHMENT.--The Secretary shall establish a multimodal
11 national freight network in accordance with this section to inform public and
12 private planning, to prioritize for Federal investment, to aid the public and private
13 sector in strategically directing resources, and to support Federal decisionmaking
14 to achieve the national freight policy goals set forth in subsection (b).

15 "(2) NETWORK COMPONENTS.--The national freight network shall
16 consist of such connectors, corridors and facilities in all freight transportation
17 modes as most critical to the current and future movement of freight within the
18 national freight system;

19 "(3) INITIAL DESIGNATION OF THE NATIONAL FREIGHT
20 NETWORK.--

21 "(A) DESIGNATION.--The Secretary shall designate a national
22 freight network--

23 " (i) using measurable data to assess the significance of
24 goods movement, including consideration of points of origin,
25 destination, and linking components of the United States global
26 and domestic supply chains;

27 " (ii) fostering network connectivity; and

28 " (iii) reflecting input collected from stakeholders through a
29 public process, including input from metropolitan planning
30 organizations and States, to identify critical freight facilities that

1 are vital links in national or regionally significant goods movement
2 and supply chains.

3 "(B) FACTORS FOR DESIGNATION.--In designating the
4 national freight network, the Secretary may consider--

5 "(i) volume, tonnage, and value of freight;

6 "(ii) origins and destinations of freight movement in, to,
7 and from the United States;

8 "(iii) land and maritime ports of entry;

9 "(iv) population centers;

10 "(v) economic factors or other inputs determined to be
11 relevant by the Secretary;

12 "(vi) bottlenecks and other impediments contributing to
13 significant measurable congestion and delay in freight movement;

14 "(vii) facilities of future freight importance based on input
15 from stakeholders and analysis of projections for future growth and
16 changes to the freight system; and

17 "(viii) elements of the freight system identified and
18 documented by a metropolitan planning organization and State
19 using national or local data as having critical freight importance to
20 the region.

21 "(4) REDESIGNATION OF THE NATIONAL FREIGHT NETWORK.--
22 Effective beginning 5 years after the designation of the national freight network
23 and every 5 years thereafter, using the designation factors described in
24 paragraph(1), the Secretary shall redesignate the national freight network.

25 "(f) NATIONAL FREIGHT STRATEGIC PLAN.--

26 "(1) ESTABLISHMENT OF PLAN.--Not later than October 1, 2015, the
27 Secretary shall, in consultation with the Secretary of Homeland Security,
28 Secretary of Commerce, Assistant Secretary of the Army for Civil Works, State
29 departments of transportation, and other appropriate public and private
30 transportation stakeholders, develop, maintain, and post on the Department of
31 Transportation public website a national freight strategic plan that shall include--

1 "(A) an assessment of the condition and performance of the
2 national freight system;

3 "(B) an identification of bottlenecks on the national freight system
4 that create significant freight congestion problems, based on a quantitative
5 methodology developed by the Secretary, which shall, at a minimum,
6 include--

7 "(i) information from the Freight Analysis Framework of
8 the Federal Highway Administration; and

9 "(ii) to the maximum extent practicable, an estimate of the
10 cost of addressing each bottleneck and any operational
11 improvements that could be implemented;

12 "(C) forecasts of freight volumes for 10-year and 20-year periods
13 beginning in the year during which the plan is issued;

14 "(D) an identification of major trade gateways and national freight
15 corridors that connect major population centers, trade gateways, and other
16 major freight generators for current and forecasted traffic and freight
17 volumes, the identification of which shall be revised, as appropriate, in
18 subsequent plans;

19 "(E) an assessment of statutory, regulatory, technological,
20 institutional, financial, and other barriers to improved freight
21 transportation performance (including opportunities for overcoming the
22 barriers);

23 "(F) an identification of routes providing access to energy
24 exploration, development, installation, or production areas;

25 "(G) best practices for improving the performance of the national
26 freight system;

27 "(H) best practices for addressing the impacts of freight movement
28 on communities;

29 "(I) a process for addressing multistate projects and encouraging
30 jurisdictions to collaborate; and

1 "(J) strategies to improve freight connectivity between modes of
2 transportation.

3 "(2) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN--Not
4 later than 5 years after the date of completion of the first national freight strategic
5 plan under paragraph (1), and every 5 years thereafter, the Secretary shall update
6 and repost on the Department of Transportation public website a revised national
7 freight strategic plan.

8 "(g) FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE
9 REPORTS.--Not later than October 1, 2014, and biennially thereafter, the Secretary shall
10 prepare a report that contains a description of the conditions and performance of the
11 national freight system in the United States.

12 "(h) TRANSPORTATION INVESTMENT DATA AND PLANNING TOOLS.--

13 "(1) IN GENERAL.--The Secretary shall develop new tools and improve
14 existing tools to support an outcome-oriented, performance-based approach to
15 evaluate proposed freight-related and other transportation projects, including--

16 "(A) methodologies for systematic analysis of benefits and costs;

17 "(B) freight forecasting models;

18 "(C) tools for ensuring that the evaluation of freight-related and
19 other transportation projects can consider safety, economic
20 competitiveness, environmental sustainability, and system condition in the
21 project selection process; and

22 "(D) other elements to assist in effective transportation planning.

23 "(2) FREIGHT DATA.--In support of these tools, and to support a broad
24 range of evaluation methods and techniques to assist in making transportation
25 investment decisions, the Secretary shall--

26 "(A) direct the collection of appropriate transportation-related data,
27 including data to measure the condition and performance of the national
28 freight system; and

29 "(B) consider any improvements to existing freight data collection
30 efforts that could reduce identified freight data gaps and deficiencies and
31 help improve forecasts of freight transportation demand.

1 (B) in subsection (c) by striking "the Dwight D. Eisenhower
2 System of Interstate and Defense Highways (except a segment exempted
3 under subsection (f) of this section) and those classes of qualifying
4 Federal-aid Primary System highways designated by the Secretary of
5 Transportation under subsection (e) of this section" and inserting "the
6 National Highway System and the National Freight Network (except a
7 segment exempted under subsection (e) of this section)";

8 (C) by striking subsection (e);

9 (D) by redesignating subsections (f) and (g) as subsections (e) and
10 (f), respectively; and

11 (E) in subsection (e), as redesignated--

12 (i) in paragraph (1) by striking "the Dwight D. Eisenhower
13 System of Interstate and Defense Highways" and inserting "the
14 National Highway System or the National Freight Network";

15 (ii) in paragraph (2) by striking "the Dwight D. Eisenhower
16 System of Interstate and Defense Highways" and inserting "the
17 National Highway System or the National Freight Network"; and

18 (iii) in paragraph (4)(A) by striking "the Dwight D.
19 Eisenhower System of Interstate and Defense Highways" and
20 inserting "the National Highway System or the National Freight
21 Network";

22 (2) SECTION 31112 AMENDMENT.--Section 31112 of title 49, United
23 States Code, is amended in subsection (b) by striking "by the Secretary of
24 Transportation under section 31111(e) of this title" and inserting "in part 658 of
25 title 23, Code of Federal Regulations";

26 (3) SECTION 31113 AMENDMENT.--Section 31113 of title 49, United
27 States Code, is amended--

28 (A) by amending subsection (a) to read as follows:

29 "(a) GENERAL LIMITATIONS.--Except as provided in subsection (e) of this
30 section, a State (except Hawaii) may not prescribe or enforce a regulation of commerce
31 that imposes a vehicle width limitation of more or less than 102 inches on a commercial

1 motor vehicle operating on the National Highway System or the National Freight
2 Network.";

3 (B) in subsection (d) by striking "the Dwight D. Eisenhower
4 System of Interstate and Defense Highways (except a segment exempted
5 under subsection (e) of this section) or other qualifying Federal-aid
6 highway designated by the Secretary" and inserting "the National
7 Highway System or National Freight Network"; and

8 (C) in subsection (e)--

9 (i) in paragraph (1) by striking "the Dwight D. Eisenhower
10 System of Interstate and Defense Highways" and inserting "the
11 National Highway System or National Freight Network";

12 (ii) in paragraph (2) by striking "the Dwight D. Eisenhower
13 System of Interstate and Defense Highways" and inserting "the
14 National Highway System or National Freight Network"; and

15 (iii) in paragraph (4)(A) by striking "the Dwight D.
16 Eisenhower System of Interstate and Defense Highways" and
17 "inserting "the National Highway System or National Freight
18 Network"; and

19 (4) SECTION 31114 AMENDMENT.--Section 31114 of title 49, United
20 States Code, is amended--

21 (A) in the section heading by striking "Interstate System" and
22 inserting "National Highway System and National Freight Network"; and

23 (B) by amending subsection (a)(1) to read as follows:

24 "(1) the National Highway System or the National Freight Network; and".

25 (b) DELAYED APPLICABILITY.--The Secretary shall not enforce the
26 amendments made by this section until 3 years after the effective date of this Act.

27 **Subtitle C--Planning**

28 **SEC. 1201. TRANSPORTATION SYSTEM RESILIENCE ASSESSMENT.**

29 (a) SECTION 134 AMENDMENT.--Section 134 of title 23, United States Code,
30 is amended--

31 (1) in subsection (b)--

1 (A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7)
2 as paragraphs (4), (5), (6), (7), (8), (10), and (11), respectively;

3 (B) by inserting before paragraph (4), as redesignated, the
4 following:

5 "(1) ADAPTATION.--The term 'adaptation' means adjustment in natural
6 or human systems in anticipation of or response to a changing environment in a
7 way that effectively uses beneficial opportunities or moderates negative effects of
8 extreme weather events or climate change.

9 "(2) CLIMATE CHANGE.--The term 'climate change' means any
10 significant change in the measures of climate lasting for an extended period of
11 time. This may include major changes in temperature, precipitation, or wind
12 patterns, among others, that occur over several decades or longer.

13 "(3) CRITICAL HIGHWAY AND TRANSIT ASSETS.--The term
14 'critical highway and transit assets' means transportation facilities considered
15 critical to support population centers, freight movement and economic activity, or
16 evacuation, recovery or national security functions."; and

17 (C) by inserting before paragraph (10), as redesignated, the
18 following:

19 "(9) RESILIENCE.--The term 'resilience' means the ability to anticipate,
20 prepare for, and adapt to changing conditions and to withstand, respond to, and
21 recover rapidly from disruptions, including extreme weather events and climate
22 change."; and

23 (2) in subsection (i)(2)--

24 (A) by redesignating subparagraphs (E), (F), (G), and (H), as
25 subparagraphs (F), (G), (H), and (I), respectively; and

26 (B) by inserting before subparagraph (F), as redesignated, the
27 following:

28 "(E) ADAPTATION AND RESILIENCE.--

29 "(i) IN GENERAL.--In order to protect the integrity and
30 enhance the resilience of the transportation system and to ensure

1 the efficient use of Federal resources, the long-range transportation
2 plan shall include--

3 "(I) an analysis of potential vulnerabilities and risks
4 of critical highway and transit assets to the impacts of
5 current and future extreme weather and climate change
6 effects; and

7 "(II) an explanation of potential strategies for the
8 adaptation of those critical assets.

9 "(ii) CONSULTATION AND COORDINATION.--The
10 analysis shall be developed in consultation with Federal, State,
11 local and Tribal agencies, as appropriate. The analysis and
12 strategies shall take into consideration the risk management
13 analysis in the State's asset management plan, developed pursuant
14 to section 119 of this title, and the State's evaluation of reasonable
15 alternatives to roads, highways, and bridges that repeatedly require
16 repair and reconstruction activities due to emergency events,
17 carried out in accordance with section 1315(b) of Public Law 112-
18 141(126 Stat. 549).".

19
20 (b) SECTION 135 AMENDMENT.--Section 135(f) of title 23, United States
21 Code, is amended by adding at the end the following:

22 "(10) ADAPTATION AND RESILIENCE.--

23 "(A) IN GENERAL.--To protect the integrity and enhance the
24 resilience of the transportation system and to ensure the efficient use of
25 Federal resources, the long-range transportation plan shall include--

26 "(i) an analysis of potential vulnerabilities and risks of
27 critical highway and transit assets to the impacts of current and
28 future extreme weather and climate change effects; and

29 "(ii) an explanation of potential strategies for the adaptation
30 of those critical assets.

1 "(B) CONSULTATION AND COORDINATION.--The analysis
2 shall be developed in consultation with Federal, State, local and Tribal
3 agencies, as appropriate. The analysis and strategies shall take into
4 consideration the risk management analysis in the State's asset
5 management plan, developed pursuant to section 119 of this title, and the
6 State's evaluation of reasonable alternatives to roads, highways, and
7 bridges that repeatedly require repair and reconstruction activities due to
8 emergency events, carried out in accordance with section 1315(b) of
9 Public Law 112-141(126 Stat. 549).".

10 (c) SECTION 5303 AMENDMENT.--Section 5303 of title 49, United States
11 Code, is amended--

12 (1) in subsection (b)--

13 (A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7)
14 as paragraphs (4), (5), (6), (7), (8), (10), and (11), respectively;

15 (B) by inserting before paragraph (4), as redesignated, the
16 following:

17 "(1) ADAPTATION.--The term 'adaption' means an adjustment in natural
18 or human systems in anticipation of or response to a changing environment in a
19 way that effectively uses beneficial opportunities or moderates negative effects of
20 extreme weather events or climate change.

21 "(2) CLIMATE CHANGE.--The term 'climate change' means any
22 significant change in the measures of climate lasting for an extended period of
23 time. This may include major changes in temperature, precipitation, or wind
24 patterns, among others, that occur over several decades or longer.

25 "(3) CRITICAL HIGHWAY AND TRANSIT ASSETS.--The term
26 'critical highway and transit assets' means transportation facilities considered
27 critical to support population centers, freight movement and economic activity, or
28 evacuation, recovery or national security functions."; and

29 (C) by inserting before paragraph (10), as redesignated, the
30 following:

1 "(9) RESILIENCE.--The term 'resilience' means the ability to anticipate,
2 prepare for, and adapt to changing conditions and to withstand, respond to, and
3 recover rapidly from disruptions, including extreme weather events and climate
4 change."; and

5 (2) in subsection (i)(2)--

6 (A) by redesignating subparagraphs (E), (F), (G), and (H), as
7 subparagraphs (F), (G), (H), and (I), respectively; and

8 (B) by inserting before subparagraph (F), as redesignated, the
9 following:

10 "(E) ADAPTATION AND RESILIENCE.--

11 (i) IN GENERAL.--To protect the integrity and enhance
12 the resilience of the transportation system and to ensure the
13 efficient use of Federal resources, the long-range transportation
14 plan shall include--

15 (I) an analysis of potential vulnerabilities and risks
16 of critical highway and transit assets to the impacts of current and
17 future extreme weather and climate change effects; and

18 (II) an explanation of potential strategies for the
19 adaptation of those critical assets.

20 (ii) CONSULTATION AND COORDINATION.--The
21 analysis shall be developed in consultation with Federal, State,
22 local and Tribal agencies, as appropriate. The analysis and
23 strategies shall take into consideration the risk management
24 analysis in the State's asset management plan, developed pursuant
25 to section 119 of this title, and the State's evaluation of reasonable
26 alternatives to roads, highways, and bridges that repeatedly require
27 repair and reconstruction activities due to emergency events,
28 carried out in accordance with section 1315(b) of Public Law 112-
29 141(126 Stat. 549).".

30

1 (d) SECTION 5304 AMENDMENT.--Section 5304(f) of title 49, United States
2 Code, is amended by adding at the end the following:

3 "(10) ADAPTATION AND RESILIENCE.--

4 "(A) IN GENERAL.--To protect the integrity and enhance the
5 resilience of the transportation system and ensure the efficient use of
6 Federal resources, the long-range transportation plan shall include--

7 "(i) an analysis of potential vulnerabilities and risks of
8 critical highway and transit assets to the impacts of current and
9 future extreme weather and climate change effects; and

10 "(ii) an explanation of potential strategies for the adaptation
11 of those critical assets.

12 "(B) CONSULTATION AND COORDINATION.--The analysis
13 shall be developed in consultation with Federal, State, local and Tribal
14 agencies, as appropriate. The analysis and strategies shall take into
15 consideration the risk management analysis in the State's asset
16 management plan, developed pursuant to section 119 of this title, and the
17 State's evaluation of reasonable alternatives to roads, highways, and
18 bridges that repeatedly require repair and reconstruction activities due to
19 emergency events, carried out in accordance with section 1315(b) of
20 Public Law 112-141(126 Stat. 549).".

21 **SEC. 1202. CONSOLIDATED AND HIGH PERFORMING METROPOLITAN**
22 **PLANNING ORGANIZATIONS.**

23 (a) CONSOLIDATION OF METROPOLITAN PLANNING
24 ORGANIZATIONS.--

25 (1) SECTION 134 AMENDMENT.--Section 134(d)(6) of title 23, United
26 States Code, is amended to read as follows:

27 "(6) CONSOLIDATION OF METROPOLITAN PLANNING
28 ORGANIZATIONS WITHIN URBANIZED AREAS.--

29 "(A) LIMITATION ON NEW METROPOLITAN PLANNING
30 ORGANIZATION DESIGNATIONS.--A metropolitan planning
31 organization shall not be newly-designated--

1 "(i) within a metropolitan statistical area if another
2 metropolitan planning organization already exists within the
3 boundaries of the metropolitan statistical area, or

4 "(ii) outside of a metropolitan statistical area.

5 "(B) MULTIPLE EXISTING METROPOLITAN PLANNING
6 ORGANIZATIONS.--If multiple existing metropolitan planning
7 organizations are designated within a metropolitan statistical area--

8 "(i) the metropolitan planning organizations may--

9 " (I) retain their designation as distinct metropolitan
10 planning organizations; or

11 " (II) be consolidated by agreement between the
12 metropolitan planning organizations;

13 "(ii) the Governor (or Governors) and the existing
14 metropolitan planning organizations shall--

15 " (I) revisit a determination to remain
16 unconsolidated every 10 years, beginning two years after
17 the next decennial census; and

18 " (II) provide justification to the Secretary of the
19 continued necessity of the designation of multiple
20 metropolitan planning organizations in the area; and

21 "(iii) where multiple metropolitan planning organizations
22 exist within a single metropolitan statistical area, they shall
23 cooperate with one another to--

24 " (I) develop a single transportation improvement
25 plan and a single long-range plan for use by all
26 metropolitan planning organizations within the
27 metropolitan statistical area when developing their
28 individual plans; and

29 " (II) establish a single set of performance targets
30 that address the performance measures described in section

1 150(c) for use in developing individual performance targets
2 in accordance with section 134(h)(2)."

3 (2) SECTION 5303 AMENDMENT.--Section 5303(d)(6) of title 49,
4 United States Code, is amended to read as follows:

5 "(6) CONSOLIDATION OF METROPOLITAN PLANNING
6 ORGANIZATIONS WITHIN URBANIZED AREAS.--

7 "(A) LIMITATION ON NEW METROPOLITAN PLANNING
8 ORGANIZATION DESIGNATIONS.--A metropolitan planning
9 organization shall not be newly-designated--

10 "(i) within a metropolitan statistical area if another
11 metropolitan planning organization already exists within the
12 boundaries of the metropolitan statistical area, or

13 "(ii) outside of a metropolitan statistical area.

14 "(B) MULTIPLE EXISTING METROPOLITAN PLANNING
15 ORGANIZATIONS.--If multiple existing metropolitan planning
16 organizations are designated within a metropolitan statistical area,

17 "(i) the metropolitan planning organizations may--

18 "(I) retain their designation as distinct metropolitan
19 planning organizations; or

20 "(II) be consolidated by agreement between the
21 metropolitan planning organizations;

22 "(ii) the Governor (or Governors) and the existing
23 metropolitan planning organizations shall--

24 "(I) revisit a determination to remain
25 unconsolidated every 10 years, beginning two years after
26 the next decennial census; and

27 "(II) provide justification to the Secretary of the
28 continued necessity of the designation of multiple
29 metropolitan planning organizations in the area; and

1 "(iii) where multiple metropolitan planning organizations
2 exist within a single metropolitan statistical area, they shall
3 cooperate with one another to--

4 "(I) develop a single transportation improvement
5 plan and a single long-range plan for use by all
6 metropolitan planning organizations within the
7 metropolitan statistical area when developing their
8 individual plans; and

9 "(II) establish a single set of performance targets
10 that address the performance measures described in section
11 150(c) of title 23, United States Code, for use in developing
12 individual performance targets in accordance with
13 subsection (h)(2) and sections 5326(c) and 5329(d) of this
14 title."

15 (3) DEFINITIONS.--

16 (A) HIGHWAY DEFINITION.--Section 134(b) of title 23, United
17 States Code, as amended by section 1201(a) of this Act, is further
18 amended by—

19 (i) redesignating paragraphs (3) through (11) as paragraphs
20 (4) through (12); and

21 (ii) inserting after paragraph (2) the following--

22 "(3) CONSOLIDATED METROPOLITAN PLANNING
23 ORGANIZATION.--The term 'consolidated metropolitan planning organization'
24 means a sole metropolitan planning organization that serves a metropolitan
25 statistical area."

26 (B) TRANSIT DEFINITION.--Section 5303(b) of title 49, United
27 States Code, as amended by section 1201(c) of this Act is further amended
28 by—

29 (i) redesignating paragraphs (3) through (11) as paragraphs
30 (4) through (12); and

31 (ii) inserting after paragraph (2) the following—

1 "(3) CONSOLIDATED METROPOLITAN PLANNING
2 ORGANIZATION.—The term 'consolidated metropolitan planning organization'
3 means a sole metropolitan planning organization that serves a metropolitan
4 statistical area."

5 (b) DESIGNATION OF HIGH PERFORMING METROPOLITAN PLANNING
6 ORGANIZATIONS.--

7 (1) SECTION 134 AMENDMENT.--Section 134 of title 23, United States
8 Code, as amended by this Act, is further amended by adding at the end the
9 following:

10 "(r) HIGH PERFORMING METROPOLITAN PLANNING
11 ORGANIZATIONS.--

12 "(1) IN GENERAL.—A metropolitan planning organization that represents
13 an urbanized area with a population of over 200,000 individuals may request a
14 high performing metropolitan planning organization designation from the
15 Secretary.

16 "(2) CRITERIA.--In making a high performing metropolitan planning
17 organization designation, the Secretary shall consider--

18 "(A) the extent to which the metropolitan planning organization
19 has an equitable and regional approach to decisionmaking;

20 "(B) the extent to which the metropolitan planning organization
21 has incorporated its performance targets established pursuant to section
22 150 of this title and sections 5303(h)(2), 5326(c) and 5329(d) of title 49
23 into its planning process;

24 "(C) whether the metropolitan planning organization is a
25 consolidated metropolitan planning organization;

26 "(D) if the metropolitan planning organization is not a consolidated
27 metropolitan planning organization, the extent to which the metropolitan
28 planning organization is coordinating with all other metropolitan planning
29 organizations designated for the same metropolitan statistical area;

30 "(E) the technical capacity of the metropolitan planning
31 organization; and

1 "(F) other criteria established by the Secretary in guidance.

2 "(3) REVIEW.--A designation under paragraph (1) shall stay in effect for
3 10 years from the date of designation."

4 (2) SECTION 5303 AMENDMENT.--Section 5303 of title 49, United
5 States Code, as amended by this Act, is further amended by adding at the end the
6 following:

7 "(r) HIGH PERFORMING METROPOLITAN PLANNING
8 ORGANIZATIONS.--

9 "(1) IN GENERAL.--A metropolitan planning organization that represents
10 an urbanized area with a population of over 200,000 individuals may request a
11 high performing metropolitan planning organization designation from the
12 Secretary.

13 "(2) CRITERIA.--In making a high performing metropolitan planning
14 organization designation, the Secretary shall consider--

15 "(A) the extent to which the metropolitan planning organization
16 has an equitable and regional approach to decisionmaking;

17 "(B) the extent to which the metropolitan planning organization
18 has incorporated its performance targets established pursuant to section
19 150 of title 23, United States Code, subsection (h)(2), and sections 5326(c)
20 and 5329(d) of this title into its planning process;

21 "(C) whether the metropolitan planning organization is a
22 consolidated metropolitan organization;

23 "(D) if the metropolitan planning organization is not a consolidated
24 metropolitan planning organization, the extent to which the metropolitan
25 planning organization is coordinating with all other metropolitan planning
26 organizations designated for the same metropolitan statistical area;

27 "(E) the technical capacity of the metropolitan planning
28 organization; and

29 "(F) other criteria established by the Secretary in guidance.

30 "(3) REVIEW.--A designation under paragraph (1) shall stay in effect for
31 10 years from the date of designation."

1 (c) SURFACE TRANSPORTATION INCENTIVE FUNDS.--Section 133(d)(1)
2 of title 23, United States Code is amended to read as follows:

3 "(1) CALCULATION.--The funds apportioned to a State under section
4 104(b)(2) shall be obligated as follows:

5 "(A) SUBALLOCATED FUNDS.--50 percent of the funds for a
6 fiscal year shall be obligated under this section, in proportion to their
7 relative shares of the population of the State--

8 "(i) in urbanized areas of the State with an urbanized area
9 population over 200,000;

10 "(ii) in urban areas of the State with a population of 5,000
11 to 200,000; and

12 "(iii) in areas of the State with a population of fewer than
13 5,000 .

14 "(B) STATEWIDE FUNDS.--25 percent of the funds for a fiscal
15 year may be obligated in any area of the State.

16 "(C) HIGH PERFORMING METROPOLITAN PLANNING
17 ORGANIZATIONS--

18 "(i) IN GENERAL.--25 percent of the funds for a fiscal
19 year shall be obligated under this section in urbanized areas under
20 subparagraph (A)(i) that are served by high performing
21 metropolitan planning organizations (as designated by the
22 Secretary under section 134(r) or section 5303(r) of title 49, United
23 States Code). Any funds remaining under this clause shall be
24 obligated in any area of the State under subparagraph (B).

25 "(ii) AMOUNT.--The amount to be obligated under clause
26 (i) in an urbanized area served by a high performing metropolitan
27 planning organization shall equal 50 percent of the amount to be
28 obligated in that urbanized area under paragraph (4) and is in
29 addition to the amount under such paragraph."
30

1 (d) TRANSPORTATION ALTERNATIVES INCENTIVE FUNDS.--Section
2 213(c)(1) of such title is amended to read as follows:

3 "(1) CALCULATION.--The funds reserved to a State shall be obligated as
4 follows:

5 "(A) SUBALLOCATED FUNDS.--50 percent of the funds for a
6 fiscal year shall be obligated under this section to any eligible entity in
7 proportion to its relative share of the population of the State--

8 "(i) in urbanized areas of the State with an urbanized area
9 population over 200,000;

10 "(ii) in urban areas of the State with a population of 5,000
11 to 200,000; and

12 "(iii) in areas of the State with a population of fewer than
13 5,000.

14 "(B) STATEWIDE FUNDS.--25 percent of the funds for a fiscal
15 year may be obligated in any area of the State.

16 "(C) HIGH PERFORMING METROPOLITAN PLANNING
17 ORGANIZATIONS.--

18 "(i) IN GENERAL.--25 percent of the funds for a fiscal
19 year shall be obligated under this section in urbanized areas under
20 subparagraph (A)(i) that are served by high performing
21 metropolitan planning organizations (as designated by the
22 Secretary under section 134(r) or section 5303(r) of title 49, United
23 States Code). Any funds remaining under this clause shall be
24 obligated in any area of the State under subparagraph (B).

25 "(ii) AMOUNT.--The amount to be obligated under clause
26 (i) in an urbanized area served by a high performing metropolitan
27 planning organization shall equal 50 percent of the amount to
28 obligated in that urbanized area under paragraph (3) and is in
29 addition to the amount under such paragraph."

30 (e) OBLIGATION AUTHORITY.--Section 133(f) of such title is amended--

31 (1) in paragraph (1), by--

1 (A) striking "A State" and inserting "Except as provided in
2 paragraph (2), a State"; and

3 (B) striking "fiscal years 2011 through 2014" and inserting "fiscal
4 years 2015 through 2018";

5 (2) by redesignating paragraph (2) as paragraph (3) and inserting after
6 paragraph (1) the following:

7 "(2) HIGH PERFORMING METROPOLITAN PLANNING
8 ORGANIZATIONS.--

9 "(A) IN GENERAL.--A State that is required to obligate in an urbanized
10 area under subsections (d)(1)(A)(i) and (d)(1)(C)(i) shall make available to such
11 urbanized area on an annual basis an amount of obligation authority distributed to
12 the State for Federal-aid highways and highway safety construction programs for
13 use in the area that is equal to the amount obtained by multiplying--

14 "(i) the amount of funds that the State is required to obligate in the area
15 under such subsections; and

16 "(ii) the ratio specified in paragraph (1)(B).

17 "(B) AVAILABILITY.--The obligation authority that a State makes
18 available to an urbanized area under subparagraph (A) shall remain available for a
19 period of four fiscal years."; and

20 (3) in paragraph (3), as redesignated, by striking "paragraph (1)" and
21 inserting "paragraphs (1) and (2)".

22 (f) DISTRIBUTION OF METROPOLITAN PLANNING FUNDS.--Section
23 104(d)(2)(A) of such title is amended--

24 (1) in clause (i), by striking "; and" and inserting ";;";

25 (1) by redesignating clause (ii) as clause (iii); and

26 (2) by inserting after clause (i) the following:

27 "(ii) prioritizes the needs of high performing metropolitan
28 planning organizations (as designated by the Secretary under
29 section 134(r) or section 5303(r) of title 49, United States Code);
30 and".

1 (g) TECHNICAL CORRECTION.--Subsection 133(h)(1) of such title is amended
2 by striking "for each of fiscal years 2013 through 2014" and inserting "each fiscal year".

3 **SEC. 1203. PARTICIPATION OF PUBLIC PORT AUTHORITIES.**

4 (a) SECTION 134 AMENDMENT.--Section 134(i)(6)(A) of title 23, United
5 States Code, is amended by inserting "public ports," before "freight shippers".

6 (b) SECTION 135 AMENDMENT.--Section 135(g)(3) of title 23, United States
7 Code, is amended by inserting "public ports," before "freight shippers".

8 (c) SECTION 5303 AMENDMENT.--Section 5303(i)(6)(A) of title 49, United
9 States Code, is amended by inserting "public ports," before "freight shippers".

10 (d) SECTION 5304 AMENDMENT.--Section 5304(g)(3) of title 49, United
11 States Code, is amended by inserting "public ports," before "freight shippers".

12 **SEC. 1204. STRENGTHENING THE STATEWIDE AND**
13 **NONMETROPOLITAN PLANNING PROCESS.**

14 (a) SECTION 135 AMENDMENT.--Section 135 of title 23, United States Code,
15 is amended--

16 (1) in subsection (f)(5) by striking "may" and inserting "shall";

17 (2) in subsection (f)(7)--

18 (A) by striking "should" and inserting "shall"; and

19 (B) by striking the final ";" and inserting ".";

20 (3) in subsection (g)(5)(F)(i) by striking "may" and inserting "shall"; and

21 (4) by striking subsection (g)(8) and inserting the following:

22 "(8) CERTIFICATION PROCESS.--

23 "(A) IN GENERAL.--At least once every 4 years the Secretary
24 shall certify that each State has met the requirements of--

25 "(i) this section; and

26 "(ii) other Federal laws, regulations, and orders applicable
27 to the statewide and nonmetropolitan and the metropolitan
28 planning processes.

29 "(B) FAILURE TO MEET CERTIFICATION.--If a State does not
30 meet such certification, the Secretary may withhold up to 20 percent of the

1 funds attributable to such State for projects funded under this title and
2 chapter 53 of title 49.

3 "(C) RESTORATION OF FUNDS.--The withheld funds shall be
4 restored to the State at such time as the State process is certified by the
5 Secretary.

6 "(D) PUBLIC INVOLVEMENT.--In making the certification
7 determinations under this paragraph, the Secretary shall provide for public
8 involvement appropriate to the State under review."

9 (b) SECTION 5304 AMENDMENT.--Section 5304 of title 49, United States
10 Code, is amended--

11 (1) in subsection (f)(5) by striking "may" and inserting "shall";

12 (2) in subsection (f)(7) by striking "should" and inserting "shall";

13 (3) in subsection (g)(5)(F)(i) by striking "may" and inserting "shall"; and

14 (4) by striking subsection (g)(8) and inserting the following:

15 "(8) CERTIFICATION PROCESS.--

16 "(A) IN GENERAL.--At least once every 4 years the Secretary
17 shall certify that each State has met the requirements of--

18 "(i) this section; and

19 "(ii) other Federal laws, regulations, and orders applicable
20 to the statewide and nonmetropolitan and the metropolitan
21 planning processes.

22 "(B) FAILURE TO MEET CERTIFICATION.--If a State does not
23 meet such certification, the Secretary may withhold up to 20 percent of the
24 funds attributable to such State for projects funded under this title and
25 chapter 53 of title 49.

26 "(C) RESTORATION OF FUNDS.--The withheld funds shall be
27 restored to the State at such time as the State process is certified by the
28 Secretary.

29 "(D) PUBLIC INVOLVEMENT.--In making the certification
30 determinations under this paragraph, the Secretary shall provide for public
31 involvement appropriate to the State under review."

1 **SEC. 1205. REMOVAL OF THE CONGESTION MANAGEMENT PROCESS.**

2 (a) SECTION 134 AMENDMENT.--Section 134 of title 23, United States Code,
3 is amended--

4 (1) by striking subsection (k)(3) and redesignating subsections (k)(4) and
5 (k)(5) as subsections (k)(3) and (k)(4), respectively; and

6 (2) by striking subsection (n) and redesignating subsections (o) through (q)
7 as subsections (n) through (p), respectively.

8 (b) SECTION 135 AMENDMENT.--Section 135 of title 23, United States Code,
9 is amended by striking subsection (j) and redesignating subsections (k) through (m) as
10 subsections (j) through (l), respectively.

11
12 (c) SECTION 5303 AMENDMENT.--Section 5303 of title 49, United States
13 Code, is amended--

14 (1) by striking subsection (k)(3) and redesignating subsections (k)(4) and
15 (k)(5) as subsections (k)(3) and (k)(4), respectively; and

16 (2) by striking subsection (n) and redesignating subsections (o) through (q)
17 as subsections (n) through (p), respectively.

18 (d) SECTION 5304 AMENDMENT.--Section 5304 of title 49, United States
19 Code, is amended by striking subsection (i) and redesignating subsections (j) through (l)
20 as subsections (i) through (k), respectively.

21 **SEC. 1206. PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.**

22 (a) SECTION 134 AMENDMENT.--Section 134(i) of title 23, United States
23 Code, is amended--

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

25 "(D) PUBLIC INVOLVEMENT.--Metropolitan planning
26 organizations shall offer interested parties, such as those described in
27 paragraph (6), a reasonable opportunity to participate in the development
28 and consideration of scenarios."; and

29 (2) in paragraph (6), by striking "comment on the transportation plan" and
30 inserting "provide input during the development and implementation of the
31 transportation plan".

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

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

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

7 "(D) PUBLIC INVOLVEMENT.--Metropolitan planning
8 organizations shall offer interested parties, such as those described in
9 paragraph (6), a reasonable opportunity to participate in the development
10 and consideration of scenarios."; and

11 (2) in paragraph (6), by striking "comment on the transportation plan" and
12 inserting "provide input during the development and implementation of the
13 transportation plan".

14 (d) SECTION 5304 AMENDMENT.--Section 5304(f)(3)(A)(ii) of title 49, United
15 States Code, is amended by striking "comment on the proposed plan"; and inserting
16 "provide input during the development of the transportation plan".

17
18 **SEC. 1207. CONNECTION TO OPPORTUNITIES NATIONAL GOAL AND**
19 **POTENTIAL PERFORMANCE MEASURE.**

20 (a) TRANSPORTATION CONNECTIONS TO OPPORTUNITIES.--Section
21 150(b) of title 23, United States Codes, is amended--

22 (1) in paragraph (2), by striking "highway infrastructure asset system" and
23 inserting "infrastructure asset system under title 23"; and

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

25 "(8) MULTIMODAL CONNECTIVITY.--To achieve an interconnected
26 transportation system which connects people to jobs, schools, and other essential
27 services through a multimodal network."

28 (b) ESTABLISHMENT OF PERFORMANCE MEASURES.--Section 150(c) of
29 title 23, United States Code, is amended--

30 (1) in paragraph (1), by inserting "as listed in paragraphs (3), (4), (5) and
31 (6)" before the period at the end; and

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

2 "(7) MULTIMODAL FREIGHT.--The Secretary may, in accordance with
3 the National Freight Strategic Plan, establish Performance Measures to assess the
4 efficiency of the multimodal freight network.

5 "(8) TRANSPORTATION CONNECTIVITY.--The Secretary may, in
6 accordance with the framework established in section 134 of this title (Measuring
7 Transportation Connections to Opportunity), establish a Performance Measure to
8 be used by MPOs to assess the degree to which the transportation system provides
9 multimodal connections to economic opportunities, particularly for disadvantaged
10 populations."

11 **SEC. 1208. WORKFORCE DEVELOPMENT.**

12 Section 140(b) of title 23, United States Code, is amended to read as follows:

13 "(b) WORKFORCE TRAINING AND DEVELOPMENT.--

14 "(1) IN GENERAL.--The Secretary, in cooperation with the Secretary
15 of Labor and any other department or agency of the Government, State agency,
16 authority, association, institution, Indian tribal government, corporation (profit or
17 nonprofit), or any other organization or person, is authorized to develop, conduct,
18 and administer surface transportation and technology training, including skill
19 improvement programs, and to develop and fund summer transportation institutes.

20 "(2) STATE DOT RESPONSIBILITIES.--A State department of
21 transportation participating in the program shall--

22 "(A) develop a workforce plan that identifies immediate and
23 anticipated workforce gaps and underrepresentation of women and
24 minorities, and a detailed plan to fill gaps and address such
25 underrepresentation;

26 "(B) establish a 'workforce development compact' with the State
27 workforce investment board and appropriate agencies to provide a
28 coordinated approach to workforce training, job placement, and
29 identification of training and skill development program needs, which
30 shall be coordinated to the extent practical with an institution or agency,

1 such as a State workforce investment board under 29 U.S.C. 2821, that has
2 established skills training, recruitment, and placement resources; and

3 "(C) demonstrate program outcomes, including--

4 "(i) impact on areas with transportation workforce
5 shortages;

6 "(ii) diversity of training participants;

7 "(iii) number and percentage of participants obtaining
8 certifications or credentials required for specific types of
9 employment;

10 "(iv) employment outcome, including job placement and
11 job retention rates and earnings, using performance metrics
12 established in consultation with the Secretary of Labor and
13 consistent with metrics used by programs under the Workforce
14 Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

15 "(v) to the extent practical, evidence that the program did
16 not preclude workers that participate in training or registered
17 apprenticeship activities under the program from being referred to,
18 or hired on, projects funded under this chapter.

19 "(3) FUNDING.--Funds authorized for the program under paragraph (1)
20 of this subsection shall remain available until expended.

21 "(4) NONAPPLICABILITY OF TITLE 41.--The provisions of sections
22 6101(b) through (d) of title 41 shall not be applicable to contracts and agreements
23 made under the authority granted under this subsection to the Secretary.

24 "(5) USE OF SURFACE TRANSPORTATION AND NATIONAL
25 HIGHWAY PERFORMANCE PROGRAM FUNDS.--Notwithstanding any other
26 provision of law, not to exceed ½ of 1 percent of funds apportioned to a State
27 under section 104(b)(1) or (2) may be available to carry out this subsection upon
28 request of the State transportation department to the Secretary.

29 "(6) JOB-DRIVEN SKILLS TRAINING INCENTIVE.--

30 "(A) IN GENERAL.--In a fiscal year, the Secretary shall provide
31 incentive funding to States for transportation workforce development,

1 including transportation technology and skills training, registered
2 apprenticeship and other work-based training opportunities, and skill
3 improvement programs leading to credential attainment, employment, and
4 career pathways for disadvantaged populations.

5 "(B) ELIGIBILITY.--

6 "(i) LEVERAGING EXISTING FUNDS.--If a State agrees
7 to obligate in a fiscal year funds apportioned to the State under
8 section 104(b)(1) or (2) for the purposes authorized in paragraph
9 (1), the Secretary may provide up to twice the amount the State has
10 agreed to obligate for such purposes.

11 "(ii) DEMONSTRATING SUCCESS IN SKILLS
12 TRAINING, RECRUITMENT, AND JOB PLACEMENT.--The
13 Secretary may provide incentive funding to up to 20 States that
14 demonstrate that their program under paragraph (2)--

15 "(I) operates in partnership with an institution or
16 agency, such as a State workforce investment board under
17 29 U.S.C. 2821, that has established skills training,
18 recruitment, and placement resources; and

19 "(II) successfully places individuals in permanent
20 jobs, as measured by a job placement, retention, and
21 earnings metrics established by the Secretary; and

22 "(III) establishes recruitment strategies that result in
23 positive employment outcomes for minorities, women, and
24 disadvantaged individuals.

25 "(C) GRANTS.--

26 "(i) IN GENERAL.--A State may provide incentive funds
27 received under this paragraph to an institution or agency, such as a
28 State workforce investment board under 29 U.S.C. 2821, that has
29 established skills training, recruitment, and placement resources
30 for use consistent with subparagraph (A).

1 "(ii) COMPLIANCE.--A State that provides funds to an
2 entity under clause (i) shall establish measures to verify that
3 recipients of such funds comply with the requirements of this
4 subsection.

5 "(D) FEDERAL SHARE.--The Federal share for incentive funding
6 under this paragraph may be up to 100 percent."

7 **SEC. 1209. MEASURING TRANSPORTATION CONNECTIVITY PILOT**
8 **ACTIVITIES.**

9 (a) TITLE 23.--Section 134 of title 23, United States Code, as amended by this
10 Act, is further amended by inserting after subsection (p), as redesignated, the following:

11 "(q) MEASURING TRANSPORTATION CONNECTIONS TO
12 OPPORTUNITY.--

13 "(1) CONNECTION TO OPPORTUNITY PILOT PROGRAM.--

14 "(A) ESTABLISHMENT.--The Secretary shall establish a pilot
15 program in which up to ten metropolitan planning organizations shall
16 develop and deploy one or more pilot measures and targets to improve
17 multimodal connectivity and increase connections for disadvantaged
18 Americans and neighborhoods with limited transportation options.

19 "(B) PILOT LOCATIONS.--The Secretary shall select up to ten
20 metropolitan planning organizations in up to ten locations, each of which
21 is the sole metropolitan planning organization serving an urbanized area of
22 more than 1 million residents, which shall include--

23 "(i) metropolitan planning organizations that can
24 demonstrate previous successful use of performance measurements
25 and performance-based planning efforts, which the Secretary shall
26 designate as mentor grantees; and

27 "(ii) metropolitan planning organizations that have limited
28 or no successful previous experience in performance
29 measurements and performance-based planning efforts, which the
30 Secretary shall designate as novice grantees.

31 "(C) PILOT PROGRAM ACTIVITIES.--

1 "(i) TRANSPORTATION CONNECTIVITY

2 INVENTORY.--Within 6 months of selection as a pilot location,
3 and in consultation with appropriate States, transit agencies, and
4 local governments, metropolitan planning organizations in pilot
5 locations shall develop an inventory of transportation assets within
6 the urbanized planning area they represent, which will describe--

7 "(I) the condition of key highway, transit, bicycle,
8 and pedestrian facilities;

9 "(II) the degree to which these facilities provide
10 residents with connections to economic opportunities,
11 including but not restricted to job centers and schools;

12 "(III) the identity and location of disadvantaged
13 populations within the planning area; and

14 "(IV) local challenges to multimodal connectivity,
15 such as zoning or land use issues, availability of affordable
16 housing, and physical barriers that obstruct access from
17 residential areas to economic opportunities.

18 "(ii) PERFORMANCE INDICATORS.--Within one year
19 of selection, metropolitan planning organizations in pilot locations
20 shall apply the baseline data developed in the Transportation
21 Connectivity Inventory to adopt one or more provisional indicators
22 to measure multimodal connectivity improvements in the
23 transportation system, including measurements of multimodal
24 connectivity improvements available to populations identified in
25 clause (i)(III), and appropriate to local assets and needs.

26 "(iii) DATA COLLECTION AND REPORTING.--

27 Metropolitan planning organizations in pilot locations shall collect
28 and report baseline and annual performance data on multimodal
29 transportation connectivity to opportunity, and shall report that
30 data to the Secretary for the duration of the pilot project.

1 "(iv) KNOWLEDGE-SHARING.--Metropolitan planning
2 organizations designated as mentor grantees shall engage in
3 knowledge-sharing activities with novice grantees to the extent
4 feasible, which may include peer exchanges and technical
5 assistance, as appropriate to their existing level of performance
6 measurement capacity.

7 "(v) PROJECT IMPLEMENTATION.--Notwithstanding
8 section 120 of this title, a metropolitan planning organization may
9 use funds remaining after the completion of the Transportation
10 Connectivity Inventory, provisional measure, and related tracking
11 activities for the non-Federal share to implement projects within
12 the metropolitan planning area that are reasonably anticipated to
13 address system gaps and improve performance according to the
14 locally-adopted provisional multimodal transportation connectivity
15 measures.

16 "(2) NATIONAL PERFORMANCE MEASURE DEVELOPMENT
17 ACTIVITIES.--The Secretary shall reserve up to a cumulative a maximum of
18 \$9,000,000 of the amount authorized for this subsection over the period of fiscal
19 years 2015 through 2018 for use on evaluation of multimodal connectivity
20 measures developed by metropolitan planning organizations in pilot locations, and
21 to consider development of a national indicator to measure the multimodal
22 connections to opportunities provided by the transportation network, including the
23 following activities:

24 "(A) NATIONAL TECHNICAL ASSISTANCE AND PEER
25 EXCHANGE FORUMS.--The Secretary shall support the measure
26 development and data collection of metropolitan planning organizations in
27 pilot locations through technical assistance and peer exchanges, and
28 through workshops with States, transit agencies, and MPOs to discuss
29 Pilot Program findings, and shall establish an online collaboration center
30 for local jurisdictions to share ideas and challenges, and document lessons
31 learned.

1 "(B) CONNECTION TO OPPORTUNITY FINAL REPORT--At
2 the end of the Connection to Opportunity Pilot Program, the Department
3 shall produce in consultation with the Secretary of the Department of
4 Housing and Urban Development, the Secretary of the Department of
5 Commerce and the Administrator of the Environmental Protection
6 Agency, and seek public comment on a final report that documents the
7 outcomes of the Connection to Opportunity Pilot Program. The report
8 shall provide recommendations on the establishment of one or more
9 national multimodal connectivity measures, and shall include--

10 "(i) results of the pilot locations' efforts to measure and
11 improve multimodal connectivity;

12 "(ii) the Secretary's recommendations for one or more
13 national connectivity measures and integrating them into the
14 Federal transportation performance management framework, in
15 accordance with section 150 of this title; and

16 "(iii) an assessment of social outcomes and impact that may
17 result from the pilot measures as well as estimated savings to
18 Federal, state and local social service subsidy programs, as well as
19 other costs avoided and new tax revenues attributable to increased
20 connectivity.

21 "(C) POTENTIAL RULEMAKING.--Following publication of the
22 Connection to Opportunity Final Report, the Secretary, in consultation
23 with State Departments of Transportation, metropolitan planning
24 organizations, and other stakeholders, may promulgate a rulemaking that
25 establishes performance measures and standards as described in Section
26 150(c)(8).".

27 (b) CHAPTER 53.--Section 5303 of title 49, United States Code, as amended by
28 this Act, is further amended by inserting after subsection (p), as redesignated, the
29 following:

30 "(q) MEASURING TRANSPORTATION CONNECTIONS TO
31 OPPORTUNITY.--

1 "(1) CONNECTION TO OPPORTUNITY PILOT PROGRAM.--

2 "(A) ESTABLISHMENT.--The Secretary shall establish a pilot
3 program in which up to ten metropolitan planning organizations shall
4 develop and deploy one or more pilot measures and targets to improve
5 multimodal connectivity and increase connections for disadvantaged
6 Americans and neighborhoods with limited transportation options.

7 "(B) PILOT LOCATIONS.--The Secretary shall select up to ten
8 metropolitan planning organizations, each of which is the sole
9 metropolitan planning organization serving an urbanized area of more than
10 1 million residents, which shall include--

11 "(i) metropolitan planning organizations that can
12 demonstrate previous successful use of performance measurements
13 and performance-based planning efforts, which the Secretary shall
14 designate as mentor grantees; and

15 "(ii) metropolitan planning organizations that have limited
16 or no successful previous experience in performance
17 measurements and performance-based planning efforts, which the
18 Secretary shall designate as novice grantees.

19 "(C) PILOT PROGRAM ACTIVITIES.--

20 "(i) TRANSPORTATION CONNECTIVITY
21 INVENTORY.--Within 6 months of selection as a pilot location,
22 and in consultation with appropriate States, transit agencies, and
23 local governments, metropolitan planning organizations in pilot
24 locations shall develop an inventory of transportation assets within
25 the urbanized planning area they represent, which will describe--

26 "(I) the condition of key highway, transit, bicycle,
27 and pedestrian facilities;

28 "(II) the degree to which these facilities provide
29 residents with connections to economic opportunities,
30 including but not restricted to job centers and schools,;

1 "(III) the identity and location of disadvantaged
2 populations within the planning area; and

3 "(IV) local challenges to multimodal connectivity,
4 such as zoning or land use issues, availability of affordable
5 housing, and physical barriers that obstruct access from
6 residential areas to economic opportunities.

7 "(ii) PERFORMANCE INDICATORS.--Within one year
8 of selection, metropolitan planning organizations in pilot locations
9 shall apply the baseline data developed in the Transportation
10 Connectivity Inventory to adopt one or more provisional indicators
11 to measure multimodal connectivity improvements in the
12 transportation system, including measurements of multimodal
13 connectivity improvements available to populations identified in
14 clause (i)(III), and appropriate to local assets and needs.

15 "(iii) DATA COLLECTION AND REPORTING.--
16 Metropolitan planning organizations in pilot locations shall collect
17 and report baseline and annual performance data on multimodal
18 transportation connectivity to opportunity, and shall report that
19 data to the Secretary for the duration of the pilot project.

20 "(iv) KNOWLEDGE-SHARING.--Metropolitan planning
21 organizations designated as mentor grantees shall engage in
22 knowledge-sharing activities with novice grantees to the extent
23 feasible, which may include peer exchanges and technical
24 assistance, as appropriate to their existing level of performance
25 measurement capacity.

26 "(v) PROJECT IMPLEMENTATION.--Notwithstanding
27 section 120 of this title, a metropolitan planning organization may
28 use funds remaining after the completion of the Transportation
29 Connectivity Inventory, provisional measure, and related tracking
30 activities for the non-Federal share to implement projects within
31 the metropolitan planning area that are reasonably anticipated to

1 address system gaps and improve performance according to the
2 locally-adopted provisional multimodal transportation connectivity
3 measures.

4 "(2) NATIONAL PERFORMANCE MEASURE DEVELOPMENT

5 ACTIVITIES.--The Secretary shall reserve up to a cumulative \$9,000,000 of the
6 amount authorized for this subsection over the period of fiscal years 2015 through
7 2018 for use on evaluation of multimodal connectivity measures developed by
8 metropolitan planning organizations in pilot locations, and to consider
9 development of a national indicator to measure the multimodal connections to
10 opportunities provided by the transportation network, including the following
11 activities:

12 "(A) NATIONAL TECHNICAL ASSISTANCE AND PEER

13 EXCHANGE FORUMS.--The Secretary shall support the measure
14 development and data collection of metropolitan planning organizations in
15 pilot locations through technical assistance and peer exchanges, and
16 through workshops with States, transit agencies, and MPOs to discuss
17 Pilot Program findings, and shall establish an online collaboration center
18 for local jurisdictions to share ideas and challenges, and document lessons
19 learned.

20 "(B) CONNECTION TO OPPORTUNITY FINAL REPORT--At

21 the end of the Connection to Opportunity Pilot Program, the Department
22 shall produce and seek public comment on a final report that documents
23 the outcomes of the Connection to Opportunity Pilot Program. The report
24 shall provide recommendations on the establishment of one or more
25 national multimodal connectivity measures, and shall include--

26 "(i) results of the pilot locations' efforts to measure and
27 improve multimodal connectivity;

28 "(ii) the Secretary's recommendations for one or more
29 national connectivity measures and integrating them into the
30 Federal transportation performance management framework in
31 accordance with section 150 of this title; and

1 "(iii) an assessment of social outcomes and impact that may
2 result from the pilot measures as well as estimated savings to
3 Federal, state and local social service subsidy programs, as well as
4 other costs avoided and new tax revenues attributable to increased
5 connectivity.

6 "(C) POTENTIAL RULEMAKING.-- Within two years of the
7 publication of the Connection to Opportunity Final Report, the Secretary,
8 in consultation with State Departments of Transportation, metropolitan
9 planning organizations, and other stakeholders, may promulgate a
10 rulemaking that establishes performance measures and standards."

11 **SEC. 1210. PERFORMANCE-BASED PROJECT SELECTION.**

12 (a) SECTION 134 AMENDMENT.--Section 134(j)(2)(D) of title 23, United
13 States Code, is amended to read as follows:

14 "(D) PERFORMANCE TARGET ACHIEVEMENT.--In adding
15 projects to a transportation improvement program, a metropolitan planning
16 organization shall create a process to evaluate and select each project or
17 collection of projects based on the project's (or collection of projects')
18 inclusion of elements that are known to support, or will foreseeably
19 support outcomes that will achieve the performance targets established in
20 the metropolitan transportation plan by the metropolitan planning
21 organization in accordance with subsection (h)(2)(B)."

22 (b) SECTION 135 AMENDMENT.--Section 135(g)(4) of title 23, United States
23 Code, is amended to read as follows:

24 "(4) PERFORMANCE TARGET ACHIEVEMENT.--In adding
25 projects to a state transportation improvement program, a State shall create
26 a process to evaluate and select each project or collection of projects based
27 on the project's (or collection of projects') inclusion of elements that are
28 known to support, or will foreseeably support, outcomes that will achieve
29 the performance targets established in the long-range statewide
30 transportation plan in accordance with subsection (f)(7)(A)."

1 (c) SECTION 5303 AMENDMENT.--Section 5303(j)(2)(D) of title 49, United
2 States Code, is amended to read as follows:

3 "(D) PERFORMANCE TARGET ACHIEVEMENT.--In adding
4 projects to a transportation improvement program, a metropolitan planning
5 organization shall create a process to evaluate and select each project or
6 collection of projects based on the project's (or collection of projects')
7 inclusion of elements that are known to support, or will foreseeably
8 support outcomes that will achieve the performance targets established in
9 the metropolitan transportation plan by the metropolitan planning
10 organization in accordance with section 134(h)(2)(B) of title 23."

11 (d) SECTION 5304 AMENDMENT.--Section 5304(g)(4) of title 49, United
12 States Code, is amended to read as follows:

13 "(4) PERFORMANCE TARGET ACHIEVEMENT.--In adding
14 projects to a State transportation improvement program, a State shall
15 create a process to evaluate and select each project or collection of
16 projects based on the project's (or collection of projects') inclusion of
17 elements that are known to support, or will foreseeably support, outcomes
18 that will achieve the performance targets established in the long-range
19 statewide transportation plan in accordance with section 135(f)(7)(A) of
20 title 23."

21 **SEC. 1211. STORMWATER PLANNING.**

22 (a) SECTION 134 AMENDMENT.--Section 134(h)(1) of title 23, United States
23 Code, is amended--

24 (1) in subparagraph (G), by striking "; and" and inserting ";;

25 (2) in subparagraph (H), by striking the final period and inserting "; and";

26 and

27 (3) by inserting the following at the end:

28 "(I) improve the resilience and reliability of the transportation
29 system and reduce or mitigate stormwater impacts of surface
30 transportation."

1 (b) SECTION 135 AMENDMENT.-- Section 135(d)(1) of title 23, United States
2 Code, is amended--

3 (1) in subparagraph (G), by striking "; and" and inserting ";;";

4 (2) in subparagraph (H), by striking the final period and inserting "; and";

5 and

6 (3) by inserting the following at the end:

7 "(I) improve the resilience and reliability of the transportation
8 system and reduce or mitigate stormwater impacts of surface
9 transportation."

10 (c) SECTION 5303 AMENDMENT.--Section 5303(h)(1) of title 49, United
11 States Code, is amended--

12 (1) in subparagraph (G), by striking "; and" and inserting ";;";

13 (2) in subparagraph (H), by striking the final period and inserting "; and";

14 and

15 (3) by inserting the following at the end:

16 "(I) improve the resilience and reliability of the transportation
17 system and reduce or mitigate stormwater impacts of surface
18 transportation."

19 (d) SECTION 5304 AMENDMENT.--Section 5304(d)(1) of title 49, United
20 States Code, is amended--

21 (1) in subparagraph (G), by striking "; and" and inserting ";;";

22 (2) in subparagraph (H), by striking the final period and inserting "; and";

23 and

24 (3) by inserting the following at the end:

25 "(I) improve the resilience and reliability of the transportation
26 system and reduce or mitigate stormwater impacts of surface
27 transportation."

28 **Subtitle D--Congestion Mitigation and Air Quality Improvement**

29 **SEC. 1301. ELIGIBLE PROJECTS.**

30 Section 149(b) of title 23, United States Code, is amended--

1 (1) in paragraph (1)(A)(i)(I), by inserting "in the designated
2 nonattainment area" after "standard";

3 (2) in paragraph (3), by inserting "or maintenance" after "attainment,";

4 (3) in paragraph (4), by striking "is likely to contribute to the attainment
5 of a national ambient air quality standard" and inserting "is likely to contribute to
6 the area's attainment or maintenance of a national ambient air quality standard";
7 and

8 (4) in paragraph (5), by inserting "reduces air pollution and" after "if the
9 program or project".

10 **SEC. 1302. SPECIAL RULES.**

11 (a) TRANSFERABILITY OF CMAQ FUNDS.--Section 126(a) of title 23, United
12 States Code, is amended by inserting "(or, for an apportionment under section 104(b)(4),
13 25 percent of the amount apportioned for the fiscal year)" after "for the fiscal year".

14 (b) PM-10 NONATTAINMENT AND MAINTENANCE AREAS.--Section
15 149(c)(1) of title 23, United States Code, is amended by striking "for ozone or carbon
16 monoxide, or both, and for PM-10 resulting from transportation activities, without regard
17 to any limitation of the Department of Transportation relating to the type of ambient air
18 quality standard such project or program addresses" and inserting "or maintenance for
19 PM-10 resulting from transportation activities".

20 **SEC. 1303. PRIORITY CONSIDERATION.**

21 Section 149(g)(3) of title 23, United States Code, is amended to read as follows:

22 "(3) PRIORITY CONSIDERATION.--States and metropolitan planning
23 organizations shall give priority--

24 "(A) in areas designated as nonattainment or maintenance for PM-
25 2.5 under the Clean Air Act (42 U.S.C. 7401 et seq.) in distributing funds
26 received for congestion mitigation and air quality projects and programs
27 from apportionments under section 104(b)(4) to projects and programs
28 that are likely to reduce emissions or precursor emissions of PM-2.5,
29 including diesel retrofits; and

30 "(B) in areas designated as nonattainment or maintenance for
31 ozone under the Clean Air Act (42 U.S.C. 7401 et seq.) in distributing

1 funds received for congestion mitigation and air quality projects and
2 programs from apportionments under section 104(b)(4) to projects and
3 programs that are likely to reduce precursor emissions of ozone.".

4 **SEC. 1304. EVALUATION AND ASSESSMENT OF PROJECTS.**

5 Section 149(i)(1)(A) of title 23, United States Code, is amended by inserting "that
6 would contribute to attainment or maintenance of a national ambient air quality standard"
7 before the period at the end.

8 **SEC. 1305. ELECTRIC VEHICLE CHARGING STATIONS AND**
9 **COMMERCIAL MOTOR VEHICLE ANTI-IDLING FACILITIES**
10 **IN REST AREAS.**

11 (a) IN GENERAL.--Section 111 of title 23, United States Code, is amended by
12 inserting at the end the following:

13 "(f) ELECTRIC VEHICLE CHARGING STATIONS AND COMMERCIAL
14 MOTOR VEHICLE ANTI-IDLING FACILITIES IN REST AREAS.--

15 "(1) IN GENERAL.--Notwithstanding subsection (a), a State may--

16 "(A) permit electric vehicle charging stations and commercial
17 motor vehicle anti-idling facilities in a rest area along a highway on the
18 Interstate System in the State, if such stations or facilities will not impair
19 the highway or interfere with the free and safe flow of traffic thereon; and

20 "(B) charge a fee, or permit the charging of a fee, for the use of
21 such stations or facilities.

22 "(2) LIMITATION ON USE OF REVENUES.--Notwithstanding
23 subsection (b)(4) , a State shall use any revenues received from fees collected
24 under paragraph (1) for projects eligible under this title."

25 (b) CONFORMING AMENDMENTS.--

26 (1) CONGESTION MITIGATION AND AIR QUALITY
27 IMPROVEMENT PROGRAM.--Section 149(c)(2) of title 23, United States
28 Code, is amended by striking "except that such stations may not be established or
29 supported where commercial establishments serving motor vehicle users are
30 prohibited by section 111 of title 23, United States Code".

1 (2) JASON'S LAW.--Section 1401(d) of the Moving Ahead for Progress
2 in the 21st Century Act, (23 U.S.C. 137 note) is amended--

3 (A) in paragraph (1) by striking "Except as provided in paragraph
4 (2), a" and inserting "A";

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

6 (C) by redesignating paragraph (3) as paragraph (2).

7 **Subtitle E--Innovative Finance and Tolling**

8 **SEC. 1401. 21st CENTURY INFRASTRUCTURE INVESTMENTS.**

9 (a) IN GENERAL--Title 49, United States Code, is amended by inserting the
10 following after chapter 55:

11 **"Chapter 56--21st Century Infrastructure Investments**

12 "Sec.

13 "5601. 'TIGER' infrastructure investment grants.

14 "5602. Fixing and Accelerating Surface Transportation grants.

15 **"Sec. 5601. 'TIGER' infrastructure investment grants**

16 "(a) ESTABLISHMENT.--There is established in the Department a discretionary
17 grant program, to be known as the 'TIGER Infrastructure Grant Program' and to be
18 administered by the Secretary.

19 "(b) PURPOSE.--Funds authorized under this section shall be available for
20 discretionary grants to be provided on a competitive basis for projects that will have a
21 significant impact on the Nation, a metropolitan area, or a region.

22 "(c) ELIGIBLE APPLICANTS.--Applicants eligible for funding under this
23 section include State, local, and Tribal governments, including U.S. territories, transit
24 agencies, port authorities, metropolitan planning organizations, other political
25 subdivisions of State or local governments, and multi-State or multi-jurisdictional groups
26 applying through a single lead applicant.

27 "(d) ELIGIBLE PROJECTS.--Projects eligible for funding under this section
28 include the following:

29 "(1) Highway or bridge projects eligible under title 23, United States Code
30 (including bicycle and pedestrian related projects).

1 "(2) Public transportation projects eligible under chapter 53 of title 49,
2 United States Code.

3 "(3) Passenger and freight rail transportation projects.

4 "(4) Port infrastructure investments.

5 "(5) Intermodal projects.

6 "(6) Activities related to--

7 "(A) the planning, preparation, or design of a single surface
8 transportation project; or

9 "(B) regional transportation investment planning, including
10 transportation planning that is coordinated with interdisciplinary factors
11 including housing development, economic competitiveness, network
12 connectivity, stormwater and other infrastructure investments, or that
13 addresses future risks and vulnerabilities, including extreme weather and
14 climate change.

15 "(e) GEOGRAPHIC DISTRIBUTION.---

16 "(1) EQUITABLE DISTRIBUTION.--In awarding funds under this
17 section, the Secretary shall take measures to ensure an equitable geographic
18 distribution of funds and an appropriate balance in addressing the needs of urban
19 and rural communities and the investment in a variety of transportation modes.

20 "(2) RURAL PROJECTS.--Not less than 20 percent of the funds provided
21 under this section shall be for projects located in rural areas. For the purposes of
22 the TIGER program, rural areas are those outside of an urbanized area as defined
23 by the U.S. Census Bureau.

24 "(3) LIMITATION BY STATE.--Not more than 25 percent of the funds
25 provided under this section may be awarded to projects in a single State.

26 "(f) GRANT PROGRAM CRITERIA, SOLICITATION AND AWARD.--In
27 administering the grant program under this section, the Secretary shall, within 90 days of
28 the enactment of this section, publish grant program criteria on which to base the
29 competition for any grants awarded under this section.

30 "(g) PLANNING GRANTS.--The Secretary may use up to 10 percent of the funds
31 authorized under this section to fund the activities specified in subsection (d)(6).

1 "(h) FEDERAL SHARE.--

2 "(1) IN GENERAL.--The Federal share of the costs for which an
3 expenditure is made under this section shall be up to 80 percent.

4 "(2) RURAL AREAS.--The Secretary may provide a Federal share of up
5 to 100 percent for a project [in a rural area].

6 "(3) PRIORITY.--In establishing grant program criteria pursuant to
7 subsection (g), the Secretary shall include priority for projects that request a
8 smaller Federal share.

9 "(i) DAVIS-BACON REQUIREMENT.--Projects conducted using funds
10 provided under this section shall comply with the requirements of the Davis-Bacon Act,
11 subchapter IV of chapter 31 of title 40, United States Code.

12 "(j) ADMINISTRATIVE EXPENSES.--

13 "(1) IN GENERAL.--The Secretary may use up to 1.5 percent of the funds
14 authorized under this section to administer--

15 "(A) the grant program authorized under this section;

16 "(B) the Supplemental Discretionary Grants for a National Surface
17 Transportation System provided for in Pub. L. 111-5; and

18 "(C) the National Infrastructure Investments provided for in Public
19 Laws 111-117, 112-10, and 113-6.

20 "(2) AVAILABILITY.--The funds made available under paragraph (1)
21 shall remain available until expended.

22 "(k) TIFIA SUBSIDY AND ADMINISTRATIVE COSTS.--The Secretary may
23 use up to 10 percent of the funds authorized under this section to pay the subsidy and
24 administrative costs of projects eligible for Federal credit assistance under chapter 6 of
25 title 23, United States Code, if the Secretary finds that the use of the funds would advance
26 the purposes of this section.

27 "(l) TRANSFER AUTHORITY.--Funds authorized under this section may be
28 transferred within the Department and administered in accordance with the requirements
29 of title 23 or 49 of the United States Code applicable to the agency to which the funds are
30 transferred and any other requirements applicable to the project.

31 "(m) INTERAGENCY COORDINATION AND COOPERATION.--

1 "(1) IN GENERAL.--The Secretary shall coordinate and cooperate with
2 other Federal agencies in carrying out the grant program authorized under this
3 section if the Secretary finds that such coordination and cooperation would
4 advance the purposes of this section.

5 "(2) INTERAGENCY AUTHORITY.--The Secretary may accept and
6 provide services from other Federal agencies with or without reimbursement in
7 order to further the purposes of this section.

8 "(3) INTERAGENCY DELEGATION OF AUTHORITY.--The Secretary
9 may delegate the authority to issue or administer grants pursuant to this section to
10 other Federal agencies in the interest of administrative or programmatic efficiency
11 if the Secretary finds that such delegation would advance the purposes of this
12 section.

13 "(n) AUTHORIZATIONS.--

14 "(1) IN GENERAL.--There is authorized to be appropriated from the
15 Multimodal Account of the Transportation Trust Fund to carry out this section--

16 "(A) \$1,250,000,000 for fiscal year 2015;

17 "(B) \$1,250,000,000 for fiscal year 2016;

18 "(C) \$1,250,000,000 for fiscal year 2017; and

19 "(D) \$1,250,000,000 for fiscal year 2018.

20 "(2) AVAILABILITY.--Funds authorized under this subsection--

21 "(A) shall be available for obligation on October 1 of the fiscal
22 year for which they are authorized; and

23 "(B) except as specified in subsection (j), shall remain available for
24 obligation for a period of 2 years after the year for which they are
25 authorized.

26 **"Sec. 5602. Fixing and Accelerating Surface Transportation grants**

27 "(a) ESTABLISHMENT.-- There is established in the Department a discretionary
28 grant program, to be known as the "FAST Grant Program" and to be administered by the
29 Secretary. The program shall be a competitive program and designed to reform the way
30 transportation investments and decisions are made, implemented, and funded to achieve
31 National transportation outcomes, by promoting the implementation of policies and

1 procedures that generate long-term, institutionalized changes, and support performance-
2 based management of the transportation system to improve transportation outcomes.

3 "(b) BEST PRACTICES.-- Evaluations of applications for funding under this
4 section shall be based in part on the extent to which the applicant has adopted or
5 implemented best practices, including--

6 "(1) commitment to sustainable and innovative non-Federal sources of
7 transportation funding, including value capture and authority for local
8 governments to raise funding for transportation, that provide flexibility to make
9 investments across all modes of transportation and convey the full social cost of
10 travel decisions to users;

11 "(2) development and incorporation of analytical tools in the investment
12 decision-making process, including benefit cost analysis; other economic
13 analyses; watershed-driven web-based geographic information systems; and use
14 of innovations in design, procurement and purchasing to improve project delivery
15 and efficiency and reduce costs;

16 "(3) use of operating practices and deployment of technologies that
17 increase the efficient use of transportation system capacity and reduce the need to
18 invest in new highway capacity;

19 "(4) adoption of laws, rules and regulations, and commitment of resources
20 toward practices that have been demonstrated to reduce transportation-related
21 fatalities and injuries;

22 "(5) integration of transportation planning and investment decisions with
23 other land-use and economic development decisions, including water
24 infrastructure and broadband deployment, to improve connectivity and
25 accessibility and to focus transportation investments near existing infrastructure;

26 "(6) adoption of laws, regulations, and practices that have been
27 demonstrated to reduce energy use, improve air and water quality, reduce or
28 mitigate stormwater impacts, promote long-term management of stormwater from
29 surface transportation assets, reduce greenhouse gas emissions, improve
30 community adaptability and resilience, enhance community health and quality of
31 life, and expand transportation choices; and

1 "(7) improvements to regional governance that increase metropolitan
2 planning organization capacity and strengthens local and stakeholder input,
3 particularly traditionally underrepresented populations, into project selection.

4 "(c) ELIGIBLE APPLICANTS.--States, the District of Columbia, Puerto Rico,
5 U.S. territories (as defined in section 165(c) of title 23, United States Code), Tribal
6 governments, and metropolitan planning organizations are eligible applicants for funding
7 under this section, provided that--

8 " (1) States, the District of Columbia, Puerto Rico, U.S. territories, and
9 Tribal applicants demonstrate meaningful participation of metropolitan planning
10 organizations, local governments, or transit agencies within the applicant's
11 jurisdiction in the development of the application;

12 " (2) metropolitan planning organizations include, as partners in their
13 applications, the State (or the District of Columbia, as appropriate), local
14 governments, or transit agencies required to carry out the best practices relied on
15 in their application; and

16 " (3) the applicant has experience in successfully and independently
17 administering Federal-aid highway or transit programs or projects.

18 "(d) LIST OF PROJECTS.--Applicants shall submit a program of transportation
19 projects that are related to the best practices identified in subsection (b) to demonstrate
20 how funds, if awarded under this section, will be spent. The list of projects shall--

21 " (1) with regard to State applications, be developed with, and include
22 priorities of, metropolitan planning organizations within the applicant's
23 jurisdiction as identified in the metropolitan planning organization's
24 Transportation Improvement Programs;

25 " (2) demonstrate strong return on investment and competitive value for
26 taxpayer money by means of a benefit-cost analysis and consideration of
27 alternatives; and

28 " (3) further the best practices and reform initiatives identified under
29 subsection (b) and relied upon in the application.

30 "(e) AWARD OF FUNDS.--The Federal Highway Administrator and Federal
31 Transit Administrator shall--

1 "(1) competitively award funds under this section in one fiscal year or
2 over multiple fiscal years;

3 "(2) withhold a reasonable amount of funds under this section for
4 administration of the program, but not to exceed \$25,000,000 per year;

5 "(3) devise a methodology for the size of awards under this program based
6 on an applicant's share of the Federal transportation allocated or formula funding,
7 subject to the provision in paragraph (4);

8 "(4) make awards of no less than \$50,000,000, except that this paragraph
9 shall not apply to awards made to a Tribal government or a U.S. territory; and

10 "(5) in awarding funds under this section (other than under subsection (j)),
11 ensure an appropriate balance in addressing the needs of urban and rural
12 communities.

13 "(f) ELIGIBLE ACTIVITIES.--Funds provided under this program shall be used
14 for capital or planning expenses for--

15 "(1) highway or bridge projects eligible for funding under title 23, United
16 States Code (including bicycle and pedestrian-related projects);

17 "(2) public transportation projects eligible for funding under chapter 53 of
18 title 49, United States Code;

19 "(3) passenger and freight rail transportation projects;

20 "(4) maritime port infrastructure investments eligible for funding under
21 chapter 503 of title 46;

22 "(5) domestic short sea shipping projects eligible for funding under
23 chapter 556 of title 46; and

24 "(6) intermodal projects combining any of the above.

25 "(g) CRITERIA FOR GRANT SELECTION.--In awarding a grant under this
26 subsection, the Secretary shall consider the extent to which the application--

27 "(1) demonstrates the greatest performance as well as applicants that have
28 made the greatest progress in implementing the best practices listed in subsection
29 (b);

30 "(2) promotes National transportation priorities, including--

31 "(A) reducing transportation fatalities and serious injuries;

1 "(B) strengthening economic competitiveness, including
2 multimodal goods movement and coordination of transportation and
3 economic development investments;

4 "(C) improving the state of repair of the transportation system and
5 enhancing community adaptability and resilience;

6 "(D) enhancing community health and improving quality of life by
7 increasing access to active transportation infrastructure, jobs and essential
8 services, particularly for under-served populations;

9 "(E) improving asset performance by reducing congestion through
10 demand management strategies, particularly strategies that curb demand
11 for single occupancy vehicle travel;

12 "(F) improving the efficiency of project development and system
13 performance and reducing the cost of projects and maintenance of the
14 transportation system; and

15 "(G) adoption of laws, regulations, and practices that have been
16 demonstrated to reduce energy use, improve air and water quality, reduce
17 or mitigate stormwater impacts, promote long-term management of
18 stormwater from surface transportation assets, reduce greenhouse gas
19 emissions, improve community adaptability and resilience, encourage
20 groundwater recharge, enhance community health and quality of life, and
21 expand transportation choices; and

22 "(3) meets other criteria the Secretary requires.

23 "(h) FUNDING.--

24 "(1) AUTHORIZED FUNDING--There is authorized to be appropriated
25 for each of fiscal years 2015 through 2018 to carry out this section--

26 "(A) \$500,000,000 from the Highway Account of the
27 Transportation Trust Fund; and

28 "(B) \$500,000,000 from the Mass Transit Account of the
29 Transportation Trust Fund.

30 "(2) OBLIGATION.--

1 "(A) IN GENERAL.--The funds authorized by paragraph (1) shall
2 be--

3 "(i) available for obligation on October 1 of the fiscal year
4 for which they are authorized;

5 "(ii) available for obligation for a period of 3 years after the
6 last day of the fiscal year for which the funds are authorized; and

7 "(iii) subject to the limitation on obligations under
8 subparagraph (B).

9 "(B) OBLIGATION LIMITATION.--Notwithstanding any other
10 provision of law, in each of fiscal years 2015 through 2018, obligations
11 for the program under this section shall not exceed--

12 "(i) \$1,000,000,000; plus

13 "(ii) any amount remaining available for obligation under
14 the program from prior fiscal years.

15 "(3) FEDERAL SHARE.--The Federal share for projects funded under
16 this section may be up to 100 percent.

17 "(i) TRANSFER AUTHORITY.--Funds authorized under this section may be
18 transferred within the Department and administered in accordance with the requirements
19 of title 23 or 49 of the United States Code applicable to the agency to which the funds are
20 transferred and any other requirements applicable to the project.

21 "(j) METROPOLITAN MOBILITY PROGRAM.--

22 "(1) ESTABLISHMENT.--The Secretary shall establish a metropolitan
23 mobility program under this subsection.

24 "(2) RESERVATION OF FUNDS.--The Secretary shall reserve up to
25 \$1,000,000,000 made available under this section over the period of fiscal years
26 2015 through 2018 for the program under this subsection. Any funds reserved
27 under this paragraph and not allocated under paragraph (3) shall be available for
28 the FAST Grant Program.

29 "(3) ALLOCATION OF FUNDS.--

30 "(A) AMOUNT AVAILABLE FOR ALLOCATION.--

1 "(i) IN GENERAL.--The amount of funding available to be
2 allocated under this subsection for a fiscal year for use in an
3 urbanized area with a population over 200,000 individuals shall
4 be--

5 "(I) \$250,000,000; multiplied by

6 "(II) the ratio that --

7 "(aa) the population of such urbanized area;
8 bears to

9 "(bb) the total population of all urbanized
10 areas with populations of over 200,000 individuals.

11 "(ii) ADJUSTMENTS TO AMOUNTS--Notwithstanding
12 clause (i), the Secretary shall adjust the amounts determined under
13 clause (i) as follows:

14 "(I) MINIMUM AMOUNT.--The amount available
15 to be allocated under this subsection for a fiscal year for
16 use in an urbanized area with a population over 200,000
17 individuals shall not be less than \$1,000,000.

18 "(II) MAXIMUM AMOUNT.--The amount
19 available to be allocated under this subsection for a fiscal
20 year for use in an urbanized area with a population over
21 200,000 individuals shall not be greater than \$3,000,000.

22 "(B) AMOUNT TO ALLOCATE.--In a fiscal year the Secretary
23 shall make available to a State, for use in an urbanized area served by a
24 high performing metropolitan planning organization, an amount of funds
25 under this subsection equal to --

26 "(i) the amount available for allocation for that fiscal year
27 in that urbanized area under subparagraph (A); plus

28 "(ii) any amounts available for allocation in that urbanized
29 area under that subparagraph for any prior fiscal years--

30 "(I) beginning with fiscal year 2015; and

1 (II) in which the urbanized area was not served by
2 a high performing metropolitan planning organization.

3 (4) ELIGIBLE USES OF FUNDS.--Funds provided under this subsection
4 may be used--

5 (A) for any project or activity eligible under title 23;

6 (B) for any project or activity eligible under chapter 53, title 49 ;

7 or

8 (C) notwithstanding any other provision of law, to pay the non-
9 Federal share of the cost of any project or activity funded under chapter 53
10 or 56 of this title or under title 23.

11 (5) HIGH PERFORMING METROPOLITAN PLANNING

12 ORGANIZATION DEFINED.--In this subsection, the term 'high performing
13 metropolitan planning organization' means a metropolitan planning organization
14 that the Secretary has designated as high performing under section 134(r) of title
15 23 or section 5303(r) of this title."

16 (b) CONFORMING AMENDMENT.--the analysis of subtitle III of title 49,
17 United States Code, is amended by inserting the following after the item relating to
18 chapter 55:

19 "56. 21st Century Infrastructure Investments 5601."

20 **SEC. 1402. TRANSPORTATION INFRASTRUCTURE FINANCE AND**
21 **INNOVATION ACT OF 1998 AMENDMENTS.**

22 (a) DEFINITIONS.--

23 (1) MASTER CREDIT AGREEMENTS.--Section 601(a)(10) of title 23,
24 United States Code, is amended to read as follows:

25 "(10) MASTER CREDIT AGREEMENT.--The term 'master credit
26 agreement' means a conditional agreement to extend credit assistance for a
27 program of related projects secured by a common security pledge (which shall
28 receive an investment grade rating from a rating agency) prior to the Secretary
29 entering into such master credit agreement) under section 602(b)(2)(A), or for a
30 single project covered under section 602(b)(2)(B) that does not provide for a
31 current obligation of Federal funds and that would--

1 "(A) make contingent commitments of 1 or more secured loans or
2 other Federal credit instruments at future dates, subject to the availability
3 of future funds being made available to carry out this chapter and subject
4 to the satisfaction of all the conditions for the provision of credit
5 assistance under this chapter, including section 603(b)(1);

6 "(B) establish the maximum amounts and general terms and
7 conditions of the secured loans or other Federal credit instruments;

8 "(C) identify the 1 or more dedicated non-Federal revenue sources
9 that will secure the repayment of the secured loans or secured Federal
10 credit instruments;

11 "(D) provide for the obligation of funds for the secured loans or
12 secured Federal credit instruments after all requirements have been met for
13 the projects subject to the master credit agreement, including--

14 " (i) completion of an environmental impact statement or
15 similar analysis required under the National Environmental Policy
16 Act of 1969 (42 U.S.C. 4321 et seq.);

17 " (ii) compliance with such other requirements as are
18 specified in this chapter, including sections 602(c) and 603(b)(1);
19 and

20 " (iii) the availability of funds to carry out this chapter; and

21 "(E) require that contingent commitments result in a financial close
22 and obligation of credit assistance not later than 3 years after the date of
23 entry into the master credit agreement, or release of the commitment,
24 unless otherwise extended by the Secretary."

25 (2) RURAL INFRASTRUCTURE PROJECT.--Section 601(a)(15) of title
26 23, United States Code, is amended to read as follows:

27 "(15) RURAL INFRASTRUCTURE PROJECT.--The term 'rural
28 infrastructure project' means a surface infrastructure project located outside of a
29 Census Bureau-defined urbanized area."

30 (b) MASTER CREDIT AGREEMENTS. Section 602(b)(2) of title 23, United
31 States Code is amended to read as follows:

1 "(2) MASTER CREDIT AGREEMENTS.--

2 "(A) PROGRAM OF RELATED PROJECTS.--The Secretary may
3 enter into a master credit agreement for a program of related projects
4 secured by a common security pledge on terms acceptable to the
5 Secretary.

6 "(B) ADEQUATE FUNDING NOT AVAILABLE.--If the
7 Secretary fully obligates funding to eligible projects in a fiscal year, and
8 adequate funding is not available to fund a credit instrument, a project
9 sponsor of an eligible project may elect to enter into a master credit
10 agreement and wait to execute a credit instrument until the fiscal year
11 during which additional funds are available to receive credit assistance."

12 (c) APPLICATION PROCESSING PROCEDURES. Section 602(d)(2) of title
13 23, United States Code is amended to read as follows:

14 "(2) APPROVAL OR DENIAL OF APPLICATION.--Not later than 60
15 days after the date of issuance of the written notice of a complete application
16 under paragraph (1), the Secretary shall provide to the applicant a written notice
17 informing the applicant whether the Secretary has approved or disapproved the
18 application."

19 (d) AGREEMENTS.--Section 603(a)(1)(D) of title 23, United States Code, is
20 amended to read as follows:

21 "(D) to refinance long-term project obligations or Federal credit
22 instruments, if the refinancing provides additional demonstrated funding
23 capacity for the completion, enhancement, or expansion of any project
24 that--

25 "(i) is selected under section 602; or

26 "(ii) otherwise meets the requirements of section 602."

27 (e) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION
28 FINANCING.--Section 603(a)(2) of title 23, United States Code, is amended to read as
29 follows:

1 "(2) LIMITATION ON REFINANCING OF INTERIM
2 CONSTRUCTION FINANCING.-A loan under paragraph (1) shall not
3 refinance interim construction financing under paragraph (1)(B):

4 "(A) if the maturity of such interim construction financing is later than
5 one year after the substantial completion of the project, and

6 "(B) later than 1 year after the date of substantial completion of the
7 project."

8 (f) PROGRAM ADMINISTRATION.--Section 605 of title 23, United States
9 Code, is amended by inserting at the end the following:

10 "(f) REDUCING BURDEN ON SMALL PROJECTS.--The Secretary may use up
11 to \$5,000,000 of funds made available to carry out this chapter in a fiscal year in lieu of
12 fees collected under subsection (b) for projects under this chapter having eligible project
13 costs that are reasonably anticipated not to equal or exceed \$75,000,000."

14 (g) FUNDING.--

15 (1) Section 608(a) of title 23, United States Code, is amended--

16 (A) by striking paragraph (4); and

17 (B) by renumbering paragraphs (5) and (6) as (4) and (5),
18 respectively.

19 (2) Section 608(a)(6) of title 23, United States Code, is amended to read as
20 follows:

21 "(6) ADMINISTRATIVE COSTS.--Of the amounts made available to
22 carry out this chapter, the Secretary may use not more than \$10,000,000 in fiscal
23 year 2015, \$12,000,000 in fiscal year 2016, \$14,000,000 in fiscal year 2017, and
24 \$15,000,000 in fiscal year 2018 for the administration of this chapter."

25 **SEC. 1403. RAILROAD REHABILITATION AND IMPROVEMENT**
26 **FINANCING.**

27 (a) DEFINITIONS.--Section 501 of the Railroad Revitalization and Regulatory
28 Reform Act of 1976 (45 U.S.C. 821) is amended by inserting at the end the following:

29 "(9) The term "railroad" means a railroad carrier as that term is defined in
30 section 20102 of title 49, United States Code."

1 (b) GENERAL AUTHORITY.--Section 502(a) of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (45 U.S.C. 822(a)) is amended--

3 (1) by striking paragraph (5) and inserting the following:

4 "(5) joint ventures that include at least one of the entities described in
5 paragraphs (1) through (4) or paragraph (6) of this section; and";

6 (2) in paragraph (6), by striking "second" and "that is served by no more
7 than a single railroad"; and

8 (3) in paragraph (6), by striking "limited option rail freight shippers" and
9 inserting "limited option freight shippers".

10 (c) ELIGIBLE PURPOSES.--Section 502(b) of the Railroad Revitalization and
11 Regulatory Reform Act of 1976 (45 U.S.C. 822(b)) is amended--

12 (1) in paragraph (1)(A), by striking "shops" and inserting "shops, inclusive
13 of costs related to these activities, but not operating expenses"; and

14 (2) in paragraph (1)(B), by striking "subparagraph (A)" and inserting
15 "subparagraphs (A) or (C)".

16 (d) INFRASTRUCTURE PARTNERS.--Section 502(f) of the Railroad
17 Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended--

18 (1) in paragraph (1)--

19 (A) by inserting "including modifications thereto" after "1990";

20 (B) by inserting "and modification costs" after "premiums" in the
21 first sentence; and

22 (C) by inserting "or modification" after "application" at the end of
23 the first sentence;

24 (2) in paragraph (3), by inserting ", and in the case of a modification,
25 before the modification is executed" after "amounts"; and

26 (3) by striking paragraph (4).

27 (e) CONDITIONS OF ASSISTANCE.--Section 502(h) of the Railroad
28 Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(h)) is amended--

29 (1) in paragraph (2)--

30 (A) by striking "project" and inserting "project, if applicable";

31 (B) by striking "(2)" and inserting "(2)(A)"; and

1 (C) by inserting at the end the following:

2 "(B) The Secretary may subordinate rights of the Secretary under
3 any provision of title 49 or title 23 of the United States Code, to the rights
4 of the Secretary under this section and section 503 of this Act."; and

5 (2) by inserting the following after subparagraph (3)(B):

6 "(4) The Secretary shall not provide assistance under this section
7 exceeding 80 percent of the reasonably anticipated eligible project costs on
8 projects--

9 "(A) that receive a loan for which the Government pays the cost as
10 defined by section 502 of the Federal Credit Reform Act; and

11 "(B) with total eligible project costs estimated to exceed
12 \$100,000,000.".

13 (f) MODIFICATIONS.--Section 503(c) of the Railroad Revitalization and
14 Regulatory Reform Act of 1976 (45 U.S.C. 823(c)) is amended--

15 (1) in paragraph (1), by striking "and" from the end;

16 (2) in paragraph (2), by striking the period and inserting "; and"; and

17 (3) by adding the following after paragraph (2) the following:

18 "(3) the modification cost has been covered pursuant to section 502(f).".

19 (g) EVALUATION, AWARD AND OVERSIGHT CHARGES.--Section 503 of
20 the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is
21 amended by striking subsection (k) and inserting the following:

22 "(k) CHARGES.--

23 "(1) PURPOSE.--The Secretary may collect from each applicant a
24 reasonable charge for--

25 "(A) the cost of evaluating the application, amendments,
26 modifications, and waivers including appraisal of the value of the
27 equipment or facilities for which the direct loan or loan guarantee is
28 sought, and for making necessary determinations and findings;

29 "(B) the cost of award and project management oversight;

30 "(C) the cost of services from expert firms, including counsel, in
31 the field of railroad, municipal and project finance, to assist in the

1 underwriting, auditing, servicing and exercise of rights with respect to
2 direct loans and loan guarantees; and

3 "(D) the cost of all other expenses incurred as a result of a breach
4 of any term or condition or any event of default on a direct loan.

5 "(2) AMOUNT.--A charge under this subsection shall not exceed one
6 percent of the principal amount requested in the application. The Secretary shall
7 prescribe standards for applying the charges to ensure that it does not prevent a
8 Class II or Class III railroad from having adequate access to direct loans and loan
9 guarantees under this title.

10 "(3) FEES CREDITED TO SAFETY ACCOUNT.--Amounts collected
11 under this subsection shall be credited directly to the Safety and Operations
12 account of the Federal Railroad Administration, and shall remain available until
13 expended to pay for the costs described in this subsection."

14 (h) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be
15 appropriated to the Secretary such sums as may be necessary for the cost of direct loans
16 and loan guarantees pursuant to sections 502 through 504 of the Railroad Revitalization
17 and Regulatory Reform Act of 1976 (Public Law 94-210).

18 **SEC. 1404. STATE INFRASTRUCTURE BANK PROGRAM.**

19 Section 610 of title 23, United States Code, is amended--

20 (1) in subsection (d)--

21 (A) by striking paragraph (1)(A) and inserting in its place the
22 following:

23 "(A) 10 percent of the funds apportioned to the State for each fiscal
24 year under each of sections 104(b)(1) and 104(b)(2); and";

25 (B) in paragraph (2), by striking "of fiscal years 2005 through
26 2009" and inserting "fiscal year"; and

27 (C) in paragraph (3), by striking "of fiscal years 2005 through
28 2009" and inserting "fiscal year"; and

29 (2) in subsection (k), by striking "of fiscal years 2005 through 2009" and
30 inserting "fiscal year".

31 **SEC. 1405. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

1 (a) TOLLING.--Section 129(a) of title 23, United States Code, is amended--

2 (1) in paragraph (1)--

3 (A) by striking subparagraphs (B), (G), and (H) and redesignating--

4 -
5 (i) subparagraphs (C) through (F) as subparagraphs (B) through
6 (E), respectively; and

7 (ii) subparagraph (I) as subparagraph (H);

8 (B) in subparagraph (B), as redesignated, by--

9 (i) inserting ", including such facilities" after "tunnel" in the
10 first place it appears; and

11 (ii) adding a comma after "Interstate System"; and

12 (C) by inserting after subparagraph (E), as redesignated, the
13 following:

14 "(F) reconstruction of a toll-free Federal-aid highway on the
15 Interstate System and conversion of the highway to a toll facility, subject
16 to the approval of the Secretary in accordance with paragraph (12);

17 "(G) conversion of 1 or more lanes on a toll-free highway, bridge
18 or tunnel (including highways, bridges or tunnels on the Interstate System)
19 to a toll facility for the purpose of reducing or managing high levels of
20 congestion, subject to the approval of the Secretary in accordance with
21 paragraph (12); and";

22 (2) in paragraph (3)(A), by--

23 (A) striking "shall use" and inserting "shall ensure that";

24 (B) inserting "are used" after "toll facility" in the second place it
25 appears;

26 (C) redesignating clauses (iv) and (v) as clauses (vi) and (vii),
27 respectively;

28 (D) inserting after clause (iii) the following:

29 "(iv) any costs necessary for the improvement and operation of
30 public transportation service that--

1 "(I) is provided within the transportation corridor in which
2 the toll facility is located; or

3 "(II) contributes to the improved operation of the toll
4 facility or the highway on which the toll facility is located;

5 "(v) any costs necessary for mitigating any adverse impacts
6 related to the tolling of the facility and identified under the
7 National Environmental Policy Act process as a priority by the
8 State or public authority imposing the tolls;" and

9 (E) inserting "or chapter 53 of title 49" before the period at the end
10 of clause (vii), as redesignated;

11 (3) by amending paragraph (4) to read as follows:

12 "(4) REQUIREMENTS FOR TOLLING FOR CONGESTION
13 MANAGEMENT--

14 "(A) IN GENERAL.--A public authority with jurisdiction over a
15 toll-free highway, bridge, or tunnel that is converted to a toll facility that is
16 tolled under paragraph (1)(G) shall manage the demand to use the facility
17 by varying the toll amount that is charged.

18 "(B) HOV FACILITIES--A high occupancy vehicle facility
19 converted to a toll facility under paragraph (1)(G) shall be subject to the
20 requirements of section 166 of this title.";

21 (4) by redesignating paragraph (10) as paragraph (11);

22 (5) by inserting after paragraph (9) the following:

23 "(10) ELECTRONIC TOLL COLLECTION.--Fees collected from motorists
24 using a toll facility that is tolled pursuant to this section and opened to traffic on or
25 after October 1, 2015, shall be collected only through the use of noncash electronic
26 technology that optimizes the free flow of traffic on the toll facility."; and

27 (6) by inserting at the end the following:

28 "(12) APPROVAL.--A facility tolled under paragraph (1)(F) or (1)(G) shall
29 receive the approval of the Secretary according to criteria that the Secretary shall
30 publish in the Federal Register."

1 (b) FERRY BOATS.--Section 129(c)(2) of title 23, United States Code, is
2 amended by inserting ", ferry boats carrying commercial motor vehicles and passengers,"
3 before the phrase "and ferry boats carrying passengers only."

4 (c) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION
5 PILOT PROGRAM.--Section 1216(b) of the Transportation Equity Act for the 21st
6 Century (Public Law 105-178) is repealed.

7 **SEC. 1406. TAX-EXEMPT FINANCING FOR QUALIFIED SURFACE**
8 **TRANSPORTATION PROJECTS.**

9 Section 142(m)(2)(A) of the Internal Revenue Code of 1986 (26 U.S.C
10 142(m)(2)(A)) is amended by striking "\$15,000,000,000" and inserting
11 "\$19,000,000,000".

12 **SEC. 1407. PAY FOR SUCCESS.**

13 To the extent practicable, the Secretary shall encourage the use of pay for success
14 contracting in the implementation of the programs administered by the Department.

15 **TITLE II--FEDERAL-AID HIGHWAYS**

16 **Subtitle A--Authorizations and Programs**

17 **SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.--The following sums are authorized to be appropriated out of
19 the Highway Account of the Transportation Trust Fund:

20 (1) FEDERAL-AID HIGHWAY PROGRAM.--For the national highway
21 performance program under section 119 of title 23, United States Code, the
22 surface transportation program under section 133 of such title, the highway safety
23 improvement program under section 148 of such title, the congestion mitigation
24 and air quality improvement program under section 149 of such title, and to carry
25 out section 134 of such title--

26 (A) \$38,540,000,000 for fiscal year 2015;

27 (B) \$39,313,000,000 for fiscal year 2016;

28 (C) \$40,102,000,000 for fiscal year 2017; and

29 (D) \$40,904,000,000 for fiscal year 2018.

30 (2) CRITICAL IMMEDIATE INVESTMENTS PROGRAM.--For the
31 critical immediate investments program under section 2012 of this Act--

- 1 (A) \$4,850,000,000 for fiscal year 2015;
- 2 (B) \$3,850,000,000 for fiscal year 2016;
- 3 (C) \$2,850,000,000 for fiscal year 2017; and
- 4 (D) \$1,850,000,000 for fiscal year 2018.

5 (3) FEDERAL LANDS AND TRIBAL TRANSPORTATION
6 PROGRAMS.--

7 (A) TRIBAL TRANSPORTATION PROGRAM.--For the Tribal
8 transportation program under section 202 of title 23, United States Code--

- 9 (i) \$507,000,000 for fiscal year 2015;
- 10 (ii) \$517,000,000 for fiscal year 2016;
- 11 (iii) \$527,000,000 for fiscal year 2017; and
- 12 (iv) \$538,000,000 for fiscal year 2018.

13 (B) FEDERAL LANDS TRANSPORTATION PROGRAM.--For
14 the Federal lands transportation program under section 203 of such title--

- 15 (i) \$370,000,000 for fiscal year 2015;
- 16 (ii) \$377,000,000 for fiscal year 2016;
- 17 (iii) \$385,000,000 for fiscal year 2017; and
- 18 (iv) \$393,000,000 for fiscal year 2018,

19 of which 5 percent of the amount made available for each fiscal year shall
20 be for the United States Army Corps of Engineers; 15 percent of the
21 amount made available for each fiscal year shall be for the United States
22 Forest Service; and 80 percent of the amount made available for each
23 fiscal year shall be for the Department of Interior and divided by the
24 Secretary of Interior, with notification to the Secretary, among the
25 National Park Service, the Fish and Wildlife Service, the Bureau of Land
26 Management, and the Bureau of Reclamation.

27 (C) FEDERAL LANDS ACCESS PROGRAM.--For the Federal
28 lands access program under section 204 of such title--

- 29 (i) \$250,000,000 for fiscal year 2015;
- 30 (ii) \$255,000,000 for fiscal year 2016;
- 31 (iii) \$260,000,000 for fiscal year 2017; and

1 (iv) \$265,000,000 for fiscal year 2018.

2 (D) **NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
3 **TRIBAL PROJECTS PROGRAM.**--For the nationally significant Federal
4 lands and Tribal projects program under section 2008 of this Act,
5 \$150,000,000 for each of fiscal years 2015 through 2018.

6 (4) **TRANSPORTATION INFRASTRUCTURE FINANCE AND**
7 **INNOVATION PROGRAM.**--For credit assistance under the transportation
8 infrastructure finance and innovation program under chapter 6 of such title,
9 \$1,000,000,000 for each of fiscal years 2015 through 2018.

10 (5) **FEDERAL ALLOCATION PROGRAMS.**--

11 (A) **ON-THE-JOB TRAINING.**--For surface transportation and
12 technology training and summer transportation institutes under section
13 140(b) of such title --

- 14 (i) \$11,000,000 for fiscal year 2015;
- 15 (ii) \$11,000,000 for fiscal year 2016;
- 16 (iii) \$11,000,000 for fiscal year 2017; and
- 17 (iv) \$12,000,000 for fiscal year 2018,

18 (B) **DISADVANTAGED BUSINESS ENTERPRISES.**--For
19 training programs and assistance programs under section 140(c) of such
20 title--

- 21 (i) \$11,000,000 for fiscal year 2015;
- 22 (ii) \$11,000,000 for fiscal year 2016;
- 23 (iii) \$11,000,000 for fiscal year 2017; and
- 24 (iv) \$12,000,000 for fiscal year 2018.

25 (C) **HIGHWAY USE TAX EVASION PROJECTS.**--For highway
26 use tax evasion projects under section 143 of such title, \$10,000,000 for
27 each of fiscal years 2015 through 2018.

28 (D) **CONSTRUCTION OF FERRY BOATS AND FERRY**
29 **TERMINAL FACILITIES.**--For the construction of ferry boats and ferry
30 terminal facilities under section 147 of such title--

- 31 (i) \$67,000,000 for fiscal year 2015;

- (ii) \$68,000,000 for fiscal year 2016;
- (iii) \$70,000,000 for fiscal year 2017; and
- (iv) \$71,000,000 for fiscal year 2018.

(E) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.--For the performance management data support program under section 150(f) of title 23, United States Code, \$10,000,000 for each of fiscal years 2015 through 2018.

(F) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.--For the territorial and Puerto Rico highway program under section 165 of such title--

- (i) \$190,000,000 for fiscal year 2015;
- (ii) \$194,000,000 for fiscal year 2016;
- (iii) \$198,000,000 for fiscal year 2017; and
- (iv) \$202,000,000 for fiscal year 2018.

(G) SAFETY OUTREACH, TRAINING, AND EDUCATION ACTIVITIES.--\$3,000,000 for each of fiscal years 2015 through 2018 for safety outreach, training, and education activities.

(H) JOBS-DRIVEN SKILLS AND OPPORTUNITY PROGRAMS.--\$100,000,000 in each of fiscal years 2015 through 2018, of which--

- (i) \$30,000,000 for each such fiscal year shall be for the jobs-driven skills training program under section 140(b) of such title (as added by section 1208 of this Act); and
- (ii) \$70,000,000 for each such fiscal year shall be for the connection to opportunity pilot program under section 134(q) of such title and section 5303(q) of title 49, United States Code (as added by section 1209 of this Act).

(b) DISADVANTAGED BUSINESS ENTERPRISES.--

(1) DEFINITIONS.--In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.--

1 (i) IN GENERAL.--The term "small business concern"
2 means a small business concern as the term is used in section 3 of
3 the Small Business Act (15 U.S.C. 632).

4 (ii) EXCLUSIONS.--The term "small business concern"
5 does not include any concern or group of concerns controlled by
6 the same socially and economically disadvantaged individual or
7 individuals that have average annual gross receipts during the
8 preceding 3 fiscal years in excess of \$22,410,000, as adjusted
9 annually by the Secretary for inflation.

10 (B) SOCIALLY AND ECONOMICALLY DISADVANTAGED
11 INDIVIDUALS.--The term "socially and economically disadvantaged
12 individuals" has the meaning given the term in section 8(d) of the Small
13 Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations
14 issued pursuant to that Act, except that women shall be presumed to be
15 socially and economically disadvantaged individuals for purposes of this
16 subsection.

17 (2) AMOUNTS FOR SMALL BUSINESS CONCERNS.--Except to the
18 extent that the Secretary determines otherwise, not less than 10 percent of the
19 amounts made available for any program under Titles II and III of this Act and
20 section 403 of title 23, United States Code, shall be expended through small
21 business concerns owned and controlled by socially and economically
22 disadvantaged individuals.

23 (3) ANNUAL LISTING OF DISADVANTAGED BUSINESS
24 ENTERPRISES.--Each State that receives funds under Title II of this Act, Title
25 III of this Act, or section 403 of title 23, United States Code, shall annually--

26 (A) survey and compile a list of the small business concerns
27 referred to in paragraph (2) in the State, including the location of the small
28 business concerns in the State; and

29 (B) notify the Secretary, in writing, of the percentage of the small
30 business concerns that are controlled by--

31 (i) women;

- 1 (ii) socially and economically disadvantaged individuals
2 (other than women); and
3 (iii) individuals who are women and are otherwise socially
4 and economically disadvantaged individuals.

5 (4) UNIFORM CERTIFICATION.--

6 (A) IN GENERAL.--The Secretary shall establish minimum
7 uniform criteria for use by State governments in certifying whether a
8 concern qualifies as a small business concern for the purpose of this
9 subsection.

10 (B) INCLUSIONS.--The minimum uniform criteria established
11 under subparagraph (A) shall include, with respect to a potential small
12 business concern--

- 13 (i) on-site visits;
14 (ii) personal interviews with personnel;
15 (iii) issuance or inspection of licenses;
16 (iv) analyses of stock ownership;
17 (v) listings of equipment;
18 (vi) analyses of bonding capacity;
19 (vii) listings of work completed;
20 (viii) examination of the resumes of principal owners;
21 (ix) analyses of financial capacity; and
22 (x) analyses of the type of work preferred.

23 (5) REPORTING.--The Secretary shall establish minimum requirements
24 for use by State governments in reporting to the Secretary--

25 (A) information concerning disadvantaged business enterprise
26 awards, commitments, and achievements; and

27 (B) such other information as the Secretary determines to be
28 appropriate for the proper monitoring of the disadvantaged business
29 enterprise program.

30 (6) COMPLIANCE WITH COURT ORDERS.--Nothing in this subsection
31 limits the eligibility of an individual or entity to receive funds made available

1 under Titles II and III of this Act and section 403 of title 23, United States Code,
2 if the entity or person is prevented, in whole or in part, from complying with
3 paragraph (2) because a Federal court issues a final order in which the court finds
4 that a requirement or the implementation of paragraph (2) is unconstitutional.

5 (c) CONFORMING AMENDMENTS.--

6 (1) PUERTO RICO AND TERRITORIAL HIGHWAYS.--Section 165(a)
7 of title 23, United States Code, is amended to read as follows:

8 "(a) DIVISION OF FUNDS.--Of funds made available for the territorial and
9 Puerto Rico highway program-

10 "(1) for fiscal year 2015--

11 "(A) \$150,000,000 shall be for the Puerto Rico highway program
12 under subsection (b); and

13 "(B) \$40,000,000 shall be for the territorial highway program
14 under subsection (c);

15 "(2) for fiscal year 2016--

16 "(A) \$153,000,000 shall be for the Puerto Rico highway program
17 under subsection (b); and

18 "(B) \$41,000,000 shall be for the territorial highway program
19 under subsection (c);

20 "(3) for fiscal year 2017--

21 "(A) \$156,000,000 shall be for the Puerto Rico highway program
22 under subsection (b); and

23 "(B) \$42,000,000 shall be for the territorial highway program
24 under subsection (c);

25 "(4) for fiscal year 2018--

26 "(A) \$159,000,000 shall be for the Puerto Rico highway program
27 under subsection (b); and

28 "(B) \$43,000,000 shall be for the territorial highway program
29 under subsection (c)."

30 (2) DISADVANTAGED BUSINESS ENTERPRISES.--Section 140(c) of
31 such title is amended by striking "From administrative funds made available

1 under section 104(a), the Secretary shall deduct such sums as necessary, not to
2 exceed \$10,000,000 per fiscal year, for the administration of this subsection."

3 (3) HIGHWAY USE TAX EVASION PROJECTS.--Section 143(b)(2) of
4 such title is amended to read as follows:

5 "(2) FUNDING.--Funds made available to carry out this section may be
6 allocated to the Internal Revenue Service and the States at the discretion of the
7 Secretary, except that of funds so made available for each fiscal year, \$2,000,000
8 shall be available only to carry out intergovernmental enforcement efforts,
9 including research and training."

10 (4) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL
11 FACILITIES.--Section 147 of such title is amended--

12 (A) by striking subsection (e); and

13 (B) by redesignating subsections (f) and (g) as subsections (e) and

14 (f), respectively.

15 **SEC. 2002. OBLIGATION LIMITATION.**

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

19 (1) \$47,323,248,000 for fiscal year 2015; and

20 (2) \$48,141,248,000 for fiscal year 2016;

21 (3) \$48,977,248,000 for fiscal year 2017; and

22 (4) \$49,829,248,000 for fiscal year 2018.

23 (b) EXCEPTIONS.--The limitations under subsection (a) shall not apply to
24 obligations under or for--

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

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

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

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

1 (5) subsections (b) and (c) of section 149 of the Surface Transportation
2 and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

3 (6) sections 1103 through 1108 of the Intermodal Surface Transportation
4 Efficiency Act of 1991 (105 Stat. 2027);

5 (7) section 157 of title 23, United States Code (as in effect on June 8,
6 1998);

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

10 (9) Federal-aid highway programs for which obligation authority was
11 made available under the Transportation Equity Act for the 21st Century (112
12 Stat. 107) or subsequent Acts for multiple years or to remain available until
13 expended, but only to the extent that the obligation authority has not lapsed or
14 been used;

15 (10) section 105 of title 23, United States Code (but, for each of fiscal
16 years 2005 through 2012, only in an amount equal to \$639,000,000 for each of
17 those fiscal years);

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

22 (12) section 119 of title 23, United States Code (but, for each of fiscal
23 years 2013 through 2018, only in an amount equal to \$639,000,000 for each of
24 those fiscal years).

25 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.--For each of fiscal years
26 2015 through 2018, the Secretary--

27 (1) shall not distribute obligation authority provided by subsection (a) for
28 the fiscal year for--

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

1 (B) amounts authorized for the Bureau of Transportation
2 Statistics;

3 (2) shall not distribute an amount of obligation authority provided by
4 subsection (a) that is equal to the unobligated balance of amounts--

5 (A) made available from the Highway Trust Fund (other than the
6 Mass Transit Account) or from the Highway Account of the
7 Transportation Trust Fund for Federal-aid highway and highway safety
8 construction programs for previous fiscal years the funds for which are
9 allocated by the Secretary (or apportioned by the Secretary under sections
10 202 or 204 of title 23, United States Code); and

11 (B) for which obligation authority was provided in a previous
12 fiscal year;

13 (3) shall determine the proportion that--

14 (A) the obligation authority provided by subsection (a) for the
15 fiscal year, less the aggregate of amounts not distributed under paragraphs
16 (1) and (2) of this subsection; bears to

17 (B) the total of the sums authorized to be appropriated for the
18 Federal-aid highway and highway safety construction programs (other
19 than sums authorized to be appropriated for provisions of law described in
20 paragraphs (1) through (11) of subsection (b) and sums authorized to be
21 appropriated for section 119 of title 23, United States Code, equal to the
22 amount referred to in subsection (b)(12) for the fiscal year), less the
23 aggregate of the amounts not distributed under paragraphs (1) and (2) of
24 this subsection;

25 (4) shall distribute the obligation authority provided by subsection (a), less
26 the aggregate amounts not distributed under paragraphs (1) and (2), for each of
27 the programs (other than programs to which paragraph (1) applies) that are
28 allocated by the Secretary under this Act and title 23, United States Code, or
29 apportioned by the Secretary under sections 202 or 204 of that title, by
30 multiplying--

31 (A) the proportion determined under paragraph (3); by

1 (B) the amounts authorized to be appropriated for each such
2 program for the fiscal year; and

3 (5) shall distribute the obligation authority provided by subsection (a), less
4 the aggregate amounts not distributed under paragraphs (1) and (2) and the
5 amounts distributed under paragraph (4), for Federal-aid highway and highway
6 safety construction programs that are apportioned by the Secretary under title 23,
7 United States Code (other than the amounts apportioned for the national highway
8 performance program in section 119 of title 23, United States Code, that are
9 exempt from the limitation under subsection (b)(12) and the amounts apportioned
10 under sections 202 and 204 of that title) or under this Act in the proportion that--

11 (A) amounts authorized to be appropriated for the programs that
12 are apportioned under title 23, United States Code, or under this Act to
13 each State for the fiscal year; bears to

14 (B) the total of the amounts authorized to be appropriated for the
15 programs that are apportioned under title 23, United States Code, or under
16 this Act to all States for the fiscal year.

17 (d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.--

18 Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years
19 2015 through 2018--

20 (1) revise a distribution of the obligation authority made available under
21 subsection (c) if an amount distributed cannot be obligated during that fiscal year;
22 and

23 (2) redistribute sufficient amounts to those States able to obligate amounts
24 in addition to those previously distributed during that fiscal year, giving priority
25 to those States having large unobligated balances of funds apportioned under
26 sections 144 (as in effect on the day before the date of enactment of Public Law
27 112-141) and 104 of title 23, United States Code.

28 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
29 TRANSPORTATION RESEARCH PROGRAMS.--

1 (1) IN GENERAL.--Except as provided in paragraph (2), obligation
2 limitations imposed by subsection (a) shall apply to contract authority for
3 transportation research programs carried out under--

4 (A) chapter 5 of title 23, United States Code; and

5 (B) Title VIII of this Act.

6 (2) EXCEPTION.--Obligation authority made available under paragraph (1)
7 shall—

8 (A) remain available for a period of 4 fiscal years; and

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

12 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.--

13 (1) IN GENERAL.--Not later than 30 days after the date of distribution of
14 obligation authority under subsection (c) for each of fiscal years 2015 through
15 2018, the Secretary shall distribute to the States any funds (excluding funds
16 authorized for the program under section 202 of title 23, United States Code)
17 that—

18 (A) are authorized to be appropriated for the fiscal year for
19 Federal-aid highway programs; and

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

24 (2) RATIO.--Funds shall be distributed under paragraph (1) in the same
25 proportion as the distribution of obligation authority under subsection (c)(5).

26 (3) AVAILABILITY.--Funds distributed to each State under paragraph (1)
27 shall be available for any purpose described in section 133(b) of title 23, United
28 States Code.

29 **SEC. 2003. APPORTIONMENT.**

30 (a) SECTION 104 AMENDMENTS.--Section 104 of title 23, United States Code, is
31 amended--

1 (1) by amending subsection (a)(1) to read as follows:

2 "(1) IN GENERAL.--There are authorized to be appropriated from the Highway
3 Account of the Transportation Trust Fund to be made available to the Secretary for
4 administrative expenses of the Federal Highway Administration--

5 "(A) \$442,248,000 for fiscal year 2015;

6 "(B) \$451,248,000 for fiscal year 2016;

7 "(C) \$460,248,000 for fiscal year 2017; and

8 "(D) \$469,248,000 for fiscal year 2018."

9 (2) in subsection (c)(2)--

10 (A) by adding "and thereafter" after "2014" the first time it appears; and

11 (B) in subparagraph (A) by adding "and each fiscal year thereafter" after
12 "2014"; and

13 (3) by inserting at the end the following:

14 "(h) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH
15 PROGRAM FINDINGS AND RESULTS.--Before making an apportionment under
16 subsection (c) for each of fiscal years 2015 through 2018, the Secretary may set aside up
17 to \$25,000,000 for each fiscal year to carry out the implementation of future strategic
18 highway research program findings and results under section 503(c)(2)(C). Funds
19 expended under this subsection shall not be considered to be part of the extramural
20 budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C.
21 638)".

22 (b) CONFORMING AMENDMENT.--Section 505 of title 23, United States
23 Code, is amended by striking subsection (c) and redesignating subsections (d) and (e) as
24 (c) and (d), respectively.

25 **SEC. 2004. FEDERAL LANDS TRANSPORTATION PROGRAM.**

26 (a) DEFINITIONS.--Section 101(a) of title 23, United States Code, is amended--

27 (1) in paragraph (8) by striking "is adjacent to,"; and

28 (2) by striking paragraphs (9) and (10) and redesignating paragraphs (11)
29 through (34) as paragraphs (9) through (32), respectively.

30 (b) OTHER AMENDMENTS.--Section 203 of title 23, United States Code, is
31 amended--

1 (1) in subsection (a)(1), by--

2 (A) striking "; and" at the end of subparagraph (C) and inserting a
3 period; and

4 (B) striking subparagraph (D);

5 (2) in subsection (b)(1)--

6 (A) in the matter preceding subparagraph (A), by striking "2011"
7 and inserting "2012"; and

8 (B) in subparagraph (B)--

9 (i) by striking "; and" at the end of clause (iv) and inserting
10 a semicolon;

11 (ii) by striking the period at the end of clause (v) and insert
12 "; and"; and

13 (iii) by inserting at the end the following:

14 "(vi) the Bureau of Reclamation.";

15 (3) at the end of subsection (c)(2)(B), by inserting the following:

16 "(vi) The Bureau of Reclamation."; and

17 (4) by striking subsection (d).

18 (c) PERFORMANCE MANAGEMENT.--Section 203(b)(2)(B) of title 23, United
19 States Code, is amended by inserting "performance management, including" after
20 "support".

21 **SEC. 2005. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.**

22 (a) FEDERAL SHARE.--Section 120(e)(2) of title 23, United States Code, is
23 amended by striking "Federal land access transportation facilities" and inserting "other
24 federally owned roads that are open to public travel (as defined in section 125(e)(1) of
25 this title)".

26 (b) ELIGIBILITY.--Section 125(d)(3) of title 23, United States Code, is
27 amended--

28 (1) at the end of subparagraph (A) by striking "or";

29 (2) at the end of subparagraph (B) by striking the period and inserting "
30 or"; and

31 (3) by inserting at the end the following:

1 "(C) projects eligible for assistance under this section located on
2 Tribal transportation facilities, Federal lands transportation facilities, or
3 other federally owned roads that are open to public travel."

4 (c) DEFINITION.--Section 125(e) of title 23, United States Code, is amended by
5 striking paragraph (1) and inserting the following:

6 "(1) DEFINITIONS.--In this subsection--

7 "(A) 'open to public travel' means, with respect to a road, that,
8 except during scheduled periods, extreme weather conditions, or
9 emergencies, the road is maintained and open to the general public and
10 can accommodate travel by a standard passenger vehicle, without
11 restrictive gates or prohibitive signs or regulations, other than for general
12 traffic control or restrictions based on size, weight, or class of registration;
13 and

14 "(B) 'standard passenger vehicle' means a vehicle with six inches
15 of clearance from the lowest point of the frame, body, suspension, or
16 differential to the ground."

17 **SEC. 2006. TRIBAL HIGH PRIORITY PROJECTS PROGRAM AND TRIBAL**
18 **TRANSPORTATION PROGRAM AMENDMENTS.**

19 (a) IN GENERAL.--Section 202 of title 23, United States Code, is amended as
20 follows:

21 (1) In subsection (a)(1)--

22 (A) in subparagraph (A), by striking the final semicolon and
23 inserting "; and";

24 (B) in subparagraph (B), by striking "; and" and inserting a period;
25 and

26 (C) by striking subparagraph (C).

27 (2) In subsection (b)(3)(A)(i), by striking "and subsections (c), (d), and
28 (e)" and inserting "and subsections (a)(6), (c), (d), (e), and (g)".

29 (3) In subsection (c)(1), by striking "2 percent" and inserting "3 percent".

30 (4) In subsection (d)(2), by striking "2 percent" and inserting "4 percent".

31 (5) Inserting after subsection (f) the following:

1 "(g) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.--

2 "(1) FUNDING.--Before making any distribution under subsection (b), the
3 Secretary shall set aside not more than 7 percent of the funds made available for
4 the Tribal transportation program for that fiscal year to carry out this subsection.

5 "(2) ELIGIBLE APPLICANTS.--Applicants eligible for program funds
6 under this subsection include--

7 "(A) an Indian tribe whose annual allocation of funding under
8 subsection (b) is insufficient to complete the highest priority project of the
9 Indian tribe;

10 "(B) a governmental subdivision of an Indian tribe--

11 "(i) that is authorized to administer the funding of the
12 Indian tribe under this section; and

13 "(ii) for which the annual allocation under subsection (b) is
14 insufficient to complete the highest priority project of the Indian
15 tribe; or

16 "(C) any Indian tribe or governmental subdivision of an Indian
17 tribe that has an emergency or disaster with respect to a transportation
18 facility included on the national inventory of Tribal transportation
19 facilities under subsection (b)(1).

20 "(3) ELIGIBLE FACILITIES AND ACTIVITIES.--To be funded under
21 this subsection, a project--

22 "(A) shall be on a Tribal transportation facility that is included in
23 the national inventory of Tribal transportation facilities under subsection
24 (b)(1); and

25 "(B) except as specified in paragraph (4), shall be an activity
26 eligible under --

27 "(i) subsection (a)(1); or

28 "(ii) the emergency relief program, authorized under
29 section 125 of this title, but that does not meet the funding
30 thresholds under part 668 of title 23, Code of Federal Regulations.

1 "(4) LIMITATION ON USE OF FUNDS.--Funds under this subsection
2 shall not be used for--

3 "(A) transportation planning;

4 "(B) research;

5 "(C) routine maintenance activities;

6 "(D) structures and erosion protection unrelated to transportation
7 and roadways;

8 "(E) general reservation planning not involving transportation;

9 "(F) landscaping and irrigation systems not involving a
10 transportation program or project;

11 "(G) work performed on a project that is not included on a
12 transportation improvement program approved by the Federal Highway
13 Administration, unless otherwise authorized by the Secretary of the
14 Interior and the Secretary;

15 "(H) the purchase of equipment, unless otherwise authorized by
16 Federal law; or

17 "(I) the condemnation of land for recreational trails.

18 "(5) PROJECT APPLICATIONS; FUNDING.--

19 "(A) IN GENERAL.--To apply for funds under this subsection, an
20 eligible applicant shall submit to the Department of the Interior or the
21 Department of Transportation an application that includes--

22 "(i) project scope of work, including deliverables, budget,
23 and timeline;

24 "(ii) the amount of funds requested;

25 "(iii) project information addressing--

26 "(I) the ranking criteria identified in subparagraph
27 (C); or

28 "(II) the nature of the emergency or disaster;

29 "(iv) documentation that the project meets the definition of
30 a Tribal transportation facility and is included in the national
31 inventory of Tribal transportation facilities under subsection (b)(1);

1 "(v) documentation of official Tribal action requesting the
2 project;

3 "(vi) documentation from the Indian tribe providing
4 authority for the Secretary of the Interior to place the project on a
5 transportation improvement program if the project is selected and
6 approved; and

7 "(vii) any other information the Secretary of the Interior or
8 Secretary considers appropriate to make a determination.

9 "(B) LIMITATION ON APPLICATIONS.--An applicant for funds
10 under the program may only have one application for assistance under this
11 subsection pending at any one time, including any emergency or disaster
12 project application under paragraph (6).

13 "(C) APPLICATION RANKING.--

14 "(i) IN GENERAL.--The Secretary of the Interior and the
15 Secretary shall determine the eligibility of, and fund, program
16 applications, subject to the availability of funds.

17 "(ii) RANKING CRITERIA.--The project ranking criteria
18 for applications under this subsection shall include--

19 "(I) the existence of safety hazards with
20 documented fatality and injury crashes;

21 "(II) the number of years since the Indian tribe last
22 completed a construction project funded by the Indian
23 Reservation Roads program (as in effect the day before the
24 date of enactment of MAP-21) or the Tribal Transportation
25 Program under section 202 of title 23, United States Code;

26 "(III) the readiness of the Indian tribe to proceed to
27 construction or bridge design need;

28 "(IV) the percentage of project costs matched by
29 funds that are not provided under this section, with projects
30 with a greater percentage of other sources of matching
31 funds ranked ahead of lesser matches);

1 "(V) the amount of funds requested, with requests
2 for lesser amounts given greater priority;

3 "(VI) the challenges caused by geographic isolation;
4 and

5 "(VII) all-weather access for employment,
6 commerce, health, safety, educational resources, or
7 housing.

8 "(iii) PROJECT SCORING MATRIX.--The project scoring
9 matrix established in Subpart I of part 170 of title 25, Code of
10 Federal Regulations (as in effect on July 19, 2004) shall be used to
11 rank all applications accepted under this subsection.

12 "(D) FUNDING PRIORITY LIST.--

13 "(i) IN GENERAL.--The Secretary of the Interior and the
14 Secretary shall jointly produce a funding priority list that ranks the
15 projects approved for funding under the program.

16 "(ii) LIMITATION.--The number of projects on the list
17 shall be limited by the amount of funding set aside for this
18 subsection.

19 "(E) TIMELINE.--The Secretary of the Interior and the Secretary
20 shall--

21 "(i) establish deadlines for applications;

22 "(ii) notify all applicants and Regions in writing of
23 acceptance of applications;

24 "(iii) rank all accepted applications in accordance with the
25 project scoring matrix, develop the funding priority list, and return
26 unaccepted applications to the applicant with an explanation of
27 deficiencies;

28 "(iv) notify all accepted applicants of the projects included
29 on the funding priority list; and

30 "(v) distribute funds to successful applicants.

31 "(6) EMERGENCY OR DISASTER PROJECT APPLICATIONS.--

1 "(A) IN GENERAL.--Notwithstanding paragraph (5)(E), an
2 eligible applicant may submit an emergency or disaster project application
3 at any time.

4 "(B) CONSIDERATION AS PRIORITY.--The Secretary of the
5 Interior and the Secretary shall--

6 " (i) consider project applications submitted under this
7 paragraph to be a priority project under this subsection; and

8 " (ii) fund the project applications in accordance with
9 subparagraph (C).

10 "(C) FUNDING.--

11 " (i) IN GENERAL.--If an eligible applicant submits an
12 application for a project under this paragraph before the issuance
13 of the list under paragraph (5)(D) and the project is determined to
14 be eligible for program funds, the Secretary of the Interior and the
15 Secretary shall provide funding for the project before providing
16 funding for other approved projects on the list.

17 " (ii) SUBMISSION AFTER ISSUANCE OF LIST.--If an
18 eligible applicant submits an application under this subsection after
19 the issuance of the list under paragraph (5)(D) and the distribution
20 of program funds in accordance with the list, the Secretary of the
21 Interior and the Secretary shall provide funding for the project on
22 the date on which unobligated funds provided to projects on the list
23 are returned to the respective Department.

24 " (iii) EFFECT ON OTHER PROJECTS.--If the Secretary
25 of the Interior and the Secretary use funding previously designated
26 for a project on the list under paragraph (5)(D) to fund an
27 emergency or disaster project under this paragraph, the project on
28 the list that did not receive funding as a result of the redesignation
29 of funds shall move to the top of the list the following year.

30 "(D) EMERGENCY OR DISASTER PROJECT COST.--The cost
31 of a project submitted as an emergency or disaster under this paragraph

1 shall equal at least 10 percent of the distribution of funds of the Indian
2 tribe under subsection (b).

3 "(7) LIMITATION ON PROJECT AMOUNTS.--Project funding shall be
4 limited to a maximum of \$1,500,000 per application, except that funding for
5 disaster or emergency projects shall also be limited to the estimated cost of
6 repairing damage to the Tribal transportation facility.

7 "(8) COST ESTIMATE CERTIFICATION.--All cost estimates prepared
8 for a project shall be required to be submitted by the applicant to the Secretary of
9 the Interior or the Secretary for certification and approval."

10 (b) CONFORMING AMENDMENT.--Section 1123 of the Moving Ahead for
11 Progress in the 21st Century Act (P.L. 112-141) is repealed.

12 **SEC. 2007. FEDERAL LANDS ACCESS PROGRAM FEDERAL SHARE.**

13 Section 201(b)(7) of title 23, United States Code, is amended--

14 (1) in subparagraph (A), by striking "shall be 100 percent" and inserting
15 "may be up to 100 percent"; and

16 (2) in subparagraph (B), by inserting before the final period ", except that
17 the Federal share for the cost of a project on a Federal lands access transportation
18 facility owned by a county, town, township, municipal, Tribal, or local
19 government may be up to 95 percent".

20 **SEC. 2008. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL**
21 **PROJECTS PROGRAM.**

22 (a) IN GENERAL.--Chapter 2 of title 23, United States Code, is amended by
23 inserting after section 206 the following:

24 **"Sec. 207. Nationally significant Federal lands and tribal projects program**

25 "(a) PURPOSE.---The Secretary shall establish a nationally significant Federal
26 lands and tribal projects program to provide funding needed to construct, reconstruct, or
27 rehabilitate nationally significant Federal lands and Tribal transportation projects.

28 "(b) APPLICANTS.--

29 "(1) IN GENERAL.--Except as specified in paragraph (2), entities eligible
30 to receive funds under sections 201, 202, 203 and 204 of this title may apply for
31 funding under this program.

1 "(2) SPECIAL RULE.--A State, county or local governments may only
2 apply if sponsored by an eligible Federal Land Management Agency or Indian tribe.

3 "(c) ELIGIBLE PROJECTS.--An eligible project under this section shall be a single
4 continuous project--

5 " (1) on a Federal lands transportation facility, a Federal lands access
6 transportation facility, or a Tribal transportation facility, as defined under section
7 101 of this title, except that such facility is not required to be included on an
8 inventory as described under sections 202 or 203 of title 23, United States Code;

9 " (2) for which completion of activities required under the National
10 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), has been demonstrated
11 through a record of decision with respect to the project, a finding that the project
12 has no significant impact, or a determination that the project is categorically
13 excluded; and

14 " (3) having an estimated cost, based on the results of preliminary
15 engineering, equal to or exceeding \$25,000,000, with priority consideration given
16 to projects with an estimated cost equal to or exceeding \$50,000,000.

17 "(d) ELIGIBLE ACTIVITIES.--An applicant receiving funds under this section
18 may only use such funds for construction, reconstruction, and rehabilitation activities,
19 except that activities related to project design are not eligible.

20 "(e) APPLICATIONS.--Applicants shall submit to the Secretary an application in
21 such form and in accordance with such requirements as the Secretary shall establish.

22 "(f) SELECTION CRITERIA.--In selecting a project to receive funds under this
23 program the Secretary shall consider the extent to which the project--

24 " (1) furthers Departmental goals such as state of good repair, environmental
25 sustainability, economic competitiveness, quality of life, or safety;

26 " (2) improves the condition of critical multimodal transportation facilities;

27 " (3) needs construction, reconstruction, or rehabilitation;

28 " (4) is included in or eligible for inclusion in the National Register of
29 Historic Places;

30 " (5) enhances environmental ecosystems;

1 "(6) uses new technologies and innovations that enhance the efficiency of
2 the project;

3 "(7) is supported by funds other than those received under this title to
4 construct, maintain, and operate the facility;

5 "(8) spans 2 or more States; and

6 "(9) serves lands owned by multiple Federal agencies or Tribes.".

7 (b) CONFORMING AMENDMENTS.--

8 (1) AVAILABILITY OF FUNDS.--Section 201(b) of such title is
9 amended--

10 (A) in paragraph (1), by inserting "nationally significant Federal
11 lands and tribal projects program," after "Federal lands transportation
12 program,";

13 (B) in paragraph (4)(A), by inserting "nationally significant
14 Federal lands and tribal projects program," after "Federal lands
15 transportation program,"; and

16 (C) by adding at the end of paragraph (7) the following—

17 "(C) **NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
18 **TRIBAL PROJECTS PROGRAM.**--The Federal share of a the cost of a
19 project carried out under the nationally significant Federal lands and tribal
20 projects program may be up to 100 percent.".

21 (2) PLANNING.--Section 201(c)(3) of such title is amended by inserting
22 "nationally significant Federal lands and tribal projects program" after "Federal
23 lands transportation program," the first time it appears.

24 (3) ANALYSIS--The analysis for chapter 2 of such title is amended by
25 inserting after the item related to 206 the following:

26 "207. Nationally significant Federal lands and tribal projects program.".

27 **SEC. 2009. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

28 (a) TRANSPORTATION PLANNING.--Section 201(c) of title 23, United States
29 Code, is amended--

30 (1) in paragraph (6)(A) by--

31 (A) inserting a period after "Tribal transportation program";

1 (B) inserting "Data collected to implement the Tribal
2 transportation program shall be" before "in accordance with"; and

3 (C) striking ", including" and inserting ". Data collected under this
4 paragraph includes"; and

5 (2) by striking paragraph (7) and inserting the following--

6 "(7) COOPERATIVE RESEARCH AND TECHNOLOGY
7 DEPLOYMENT.--The Secretary may conduct cooperative research and
8 technology deployment in coordination with Federal land management agencies,
9 as deemed appropriate by the Secretary.

10 "(8) FUNDING.--

11 "(A) IN GENERAL.--To implement activities described in this
12 subsection for Federal lands transportation facilities, Federal lands access
13 transportation facilities, and other federally-owned roads open to public
14 travel (as defined under section 125 of this title), the Secretary shall
15 combine and use not more than 5 percent for each fiscal year of the funds
16 authorized for programs under sections 203 and 204 of this title.

17 "(B) OTHER ACTIVITIES.--In addition to the activities specified
18 in subparagraph (A), funds described under such subparagraph may also
19 be used for--

20 "(i) bridge inspections on any Federally owned bridge even
21 if such bridge is not included on the inventory, as described under
22 section 203 of this title; and

23 "(ii) transportation planning activities undertaken by any
24 Federal agency.

25 "(C) ELIGIBLE ENTITIES.--Funds described under subparagraph
26 (A) may be used by the following agencies:

27 "(i) Bureau of Land Management;

28 "(ii) Bureau of Reclamation;

29 "(iii) Military Surface Deployment and Distribution
30 Command;

31 "(iv) National Park Service;

- 1 "(v) Tennessee Valley Authority;
- 2 "(vi) United States Air Force;
- 3 "(vii) United States Army;
- 4 "(viii) United States Army Corps of Engineers;
- 5 "(ix) United States Fish & Wildlife Service;
- 6 "(x) United States Forest Service; and
- 7 "(xi) United States Navy.

8 "(D) SPECIAL RULE.--Notwithstanding subparagraphs (A)
9 through (C), a Federal Land Management Agency receiving funds to carry
10 out section 203 of this title may use funds authorized for that section to
11 meet the requirements of this subsection."

12 (b) COORDINATION.--Section 201 of such title is amended by adding at the end
13 the following"

14 "(f) FEDERAL LANDS TRANSPORTATION EXECUTIVE COUNCIL.--The
15 Secretary periodically shall convene and chair a Federal Lands Transportation Executive
16 Council, which shall be composed of Secretaries of the appropriate Federal Land
17 Management Agencies or their designees, and chaired by the Secretary or the Secretary's
18 designee. The purpose of the Federal Lands Transportation Executive Council is to
19 consult on interdepartmental data standardization, technology integration, and
20 interdepartmental consistency."

21 **SEC. 2010. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.**

22 Section 144(h) of title 23, United States Code, is amended by--

23 (1) redesignating paragraphs (6) and (7) as paragraphs (7) and (8),
24 respectively;

25 (2) inserting after paragraph (5), the following new paragraph:

26 "(6) BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.--

27 "(A) BRIDGES OWNED BY FEDERAL AGENCIES OR
28 TRIBAL GOVERNMENTS.--If a Federal agency or Tribal
29 government fails to ensure that any highway bridge that is open to
30 public travel and is located within the jurisdiction of the Federal

1 agency or Tribal government is properly closed or restricted to
2 loads it can carry safely, the Secretary--

3 "(i) shall, upon learning of the need to close such bridge or
4 to restrict loads on it, require the Federal agency or Tribal
5 government to take action necessary to--

6 "(I) close the bridge within 48 hours; or

7 "(II) within 30 days, restrict public travel on the
8 bridge to loads the bridge can carry safely; and

9 "(ii) may, if the Federal agency or Tribal government fails
10 to take action necessary under clause (i), withhold all
11 funding authorized under this title for the Federal agency or
12 Tribal government.

13 "(B) OTHER BRIDGES.--If a State fails to ensure that any
14 highway bridge (other than a bridge described in subparagraph
15 (A)) that is open to public travel and is located within the
16 boundaries of the State is properly closed or restricted to loads it
17 can carry safely, the Secretary--

18 "(i) shall, upon learning of the need to close such bridge or
19 to restrict loads on it, require the State to take action necessary to--

20 "(I) close the bridge within 48 hours; or

21 "(II) within 30 days, restrict public travel on the
22 bridge to loads the bridge can carry safely; and

23 "(ii) may, if the State fails to take action necessary under
24 clause (i), withhold approval for Federal-aid projects in such
25 State."; and

26 (3) in paragraph (8), as redesignated, by striking "(6)" and inserting "(7)".

27 **SEC. 2011. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

28 (a) POLICY.--It is in the national interest for the Department of Transportation
29 and State departments of transportation to expand the use of rights-of-way on Federal-aid
30 highways to accommodate broadband infrastructure; to ensure the safe and efficient
31 accommodation of broadband infrastructure in the public right-of-way; to identify areas

1 where additional broadband infrastructure is most needed; to include broadband
2 stakeholders in the transportation planning process; to coordinate highway construction
3 plans with other statewide telecommunications and broadband plans; and to improve
4 broadband connectivity to rural communities and improve broadband services in urban
5 areas.

6 (b) ESTABLISHMENT OF BROADBAND INFRASTRUCTURE
7 DEPLOYMENT INITIATIVE.--

8 (1) IN GENERAL.--To advance the policy identified in subsection (a), the
9 Secretary shall carry out a broadband infrastructure deployment initiative under
10 this section.

11 (2) ADVANCING THE USE OF BEST PRACTICES.--In order to expand
12 the installation of broadband infrastructure, the Secretary shall require each State
13 that receives funds under Title II of this Act to meet the following requirements:

14 (A) BROADBAND COORDINATION.--Each State department of
15 transportation shall--

16 (i) have a broadband utility coordinator responsible for
17 coordinating the broadband infrastructure needs of the State with
18 Federal-aid highway projects;

19 (ii) provide for online registration of broadband
20 infrastructure entities that seek to be included in such broadband
21 infrastructure coordination efforts within the State;

22 (iii) coordinate with other State and local agencies and
23 broadband infrastructure entities registered with the State
24 department of transportation under clause (ii) and the First
25 Responder Network Authority (FirstNet) as established in Section
26 6204 of the Middle Class Tax Relief and Job Creation Act of 2012
27 (42 U.S.C. 1424), to review areas within the State that are
28 unserved or underserved by broadband; and

29 (iv) include broadband infrastructure entities registered
30 with the State department of transportation under clause (ii) in the

1 transportation planning processes under sections 134 and 135 of
2 title 23, United States Code.

3 (B) BROADBAND INFRASTRUCTURE COORDINATION

4 PLAN.--Each State department of transportation shall--

5 (i) based on the coordination under subparagraph (A),
6 develop a comprehensive State broadband infrastructure
7 coordination plan to expand the adoption and deployment of
8 broadband infrastructure within the State through, at a minimum,
9 the use of rights-of-way for Federal-aid highways and strategies to
10 support increased availability and adoption in unserved and
11 underserved areas in accordance with paragraph (2)(A)(iii);

12 (ii) to the extent practicable, coordinate the State broadband
13 infrastructure coordination plan with other statewide
14 telecommunication or broadband plans, and with State and local
15 transportation and land use plans;

16 (iii) include in its State broadband infrastructure
17 coordination plan strategies to minimize repeated excavations that
18 involve the installation of broadband infrastructure in the right-of-
19 way; and

20 (iv) include in its State broadband infrastructure
21 coordination plan strategies to support increased broadband
22 availability and adoption in unserved and underserved areas in
23 accordance with paragraph (2)(A)(iii).

24 (C) RIGHT-OF-WAY ACCESS.--Notwithstanding any other
25 provision of law--

26 (i) each State department of transportation shall--

27 (I) allow the installation of broadband infrastructure
28 in the right-of-way of every Federal-aid highway to the
29 extent the State holds sufficient ownership rights to
30 authorize such accommodation; and

1 (II) establish reasonable conditions to provide right-
2 of-way access to broadband infrastructure entities to
3 construct, operate, and maintain broadband infrastructure,
4 and may prohibit such uses that would adversely affect
5 highway or traffic safety. Such use and access shall be free
6 of charge to a broadband infrastructure entity requesting
7 access for the purposes of broadband infrastructure
8 installation; and

9 (ii) each State may--

10 (I) designate one or more longitudinal areas within
11 each right-of-way to accommodate broadband
12 infrastructure; and

13 (II) require all broadband infrastructure entities to
14 locate their broadband infrastructure within such
15 longitudinal areas.

16 (D) INNOVATION.--Each State department of transportation
17 shall consider new technology and construction practices that would allow
18 for the safe and efficient accommodation of broadband infrastructure in
19 the right-of-way.

20 (3) STATE FLEXIBILITY.--A State meeting the requirements under
21 paragraph (2) may use funds authorized for the surface transportation program
22 under section 133 of title 23, United States Code, and the national highway
23 performance program under section 119 of such title, to install broadband
24 infrastructure as part of a Federal-aid highway project located in an area
25 identified under paragraph (2)(A)(iii), and the broadband infrastructure may
26 be utilized to support non-transportation purposes in addition to transportation
27 purposes.

28 (c) DEFINITIONS.--In this section, the following definitions apply:

29 (1) BROADBAND INFRASTRUCTURE.--The term "broadband infrastructure"
30 means buried or aerial facilities, wireless or wireline connection that enables users to
31 send and receive voice, video, data, graphics, or a combination thereof.

1 (2) BROADBAND INFRASTRUCTURE ENTITY.--The term "broadband
2 infrastructure entity" means any entity that installs, owns, or operates broadband
3 infrastructure and provides services to members of the public.

4 (3) RIGHT-OF-WAY.--The term "right-of-way" means any real property, or
5 interest therein, acquired, dedicated, or reserved for the construction, operation, and
6 maintenance of a Federal-aid highway.

7 (4) STATE.--The term "State" means any of the 50 States, the District of
8 Columbia, or Puerto Rico.

9 **SEC. 2012. CRITICAL IMMEDIATE INVESTMENTS PROGRAM.**

10 (a) ESTABLISHMENT.--The Secretary shall establish a program under this
11 section to make critical and immediate improvements to infrastructure and highway
12 safety. This program shall include--

- 13 (1) the interstate bridge revitalization initiative under subsection (b);
14 (2) the systemic safety initiative under subsection (c); and
15 (3) the state of good repair initiative under subsection (d).

16 (b) INTERSTATE BRIDGE REVITALIZATION INITIATIVE.--

17 (1) APPORTIONMENT.--The Secretary shall apportion funds made
18 available to carry out this subsection for a fiscal year among States in the ratio
19 that--

20 (A) the amount of funds that the Secretary apportions to the State
21 for such fiscal year for the national highway performance program under
22 section 104(b)(1) of title 23, United States Code; bears to

23 (B) the amount of funds that the Secretary apportions to all States
24 for such fiscal year for such program under such section.

25 (2) USE OF FUNDS.--

26 (A) IF ABOVE THRESHOLD.--If the Secretary determines that
27 more than 5 percent of the total deck area of bridges on the Interstate
28 System in a State is located on bridges that the Secretary has classified as
29 structurally deficient, the State may use funds under this subsection to
30 repair, rehabilitate, or replace structurally deficient bridges on the
31 Interstate System.

1 (B) IF BELOW THRESHOLD.--If the Secretary determines that
2 less than 5 percent of the total deck area of bridges on the Interstate
3 System in a State is located on bridges that the Secretary has classified as
4 structurally deficient, the State may use funds under this subsection to
5 repair, rehabilitate, or replace structurally deficient bridges on the National
6 Highway System.

7 (C) EXCLUSION.--A State may not use funds under this
8 subsection to construct a new bridge except as a replacement for an
9 eligible structurally deficient bridge.

10 (c) SYSTEMIC SAFETY INITIATIVE.--

11 (1) DISTRIBUTION OF FUNDS.--

12 (A) APPORTIONMENT.--Subject to subparagraph (B), the
13 Secretary shall apportion funds made available to carry out this subsection
14 for a fiscal year among States in the ratio specified in subsection (b)(1).

15 (B) RESERVATION OF FUNDS.--Before apportioning funds
16 under paragraph (1) in a fiscal year, the Secretary shall reserve
17 \$75,000,000 under this subsection for use under paragraph (3).

18 (2) ELIGIBLE USES OF FUNDS.--

19 (A) IN GENERAL.--A State may use funds under this subsection
20 on –

21 (i) systemic safety improvements that are--

22 (I) eligible uses of funding under section 148 of title
23 23, United States Code;

24 (II) consistent with the State's strategic highway
25 safety plan under such section; and

26 (III) located on a highway that is not owned by the
27 State; and

28 (ii) data improvement activities (or safety data systems)
29 related to highways described in clause (i)(III).

30 (B) SPECIAL RULE.--Notwithstanding subparagraph (A)(i)(III),
31 if a State, in the judgment of the Secretary, meets its infrastructure safety

1 needs relating to systemic safety improvements on highways that are not
2 owned by the State, the State may use funds under this subsection on such
3 an improvement--

4 (i) that is located on a highway owned by the State; and

5 (ii) that meets the requirements of subparagraphs (A)(i)(I)
6 and (A)(i)(II).

7 (3) BUILD TO EVALUATE.--

8 (A) IN GENERAL.--The Secretary shall provide grants under this
9 paragraph to--

10 (i) allow local agencies to implement systemic safety
11 improvements; and

12 (ii) enable the Secretary to evaluate the effectiveness of
13 such improvements.

14 (B) ELIGIBLE APPLICANTS.--A local agency seeking to receive
15 a grant under this paragraph shall--

16 (i) submit to the Secretary an application in such form and
17 in accordance with such requirements as the Secretary shall
18 establish; and

19 (ii) agree to provide the Secretary with data sufficient, in
20 the judgment of the Secretary, to allow the Secretary to rigorously
21 evaluate the effectiveness of the projects that the agency
22 implements with such a grant.

23 (4) DEFINITIONS.--In this subsection, the terms "data improvement
24 activities," "safety data system," "systemic safety improvement" and "strategic
25 highway safety plan" have the same meaning as in section 148 of title 23, United
26 States Code.

27 (d) STATE OF GOOD REPAIR INITIATIVE.--

28 (1) APPORTIONMENT.--The Secretary shall apportion funds made
29 available to carry out this subsection for a fiscal year among States in the ratio
30 specified in subsection (b)(1).

31 (2) ELIGIBLE USES OF FUNDS.--

1 (A) IN GENERAL.--Subject to subparagraph (B), a State may use
2 funds under this subsection to--

3 (i) reconstruct, resurface, restore, rehabilitate, or preserve a
4 highway on the National Highway System; or

5 (ii) replace, rehabilitate, preserve, or protect a bridge or
6 tunnel on the National Highway System.

7 (B) PRESERVATION PROJECTS.--A State may use 50 percent
8 of the funds that the Secretary apportions to the State under paragraph (1)
9 only for preservation or rehabilitation projects under subparagraph (A)
10 that would prevent or reduce the need for more costly future repair or
11 replacement.

12 (3) USE OF SYSTEMS.--In selecting projects to fund under this
13 subsection, a State shall use information from its pavement and bridge
14 management systems to identify potential projects that need immediate action to
15 preserve the asset and avoid further deterioration.

16 (e) TRANSFERS.--Notwithstanding subsection (d), a State may transfer up to 100
17 percent of its apportionment under such subsection--

18 (1) to its apportionment under subsection (b) if, in the judgment of the
19 Secretary, such transfer will help the State to meet the performance targets that
20 the State has established under section 150(d) of title 23, United States Code, in
21 relation to the national highway performance program; or

22 (2) to its apportionment under subsection (c) if, in the judgment of the
23 Secretary, such transfer will help the State to meet the performance targets that
24 the State has established under section 150(d) of such title in relation to the
25 highway safety improvement program.

26 (f) ADMINISTRATION OF FUNDS.--

27 (1) AVAILABILITY OF FUNDS.--Of the funds authorized for each fiscal
28 year for the Critical Immediate Investments Program--

29 (A) 25 percent shall be available for the Interstate Bridge
30 Revitalization Initiative under subsection (b);

1 (B) 25 percent shall be available for the Systemic Safety Initiative
2 under subsection (c); and

3 (C) 50 percent shall be available for the State of Good Repair
4 Initiative under subsection (d).

5 (2) CONTRACT AUTHORITY.--Except as specified in paragraph (2),
6 funds made available for the program under this section shall be available for
7 obligation and administered as if apportioned under chapter 1 of title 23, United
8 States Code.

9 (3) FEDERAL SHARE.--

10 (A) IN GENERAL.--The Federal share of the cost of a project
11 under this section may be up to 80 percent of the total project cost.

12 (B) USE OF OTHER FEDERAL FUNDS.--A State may use to
13 pay the non-Federal share of a project under this section Federal funds
14 apportioned or allocated to the State under title 23, United States Code.

15 **SEC. 2013. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

16 Subsections (b) and (c) of section 1528 of the Moving Ahead for Progress in the
17 21st Century Act (Public Law 112-141; 126 Stat. 582) are amended by striking "shall be
18 100 percent" and inserting "shall be up to 100 percent" each place it appears.

19 **Subtitle B--Performance Management**

20 **SEC. 2101. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.**

21 (a) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.---
22 Section 150 of title 23, United States Code, is amended by inserting at the end the
23 following:

24 "(f) PERFORMANCE MANAGEMENT DATA SUPPORT. --To assist
25 metropolitan planning organizations, States, and the Department in carrying out
26 performance management analyses, including the performance management requirements
27 of this chapter, the Secretary shall create and maintain data sets and data analysis tools.
28 Such activities may include--

29 "(1) collecting and distributing vehicle probe data describing traffic on the
30 National Highway System;

1 "(2) collecting household travel behavior data crossing local jurisdictional
2 boundaries to accommodate external and through travel;

3 "(3) enhancing existing data collection and analysis tools to accommodate
4 performance measures, targets, and related data;

5 "(4) enhancing existing data analysis tools to improve performance
6 predictions in reports described in subsection (e) or section 5405 of title 49; and

7 "(5) developing tools to improve performance analysis and evaluate the
8 effects of project investments on performance."

9 (b) FEDERAL SHARE.--Section 120 of such title is amended by adding at the
10 end the following:

11 "(1) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.--The
12 Federal share payable on account of an activity under the performance management data
13 support program under section 150(f) shall be 100 percent of the cost of the activity."

14 **SEC. 2102. PERFORMANCE PERIOD ADJUSTMENT.**

15 (a) HIGHWAY SAFETY IMPROVEMENT PROGRAM.--Section 148(i) of title
16 23, United States Code, is amended in the matter preceding paragraph (1), by striking "by
17 the date that is 2 years after the date of the establishment of the performance targets".

18 (b) NATIONAL HIGHWAY PERFORMANCE PROGRAM.--Section 119 of
19 title 23, United States Code, is amended –

20 (1) in subsection (e)(7), by striking "for 2 consecutive reports submitted
21 under this paragraph shall include in the next report submitted" and inserting
22 "shall include as part of the performance target report"; and

23 (2) in subsection (f)(1)(A), by striking "If, during 2 consecutive reporting
24 periods, the condition of the Interstate System, excluding bridges on the Interstate
25 System, in a State falls" and inserting "If a State reports that the condition of the
26 Interstate System, excluding bridges on the Interstate System, has fallen".

27 **SEC. 2103. MULTIMODAL ACCOMMODATIONS.**

28 (a) DESIGN STANDARDS.--Section 109 of title 23, United States Code, is
29 amended--

1 (1) in subsection (c)--
2 (A) in paragraph (1)--
3 (i) by striking "may take into account" and inserting "shall take
4 into account"; and
5 (ii) by striking paragraph (1)(C) and inserting the following:
6 "(C) access and safety for users of all foreseeable modes of
7 transportation."; and
8 (B) in paragraph (2), by striking "may develop" and inserting
9 "shall develop"; and
10 (2) in subsection (m), by--
11 (A) striking "and light motorcycles"; and
12 (B) inserting ", safe, convenient, and continuous" before "alternate
13 route".

14 (b) TRANSPORTATION ALTERNATIVES.--

15 (1) FEDERAL SHARE.--Section 120 of title 23, United States Code, as
16 amended by this Act, is further amended by adding at the end the following:

17 "(m) TRANSPORTATION ALTERNATIVES PROGRAM.--The Federal
18 share requirements under this section applicable to the transportation alternatives
19 program under section 213 of this title may be met based on--

20 "(1) an individual project or activity under that section; or

21 "(2) a program of projects or activities approved under subsection
22 (c)(6)(B) of that section."

23 (2) RESERVATION OF FUNDS.--Section 213 of such title is amended in
24 subsection (a)(1) by striking "of fiscal years 2013 and 2014" and inserting "fiscal
25 year".

26 (3) ELIGIBLE ENTITIES.--Section 213(c)(4)(B) of such title is amended
27 by--

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

29 and

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

31 "(vi) a nonprofit organization;

1 "(vii) a metropolitan planning organization that is not
2 developing the competitive process for funding;"

3 (4) PROGRAM OF PROJECTS.--Section 213(c) of such title is further
4 amended by adding at the end the following:

5 "(6) PROGRAM OF PROJECTS.--Funds may be obligated under this
6 section for--

7 "(A) a project or activity eligible under subsection (b); or

8 "(B) a program of projects or activities eligible under that
9 subsection.

10 "(7) ADMINISTRATION.--

11 "(A) SUBMISSION OF PROJECT AGREEMENT.--For each
12 fiscal year, each State shall submit a project agreement that--

13 "(i) certifies that the State will meet all the requirements of this
14 section; and

15 "(ii) notifies the Secretary of the amount of obligations needed to
16 carry out the program under this section.

17 "(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.--Each
18 State shall request from the Secretary such adjustments to the amount of
19 obligations referred to in subparagraph (A)(ii) as the State determines to
20 be necessary.

21 "(C) EFFECT OF APPROVAL BY THE SECRETARY.--

22 Approval by the Secretary of a project agreement under subparagraph (A)
23 shall be deemed a contractual obligation of the United States to pay funds
24 made available under this title."

25 **Subtitle C--Improved Federal Stewardship**

26 **SEC. 2201. PROJECT APPROVAL AND OVERSIGHT.**

27 Section 106 (g)(4) of title 23, United States Code, is amended by inserting at the end
28 the following:

29 "(C) FUNDING.--

30 "(i) IN GENERAL.--Subject to project approval by the Secretary,
31 and the limitation in clause (iv), a State may use funds made available to

1 the State under section 133(d)(1)(B) to carry out its administration and
2 oversight responsibilities under subparagraph (A).

3 "(ii) APPROVAL BY SECRETARY.--To obligate such funds
4 under this subparagraph, the State shall, prior to the beginning of the fiscal
5 year, submit to the Secretary for review and approval an annual work plan
6 identifying activities to be carried out during the fiscal year.

7 "(iii) FEDERAL SHARE.--The Federal share of the cost of
8 activities carried out in accordance with this subparagraph shall not exceed
9 80 percent.

10 "(iv) LIMITATION.--A State's obligation of funds under this
11 subparagraph shall not exceed an amount equal to 3 percent of the State's
12 apportioned funds available for obligation in a fiscal year as specified in
13 section 133(d)(1)(B).".

14 **Subtitle D--Other**

15 **SEC. 2301. LETTING OF CONTRACTS.**

16 Section 112 of title 23, United States Code, is amended by inserting the following
17 at the end:

18 "(h) LOCAL HIRING.--

19 "(1) IN GENERAL.--The Secretary or recipient of assistance under the
20 Federal-aid highway program may advertise, post job opportunities on State job
21 banks and with One Stop centers established under the Workforce Investment
22 Act, and award a contract for construction containing requirements for the
23 employment of individuals residing in or adjacent to any of the areas in which the
24 work is to be performed under the contract, provided that--

25 "(A) all or part of the construction work performed under the
26 contract occurs in an area that has--

27 "(i) a per capita income of 80 percent or less of the national
28 average; or

29 "(ii) an unemployment rate that is, for the most recent 24-
30 month period for which data are available, at least 1 percent greater
31 than the national average unemployment rate;

1 "(B) the estimated cost of the project of which the contract is a part
2 is greater than \$10 million; and

3 "(C) the recipient may not require the hiring of individuals who do
4 not have the necessary skills to perform work in any craft or trade, except
5 for individuals who are subject to an apprenticeship program or other
6 training program meeting the requirements of section 140 of this title; and

7 "(2) ADVERTISEMENT.--In advertising and awarding a contract under
8 this subsection, the Secretary or recipient of assistance shall ensure that the
9 requirements contained in the advertisement would not--

10 "(A) compromise the quality of the project;

11 "(B) unreasonably delay the completion of the project; or

12 "(C) unreasonably increase the cost of the project.

13 "(i) PERMISSIBLE RESTRICTIONS.--A State or local law governing
14 contracting practices that prohibits the awarding of contracts to businesses that have
15 solicited or made contributions to political candidates, political parties and holders of
16 public office does not violate the requirements of this section."

17 **SEC. 2302. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL**
18 **FACILITIES.**

19 Section 1801(e) of the SAFETEA--LU (23 U.S.C. 129 note; Public Law 109--59),
20 as amended by Section 1121 of the MAP-21 (Public Law 112-141), is amended in
21 paragraph (4)(D) by striking "2014" and inserting "2018".

22 **SEC. 2303. GREEN STORMWATER INFRASTRUCTURE.**

23 (a) ELIGIBILITY FOR ENVIRONMENTAL RESTORTATION AND
24 POLLUTION ABATEMENT.--Section 328(a) of title 23 United States Code, is amended
25 by striking "construction of stormwater treatment systems" and inserting "construction of
26 stormwater treatment systems or green stormwater infrastructure".

27 (b) ELIGIBIITY UNDER SURFACE TRANSPORTATION PROGRAM.--
28 Section 133(b) of such title is amended--

29 (1) in paragraph (2) by inserting "and green infrastructure" after
30 "material"; and

1 (2) in paragraph (7) by striking "wildlife," and inserting "wildlife or
2 stormwater,".

3 **SEC. 2304. ELIMINATION OR MODIFICATION OF CERTAIN FHWA**
4 **REPORTING REQUIREMENTS.**

5 (a) FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.--Section 6016
6 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 307 note) is
7 amended by striking subsection (g).

8 (b) PROJECTS OF REGIONAL AND NATIONAL SIGNIFICANCE ANNUAL
9 REPORT.--Section 1301 of the Safe, Accountable, Flexible, Efficient Transportation
10 Equity Act: A Legacy for Users (23 U.S.C. 101 note) is amended by striking subsection
11 (k).

12 (c) EXPRESS LANE DEMONSTRATION PROGRAM REPORTS.--Section
13 1604 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy
14 for Users (23 U.S.C. 129 note) is amended by striking subsection (b)(7)(B).

15 (d) SURFACE TRANSPORTATION PROJECT DELIVERY PILOT
16 PROGRAM.--Section 327 of title 23, United States Code, is amended--

17 (1) by striking subsection (i); and

18 (2) by redesignating subsection (j) as subsection (i).

19 (e) EXPEDIENT DECISIONS AND REVIEWS REPORT.--Section 139(h)(7)(B)
20 of title 23, United States Code, is amended by striking "every 120 days" and inserting in
21 its place "annually".

22 **TITLE III--PUBLIC TRANSPORTATION**

23 **SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES**
24 **CODE.**

25 (a) SHORT TITLE.--This Title may be cited as the "Federal Public
26 Transportation Act of 2014".

27 (b) AMENDMENT OF TITLE 49.--Except as otherwise expressly provided,
28 whenever in this Title an amendment or repeal is expressed in terms of an amendment to,
29 or a repeal of, a section or other provision, the reference shall be considered to be made
30 to a section or other provision of title 49, United States Code.

31 **SEC. 3002. DEFINITIONS.**

1 Section 5302 is amended--

2 (1) by redesignating paragraphs (2) through (23) as paragraphs (3) through
3 (24), respectively;

4 (2) by inserting a new paragraph (2) to read as follows:

5 "(2) BASE-MODEL BUS.--The term 'base-model bus' means a heavy-
6 duty public transportation bus manufactured to meet, but not exceed, transit
7 specific minimum performance criteria developed by the Secretary.";

8 (3) by revising paragraph (5), redesignated, to read as follows:

9 "(5) DESIGNATED RECIPIENT.--The term 'designated recipient'
10 means—

11 "(A) an entity designated, in accordance with the planning process
12 under sections 5303 and 5304 of this title, by the governor of a State,
13 responsible local officials, and publicly owned operators of public
14 transportation, to receive and apportion amounts under section 5336 of
15 this title to urbanized areas of 200,000 or more in population;

16 "(B) a State that receives and apportions amounts under sections 5310,
17 5336, 5337 and 5339 of this title to urbanized areas of less than 200,000 in
18 population notwithstanding such an area's designated as a transportation
19 management area to pursuant section 5303; or

20 "(C) a State, or State authority, if the authority is responsible under
21 the laws of a State for a capital project and for financing and directly
22 providing public transportation."; and

23 (4) by inserting a new paragraph at the end to read as follows:

24 "(25) VALUE CAPTURE.--The term 'value capture' means recovering the
25 increased value to property located near public transportation resulting from
26 investments in public transportation."

27 **SEC. 3003. FORMULA GRANTS FOR ENHANCED MOBILITY**

28 Section 5310(a)(1) of title 49, United States Code, is amended by inserting ", a
29 local governmental entity," after "designated recipient".

30 **SEC. 3004. FORMULA GRANTS FOR PUBLIC TRANSPORTATION ON**
31 **INDIAN RESERVATIONS.**

1 Section 5311 is amended--

2 (1) by revising subsection (c)(1)(B) to read as follows:

3 "(B) \$30,000,000 in fiscal year 2015, \$30,871,500 in fiscal year
4 2016, \$31,764,700 in fiscal year 2017, and \$32,680,141 in fiscal year
5 2018 shall be apportioned as formula grants, as provided in subsection
6 (j).";

7 (2) in subsection (j)(1)(A)(iii), by striking "Tribal lands (as defined by the
8 Bureau of Census)" and inserting "American Indian Areas, Alaska Native Areas,
9 and Hawaiian Home Lands, as defined by the Bureau of the Census,"; and

10 (3) by revising subsection (j)(1)(B) to read as follows:

11 "(B) LIMITATION.--

12 "(i) Notwithstanding subparagraph (A), no recipient shall
13 receive an apportionment under this subsection that is less than
14 \$20,000; and

15 "(ii) No recipient shall receive more than \$300,000 of the
16 amounts apportioned under subparagraph (A)(iii) in a fiscal year."

17 **SEC. 3005. WORKFORCE DEVELOPMENT PROGRAMS.**

18 (a) IN GENERAL.--Section 5322 is amended to read as follows:

19 "SEC. 5322. WORKFORCE DEVELOPMENT PROGRAMS

20 "(a) IN GENERAL.--The Secretary, in consultation with the Secretary of Labor,
21 may undertake, or make grants, cooperative agreements, other agreements, or enter into
22 contracts for programs that address human resource needs as they apply to public
23 transportation. A program may include--

24 "(1) an employment training program;

25 "(2) an outreach program to increase employment of minorities, women,
26 and individuals with disabilities in public transportation activities;

27 "(3) research on public transportation personnel and training need; and

28 "(4) training and assistance for minority business opportunities.

29 "(b) LADDERS OF OPPORTUNITY PUBLIC TRANSPORTATION GRANT
30 PROGRAM.--

1 "(1) IN GENERAL.--The Secretary shall undertake, make grants or
2 cooperative agreements, or enter into contracts to establish, conduct and
3 administer a public transportation workforce development program that addresses
4 critical workforce issues and prepares individuals for employment and career
5 pathways in public transportation, including in the area of public transportation
6 technology.

7 "(2) PROGRAMS.--Eligible public transportation workforce development
8 programs under this subsection may include apprenticeship programs that are
9 registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.), non-
10 registered apprenticeship programs, skill development programs, skill
11 improvement programs, and on-the-job training programs, that--

12 "(A) are, to the extent possible, nationally or regionally significant
13 in scope;

14 "(B) replicate a successful workforce development model adopted
15 in multiple geographic locations;

16 "(C) target areas with high rates of unemployment;

17 "(D) are designed to address current or projected workforce
18 shortages;

19 "(E) give priority to minorities, women, individuals with
20 disabilities, veterans, low income populations and other underserved
21 populations;

22 "(F) are designed to provide career pathways that support the
23 movement of targeted populations from initial or short-term employment
24 opportunities to sustainable careers; and

25 "(G) other critical activities as identified by the Secretary.

26 "(3) PROGRAM OUTCOMES.--Recipients of assistance pursuant to this
27 subsection shall require that apprenticeship, skill development, skill improvement,
28 and on-the-job training programs utilized to carry out this subsection
29 demonstrate program outcomes including--

30 "(A) impact on reducing public transportation workforce shortages
31 in the area served;

1 "(B) diversity of training participants;

2 "(C) number of participants obtaining certifications or credentials
3 required for specific types of employment;

4 "(D) employment outcome, including job placement, job retention,
5 and wages, using performance metrics established in consultation with the
6 Secretary of Labor and consistent with metrics used by programs under
7 the Workforce Investment Act; and

8 "(E) to the extent practical, evidence that the program did not
9 preclude workers that are participating in training or apprenticeship
10 activities from being referred to, or hired on, projects funded under this
11 chapter without regard to the length of time of their participation in such
12 program.

13 "(4) COORDINATION.--Recipients of assistance under this subsection
14 shall-

15 "(A) identify the training needs, apprenticeship, skill development
16 programs, and on-the-job training to be implemented at the local level in
17 coordination with entities such as local employers, local transit operators,
18 labor union organizations, Workforce Investment Boards, State workforce
19 agencies, State Apprenticeship Agencies (where applicable), University
20 Transportation Centers, Community Colleges, and community-based
21 organizations representing minority, disability, and low income
22 populations; and

23 "(B) to the extent practicable, conduct local training programs in
24 coordination with existing local training programs supported by the U.S.
25 Department of Transportation, the U.S. Department of Labor (including
26 registered apprenticeship programs), the U.S. Department of Education.

27 "(5) RESEARCH AND PROGRAM EVALUATION.--The Secretary
28 shall conduct research and an impact evaluation based on measurable outcomes of
29 the training, apprenticeship, skill development and skill improvement programs,
30 and on-the-job training funded under this subsection. In the second, fourth and
31 sixth year following the enactment of this subsection, the Secretary shall conduct

1 an aggregate analysis of the national impact related to workforce shortage,
2 diversity, and job placement.

3 "(c) NATIONAL PUBLIC TRANSPORTATION INSTITUTE--

4 "(1) IN GENERAL--The Secretary may enter into grants, contracts or
5 cooperative agreements, and other agreements, awarded on a competitive basis, to
6 conduct a national public transportation institute to develop and conduct training
7 and educational programs for Federal, State, and local transportation employees,
8 United States citizens, and foreign nationals engaged or to be engaged in
9 Government-aid public transportation work.

10 "(2) COOPERATIVE EFFORT-- In cooperation with the Secretary, State
11 transportation departments, public transportation authorities, State workforce
12 agencies, and national and international entities, the institute under paragraph (1)
13 shall develop and conduct training and educational programs for Federal, State,
14 and local transportation employees, United States citizens, and foreign nationals
15 engaged or to be engaged in public transportation work.

16 "(3) TRAINING AND EDUCATIONAL PROGRAMS.--The training and
17 educational programs developed under paragraph (2) may include courses in
18 recent developments, techniques, and procedures related to--

19 "(A) intermodal and public transportation planning;

20 "(B) management;

21 "(C) environmental factors;

22 "(D) acquisition and joint use rights-of-way;

23 "(E) engineering and architectural design;

24 "(F) procurement strategies for public transportation systems;

25 "(G) turnkey approaches to delivering public transportation
26 systems;

27 "(H) new technologies;

28 "(I) emission reduction technologies;

29 "(J) ways to make public transportation accessible to individuals
30 with disabilities;

1 "(K) construction, construction management, insurance, and risk
2 management;

3 "(L) maintenance;

4 "(M) contract administration;

5 "(N) inspection;

6 "(O) innovative finance;

7 "(P) workplace safety; and

8 "(Q) public transportation security.

9 "(4) PROVIDING EDUCATION AND TRAINING.--Education and
10 training of Federal, State, and local public transportation employees under this
11 subsection shall be provided--

12 "(A) by the Secretary at no cost to the States and local
13 governments for subjects that are a Government program responsibility; or

14 "(B) when the education and training are paid under paragraph (5)
15 of this subsection, by the State, with the approval of the Secretary, through
16 grants and contracts with public and private agencies, other institutions,
17 individuals, and the institute.

18 "(d) USE FOR ADMINISTRATION AND TECHNICAL ASSISTANCE.--The
19 Secretary may use up to 1 percent of the amounts made available to carry out this section
20 to administer, oversee, and provide technical assistance for the activities and programs
21 developed and conducted with this section.

22 "(e) GOVERNMENT'S SHARE OF COSTS.--A grant, cooperative agreement,
23 other agreement, or contract awarded under this section may be up to 100 percent of the
24 cost of the project.

25 "(f) AVAILABILITY OF AMOUNTS.--

26 "(1) Up to 0.5 percent of the amounts made available to a recipient under
27 sections 5307, 5337 and 5339 is available for expenditure by the recipient, with the
28 approval of the Secretary, to pay up to 80 percent of the cost of eligible activities under
29 this section; and

1 "(2) A recipient may transfer amounts under paragraph (1) to existing
2 local training programs supported by the Secretary, the U.S. Department of Labor, and
3 the U.S. Department of Education."

4 (b) CONFORMING AMENDMENT.--The analysis for chapter 53 is amended by
5 striking the item relating to section 5322 and inserting the following:

6 "5322. Workforce development programs."

7 **SEC. 3006. GENERAL PROVISIONS.**

8 Section 5323 is amended--

9 (1) In subsection (i), by redesignating paragraphs (1) and (2) as (2) and
10 (3), respectively and inserting a new paragraph (1) to read as follows:

11 "(1) ACQUISITION OF BASE-MODEL BUSES.--A grant for the
12 acquisition of a base-model bus for use in public transportation may be up to 85
13 percent of the net project cost.";

14 (2) in subsection (j),

15 (A) by revising paragraph (2)(C) to read as follows:

16 "(C) ROLLING STOCK PROCUREMENT.--When procuring
17 rolling stock (including train control, communication, traction power
18 equipment, and rolling stock prototypes) under this chapter--

19 "(i) the cost of components and subcomponents produced in the
20 United States--

21 "(I) for fiscal year 2015 is more than 60 percent of the cost of all
22 components of the rolling stock;

23 "(II) for fiscal year 2016 is more than 70 percent of the cost of all
24 components of the rolling stock;

25 "(III) for fiscal year 2017 is more than 80 percent of the cost of all
26 components of the rolling stock; and

27 "(IV) for fiscal year 2018 is more than 90 percent of the cost of all
28 components of the rolling stock;" and

29 "(ii) final assembly of the rolling stock, including rolling stock
30 prototypes, has occurred in the United States; or ";

1 (B) by redesignating paragraphs (3) through (9) as paragraphs (4) through
2 (10), respectively; and

3 (C) by inserting a new paragraph (3) following paragraph (2), to read as
4 follows:

5 "(3) ROLLING STOCK COST AND ASSEMBLY.--Beginning in fiscal
6 year 2019, when procuring rolling stock, including rolling stock prototypes, the
7 cost of the components and subcomponents produced in the United States shall be
8 100 percent and final assembly shall occur in the United States."; and

9 (3) by inserting a new subsection at the end to read as follows:

10 "(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE. --

11 Notwithstanding any other provision of law, a recipient of assistance under this chapter
12 may use the revenue generated from value capture financing mechanisms as local
13 matching funds for capital projects and operating costs eligible under this chapter."

14 **SEC. 3007. PUBLIC TRANSPORTATION LOCAL HIRING.**

15 (a) CONTRACT REQUIREMENTS.--Section 5325 is amended--

16 (1) in subsection (a) by striking "Recipients of assistance" and inserting
17 "Except as provided in subsections (k) and (l), recipients of assistance";

18 (2) in subsection (h), by striking "A grant awarded" and inserting "Except
19 as provided in subsections (k) and (l), a grant awarded"; and

20 (3) by inserting a new subsection (l) at the end to read as follows:

21 "(l) LOCAL HIRING.--

22 "(1) IN GENERAL.--A recipient of assistance may post job opportunities
23 on State job banks and with One Stop Centers established under the Workforce
24 Investment Act, and may advertise and award a contract for construction
25 containing requirements for the employment of individuals residing in or adjacent
26 to any of the areas in which the work to be performed is for construction work
27 required under the contract, provided that--

28 "(A) all or part of the construction work performed under the
29 contract occurs in an area that has

30 "(i) a per capita income of 80 percent or less of the national
31 average; or

1 (ii) an unemployment rate that is for the most recent 24-
2 month period for which data are available at least 1 percent greater
3 than the national average unemployment rate;

4 "(B) the estimated cost of the project of which the contract is a part
5 is greater than \$10,000,000; and

6 "(C) the recipient may not require the hiring of individuals who do
7 not have the necessary skills to perform work in any craft or trade, except
8 for individuals who are subject to an apprenticeship program or other
9 training program meeting the requirements of section 5332 of this title;
10 and

11 "(2) ADVERTISEMENT.--In advertising and awarding a contract under
12 this subsection, the Secretary or a recipient of assistance shall ensure that the
13 requirements contained in the advertisement would not--

14 "(A) compromise the quality of the project;

15 "(B) unreasonably delay the completion of the project; or

16 "(C) unreasonably increase the cost of the project."

17 **SEC. 3008. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

18 (a) IN GENERAL.--Section 5329(e) is amended--

19 (1) by redesignating paragraphs (3) through (9) as paragraphs (4) through
20 (10), respectively;

21 (2) by adding the following after paragraph (2):

22 "(3) STATE PARTICIPATION.--(A) An eligible State having within its
23 jurisdiction 1 or more rail fixed guideway public transportation systems in
24 revenue service, design or construction that have fewer than 1,000,000 combined
25 actual and projected rail fixed guideway revenue miles per year or which provide
26 fewer than 10,000,000 combined actual and projected unlinked passenger trips per
27 year may request, in writing, that the Secretary oversee the safety of such
28 systems consistent with the oversight and enforcement authority under this
29 section.

30 "(B) Should a State be granted an exemption under this subparagraph (C),
31 the State will not be subject to the state safety oversight requirements under this

1 subsection and shall not be eligible to receive a State Safety Oversight grant
2 authorized under paragraph (6) of this subsection.

3 "(C) The Secretary shall provide an exemption to a State that meets the
4 criteria under subparagraph (A) within 30 days of the Secretary's receipt of the
5 State's request or inform the State of the reason an exemption cannot be granted.";
6 and

7 (3) In paragraph (7), as redesignated,

8 (i) by striking "shall be 80" and insert "may be up to 100"; and

9 (ii) by striking clauses (ii) and (iii) and redesignating clause (iv) as
10 clause (ii).

11 (b) PUBLIC TRANSPORTATION SAFETY ENFORCEMENT.--Section
12 5329(g) is amended to read as follows:

13 "(g) ENFORCEMENT.--

14 "(1) TYPES OF ENFORCEMENT ACTIONS.--The Secretary may take
15 enforcement action against recipient that does not comply with Federal law with
16 respect to the safety of the public transportation system, including--

17 "(A) issuing directives;

18 "(B) requiring more frequent oversight of the recipient by a State
19 safety oversight agency or the Secretary;

20 "(C) imposing more frequent reporting requirements;

21 "(D) requiring that any Federal financial assistance provided under
22 this chapter be spent on correcting safety deficiencies identified by the
23 Secretary or the State safety oversight agency before such funds are spent
24 on other projects; a

25 "(E) withholding financial assistance under this chapter in an
26 amount to be determined by the Secretary;

27 "(F) issuing penalties pursuant to paragraph (2);

28 "(G) instituting a civil action pursuant to paragraph (4); and

29 "(H) issuing orders, including orders issued pursuant to paragraph
30 (7).

31 "(2) PENALTIES.--The Secretary has the authority--

1 "(A) to establish, impose and compromise a civil penalty for a
2 violation of a public transportation safety regulation promulgated or order
3 issued under this section;

4 "(B) to establish, impose and compromise a civil penalty for
5 violation of the alcohol and controlled substances testing provisions under
6 section 5331 of this chapter;

7 "(C) to request an injunction for a violation of a public
8 transportation safety regulation promulgated or order issued under this
9 section; and

10 "(D) to notify the Attorney General when the Secretary receives
11 evidence of a possible criminal violation under paragraph (6).

12 "(3) DEPOSIT OF CIVIL PENALTIES.--An amount collected by the
13 Secretary under this section shall be credited to the Federal Transit
14 Administration's formula and bus appropriations account to carry out subsection
15 (e).

16 "(4) ENFORCEMENT BY THE ATTORNEY GENERAL.--At the
17 request of the Secretary, the Attorney General shall bring a civil action--

18 "(A) for appropriate injunctive relief to ensure compliance
19 with this section;

20 "(B) to collect a civil penalty imposed or an amount agreed
21 upon in a compromise under paragraph (1) of this subsection; or

22 "(C) to enforce a subpoena, request for admissions, request
23 for production of documents or other tangible things, or request for
24 testimony by deposition issued by the Secretary under this section.

25 "(5) JURISDICTION.--An action under paragraph (3) of this subsection
26 may be brought in a district court of the United States in any State in which the
27 relief is required. On a proper showing, the court shall issue a temporary
28 restraining order or preliminary or permanent injunction. An injunction under this
29 section may order a public transportation agency receiving assistance under this
30 chapter to comply with this section, or a regulation promulgated under this
31 section.

1 "(6) CRIMINAL PENALTY.--A person who knowingly violates this
2 section or a public transportation safety regulation or order issued under this
3 section shall be fined under title 18, United States Code, imprisoned for not more
4 than 5 years, or both; except that the maximum amount of imprisonment shall be
5 10 years in any case in which the violation results in death or bodily injury to any
6 person. For purposes of this paragraph--

7 "(A) a person acts knowingly when the person has actual
8 knowledge of the facts giving rise to the violation; and

9 "(B) actual knowledge of the existence of a statutory provision, or
10 a regulation or a requirement imposed by the Secretary is not an element
11 of an offense under this paragraph.

12 "(7) EMERGENCY AUTHORITY.--

13 "(A) ORDERING RESTRICTIONS AND PROHIBITIONS.--If,
14 through testing, inspection, investigation, or research carried out under this
15 section, the Secretary decides that an unsafe condition or practice, or a
16 combination of unsafe conditions and practices, causes an emergency
17 situation involving a hazard of death, personal injury, or significant harm
18 to the environment, the Secretary immediately may order restrictions and
19 prohibitions, without regard to section 553 and section 554 of title 5,
20 United States Code, that may be necessary to abate the emergency
21 situation.

22 "(B) EMERGENCY CONDITION OR PRACTICE.--The order
23 shall describe the condition or practice, or a combination of conditions and
24 practices, that causes the emergency situation and promulgate standards
25 and procedures for obtaining relief from the order. This paragraph does
26 not affect the Secretary's discretion under this subsection to maintain the
27 order in effect for as long as the emergency situation exists.

28 "(C) REVIEW OF ORDERS.--After issuing an order under this
29 subsection, the Secretary shall provide an opportunity for review of the
30 order under section 554 of title 5, United States Code. If a petition for
31 review is filed and the review is not completed by the end of the 30-day

1 period beginning on the date the order was issued, the order stops being
2 effective at the end of that period unless the Secretary decides in writing
3 that the emergency situation still exists.

4 "(D) CIVIL ACTIONS TO COMPEL ISSUANCE OF ORDERS.--

5 An employee of a rail fixed guideway public transportation system
6 provider who may be exposed to imminent physical injury during that
7 employment because of the Secretary's failure, without any reasonable
8 basis, to issue an order under paragraph (1) of this subsection, or the
9 employee's authorized representative, may bring a civil action against the
10 Secretary in a district court of the United States to compel the Secretary to
11 issue an order. The action shall be brought in the judicial district in which
12 the emergency situation is alleged to exist, in which the employing
13 provider has its principal executive office, or in the District of Columbia.
14 The Secretary's failure to issue an order under paragraph (1) of this
15 subsection may be reviewed only under section 706 of title 5, United
16 States Code."

17 (c) DISCLOSURE OF SAFETY INFORMATION.--Section 5329 is amended by
18 inserting the following at the end:

19 "(I) LIMITATION ON PUBLIC DISCLOSURE OF SAFETY INFORMATION.

20 "(1) IN GENERAL.-- A report, data, investigation, or other information,
21 or any portion thereof, submitted to, developed, produced, collected, or obtained
22 by the Secretary or his representative for purposes of enhancing public
23 transportation safety, including information related to a transit provider's safety
24 plan, safety risks, and mitigation measures, shall not be disclosed to the public
25 pursuant to section 522(b)(3)(B) of title 5 if the Secretary or his representative
26 determines--

27 "(A) the receipt of the information aids in fulfilling the Secretary's
28 safety responsibilities; and

29 "(B) withholding such information from disclosure is necessary to
30 the safety or security of public transportation systems.

31 "(2) EXCEPTION FOR DE-IDENTIFIED INFORMATION.

1 "(A) IN GENERAL.--Paragraph (1) shall not apply to a report,
2 data, investigation or other information if the information contained in the
3 report, data, investigation or other information collected or obtained by the
4 Secretary or his representative has been de-identified.

5 "(B) DE-IDENTIFIED DEFINED.--In this subsection, the term
6 "de-identified" means the process by which all information that is likely to
7 establish the identity of specific persons or entities submitting reports,
8 data, investigation or other information is removed from the reports, data,
9 or investigation, or other information."

10 **SEC. 3009. AUTHORIZATIONS.**

11 Section 5338 is amended to read as follows:

12 "(a) TRANSIT FORMULA GRANTS.--

13 "(1) IN GENERAL.--There shall be available from the Mass Transit
14 Account of the Transportation Trust Fund to carry out Federal public
15 transportation assistance program under sections 5305, 5307, 5310, 5311, 5318,
16 5322(d), 5334, 5335, 5337, 5339, and 5340 of this title, and section 20005(b) of
17 the Federal Public Transportation Act of 2012, as amended, \$13,914,400,000 in
18 fiscal year 2015, \$14,140,000,000 in fiscal year 2016, \$14,372,000,000 in fiscal
19 year 2017, and \$14,610,000,000 in fiscal year 2018.

20 "(2) ALLOCATION OF FUNDS.--Of the amounts made available under
21 paragraph (1)--

22 "(A) \$131,819,706 shall be available for fiscal year 2015,
23 \$135,103,394 for fiscal year 2016, \$138,494,393 for fiscal year 2017, and
24 \$141,992,702 for fiscal year 2018, to provide financial assistance for
25 planning under section 5305;

26 "(B) \$10,234,449 shall be available for fiscal year 2015,
27 \$10,489,394 for fiscal year 2016, \$10,752,670 for fiscal year 2017, and
28 \$11,024,278 for fiscal year 2018, to carry out the pilot program for transit-
29 -oriented development planning under section 20005(b) of Public Law
30 112-114, as amended;

1 "(C) \$4,563,182,694 shall be available for fiscal year 2015,
2 \$4,676,853,640 for fiscal year 2016, \$4,794,239,323 for fiscal year 2017,
3 and \$4,915,339,743 for fiscal year 2018, to provide financial assistance
4 under the section 5307 urbanized area formula grant program pursuant to
5 section 5336;

6 "(D) \$264,355,823 shall be available for fiscal year 2015,
7 \$270,941,046 for fiscal year 2016, \$277,741,473 for fiscal year 2017, and
8 \$284,757,103 for fiscal year 2018, to provide financial assistance for
9 services for the enhanced mobility of seniors and individuals with
10 disabilities under section 5310;

11 "(E) \$622,049,823 shall be available for fiscal year 2015,
12 \$637,545,365 for fiscal year 2016, \$653,547,298 for fiscal year 2017, and
13 \$670,055,621 for fiscal year 2018, to provide financial assistance for rural
14 areas under section 5311;

15 "(F) \$3,070,335 shall be available for fiscal year 2015, \$3,146,818
16 for fiscal year 2016, \$3,225,801 for fiscal year 2017, and \$3,307,283 for
17 fiscal year 2018, to provide financial assistance for bus testing under
18 section 5318;

19 "(G) \$5,117,225 shall be available for fiscal year 2015, \$5,244,697
20 for fiscal year 2016, \$5,376,335 for fiscal year 2017, and \$5,512,139 for
21 fiscal year 2018, to provide financial assistance to the national transit
22 institute under section 5322(d);

23 "(H) \$114,400,000 shall be available for fiscal year 2015,
24 \$120,000,000 for fiscal year 2016, \$126,000,000 for fiscal year 2017, and
25 \$132,000,000 for fiscal year 2018, for administrative expenses to carry out
26 Federal transit assistance programs under this chapter;

27 "(I) \$3,940,263 shall be available for fiscal year 2015, \$4,038,417
28 for fiscal year 2016, \$4,139,778 for fiscal year 2017, and \$4,244,347 for
29 fiscal year 2018, to carry out National Transit Database activities under
30 section 5335;

1 "(J) \$5,719,000,000 shall be available for fiscal year 2015,
2 \$5,775,000,000 for fiscal year 2016, \$5,832,000,000 for fiscal year 2017,
3 and \$5,890,000,000 for fiscal year 2018, to provide financial assistance for
4 state of good repair activities under section 5337;

5 "(K) \$1,939,000,000 shall be available for fiscal year 2015,
6 \$1,950,000,000 for fiscal year 2016, \$1,961,000,000 for fiscal year 2017,
7 and \$1,972,000,000 for fiscal year 2018, to provide financial assistance
8 the bus and bus facilities program under section 5339; and

9 "(L) \$538,229,684 shall be available for fiscal year 2015,
10 \$551,637,229 for fiscal year 2016, \$565,482,929 for fiscal year 2017, and
11 \$579,766,784 for fiscal year 2018, and shall be allocated in accordance
12 with section 5340 to provide financial assistance for urbanized areas under
13 section 5307 and rural areas under section 5311.

14 "(b) CAPITAL INVESTMENT GRANTS.--There shall be available from the
15 Mass Transit Account of the Transportation Trust Fund to carry out section 5309,
16 \$2,500,000,000 in fiscal year 2015, \$2,625,000,000 in fiscal year 2016, \$2,756,000,000
17 in fiscal year 2017, and \$2,894,000,000 in fiscal year 2018.

18 "(c) TRANSIT RESEARCH AND TRAINING.--

19 "(1) IN GENERAL.--There shall be available from the Mass Transit
20 Account of the Transportation Trust Fund to carry out Federal public
21 transportation research and training programs under sections 5312, 5313, 5314,
22 and 5322(a), (b), (c) and (e), \$60,000,000 for fiscal year 2015, \$61,000,000 for
23 fiscal year 2016, \$63,000,000 for fiscal year 2017, and \$67,000,000 for fiscal year
24 2018.

25 "(2) ALLOCATION OF FUNDS.--Of the amounts made available under
26 paragraph (1)--

27 "(A) \$26,000,000 shall be available for fiscal year 2015,
28 \$27,000,000 for fiscal year 2016, \$29,000,000 for fiscal year 2017, and
29 \$31,000,000 for fiscal year 2018, to carry out research under section 5312;

30 "(B) \$7,000,000 shall be available in each fiscal year 2015 through
31 2018 to carry out transit cooperative research under section 5313;

1 "(C) \$7,000,000 shall be available for each fiscal year 2015
2 through 2017, and \$9,000,000 for fiscal year 2018, to carry out technical
3 assistance and standards development under section 5314; and

4 "(D) \$20,000,000 shall be available for each fiscal year 2015
5 through 2018 to carry out human resources and training under section
6 5322(a), (b), (c) and (e).

7 "(d) EMERGENCY RELIEF.--There shall be available from the Mass Transit
8 Account of the Transportation Trust Fund to carry out section 5324 of this title,
9 \$25,000,000 for each fiscal year 2015 through 2018.

10 "(e) RAPID GROWTH AREA TRANSIT PROGRAM.--There shall be available
11 from the Mass Transit Account of the Transportation Trust Fund to carry out section
12 5341 of this title, \$500,000,000 for fiscal year 2015, \$525,000,000 for fiscal year 2016,
13 \$550,000,000 for fiscal year 2017, and \$600,000,000 for fiscal year 2018.

14 "(f) OVERSIGHT.--

15 "(1) IN GENERAL.--Of the amounts made available to carry out this
16 chapter for a fiscal year, the Secretary may use not more than the following
17 amounts for the activities described in paragraph (2):

18 "(A) 0.5 percent of amounts made available to carry out section
19 5305.

20 "(B) 0.75 percent of amounts made available to carry out section
21 5307.

22 "(C) 1.5 percent of amounts made available to carry out section
23 5309.

24 "(D) 1 percent of amounts made available to carry out section 601
25 of the Passenger Rail Investment and Improvement Act of 2008 (P.L. 110-
26 432; 126 stat. 4968).

27 "(E) 0.5 percent of amounts made available to carry out section
28 5310.

29 "(F) 0.5 percent of amounts made available to carry out section
30 5311.

1 "(G) 0.75 percent of amounts made available to carry out section
2 5337.

3 "(H) 0.75 percent of amounts made available to carry out section
4 5339.

5 "(2) ACTIVITIES.--The activities described in this paragraph are as
6 follows:

7 "(A) Activities to oversee the construction of a major capital
8 project.

9 "(B) Activities to review and audit the safety and security,
10 procurement, management, and financial compliance of a recipient or
11 subrecipient of funds under this chapter.

12 "(C) Activities to provide technical assistance generally, and to
13 provide technical assistance to correct deficiencies identified in
14 compliance reviews and audits carried out under this section.

15 "(3) GOVERNMENT SHARE OF COSTS.--The Government shall pay
16 the entire cost of carrying out a contract under this subsection.

17 "(4) AVAILABILITY OF CERTAIN FUNDS.--Funds made available
18 under paragraph (1)(C) shall be made available to the Secretary before allocating
19 the funds appropriated to carry out any project under a full funding grant
20 agreement.

21 "(g) GRANTS AS CONTRACTUAL OBLIGATIONS.--A grant or contract that
22 is approved by the Secretary and financed with amounts made available from the Mass
23 Transit Account of the Highway Trust Fund pursuant to this section is a contractual
24 obligation of the Government to pay the Government share of the cost of the project.

25 "(h) AVAILABILITY OF AMOUNTS.--Amounts made available by or
26 appropriated under this section shall remain available until expended."

27 **SEC. 3010. BUS AND BUS FACILITIES PROGRAM.**

28 (a) IN GENERAL.--Section 5339 is amended as follows:

29 (1) The section heading is amended by striking "Formula".

30 (2) Subsection (c) is amended--

31 (A) by revising paragraph (1) to read as follows:

1 "(1) RECIPIENTS.--Eligible recipients under this section are States and local
2 governmental entities that operate fixed route bus service or designated recipients that
3 allocate funding to fixed route bus operators."; and

4 (B) in paragraph (2), by striking "designated".

5 (3) Subsection (d) is amended--

6 (A) by striking the matter preceding paragraph (1) and inserting:

7 "(d) DISTRIBUTION OF GRANTS FUNDS.--Funds made available under
8 section 5338 to carry out this section shall be allocated as follows:";

9 (B) by redesignating paragraphs (1) and (2) as paragraphs (2) and
10 (3), respectively; and

11 (C) by inserting a new paragraph (1) to read as follows:

12 "(1) COMPETITIVE ALLOCATION.--Thirty percent shall be distributed on a
13 competitive basis by the Secretary."

14 (4) Subsection (e) is amended--

15 (A) in paragraph (1) by striking "subsection (d)(1)" and inserting
16 "subsection (d)(2)"; and

17 (B) in paragraph (2) by striking "subsection (d)(2)" and inserting
18 "subsection (d)(3)".

19 (5) Subsection (g) is amended--

20 (A) by inserting at the end of the first sentence "under subsections
21 (d)(2) and (d)(3) or three years after the fiscal year in which the project
22 competitively selected under subsection (d)(1) is announced"; and

23 (B) by revising the second sentence to read as follows:

24 "Not later than 30 days after the end of the 3-year period described in the preceding
25 sentence--

26 "(1) any amount allocated under subsection (d)(1) that is not obligated on
27 the last day of that period shall be added to the amount that may be available
28 under such subsection in the next fiscal year; and

29 "(2) any amount apportioned under subsection (d)(2) and (d)(3) that is not
30 obligated on the last day of that period shall be added to the amount that may be
31 apportioned under such subsections in the next fiscal year."

1 (b) CHAPTER ANALYSIS.--The analysis for chapter 53 is amended by striking
2 the item relating to section 5339 and inserting the following:

3 "5339. Bus and Bus Facilities Program."

4 **SEC. 3011. RAPID GROWTH AREA TRANSIT PROGRAM.**

5 (a) IN GENERAL.--Chapter 53 of title 49, United States Code, is amended by
6 inserting at the end the following:

7 **"Sec. 5341. Rapid Growth Area Transit Program.**

8 "(a) IN GENERAL.--The Secretary may make grants on a competitive basis to
9 State and local governmental entities for bus rapid transit projects, which may include
10 acquisition of right-of-way or land for purposes of future enhancements to public
11 transportation in the project corridor. Such projects shall serve a high-traffic
12 transportation artery located in an urbanized or rural area that--

13 "(1) has experienced moderate to significant population growth between
14 the 2000 and 2010 decennial census of population; and

15 "(2) has a transit system in revenue service that--

16 "(A) has experienced a moderate to significant increase in
17 ridership; and

18 "(B) has the financial capacity to pay operating expenses for the
19 existing system and an expanded system.

20 "(b) GOVERNMENT'S SHARE OF COSTS.--

21 "(1) FEDERAL TRANSIT ASSISTANCE.--A grant for a bus rapid transit
22 project financed from amounts made available to carry out this section shall be for
23 up to 50 percent of the net capital costs of the project.

24 "(2) FEDERAL-AID HIGHWAY ASSISTANCE.--Up to 30 percent of
25 the net project costs may be derived from the Surface Transportation Program and
26 the Congestion Mitigation and Air Quality Improvement Program.

27 "(3) REMAINDER OF NET CAPITAL PROJECT COST.--The
28 remainder of the net capital project cost shall be provided from an undistributed
29 cash surplus, a replacement or depreciation cash fund or reserve, or new capital."

30 (b) CHAPTER ANALYSIS.--The analysis for chapter 53 is amended by inserting
31 at the end the following:

1 "5341. Rapid Growth Area Transit Program."

2 **SEC. 3012. TECHNICAL CORRECTIONS.**

3 (a) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION
4 PLANNING.--Section 5304 is amended--

5 (1) In subsection (d)(2)(B)(ii)--

6 (A) by striking "urbanized"; and

7 (B) by striking "with a population of fewer than 200,000, as
8 calculated according to the most recent decennial census, and"; and

9 (2) In subsection (d)(2)(C)--

10 (A) by striking "title 23" and by inserting "this Chapter";

11 (B) by striking "urbanized"; and

12 (C) by striking "with a population of fewer than 200,000, as
13 calculated according to the most recent decennial census, and".

14 (b) URBANIZED AREA FORMULA GRANT PROGRAM.--Section 5307 is
15 amended in subsections (a)(2)(A) and (B), by inserting before "during" each place it
16 appears the following: "or general demand response service".

17 (c) FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.--Section 5309 is
18 amended--

19 (1) in subsections (d)(1)(B) and (g)(2)(A)(i), by striking "policies and land
20 use patterns that promote public transportation," in each place it appears;

21 (2) in subsection 5309(d)(2)(A)--

22 (A) in clause (iii) by inserting "and" after the semicolon preceding
23 the matter in subparagraph (iv);

24 (B) by striking clause (iv); and

25 (C) by redesignating clause (v) as clause (iv).

26 (d) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND
27 DEPLOYMENT PROJECTS.--Section 5312 is amended--

28 (1) in subsection(d)(5)(A)--

29 (A) in clause (i)(II), by striking "section 5303" and inserting "23
30 U.S.C. 101(a)(14); and

31 (B) by striking clause (vi), and inserting the following:

1 "(vi) RECIPIENT.--The term 'recipient' means a
2 designated recipient, a local governmental entity, or a State that
3 receives a Federal low or no emissions vehicle grant for an
4 urbanized area eligible under clause (i) of this paragraph directly
5 from the Government.";

6 (2) in subsection(d)(5)(C)(ii), by striking "5323(j)" and inserting
7 "5323(i)"; and

8 (3) in subsection(d)(5)(D), by revising the matter preceding clause (i) to
9 read as follows:

10 "(D) ALLOCATIONS.--Of the amounts made available to carry
11 out this section in each fiscal year, a sum, in an amount to be determined
12 by the Secretary, shall be available to carry out this paragraph, of which--
13 ".

14 (e) BICYCLE FACILITIES.--Section 5319 is amended--

15 (1) in the first sentence, after "5307" by striking ", 5309,";

16 (2) by striking "Notwithstanding sections 5307(d), 5309(l), and 5311(g),
17 a" and inserting "A"; and

18 (3) by striking "5307(d)(1)(K) and inserting "5307(c)(1)(K)".

19 (f) HUMAN RESOURCES AND TRAINING`.--Section 5322(d)(4) is amended
20 by striking "subsection" and inserting "section."

21 (g) APPORTIONMENTS OF APPROPRIATIONS FOR FORMULA GRANTS.-
22 -Section 5336(a) is amended by striking "(h)(4)" and inserting "(h)(5)".

23 (h) STATE OF GOOD REPAIR PROGRAM.--Section 5337 is amended--

24 (1) in subsection (c)(2)(B) by striking "5336(b)(1)" and inserting
25 "5336(b)(2)";

26 (2) in subsection (d)(1) by striking "a facility with access for other high-
27 occupancy vehicles" and inserting "high occupancy vehicle lanes during peak
28 hours";

29 (3) in subsection (d)(2) by inserting "vehicle" after "motorbus"; and

30 (4) by inserting the following at the end:

31 "(e) GOVERNMENT SHARE OF COSTS.--

1 "(1) CAPITAL PROJECTS.--A grant for a capital project under this
2 section shall be for 80 percent of the net project cost of the project. The recipient
3 may provide additional local matching amounts.

4 "(2) REMAINING COSTS.--The remainder of the net project costs shall
5 be provided from an undistributed cash surplus, a replacement or depreciation
6 cash fund or reserve, or new capital."

7 (i) OVERSIGHT.--Section 5338(i)(1) is amended--

8 (1) in subparagraph (G), by striking "section 5337(c)" and inserting
9 "section 5337"; and

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

11 "(H) 0.75 percent of the amounts made available to carry out
12 section 5339."

13 (j) BUS AND BUS FACILITIES FORMULA PROGRAM.--Section 5339 is
14 amended--

15 (1) in subsection (a)--

16 (A) by inserting before "financing" the following: "only for the
17 purposes of"; and

18 (B) by striking "rehabilitate" and inserting "rebuild".

19 (2) by revising subsection (c) to read as follows:

20 "(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.--

21 "(1) RECIPIENTS.--Eligible recipients under this section are designated
22 recipients that allocate funds to fixed route bus operators or State or local
23 governmental entities that operate fixed route bus service.

24 "(2) SUBRECIPIENTS.--A recipient that receives a grant under this
25 section may allocate amounts of the grant to subrecipients that are public agencies
26 or private nonprofit organizations engaged in public transportation."

27 (k) GROWING STATES AND HIGH DENSITY STATES.--Section
28 5340(b) is amended by striking "5338(b)(2)(M)" and inserting "5338(a)(2)(K)".

29 (l) TECHNICAL CORRECTIONS TO SURFACE TRANSPORTATION
30 BOARD JURISDICTION.--Section 10501(c) is amended--

31 (1) in clause (1)(A)(i), by striking "5302(a)" and inserting "5302";

1 (2) in subparagraph (1)(B,) by striking "mass transportation" and inserting
2 "public transportation" and by striking "5302(a)" and inserting "5302"; and
3 (3) in subparagraph(2)(A), by striking "mass transportation" and inserting
4 "public transportation".

5 **SEC. 3013. TECHNICAL CORRECTIONS OF TITLE II, DIVISION B, OF**
6 **MAP-21.**

7 Section 20013(d) of Public Law 112-141 is amended by striking "5307(c)" and
8 inserting "5307(b)".

9 **SEC. 3014. ELIMINATION OF FTA ANNUAL RESEARCH REPORTING**
10 **REQUIREMENT.**

11 Section 5312 is amended--

- 12 (1) by striking subsection (e); and
13 (2) by redesignating subsection (f) as subsection (e).

14 **TITLE IV--HIGHWAY AND MOTOR VEHICLE SAFETY**

15 **Subtitle A--Traffic Safety**

16 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.--The following sums are authorized to be appropriated out of
18 the Highway Account of the Transportation Trust Fund:

19 (1) HIGHWAY SAFETY PROGRAMS.---For carrying out section 402 of title
20 23, United States Code---

- 21 (A) \$241,146,351 for fiscal year 2015;
22 (B) \$253,203,669 for fiscal year 2016;
23 (C) \$265,863,852 for fiscal year 2017; and
24 (D) \$279,157,045 for fiscal year 2018.

25 (2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT. --- For carrying
26 out section 403 of title 23, United States Code---

- 27 (A) \$117,000,000 for fiscal year 2015;
28 (B) \$122,850,000 for fiscal year 2016;
29 (C) \$128,992,500 for fiscal year 2017; and
30 (D) \$135,442,125 for fiscal year 2018.

1 (3) NATIONAL PRIORITY SAFETY PROGRAMS. --- For carrying out section
2 405 of title 23, United States Code---

- 3 (A) \$278,705,019 for fiscal year 2015;
- 4 (B) \$292,640,270 for fiscal year 2016;
- 5 (C) \$307,272,283 for fiscal year 2017; and
- 6 (D) \$322,635,898 for fiscal year 2018.

7 (4) NATIONAL DRIVER REGISTER.--For carrying out section 303 of title 49,
8 United States Code---

- 9 (A) \$5,000,000 for fiscal year 2015;
- 10 (B) \$5,250,000 for fiscal year 2016;
- 11 (C) \$5,512,500 for fiscal year 2017; and
- 12 (D) \$5,788,125 for fiscal year 2018.

13 (5) HIGH VISIBILITY ENFORCEMENT PROGRAM. --- For carrying out
14 section 2009 of SAFETEA-LU (23 U.S.C. 402 note)---

- 15 (A) \$29,000,000 for fiscal year 2015;
- 16 (B) \$30,450,000 for fiscal year 2016;
- 17 (C) \$31,972,500 for fiscal year 2017; and
- 18 (D) \$33,571,125 for fiscal year 2018.

19 (6) ADMINISTRATIVE EXPENSES. --- For administrative and related operating
20 expenses of the National Highway Traffic Safety Administration in carrying out
21 chapter 4 of title 23, United States Code, and this subtitle---

- 22 (A) \$28,148,630 for fiscal year 2015;
- 23 (B) \$29,556,062 for fiscal year 2016;
- 24 (C) \$31,033,865 for fiscal year 2017; and
- 25 (D) \$32,585,558 for fiscal year 2018.

26 (b) PROHIBITION ON OTHER USES.--Except as otherwise provided in chapter
27 4 of title 23, United States Code, in this subtitle and in the amendments made by this
28 subtitle, the amounts made available from the Highway Account of the Transportation
29 Trust Fund for a program under such chapter--

- 30 (1) shall only be used to carry out such program; and
- 31 (2) may not be used by States or local governments for construction purposes.

1 (c) APPLICABILITY OF TITLE 23.--Except as otherwise provided in chapter 4
2 of title 23, United States Code, and in this subtitle, amounts made available under
3 subsection (a) for fiscal years 2015 through 2018 shall be available for obligation in the
4 same manner as if such funds were apportioned or allocated under chapter 1 of title 23,
5 United States Code.

6 (d) REGULATORY AUTHORITY.--Grants awarded under this subtitle shall be
7 in accordance with regulations issued by the Secretary.

8 (e) STATE MATCHING REQUIREMENTS.--If a grant awarded under this
9 subtitle requires a State to share in the cost, the aggregate of all expenditures for highway
10 safety activities made during any fiscal year by the State and its political subdivisions
11 (exclusive of Federal funds) for carrying out the grant (other than planning and
12 administration) shall be available for the purpose of crediting the State during such fiscal
13 year for the non-Federal share of the cost of any project under this subtitle (other than
14 planning or administration) without regard to whether such expenditures were actually
15 made in connection with such project.

16 (f) GRANT APPLICATION AND DEADLINE.--To receive a grant under this
17 subtitle, a State shall submit an application, and the Secretary shall establish a single
18 deadline for such applications to enable the award of grants early in the next fiscal year.

19 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

20 (a) SECTION 402(a) AMENDMENTS.--Section 402(a)(2)(A) of title 23, United
21 States Code, is amended by --

22 (1) striking "and" at the end of clause (vi);

23 (2) redesignating clause (vii) as clause (ix), and

24 (3) inserting after clause (vi) the following:

25 "(vii) to reduce injuries and deaths to older drivers;

26 "(viii) to improve emergency medical services response to
27 crash sites; and".

28 (b) SECTION 402(b) AMENDMENTS.-- Section 402(b)(1)(F) of title 23, United
29 States Code, is amended--

30 (1) by redesignating clauses (iii) through (v) as clauses (iv) through (vi),
31 respectively, and

1 (2) by inserting after clause (ii) the following:

2 "(iii) countermeasures designed to decrease deaths and
3 injuries to pedestrians and bicyclists traveling in the roadways;"

4 (c) SECTION 402(c) AMENDMENTS.--Section 402(c) of title 23, United States
5 Code, is amended--

6 (1) in paragraph (2) by striking "Funds apportioned under this section to
7 any State," and all that follows;

8 (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5),
9 respectively;

10 (3) by inserting after paragraph (2) the following:

11 "(3) REDUCTION IN APPORTIONMENT. --

12 "(A) NON-APPROVED PROGRAMS.--Funds apportioned under
13 this section to any State, that does not have a highway safety program
14 approved by the Secretary or that is not implementing an approved
15 program, shall be reduced by amounts equal to not less than 20 percent of
16 the amounts that would otherwise be apportioned to the State under this
17 section, until such time as the Secretary approves such program or
18 determines that the State is implementing an approved program, as
19 appropriate. The Secretary shall consider the gravity of the State's failure
20 to have or implement an approved program in determining the amount of
21 the reduction.

22 "(B) HIGH RISK.--In consultation with the State, the Secretary
23 shall take appropriate steps to address any deficiencies if a State is
24 determined to be "high-risk" under regulations or procedures of the
25 Secretary, taking into consideration responsibility, financial stability, and
26 management and staffing capabilities. In the fiscal year in which a State
27 has been determined "high-risk", the Secretary shall redirect funds
28 sufficient to address the deficiency. If the State fails to take adequate
29 steps to address the deficiency within 12 months after a "high-risk"
30 designation, in the next fiscal year the Secretary shall reduce funds under
31 this section by not less than 20 percent of the amounts that would

1 otherwise be apportioned to the State under this section. The Secretary
2 shall consider the gravity of the State's failure to address the deficiency in
3 determining the amount of the reduction. The Secretary shall increase the
4 amount of the reduction in each subsequent fiscal year in which the State
5 fails to take adequate steps to address the deficiency."; and

6 (4) in paragraph (4), as redesignated--

7 (A) by striking "or" after "highway safety program" and inserting a
8 comma; and

9 (B) by inserting "or determines that the State has taken adequate
10 steps to address a deficiency" after "approved program".

11 (d) SECTION 402(g) AMENDMENT.--Section 402 of title 23, United States
12 Code, is amended by striking subsection (g) and inserting after subsection (f) the
13 following:

14 "(g) RESTRICTION.--Nothing in this section may be construed to authorize the
15 appropriation or expenditure of funds for highway construction, maintenance, or design
16 (other than design of safety features of highways to be incorporated into guidelines).".

17 **SEC. 4003. AMENDMENT TO SECTION 405 NATIONAL PRIORITY**
18 **SAFETY PROGRAMS TRANSFER AUTHORITY.**

19 Section 405(a)(1)(G) of title 23, United States Code, is amended by adding after
20 the last sentence the following:

21 "If the Secretary reallocates any amounts to increase the amount made available under
22 section 402, the State shall use not less than 30 percent for the purposes of pedestrian and
23 bicycle safety if the State's combined pedestrian and bicycle fatalities exceed 5 percent of
24 the State's total crash fatalities, based on the most recently reported final data from the
25 Fatality Analysis Reporting System.".

26 **SEC. 4004. AMENDMENT TO MOTORCYCLIST SAFETY GRANT**
27 **CRITERIA.**

28 Section 405(f) of title 23, United States Code, is amended by inserting the
29 following after paragraph (5):

1 "(6) SUPPORT ACTIVITY.--The Secretary or the Secretary's designee
2 may engage in activities with States and State legislators to consider proposals
3 related to motorcycle helmet use laws."

4 **SEC. 4005. AMENDMENT TO GRADUATED DRIVER LICENSING**
5 **INCENTIVE GRANT CRITERIA.**

6 Section 405 of title 23, United States Code, is amended by striking subsection (g)
7 and inserting the following:

8 "(g) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.--

9 " (1) GRANTS AUTHORIZED.--The Secretary shall award grants to
10 States that adopt and implement graduated driver licensing laws that require
11 novice drivers younger than 18 years of age to comply with the 2-stage licensing
12 process described in paragraph (2) before receiving an unrestricted driver's
13 license.

14 "(2) MINIMUM REQUIREMENTS.--A State's driver's license laws shall
15 include--

16 "(A) a learner's permit stage that--

17 "(i) is at least 6 months in duration, but must remain in
18 effect until the driver reaches 16 years of age;

19 "(ii) requires that the driver be accompanied and supervised
20 at all times while such driver is operating a motor vehicle by a
21 licensed driver who is at least 21 years of age, is the driver's parent
22 or guardian, or is a State-certified driving instructor; and

23 "(iii) has at least two of the following criteria:

24 "(I) a prohibition on the driver using a personal
25 wireless communications device, as defined in subsection
26 (e)(9)(B), while driving except under an exception
27 permitted in subsection (e)(4), and violation of which is a
28 primary offense;

29 "(II) a requirement that the driver obtain at least 40
30 hours of behind-the-wheel training with a licensed driver

1 who is at least 21 years of age, is the driver's parent or
2 guardian, or is a State-certified driving instructor;

3 "(III) a requirement that the driver attend a driver
4 training course; or

5 "(IV) a requirement that the driver not be convicted,
6 for a period of six consecutive months immediately prior to
7 entering the intermediate stage or receiving an unrestricted
8 driver's license, of any offense under State or local law
9 relating to the use or operation of a motor vehicle;

10 "(B) an intermediate stage that--

11 "(i) is at least 6 months in duration;

12 "(ii) restricts driving at night;

13 "(iii) for a period of not less than six months, prohibits the
14 driver from operating a motor vehicle with more than 1 nonfamilial
15 passenger younger than 21 years of age unless a licensed driver
16 who is at least 21 years of age, is the driver's parent or guardian, or
17 is a State-certified driving instructor is in the motor vehicle; and

18 "(iv) has at least one of the following criteria:

19 "(I) a requirement that the intermediate stage remain
20 in effect until the driver reaches 18 years of age;

21 "(II) a prohibition on the driver using a personal
22 wireless communications device, as defined in subsection
23 (e)(9)(B), while driving except under an exception
24 permitted in subsection (e)(4), and violation of which is a
25 primary offense; or

26 "(III) a requirement that the driver not be convicted,
27 for a period of six consecutive months immediately prior to
28 receiving an unrestricted driver's license, of any offense
29 under State or local law relating to the use or operation of a
30 motor vehicle; and

31 "(C) any other requirement prescribed by the Secretary.

1 "(3) EXCEPTION.--A State that otherwise meets the minimum
2 requirements set forth in paragraph (2) shall be deemed by the Secretary to be in
3 compliance with the requirement set forth in paragraph (2) if the State enacted a
4 law before January 1, 2011, establishing a class of license that permits licensees
5 or applicants younger than 18 years of age to drive a motor vehicle--

6 "(A) in connection with work performed on, or for the operation
7 of, a farm owned by family members who are directly related to the
8 applicant or licensee; or

9 "(B) if demonstrable hardship would result from the denial of a
10 license to the licensees or applicants.

11 "(4) GRANTS TO STATES THAT IMPLEMENT NATIONAL DRIVER
12 EDUCATION STANDARDS AND ENHANCED INTERMEDIATE STAGE
13 RESTRICTIONS.--

14 "(A) IN GENERAL.--The Secretary shall make a separate grant
15 under this paragraph, in accordance with subparagraphs (B) and (C), to
16 each State that implements national driver education and training
17 standards prescribed by the National Highway Traffic Safety
18 Administration and enhanced intermediate stage restrictions.

19 "(B) FIRST YEAR.--A State is eligible for the grant described in
20 this paragraph if the State--

21 "(i) has not received a grant under this paragraph in a prior
22 fiscal year;

23 "(ii) receives a grant in the same fiscal year pursuant to
24 paragraph (1);

25 "(iii) has satisfied the criterion described in paragraph
26 (2)(A)(iii)(III) for the same fiscal year; and

27 "(iv) submits a plan, approved by the Secretary, to
28 implement national driver education and training standards
29 prescribed by the National Highway Traffic Safety Administration.

30 "(C) SUCCESSIVE YEARS.--A State is eligible for the grant
31 described in this paragraph if the State--

1 "(i) has received a grant under this paragraph in a prior
2 fiscal year;

3 "(ii) receives a grant in the same fiscal year pursuant to
4 paragraph (1);

5 "(iii) has satisfied the criterion described in paragraph
6 (2)(A)(iii)(III) for the same fiscal year;

7 "(iv) demonstrates, to the satisfaction of the Secretary, that
8 it is implementing the plan described in subparagraph (B)(iv);

9 "(v) imposes the restrictions described in paragraph
10 (2)(B)(ii) beginning no later than 10:00 pm; and

11 "(vi) imposes the restrictions described in paragraph
12 (2)(B)(iii) for the entire intermediate stage.

13 "(D) FUNDING.--Not more than 33 percent of the amounts made
14 available to carry out this subsection in a fiscal year shall be made
15 available by the Secretary for making grants under this paragraph.

16 "(5) GRANT AMOUNT.--The allocation of grant funds to a State under
17 this subsection for a fiscal year shall be in proportion to the State's apportionment
18 under section 402 for fiscal year 2009.

19 "(6) USE OF GRANT AMOUNTS.--Of the grant funds received by a
20 State under this subsection--

21 "(A) at least 25 percent shall be used for--

22 "(i) enforcing a 2-stage licensing process that complies
23 with paragraph (2);

24 "(ii) training for law enforcement personnel and other
25 relevant State agency personnel relating to the enforcement
26 described in clause (i);

27 "(iii) publishing relevant educational materials that pertain
28 directly or indirectly to the State graduated driver licensing law;

29 "(iv) carrying out other administrative activities that the
30 Secretary considers relevant to the State's 2-stage licensing
31 process; or

1 (v) carrying out a teen traffic safety program described in
2 section 402(m); and

3 (B) up to 75 percent may be used for any eligible project or
4 activity under section 402.".

5 **SEC. 4006. AMENDMENT TO IGNITION INTERLOCK GRANT CRITERIA.**

6 Section 405(d)(6) of title 23, United States Code, is amended by striking
7 subparagraph (A) and inserting the following:

8 "(A) IN GENERAL.-- The Secretary shall make a separate grant
9 under this subsection to each State that adopts and is enforcing a law that
10 requires all individuals convicted of driving under the influence of alcohol
11 or of driving while intoxicated to receive--

12 "(i) a restriction on driving privileges that limits the
13 individual to operating only motor vehicles with an ignition
14 interlock installed; or

15 "(ii) a requirement to participate in a 24-7 sobriety
16 program, if--

17 "(I) a State-certified ignition interlock provider is
18 not available within 100 miles of the individual's residence;
19 or

20 "(II) the individual is required to operate an
21 employer's motor vehicle in the course and scope of
22 employment and the business entity that owns the vehicle is
23 not owned or controlled by the individual.".

24 **SEC. 4007. AMENDMENT TO REPEAT OFFENDER AND OPEN**
25 **CONTAINER CRITERIA.**

26 (a) DEFINITIONS.--Section 164(a) of title 23, United States Code, is amended--

27 (1) by redesignating paragraphs (1) through (4) as paragraphs (2) through
28 (5), respectively; and

29 (2) by inserting before paragraph (2), as redesignated, the following:

30 "(1) 24-7 SOBRIETY PROGRAM.--The term "24-7 sobriety program"
31 means a State law or program that authorizes a State court or a State agency to--

1 "(A) require an individual who plead guilty or was convicted of
2 driving under the influence of alcohol to totally abstain from alcohol for a
3 period of time; and

4 "(B) require the individual to be subject to testing for alcohol--

5 "(i) at least twice per day; or

6 "(ii) by continuous transdermal alcohol monitoring via an
7 electronic monitoring device.";

8 (3) in paragraph (5), as redesignated, by striking subparagraph (A) and
9 inserting the following:

10 "(A) receive, for a period of not less than 1 year, one or more of
11 the following penalties--

12 "(i) a suspension of all driving privileges;

13 "(ii) a restriction on driving privileges that limits the
14 individual to operating only motor vehicles with an ignition
15 interlock device installed;

16 "(iii) a requirement to participate in a 24-7 sobriety
17 program, if--

18 "(I) a State-certified ignition interlock provider is
19 not available within 100 miles of the individual's residence;
20 or

21 "(II) the individual is required to operate an
22 employer's motor vehicle in the course and scope of
23 employment and the business entity that owns the vehicle is
24 not owned or controlled by the individual; or

25 "(iv) any other restriction established by regulations
26 promulgated by the Secretary;"

27 (4) in paragraph (5), as redesignated, by striking subparagraph (B); and

28 (5) in paragraph (5), as redesignated, by redesignating subparagraphs (C)
29 and (D) as subparagraphs (B) and (C), respectively.

30 (b) TRANSFER OF FUNDS.--Section 164(b) of title 23, United States Code, is
31 amended--

1 (1) in paragraph (2)(A), by striking "among the uses authorized under
2 subparagraphs (A) and (B) of paragraph (1), and paragraph (3)." and inserting
3 "among the uses authorized under subparagraphs (A) and (B) of paragraph (1),
4 paragraph (3), and, beginning in fiscal year 2015, subparagraph (C)."; and

5 (2) by inserting the following after paragraph (2)(B):

6 "(C) ADDITIONAL USES OF FUNDS.--Beginning in fiscal year
7 2015, of the funds transferred under subparagraph (B)(i)--

8 "(i) not less than 5 percent shall be expended for pedestrian
9 and bicycle safety activities if the State's combined pedestrian and
10 bicycle fatalities exceed 5 percent of the State's total crash
11 fatalities, based on the most recently reported final data from the
12 Fatality Analysis Reporting System; and

13 "(ii) not more than 60 percent may be directed to State and
14 local law enforcement agencies for enforcement of laws that can
15 lead to the detection of impaired drivers, including the purchase of
16 equipment, the training of officers, and the use of additional
17 personnel dedicated to enforcement."

18 (c) TRANSFER OF FUNDS.--Section 154(c) of title 23, United States Code, is
19 amended--

20 (1) in paragraph (2)(A), by striking "use those reserved funds in
21 accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3)."
22 and inserting "use those reserved funds in accordance with subparagraphs (A) and
23 (B) of paragraph (1), paragraph (3), and, beginning in fiscal year 2015,
24 subparagraph (C). "; and

25 (2) by inserting the following after paragraph (2)(B):

26 "(C) ADDITIONAL USES OF FUNDS.--Beginning in fiscal year
27 2015, of the funds transferred under subparagraph (B)(i)--

28 "(i) not less than 5 percent shall be expended for pedestrian
29 and bicycle safety activities if the State's combined pedestrian and
30 bicycle fatalities exceed 5 percent of the State's total crash

1 fatalities, based on the most recently reported final data from the
2 Fatality Analysis Reporting System; and
3 "(ii) not more than 60 percent may be directed to State and
4 local law enforcement agencies for enforcement of laws that can
5 lead to the detection of impaired drivers, including the purchase of
6 equipment, the training of officers, and the use of additional
7 personnel dedicated to enforcement."

8 **SEC. 4008. AMENDMENT TO DISTRACTED DRIVING GRANT CRITERIA.**

9 Section 405(e) of title 23, United States Code, is amended--

10 (1) in paragraph (3)--

11 (i) by inserting "and" at the end of subparagraph (B); and

12 (ii) by striking subparagraph (C) and redesignating subparagraph
13 (D) as subparagraph (C);

14 (2) in paragraph (4)(C), by striking "section 31152" and inserting "section
15 31136";

16 (3) in paragraph (5), by striking "Of" and inserting "Except as provided in
17 paragraph (6)(B), of";

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

20 "(6) DISTRACTED DRIVING ENFORCEMENT GRANTS.--

21 "(A) IN GENERAL.--The Secretary may use up to 50 percent of
22 the amounts available for grants under this subsection to award grants to a
23 State that--

24 "(i) in fiscal year 2015--

25 "(I) has a basic text messaging statute, as
26 determined by the Secretary, that is applicable to drivers of
27 all ages;

28 "(II) makes violation of the statute a primary
29 offense;

1 "(III) participates in the annual distracted driving
2 law enforcement mobilization coordinated by the Secretary;
3 and

4 "(IV) is otherwise ineligible for a grant under this
5 subsection;

6 "(ii) in fiscal year 2016--

7 "(I) meets the requirements of subparagraph (A)(i);
8 and

9 "(II) has a statute that establishes a minimum fine
10 for a first violation and increased fines for repeat violations
11 of the statute; and

12 "(iii) in fiscal year 2017--

13 "(I) meets the requirements of subparagraphs (A)(i)
14 and (A)(ii); and

15 "(II) has a statute that prohibits a driver who is
16 younger than 18 years of age from using a personal
17 wireless communications device while driving.

18 "(B) USE OF GRANT FUNDS; ENFORCEMENT GRANTS.--

19 "(i) Subject to subparagraphs (B)(ii) and (B)(iii), amounts
20 received by a State under subparagraph (A) may be used for
21 activities related to the enforcement of distracted driving laws as
22 follows:

23 "(ii) In fiscal year 2016, up to 15 percent for any eligible
24 project or activity under section 402.

25 "(iii) In fiscal year 2017, up to 25 percent for any eligible
26 project or activity under section 402."; and

27 (5) by striking paragraph (8), redesignating paragraph (7) as paragraph (8),
28 and inserting after paragraph (6), as amended by this Act, the following:

29 "(7) GRANT AMOUNT.--The allocation of grant funds to a State under
30 this subsection shall be in proportion to the State's apportionment under section
31 402 for fiscal year 2009."

1 **SEC. 4009. STREAMLINING OF NATIONAL PRIORITY SAFETY**
2 **PROGRAMS.**

3 Section 405(a)(1) of title 23, United States Code, is amended by striking
4 subparagraph (H).

5 **SEC. 4010. AMENDMENT TO HIGHWAY RESEARCH AND**
6 **DEVELOPMENT.**

7 Section 403 of title 23, United States Code, is amended by inserting at the end the
8 following:

9 "(i) FEDERAL SHARE.--The Federal share of the cost of any project or activity
10 carried out under this section may be up to 100 percent if so specified in the project
11 agreement. "

12 **Subtitle B--Motor Vehicle Safety**

13 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.-- The following sums are authorized to be appropriated out of
15 the Highway Account of the Transportation Trust Fund to carry out chapter 301 of title
16 49, United States Code, and part C of subtitle VI of title 49, United States Code:

- 17 (1) \$152,000,000 for fiscal year 2015;
18 (2) \$159,600,000 for fiscal year 2016;
19 (3) \$167,580,000 for fiscal year 2017; and
20 (4) \$175,959,000 for fiscal year 2018.

21 (b) CONTRACT AUTHORITY-- The amounts made available under subsection
22 (a) shall be available for obligation in the same manner as if such funds were apportioned
23 or allocated under chapter 1 of title 23, United States Code, except that the Federal share
24 of the cost of any project or activity carried out under chapter 301 of title 49, United
25 States Code, or part C of subtitle VI of title 49, United States Code, shall be 100 percent
26 or as otherwise provided in the project agreement.

27 **SEC. 4102. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

28 Section 30120A of title 49, United States Code is amended by striking "chapter
29 11 of title 11," and inserting "chapter 7 or chapter 11 of title 11".

30 **SEC. 4103. PROHIBITION ON RENDERING SAFETY ELEMENTS**
31 **INOPERATIVE.**

1 Section 30122 of title 49, United States Code, is amended by revising subsection
2 (b) to read as follows:

3 "(b) PROHIBITION.--(1) Except as provided in paragraph (2) of this subsection,
4 a person may not knowingly make inoperative any part of a device or element of design
5 installed on or in a motor vehicle or motor vehicle equipment in compliance with an
6 applicable motor vehicle safety standard prescribed under this chapter unless the person
7 reasonably believes the vehicle or equipment will not be used (except for testing or a
8 similar purpose during maintenance or repair) when the device or element is inoperative.

9 "(2) The prohibition in paragraph (1) does not apply to modifications made by an
10 individual to a motor vehicle or item of equipment owned or leased by that individual."

11 **SEC. 4104. COOPERATION WITH FOREIGN GOVERNMENTS.**

12 (a) TITLE 49 AMENDMENT.--Section 30182(b) of title 49, United States Code,
13 is amended by inserting after paragraph (5) the following:

14 "(6) enter into cooperative agreements (in coordination with the
15 Department of State) and collaborative research and development agreements
16 with foreign governments."

17 (b) TITLE 23 AMENDMENT.--Section 403 of title 23, United States Code, is
18 amended-

19 (1) in subsection (b)(2)(C), by inserting "foreign government (in
20 coordination with the Department of State)" after "institution,"; and

21 (2) in subsection (c)(1)(A), by inserting "foreign governments," after
22 "local governments,".

23 **SEC. 4105. FUNCTIONAL SAFETY PROCESS.**

24 (a) STANDARDS.--Section 30111 of title 49, United States Code, is amended--

25 (1) by revising the heading of the section to read as follows:

26 "Sec. 30111. Standards and functional safety process"; and

27 (2) by inserting the following after subsection (e):

28 "(f) FUNCTIONAL SAFETY PROCESS.--The Secretary shall prescribe
29 requirements or guidelines for the design, functional safety process, verification and
30 validation, and development of safety-related electronics or software used in motor
31 vehicles and motor vehicle equipment to ensure that they are likely to function as

1 intended and contain fail safe features. The requirements shall be in the form of
2 regulations or guidelines. In prescribing regulations or guidelines under this subsection,
3 the Secretary shall consider existing relevant safety information and motor vehicle safety
4 standards."

5 (b) Section 30165(1) of title 49, United States Code, is amended by inserting
6 "30111(f)," after "section".

7 (c) CONFORMING AMENDMENT.--The analysis for chapter 301 is amended
8 by striking the item relating to section 30111 and inserting the following:

9 "30111. Standards and functional safety process."

10 **SEC. 4106. NOTIFICATION OF DEFECT OR NONCOMPLIANCE AND**
11 **IMMINENT HAZARD AUTHORITY.**

12 (a) IN GENERAL.--Section 30118 of title 49, United States Code, is amended--

13 (1) in subsection (c), by inserting "or electronic mail" after "certified
14 mail"; and

15 (2) by inserting after subsection (e) the following:

16 "(f) IMMINENT HAZARD.--(1) If the Secretary makes an initial decision that a
17 defect or noncompliance presents an immediate likelihood of death or serious injury to
18 the public, the Secretary may determine that an imminent hazard exists. In such case, the
19 Secretary shall--

20 (A) immediately notify the manufacturer;

21 (B) make the initial decision available for public inspection; and

22 (C) provide the opportunity for the manufacturer to present, not later than
23 10 calendar days after the initial decision under this subsection,
24 information, views, and arguments.

25 (2) As soon as practicable after following the procedures under paragraph (1), the
26 Secretary shall make a final decision and shall, as appropriate, require the manufacturer
27 to take corrective action."

28 (b) PROCEDURES.--Not later than 2 years after the date of enactment of this
29 Act, the Secretary shall issue procedures to implement section 30118(f) of title 49, United
30 States Code, consistent with the provisions of chapter 301 of title 49 and the
31 Administrative Procedure Act.

1 **SEC. 4107. AMENDMENT TO JUDICIAL REVIEW PROVISIONS.**

2 (a) IN GENERAL.--Section 30161 of title 49, United States Code, is amended--

3 (1) by revising the heading of the section to read as follows:

4 "Sec. 30161. Judicial review of orders and standards"; and

5 (2) by striking the first sentence of subsection (a), and inserting the
6 following:

7 "Except for an order to issue provisional notification under section 30121 of this title,
8 which may not be reviewed, a person adversely affected by an order issued under this
9 chapter, a rule prescribing a motor vehicle safety standard under this chapter, or any other
10 final agency action taken under this chapter may apply for review of the order, rule, or
11 action by filing a petition for review in the Court of Appeals of the United States for the
12 circuit in which the person resides or has its principal place of business or the District of
13 Columbia Circuit."

14 (b) RECALLS ENFORCEMENT.--Section 30163 of title 49, United States Code,
15 is amended by adding the following at the end:

16 "(f) ACTIONS TO ENFORCE RECALL ORDERS.--In an action brought under
17 subsection (a) of this section concerning an order issued under section 30118(b) of this
18 title, the Attorney General need only prove that the Secretary provided appropriate
19 notification to the manufacturer under section 30118 and need not establish the
20 substantive validity of the order, which may only be challenged by the manufacturer
21 through the timely filing of a petition under section 30161 of this title. If an action is
22 brought under subsection (a) of this section prior to the expiration of the time available
23 for the filing of a petition under section 30161, the manufacturer may seek a stay of the
24 district court action until the resolution of any petition for review under section 30161.

25 "(g) ACTIONS TO COLLECT A CIVIL PENALTY.--The Attorney General may
26 bring a civil action in a United States District Court to collect a civil penalty or to collect
27 an amount agreed upon in compromise by the Secretary under section 30165 of this
28 title."

29 (c) CONFORMING AMENDMENT.--The analysis for chapter 301 is amended
30 by striking the item relating to section 30161 and inserting the following:

31 "30161. Judicial review of orders and standards."

1 **SEC. 4108. INSPECTION AUTHORITY UNDER AUTOMOBILE FUEL**
2 **ECONOMY STATUTE.**

3 Section 32910 of title 49, United States Code, is amended--

4 (1) in subsection (a)(1)(A), striking "inspect and copy records of any
5 person at reasonable times", and inserting "conduct an inspection or investigation
6 that may be necessary to enforce this chapter or a regulation prescribed or order
7 issued under this chapter"; and

8 (2) by redesignating subsections (b), (c) and (d) as (c), (d) and (e),
9 respectively, and inserting after subsection (a) the following:

10 "(b) MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.--In
11 carrying out this chapter, an officer or employee designated by the Secretary of
12 Transportation--

13 "(1) at reasonable times, may inspect and copy any record related to this
14 chapter;

15 "(2) on request, may inspect records of a manufacturer, distributor, or
16 dealer to decide whether the manufacturer, distributor, or dealer has complied or
17 is complying with this chapter or a regulation prescribed or order issued under
18 this chapter; and

19 "(3) at reasonable times, in a reasonable way, and on display of proper
20 credentials and written notice to an owner, operator, or agent in charge, may--

21 "(A) enter and inspect with reasonable promptness premises in
22 which a motor vehicle or motor vehicle equipment is manufactured, held
23 for introduction in interstate commerce, or held for sale after introduction
24 in interstate commerce;

25 "(B) inspect with reasonable promptness that vehicle or
26 equipment; and

27 "(C) impound for not more than 72 hours that vehicle or
28 equipment."

29 **SEC. 4109. RECALL AUTHORITY OVER RENTAL CAR COMPANIES AND**
30 **USED CAR DEALERS.**

1 (a) SALE, LEASE OR RENTAL RESTRICTIONS.--Section 30120(i) of title 49,
2 United States Code, is amended to read as follows:

3 "(i) LIMITATION ON SALE, LEASE OR RENTAL OF VEHICLES OR
4 EQUIPMENT.--(1) After receipt of a notification of a defect or noncompliance about a
5 motor vehicle or new item of replacement equipment under section 30119 of this title, a
6 dealer may sell or lease that motor vehicle or new item of replacement equipment, and a
7 rental company may rent that vehicle, only if--

8 "(A) the defect or noncompliance is remedied as required by this section
9 before delivery under the sale, lease or rental agreement; or

10 "(B) when the notification is required by an order under section 30118(b)
11 of this title, enforcement of the order is restrained or the order is set aside in a
12 civil action to which section 30121(d) of this title applies.

13 "(2) This subsection does not prohibit a dealer from offering for sale or lease the
14 vehicle or equipment.

15 "(3) As used in this subsection, the term "rental company" means a person who is
16 engaged in the business of renting a motor vehicle that has a gross vehicle weight rating
17 of 10,000 pounds or less, is rented without a driver for an initial term of less than 4
18 months and is part of a motor vehicle fleet of 5 or more motor vehicles that are used for
19 rental purposes."

20 (b) SALE OR LEASE OF USED MOTOR VEHICLES.--Section 30120 of title
21 49, United States Code, is amended by adding at the end the following:

22
23 "(k) LIMITATION ON SALE OR LEASE OF USED MOTOR VEHICLES.--(1)
24 A person who sold at least 10 motor vehicles during the prior 12 months to purchasers
25 that in good faith purchase the vehicles other than for resale, may not sell or lease a used
26 motor vehicle until any defect or noncompliance determined under section 30118 of this
27 title with respect to the vehicle has been remedied.

28 "(2) Paragraph (1) shall not apply if--

29 "(A) notification of the defect or noncompliance with respect to the
30 vehicle is required under section 30118(b) but enforcement of the order is set
31 aside in a civil action to which section 30121(b) applies; or

1 "(B) if at the time of sale or lease--

2 "(i) the recall information regarding a used motor vehicle was not
3 available using the means established by the Secretary under section
4 31301 of Public Law 112-141; and

5 "(ii) notification under section 30119 was not received by the seller
6 or lessor.

7 "(3) As used in this subsection, the term 'used motor vehicle' means a motor
8 vehicle that has been purchased previously other than for resale."

9 **SEC. 4110. CIVIL PENALTIES.**

10 Section 30165(a) of title 49, United States Code, is amended--

11 (1) in paragraph (1)--

12 (A) by inserting "or causes the violation of" after "violates" in the
13 first sentence;

14 (B) by striking "\$5,000" and inserting "\$25,000";

15 (C) by striking "\$35,000,000" and inserting "\$300,000,000"; and

16 (D) by inserting at the end of the paragraph the following:

17 "An individual is liable under this section only for willfully causing or
18 committing a violation. An individual who has been instructed to commit a
19 violation by a person of greater authority in the entity in which the individual is
20 employed has not acted willfully.";

21 (2) in paragraph (2)--

22 (A) by striking "\$10,000" in subparagraph (A) and inserting
23 "\$100,000"; and

24 (B) by striking "\$15,000,000" in subparagraph (B) and inserting
25 "\$300,000,000"; and

26 (3) in paragraph (3)--

27 (A) by striking "\$5,000" and inserting "\$25,000"; and

28 (B) by striking "\$35,000,000" and inserting "\$300,000,000".

29 **SEC. 4111. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND
30 HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.**

1 (a) HIGHWAY SAFETY PROGRAMS. --Section 402 of title 23, United States
2 Code is amended--

3 (1) in subsection (b)(1)(C), by striking "except as provided in paragraph
4 (3),";

5 (2) in subsection (b)(1)(E),

6 (A) by striking "in which a State" and inserting "for which a
7 State"; and

8 (B) by striking "subsection (f)" and inserting "subsection (k)"; and

9 (3) in subsection (k)(4), by striking "paragraph (2)(A)" and inserting
10 "paragraph (3)(A)".

11 (b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.--Section 403(e)
12 of title 23, United States Code is amended by inserting "of title 49, United States Code"
13 after "chapter 301".

14 (c) NATIONAL PRIORITY SAFETY PROGRAMS.--Section 405 of title 23,
15 United States Code is amended--

16 (1) in subsection (d)(5), by striking "section 402(c)" and inserting "section
17 402" ;

18 (2) by striking subsection (f)(2), and inserting the following:

19 "(2) GRANT AMOUNT.--The allocation of grant funds to a State under
20 this subsection for a fiscal year shall be in proportion to the State's apportionment under
21 section 402 for fiscal year 2009, provided that the amount of a grant awarded to a State
22 for a fiscal year may not exceed 25 percent of the amount apportioned to the State under
23 section 402 for fiscal year 2009."; and

24 (3) in subsection (f)(4)(A)(iv), by striking "under subsection (g)".

25 (d) OPEN CONTAINER REQUIREMENTS.--Section 154 of title 23, United
26 States Code is amended --

27 (1) in subsection (c)(3)(A), by striking "transferred" and inserting
28 "reserved"; and

29 (2) in subsection (c)(5), by inserting "or released" after "transferred".

1 (e) MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING
2 WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE. -- Section 164 of
3 title 23, United States Code is amended --

4 (1) in subsection (b)(3)(A), by striking "transferred" and inserting
5 "reserved"; and

6 (2) in subsection (b)(5), by inserting "or released" after "transferred".

7 **TITLE V--MOTOR CARRIER SAFETY PROGRAM**

8 **SEC. 5001. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

9 Except as otherwise expressly provided, whenever in this title an amendment or
10 repeal is expressed in terms of an amendment to, or a repeal of, a section or other
11 provision, the reference shall be considered to be made to a section or other provision of
12 title 49, United States Code.

13 **Subtitle A--Commercial Motor Vehicle Safety**

14 **SEC. 5101. COMMERCIAL MOTOR VEHICLE DEFINED.**

15 Section 31101(1) is amended to read as follows:

16 "(1) 'commercial motor vehicle' means (except in section 31106 of this
17 title) a self-propelled or towed vehicle used on the highways in commerce to
18 transport passengers or property, if the vehicle--

19 "(A) has a gross vehicle weight rating or gross vehicle weight of at
20 least 10,001 pounds, whichever is greater;

21 "(B) is designed or used to transport more than 8 passengers
22 (including the driver) for compensation;

23 "(C) is designed or used to transport more than 15 passengers,
24 including the driver, and is not used to transport passengers for
25 compensation; or

26 "(D) is used in transporting material found by the Secretary of
27 Transportation to be hazardous under section 5103 of this title and
28 transported in a quantity requiring placarding under regulations prescribed
29 by the Secretary under section 5103 of this title."

30 **SEC. 5102. MOTOR CARRIER OPERATIONS AFFECTING INTERSTATE**
31 **COMMERCE.**

1 (a) PROHIBITED TRANSPORTATION.--Section 521(b)(5) is amended by
2 inserting after paragraph (B) the following:

3 "(C) If an employee, vehicle, or all or part of an employer's
4 commercial motor vehicle operations has been ordered out of service
5 pursuant to paragraph (5)(A), the commercial motor vehicle operations of
6 the employee, vehicle or employer that affect interstate commerce are also
7 prohibited."

8 (b) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER
9 NONPAYMENT OF PENALTIES.--Section 521(b)(8) is amended--

10 (1) by striking "An owner or operator of a commercial motor vehicle"
11 and inserting "A person" in subparagraph (A);

12 (2) by redesignating subparagraph (B) as subparagraph (C);

13 (3) by inserting after subparagraph (A) the following:

14 "(B) A person prohibited from operating in interstate commerce
15 pursuant to paragraph (8)(A) may not operate any commercial motor
16 vehicle where such operation affects interstate commerce."; and

17 (4) by striking "commercial motor vehicle owners and operators" in
18 subparagraph (C) (as redesignated by paragraph (2)) and inserting "a person".

19 **SEC. 5103. BUS RENTALS AND DEFINITION OF EMPLOYER.**

20 Paragraph (3) of section 31132 is amended to read as follows:

21 "(3) 'employer'--

22 "(A) means a person engaged in a business affecting interstate
23 commerce that--

24 "(i) owns or leases a commercial motor vehicle in
25 connection with that business, or assigns an employee to operate
26 the commercial motor vehicle; or

27 "(ii) offers for rent or lease a motor vehicle designed or
28 used to transport more than 8 passengers, including the driver, and
29 from the same location or as part of the same business provides
30 names or contact information of drivers, or holds itself out to the
31 public as a charter bus company; but

1 (B) does not include the Government, a State, or a political
2 subdivision of a State."

3 **SEC. 5104. HIGH-RISK CARRIER REVIEWS.**

4 (a) HIGH-RISK CARRIER REVIEWS.--Section 31104(b) (as amended by
5 section 5401) is amended by adding at the end of paragraph (2) the following:

6 "From the funds authorized by this subsection, the Secretary shall ensure that a review is
7 completed on each motor carrier that demonstrates through performance data that it poses
8 the highest safety risk. At a minimum, a review shall be conducted whenever a motor
9 carrier is among the highest risk carriers for 2 consecutive months."

10 (b) CONFORMING AMENDMENT.--Section 4138 of the Safe, Accountable,
11 Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31144 note)
12 is repealed.

13 **SEC. 5105. NEW ENTRANT SAFETY AUDITS.**

14 Section 31144(g) is amended--

15 (1) in paragraph (1)(A)--

16 (A) by striking "shall" and inserting "may"; and

17 (B) by striking "each owner and each operator" and inserting "an
18 owner or operator";

19 (2) in paragraph (1)(B)--

20 (A) by striking "shall" and inserting "may"; and

21 (B) by striking "each owner and each operator" and inserting "an
22 owner or operator";

23 (3) by striking paragraph (3);

24 (4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4),
25 respectively; and

26 (5) in paragraph (3), as redesignated, by striking "after the date on which
27 section 31148(b) is first implemented shall" and inserting "may".

28 **SEC. 5106. IMMINENT HAZARD ACTIONS.**

29 Section 521(b)(5)(A) is amended--

1 (1) by striking "that such" and inserting "that a request for review must be
2 made in writing within 15 days after issuance of the order, and if timely
3 requested, the";

4 (2) by striking "occur" and inserting "commence"; and

5 (3) by striking "issuance of such order" and inserting "receipt of the
6 request for review".

7 **SEC. 5107. INTERNATIONAL COMMERCE TRANSPORTED ON**
8 **HIGHWAYS THROUGH THE UNITED STATES.**

9 (a) Section 13501(1) is amended by--

10 (1) in subparagraph (D), striking "or";

11 (2) in subparagraph (E), striking "and" at the end and inserting "or"; and

12 (3) inserting the following:

13 "(F) a foreign county and another foreign county, or between two
14 places in the same foreign country, to the extent the transportation is in the
15 United States; and".

16 (b) Section 31132(4) is amended by--

17 (1) striking "a place in a State and";

18 (2) in subparagraph (A)--

19 (A) inserting "a place in a State and" before "a place outside that
20 State";

21 (B) striking "or"; and

22 (3) in subparagraph (B)--

23 (A) inserting "a place in a State and" before "another place";

24 (B) striking the period and inserting "and"; and

25 (C) inserting at the end the following:

26 "(C) a foreign county and another foreign county, or between two
27 places in the same foreign country, to the extent the trade, traffic, or
28 transportation is in the United States.".

29 **Subtitle B--Driver Safety Provisions**

30 **SEC. 5201. COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.**

1 (a) LICENSING STANDARDS.--Section 31305(a)(7) is amended by inserting
2 "would not be subject to a disqualification under section 31310(g) of this title and" after
3 "taking the tests".

4 (b) DISQUALIFICATIONS.--Section 31310(g)(1) is amended by deleting "who
5 holds a commercial driver's license and".

6 **SEC. 5202. DISQUALIFICATIONS BASED ON NON-COMMERCIAL**
7 **MOTOR VEHICLE OPERATIONS.**

8 (a) FIRST OFFENSE.--Section 31310(b)(1)(D) is amended by deleting
9 "commercial" twice, after "revoked, suspended, or canceled based on the individual's
10 operation of a" and again after "disqualified from operating a commercial motor vehicle
11 based on the individual's operation of a".

12 (b) SECOND OFFENSE.--Section 31310(c)(1)(D) is amended by striking
13 "commercial" twice, after "revoked, suspended, or canceled based on the individual's
14 operation of a" and again after "disqualified from operating a commercial motor vehicle
15 based on the individual's operation of a".

16 **SEC. 5203. RECORDING OF FEDERAL DISQUALIFICATIONS ON CDLIS.**

17 Section 31311(a)(15) is amended by--

18 (1) inserting "(A)" after "(15)"; and

19 (2) inserting after clause (A), as redesignated, the following:

20 "(B) Not later than 10 days after receiving notice from the
21 Secretary that an individual has been disqualified by the Secretary from
22 operating a commercial motor vehicle, the State shall--

23 "(i) disqualify the individual from operating a commercial
24 motor vehicle for the period of the Federal disqualification; and

25 "(ii) notify the operator of the information system under
26 section 31309 of this title to record the disqualification and the
27 violation that resulted in the disqualification."

28 **SEC. 5204. FAILURE TO PAY CIVIL PENALTY AS A DISQUALIFYING**
29 **OFFENSE.**

30 (a) IN GENERAL.--Chapter 311 is amended by inserting after section 31151 the
31 following:

1 **"Sec. 31152. Disqualification for failure to pay**

2 "An individual assessed a civil penalty under this chapter, or chapters 5, 51, or
3 149 of this title, or a regulation issued under any of those provisions, who fails to pay the
4 penalty or fails to comply with the terms of a settlement with the Secretary, shall be
5 disqualified from operating a commercial motor vehicle. The disqualification shall
6 continue until the penalty has been paid, or the individual complies with the terms of the
7 settlement, unless such nonpayment is because the individual is a debtor in a case under
8 chapter 11 of title 11, United States Code."

9 (b) TECHNICAL AMENDMENTS.--Section 31310 is amended--

10 (1) by redesignating subsections (h) through (k) as subsections (i) through

11 (l), respectively; and

12 (2) by inserting after subsection (g) the following:

13 "(h) DISQUALIFICATION FOR FAILURE TO PAY.--The Secretary shall
14 disqualify from operating a commercial motor vehicle any individual failing to pay a civil
15 penalty within the prescribed period, or failing to conform to the terms of any settlement
16 with the Secretary. The disqualification shall continue until the penalty has been paid, or
17 the individual conforms to the terms of the settlement, unless the nonpayment is because
18 the individual is a debtor in a case under chapter 11 of title 11, United States Code."; and

19 (3) in subsection (i) (as redesignated by paragraph (1) of this subsection)
20 by striking "Notwithstanding subsections (b) through (g)" and inserting
21 "Notwithstanding subsections (b) through (h)".

22 (c) CONFORMING AMENDMENT.--The analysis of chapter 311 is amended by
23 inserting after the item relating to section 31151 the following:

24 "31152. Disqualification for failure to pay."

25 **SEC. 5205. CONTROLLED SUBSTANCE VIOLATIONS.**

26 Section 31310(d) is amended by--

27 (1) inserting after "CONTROLLED SUBSTANCE VIOLATIONS. --" the
28 following:

29 "(1) An individual who receives a verified positive DOT drug test is
30 disqualified from operating a commercial motor vehicle and remains disqualified
31 until the individual completes the substance abuse professional evaluation and

1 treatment and return to duty process under part 40, subpart O of title 49, Code of
2 Federal Regulations."; and

3 (2) inserting "(2)" before "The Secretary".

4 **Subtitle C--Medical and Registration Provisions**

5 **SEC. 5301. EFFECT OF DRIVING ON COMMERCIAL MOTOR VEHICLE**
6 **OPERATORS.**

7 Section 31136(a)(4) is amended to read as follows:

8 "(4) the operation of commercial motor vehicles does not have a
9 significantly adverse effect on the physical condition of the operators; and".

10 **SEC. 5302. JURISDICTION OVER BROKERS OF MOTOR CARRIERS OF**
11 **PASSENGERS.**

12 Section 13506(a) is amended by deleting paragraph (14) and redesignating
13 paragraph (15) as paragraph (14).

14 **SEC. 5303. REVOCATION OR SUSPENSION OF REGISTRATION.**

15 Section 31134(c) is amended--

16 (1) by striking "The Secretary" and inserting "(1) IN GENERAL.--The
17 Secretary";

18 (2) by redesignating paragraphs (1) through (4) as subparagraphs (A)
19 through (D), respectively;

20 (3) in subparagraph (1)(B) (as redesignated), by striking "knowingly failed
21 to comply with the requirements listed in subsection (b)(1)" and inserting
22 "willfully failed to comply with--

23 "(i) this part;

24 "(ii) an applicable regulation or order of the Secretary; or

25 "(iii) a condition of the registration.";

26 (4) in subparagraph (1)(C) (as redesignated)--

27 (A) by striking "has not disclosed" and inserting "has--

28 "(i) failed to disclose"; and

29 (B) after the semicolon, inserting "or

30 "(ii) operated under a new identity or as an affiliate to avoid--

31 "(I) an order of the Secretary;

1 "(II) a statutory or regulatory requirement;
2 "(III) a civil penalty imposed under chapter 5, 51, 149, or
3 311;
4 "(IV) an enforcement action initiated by the Secretary;
5 "(V) a final, proposed or potential adverse safety fitness
6 determination; or
7 "(VI) a negative compliance history;";
8 (5) in subparagraph (1)(D) (as redesignated), by striking the period and
9 inserting a semicolon; and
10 (6) by adding at the end the following:
11 "(E) subject to paragraph (3) of this subsection, the employer or
12 person failed--
13 "(i) to pay a civil penalty imposed under chapter 5, 51, 149,
14 or 311 of this title;
15 "(ii) to arrange and abide by an acceptable payment plan
16 for such civil penalty, not later than 90 days after the date specified
17 by order of the Secretary for the payment of such penalty; or
18 "(iii) to obey a subpoena issued by the Secretary; or
19 "(F) the employer or person failed to disclose, in its application for
20 registration, a material fact relevant to its willingness and ability to
21 comply with--
22 "(i) this part;
23 "(ii) an applicable regulation or order of the Secretary; or
24 "(iii) a condition of its registration.
25 "(2) SAFETY FITNESS; IMMINENT HAZARD.--
26 "(A) EXPEDITED PROCEDURE.--Notwithstanding subchapter II
27 of chapter 5 of title 5, and subject to section 31144(c) of this title, the
28 Secretary shall revoke the registration of an employer or person if the
29 employer or person --

1 (i) has been prohibited from operating a commercial motor
2 vehicle in interstate commerce for failure to comply with the safety
3 fitness requirements of section 31144 of this title; or

4 (ii) is or was conducting unsafe operations that are or were an
5 imminent hazard (as defined in section 521(b)(5)(B) of this title) to
6 public health or property.

7 (B) NOTICE OF REVOCATION.--The Secretary may revoke a
8 registration under this paragraph only after giving notice of the revocation
9 to the registrant.

10 (3) LIMITATION.--Paragraph (1)(E)(i) and (ii) shall not apply to a
11 person who is unable to pay a civil penalty because the person is a debtor in a
12 case under chapter 11 of title 11."

13 **SEC. 5304. REVOCATION OF REGISTRATION FOR FAILURE TO**
14 **RESPOND TO SUBPOENA.**

15 Section 525 is amended by inserting "subchapter III of chapter 311 or" before
16 "chapter 139".

17
18 **SEC. 5305. LAPSE OF REQUIRED FINANCIAL SECURITY; SUSPENSION**
19 **OF REGISTRATION.**

20 Section 13906(e) is amended by inserting "or suspend" after "revoke".

21 **Subtitle D--Grants and Authorizations**

22 **SEC. 5401. FMCSA FINANCIAL ASSISTANCE PROGRAMS.**

23 (a) DEFINITION.--Section 31101 is amended--

24 (1) by redesignating paragraph (4) as paragraph (5); and

25 (2) by inserting after paragraph (3) the following:

26 "(4) 'Secretary' means the Secretary of Transportation."

27 (b) MCSAP AND HIGH PRIORITY PROGRAMS; FMCSA

28 AUTHORIZATIONS.--Sections 31102 through 31104 are amended to read as follows:

29 **"Sec. 31102. Motor Carrier Safety Assistance Program**

30 (a) IN GENERAL.--

1 "(1) The Secretary shall administer a Motor Carrier Safety Assistance
2 Program funded under section 31104 of this title.

3 "(2) The goal of the program is to ensure that the Secretary, States, local
4 governments, other political jurisdictions, Federally recognized Indian Tribes, and
5 other persons work in partnership to establish programs to improve motor carrier,
6 commercial motor vehicle, and driver safety to support a safe and efficient surface
7 transportation system by--

8 "(A) making targeted investments to promote safe commercial
9 motor vehicle transportation, including the transportation of passengers
10 and hazardous materials;

11 "(B) investing in activities likely to generate maximum reductions
12 in the number and severity of commercial motor vehicle crashes and
13 fatalities resulting from such crashes;

14 "(C) adopting and enforcing effective motor carrier, commercial
15 motor vehicle, and driver safety regulations and practices consistent with
16 Federal requirements; and

17 "(D) assessing and improving statewide performance by setting
18 program goals and meeting performance standards, measures, and
19 benchmarks.

20 "(b) STATE PLANS.--The Secretary shall prescribe procedures for a State to
21 submit a plan under which the State agrees to assume responsibility for improving motor
22 carrier safety, adopting and enforcing regulations, standards, and orders of the
23 Government on commercial motor vehicle and hazardous materials transportation safety,
24 and adopting and enforcing compatible State regulations, standards, and orders. The
25 Secretary shall approve a plan if the Secretary decides that the plan is adequate to
26 promote the objectives of this section, and the plan--

27 "(1) implements performance-based activities, including deployment of
28 technology to enhance the efficiency and effectiveness of commercial motor
29 vehicle safety programs;

30 "(2) designates a lead State motor vehicle safety agency responsible for
31 administering the plan throughout the State;

1 "(3) contains satisfactory assurances that the lead State agency has or will
2 have the legal authority, resources, and qualified personnel necessary to enforce
3 the regulations, standards, and orders;

4 "(4) contains satisfactory assurances that the State will devote adequate
5 resources to the administration of the plan and enforcement of the regulations,
6 standards, and orders;

7 "(5) provides a right of entry and inspection to carry out the plan;

8 "(6) provides that all reports required under this section be available to the
9 Secretary on request;

10 "(7) provides that the lead State agency will adopt the reporting
11 requirements and use the forms for recordkeeping, inspections, and investigations
12 that the Secretary prescribes;

13 "(8) requires registrants of commercial motor vehicles to demonstrate
14 knowledge of applicable safety regulations, standards, and orders of the
15 Government and the State;

16 "(9) provides that the State will grant maximum reciprocity for inspections
17 conducted under the North American Inspection Standards through the use of a
18 nationally accepted system that allows ready identification of previously
19 inspected commercial motor vehicles;

20 "(10) ensures that activities described in subsection (g) of this section, if
21 financed through grants made under this section, will not diminish the
22 effectiveness of the development and implementation of commercial motor
23 vehicle safety programs described in subsection (a) of this section;

24 "(11) ensures that the lead State agency will coordinate the plan, data
25 collection, and information systems with the State highway safety improvement
26 program required under section 148(c) of title 23;

27 "(12) ensures participation in appropriate Federal Motor Carrier Safety
28 Administration information technology and data systems and other information
29 systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance
30 Program funding;

1 "(13) ensures that information is exchanged among the States in a timely
2 manner;

3 "(14) provides satisfactory assurances that the State will undertake efforts
4 that will emphasize and improve enforcement of State and local traffic safety laws
5 and regulations related to commercial motor vehicle safety;

6 "(15) provides satisfactory assurances that the State will promote activities
7 in support of national priorities and performance goals, including--

8 "(A) activities aimed at removing impaired commercial motor
9 vehicle drivers from the highways of the United States through adequate
10 enforcement of regulations on the use of alcohol and controlled substances
11 and by ensuring ready roadside access to alcohol detection and measuring
12 equipment;

13 "(B) activities aimed at providing an appropriate level of training
14 to State Motor Carrier Safety Assistance Program officers and employees
15 on recognizing drivers impaired by alcohol or controlled substances; and

16 "(C) when conducted with an appropriate commercial motor
17 vehicle inspection, interdiction activities, and appropriate strategies for
18 carrying out those activities, including activities that affect the
19 transportation of controlled substances, as defined under section 102 of the
20 Comprehensive Drug Abuse Prevention and Control Act of 1970 (21
21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal
22 Regulations, as updated and republished from time to time, by any
23 occupant of a commercial motor vehicle;

24 "(16) provides that the State has established and dedicated sufficient
25 resources to a program to ensure that--

26 "(A) the State collects and reports to the Secretary accurate,
27 complete, and timely motor carrier safety data; and

28 "(B) the State participates in a national motor carrier safety data
29 correction system prescribed by the Secretary;

1 "(17) ensures that the State will cooperate in the enforcement of financial
2 responsibility requirements under sections 13906, 31138, and 31139 of this title,
3 and regulations issued under these sections;

4 "(18) ensures consistent, effective, and reasonable sanctions;

5 "(19) ensures that roadside inspections will be conducted at locations that
6 are adequate to protect the safety of drivers and enforcement personnel;

7 "(20) provides that the State will include in the training manuals for the
8 licensing examination to drive both noncommercial motor vehicles and
9 commercial motor vehicles information on best practices for driving safely in the
10 vicinity of noncommercial and commercial motor vehicles;

11 "(21) provides that the State will enforce the registration requirements of
12 sections 13902 and 31134 of this title by prohibiting the operation of any vehicle
13 discovered to be operated by a motor carrier without a registration issued under
14 these sections or to be operated beyond the scope of the motor carrier's
15 registration;

16 "(22) provides that the State will conduct comprehensive and highly
17 visible traffic enforcement and commercial motor vehicle safety inspection
18 programs in high-risk locations and corridors;

19 "(23) except in the case of an imminent hazard or obvious safety hazard,
20 ensures that an inspection of a vehicle transporting passengers for a motor carrier
21 of passengers is conducted at a station, terminal, border crossing, maintenance
22 facility, destination, or other location where adequate food, shelter, and sanitation
23 facilities are available for passengers, and reasonable accommodations are
24 available for passengers with disabilities;

25 "(24) ensures that the State will transmit to its roadside inspectors the
26 notice of each Federal exemption granted pursuant to section 31315(b) of this title
27 and 49 C.F.R. 390.23 and 390.25 and provided to the State by the Secretary,
28 including the name of the person granted the exemption and any terms and
29 conditions that apply to the exemption;

1 "(25) except as provided in subsection (c) of this section, provides that the
2 State will conduct safety audits of new entrant motor carriers pursuant to section
3 31144(g) of this title;

4 "(26) provides that the State agrees to fully participate in the Performance
5 and Registration Information System Management under section 31106(b) of this
6 title no later than 3 years from the date of enactment of this provision by
7 complying with the program participation requirements established in section
8 31106(b)(3) of this title; and

9 "(27) for a State that shares a land border with another country, provides
10 that the State--

11 "(A) will conduct a border commercial motor vehicle safety
12 program that includes enforcement and related projects; or

13 "(B) if it declines to include appropriate border related activities in
14 its plan, will forfeit a proportionate level of funding as determined by the
15 Secretary.

16 "(c) EXCLUSION OF U.S. TERRITORIES.--The requirement that a State
17 conduct safety audits of new entrant motor carriers under subsection (b)(25) of this
18 section does not apply to a territory of the United States unless required by the Secretary.

19 "(d) INTRASTATE COMPATIBILITY.--The Secretary shall prescribe
20 regulations specifying tolerance guidelines and standards for ensuring compatibility of
21 intrastate commercial motor vehicle safety laws and regulations with Government motor
22 carrier safety regulations to be enforced under subsection (a) of this section. To the
23 extent practicable, the guidelines and standards shall allow for maximum flexibility while
24 ensuring a degree of uniformity that will not diminish transportation safety.

25 "(e) MAINTENANCE OF EFFORT.--

26 "(1) IN GENERAL.--A plan submitted by a State under subsection (b) of
27 this section shall provide that the total expenditure of amounts of the lead State
28 agency responsible for administering the plan will be maintained at a level each
29 fiscal year at least equal to the average level of that expenditure for fiscal years
30 2004 and 2005.

1 "(2) AVERAGE LEVEL OF STATE EXPENDITURES.--In estimating
2 the average level of State expenditure under paragraph (1) of this subsection, the
3 Secretary--

4 "(A) may allow the State to exclude State expenditures for
5 Government-sponsored demonstration and pilot programs and strike
6 forces; and

7 "(B) may allow the State to exclude expenditures for activities
8 related to border enforcement and new entrant safety audits; and

9 "(C) shall require the State to exclude State matching amounts
10 used to receive Government financing under this section.

11 "(3) WAIVERS.--Upon the request of a State, the Secretary may waive or
12 modify the requirements of this subsection for the period of the plan, if the
13 Secretary determines that a waiver is equitable due to exceptional or
14 uncontrollable circumstances.

15 "(f) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT--

16 Amounts generated under section 14504a of this title and received by a State and used for
17 motor carrier safety purposes may be included as part of the State's share of the Motor
18 Carrier Safety Assistance Program not provided by the Government.

19 "(g) USE OF GRANTS TO ENFORCE OTHER LAWS.--A State may use
20 amounts received under a grant under this section--

21 "(1) if the activities are carried out in conjunction with an
22 appropriate inspection of a commercial motor vehicle to enforce Federal
23 or State commercial motor vehicle safety regulations, for the--

24 "(A) enforcement of commercial motor vehicle size and
25 weight limitations at locations (excluding fixed weight facilities)
26 such as near steep grades or mountainous terrains, where the
27 weight of a commercial motor vehicle can significantly affect the
28 safe operation of the vehicle, or at ports where intermodal shipping
29 containers enter and leave the United States; and

30 "(B) detection of and enforcement actions taken as a result
31 of criminal activity, including the trafficking of human beings, in a

1 commercial motor vehicle or by any occupant, including the
2 operator, of the vehicle;

3 "(2) for documented enforcement of State traffic laws and
4 regulations designed to promote the safe operation of commercial motor
5 vehicles, including documented enforcement of such laws and regulations
6 relating to noncommercial motor vehicles when necessary to promote the
7 safe operation of commercial motor vehicles, provided:

8 "(A) the number of motor carrier safety activities
9 (including roadside safety inspections) conducted in the State is
10 maintained at a level at least equal to the average level of such
11 activities conducted in the State in fiscal years 2004 and 2005; and

12 "(B) the State does not use more than 5 percent of the basic
13 amount the State receives under a grant under this section for
14 enforcement activities relating to noncommercial motor vehicles
15 unless the Secretary determines that a higher percentage will result
16 in significant increases in commercial motor vehicle safety; and

17 "(3) for the enforcement of household goods regulations on
18 intrastate and interstate carriers, provided that the State has adopted laws
19 or regulations compatible with the Federal household goods regulations.

20 "(h) EVALUATION OF PLAN AND AWARD OF GRANT.--

21 "(1) AWARD.--The Secretary may allocate the amounts appropriated
22 among the States whose plans have been approved under criteria that the
23 Secretary establishes.

24 "(2) OPPORTUNITY TO CURE.--If the Secretary disapproves a plan
25 under this section, the Secretary shall give the State a written explanation of the
26 reasons for disapproval and allow the State to modify and resubmit the plan for
27 approval.

28 "(i) PLAN MONITORING.--

29 "(1) IN GENERAL.--On the basis of reports submitted by the lead State
30 agency responsible for administering a plan approved under this section and the

1 Secretary's own investigations, the Secretary shall make a continuing evaluation
2 of the way the State is carrying out the plan.

3 "(2) WITHHOLDING OF FUNDS.--If, after notice and an opportunity to
4 be heard, the Secretary finds that the State plan previously approved is not being
5 followed or has become inadequate to ensure enforcement of the regulations,
6 standards, or orders, the Secretary may withdraw approval of the plan and notify
7 the State. The plan is no longer in effect once the notice is received. In lieu of
8 withdrawing approval of the plan, the Secretary may withhold funding from the
9 State to which the State would otherwise be entitled under this section for the
10 period of the State's noncompliance. In exercising this option, the Secretary may
11 withhold up to 10 percent of funds for the year that the Secretary notifies the State
12 of its noncompliance, up to 10 percent of funds for the first full year of
13 noncompliance, up to 25 percent of funds for the second full year of
14 noncompliance, and not less than 50 percent of funds for the third and subsequent
15 full years of noncompliance.

16 "(3) JUDICIAL REVIEW.--A State adversely affected by the Secretary's
17 action under paragraph (2) of this subsection may seek judicial review under
18 chapter 7 of title 5. Notwithstanding withdrawal of a plan approval, the State may
19 retain jurisdiction in administrative or judicial proceedings begun before the
20 withdrawal if the issues involved are not related directly to the reasons for the
21 withdrawal.

22 "(j) ALLOCATION OF MCSAP FUNDS.--On October 1 of each fiscal year, or as
23 soon as practicable after that date, and after making a deduction under section
24 31104(a)(3) of this title, the Secretary shall allocate amounts made available to carry out
25 this section for the fiscal year among the States with plans approved under this section.
26 The allocation shall be made under criteria prescribed by the Secretary.

27 **"Sec. 31103. High Priority Program**

28 "(a) IN GENERAL.--The Secretary shall administer a High Priority Program
29 funded under section 31104 of this title.

30 "(b) PURPOSE.--The purpose of the program is to make grants to and cooperative
31 agreements with States, local governments, other political jurisdictions, Federally

1 recognized Indian Tribes, and any person to carry out high priority activities and projects,
2 including activities and projects that--

3 "(1) increase public awareness and education on commercial motor
4 vehicle safety;

5 "(2) target unsafe driving of commercial motor vehicles and non-
6 commercial motor vehicles in areas identified as high risk crash corridors;

7 "(3) support the enforcement of household goods regulations on intrastate
8 and interstate carriers, provided that the State has adopted laws or regulations
9 compatible with the Federal household good regulations;

10 "(4) improve the safe and secure movement of hazardous materials and the
11 transportation of goods and persons in foreign commerce;

12 "(5) demonstrate new technologies to improve commercial motor vehicle
13 safety;

14 "(6) otherwise improve commercial motor vehicle safety and compliance
15 with commercial motor vehicle safety regulations; or

16 "(7) support participation in the Performance and Registration Information
17 System Management under section 31106(b) of this title.

18 "(c) SAFETY DATA IMPROVEMENT.--

19 "(1) IN GENERAL.--In addition to the activities and projects under
20 subsection (b) of this section and subject to paragraph (2) of this subsection, the
21 Secretary may make a grant to or cooperative agreement with a State under this
22 section to improve the accuracy, timeliness, and completeness of commercial
23 motor vehicle safety data reported to the Secretary.

24 "(2) ELIGIBILITY.--A State shall be eligible for funding under this
25 subsection in a fiscal year if the Secretary determines that the State has--

26 "(A) conducted a comprehensive audit of its commercial motor
27 vehicle safety data system within the preceding 2 years;

28 "(B) developed a plan that identifies and prioritizes its commercial
29 motor vehicle safety data needs and goals; and

30 "(C) identified performance-based measures to determine progress
31 toward those goals.

1 **"Sec. 31104. Availability of Amounts**

2 "(a) FINANCIAL ASSISTANCE PROGRAMS.--

3 "(1) IN GENERAL.--The following sums are authorized to be
4 appropriated from the Highway Account of the Transportation Trust Fund for the
5 following Federal Motor Carrier Safety Administration programs:

6 "(A) GRANT PROGRAM FOR THE MOTOR CARRIER
7 SAFETY ASSISTANCE PROGRAM.--Subject to paragraph 3 of this
8 subsection, to carry out sections 31102 and 31103 of this title--

9 "(i) \$288,173,000 for fiscal year 2015;

10 "(ii) \$309,081,000 for fiscal year 2016;

11 "(iii) \$330,638,000 for fiscal year 2017; and

12 "(iv) \$352,863,000 for fiscal year 2018.

13 "(B) FINANCIAL ASSISTANCE PROGRAM FOR HIGH
14 PRIORITY ACTIVITIES.--To make grants and cooperative agreements
15 under section 31103 of this title, the Secretary may set aside from amounts
16 made available under subparagraph (A) of this paragraph up to--

17 "(i) \$21,178,000 for fiscal year 2015;

18 "(ii) \$23,526,000 for fiscal year 2016;

19 "(iii) \$25,947,000 for fiscal year 2017; and

20 "(iv) \$28,443,000 for fiscal year 2018.

21 "(C) GRANT PROGRAM FOR INNOVATIVE TECHNOLOGY.-
22 -To carry out section 31109 of this title--

23 "(i) \$25,000,000 for fiscal year 2015;

24 "(ii) \$25,000,000 for fiscal year 2016;

25 "(iii) \$25,000,000 for fiscal year 2017; and

26 "(iv) \$25,000,000 for fiscal year 2018.

27 "(D) FINANCIAL ASSISTANCE PROGRAM FOR
28 COMMERCIAL DRIVER'S LICENSE PROGRAM
29 IMPLEMENTATION.--To carry out section 31313 of this title--

30 "(i) \$38,580,000 for fiscal year 2015;

31 "(ii) \$39,776,000 for fiscal year 2016;

1 (iii) \$41,009,000 for fiscal year 2017; and

2 (iv) \$42,280,000 for fiscal year 2018.

3 (E) GRANT PROGRAM FOR COMMERCIAL MOTOR
4 VEHICLE OPERATORS. --To carry out section 31110 of this title,
5 \$1,000,000 for each fiscal year, 2015 through 2018.

6 (2) REIMBURSEMENT FOR GOVERNMENT'S SHARE OF COSTS.--
7 Amounts made available under this section shall be used to reimburse financial
8 assistance recipients proportionally for the United States Government's share of
9 the costs incurred.

10 (3) DEDUCTION FOR PARTNER TRAINING AND PROGRAM
11 SUPPORT.--On October 1 of each fiscal year or as soon after that date as
12 practicable, the Secretary may deduct, from amounts made available under
13 subparagraphs (A), (C), and (D) of paragraph 1 of this subsection for that fiscal
14 year, not more than 1.50 percent of those amounts for partner training and
15 program support in that fiscal year. The Secretary shall use at least 75 percent of
16 those deducted amounts to train non-Government employees and to develop
17 related training materials in carrying out these programs.

18 (4) GRANTS AND COOPERATIVE AGREEMENTS AS
19 CONTRACTUAL OBLIGATIONS.--The approval of a grant or cooperative
20 agreement by the Secretary under section 31102, 31103, 31109, 31110, or 31313
21 of this title is a contractual obligation of the Government for payment of the
22 Government's share of costs in carrying out the provisions of the grant or
23 cooperative agreement.

24 (5) ELIGIBLE ACTIVITIES.--The Secretary shall establish criteria for
25 eligible activities to be funded with grants or cooperative agreements under this
26 section and publish those criteria in a notice of funding availability before the
27 program application period.

28 (6) REIMBURSEMENT. --The Secretary shall reimburse a recipient,
29 from a grant or cooperative agreement made under section 31102, 31103, 31109,
30 31110, or 31313 of this title, an amount that is at least 85 percent of the costs

1 incurred by the recipient in a fiscal year in developing and implementing
2 programs under these sections.

3 "(7) PAYMENT TO RECIPIENTS FOR COSTS.--Each recipient shall
4 submit vouchers at least quarterly for costs the recipient incurs in developing and
5 implementing programs under section 31102, 31103, 31109, 31110, or 31313 of
6 this title. The Secretary shall pay the recipient an amount not more than the
7 Government share of the costs incurred as of the date of the vouchers. The
8 Secretary shall include a recipient's in-kind contributions in determining the
9 reimbursement.

10 "(8) AVAILABILITY OF ALLOCATIONS.--Grants or cooperative
11 agreements to carry out section 31102, 31103, 31109, 31110, or 31313 of this title
12 remain available for expenditure by the recipient for the fiscal year in which they
13 are allocated and for the next two fiscal years. Amounts not expended during the
14 time permitted are released to the Secretary for reallocation.

15 "(b) ADMINISTRATIVE EXPENSES.--

16 "(1) AUTHORIZATION OF APPROPRIATIONS.--The following sums
17 are authorized to be appropriated from the Highway Account of the
18 Transportation Trust Fund for the Secretary of Transportation to pay
19 administrative expenses of the Federal Motor Carrier Safety Administration--

20 "(A) \$315,770,000 for fiscal year 2015;

21 "(B) \$372,743,000 for fiscal year 2016;

22 "(C) \$398,953,000 for fiscal year 2017; and

23 "(D) \$378,106,000 for fiscal year 2018.

24 (2) USE OF FUNDS.--The funds authorized by this subsection shall be
25 used for personnel costs; administrative infrastructure; rent; information
26 technology; programs for research and technology, information management,
27 regulatory development, the administration of the performance and registration
28 information system management, and outreach and education; to fund the
29 facilities working capital fund; other operating expenses; and such other expenses
30 as may from time to time become necessary to implement statutory mandates of
31 the Federal Motor Carrier Safety Administration not funded from other sources.

1 "(3) OUTREACH AND EDUCATION.--

2 "(A) IN GENERAL.--The Secretary shall conduct, through any
3 combination of grants, contracts, or cooperative agreements, an outreach and
4 education program to be administered by the Federal Motor Carrier Safety
5 Administration.

6 "(B) PROGRAM ELEMENTS.--The program shall include, at a
7 minimum--

8 "(i) a program to promote a more comprehensive and
9 national effort to educate commercial motor vehicle drivers and
10 passenger vehicle drivers about how commercial motor vehicle drivers
11 and passenger vehicle drivers can more safely share the road with each
12 other;

13 "(ii) a program to promote enhanced traffic enforcement
14 efforts aimed at reducing the incidence of the most common unsafe
15 driving behaviors that cause or contribute to crashes involving
16 commercial motor vehicles and passenger vehicles; and

17 "(iii) a program to establish a public-private partnership to
18 provide resources and expertise for the development and
19 dissemination of information relating to sharing the road referred to in
20 clauses (i) and (ii) of this subparagraph to each partner's constituents
21 and to the general public through the use of brochures, videos, paid
22 and public advertisements, the Internet, and other media.

23 "(C) FUNDING.--From amounts made available in paragraph (1) of
24 this subsection, the Secretary shall make available in support of the office of
25 Outreach and Education--

26 "(i) \$4,905,988 for fiscal year 2015;

27 "(ii) \$5,031,988 for fiscal year 2016;

28 "(iii) \$5,294,988 for fiscal year 2017; and

29 "(iv) \$5,294,988 for fiscal year 2018.

1 "(D) FEDERAL SHARE.--The Federal share of a program or activity
2 for which a grant or cooperative agreement is made under this paragraph shall
3 be at least 85% percent of the cost of such program or activity.

4 "(4) MOTOR CARRIER SAFETY FACILITY WORKING CAPITAL
5 FUND.--

6 "(A) IN GENERAL.--The Secretary may establish a motor carrier
7 safety facility working capital fund.

8 "(B) PURPOSE.--Amounts in the fund shall be available for
9 modernization, construction, leases and expenses related to vacating,
10 occupying, maintaining and expanding motor carrier safety facilities.

11 "(C) AVAILABILITY.--Amounts in the fund shall be available
12 without regard to fiscal year limitation.

13 "(D) FUNDING.--Amounts may be appropriated to the fund from
14 the amounts made available paragraph (1) of this subsection.

15 "(E) FUND TRANSFERS.--The Agency may transfer funds to the
16 working capital fund from the amounts made available in paragraph (1) of
17 this subsection.

18 "(c) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.--

19 Amounts authorized from the Highway Account of the Transportation Trust Fund by this
20 section shall be available for obligation on the date of their apportionment or allocation or
21 on October 1 of the fiscal year for which they are authorized, whichever occurs first.

22 "(d) FUNDING AVAILABILITY.--Amounts made available under this section
23 remain available until expended."

24 (c) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANTS.--Section 31109
25 is amended to read as follows:

26 "**Sec. 31109. Innovative Technology Deployment Grants**

27 "(a) IN GENERAL.--

28 "(1) PROGRAM.--The Secretary shall administer an innovative
29 technology program funded under section 31104 of this title.

30 "(2) GOAL.--The goal of the program is to support and maintain a
31 commercial motor vehicle information systems and networks program to--

1 "(A) link Federal motor carrier safety information systems with
2 State commercial motor vehicle systems;

3 "(B) improve the safety and productivity of commercial motor
4 vehicles and drivers; and

5 "(C) reduce costs associated with commercial motor vehicle
6 operations and Federal and State commercial vehicle regulatory
7 requirements.

8 "(b) PURPOSE.--The program shall advance the technological capability and
9 promote the deployment of intelligent transportation system applications for commercial
10 motor vehicle operations, including commercial motor vehicle, commercial driver, and
11 carrier-specific information systems and networks.

12 "(c) DEPLOYMENT GRANTS.--

13 "(1) IN GENERAL.--The Secretary shall make grants to eligible States
14 for the deployment of commercial motor vehicle information systems and
15 networks.

16 "(2) USE OF FUNDS.--Funds from a grant under this section may be
17 used for deployment activities and activities to develop new and innovative
18 advanced technology solutions that support commercial motor vehicle
19 information systems and networks.

20 "(d) ELIGIBILITY.--To be eligible for a grant under this section, a State--

21 "(1) shall have a commercial motor vehicle information systems and
22 networks program plan approved by the Secretary that describes the various
23 systems and networks at the State level that need to be refined, revised, upgraded,
24 or built to accomplish deployment of commercial motor vehicle information
25 systems and networks capabilities;

26 "(2) shall certify to the Secretary that its commercial motor vehicle
27 information systems and networks deployment activities, including hardware
28 procurement, software and system development, and infrastructure modifications-

29 -

1 "(A) are consistent with the national intelligent transportation
2 systems and commercial motor vehicle information systems and networks
3 architectures and available standards; and

4 "(B) promote interoperability and efficiency to the extent
5 practicable; and

6 "(3) shall agree to execute interoperability tests developed by the Federal
7 Motor Carrier Safety Administration to verify that its systems conform with the
8 national intelligent transportation systems architecture, applicable standards, and
9 protocols for commercial motor vehicle information systems and networks.

10 "(e) DEFINITIONS.--In this section:

11 "(1) 'Commercial motor vehicle information systems and networks' means
12 the information systems and communications networks that provide the capability
13 to--

14 "(A) improve the safety of commercial motor vehicle operations;

15 "(B) increase the efficiency of regulatory inspection processes to
16 reduce administrative burdens by advancing technology to facilitate
17 inspections and increase the effectiveness of enforcement efforts;

18 "(C) advance electronic processing of registration information,
19 driver licensing information, fuel tax information, inspection and crash
20 data, and other safety information;

21 "(D) enhance the safe passage of commercial motor vehicles across
22 the United States and across international borders; and

23 "(E) promote the communication of information among the States
24 and encourage multistate cooperation and corridor development.

25 "(2) 'Commercial motor vehicle operations'--

26 "(A) means motor carrier operations and commercial motor vehicle
27 regulatory activities associated with the commercial motor vehicle
28 movement of goods, including property, hazardous materials, and
29 passengers; and

30 "(B) with respect to the public sector, includes the issuance of
31 operating credentials, the administration of commercial motor vehicle

1 and fuel taxes, and roadside safety and border crossing inspection and
2 regulatory compliance operations.

3 "(3) 'Deployment' means, at a minimum, the implementation of systems
4 in a State necessary to provide the State with the following capabilities:

5 "(A) A safety information exchange to--

6 "(i) electronically collect and transmit commercial motor
7 vehicle and driver inspection data at a majority of inspection sites
8 in the State;

9 "(ii) connect to the safety and fitness electronic records
10 system for access to interstate carrier and commercial motor
11 vehicle data, summaries of past safety performance, and
12 commercial motor vehicle credentials information; and

13 "(iii) exchange carrier data and commercial motor vehicle
14 safety and credentials information within the State and connect to
15 such system for access to interstate carrier, commercial motor
16 vehicle, and commercial driver data.

17 "(B) Interstate credentials administration to--

18 "(i) perform end-to-end processing, including carrier
19 application, jurisdiction application processing, and credential
20 issuance, of at least the international registration plan and
21 international fuel tax agreement credentials and extend this
22 processing to other credentials, including intrastate registration,
23 vehicle titling, oversize vehicle permits, overweight vehicle
24 permits, carrier registration, and hazardous materials permits; and

25 "(ii) connect to such plan and agreement clearinghouses.

26 "(C) Roadside electronic screening to electronically screen
27 commercial vehicles at a minimum of one fixed or mobile inspection site
28 in the State."

29 (d) DRIVER TRAINING GRANT PROGRAM.--Chapter 311 is amended by
30 inserting after section 31109 (as amended by subsection (c) of this section) the following:

31 "**Sec. 31110. Commercial Motor Vehicle Operators Grant Program**

1 "(a) IN GENERAL.--The Secretary shall administer a Commercial Motor
2 Vehicle Operators Grant Program funded under section 31104 of this title.

3 "(b) PURPOSE.--The purpose of the program is to train individuals in the safe
4 operation of commercial motor vehicles as defined under section 31301 of this title."

5 (e) Section 31313 is amended to read as follows:

6 **"Sec. 31313. Financial assistance program for commercial driver's license program**
7 **implementation**

8 "(a) IN GENERAL.--

9 "(1) PURPOSE.--The Secretary of Transportation may make a grant to a
10 State agency in a fiscal year--

11 "(A) to comply with the requirements of section 31311 of
12 this title;

13 "(B) in the case of a State that is making a good faith effort
14 toward substantial compliance with the requirements of section
15 31311 of this title, to improve its implementation of its commercial
16 driver's license program, including expenses:

17 "(i) for computer hardware and software;

18 "(ii) for publications, testing, personnel, training,
19 and quality control;

20 "(iii) for commercial driver's license program
21 coordinators;

22 "(iv) to implement or maintain a system to notify an
23 employer of an operator of a commercial motor vehicle of
24 the suspension or revocation of the operator's commercial
25 driver's license consistent with the standards developed
26 under section 32303(b) of the Commercial Motor Vehicle
27 Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

28 "(2) PRIORITY ACTIVITIES.--The Secretary may make a grant
29 or cooperative agreement in a fiscal year to a State agency, local
30 government, or any person for research, development or testing,
31 demonstration projects, public education, or other special activities and

1 projects relating to commercial driver's licensing and motor vehicle safety
2 that--

3 "(A) are of benefit to all jurisdictions of the United States;

4 "(B) are designed to address national safety concerns and
5 circumstances;

6 "(C) are designed to address emerging issues relating to
7 commercial driver's license improvements; or

8 "(D) support innovative ideas and solutions to commercial driver's
9 license program issues.

10 "(b) PROHIBITIONS.--A recipient may not use financial assistance funds
11 awarded under this section to rent, lease, or buy land or buildings.

12 "(c) APPORTIONMENT.--All amounts made available to carry out this section
13 for a fiscal year shall be apportioned according to criteria prescribed by the Secretary of
14 Transportation."

15
16 (f) MISCELLANEOUS REPEALS.--

17 (1) Subsection (b) of section 31106 is amended by striking paragraph (4).

18 (2) Section 31107 is repealed.

19 (3) Subsection (g) of section 31144 is amended by striking paragraph (4),
20 as redesignated by section 5105 of this Act.

21 (g) TECHNICAL AND CONFORMING AMENDMENT.--

22 (1) The analysis for chapter 311 is amended by--

23 (A) striking the item relating to section 31102 and inserting
24 "31102. Motor Carrier Safety Assistance Program.";

25 (B) striking the item relating to section 31103 and inserting
26 "31103. High Priority Grant Program.";

27 (C) striking the item relating to section 31107;

28 (D) striking the item relating to section 31109 and inserting
29 "Innovative Technology Deployment Grants."; and

30 (E) by adding at the end of Subchapter I the following:
31 "31110. Commercial Motor Vehicle Operators Grant Program."

1 (2) The subsection heading for section 31106(b) is amended by striking
2 "program" and inserting "system management".

3 (3) Section 31161 is amended by striking "31104(i) and inserting
4 "31104(b)".

5 (4) The analysis for chapter 313 is amended by striking the item relating to
6 section 31313 and inserting "31313. Financial assistance program for commercial
7 driver's license program implementation."

8 **Subtitle E--Miscellaneous**

9 **SEC. 5501. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

10 (a) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.--Subchapter III of
11 Chapter 311 is amended by inserting after section 31152 (as added by section 5204) the
12 following:

13 **"Sec. 31153. Motor Carrier Safety Advisory Committee**

14 "(a) ESTABLISHMENT AND DUTIES.--The Secretary shall maintain for the
15 Federal Motor Carrier Safety Administration a motor carrier safety advisory committee.
16 The committee shall--

17 "(1) provide advice and recommendations to the Administrator of the
18 Federal Motor Carrier Safety Administration about needs, objectives, plans,
19 approaches, content, and accomplishments of the motor carrier safety programs
20 carried out by the Administration; and

21 "(2) provide advice and recommendations to the Administrator on motor
22 carrier safety regulations.

23 "(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.--

24 "(1) IN GENERAL.--The committee shall be composed of not more than
25 20 members appointed by the Administrator from among individuals who are not
26 employees of the Administration and who are specially qualified to serve on the
27 committee because of their education, training, or experience. The members shall
28 consist of representatives of the motor carrier industry, nonprofit employee labor
29 organizations representing commercial vehicle drivers, safety advocates, and
30 safety enforcement officials. Representatives of a single enumerated interest
31 group may not constitute a majority of the members of the advisory committee. A

1 person appointed under this section shall not be considered an employee of the
2 Federal Government by reason of the appointment.

3 "(2) CHAIRMAN.--The Administrator shall designate the chairman of the
4 committee.

5 "(3) PAY.--A member of the committee shall serve without pay; except
6 that the Administrator may allow a member, when attending meetings of the
7 committee or a subcommittee of the committee, expenses authorized under
8 section 5703 of title 5, relating to per diem, travel, and transportation expenses.

9 "(c) SUPPORT STAFF, INFORMATION, AND SERVICES.--The Administrator
10 shall provide staff for the committee. On request of the committee, and subject to the
11 availability of funding, the Administrator shall provide information, administrative
12 services, and supplies that the Administrator considers necessary for the committee to
13 carry out its duties and powers."

14 (b) CONFORMING AMENDMENTS.--

15 (1) The analysis for Chapter 311 is amended by inserting after the item
16 relating to 31152 (as added by section 5204 of this Act) the following:

17 "31153. Motor Carrier Safety Advisory Committee."

18 (2) Section 4144 of the Safe, Accountable, Flexible, Efficient
19 Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note) is
20 repealed.

21 **SEC. 5502. UNIFIED CARRIER REGISTRATION PLAN.**

22 Section 14504a is amended--

23 (1) in subsection (a)(5)(A)(ii)(II), by striking "subsection (d)(4)(C)" and
24 inserting "subsection (d)(5)(C)";

25 (2) in subsection (d)(1)(B), by striking "appointed by the Secretary as
26 follows" and inserting ". In making appointments of directors, the Secretary
27 should seek to achieve the following distribution";

28 (3) in subsection (d)(1)(B)(iii), by striking "Five" and inserting "Six" and
29 inserting the following before the last sentence: "At least one of the appointees
30 under this clause shall be a representative of the passenger motorcoach industry.";

31 (4) in subsection (d)(1)(B), by striking clause (iv);

1 (5) in subsection (d)(1)(C), by striking "Secretary" and inserting "board of
2 directors";

3 (6) in subsection (d)(1)(D)--

4 (A) by striking clause (i) and redesignating clauses (ii) through (iv)
5 as clauses (i) through (iii), respectively; and

6 (B) by amending clause (i), (as so redesignated) to read as follows:

7 "(i) TERMS.--All directors shall be appointed for terms of
8 3 years.";

9 (7) in subsection (d)(2)(C), by striking "and";

10 (8) in subsection (d)(2)(D), by striking the period and inserting "; and" at
11 the end;

12 (9) in subsection (d)(2), by inserting after subparagraph (D) the following:

13 "(E) require the board to conduct an audit of the UCR plan's use of
14 administrative fees no less frequently than once every two years.";

15 (10) in subsection (d)(3)(A)--

16 (A) by striking "Except for the representative of the Department
17 appointed under paragraph (1)(B)(iv), no"; and

18 (B) by inserting "No" before "director shall receive";

19 (11) in subsection (d)(4)(A), by striking "of the board," and inserting "of
20 the board or" and striking ", or the Secretary";

21 (12) in subsection (d)(6), by inserting "or the United States Government"
22 after "agency of a State";

23 (13) by redesignating section 14504a(d)(7)(A) as section 14504a(d)(7) and
24 amending paragraph (7) (as so redesignated) to read as follows:

25 "(7) SETTING FEES.--The board shall set the initial annual fees to be
26 assessed carriers, leasing companies, brokers, and freight forwarders under the
27 unified carrier registration agreement. In setting the level of fees to be assessed in
28 any agreement year, and in setting the fee level, the board shall consider--

29 "(A) the administrative costs associated with the unified carrier
30 registration plan and the agreement;

1 "(B) whether the revenues generated in the previous year and any
2 surplus or shortage from that year or prior years enable the participating
3 States to achieve the revenue levels set by the board; and
4 "(C) the provisions governing fees under subsection (f)(1).";
5 (14) by striking subsection (d)(7)(B);
6 (15) by amending subsection (d)(9) to read as follows:
7 "(9) INAPPLICABILITY.--Neither the Federal Advisory Committee Act (5
8 U.S.C. App.) nor the Administrative Procedure Act (5 U.S.C. 551 et seq.) shall
9 apply to the unified carrier registration plan, the board, or its committees.";
10 (16) by redesignating subsections (d)(1) through (10) as (d)(2) through
11 (11), respectively;
12 (17) by inserting a new subsection (d)(1) before subsection (d)(2) (as
13 redesignated in paragraph) to read as follows:
14 "(1) STATUS.--The unified carrier registration plan--
15 "(A) is an interstate agreement established under this section;
16 "(B) shall be operated as a not-for-profit corporation; and
17 "(C) is not a department, agency or instrumentality of the United
18 States Government.";
19 (18) in subsection (e), by striking subparagraph (5);
20 (19) in subsection (e)(2), by striking "the Secretary and";
21 (20) in subsection (e)(3)--
22 (A) by striking "Secretary" the first place it appears;
23 (B) by inserting "chairperson of the board of directors"; and
24 (C) by striking the last sentence;
25 (21) in subsection (e)(4), by striking "Secretary" and inserting
26 "chairperson of the board of directors";
27 (22) in subsection (f)(1)(E), by striking "ask the Secretary to";
28 (23) by striking subsection (f)(1)(B) and redesignating subsections
29 (f)(1)(C) through (f)(1)(E) as subsections (f)(1)(B) through (f)(1)(D),
30 respectively;
31 (24) in subsection (h)(2)--

1 (A) by striking "participating"; and

2 (B) by striking "subsection (d)(2)(D)" and inserting "subsection
3 (d)(3)(D)", as redesignated;

4 (25) by amending subsection (h)(3)(B) to read as follows:

5 "(B) To pay the administrative costs of the UCR plan and the UCR
6 agreement. Payments for administrative costs may be made prior to
7 making distributions under subparagraph (A).";

8 (26) in subsection (h)(4), by striking "Secretary" and inserting "board";

9 and

10 (27) by amending subsection (i) to read as follows:

11 "(i) ENFORCEMENT.--Nothing in this section--

12 "(1) prohibits a participating State from issuing citations and imposing
13 reasonable fines and penalties pursuant to the applicable laws and regulations of
14 the State on any motor carrier, motor private carrier, freight forwarder, broker, or
15 leasing company for failure to--

16 "(A) submit information documents as required under subsection
17 (d)(3); or

18 "(B) pay the fees required under subsection (f); or

19 "(2) authorizes a State to require a motor carrier, motor private carrier, or
20 freight forwarder to display as evidence of compliance any form of identification
21 in excess of those permitted under section 14506 of this title on or in a
22 commercial motor vehicle.".

23 **SEC. 5503. SELF-INSURANCE FOR MOTOR CARRIERS REPEALED.**

24 Section 13906(d) is amended by striking the second, third and last sentences.

25 **SEC. 5504. ELECTRONIC LOGGING DEVICE RECALL AUTHORITY.**

26 Section 31137 is amended--

27 (1) by redesignating subsections (f) and (g) as subsections (h) and (i),
28 respectively; and

29 (2) by inserting before subsection (h), as redesignated, the following:

30 "(f) NOTICE AND RECORD REQUIREMENTS.--The Secretary may require an
31 electronic logging device provider to--

1 "(1) provide the purchaser or lessee of an electronic logging device, in a
2 manner the Secretary considers appropriate, any information or notice that the
3 Secretary considers necessary; and

4 "(2) maintain records of electronic logging device purchasers and lessees
5 in order to provide any information or notice required under paragraph (1) of this
6 subsection.

7 "(g) NONCOMPLIANT DEVICES.--

8 "(1) The Secretary shall notify an electronic logging device provider after
9 making a preliminary decision that an electronic logging device does not comply
10 with the standards established through the regulations prescribed under subsection
11 (a) in effect at the time of certification.

12 "(2) The Secretary shall publish notice of each preliminary decision in the
13 Federal Register.

14 "(3) The Secretary may make a final decision that an electronic logging
15 device does not comply with the standards only after--

16 "(A) giving the electronic logging device provider an opportunity
17 to--

18 "(i) correct the deficiency in order that the electronic
19 logging device complies with the standards; or

20 "(ii) present information to show that the electronic logging
21 device complies with the standards; and

22 "(B) giving any other interested person an opportunity to present
23 information as to the electronic logging device's noncompliance.

24 "(4) If the Secretary makes a final decision that an electronic logging
25 device does not comply with the standards in effect at the time of certification, the
26 Secretary shall order the electronic logging device provider to give notice under
27 subsection (f) of this section to each purchaser or lessee of the electronic logging
28 device that the electronic logging device provider has been required to--

29 "(A) recall the electronic logging device; and

30 "(B) remedy the defect so that the purchaser or lessee of the
31 electronic logging device obtains a compliant electronic logging device

1 within a reasonable time and in accordance with the terms prescribed by
2 the Secretary."

3 **SEC. 5505. REPEAL OF MOTOR CARRIER FINANCIAL REPORTING**
4 **REQUIREMENT.**

5 Section 14123 and the item relating to that section in the analysis for chapter 141
6 are repealed.

7 **SEC. 5506. CONTRACTORS EXERCISING OPERATIONAL CONTROL**
8 **OVER MOTOR CARRIER OPERATIONS.**

9 (a) CONTRACTORS EXERCISING OPERATIONAL CONTROL OVER
10 MOTOR CARRIER OPERATIONS.--Chapter 311 is amended by inserting after section
11 31139 the following:

12 **"Sec. 31139a Contractors exercising operational control over motor carrier**
13 **operations**

14 "(a) IN GENERAL.--The Secretary of Transportation may issue regulations
15 governing contractors that exercise control over motor carrier operations.

16 "(b) CONTENTS.--The regulations issued under this section shall include, at a
17 minimum--

18 "(1) a requirement that contractors register with the Secretary under this
19 chapter;

20 "(2) a requirement that contractors create and maintain records applicable
21 to regulatory provisions over which they exercise control or which they conduct
22 directly;

23 "(3) a program for the evaluation and audit of compliance by contractors
24 with applicable Federal motor carrier safety regulations;

25 "(4) a civil penalty structure consistent with section 521(b) of this title, for
26 contractors that fail to comply with applicable Federal motor carrier safety
27 regulations;

28 "(5) a prohibition on contractors from placing commercial motor vehicles
29 or drivers in service on the public highways to the extent that such drivers or their
30 equipment are found to pose an imminent hazard;

1 "(6) a process by which motor carriers and agents of motor carriers shall
2 be able to request the Federal Motor Carrier Safety Administration to undertake
3 an investigation of a contractor identified that is alleged to be not in compliance
4 with the regulations under this section; and

5 "(7) a procedure under which motor carriers, drivers, and contractors may
6 seek correction of their safety records through the deletion from those records of
7 violations of safety regulations attributable to deficiencies in operation or driver
8 performance for which they should not have been held responsible.

9 "(c) INSPECTIONS.--The Secretary or an employee of the Department of
10 Transportation designated by the Secretary or a contractor or an employee of the recipient
11 of a grant issued under section 31102 of this title may inspect records for operations
12 controlled by or drivers provided by the contractor, upon demand and display of proper
13 credentials in person or in writing.

14 "(d) OUT-OF-SERVICE.--Any contractor that is determined under this section to
15 fail to comply with applicable Federal safety regulations may be placed out of service by
16 the Secretary or a Federal, State, or government official designated by the Secretary and
17 may not exercise operational control over a motor carrier's drivers and commercial motor
18 vehicles and may not provide drivers or commercial motor vehicles to a motor carrier
19 until the contractor takes actions necessary to come into compliance.

20 "(e) DEFINITION OF CONTRACTOR.--For purposes of this section, exclusive
21 of the first use of term in subsection (c), the term "contractor" means a person, other than
22 a motor carrier, that does one or more of the following:

23 "(1) Enters into a contract with a motor carrier under which the motor
24 carrier provides commercial motor vehicles and drivers dedicated to transporting
25 property or passengers for the person over multiple trips where the person
26 exercises direct operational control, such as setting schedules, routes, pick-up and
27 delivery points, and dispatching drivers and commercial motor vehicles.

28 "(2) Enters into a contract with a motor carrier to provide drivers to the
29 carrier and represents that it is responsible for ensuring that the drivers meet the
30 qualifications required by this part and regulations promulgated under this part.

1 "(3) Enters into a contract with a motor carrier to provide commercial
2 motor vehicles to the motor carrier (other than for purchase or lease to purchase)
3 and represents that it is responsible under the contract for ensuring that the
4 vehicles meet the requirements of this part and regulations promulgated under it."

5 (b) CONFORMING AMENDMENT.--The analysis for Chapter 311 is amended
6 by inserting after the item relating to section 31139 the following:

7 "31139a. Contractors exercising operational control over motor carrier operations."

8 **SEC. 5507. DRIVER COMPENSATION.**

9 (a) IN GENERAL.--Chapter 311 is amended by inserting after section 31139a (as
10 added by section 5506 of this Act) the following:

11 **"Sec. 31140. Driver compensation**

12 "(a) ON-DUTY, NOT-DRIVING TIME.-- The Secretary of Transportation may
13 by regulation require that a motor carrier employer--

14 "(1) track the on-duty (not driving) time of an employee whose base
15 compensation is calculated in a manner other than an hourly wage and who is
16 required to keep a record of duty status under the hours of service regulations
17 prescribed by the Secretary; and

18 "(2) separately compensate the employee for any on-duty, not-driving
19 period at an hourly rate not less than the Federal minimum wage rate under section 6
20 of the Fair Labor Standards Act (29 U.S.C. 206).

21 (b) SCOPE.--This section does not apply to an employee whose employment is
22 governed by a collective bargaining agreement, negotiated by employee representatives
23 certified as bona fide by the National Labor Relations Board, if the agreement governs
24 compensation of the employee for on-duty, not driving time.

25 (c) OTHER LAW.--Nothing in this section or regulations adopted under this
26 section shall alter an employer's obligations under the Fair Labor Standards Act of 1938
27 (29 U.S.C. 201 et seq.). Compensation of employees under this section and regulations
28 adopted under this section shall be in addition to other compensation calculated for
29 purposes of determining compliance with the Fair Labor Standards Act."

1 (b) CONFORMING AMENDMENT.--The analysis of chapter 311 is amended by
2 inserting after the item relating to section 31139a (as added by section 5506 of this Act)
3 the following:

4 "31140. Driver compensation."

5 **SEC. 5508. CIVIL ENFORCEMENT AUTHORITY.**

6 Section 507 is amended--

7 (1) in subsection (b)--

8 (A) by inserting ", subchapter III of chapter 311, chapter 313, or
9 chapter 315" after the first "this chapter";

10 (B) by striking the second "this chapter" and inserting "these
11 provisions"; and

12 (C) by striking "violating this chapter or a regulation or order of
13 the Secretary" and inserting "for a violation"; and

14 (2) in subsection (c)--

15 (A) by striking ", at the request of the Secretary, may" and
16 inserting "may, and at the request of the Secretary, shall; and

17 (B) by striking "(except sections 31138 and 31139) or section
18 31502" and inserting ", chapter 313, and chapter 315".

19 **SEC. 5509. CRIMINAL PENALTIES.**

20 Section 521(b)(6)(A) is amended by--

21 (1) striking "and willfully";

22 (2) striking the second "or";

23 (3) inserting "or order" after "regulation";

24 (4) inserting ", or an imminent hazard out-of-service order issued under
25 this section" after "those provisions";

26 (5) striking "to a fine not to exceed \$25,000" and inserting "to a fine as set
27 forth in section 3571 of title 18";

28 (6) striking ", except that, if" and inserting ". If"; and

29 (7) striking "to a fine not to exceed \$2,500" and inserting "to a fine as set
30 forth in section 3571 of title 18 or imprisonment for a term not to exceed one
31 year, or both".

1 **SEC. 5510. PENALTIES FOR VIOLATIONS OF OUT-OF-SERVICE ORDERS.**

2 Section 521(b)(2)(F) is amended by inserting the end the following: "Each day of
3 operation after the effective date of the out-of-service order is a separate offense."

4 **SEC. 5511. TECHNICAL CORRECTIONS.**

5 (a) FLEETWIDE OUT OF SERVICE ORDER FOR OPERATING WITHOUT
6 REQUIRED REGISTRATION.--Section 13902(e)(1) is amended--

7 (1) by inserting "motor vehicle or" before "motor carrier providing"; and

8 (2) by inserting "motor vehicle or" before "motor carrier operations".

9 (b) SETTLEMENT OF GENERAL CIVIL PENALTIES.--Section 14901(h) is
10 amended by striking "HOUSEHOLD GOODS" in the subsection heading.

11 (c) HOURS OF SERVICE STUDY AND ELECTRONIC LOGGING
12 DEVICES.--Section 30165(a)(1) is amended by striking "30141 through 30147, or
13 31137" and inserting "or 30141 through 30147".

14 (d) MEDICAL STANDARDS AND REQUIREMENTS.--Section 31149(c)(1)(E)
15 is amended by striking "on a monthly basis".

16 (e) National Clearinghouse for Controlled Substance and Alcohol Test Results.--

17 (1) Section 521 is amended--

18 (A) by inserting ", section 31306(b)," before "or section 31502" in
19 subparagraph (b)(2)(A);

20 (B) by amending the subparagraph headings for subparagraphs
21 (b)(2)(C) and (b)(6)(B), by inserting after "CDLS", each place it appears,
22 "AND ALCOHOL AND CONTROLLED SUBSTANCE TESTING"; and

23 (C) by inserting in subparagraph (b)(2)(C) and clause (b)(6)(B)(i),
24 after "31305(b)," each place it appears, "31306, 31306a,".

25 (2) Section 31306a(f) is amended by inserting "AND SERVICE AGENT"
26 before "REQUIREMENTS." in the subsection heading.

27 (f) EXEMPTIONS FROM REQUIREMENTS FOR COVERED FARM

28 VEHICLES.--Subsection 32934(c)(1)(B) of the Moving Ahead for Progress in the 21st
29 Century Act (P.L. 112-141) is amended by striking "26,001 pounds" in both places it
30 occurs and inserting "26,000 pounds".

1 (g) CORRECTING REFERENCE TO FMCSA IN STATUTE.--Section
2 30305(b)(1) is amended by striking "Federal Highway Administration" and inserting
3 "Federal Motor Carrier Safety Administration".

4 **SEC. 5512. AUDITS AND COMPLIANCE INVESTIGATIONS OF MEXICO-**
5 **DOMICILED MOTOR CARRIERS.**

6 Section 130 of division L of Public Law 113-76 is amended by inserting after
7 "110-28" the following: ", except to the extent that a term or condition in either section
8 350 or section 6901 requires that safety examinations of Mexico-domiciled motor carriers
9 be conducted on-site; nothing in section 350 or section 6901 shall be construed as
10 limiting the ability of the Federal Motor Carrier Safety Administration to conduct any
11 compliance review, new entrant safety audit, or other inspection or investigation of a
12 Mexico-domiciled motor carrier at any location prescribed by the Administrator of the
13 Federal Motor Carrier Safety Administration".

14 **SEC. 5513. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF**
15 **COMMERCIAL REGULATIONS AND STATUTES.**

16 Section 14702 is amended by adding at the end the following:

17 "(d) ADMINISTRATIVE ADJUDICATIONS.--In addition to civil actions under
18 subsection (a) of this section, the authority of the Secretary includes authority to maintain
19 by regulation procedures for the administrative adjudication of violations of this part."

20 **SEC. 5514. ACCESS TO NATIONAL DRIVER REGISTER.**

21 Section 30305(b) is amended by inserting at the end the following:

22 "(13) The Administrator of the Federal Motor Carrier Safety
23 Administration may request the chief driver licensing official of a State to provide
24 information under subsection (a) of this section about an individual in connection
25 with a safety investigation under the Administrator's jurisdiction."

26 **SEC. 5515. ELIMINATION OF CERTAIN FMCSA REPORTING**
27 **REQUIREMENTS.**

28 (a) MOTOR CARRIER EFFICIENCY STUDY ANNUAL REPORT.--Section
29 5503 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy
30 for Users (Public Law 109-59) is amended by--

31 (1) by striking subsection (d); and

1 (2) redesignating subsection (e) as subsection (d).

2 (b) SAFETY DATA IMPROVEMENT PROGRAM REPORT.--Section 4128 of
3 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
4 (Public Law 109-59) is amended by striking subsection (d).

5 **TITLE VI--HAZARDOUS MATERIAL TRANSPORTATION SAFETY**

6 **SEC. 6001. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in this Title an amendment or
8 repeal is expressed in terms of an amendment to, or a repeal of, a section or other
9 provision, the reference shall be considered to be made to a section or other provision of
10 title 49, United States Code.

11 **SEC. 6002. EMERGENCY OPERATIONAL CONTROLS.**

12 (a) IN GENERAL.--Chapter 51 is amended by inserting after section 5128 the
13 following:

14 **"Sec. 5129. Emergency operational controls**

15 "(a) ORDERING OPERATIONAL CONTROLS, RESTRICTIONS, AND
16 PROHIBITIONS.--

17 "(1) IN GENERAL.--If, upon inspection, investigation, testing, or
18 research carried out under this chapter, the Secretary determines that an unsafe
19 condition or practice, or a combination of unsafe conditions and practices, or an
20 activity existing within a regulated entity or industry, related to the transportation
21 of hazardous materials in commerce, causes an emergency situation involving a
22 hazard of death, personal injury, or significant harm to property or the
23 environment, the Secretary immediately may order such operational controls,
24 restrictions, and prohibitions, without prior notice or an opportunity for a hearing,
25 as may be necessary to abate the situation.

26 "(2) WRITTEN ORDERS.--The order shall be in writing, and describe--

27 "(A) the condition, practice, or activity that causes the emergency
28 situation;

29 "(B) the operational controls, restrictions, and prohibitions issued
30 or imposed; and

1 "(C) the standards and procedures for obtaining relief from the
2 order. This paragraph does not affect the Secretary's discretion under this
3 section to maintain the order in effect for as long as the emergency
4 situation exists.

5 "(3) EMERGENCY VARIANCE.--Notwithstanding section 5117(e) of
6 this title, such orders may provide for an emergency variance from this chapter or
7 a regulation prescribed thereunder.

8 "(b) REVIEW OF ORDERS.--After issuing an order under this section, the
9 Secretary shall provide an opportunity for review of the order under section 554 of title 5.
10 If a petition for review is filed and the review is not completed by the end of the 30-day
11 period beginning on the date the order was issued, the order stops being effective at the
12 end of that period unless the Secretary decides in writing that the emergency situation
13 still exists."

14 (b) CONFORMING AMENDMENT.--The analysis for chapter 51 is amended by
15 inserting after the item relating to section 5128 the following:

16 "5129. Emergency operational controls."

17 **SEC. 6003. ENHANCED REGISTRATION REQUIREMENTS.**

18 Section 5108 is amended by--

19 (1) inserting the following after subsection (a)(2)(B):

20 "(C) a person who performs, or is responsible for performing, a
21 function specified by regulation prescribed under this chapter that is
22 required to assure the safe transportation of hazardous material, in
23 commerce, and is subject to the training requirements of section 5107.";

24 (2) in subsection (a)(3), inserting after "material," the following:

25 "or perform or be responsible for performing a function specified by regulation
26 prescribed under this chapter that is required to assure the safe transportation of
27 hazardous material, in commerce, and is subject to the training requirements of
28 section 5107,";

29 (3) in subparagraph (g)(2)(A), by striking "and impose by regulation"; and

30 (4) in subparagraphs (g)(2)(B) and (g)(2)(C), replacing "(i)" with "(h)".

31 **SEC. 6004. USER FEES FOR SPECIAL PERMITS.**

1 Section 5117 is amended by inserting the following at the end:

2 "(g) FEES.--

3 "(1) AUTHORIZATION.--The Secretary is authorized to collect a reasonable fee,
4 to the extent and in such amounts as provided in advance in appropriations acts, for the
5 administration of the special permits and approvals programs. The fees shall be deposited
6 into a Hazardous Materials Approvals and Permits Fund, which shall remain available
7 until expended.

8 "(2) ESTABLISHMENT AND USE OF FEES.--There is established a Hazardous
9 Materials Approvals and Permits Fund in the Department of the Treasury of the United
10 States. Amounts collected from fees under paragraph (1) shall be available for
11 administration of the special permits and approvals programs.

12 "(3) FEES CREDITED AS OFFSETTING RECEIPTS.--Notwithstanding section
13 3302 of title 31, any fee authorized to be collected under this subsection shall be credited
14 as offsetting receipts, and remain available until expended.

15 "(4) REGULATIONS.--The Secretary, after providing notice and an opportunity
16 for public comment, shall issue regulations to implement this subsection."

17 **SEC. 6005. NATIONAL EMERGENCY AND DISASTER RESPONSE.**

18 (a) PURPOSE.--Section 5101 is amended by inserting "and to facilitate the safe
19 movement of hazardous materials during national emergencies" after "commerce".

20 (b) STANDARDS.--Section 5103 is amended by redesignating subsections (c)
21 and (d) as (d) and (e) and inserting new subsection (c) to read as follows:

22 "(c) FEDERALLY DECLARED DISASTER AND EMERGENCY AREAS.--
23 The Secretary, in consultation with the Secretary of Homeland Security, may prescribe
24 standards to facilitate the movement of hazardous materials into, from and within
25 federally declared disaster and emergency areas."

26 **SEC. 6006. ENHANCED REPORTING.**

27 Section 5121(h) is amended by--

28 (1) striking "transmit to the Committee on Transportation and
29 Infrastructure of the House of Representatives and the Committee on Commerce,
30 Science, and Transportation of the Senate"; and

31 (2) inserting "make public" after "and".

1 **SEC. 6007. IMPROVING PUBLICATION OF SPECIAL PERMITS.**

2 Section 5117 is amended--

3 (1) in subsection (b), by striking "publish in the Federal Register" and
4 inserting "make public through" after "shall"; and

5 (2) in subsection (c), by striking "publish" and "in the Federal Register"
6 and inserting "make public" after "shall".

7 **SEC. 6008. HAZARD ABATEMENT AUTHORITY.**

8 (a) IN GENERAL.--Chapter 51 is amended by inserting after section 5129 the
9 following:

10 **"Sec. 5130. Hazard abatement authority**

11 "(a) ORDERING REMOVAL, REMEDIATION, OR DISPOSAL.--If, upon
12 inspection, investigation, testing, or research, the Secretary determines that an unsafe
13 condition, practice, or activity, related to the transportation of hazardous materials in
14 commerce or other items subject to this chapter, causes unreasonable risk of death,
15 personal injury, or significant harm to the property or the environment, the Secretary may
16 order removal, remediation, or disposal of such hazardous materials or other items
17 subject to this chapter, as may be necessary to abate the unreasonable risk.

18 "(b) WRITTEN ORDERS.--The order shall be in writing, and describe:

19 "(1) the condition, practice, or activity that causes the unreasonable risk;

20 "(2) the actions that must be taken to abate the unreasonable risk; and

21 "(3) the standards and procedures for obtaining relief from the order.

22 "(c) DURATION OF ORDER.--Subsection (b) does not affect the Secretary's
23 discretion under this section to maintain the order in effect for as long as the emergency
24 situation exists.

25 "(d) FAILURE TO COMPLY.--If the Secretary determines that a person has
26 failed to comply with an order for removal, remediation, or disposal, the Secretary may
27 take such action to arrange for the removal, remediation, or disposal of such hazardous
28 materials as necessary to abate the unreasonable risk.

29 "(e) LIABILITY FOR NONCOMPLIANCE.--Upon a determination by the
30 Secretary that a person has failed to comply with an order for removal, remediation, or
31 disposal of a hazardous material, such person shall be liable for all costs incurred by the

1 United States Government in removing, remediating, or disposing of such hazardous
2 materials."

3 (b) CONFORMING AMENDMENT.--The analysis for chapter 51 is amended by
4 inserting after the item relating to section 5129 the following:

5 "5130. Hazard abatement authority."

6 **SEC. 6009. INSPECTION OF NON-DOMESTIC ENTITIES.**

7 Section 5121 is amended by inserting the following after subsection (c)(3):

8 "(4) INSPECTION OF NON-DOMESTIC ENTITIES.-- In instances
9 when a person seeks to manufacture, requalify, or inspect a DOT specification
10 packaging or special permit cylinders or certify compliance with title 49 of the
11 Code of Federal Regulations outside the United States, that person must seek an
12 approval from the Secretary to perform that function outside the United States.
13 Upon the request of the Secretary, the applicant must allow the Secretary or the
14 Secretary's designee to inspect the applicant's process and procedures. The
15 applicant must bear the cost of the initial and subsequent inspections."

16 **SEC. 6010. IMPROVING THE EFFECTIVENESS OF THE HMEP GRANT
17 PROGRAM.**

18 (a) PLANNING AND TRAINING GRANTS.--Section 5116 is amended to read
19 as follows:

20 **"Sec. 5116. Planning and training grants, monitoring, and review**

21 "(a) PLANNING AND TRAINING GRANTS.--(1) The Secretary shall make
22 grants to States and Indian tribes--

23 "(A) to develop, improve, and carry out emergency plans under the
24 Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C.
25 11001 et seq.), including ascertaining flow patterns of hazardous material on
26 lands under the jurisdiction of a State or Indian tribe, and between lands under the
27 jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

28 "(B) to decide on the need for a regional hazardous material emergency
29 response team; and

30 "(C) to train public sector employees to respond to accidents and incidents
31 involving hazardous material. To the extent that a grant is used to train emergency

1 responders, the State or Indian tribe shall provide written certification to the
2 Secretary that the emergency responders who receive training under the grant will
3 have the ability to protect nearby persons, property, and the environment from the
4 effects of accidents or incidents involving the transportation of hazardous material
5 in accordance with existing regulations or National Fire Protection Association
6 standards for competence of responders to accidents and incidents involving
7 hazardous materials.

8 "(2) The Secretary may make a grant to a State or Indian tribe under paragraph (1)
9 of this subsection only if--

10 "(A) the State or Indian tribe certifies that the total amount the State or
11 Indian tribe expends (except amounts of the United States Government) for the
12 purpose of the grant will at least equal the average level of expenditure for the last
13 5 years; and

14 "(B) any emergency response training provided under the grant shall
15 consist of:

16 "(i) a course developed or identified under section 5115 of this
17 title; or

18 "(ii) another course the Secretary decides is consistent with the
19 objectives of this section.

20 "(3) A State or Indian tribe receiving a grant under this subsection shall ensure
21 that planning and emergency response training under the grant is coordinated with
22 adjacent States and Indian tribes.

23 "(4) A training grant under this subsection may be used--

24 "(A) to pay--

25 "(i) the tuition costs of public sector employees being trained;

26 "(ii) travel expenses of those employees to and from the training
27 facility;

28 "(iii) room and board of those employees when at the training
29 facility; and

30 "(iv) travel expenses of individuals providing the training;

1 "(B) by the State, political subdivision, or Indian tribe to provide the
2 training; and

3 "(C) to make an agreement with a person (including an authority of a
4 State, a political subdivision of a State or Indian tribe, or a local jurisdiction),
5 subject to approval by the Secretary, to provide the training--

6 "(i) if the agreement allows the Secretary and the State or Indian
7 tribe to conduct random examinations, inspections, and audits of the
8 training without prior notice;

9 "(ii) the person agrees to have an auditable accounting system; and

10 "(iii) if the State or Indian tribe conducts at least one on-site
11 observation of the training each year.

12 "(5) The Secretary shall allocate amounts made available for grants under this
13 subsection among eligible States and Indian tribes based on the needs of the States and
14 Indian tribes for emergency response training. In making a decision about those needs,
15 the Secretary shall consider--

16 "(A) the number of hazardous material facilities in the State or on land
17 under the jurisdiction of the Indian tribe;

18 "(B) the types and amounts of hazardous material transported in the State
19 or on such land;

20 "(C) whether the State or Indian tribe imposes and collects a fee on
21 transporting hazardous material;

22 "(D) whether such fee is used only to carry out a purpose related to
23 transporting hazardous material;

24 "(E) the past record of the State or Indian tribe in effectively managing
25 planning and training grants; and

26 "(F) other factors the Secretary decides are appropriate to carry out this
27 subsection.

28 "(b) COMPLIANCE WITH CERTAIN LAW.--The Secretary may make a grant
29 to a State under this section only if the State certifies that the State complies with sections
30 301 and 303 of the Emergency Planning and Community Right-To-Know Act of 1986
31 (42 U.S.C. 11001, 11003).

1 "(c) APPLICATIONS.--A State or Indian tribe interested in receiving a grant
2 under this section shall submit an application to the Secretary. The application must be
3 submitted at the time, and contain information, the Secretary requires by regulation to
4 carry out the objectives of this section.

5 "(d) GOVERNMENT'S SHARE OF COSTS.--A grant under this section is for 80
6 percent of the cost the State or Indian tribe incurs to carry out the activity for which the
7 grant is made. Amounts of the State or tribe under subsections (a)(2)(A) and (b)(2)(A) of
8 this section are not part of the non-Government share under this subsection.

9 "(e) MONITORING AND TECHNICAL ASSISTANCE.--In coordination with
10 the Secretaries of Transportation and Energy, Administrator of the Environmental
11 Protection Agency, and Director of the National Institute of Environmental Health
12 Sciences, the Administrator of the Federal Emergency Management Agency shall
13 monitor public sector emergency response planning and training for an accident or
14 incident involving hazardous material. Considering the results of the monitoring, the
15 Secretaries, Administrator, and Directors each shall provide technical assistance to a
16 State, political subdivision of a State, or Indian tribe for carrying out emergency response
17 training and planning for an accident or incident involving hazardous material and shall
18 coordinate the assistance using the existing coordinating mechanisms of the National
19 Response Team and, for radioactive material, the Federal Radiological Preparedness
20 Coordinating Committee.

21 "(f) DELEGATION OF AUTHORITY.--To minimize administrative costs and to
22 coordinate Federal financial assistance for emergency response training and planning, the
23 Secretary may delegate to the Administrator of the Federal Emergency Management
24 Agency and Director of the National Institute of Environmental Health Sciences,
25 Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental
26 Protection Agency, and Secretaries of Labor and Energy any of the following:

27 "(1) authority to receive applications for grants under this section.

28 "(2) authority to review applications for technical compliance with this section.

29 "(3) authority to review applications to recommend approval or disapproval.

30 "(4) any other ministerial duty associated with grants under this section.

1 "(g) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.--The
2 Secretaries of Transportation, Labor, and Energy, Administrator of the Federal
3 Emergency Management Agency and Director of the National Institute of Environmental
4 Health Sciences, Chairman of the Nuclear Regulatory Commission, and Administrator of
5 the Environmental Protection Agency shall review periodically, with the head of each
6 department, agency, or instrumentality of the Government, all emergency response and
7 preparedness training programs of that department, agency, or instrumentality to
8 minimize duplication of effort and expense of the department, agency, or instrumentality
9 in carrying out the programs and shall take necessary action to minimize duplication.

10 "(h) ANNUAL REGISTRATION FEE ACCOUNT AND ITS USES.--The
11 Secretary of the Treasury shall establish an account in the Treasury (to be known as the
12 "Hazardous Materials Emergency Preparedness Fund") into which the Secretary of the
13 Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary
14 of the Treasury under section 5108(g)(2)(C) of this title. Without further appropriation,
15 amounts in the account are available--

16 "(1) to make grants under this section;

17 "(2) to monitor and provide technical assistance under subsection (e) of
18 this section;

19 "(3) to publish and distribute an emergency response guide; and

20 "(4) to pay administrative costs of carrying out this section and sections
21 5108(g)(2) and 5115 of this title, except that up to 4 percent of the amounts made
22 available from the account in a fiscal year may be used to pay those costs.

23 "(i) INSTRUCTOR TRAINING GRANTS FOR EMERGENCY RESPONDERS
24 AND HAZARDOUS MATERIALS EMPLOYEES.--

25 "(1) IN GENERAL.--The Secretary shall make grants under this
26 subsection--

27 "(A) for training instructors to conduct hazardous materials
28 response training programs for individuals with statutory responsibility to
29 respond to hazardous materials accidents and incidents;

30 "(B) for training instructors to train hazmat employees; and

1 "(C) to the extent determined appropriate by the Secretary, for such
2 instructors to train hazmat employees.

3 "(2) ELIGIBILITY FOR EMERGENCY RESPONDER TRAINING
4 GRANTS. --A grant under (1)(A) of this subsection shall be made through a
5 competitive process to a nonprofit organization that--

6 "(A) demonstrates expertise in conducting a training program for
7 hazmat emergency responders;

8 "(B) has the ability to reach and involve in a training program a
9 target population of hazmat emergency responders;

10 "(C) agrees to use a course or courses developed or identified
11 under section 5115 of this title or otherwise approved by the Secretary;

12 "(D) provides training courses that comply with Federal
13 regulations and national consensus standards for hazardous materials
14 response and are offered on a nondiscriminatory basis; and

15 "(E) ensures that emergency responders who receive training under
16 the grant will have the ability to protect nearby persons, property, and the
17 environment from the effects of accidents or incidents involving the
18 transportation of hazardous material in accordance with existing
19 regulations or National Fire Protection Association standards for
20 competence of responders to accidents and incidents involving hazardous
21 materials.

22 "(3) ELIGIBILITY FOR HAZARDOUS MATERIALS EMPLOYEE
23 TRAINING GRANTS.--A grant under (1)(B) and (1)(C) of this subsection shall
24 be made on a competitive basis to a nonprofit organization that demonstrates
25 expertise in providing training, research, technological development, or a similar
26 service intended to enhance the capabilities of hazardous materials employees.

27 "(4) TRAINING OF CERTAIN EMPLOYEES.--The Secretary shall
28 ensure that maintenance-of-way employees and railroad signalmen receive
29 general awareness and familiarization training and safety training pursuant to
30 section 172.704 of title 49, Code of Federal Regulations.

1 "(5) EXISTING EFFORT.--No grant under this subsection shall supplant
2 or replace existing employer-provided hazardous materials training efforts or
3 obligations.

4 "(6) USE OF FUNDS.--Funds granted to an organization under this
5 subsection shall only be used--

6 "(A) to provide training, including portable training, for instructors
7 to conduct hazardous materials and hazardous materials response training
8 programs;

9 "(B) to purchase training equipment used exclusively to train
10 instructors to conduct such training programs; and

11 "(C) to disseminate such information and materials as are
12 necessary for the conduct of such training programs.

13 "(7) PORTABLE TRAINING.--In this subsection, the term 'portable
14 training' means live, instructor-led training provided by certified instructors that
15 can be offered in any suitable setting, rather than specific designated facilities.
16 Under this training delivery model, instructors travel to locations convenient to
17 students and utilize local facilities and resources.

18 "(8) TERMS AND CONDITIONS.--The Secretary may impose such
19 additional terms and conditions on grants to be made under this subsection as the
20 Secretary determines are necessary to protect the interests of the United States and
21 to carry out the objectives of this subsection.

22 "(j) REPORTS.--The Secretary shall make an annual report available to the public
23 (in an electronically-accessible format). The report submitted under this subsection shall
24 include information on the allocation and uses of the planning and training grants
25 allocated under subsection (a), and grants under subsection (i) of this section. The report
26 submitted under this subsection shall identify the ultimate recipients of such grants and
27 include--

28 "(1) a detailed accounting and description of each grant expenditure by
29 each grant recipient, including the amount of, and purpose for, each expenditure;

30 "(2) the number of persons trained under the grant program, by training
31 level;

1 "(3) an evaluation of the efficacy of such planning and training programs;
2 and

3 "(4) any recommendations the Secretary may have for improving such
4 grant programs."

5 (b) CONFORMING AMENDMENT.--The analysis for chapter 51 is amended by
6 striking the item relating to section 5116 and inserting the following:

7 "5116. Planning and training grants, monitoring, and review."

8 (c) TRAINING REQUIREMENTS.--Section 5107 is amended by--

9 (1) striking "and grants" from the section heading;

10 (2) deleting subsections (e), (f), and (h); and

11 (3) redesignating subsection (g) as subsection (e).

12 (d) CONFORMING AMENDMENT.--The analysis for chapter 51 is amended by
13 striking the item relating to section 5107 and inserting the following:

14 "5107. Hazmat employee training requirements."

15 **SEC. 6011. CIVIL PENALTY.**

16 Section 5123 is amended--

17 (1) in subsection (a)(1), by striking "\$75,000" and inserting "\$250,000";

18 and

19 (2) in subsection (a)(2), by striking "\$175,000" and inserting "\$500,000";

20 **SEC. 6012. GENERAL DUTY.**

21 Section 5103, as amended by this Act, is amended by--

22 (1) redesignating subsections (d) and (e) as (e) and (f), respectively; and

23 (2) inserting the following after subsection (c):

24 "(d) Duty for safe transportation.--A person shall--

25 (1) take all reasonable measures and precautions to properly
26 classify, describe, package, mark and label, and ensure proper condition
27 for transportation of a hazardous material; and

28 (2) comply with this chapter, or a regulation prescribed, or an
29 order, special permit or approval issued under this chapter."

30 **SEC. 6013. AUTHORIZATION OF APPROPRIATIONS.**

31 The text of section 5128 is amended to read as follows:

1 "(a) IN GENERAL.--There are authorized to be appropriated to the Secretary to
2 carry out this chapter (except sections 5108(g)(2), 5113, 5115, 5116, and 5119 of this
3 title), \$52,000,000 for fiscal year 2015 and such sums as may be necessary for fiscal
4 years 2016, 2017, and 2018.

5 "(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.--
6 From the Hazardous Materials Emergency Preparedness Fund established under section
7 5116(h) of this title, the Secretary may expend, for each of fiscal years 2015 through
8 2018--

9 "(1) \$188,000 to carry out section 5115;

10 "(2) \$21,800,000 to carry out subsection (a) of section 5116;

11 "(3) \$150,000 to carry out section 5116(e);

12 "(4) \$625,000 to publish and distribute the Emergency Response
13 Guidebook under section 5116(h)(3); and

14 "(5) \$5,000,000 to carry out section 5116(i).

15 "(c) CREDITS TO APPROPRIATIONS.--

16 "(1) EXPENSES- In addition to amounts otherwise made available to
17 carry out this chapter, the Secretary may credit amounts received from a State,
18 Indian tribe, or other public authority or private entity for expenses the Secretary
19 incurs in providing training to the State, authority, or entity.

20 "(2) AVAILABILITY OF AMOUNTS- Amounts made available under
21 this section shall remain available until expended."

22 **SEC. 6014. ELIMINATION OF CERTAIN PHMSA REPORTING**
23 **REQUIREMENTS.**

24 Section 6 of the Norman Y. Mineta Research and Special Programs Improvement
25 Act (49 U.S.C. 108 note) is amended--

26 (1) by striking subsection (b)(1); and

27 (2) by striking the heading for subsection (b) and redesignating subsection
28 (b)(2) as subsection (b).

29 **TITLE VII--AMENDMENTS TO THE INTERNAL REVENUE CODE**

30 **SEC. 7001. AMENDMENT OF 1986 CODE.**

1 Except as otherwise expressly provided, whenever in this title an amendment or
2 repeal is expressed in terms of an amendment to, or repeal of, a section or other
3 provision, the reference shall be considered to be made to a section or other provision of
4 the Internal Revenue Code of 1986.

5 **SEC. 7002. EXTENSION OF HIGHWAY-RELATED TAXES.**

6 (a) EXTENSION OF TAXES.--

7 (1) IN GENERAL.--The following provisions are each amended by
8 striking "2016" each place it appears and inserting "2020":

9 (A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain
10 buses).

11 (B) Section 4041(m)(1) (relating to certain alcohol fuels).

12 (C) Section 4051(c) (relating to termination of tax on heavy trucks
13 and trailers).

14 (D) Section 4071(d) (relating to termination of tax on tires).

15 (E) Section 4081(d)(1) (relating to termination of tax on gasoline,
16 diesel fuel, and kerosene).

17 (F) Section 4081(d)(3) (relating to the Leaking Underground
18 Storage Tank Financing rate).

19 (2) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY
20 VEHICLES.--The following provisions are each amended by striking "2017" each
21 place it appears and inserting "2020":

22 (A) Section 4481(f) (relating to period tax in effect).

23 (B) Section 4482(c)(4) (relating to taxable period).

24 (C) Section 4482(d) (relating to special rule for taxable period in
25 which termination date occurs).

26 (3) FLOOR STOCKS REFUNDS.--Section 6412(a)(1) (relating to floor
27 stocks refunds) is amended--

28 (A) by striking "2016" each place it appears and inserting "2020";

29 and

30 (B) by striking "2017" each place it appears and inserting "2021".

31 (b) EXTENSION OF CERTAIN EXEMPTIONS.--

1 (1) CERTAIN TAX-FREE SALES.--Section 4221(a) (relating to certain
2 tax-free sales) is amended by striking "2016" and inserting "2020".

3 (2) TERMINATION OF EXEMPTIONS FOR HIGHWAY USE TAX.--
4 Section 4483(i) (relating to termination of exemptions for highway use tax) is
5 amended by striking "2017" and inserting "2021".

6 **SEC. 7003. EXTENSION OF PROVISIONS RELATED TO THE SPORT FISH**
7 **RESTORATION AND BOATING TRUST FUND.**

8 (a) EXTENSION OF EXPENDITURES FROM THE TRUST FUND.--

9 Subparagraphs (A) through (C) of paragraph (2) of section 9504(b) of such Code are
10 amended to read as follows:

11 "(A) to carry out the purposes of the Dingell-Johnson Sport Fish
12 Restoration Act (as in effect on the date of the enactment of the GROW
13 AMERICA Act,

14 "(B) to carry out the purposes of section 7404(d) of the Transportation
15 Equity Act for the 21st Century (as in effect on the date of the enactment of the
16 GROW AMERICA Act), and

17 "(C) to carry out the purposes of the Coastal Wetlands Planning,
18 Protection and Restoration Act (as in effect on the date of the enactment of the
19 GROW AMERICA Act).".

20 (b) EXCEPTION TO LIMITATION ON TRANSFERS.--Paragraph (2) of section
21 9504(d) is amended by striking "October 1, 2014," and inserting "October 1, 2018,".

22 **SEC. 7004. TRANSPORTATION TRUST FUND.**

23 (a) CREATION OF TRANSPORTATION TRUST FUND.--Section 9503 is
24 amended to read as follows:

25 **"Sec. 9503. Transportation Trust Fund**

26 "(a) CREATION OF TRUST FUND.--There is established in the Treasury of the
27 United States a trust fund to be known as the 'Transportation Trust Fund', consisting of
28 such amounts as may be appropriated or credited to the Transportation Trust Fund as
29 provided in this section or section 9602(b). The Transportation Trust Fund is a successor
30 to the Highway Trust Fund established under this section as in effect prior to the
31 enactment of the Transportation Jobs Act for the 21st Century. All references to the Mass

1 Transit Account of the Highway Trust Fund are deemed to be references to the Mass
2 Transit Account of the Transportation Trust Fund under subsection (e). All references to
3 the Highway Trust Fund (other than the Mass Transit Account) or to the Highway
4 Account of the Highway Trust Fund are deemed to be references to the Highway Account
5 of the Transportation Trust Fund under subsection (f).

6 "(b) APPROPRIATION TO THE TRANSPORTATION TRUST FUND OF
7 AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES.--

8 "(1) CERTAIN TAXES.--There are hereby appropriated to the
9 Transportation Trust Fund amounts equivalent to the taxes received in the
10 Treasury before October 1, 2020, under the following provisions--

11 "(A) section 4041 (relating to taxes on diesel fuels and special
12 motor fuels),

13 "(B) section 4051 (relating to retail tax on heavy trucks and
14 trailers),

15 "(C) section 4071 (relating to tax on tires),

16 "(D) section 4081 (relating to tax on gasoline, diesel fuel, and
17 kerosene), and

18 "(E) section 4481 (relating to tax on use of certain vehicles).

19 "For purposes of this paragraph, taxes received under sections 4041 and 4081
20 shall be determined without reduction for credits under section 6426.

21 "(2) LIABILITIES INCURRED BEFORE OCTOBER 1, 2020.--There are
22 hereby appropriated to the Transportation Trust Fund amounts equivalent to the
23 taxes which are received in the Treasury after September 30, 2020, and before
24 July 1, 2021, and which are attributable to liability for tax incurred before October
25 1, 2020, under the provisions described in paragraph (1).

26 "(3) CERTAIN TAXES NOT TRANSFERRED TO
27 TRANSPORTATION TRUST FUND.--For purposes of paragraphs (1) and (2),
28 there shall not be taken into account the taxes imposed by--

29 "(A) section 4041(d),

30 "(B) section 4081 to the extent attributable to the rate specified in
31 section 4081(a)(2)(B),

1 "(C) section 4041 or 4081 to the extent attributable to fuel used in
2 a train, or

3 "(D) in the case of gasoline and special motor fuels used as
4 described in paragraph (3)(D) or (4)(B) of subsection (c), section 4041 or
5 4081 with respect to so much of the rate of tax as exceeds--

6 "(i) 11.5 cents per gallon with respect to taxes imposed
7 before October 1, 2001,

8 "(ii) 13 cents per gallon with respect to taxes imposed after
9 September 30, 2001, and before October 1, 2003, and

10 "(iii) 13.5 cents per gallon with respect to taxes imposed
11 after September 30, 2003, and before October 1, 2005.

12 "(4) CERTAIN PENALTIES.--There are hereby appropriated to the
13 Transportation Trust Fund amounts equivalent to the penalties paid under sections
14 6715, 6715A, 6717, 6718, 6719, 6720A, 6725, 7232, and 7272 (but only with
15 regard to penalties under each such section related to failure to register under
16 section 4101).

17 "(c) FLOOR STOCKS REFUNDS.--The Secretary shall pay from time to time
18 from the Transportation Trust Fund into the general fund of the Treasury amounts
19 equivalent to the floor stocks refunds made before July 1, 2021, under section 6412(a).
20 The amounts payable from the each account in the Transportation Trust Fund under the
21 preceding sentence shall be determined by taking into account only the portion of the
22 taxes which are deposited into the Transportation Trust Fund and into each account of
23 such Fund.

24 "(d) TRANSFERS FROM THE TRUST FUND FOR TAXES ON CERTAIN
25 USES OF FUEL.--

26 "(1) MOTORBOAT FUEL TAXES.--

27 "(A) TRANSFER TO LAND AND WATER CONSERVATION
28 FUND.--

29 "(i) IN GENERAL.--The Secretary shall pay from time to
30 time from the Transportation Trust Fund into the land and water
31 conservation fund provided for in title I of the Land and Water

1 Conservation Fund Act of 1965 amounts (as determined by the
2 Secretary) equivalent to the motorboat fuel taxes received on or
3 after October 1, 2005, and before October 1, 2020.

4 "(ii) LIMITATION.--The aggregate amount transferred
5 under this subparagraph during any fiscal year shall not exceed
6 \$1,000,000.

7 "(2) EXCESS FUNDS TRANSFERRED TO SPORT FISH
8 RESTORATION AND BOATING TRUST FUND.--Any amounts in the
9 Transportation Trust Fund--

10 "(A) which are attributable to motorboat fuel taxes, and

11 "(B) which are not transferred from the Transportation Trust Fund
12 under paragraph (1)(A),

13 "shall be transferred by the Secretary from the Transportation Trust Fund into the
14 Sport Fish Restoration and Boating Trust Fund.

15 "(C) MOTORBOAT FUEL TAXES.--For purposes of this
16 paragraph, the term "motorboat fuel taxes" means the taxes under section
17 4041(a)(2) with respect to special motor fuels used as fuel in motorboats
18 and under section 4081 with respect to gasoline used as fuel in
19 motorboats, but only to the extent such taxes are deposited into the
20 Transportation Trust Fund.

21 "(D) DETERMINATION.--The amount of transfers made under
22 this paragraph after October 1, 1986 shall be determined by the Secretary
23 in accordance with the methodology described in the Treasury
24 Department's Report to Congress of June 1986 entitled 'Gasoline Excise
25 Tax Revenues Attributable to Fuel Used in Recreational Motorboats'.

26 "(2) TRANSFERS FROM THE TRUST FUND FOR SMALL-ENGINE
27 FUEL TAXES.--

28 "(A) IN GENERAL.--The Secretary shall pay from time to time
29 from the Transportation Trust Fund into the Sport Fish Restoration and
30 Boating Trust Fund amounts (as determined by him) equivalent to the

1 small-engine fuel taxes received on or after December 1, 1990, and before
2 October 1, 2020.

3 "(B) SMALL-ENGINE FUEL TAXES.--For purposes of this
4 paragraph, the term "small-engine fuel taxes" means the taxes under
5 section 4081 with respect to gasoline used as a fuel in the nonbusiness use
6 of small-engine outdoor power equipment, but only to the extent such
7 taxes are deposited into the Transportation Trust Fund and into each
8 account of such Fund.

9 "(3) TRANSFERS FROM THE TRUST FUND FOR CERTAIN
10 AVIATION FUEL TAXES.--The Secretary shall pay at least monthly from the
11 Transportation Trust Fund into the Airport and Airway Trust Fund amounts (as
12 determined by the Secretary) equivalent to the taxes received on or after October
13 1, 2005, and before October 1, 2020, under section 4081 with respect to so much
14 of the rate of tax as does not exceed.

15 "(i) 4.3 cents per gallon of kerosene subject to section
16 6427(l)(4)(A) with respect to which a payment has been made by the
17 Secretary under section 6427(l), and

18 "(ii) 21.8 cents per gallon of kerosene subject to section
19 6427(l)(4)(B) with respect to which a payment has been made by the
20 Secretary under section 6427(l).

21 "Transfers under the preceding sentence shall be made on the basis of estimates
22 by the Secretary, and proper adjustments shall be made in the amounts
23 subsequently transferred to the extent prior estimates were in excess of or less
24 than the amounts required to be transferred. Any amount allowed as a credit under
25 section 34 by reason of paragraph (4) of section 6427(l) shall be treated for
26 purposes of subparagraphs (A) and (B) as a payment made by the Secretary under
27 such paragraph.

28 "(e) ESTABLISHMENT OF MASS TRANSIT ACCOUNT.--

29 "(1) CREATION OF ACCOUNT.--There is established in the
30 Transportation Trust Fund a separate account to be known as the 'Mass Transit

1 Account' consisting of such amounts as may be transferred or credited to the Mass
2 Transit Account as provided in this section or section 9602(b).

3 "(2) TRANSFERS TO MASS TRANSIT ACCOUNT.--The Secretary of
4 the Treasury shall transfer to the Mass Transit Account--

5 "(A) the mass transit portion of the amounts appropriated to the
6 Transportation Trust Fund under subsection (b) which are attributable to
7 taxes under sections 4041 and 4081 imposed after March 31, 1983. For
8 purposes of the preceding sentence, the term 'mass transit portion' means,
9 for any fuel with respect to which tax was imposed under section 4041 or
10 4081 and otherwise deposited into the Transportation Trust Fund, the
11 amount determined at the rate of--

12 "(i) except as otherwise provided in this sentence, 2.86
13 cents per gallon,

14 "(ii) 1.43 cents per gallon in the case of any partially
15 exempt methanol or ethanol fuel (as defined in section 4041(m))
16 none of the alcohol in which consists of ethanol,

17 "(iii) 1.86 cents per gallon in the case of liquefied natural
18 gas,

19 "(iv) 2.13 cents per gallon in the case of liquefied
20 petroleum gas,

21 "(v) 1.23 cents per energy equivalent of a gallon of gasoline
22 in the case of compressed natural gas, and

23 "(B) additional amounts appropriated to the Mass Transit Account
24 by subsection (h)(1)(B).

25 "(3) EXPENDITURES FROM ACCOUNT.--Amounts in the Mass Transit
26 Account shall be available, as provided by appropriation Acts, for making capital
27 or capital related expenditures (including capital expenditures for new projects)
28 before October 1, 2018, in accordance with the GROW AMERICA Act or any
29 other provision of law which was referred to in this paragraph before the date of
30 the enactment of such Act (as such Act and provisions of law are in effect on the
31 date of the enactment of such Act).

1 "(4) LIMITATION ON TRANSFERS TO THE ACCOUNT.--

2 "(A) IN GENERAL.--Except as provided in subparagraph (B), no
3 amount may be transferred to the Mass Transit Account on and after the
4 date of any expenditure from the Mass Transit Account which is not
5 permitted by this subsection. The determination of whether an expenditure
6 is so permitted shall be made without regard to--

7 "(i) any provision of law which is not contained or
8 referenced in this title or in a revenue Act, and

9 "(ii) whether such provision of law is a subsequently
10 enacted provision or directly or indirectly seeks to waive the
11 application of this paragraph.

12 "(B) EXCEPTION FOR PRIOR OBLIGATIONS.--Subparagraph
13 (A) shall not apply to any expenditure to liquidate any contract entered
14 into (or for any amount otherwise obligated) before October 1, 2018, in
15 accordance with the provisions of this section.

16 "(f) ESTABLISHMENT OF HIGHWAY ACCOUNT.--

17 "(1) CREATION OF ACCOUNT--.There is established in the
18 Transportation Trust Fund a separate account to be known as the 'Highway
19 Account' consisting of such amounts as may be transferred or credited to the
20 Highway Account as provided in this section or section 9602(b).

21 "(2) TRANSFERS TO THE HIGHWAY ACCOUNT.--The Secretary of
22 the Treasury shall transfer to the Highway Account--

23 "(A) the portion of the taxes appropriated to the Transportation
24 Trust Fund by--

25 "(i) subparagraphs (B), (C), and (E) of subsection (b)(1),

26 "(ii) subparagraphs (A) and (D) of subsection (b)(1), but
27 only to the extent that such taxes are not required to be transferred
28 to the Mass Transit Account under subsection (e),

29 "(B) additional amounts appropriated to the Highway Account by
30 subsection (h)(1)(A); and

1 "(C) fines and penalties appropriated to the Transportation Trust
2 Fund by subsection (b)(4) and by section 521(b)(10) of title 49, United
3 States Code.

4 "(3) LIMITATION ON TRANSFERS TO THE ACCOUNT.--

5 "(A) IN GENERAL.--Except as provided in subparagraph (B), no
6 amount may be transferred to the Highway Account on and after the date
7 of any expenditure from the Highway Account which is not permitted by
8 this subsection. The determination of whether an expenditure is so
9 permitted shall be made without regard to--

10 "(i) any provision of law which is not contained or
11 referenced in this title or in a revenue Act, and

12 "(ii) whether such provision of law is a subsequently
13 enacted provision or directly or indirectly seeks to waive the
14 application of this paragraph.

15 "(B) EXCEPTION FOR PRIOR OBLIGATIONS.--Subparagraph
16 (A) shall not apply to any expenditure to liquidate any contract entered
17 into (or for any amount otherwise obligated) before October 1, 2018, in
18 accordance with the provisions of this section.

19 "(4) EXPENDITURES FROM ACCOUNT.--Amounts in the Highway
20 Account of the Transportation Trust Fund shall be available, as provided by
21 appropriation acts, for making expenditures before October 1, 2018, to meet those
22 obligations of the United States heretofore or hereafter incurred which are
23 authorized to be paid out of the Highway Account under the GROW AMERICA
24 Act or any other provision of law which was referred to in paragraph (c)(1) (as in
25 effect on the day before enactment of such Act) before the date of the enactment
26 of such Act (as such Act and provisions of law are in effect on the date of the
27 enactment of such Act).

28 "(g) ESTABLISHMENT OF RAIL ACCOUNT.--

29 "(1) CREATION OF ACCOUNT--.There is established in the
30 Transportation Trust Fund a separate account to be known as the 'Rail Account'

1 consisting of such amounts as may be transferred or credited to the Rail Account
2 as provided in this section or section 9602(b).

3 "(2) TRANSFERS TO THE RAIL ACCOUNT.--The Secretary of the
4 Treasury shall transfer to the Rail Account amounts appropriated to the Rail
5 Account by subsection (h)(1)(C).

6 "(3) LIMITATION ON TRANSFERS TO THE ACCOUNT.--

7 "(A) IN GENERAL.--Except as provided in subparagraph (B), no
8 amount may be transferred to the Rail Account on and after the date of any
9 expenditure from the Rail Account which is not permitted by this
10 subsection. The determination of whether an expenditure is so permitted
11 shall be made without regard to--

12 "(i) any provision of law which is not contained or
13 referenced in this title or in a revenue Act, and

14 "(ii) whether such provision of law is a subsequently
15 enacted provision or directly or indirectly seeks to waive the
16 application of this paragraph.

17 "(B) EXCEPTION FOR PRIOR OBLIGATIONS.--Subparagraph
18 (A) shall not apply to any expenditure to liquidate any contract entered
19 into (or for any amount otherwise obligated) before October 1, 2018, in
20 accordance with the provisions of this section.

21 "(4) EXPENDITURES FROM ACCOUNT.--Amounts in the Rail
22 Account of the Transportation Trust Fund shall be available, as provided by
23 appropriation acts, for making expenditures before October 1, 2018, to meet those
24 obligations of the United States heretofore or hereafter incurred which are
25 authorized to be paid out of the Rail Account under the GROW AMERICA Act.

26 "(h) ADDITIONAL APPROPRIATIONS.--

27 "(1) ADDITIONAL APPROPRIATIONS TO TRUST FUND.--Out of
28 money in the Treasury not otherwise appropriated, there is hereby appropriated
29 to--

30 "(A) the Highway Account in the Transportation Trust Fund--

31 "(i) for fiscal year 2015, \$25,000,000,000,

1 "(ii) for fiscal year 2016, \$24,000,000,000,
2 "(iii) for fiscal year 2017, \$16,700,000,000, and
3 "(iv) for fiscal year 2018, \$8,700,000,000, and

4 "(B) the Mass Transit Account in the Transportation Trust Fund--

5 "(i) for fiscal year 2015, \$9,000,000,000,
6 "(ii) for fiscal year 2016, \$10,000,000,000,
7 "(iii) for fiscal year 2017, \$10,000,000,000, and
8 "(iv) for fiscal year 2018, \$22,550,000,000,

9 "(C) the Rail Account in the Transportation Trust Fund--

10 "(i) for fiscal year 2015, \$3,000,000,000,
11 "(ii) for fiscal year 2016, \$3,000,000,000,
12 "(iii) for fiscal year 2017, \$8,000,000,000, and
13 "(iv) for fiscal year 2018, \$5,050,000,000; and

14 "(D) the Multimodal Account in the Transportation Trust Fund--

15 "(i) for fiscal year 2015, \$500,000,000,
16 "(ii) for fiscal year 2016, \$500,000,000,
17 "(iii) for fiscal year 2017, \$2,800,000,000, and
18 "(iv) for fiscal year 2018, \$1,200,000,000.

19 "(2) TREATMENT OF APPROPRIATED AMOUNTS.--Any amount
20 appropriated under this subsection shall remain available without fiscal year
21 limitation.

22 "(i) ADJUSTMENTS OF APPORTIONMENTS FOR HIGHWAY AND MASS
23 TRANSIT ACCOUNT PROGRAMS.--The Secretary of the Treasury and where so
24 indicated, the Secretary of Transportation, shall take the following actions for the
25 Highway Account and separately for the Mass Transit Account--

26 "(1) ESTIMATES OF UNFUNDED AUTHORIZATIONS AND NET
27 RECEIPTS FOR ACCOUNT.--The Secretary of the Treasury, not less frequently
28 than once in each calendar quarter, after consultation with the Secretary of
29 Transportation, shall estimate for the Account--

30 "(A) the amount which would (but for this subsection) be the
31 unfunded authorizations at the close of the next fiscal year, and

1 "(B) the net receipts for the 48-month period beginning at the close
2 of such fiscal year.

3 "(2) PROCEDURE WHERE THERE ARE EXCESS UNFUNDED
4 AUTHORIZATIONS.--If the Secretary of the Treasury determines for any fiscal
5 year that the amount described in paragraph (1)(A) for the Account exceeds the
6 amount described in paragraph (1)(B) for such Account--

7 "(A) the Secretary shall so advise the Secretary of Transportation,
8 and

9 "(B) the Secretary shall further advise the Secretary of
10 Transportation as to the amount of such excess.

11 "(3) ADJUSTMENT OF APPORTIONMENTS WHERE UNFUNDED
12 AUTHORIZATIONS EXCEED 4 YEARS' RECEIPTS.--

13 "(A) DETERMINATION OF PERCENTAGE.--If, before any
14 apportionment to the States is made of funds authorized to be appropriated
15 from the Account in the most recent estimate made by the Secretary of the
16 Treasury there is an excess referred to in paragraph (2)(B) for the
17 Account, the Secretary of Transportation shall determine the percentage
18 which--

19 "(i) the excess referred to in paragraph (2)(B) for the
20 Account, is of

21 "(ii) the amount authorized to be appropriated from that
22 Account of the Trust Fund for the fiscal year for apportionment to
23 the States.

24 "If, but for this sentence, the most recent estimate would be one
25 which was made on a date which will be more than 3 months
26 before the date of the apportionment, the Secretary of the Treasury
27 shall make a new estimate under paragraph (1) for the appropriate
28 fiscal year.

29 "(B) ADJUSTMENT OF APPORTIONMENTS.--If the Secretary
30 of Transportation determines a percentage for the Account under
31 subparagraph (A) for purposes of any apportionment, notwithstanding any

1 other provision of law, the Secretary of Transportation shall apportion to
2 the States (in lieu of the amount which, but for the provisions of this
3 subsection, would be so apportioned) the amount obtained by reducing the
4 amount authorized to be so apportioned by such percentage.

5 "(4) APPORTIONMENT OF AMOUNTS PREVIOUSLY WITHHELD
6 FROM APPORTIONMENT.--If, after funds have been withheld from
7 apportionment under paragraph (3)(B), the Secretary of the Treasury determines
8 that the amount described in paragraph (1)(A) does not exceed the amount
9 described in paragraph (1)(B) or that the excess described in paragraph (1)(B) is
10 less than the amount previously determined, he shall so advise the Secretary of
11 Transportation. The Secretary of Transportation shall apportion to the States such
12 portion of the funds so withheld from apportionment as the Secretary of the
13 Treasury has advised him may be so apportioned without causing the amount
14 described in paragraph (1)(A) to exceed the amount described in paragraph
15 (1)(B). Any funds apportioned pursuant to the preceding sentence shall remain
16 available for the period for which they would be available if such apportionment
17 took effect with the fiscal year in which they are apportioned pursuant to the
18 preceding sentence.

19 "(5) DEFINITIONS.--For purposes of this subsection--

20 "(A) UNFUNDED AUTHORIZATIONS.--The term "unfunded
21 authorizations" means, at any time, the excess (if any) of--

22 "(i) the total potential unpaid commitments at such time as
23 a result of the apportionment to the States of the amounts
24 authorized to be appropriated from the Account, over

25 "(ii) the amount available in the that Account at such time
26 to defray such commitments (after all other unpaid commitments at
27 such time which are payable from that Account have been
28 defrayed).

29 "(B) NET RECEIPTS.--The term "net receipts" means, with
30 respect to any period, the excess of--

1 (i) the receipts (including interest) of the Account during
2 such period, over

3 (ii) the amounts to be transferred during such period from
4 such Account under subsection (d).

5 (6) MEASUREMENT OF NET RECEIPTS.--For purposes of making
6 any estimate under paragraph (1) of net receipts for periods ending after the date
7 specified in subsection (b)(1), the Secretary of the Treasury shall treat--

8 (A) each expiring provision of subsection (b) which is related to
9 appropriations or transfers to the Highway Account or the Mass Transit
10 Account of the Transportation Trust Fund to have been extended through
11 the end of the 48-month period referred to in paragraph (1)(B), and

12 (B) with respect to each tax imposed under the sections referred to
13 in subsection (b)(1), the rate of such tax during the 48-month period
14 referred to in paragraph (1)(B) to be the same as the rate of such tax as in
15 effect on the date of such estimate.

16 (7) REPORTS.--Any estimate under paragraph (1) and any determination
17 under paragraph (2) shall be reported by the Secretary of the Treasury to the
18 Committee on Ways and Means of the House of Representatives, the Committee
19 on Finance of the Senate, the Committees on the Budget of both Houses, the
20 Committee on Transportation and Infrastructure of the House of Representatives,
21 and the Committee on Commerce, Science, and Transportation, the Committee on
22 Banking, and the Committee on Environment and Public Works of the Senate."

23 (j) ESTABLISHMENT OF MULTIMODAL ACCOUNT.--

24 (1) CREATION OF ACCOUNT--There is established in the
25 Transportation Trust Fund a separate account to be known as the 'Multimodal
26 Account' consisting of such amounts as may be transferred or credited to the
27 Multimodal Account as provided in this section or section 9602(b).

28 (2) TRANSFERS TO THE MULTIMODAL ACCOUNT--The Secretary
29 of the Treasury shall transfer to the Multimodal Account amounts appropriated to
30 the Multimodal Account by subsection (h)(1)(D).

31 (3) LIMITATION ON TRANSFERS TO THE ACCOUNT.--

1 "(A) IN GENERAL.--Except as provided in subparagraph (B), no
2 amount may be transferred to the Multimodal Account on and after the
3 date of any expenditure from the Multimodal Account which is not
4 permitted by this subsection. The determination of whether an expenditure
5 is so permitted shall be made without regard to--

6 "(i) any provision of law which is not contained or
7 referenced in this title or in a revenue Act, and

8 "(ii) whether such provision of law is a subsequently
9 enacted provision or directly or indirectly seeks to waive the
10 application of this paragraph.

11 "(B) EXCEPTION FOR PRIOR OBLIGATIONS.--Subparagraph
12 (A) shall not apply to any expenditure to liquidate any contract entered
13 into (or for any amount otherwise obligated) before October 1, 2018, in
14 accordance with the provisions of this section.

15 "(4) EXPENDITURES FROM ACCOUNT.--Amounts in the Multimodal
16 Account of the Transportation Trust Fund shall be available, as provided by
17 appropriation acts, for making expenditures before October 1, 2018, to meet those
18 obligations of the United States heretofore or hereafter incurred which are
19 authorized to be paid out of the Multimodal Account under the GROW
20 AMERICA Act."

21 (b) CONFORMING AMENDMENTS.--

22 (1) The item relating to section 9503 in the analysis of chapter 98 of the
23 Internal Revenue Code of 1986 is amended by striking "Highway" and inserting
24 "Transportation".

25 (2) Section 201(b) of the Land and Water Conservation Fund Act of 1965
26 (16 U.S.C. 460l-11(b) is amended--

27 (A) by striking "2017" and inserting "2020", and

28 (B) by striking "2016" each place it appears and inserting "2021".

29 (3) Section 521(b)(10) of title 49, United States Code, is amended by
30 striking "Highway Trust Fund (other than the Mass Transit Account)" and
31 inserting "Highway Account of the Transportation Trust Fund".

1 **SEC. 7005. EFFECTIVE DATE.**

2 The amendments made by this Title shall take effect on the date of the enactment
3 of this Act.

4 **TITLE VIII--RESEARCH**

5 **Subtitle A--Funding**

6 **SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.--The following amounts are authorized to be appropriated out
8 of the Highway Account of the Transportation Trust Fund:

9 (1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.--To
10 carry out section 503(b) of title 23, United States Code--

- 11 (A) \$130,000,000 for fiscal year 2015;
- 12 (B) \$132,594,234 for fiscal year 2016;
- 13 (C) \$135,188,470 for fiscal year 2017; and
- 14 (D) \$138,070,953 for fiscal year 2018.

15 (2) TECHNOLOGY AND INNOVATION DEPLOYMENT
16 PROGRAM.--To carry out section 503(c) of title 23, United States Code--

- 17 (A) \$70,000,000 for fiscal year 2015;
- 18 (B) \$71,396,896 for fiscal year 2016;
- 19 (C) \$72,793,792 for fiscal year 2017; and
- 20 (D) \$74,345,898 for fiscal year 2018.

21 (3) TRAINING AND EDUCATION.--To carry out section 504 of title 23,
22 United States Code--

- 23 (A) \$27,000,000 for fiscal year 2015;
- 24 (B) \$27,538,803 for fiscal year 2016;
- 25 (C) \$28,077,605 for fiscal year 2017; and
- 26 (D) \$28,676,275 for fiscal year 2018.

27 (4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.--To
28 carry out sections 512 through 519 of title 23, United States Code--

- 29 (A) \$113,000,000 for fiscal year 2015;
- 30 (B) \$115,254,989 for fiscal year 2016;
- 31 (C) \$117,509,978 for fiscal year 2017; and

1 (D) \$120,015,521 for fiscal year 2018.

2 (5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.--To
3 carry out section 5505 of title 49, United States Code--

4 (A) \$82,000,000 for fiscal year 2015;

5 (B) \$83,636,364 for fiscal year 2016;

6 (C) \$85,272,727 for fiscal year 2017; and

7 (D) \$87,090,909 for fiscal year 2018.

8 (6) BUREAU OF TRANSPORTATION STATISTICS.--To carry out
9 chapter 63 of title 49, United States Code--

10 (A) \$29,000,000 for fiscal year 2015;

11 (B) \$29,578,714 for fiscal year 2016;

12 (C) \$30,157,428 for fiscal year 2017; and

13 (D) \$30,800,444 for fiscal year 2018.

14 (b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.--Funds
15 authorized to be appropriated by subsection (a) shall--

16 (1) be available for obligation in the same manner as if those funds were
17 apportioned under chapter 1 of title 23, United States Code, except that the
18 Federal share of the cost of a project or activity carried out using those funds shall
19 be 80 percent, unless otherwise expressly provided by this Act (including the
20 amendments by this Act) or otherwise determined by the Secretary; and

21 (2) remain available until expended and not be transferable.

22 **Subtitle B--Research, Technology, and Education**

23 **SEC. 8101. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION**
24 **RESEARCH PROGRAM.**

25 (a) IN GENERAL.--Chapter 5 of title 23, United States Code, is amended by
26 inserting the following at the end:

27 **"Sec. 550. National cooperative freight transportation research program**

28 "(a) ESTABLISHMENT.--The Secretary shall establish and support a national
29 cooperative freight transportation research program.

30 "(b) AGREEMENT.--The Secretary shall enter into an agreement with the
31 Transportation Research Board of the National Research Council of the National

1 Academies to support and carry out administrative and management activities relating to
2 the governance of the national cooperative freight transportation research program.

3 "(c) ADVISORY COMMITTEE.--The National Academies shall select an
4 advisory committee consisting of a representative cross-section of freight stakeholders,
5 including the Department of Transportation, other Federal agencies, State transportation
6 departments, local governments, nonprofit entities, academia, private sector carriers and
7 shippers, and other interested parties.

8 "(d) GOVERNANCE.--The national cooperative freight transportation research
9 program established under this section shall include the following administrative and
10 management elements:

11 "(1) NATIONAL RESEARCH AGENDA.--The advisory committee, in
12 consultation with interested parties, shall recommend a national research agenda
13 for the program. The agenda shall:

14 "(A) include an emphasis on the safe and efficient transportation
15 and handling of hazardous materials by all modes of transportation;

16 "(B) include a multiyear strategic plan;

17 "(C) be fully coordinated with the activities, plans and reports
18 required by sections 5304 and 5305 of title 49; and

19 "(D) be fully coordinated with the activities, plans and reports
20 required by section 508 of title 23, United States Code.

21 "(2) INVOLVEMENT.--Interested parties may--

22 "(A) submit research proposals to the advisory committee;

23 "(B) participate in merit reviews of research proposals and peer
24 reviews of research products; and

25 "(C) receive research results.

26 "(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH
27 PROPOSALS.--The National Academies may award research contracts and
28 grants under the program through open competition and merit review conducted
29 on a regular basis.

30 "(4) RESEARCH COORDINATION.--The National Academies shall
31 ensure that research contracts and grants awarded under this section are not

1 duplicative with research conducted under other cooperative transportation
2 research programs governed by the National Academies; nor with research
3 conducted by the Department of Transportation or any other Federal, state or local
4 agency.

5 "(5) EVALUATION OF RESEARCH.--

6 "(A) PEER REVIEW.--Research contracts and grants under the
7 program may allow peer review of the research results.

8 "(B) PROGRAMMATIC EVALUATIONS.--The National
9 Academies may conduct periodic programmatic evaluations on a regular
10 basis of research contracts and grants.

11 "(6) DISSEMINATION OF RESEARCH FINDINGS.--The National
12 Academies shall disseminate research findings to researchers, practitioners, and
13 decisionmakers, through conferences and seminars, field demonstrations,
14 workshops, training programs, presentations, testimony to government officials,
15 the World Wide Web, publications for the general public, collaboration with the
16 National Transportation Library, and other appropriate means.

17 "(e) CONTENTS.--The national research agenda required under subsection (d)(1)
18 shall at a minimum include research in the following areas:

19 "(1) Techniques for estimating and quantifying public benefits derived
20 from freight transportation projects.

21 "(2) Alternative approaches to calculating the contribution of truck and
22 rail traffic to congestion on specific highway segments.

23 "(3) The feasibility of consolidating origins and destinations for freight
24 movement.

25 "(4) Methods for incorporating estimates of domestic and international
26 trade into landside transportation planning.

27 "(5) Means of synchronizing infrastructure improvements with freight
28 transportation demand.

29 "(6) The effect of changing patterns of freight movement on transportation
30 planning decisions.

1 "(7) Other research areas to identify and address emerging and future
2 research needs related to freight transportation by all modes.

3 "(f) FUNDING.--

4 " (1) FEDERAL SHARE.--The Federal share of the cost of an activity
5 carried out under this section shall be up to 100 percent.

6 " (2) USE OF NON-FEDERAL FUNDS.--In addition to using funds
7 authorized for this section, the National Academies may seek and accept
8 additional funding sources from public and private entities capable of accepting
9 funding from the Department of Transportation, States, local governments,
10 nonprofit foundations, and the private sector."

11 (b) AUTHORIZATION OF APPROPRIATIONS.-- There is authorized to be
12 appropriated to the Secretary of Transportation such sums as may be necessary to carry
13 out section 550 of such title.

14 (c) CONFORMING AMENDMENT.--The analysis for chapter 501 is amended
15 by adding the following at the end:

16 "550. National cooperative freight transportation research program."

17 **SEC. 8102. COMPETITIVE UNIVERSITY TRANSPORTATION CENTERS**
18 **CONSORTIA PROGRAM.**

19 (a) IN GENERAL.--Section 5505 of title 49, United States Code, is amended as
20 follows:

21 (1) Subsection (a)(2)(A) is amended to read:

22 "(A) to advance multimodal and cross-modal transportation
23 expertise and technology in the varied disciplines that comprise the field
24 of transportation through education, research, and technology transfer
25 activities;"

26 (2) Subsection (a)(2)(C) of title 49 is amended to read:

27 "(C) to address critical workforce needs and educate the next
28 generation of transportation leaders in a multidisciplinary fashion."

29 (3) Subsection (b) is amended to read as follows:

30 "(b) COMPETITIVE SELECTION PROCESS.--

1 "(1) APPLICATIONS.--To receive a grant under this section, a
2 consortium of nonprofit institutions of higher education shall submit to the
3 Secretary an application that is in such form and contains such information as the
4 Secretary may require.

5 "(2) RESTRICTION.--The lead institution of a consortium of nonprofit
6 institutions of higher education that receives a direct grant award under this
7 section for a national transportation center or a regional transportation center in a
8 fiscal year shall not be eligible to receive funding, direct or indirectly, from an
9 additional grant in that fiscal year as the lead institution or member of a
10 consortium, for a national transportation center or a regional transportation center.

11 "(3) COORDINATION.--The Secretary shall solicit grant applications for
12 national transportation centers, regional transportation centers, and Tier 1
13 university transportation centers with identical advertisement schedules and
14 deadlines.

15 "(4) GENERAL SELECTION CRITERIA.--

16 "(A) IN GENERAL.--Except as otherwise provided by this
17 section, the Secretary shall award grants under this section in nonexclusive
18 candidate topic areas established by the Secretary that address the research
19 priorities identified in the plans developed under section 508 of title 23.

20 "(B) CRITERIA.--The Secretary, in consultation with the Assistant
21 Secretary for Research and Technology and the Administrators of the
22 Federal Highway Administration and Federal Railroad Administration,
23 shall select each recipient of a grant under this section through a
24 competitive process based on the assessment of the Secretary relating to-

25 "(i) the demonstrated ability of the recipient to address each
26 specific topic area described in the research and strategic plans of
27 the recipient;

28 "(ii) the demonstrated research, technology transfer, and
29 education resources available to the recipient to carry out this
30 section;

1 "(iii) the ability of the recipient to provide leadership in
2 solving immediate and long-range national and regional
3 transportation problems;

4 "(iv) the ability of the recipient to carry out research,
5 education, and technology transfer activities that are multimodal
6 and multidisciplinary in scope;

7 "(v) the demonstrated commitment of the recipient to carry
8 out transportation workforce development programs through--

9 " (I) degree-granting programs or programs that
10 provide other industry-recognized credentials; and

11 " (II) outreach activities to attract new entrants into
12 the transportation field, including minorities, women,
13 individuals with disabilities, veterans, low income
14 populations, and others who may not have considered
15 pursuing careers in transportation previously;

16 "(vi) the demonstrated ability of the recipient to
17 disseminate results and spur the implementation of transportation
18 research and education programs through national or statewide
19 continuing education programs;

20 "(vii) the demonstrated commitment of the recipient to the
21 use of peer review principles and other research best practices in
22 the selection, management, and dissemination of research projects;

23 "(viii) the strategic plan submitted by the recipient
24 describing the proposed research to be carried out by the recipient
25 and the performance metrics to be used in assessing the
26 performance of the recipient in meeting the stated research,
27 technology transfer, education, and outreach goals; and

28 "(ix) the ability of the recipient to implement the proposed
29 program in a cost-efficient manner, such as through cost sharing
30 and overall reduced overhead, facilities, and administrative costs.

31 "(5) TRANSPARENCY.--

1 "(A) IN GENERAL.--The Secretary shall provide to each
2 applicant, upon request, any materials, including copies of reviews (with
3 any information that would identify a reviewer redacted), used in the
4 evaluation process of the proposal of the applicant.

5 "(B) REPORTS.--The Secretary shall make available to the public
6 on a Department of Transportation web site a report describing the overall
7 review process under paragraph (3) that includes--

8 "(i) specific criteria of evaluation used in the review;

9 "(ii) descriptions of the review process; and

10 "(iii) explanations of the selected awards.

11 "(6) OUTSIDE STAKEHOLDERS.--The Secretary shall, to the maximum
12 extent practicable, consult external stakeholders such as the Transportation
13 Research Board of the National Research Council of the National Academies to
14 evaluate and competitively review all proposals."; and

15 (4) Subsection (c) is amended to read as follows:

16 "(c) GRANTS.--

17 "(1) IN GENERAL.--Not later than 1 year after the date of enactment of
18 the GROW AMERICA Act, the Secretary, in consultation with the Assistant
19 Secretary for Research and Technology and the Administrators of the Federal
20 Highway Administration and Federal Railroad Administration, shall select grant
21 recipients under subsection (b) and make grant amounts available to the selected
22 recipients.

23 "(2) FOCUSED RESEARCH.--In awarding grants under this paragraph,
24 consideration shall be given to minority institutions, as defined by section 365 of
25 the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include
26 such institutions that have demonstrated an ability in transportation-related
27 research and education.

28 "(3) NATIONAL TRANSPORTATION CENTERS.--

29 "(A) IN GENERAL.--Subject to subparagraph (B), the Secretary
30 shall provide grants to 5 consortia that the Secretary determines best meet
31 the criteria described in subsection (b)(4).

1 "(B) RESTRICTION.--For each fiscal year, a grant made
2 available under this paragraph shall be \$3,200,000 per recipient.

3 "(C) MATCHING REQUIREMENT.--

4 "(i) IN GENERAL.--As a condition of receiving a grant
5 under this paragraph, a grant recipient shall match 100 percent of
6 the amounts made available under the grant.

7 "(ii) SOURCES.--The matching amounts referred to in
8 clause (i) may include:

9 "(I) amounts made available to the recipient under Title I of
10 this Act;

11 "(II) amounts made available to the recipient by the several
12 administrations of the Department of Transportation; and

13 "(III) amounts made available to the recipient by other
14 Federal Departments, Agencies, Independent Agencies, Boards
15 and other Federal elements with interests in transportation.

16 "(4) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.--

17 "(A) LOCATION OF REGIONAL CENTERS.--One regional
18 university transportation center shall be located in each of the 10 Federal
19 regions that comprise the Standard Federal Regions established by the
20 Office of Management and Budget in the document entitled 'Standard
21 Federal Regions' and dated April, 1974 (circular A-105).

22 "(B) SELECTION CRITERIA.--In conducting a competition under
23 subsection (b), the Secretary shall provide grants to 10 consortia on the
24 basis of--

25 "(i) the criteria described in subsection (b)(3);

26 "(ii) the location of the center within the Federal region to
27 be served; and

28 "(iii) whether the consortium of institutions demonstrates
29 that the consortium has well-established, nationally recognized
30 multimodal and multidisciplinary programs in transportation
31 research and education, as evidenced by--

1 "(I) recent expenditures by the institution in surface
2 transportation research;

3 "(II) a historical track record of awarding graduate
4 degrees in professional fields closely related to surface
5 transportation; and

6 "(III) an experienced faculty who specialize in
7 professional fields closely related to surface transportation.

8 "(C) RESTRICTIONS.--For each fiscal year, a grant made
9 available under this paragraph shall be \$3,000,000 for each recipient.

10 "(D) MATCHING REQUIREMENT.--

11 "(i) IN GENERAL.--As a condition of receiving a grant
12 under this paragraph, a grant recipient shall match 100 percent of
13 the amounts made available under the grant.

14 "(ii) SOURCES.--The matching amounts referred to in
15 clause (i) may include:

16 "(I) amounts made available to the recipient under Title I of
17 this Act;

18 "(II) amounts made available to the recipient by the several
19 administrations of the Department of Transportation; and

20 "(III) amounts made available to the recipient by other
21 Federal Departments, Agencies, Independent Agencies, Boards
22 and other elements with interests in transportation."

23 "(5) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.--

24 "(A) IN GENERAL.--The Secretary shall provide grants of
25 \$1,800,000 each to not more than 20 recipients to carry out this paragraph.

26 "(B) RESTRICTION.-- The lead institution of a consortium of
27 nonprofit institutions of higher education that receives a direct grant award
28 under paragraph (3) or (4) shall not be eligible to receive a direct grant
29 award under this paragraph.

30 "(C) MATCHING REQUIREMENT.--

1 "(i) IN GENERAL.--Subject to clause (iii), as a condition
2 of receiving a grant under this paragraph, a grant recipient shall
3 match 50 percent of the amounts made available under the grant.

4 "(ii) SOURCES.--The matching amounts referred to in
5 clause (i) may include:

6 "(I) amounts made available to the recipient under Title I of
7 this Act;

8 "(II) amounts made available to the recipient by the several
9 administrations of the Department of Transportation; and

10 "(III) amounts made available to the recipient by other
11 Federal Departments, Agencies, Independent Agencies, Boards
12 and other elements with interests in transportation."

13 (b) RESEARCH EFFICIENCY.--Section 5505 of title 49, United States Code is
14 further amended by inserting after subsection (f) the following:

15 "(g) RESEARCH EFFICIENCY.--

16 "(1) ADDITIONAL SPONSORED GRANTS.--To enable access more
17 broadly to the specialized skills and multidisciplinary research capabilities of the
18 transportation university research community by the several administrations of the
19 Department of Transportation, and by other Federal Departments, Agencies,
20 Independent Agencies, Boards and other elements with interests in transportation,
21 these organizations may sponsor competitive grants to consortia on specific
22 research topics.

23 "(2) GRANTS.--

24 "(A) The grants shall conform to the selection criteria and
25 requirements of either National Transportation Centers or Tier 1
26 University Transportation Centers; and be of an equivalent grant value of
27 the type of Center selected.

28 "(B) The grants shall conform to all other requirements and
29 restrictions under this section.

30 "(C) The grants shall be competed, selected and awarded on the
31 same schedule as all grants competed under this section.

1 "(3) MATCHING REQUIREMENT.--Such grants shall require identical
2 matching requirements of the type of Center selected; *except* that sources of
3 matching funds may not be the same funding source as the Federal entity funding
4 the specialized grant."

5 **SEC. 8103. PRIORITY MULTIMODAL RESEARCH PROGRAM.**

6 (a) IN GENERAL.--Section 5506 of title 49, United States Code, is amended to
7 read as follows:

8 **"Sec. 5506. Priority Multimodal Research Program**

9 "(a) ESTABLISHMENT.--The Secretary shall establish and support a Priority
10 Multimodal Research Program.

11 "(b) FOCUSED RESEARCH.--The Secretary shall enter into research agreements
12 to carry out priority multimodal research in the following topics:

13 "(1) Conduct research and standards/guideline development for surface
14 transportation infrastructure owners and services providers on systems resilience
15 and recovery.

16 "(2) Enable advanced research towards a Zero Emissions Transportation
17 System, to--

18 "(A) accelerate the goal of 80 percent greenhouse gas emission
19 reduction by 2050, to a goal of 100 percent greenhouse gas emission
20 reduction by the same date; and

21 "(B) conduct advanced or long term research on emissions in the
22 transportation sector, both in vehicle emissions and in infrastructure
23 construction and maintenance.

24 "(3) Conduct a coordinated, multimodal STEM Education and Workforce
25 Development program to support the transportation sector's needs over the next
26 decade for a new workforce trained in the latest technologies.

27 "(c) FUNDING.--

28 "(1) FEDERAL SHARE.--The Federal share of the cost of an activity
29 carried out under this section shall be up to 100 percent.

30 "(2) USE OF NON-FEDERAL FUNDS.--In addition to using funds
31 authorized for this section, the Secretary may seek and accept additional funding

1 sources from public and private entities capable of accepting funding from the
2 Department of Transportation, States, local governments, nonprofit foundations,
3 and the private sector.

4 (3) PERIOD OF AVAILABILITY.--Amounts made available to carry out
5 this section shall remain available until expended."

6 (b) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be
7 appropriated to the Secretary of Transportation such sums as may be necessary to carry
8 out section 5506 of title 49, United States Code.

9 (c) CONFORMING AMENDMENT.--The analysis for chapter 55 of title 49 is
10 amended by inserting the following at the end:

11 "5506. Priority Multimodal Research Program."

12 **SEC. 8104. BUREAU OF TRANSPORTATION STATISTICS.**

13 (a) SECTION 6302 AMENDMENTS.--Section 6302 of title 49, United States
14 Code, is amended as follows:

15 (1) Subsection 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is
16 amended by striking "section 6310" and inserting "section 6309".

17 (2) Subparagraphs (vii), (viii), (ix) and (x) of subsection 6302(b)(3)(B) of
18 title 49, United States Code are redesignated as subparagraphs (viii), (ix), (x) and
19 (xi), respectively.

20 (3) The following is inserted after subsection 6302(b)(3)(B)(vi):

21 "(vii) develop and improve transportation economic accounts, to
22 meet demand for methods for estimating the economic value of
23 transportation infrastructure, investment and services;"

24 (b) INTERMODAL TRANSPORTATION DATA PROGRAM.--Section 6303 of
25 title 49, United States Code is amended by adding after subsection (c) the following:

26 "(d) INTERMODAL TRANSPORTATION DATA COLLECTION.--To provide
27 content for the database described in this section, the Director shall create and maintain
28 data sets and data analysis tools. Activities may include--

29 "(1) conducting national surveys of goods movement, intercity passenger
30 flows, household and business logistics, the domestic transportation of
31 international trade, and vehicle inventory and use;

1 "(2) collecting household travel behavior data and business logistics data
2 crossing local jurisdictional boundaries to accommodate external and through
3 travel;

4 "(3) collecting and analyzing administrative records to identify travel
5 patterns, goods movement, and the economic value of transportation
6 infrastructure serving travel and freight;

7 "(4) developing methods for establishing the economic value of
8 transportation capital stocks and services;

9 "(5) enhancing and deploying analysis tools to integrate data collected
10 under this section into the National Commodity Origin Destination Accounts,
11 National Passenger Travel Origin Destination Accounts, and Transportation
12 Economic Accounts of the Intermodal Transportation Database; and

13 "(6) developing tools to enhance public access to the Intermodal
14 Transportation Database in conjunction with development, application and
15 reporting of performance measures."

16 (c) NATIONAL TRANSPORTATION ATLAS DATABASE.--Section 6311(5)
17 of title 49, United States Code, is amended by replacing "section 6310" with "section
18 6309."

19 (d) INTERMODAL TRANSPORTATION DATA PROGRAM.--Section
20 6303(c)(1) is amended to read as follows:

21 "(1) information on the items referred to in subsection 6302(b)(3)(B)(vi)."

22 (e) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA
23 COLLECTION. -- Section 6313(a) of title 49, United States Code, is amended by--

24 (1) striking paragraph (2);

25 (2) striking the designation and heading of paragraph (1);

26 (3) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2),
27 respectively; and

28 (4) striking "described in paragraph (2)" and inserting "of any nature
29 whatsoever".

30 (f) NATIONAL TRANSPORTATION LIBRARY. --Section 6304 of title 49,
31 United States Code, is amended to read as follows:

1 **"Sec. 6304. National Transportation Library**

2 "(a) PURPOSE AND ESTABLISHMENT.--To support the information
3 management and decisionmaking needs of transportation officials at the Federal, State,
4 and local levels, there shall be in the Bureau a National Transportation Library, which
5 shall--

6 "(1) be headed by an individual who is highly qualified in library and
7 information science;

8 "(2) acquire, preserve, and manage transportation information and
9 information products and services for use by the Department, other Federal
10 agencies, and the general public;

11 "(3) provide reference and research assistance;

12 "(4) serve as a central depository for research results and technical
13 publications of the Department;

14 "(5) provide a central clearinghouse for transportation data and
15 information of the Federal Government;

16 "(6) plan for, coordinate and evaluate information sciences and library
17 needs related to transportation research, education and training;

18 "(7) serve as coordinator and policy lead for transportation information
19 access;

20 "(8) provide transportation information and information products and
21 services to--

22 "(A) the Department;

23 "(B) other Federal agencies;

24 "(C) public and private organizations; and

25 "(D) individuals, within the United States and internationally;

26 "(9) coordinate efforts among, and cooperate with, transportation libraries,
27 information providers, and technical assistance centers, in conjunction with
28 private industry and other transportation library and information centers, with the
29 goal of developing a comprehensive transportation information and knowledge
30 network that supports the activities described in section 6302(b)(3)(B)(vi); and

1 "(10) engage in other activities the Director determines to be necessary
2 and as the resources of the Library permit.

3 "(b) ACCESS.--

4 "(1) IN GENERAL.--The Director shall publicize, facilitate, and promote
5 access to the information products and services described in subsection (a), to
6 improve the ability of the transportation community to share information and the
7 ability of the Director to make statistics and other information readily accessible
8 as required under section 6302(b)(3)(B)(x) of this title.

9 "(2) AVAILABILITY OF PUBLICATIONS, MATERIALS,
10 FACILITIES, OR SERVICES; PRESCRIPTION OF RULES.--The Director
11 shall--

12 "(A) make available publications or materials according to library
13 and information science best practices;

14 "(B) make available its facilities for research; and

15 "(C) make available its bibliographic, basic reference, or other
16 services to public and private entities and individuals.

17 "(3) RULES.--Rules described in section 6304(b)(1) of this title may
18 provide for making available such publications, materials, facilities, or services--

19 "(A) without charge as a public service;

20 "(B) upon a loan, exchange, or charge basis; or

21 "(C) in appropriate circumstances, under contract arrangements
22 made with public or other nonprofit entity."

23 "(c) AGREEMENTS.--

24 "(1) IN GENERAL.--To carry out this section, the Director may enter into
25 agreements with, award grants to, and receive amounts from, any--

26 "(A) State or local government;

27 "(B) organization;

28 "(C) business; or

29 "(D) individual.

30 "(2) CONTRACTS, GRANTS, AND AGREEMENTS.--The Library may
31 initiate and support specific information and data management, access, and

1 exchange activities in connection with matters relating to the Department's
2 strategic goals, knowledge networking, and national and international
3 cooperation, by entering into contracts or other agreements or awarding grants for
4 the conduct of such activities.

5 "(3) AMOUNTS.--Any amounts received by the Library as payment for
6 library products and services or other activities shall be made available to the
7 Director to carry out this section, deposited in the Office of the Assistant
8 Secretary for Research and Technology's general fund account, and remain
9 available until expended."

10 (g) PORT PERFORMANCE STATISTICS PROGRAM.--Chapter 63 of title 49,
11 United States Code, is amended by adding after section 6313 the following:

12 **"Sec. 6314. Port performance statistics program**

13 "(a) IN GENERAL--The Director may establish a port performance statistics
14 program to provide nationally consistent measures of performance of the nation's
15 maritime ports.

16 "(b) ANNUAL REPORTS--The Director is authorized to require annual reports
17 from all ports that receive Federal assistance or are subject to Federal regulation,
18 including statistics on capacity, throughput, and other measures of performance required
19 for implementation of the National Freight Policy required by section 167 of title 23.

20 "(c) RECOMMENDATIONS--The Director shall obtain recommendations for
21 specifications for port performance measures from the United States Army Corps of
22 Engineers, the Maritime Administration, the Saint Lawrence Seaway Development
23 Corporation, the United States Coast Guard, the Marine Transportation System National
24 Advisory Council, and the Department of Commerce Advisory Council on Supply Chain
25 Competitiveness to identify standard data elements for measuring port performance."

26 (d) CONFORMING AMENDMENT.--The analysis for chapter 63 of title 49 is
27 amended by inserting the following at the end:

28 " Sec. 6314. Port performance statistics program."

29 **SEC. 8105. ITS GOALS AND PURPOSES.**

30 (a) TECHNICAL CORRECTION.--Section 514(a)(5) of title 23, United States
31 Code, is amended to read as follows:

1 "(5) improvement of the ability of the United States to respond to security
2 related or other manmade emergencies and natural disasters; and"

3 (b) FREIGHT GOALS.--Section 514(a) of title 23, United States Code, is
4 amended by inserting the following at the end:

5 "(6) enhancement of the nation's freight system and support to freight
6 policy goals by conducting heavy duty vehicle demonstration activities, and
7 accelerating adoption of ITS applications in freight operations."

8 **SEC. 8106. ITS GENERAL AUTHORITIES AND REQUIREMENTS.**

9 Section 515(h)(4) of title 23, United States Code, is amended--

10 (1) by striking "February 1 of each year after the date of enactment of the
11 Transportation Research and Innovative Technology Act of 2012" and inserting
12 "May 1 each year"; and

13 (2) by striking "submit to Congress" and insert "make available to the
14 public on a Department of Transportation web site".

15 **SEC. 8107. ITS NATIONAL ARCHITECTURE AND STANDARDS.**

16 (a) IN GENERAL.--Section 517(a)(3) of title 23, United States Code, is amended
17 to read as follows:

18 "(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.--In
19 carrying out this section, the Secretary shall support the development and
20 maintenance of standards and protocols using the services of such standards
21 development organizations as the Secretary determines to be necessary and whose
22 memberships represent, but are not limited to, the surface transportation and
23 intelligent transportation systems industries."

24 (b) TECHNICAL CORRECTION.--Section 517(b) of title 23, United States
25 Code, is amended to read as follows:

26 "(b) STANDARDS FOR NATIONAL POLICY IMPLEMENTATION.--If the
27 Secretary finds that a standard is necessary for implementation of a nationwide policy or
28 other capability requiring nationwide uniformity, the Secretary, after consultation with
29 stakeholders and in accordance with the requirements of section 553 of title 5 may
30 establish and require the use of that standard."

1 **SEC. 8108. VEHICLE-TO-VEHICLE AND VEHICLE-TO-**
2 **INFRASTRUCTURE COMMUNICATIONS SYSTEMS**
3 **DEPLOYMENT.**

4 Section 518(a) of title 23, United States Code, is amended by striking all of the
5 text that follows the heading and precedes "that--" and inserting the following:
6 "Not later than July 6, 2015, the Secretary shall make available to the public on a
7 Department of Transportation web site a report".

8 **SEC. 8109. INFRASTRUCTURE DEVELOPMENT.**

9 (a) IN GENERAL.--Chapter 5 of title 23, United States Code, is amended by
10 adding after section 518 the following:

11 **"Sec. 519. Infrastructure development**

12 Funds made available to carry out this subtitle for operational tests--

13 "(1) shall be used primarily for the development of intelligent
14 transportation system infrastructure, equipment and systems; and

15 "(2) to the maximum extent practicable, shall not be used for the
16 construction of physical surface transportation infrastructure unless the
17 construction is incidental and critically necessary to the implementation of an
18 intelligent transportation system project."

19 (b) CONFORMING AMENDMENT.--The analysis for chapter 5 of title 23,
20 United States Code, is amended by adding after section 518 the following:

21 "519. Infrastructure development."

22 **SEC. 8110. DEPARTMENTAL RESEARCH PROGRAMS; CONFORMING**
23 **AMENDMENTS.**

24 (a) TITLE 49 AMENDMENTS.--Title 49, United States Code, is amended as
25 follows:

26 (1) Section 102(e) is amended--

27 (A) in paragraph (1), by striking "5" and inserting "6"; and

28 (B) in paragraph (2), by inserting "an Assistant Secretary for
29 Research and Technology," before "and an Assistant Secretary".

1 (2) Chapter 1 is amended by striking Section 112, and the analysis of
2 Chapter 1 is amended by striking the item relating to the "Research and
3 Innovative Technology Administration".

4 (3) Section 330 is amended--

5 (A) by striking "contracts" in the section heading and inserting
6 "activities"; and

7 (B) by inserting at the end the following:

8 "(d) DUTIES.--The Secretary shall provide for the following:

9 "(1) Coordination, facilitation, and review of the Department's research
10 and development programs and activities.

11 "(2) Advancement, and research and development, of innovative
12 technologies, including intelligent transportation systems.

13 "(3) Comprehensive transportation statistics research, analysis, and
14 reporting.

15 "(4) Education and training in transportation and transportation-related
16 fields.

17 "(5) Activities of the Volpe National Transportation Systems Center.

18 "(e) ADDITIONAL AUTHORITIES.--The Secretary may--

19 "(1) enter into grants and cooperative agreements with Federal agencies,
20 State and local government agencies, other public entities, private organizations,
21 and other persons to conduct research into transportation service and
22 infrastructure assurance; and to carry out other research activities of the
23 Department;

24 "(2) carry out, on a cost-shared basis, collaborative research and
25 development to encourage innovative solutions to multimodal transportation
26 problems and stimulate the deployment of new technology with--

27 "(A) non-Federal entities, including State and local governments,
28 foreign governments, institutions of higher education, corporations,
29 institutions, partnerships, sole proprietorships, and trade associations that
30 are incorporated or established under the laws of any State;

31 "(B) Federal laboratories; and

1 "(iii) other Federal agencies; and

2 "(3) directly initiate contracts, grants, cooperative research and
3 development agreements (as defined in section 12 of the Stevenson-Wydler
4 Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to
5 fund, and accept funds from, the Transportation Research Board of the National
6 Research Council of the National Academy of Sciences, State departments of
7 transportation, cities, counties, institutions of higher education, associations, and
8 the agents of those entities to carry out joint transportation research and
9 technology efforts.

10 "(f) FEDERAL SHARE.--

11 "(1) IN GENERAL.--Subject to paragraph (2), the Federal share of the
12 cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

13 "(2) EXCEPTION.--If the Secretary determines that the activity is of
14 substantial public interest or benefit, the Secretary may approve a greater Federal
15 share.

16 "(3) NON-FEDERAL SHARE.--All costs directly incurred by the non-
17 Federal partners, including personnel, travel, facility, and hardware development
18 costs, shall be credited toward the non-Federal share of the cost of an activity
19 described in paragraph (1).

20 "(g) PROGRAM EVALUATION AND OVERSIGHT.--For fiscal years 2013
21 through 2018, the Secretary is authorized to expend not more than 1 and a half percent of
22 the amounts authorized to be appropriated for necessary expenses for administration and
23 operations of the Office of the Assistant Secretary for Research and Technology for the
24 coordination, evaluation, and oversight of the programs administered by the Office.

25 "(h) USE OF TECHNOLOGY.--The research, development, or use of a
26 technology under a contract, grant, cooperative research and development agreement, or
27 other agreement entered into under this subsection, including the terms under which the
28 technology may be licensed and the resulting royalties may be distributed, shall be
29 subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et
30 seq.).

1 (i) WAIVER OF ADVERTISING REQUIREMENTS.--Section 6101 of title 41
2 shall not apply to a contract, grant, or other agreement entered into under this section.";

3 (4) The item relating to section 330 in the analysis of chapter 3 is amended
4 by striking "Contracts" and inserting "Activities".

5 (5) Section 6302(a) is amended to read as follows:

6 "(a) In General.--There shall be within the Department the Bureau of
7 Transportation Statistics."

8 (b) TITLE 5 AMENDMENTS.--Title 5, United States Code, is amended as
9 follows:

10 (1) Section 5313 is amended by deleting "The Under Secretary of
11 Transportation for Security."

12 (2) Section 5314 is amended by deleting "Administrator, Research and
13 Innovative Technology Administration."

14 (3) Section 5315 is amended by striking "(4)" in the undesignated item
15 relating to Assistant Secretaries of Transportation and inserting "(5)".

16 (4) Section 5316 is amended by deleting "Associate Deputy Secretary,
17 Department of Transportation."

18 (c) CONFORMING AMENDMENT.--The analysis for chapter 3 of title 49,
19 United States Code, is amended by revising the entry relating to section 330 to read as
20 follows:

21 "330. Research activities."

22 **SEC. 8111. OFFICE OF INTERMODALISM.**

23 (a) IN GENERAL.--Section 5503 of title 49, United States Code, is repealed.

24 (b) CONFORMING AMENDMENT.--The analysis for chapter 55 of title 49,
25 United States Code, is amended by striking the item relating to section 5503.

26 **SEC. 8112. COOPERATION WITH FEDERAL AND STATE AGENCIES AND
27 FOREIGN COUNTRIES.**

28 (a) AUTHORIZED ACTIVITIES.--

29 (1) SECTION 308 AMENDMENT.--Section 308(a) of title 23, United
30 States Code, is amended by inserting "cooperating international entities," after
31 "countries".

1 (2) SECTION 502 AMENDMENT.--Section 502(b)(3)(C) of title 23,
2 United States Code, is amended by inserting "international entities," after
3 "country,".

4 (b) USE OF FUNDS.--Section 502(b)(5)(B) is amended to read as follows:

5 "(B) USE OF FUNDS.--The Secretary shall use funds made
6 available to carry out this chapter to--

7 "(i) develop, administer, communicate, and promote the use
8 of products of research, development, and technology transfer
9 programs under this chapter;

10 "(ii) promote United States highway transportation
11 expertise, goods, and services in foreign countries; or

12 "(iii) conduct studies to assess the need for or feasibility of
13 highway transportation improvements in foreign countries.".

14 **TITLE IX--RAIL SAFETY, RELIABILITY, AND EFFICIENCY**

15 **SEC. 9001. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES**
16 **CODE.**

17 (a) SHORT TITLE.--This Title may be cited as the "Rail for America Act".

18 (b) AMENDMENT OF TITLE 49.--Except as otherwise expressly provided,
19 whenever in this Title an amendment or repeal is expressed in terms of an amendment to,
20 or a repeal of, a section or other provision, the reference shall be considered to be made
21 to a section or other provision of title 49, United States Code.

22 **Subtitle A--National High-Performance Rail System**

23 **SEC. 9101. PURPOSE AND OBJECTIVES.**

24 (a) PURPOSE.--The purpose of this subtitle is to promote and facilitate the
25 development of the National High-Performance Rail System, a comprehensive national
26 network of integrated passenger and freight rail services, and to authorize funds for the
27 planning, development, construction, and implementation of rail corridors and related
28 infrastructure improvements.

29 (b) OBJECTIVES.--

1 (1) SAFETY.--The National High-Performance Rail System shall
2 contribute to reducing fatalities, injuries, and incidents on the nation's
3 transportation system.

4 (2) MOBILITY.--The National High-Performance Rail System shall
5 increase the efficient and reliable movement of both goods and people through
6 targeted market-based investments and policies.

7 (3) ENVIRONMENTAL SUSTAINABILITY.--The National High-
8 Performance Rail System shall strive to advance environmentally sustainable
9 policies and projects that reduce emissions of criteria air pollutants, air toxins, and
10 greenhouse gases from transportation sources while protecting communities and
11 natural resources.

12 (4) ENERGY EFFICIENCY.--The National High-Performance Rail
13 System shall enhance energy efficient transportation options and expand use of
14 renewable and clean energy sources.

15 (5) QUALITY OF LIFE.--The National High-Performance Rail System
16 shall promote quality of life and communities, including enhanced safety in areas
17 adjacent to transportation facilities and safety at highway-rail grade crossing and
18 efficient land-use development, and protecting public health.

19 (6) INFRASTRUCTURE CONDITION.--The National High-Performance
20 Rail System shall ensure that the current passenger rail network achieves and
21 maintains a state of good repair and is resilient and reliable in the face of extreme
22 events and changing climatic conditions.

23 (7) OPTIMIZATION OF FREIGHT RAIL NETWORK.--The National
24 High-Performance Rail System shall ensure that America's world-class freight rail
25 system is preserved and improved while balancing and protecting both private and
26 public interests, strengthening the ability of rural communities to access national
27 and international trade markets, and supporting regional economic development.

28 **SEC. 9102. GRANT PROGRAMS.**

29 (a) IN GENERAL.--Part C of subtitle V is amended by inserting the following
30 after chapter 244:

31 **"CHAPTER 246--NATIONAL HIGH-PERFORMANCE RAIL SYSTEM**

- 1 "Sec.
- 2 "24601. Definitions.
- 3 "24602. Authorization of appropriations.
- 4 "24603. National high-performance passenger rail system.
- 5 "24604. Current passenger rail service program.
- 6 "24605. Rail service improvement program.
- 7 "24606. Oversight.
- 8 "24607. Financial assistance conditions.

9 **"Sec. 24601. Definitions**

10 "In this chapter:

11 "(1) Three types of passenger rail corridors are defined as follows:

12 "(A) CORE EXPRESS CORRIDOR.--The term 'Core Express
13 Corridor' means a passenger rail corridor with trains operating primarily
14 on dedicated passenger track at peak speeds of 125 to 250 miles per hour
15 or greater, and that primarily connects major metropolitan centers in the
16 United States that are generally up to 500 miles apart.

17 "(B) REGIONAL CORRIDOR.--The term 'Regional Corridor'
18 means a passenger rail corridor with trains operating on either dedicated
19 and shared use track at peak speeds of 90 to 124 miles per hour, and that
20 primarily connects mid-size urban areas to larger and smaller communities
21 that are generally up to 500 miles apart.

22 "(C) FEEDER CORRIDOR.--The term 'Feeder Corridor' means a
23 State- or regionally-designated passenger rail corridor with trains
24 operating on shared use track at peak speeds of up to 90 miles per hour
25 and that connects large, mid-sized, and small urban areas generally less
26 than 750 miles apart.

27 "(2) CAPITAL PROJECT.--The term 'capital project' means a project or
28 program for use in or for the primary benefit of intercity passenger rail service or
29 freight rail service, including:

30 "(A) Acquiring, constructing, improving, or inspecting equipment,
31 track and track structures, or a facility.

1 "(B) Expenses incidental to the activities described in subsection
2 24601(2)(A) (including designing, engineering, location surveying,
3 mapping, environmental studies, utility relocation or improvement,
4 acquiring rights-of-way, and joint development activities as defined in
5 subsection 5302(3)(G)), and the maintenance of operations during
6 construction.

7 "(C) Preserving and acquiring rights-of-way.

8 "(D) Payments for the capital portions of rail trackage rights
9 agreements.

10 "(E) Highway-rail grade crossing improvements.

11 "(F) Mitigating environmental impacts.

12 "(G) Communication and signalization improvements.

13 "(H) Relocation assistance, including acquiring replacement
14 housing sites, and acquiring, constructing, relocating, and rehabilitating
15 replacement housing.

16 "(I) Interest and other financing costs to efficiently carry out a part
17 of the project within a reasonable time.

18 "(J) Evaluation and assessment of project implementation and
19 outcomes.

20 "(3) HIGH-PERFORMANCE RAIL.--The term 'high-performance rail'
21 means a passenger and freight rail network that is designed to meet the current
22 and future market demands for transportation of people and goods, in terms of
23 capacity, travel times, reliability, and efficiency.

24 "(4) INTERCITY PASSENGER RAIL SERVICE.--The term 'intercity
25 passenger rail service' has the same meaning as 'intercity rail passenger
26 transportation', as defined in section 24102 of this title.

27 "(5) INTERSTATE COMPACT.--The term 'interstate compact' means two
28 or more States that have entered into compacts, agreements, or organizations, not
29 in conflict with any law of the United States, for cooperative efforts and mutual
30 assistance in support of activities authorized under this chapter.

1 "(6) LONG-DISTANCE ROUTE.--The term "long-distance route" has the
2 same meaning as under section 24102(5)(C) of this title.

3 "(7) NORTHEAST CORRIDOR.--The term 'Northeast Corridor' has the
4 same meaning as under section 24102(5)(A) of this title.

5 "(8) RAIL HUB PLAN.--The term "rail hub plan" means a plan that
6 addresses the needs and opportunities for the dense, complex networks of shared
7 or interconnected freight, intercity passenger, and commuter rail lines that tend to
8 be found in and around major urban areas.

9 "(9) STATE.--The term 'State' means a State of the United States or the
10 District of Columbia.

11 "(10) STATE CORRIDOR.--The term "State corridor" has the same
12 meaning as under section 24102(5)(D) of this title.

13 "(11) STATE OF GOOD REPAIR.--The term 'state of good repair' means
14 a condition in which the existing physical assets, both individually and as a
15 system, are functioning as designed within their useful lives and are sustained
16 through regular maintenance and replacement programs.

17 **"Sec. 24602. Authorization of appropriations**

18 "(a) CURRENT PASSENGER RAIL SERVICES PROGRAM.--There are
19 authorized to be appropriated from the Rail Account of the Transportation Trust Fund to
20 carry out section 24604 of this title--

21 " (1) \$2,450,000,000 for fiscal year 2015;

22 " (2) \$2,400,000,000 for fiscal year 2016;

23 " (3) \$2,350,000,000 for fiscal year 2017; and

24 " (4) \$2,300,000,000 for fiscal year 2018.

25 "(b) RAIL SERVICE IMPROVEMENT PROGRAM.--There are authorized to be
26 appropriated from the Rail Account of the Transportation Trust Fund to carry out section
27 24605 of this title--

28 " (1) \$2,325,000,000 for fiscal year 2015;

29 " (2) \$2,405,000,000 for fiscal year 2016;

30 " (3) \$2,370,000,000 for fiscal year 2017; and

31 " (4) \$2,450,000,000 for fiscal year 2018.

1 "(c) AVAILABILITY OF CONTRACT AUTHORITY.--

2 "(1) PERIOD OF AVAILABILITY.--The amounts made available under
3 this section shall remain available for obligation until expended.

4 "(2) CONTRACT AUTHORITY.--Authorizations from the Transportation
5 Trust Fund made by this section shall be available for obligation on October 1 of
6 the fiscal year for which they are authorized.

7 **"Sec. 24603. National high-performance passenger rail system**

8 "(a) IN GENERAL.--The Secretary of Transportation shall facilitate the
9 establishment of a national high-performance rail system in accordance with this chapter.

10 "(b) CONTENTS.--The national high-performance rail system includes the
11 following:

12 "(1) Current passenger rail service program.

13 "(2) Rail service improvement program.

14 "(3) Railroad rehabilitation and improvement financing program.

15 "(c) RULEMAKING AUTHORITY.--The Secretary shall prescribe the
16 regulations necessary to implement this chapter.

17 **"Sec. 24604. Current passenger rail service program**

18 "(a) IN GENERAL.--The Secretary of Transportation shall establish a Current
19 Passenger Rail Service Program under this section. The program shall ensure that
20 existing passenger rail assets and services are maintained in reliable working condition.
21 The Current Passenger Rail Service Program consists of programs for the following:

22 "(1) Northeast Corridor.

23 "(2) State Corridors.

24 "(3) Long-Distance Routes.

25 "(4) National Assets, Legacy Debt, and Amtrak Positive Train Control.

26 "(5) Stations--Americans with Disabilities Act Compliance.

27 "(b) NORTHEAST CORRIDOR.--

28 "(1) OBJECTIVE.--The objective of the Northeast Corridor program is to
29 bring Northeast Corridor infrastructure and equipment into a state-of-good repair,
30 and to ensure that those assets are then maintained in a state-of-good repair, so

1 that the Northeast Corridor can continue providing travelers with a safe, reliable,
2 and efficient travel option in the congested Northeast region.

3 "(2) AUTHORITY.--The Secretary may provide grants under this
4 subsection to reduce the state of good repair backlog on the Northeast Corridor; to
5 replace legacy passenger rail equipment used for Northeast Corridor service; and
6 to fund the portion of ongoing capital replacement and renewal needs on the
7 Northeast Corridor not covered by Northeast Corridor operating surpluses.

8 "(3) ELIGIBLE RECIPIENTS.--The Secretary may provide grants to the
9 following entities for eligible projects under this subsection:

10 "(A) Amtrak.

11 "(B) States and other public-sector entities as identified in the
12 Northeast Corridor Capital Asset Plan required by section 24317 of this
13 title.

14 "(4) ELIGIBLE PROJECTS.--The Secretary may provide grants under
15 this subsection for the following activities, as identified in the Five-Year Capital
16 Asset Plans described in section 24317 of this title:

17 "(A) STATE OF GOOD REPAIR BACKLOG.--To replace or
18 rehabilitate railroad assets that are not currently in a state of good repair.

19 "(B) LEGACY EQUIPMENT REPLACEMENT.--To replace
20 legacy passenger rolling stock and locomotives used for Northeast
21 Corridor service.

22 "(C) ONGOING REPLACEMENT AND RENEWAL.--To fund
23 the balance needed to maintain the existing Northeast Corridor
24 infrastructure and equipment in an ongoing state of good repair, after the
25 following revenues are first dedicated to these activities:

26 "(i) All operating surpluses generated from Northeast
27 Corridor intercity passenger rail services.

28 "(ii) All access fees from other users of the Northeast
29 Corridor.

1 "(iii) All revenues generated from ancillary businesses
2 directly associated with Northeast Corridor services or
3 infrastructure.

4 "(5) FEDERAL SHARE OF TOTAL PROJECT COSTS.--The Federal
5 share of total project costs under this subsection may be up to 100 percent.

6 "(c) STATE CORRIDORS.--

7 "(1) OBJECTIVE.--To enable the successful implementation of section
8 209 of Division B of Public Law 110-432 for existing State-supported passenger
9 rail operations through transitional financial assistance to States.

10 "(2) AUTHORITY.--The Secretary is authorized to provide grants,
11 consistent with the maximum time period under which temporary financial
12 assistance may be received as developed in subsection (c)(3) of this section, to
13 eligible recipients under this subsection to support the implementation of section
14 209 of Division B of Public Law 110-432; and replacement of legacy passenger
15 rolling stock and locomotives used on State corridors.

16 "(3) TRANSITION ASSISTANCE FRAMEWORK.--The Secretary shall
17 develop a transition assistance framework within six months of the enactment of
18 this Act. As part of this framework, the Secretary shall:

19 "(A) Develop criteria for phasing out activities under subsection
20 (c)(5)(A) of this section by not later than October 1, 2017.

21 "(B) Develop policies governing financial terms, repayment
22 conditions, and other terms of financial assistance.

23 "(4) ELIGIBLE RECIPIENTS.--

24 "(A) States are eligible to receive grants for activities described in
25 subsections (c)(5)(A) and (c)(5)(B) of this section.

26 "(B) States may enter into contractual agreements to allow for
27 Amtrak to receive grants for activities described in subsection (c)(5)(B) of
28 this section.

29 "(5) ELIGIBLE ACTIVITIES.--Grants provided under this paragraph may
30 be used to:

1 "(A) Provide temporary financial support to eligible recipients in
2 conformance with the operating and capital cost methodologies developed
3 pursuant to section 209 of Division B of Public Law 110-432, until not
4 later than September 30, 2017.

5 "(B) Replace legacy passenger rolling stock and locomotives used
6 for State corridor service as identified in the Five-Year Capital Asset Plans
7 described in section 24317 of this title.

8 "(6) FEDERAL SHARE.--The Federal share of expenditures for activities
9 described in subsections (c)(5)(B) may be up to 80 percent of the total cost.

10 "(d) LONG-DISTANCE ROUTES.--

11 "(1) OBJECTIVE.--The objective of the long-distance routes program is
12 to provide grants to Amtrak for the continuation of services on long-distance
13 routes.

14 "(2) AUTHORITY.--The Secretary may provide grants to Amtrak under
15 this subsection, in accordance with the relevant provisions contained in part C,
16 subtitle V of this title.

17 "(3) ELIGIBLE RECIPIENTS.--Amtrak is eligible to receive grants for
18 long-distance route activities.

19 "(4) ELIGIBLE ACTIVITIES.--Grants provided for long-distance routes
20 may be expended for the operating and capital costs associated with providing
21 reliable national long-distance passenger rail services to the extent that such
22 expenses cannot be fully supported by the passenger and non-passenger revenues
23 generated by long-distance passenger services, as identified in the Five-Year
24 Business Line Plan described in section 24317 of this title.

25 "(5) FEDERAL SHARE.--The Federal share of expenditures for eligible
26 activities under this subsection may be up to 100 percent of the total cost.

27 "(e) NATIONAL ASSETS, LEGACY DEBT, AND AMTRAK POSITIVE
28 TRAIN CONTROL.--

29 "(1) OBJECTIVE.--The objective of the national assets program is to
30 provide grants to Amtrak for the operating and capital needs associated with the
31 nation's core rail assets; for servicing Amtrak's legacy debt; and for implementing

1 positive train control on Amtrak routes where Amtrak is fully or partially
2 responsible for compliance with section 20157 of this title.

3 "(2) AUTHORITY.--The Secretary may provide grants to Amtrak under
4 this subsection.

5 "(3) ELIGIBLE RECIPIENTS.--Amtrak is eligible to receive grants for
6 national asset activities.

7 "(4) ELIGIBLE ACTIVITIES.--Grants provided for national assets may
8 be expended for:

9 "(A) Operating and capital costs associated with operating and
10 maintaining national reservations, security, mechanical facilities, training
11 centers and other assets associated with Amtrak's national passenger rail
12 transportation system.

13 "(B) Implementing positive train control on Amtrak routes where
14 Amtrak is fully or partially responsible for compliance with section 20157
15 of this title.

16 "(C) Making payments for principal and interest payments related
17 to debt incurred prior to fiscal year 2005.

18 "(5) EVALUATION OF NATIONAL ASSETS OPERATING COSTS.--

19 "(A) The Secretary shall evaluate the cost and scope of all
20 operating activities defined in paragraph (4)(A) of this subsection, and
21 shall identify which activities are--

22 "(i) required in order to ensure the efficient operations of a
23 national passenger rail system;

24 "(ii) appropriate for allocation to one of the other Amtrak
25 business lines; and

26 "(iii) extraneous to providing an efficient national
27 passenger rail system or are too costly relative to the benefits or
28 performance outcomes they provide.

29 "(B) Within 1 year after the completion of the review in
30 subparagraph (A), the Federal Railroad Administration, in consultation
31 with the Amtrak Board of Directors, the governors of each relevant State,

1 and the Mayor of the District of Columbia, or entities representing those
2 officials, shall restructure and/or reallocate national assets operating costs
3 according to the findings of the review in that subparagraph.

4 "(6) FEDERAL SHARE.--The Federal share of expenditures for eligible
5 activities under this subsection may be up to 100 percent of the total cost as
6 identified in the Five-Year Business Line Plan described in section 24317 of this
7 title.

8 "(f) STATIONS--AMERICANS WITH DISABILITIES ACT COMPLIANCE.--

9 "(1) OBJECTIVE.--The objective of the program is to bring all stations
10 served by Amtrak into compliance with the Americans with Disabilities Act.

11 "(2) AUTHORITY.--The Secretary may provide grants to Amtrak under
12 this subsection.

13 "(3) ELIGIBLE RECIPIENTS.--Amtrak is eligible to receive grants for
14 eligible activities under this subsection.

15 "(4) ELIGIBLE ACTIVITIES.--Grants provided under this subsection
16 may be expended for upgrading existing intercity passenger rail stations to
17 comply with the Americans with Disabilities Act.

18 "(5) FEDERAL SHARE.--The Federal share of expenditures for eligible
19 activities under this subsection may be up to 100 percent of the total cost.

20 "**Sec. 24605. Rail service improvement program**

21 "(a) IN GENERAL.--The Secretary of Transportation shall establish a Rail
22 Service Improvement Program under this section. The program shall promote and
23 facilitate development of new passenger rail corridors and improvements to existing
24 passenger and freight rail corridors. The Rail Service Improvement Program consists of
25 programs covering the following:

26 "(1) Passenger Corridors.

27 "(2) Commuter Railroads--Positive Train Control Compliance.

28 "(3) Local Rail Facilities and Safety.

29 "(4) Planning.

30 "(b) PASSENGER CORRIDORS.--

1 "(1) OBJECTIVE.--The objective of the passenger corridors program
2 under this subsection is to build regional networks of passenger rail corridors
3 through construction of new corridors or substantial improvements to existing
4 corridors, including Core Express Corridors, Regional Corridors, and Feeder
5 Corridors, as defined in section 24601 of this title, and to mitigate passenger train
6 congestion at critical rail chokepoints.

7 "(2) AUTHORITY.--The Secretary is authorized to provide grants under
8 this subsection to eligible recipients (as specified in paragraph (3)) for eligible
9 corridor development and positive train control projects (as specified in paragraph
10 (4)).

11 "(3) ELIGIBLE RECIPIENTS.--Entities eligible for funding for eligible
12 projects identified in paragraph (4) are the following:

13 "(A) A State.

14 "(B) A group of States.

15 "(C) An Interstate Compact.

16 "(D) A Regional Rail Development Authority as defined in chapter
17 289 of this title.

18 "(E) A public agency or publicly-chartered authority established by
19 one or more States and having responsibility for providing high-speed or
20 intercity passenger rail service.

21 "(F) Amtrak.

22 "(G) Any institution for procuring, managing, or maintaining
23 passenger rail rolling stock and locomotives that may be established
24 pursuant to the outcomes of the review described in Section 305 of
25 Division B of Public Law 110-432, as amended.

26 "(4) ELIGIBLE PROJECTS.--The following projects are eligible to
27 receive funding under this subsection:

28 "(A) A capital project that is for the primary benefit of or use in
29 high-performance rail service is eligible to receive passenger corridors
30 grants under this subsection, provided that:

1 "(1) The project proposal is consistent with an adopted
2 service development plan or rail hub plan at the time of
3 application.

4 "(2) The project sponsor has completed, prior to the time of
5 application, the appropriate level of environmental reviews, in
6 compliance with the applicable environmental protection
7 requirements, including the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.), its implementing regulations, and
9 applicable procedures.

10 "(B) A capital project identified by the Surface Transportation
11 Board as to improve the on-time performance and reliability of intercity
12 rail passenger transportation under section 24308(f) of this title.

13 "(C) A capital project designated by the Secretary as being
14 necessary to address congestion challenges affecting passenger rail.

15 "(5) PROJECT SELECTION CRITERIA.--In selecting the recipients of
16 grants for eligible projects under paragraph (4), the Secretary shall:

17 "(A) Give preference to proposed projects that are consistent with
18 the investment goals, objectives, policies, and methodologies defined in
19 the following:

20 "(i) Any national rail planning guidance or parameters set
21 forth by the Secretary.

22 "(ii) Any Regional Rail Development Plans described in
23 section 22602 of this title that are applicable to a project proposal,
24 once available.

25 "(iii) Any State Rail Plans, as described in chapter 227 of
26 this title that are applicable to a project proposal.

27 "(B) Also consider the following:

28 "(i) The project's system and service performance as
29 experienced by the passenger, including measures such as
30 improved reliability, reduced trip time, additional service

1 frequency to meet anticipated or existing demand, or other
2 significant system and service enhancements.

3 "(ii) Cost-benefit analysis of the project, which shall
4 include such factors as the project's estimated ridership and
5 anticipated user and public benefits, relative to the proposed
6 Federal investment, and consideration of enhanced mobility,
7 environmental, and economic benefits (both for the specific project
8 proposal and in terms of the costs and benefits generated by the
9 specific project within a network context).

10 "(iii) Cross-modal benefits generated by the project,
11 including anticipated impacts on air, transit, or highway traffic
12 congestion, capacity, or safety; and cost avoidance or deferral of
13 planned investments in aviation, transit, and highway systems.

14 "(iv) Opportunities for operational integration with
15 commuter rail or other rail operations, as well as with regional
16 public transportation providers, including the degree to which the
17 project could allow for coordinated schedules, seamless
18 connections between trains, integrated sales and ticketing systems,
19 and other mechanisms that will benefit passengers and encourage
20 cost containment among rail operators.

21 "(v) Equitable financial participation by other beneficiaries
22 of the project, including the degree to which the project's business
23 plan considers potential private sector participation in the
24 financing, construction, and/or operation of the project.

25 "(vi) The recipient's past performance in developing and
26 delivering similar passenger rail projects.

27 "(vii) The recipient's previous financial contributions to
28 developing high-performance rail services, including any non-
29 Federal contributions in excess of minimum requirements that the
30 sponsor may have provided as a match for previous Federal grants.

1 "(viii) The likelihood that new service or expanded service
2 projects, once brought into service, will be able to cover on-going
3 operating costs without the support of grants, within a reasonable
4 time frame.

5 "(ix) Whether the recipient has or will have the legal,
6 financial, and technical capacity to carry out the project,
7 satisfactory continuing control over the use of the equipment or
8 facilities, and the capability and willingness to maintain the
9 equipment or facilities.

10 "(x) The likelihood that the proposed project is feasible and
11 will result in the anticipated benefits, including the recipient's
12 means for ensuring the realization of the anticipated benefits.

13 "(xi) Any other relevant factors as determined by the
14 Secretary.

15 "(6) PLANNING REQUIREMENTS.--To be eligible for a Federal grant
16 under this subsection, a project must be specifically identified on a State Rail
17 Plan, as described in section 22702.

18 "(7) FEDERAL SHARE OF TOTAL PROJECT COSTS.--

19 "(A) TOTAL PROJECT COST.--The Secretary shall estimate the
20 total cost of a project under this subsection based on engineering studies,
21 studies of economic feasibility, environmental analyses, and information
22 on the expected use of equipment or facilities.

23 "(B) FEDERAL SHARE.--The Federal share of total project costs
24 under this subsection shall not exceed 80 percent, except where the
25 proposed project was identified through and is consistent with a Regional
26 Rail Development Plan described in chapter 289 of this title, in which case
27 the Federal share of total project costs under this subsection shall not
28 exceed 85 percent.

29 "(c) COMMUTER RAILROADS; POSITIVE TRAIN CONTROL
30 COMPLIANCE.--

1 "(1) OBJECTIVE. --The objective of this program is to promote rail safety
2 by assisting in funding the implementation of positive train control on commuter
3 railroad-owned infrastructure, equipment, and back office systems.

4 "(2) AUTHORITY.--The Secretary is authorized to provide grants under
5 this subsection to eligible recipients (as described in paragraph (3)) for eligible
6 positive train control projects (as described in paragraph (4)).

7 "(3) ELIGIBLE RECIPIENTS.--Entities eligible for funding under this
8 subsection include the following:

9 "(A) A State.

10 "(B) A group of States.

11 "(C) A provider of commuter rail passenger transportation, as
12 defined in section 24102 of this title.

13 "(4) ELIGIBLE PROJECTS.--Projects eligible to receive grants under this
14 subsection include the following:

15 "(A) A project for analyzing, designing, developing, procuring,
16 installing, modifying, validating, configuring, and testing of positive train
17 control systems hardware or software system elements on commuter
18 railroad-owned infrastructure, equipment, or back office systems,
19 including the following activities:

20 "(i) Dedicated passenger service motive power equipment.

21 "(ii) Wayside interface of track-side devices on track
22 owned by eligible recipients.

23 "(iii) Back office and dispatch system infrastructure owned
24 and operated by passenger railroads.

25 "(iv) Roadway worker terminal devices.

26 "(v) Communications system design and components, such
27 as quality of service determinations, physical communications
28 infrastructure, and message integrity, authentication, and non-
29 repudiation mechanisms to protect positive train control system
30 communications.

1 "(vi) Track databases for track segments owned by eligible
2 recipients, including the population of such databases with
3 mapping data.

4 "(vii) Project management services for oversight and
5 systems engineering of passenger railroad positive train control
6 system design, procurement, implementation, and testing efforts.

7 "(viii) Positive train control system training programs for
8 eligible recipients compliant with title 49 of the Code of Federal
9 Regulations, part 236 subpart I.

10 "(ix) Engineering support to prepare all necessary
11 documentation required for regulatory compliance and system
12 certification of positive train control systems for eligible recipients

13 "(B) An eligible entity specified in paragraph (4)(A) may not
14 receive funding under this subsection for the following activities:

15 "(i) The procurement of radio frequency spectrum.

16 "(ii) Positive train control-related costs of any entity not
17 listed in paragraph (3), such as wayside positive train control
18 system components on track segments owned by a Class I freight
19 railroad and over which commuter rail passenger transportation is
20 regularly provided.

21 "(5) PROJECT SELECTION CRITERIA.--The Secretary, in selecting the
22 recipients of grants for eligible projects under paragraph (4), shall consider the
23 following:

24 "(A) The scope of positive train control system components
25 necessary to comply with section 20157 of this title, including the number
26 of locomotives owned by the eligible recipient, the number of wayside
27 miles owned by the eligible recipient, the number of positive train control
28 systems with which the eligible recipient's positive train control system
29 must be interoperable; the scale of the communications infrastructure the
30 eligible recipient requires to support positive train control system

1 operations; and the number of modifications to dispatching and back
2 office systems required to support positive train control system operations.

3 "(B) The extent to which the applicant has demonstrated a clear
4 need for Federal financial assistance.

5 "(C) The overall completeness and quality of the application,
6 including the comprehensiveness of its supporting documentation.

7 "(D) The extent of prior positive train control implementation
8 activities.

9 "(E) Any other relevant factors as determined by the Secretary.

10 "(6) FEDERAL SHARE OF PROJECT COSTS.--

11 "(A) TOTAL PROJECT COST.--The Secretary shall estimate the
12 total cost of a project under this subsection based on engineering studies,
13 studies of economic feasibility, environmental analyses, and information
14 on the expected use of equipment or facilities.

15 "(B) FEDERAL SHARE.--The Federal share of total project costs
16 for grants provided under this subsection shall not exceed 80 percent of
17 the total project cost.

18 "(C) MATCH CREDIT.--The non-Federal share requirement may
19 be met in whole or in part by eligible expenditures by the railroad carrier
20 made subsequent to October 16, 2008, excluding costs related to the lease
21 or acquisition of radio frequency spectrum.

22 "(d) LOCAL RAIL FACILITIES AND SAFETY.--

23 "(1) OBJECTIVE.--The objective of the local rail facilities and safety
24 program under this subsection is to mitigate the impacts of railroad operations in
25 local communities, through improvements to highway-rail grade crossings,
26 upgrades to short-line railroad infrastructure, rail line relocation and improvement
27 projects, and training and technical assistance to local governments.

28 "(2) AUTHORITY.--The Secretary is authorized to provide grants under
29 this subsection to eligible recipients (as described in paragraph (3)) for eligible
30 freight capacity projects (as described in paragraph (4)). A grant may be used to
31 pay all or a portion of the subsidy and administrative costs of projects eligible for

1 federal credit assistance under the Railroad Revitalization and Regulatory Reform
2 Act of 1976 (P.L. 94-210) (45 U.S.C. 801, et seq.) for a capital project to improve
3 short-line railroad infrastructure.

4 "(3) ELIGIBLE RECIPIENTS.--Entities eligible for funding under this
5 subsection include the following:

6 "(A) A State.

7 "(B) A group of States.

8 "(C) An Interstate Compact.

9 "(D) A Regional Rail Development Authority, as defined in
10 chapter 289 of this title.

11 "(E) A local government.

12 "(F) A metropolitan planning organization.

13 "(G) A group of metropolitan planning organizations.

14 "(4) ELIGIBLE PROJECTS.--Projects eligible to receive grants under this
15 subsection include the following:

16 "(A) A capital project to mitigate the impacts of rail infrastructure
17 and operations on a local community, including rail line relocation and
18 improvement and improving the safety of, or eliminating hazards at, a
19 highway-rail grade crossing.

20 "(B) A capital project to improve short-line railroad infrastructure.

21 "(C) Training and technical assistance to help local governments
22 better understand how to coordinate with railroads on operations and
23 safety issues, and how to integrate railroad issues into land use and
24 transportation planning processes.

25 "(5) PROJECT SELECTION CRITERIA.--In selecting the recipients of
26 grants for freight capacity projects under this subsection, the Secretary shall
27 consider:

28 "(A) The extent to which a proposed project--

29 "(i) alleviates the impacts of rail operations on local
30 neighborhoods or urbanized areas;

31 "(ii) will result in clearly-defined public benefits;

1 "(iii) contributes to increasing the competitiveness and state
2 of good repair of short line railroads;

3 "(iv) enhances safety at critical highway-rail grade
4 crossings;

5 "(v) is compatible with local land use, economic
6 development, and transportation plans and objectives;

7 "(vi) includes equitable participation from other
8 beneficiaries in the project's financing, including the extent to
9 which the project will leverage private or local government
10 investments; and

11 "(vii) will increase the reliability and resilience of the
12 nation's rail system.

13 "(B) The past performance of the recipient and other beneficiaries
14 of the project in developing and delivering rail projects.

15 "(C) Any other relevant factors as determined by the Secretary.

16 "(6) PLANNING REQUIREMENTS.--To be eligible for a Federal grant
17 under this subsection, a project must be specifically identified on a State Rail
18 Plan, as described in section 227 of this title.

19 "(7) FEDERAL SHARE OF PROJECT COSTS.--

20 "(A) TOTAL PROJECT COST.--The Secretary shall estimate the
21 total cost of a project under this subsection based on engineering studies,
22 studies of economic feasibility, environmental analyses, and information
23 on the expected use of equipment or facilities.

24 "(B) FEDERAL SHARE.--The Federal share of total project costs
25 for grants provided under this subsection shall not exceed 80 percent of
26 the total project cost.

27 "(e) PLANNING

28 "(1) OBJECTIVE.--The objective of the planning program under this
29 subsection is to facilitate the development of comprehensive plans to guide future
30 investments in the nation's rail systems and to develop the workforce necessary to
31 advance America's rail industry.

1 "(2) AUTHORITY.--The Secretary is authorized to provide grants under
2 this subsection to eligible recipients (as described in paragraph (3)) for eligible
3 planning projects (as described in paragraph (4)).

4 "(3) ELIGIBLE RECIPIENTS.--Entities eligible for funding under this
5 subsection include the following:

6 "(A) A State.

7 "(B) A group of States.

8 "(C) An Interstate Compact.

9 "(D) A Regional Rail Development Authority as defined in chapter
10 289 of this title.

11 "(E) A public agency or publicly-chartered authority established by
12 one or more States and having responsibility for providing high-speed or
13 intercity passenger rail service.

14 "(F) A local government.

15 "(G) A metropolitan planning organization.

16 "(H) A group of metropolitan planning organizations.

17 "(I) National Academy of Sciences Transportation Research
18 Board, for eligible projects described in paragraph (4)(C).

19 "(J) Federal Railroad Administration.

20 "(4) ELIGIBLE PROJECTS.--Projects eligible to receive grants under this
21 subsection include the following:

22 "(A) The preparation of new rail planning documents or any
23 updates to existing rail planning documents including the following:

24 "(i) A corridor or rail hub investment plan that consists of
25 both--

26 "(I) a corridor service development plan or rail hub
27 plan and;

28 "(II) corresponding environmental analyses.

29 "(ii) A regional rail development plan, as defined in section
30 22602 of this title.

1 "(iii) A State rail plan, as defined in section 22702 of this
2 title.

3 "(iv) Any other national, multi-State, mega-regional, or
4 State planning activity determined by the Secretary to be necessary
5 to advance the development of passenger and freight rail systems.

6 "(B) Capital upgrades to the Transportation Technology Center for
7 the purposes of conducting research, development, testing, evaluation, and
8 training for the purpose of enhancing technologies related to the design
9 and deployment of high-performance rail systems.

10 "(C) Research conducted by the National Cooperative Rail
11 Research Program, as established by section 24910 of this title.

12 "(D) Workforce development activities, coordinated to the extent
13 practical with the existing local training programs supported by the U.S.
14 Department of Transportation, the U.S. Department of Labor, and the U.S.
15 Department of Education, including:

16 "(i) Interagency agreements with the Manufacturing
17 Extension Partnership at the National Institute of Standards and
18 Technology.

19 "(ii) Developing and deploying training and technical
20 assistance opportunities for rail stakeholders.

21 "(iii) Rail-based University Transportation Centers
22 established by section 5505 of this title.

23 "(5) PROJECT SELECTION CRITERIA.--In selecting the recipients of
24 grants for planning projects under paragraph (4)(A), the Secretary shall consider:

25 "(A) The extent to which a proposed planning project--

26 "(i) comprehensively addresses both freight and passenger
27 rail issues and needs;

28 "(ii) considers high-performance rail's role within a
29 multimodal context;

30 "(iii) follows a planning process that allows for meaningful
31 incorporation of input from affected communities, local

1 governments, regional councils and planning organizations,
2 railroads, transportation modal partners, environmental interests,
3 workforce investment boards, economic development agencies, the
4 public, and other stakeholders, early and throughout the process;

5 "(iv) is integrated with other transportation planning
6 efforts;

7 "(v) will result in the appropriate documentation and
8 institutional support to proceed with project implementation; and

9 "(vi) examines and evaluates non-transportation issues that
10 could be affected by future capital projects, including but not
11 limited to land use, economic development, and social equity.

12 "(B) Any other relevant factors as determined by the Secretary.

13 "(6) FEDERAL SHARE OF PROJECT COSTS.--

14 "(A) The Federal share of total project costs for a grant provided
15 under paragraph (4)(A) shall not exceed 80 percent of the total project
16 cost.

17 "(B) The Federal share of total project costs for a grant or contract
18 provided under this paragraph (4)(B)-(D) may be up to 100 percent of the
19 total project cost.

20 "(7) FEDERALLY-LED RAIL PLANNING.--The Secretary may retain
21 up to two percent of the funds made available under section 24602(b) of this title
22 to facilitate the preparation of national planning tools and analyses, multi-State
23 regional rail plans, and service development plans and related environmental
24 reviews for corridors located in multiple States.

25 "**Sec. 24606. Oversight**

26 "(a) AUTHORITY.--

27 "(1) IN GENERAL.--

28 "(A) CURRENT PASSENGER RAIL SERVICE PROGRAM.--

29 The Secretary of Transportation may expend up to one-half percent of the
30 funds made available each fiscal year under section 24602(a) of this title

1 to conduct oversight of and to provide training and technical assistance for
2 the current passenger rail service program.

3 "(B) RAIL SERVICE IMPROVEMENT PROGRAM.--The
4 Secretary of Transportation may expend up to 1 percent of the funds made
5 available each fiscal year under section 24602(b) of this title to conduct
6 oversight, training and technical assistance, and project evaluations and
7 assessments for the rail service improvement program.

8 "(2) PAYMENT.--The Federal share of a contract under this subsection
9 shall be 100 percent.

10 "(b) PROJECT MANAGEMENT OVERSIGHT.--

11 "(1) PROCEDURES.--The Secretary shall develop and implement
12 oversight procedures to monitor the effective and efficient use of funds
13 appropriated under this chapter. These procedures shall include such measures as
14 the Secretary deems necessary to identify, mitigate, and monitor risks to
15 successful delivery of projects. These procedures may include:

16 "(A) Entering into contracts for safety, procurement, management,
17 and financial compliance reviews, audits, and reports of a recipient of
18 funds appropriated under this chapter.

19 "(B) Conducting site visits to review the progress and
20 implementation of projects under this chapter.

21 "(C) Establishing field offices to oversee projects and to provide
22 project delivery assistance to the recipients of financial assistance under
23 this chapter.

24 "(2) ACCESS.--Each recipient of financial assistance under this chapter
25 shall provide the Secretary or the Secretary's designee, including a contractor the
26 Secretary chooses under paragraph (1)(A) of this subsection, with access to the
27 construction sites and records of the recipient when reasonably necessary.

28 "(c) PROJECT EVALUATION AND ASSESSMENT.--The Secretary shall
29 develop and implement procedures for evaluating the implementation of projects
30 receiving funds made available under sections 24602(b) of this title and assessing the

1 extent to which these projects achieved intended outcomes and public benefits. These
2 procedures may include:

3 "(1) Establishing criteria to guide the selection of grants under
4 sections 24602(b) for individual assessments.

5 "(2) Identifying, collecting, and analyzing standardized data and
6 metrics related to grant applications under sections 24602(b) and (c), and
7 to the implementation, outcomes, and public benefits of projects receiving
8 grants under sections 24602(b).

9 "(3) Performing a national evaluation of overall program results
10 and outcomes under sections 24602(b).

11 "(4) Undertaking statistical and cost-benefit analyses to identify
12 strategies for maximizing return on investment of Federal funding in rail
13 research, planning, and construction.

14 "(5) Entering into grants or contracts for the purpose of carrying
15 out the procedures established under this paragraph.

16 "(d) TRAINING AND TECHNICAL ASSISTANCE.--The Secretary shall
17 develop and implement procedures to provide training and technical assistance to
18 grantees and other stakeholders in order to ensure the effective and efficient use of funds
19 appropriated under this chapter.

20 "(e) PROJECT DELIVERY DOCUMENTATION.--To receive Federal financial
21 assistance for a project under this chapter, an applicant shall prepare project delivery
22 documentation, which may include the following:

23 "(1) A project management plan.

24 "(2) A financial plan.

25 "(3) A system safety plan.

26 "(4) Agreements between the project sponsor(s) and all relevant entities.

27 "(5) A project risk management plan.

28 "(6) Other documents identified by the Secretary as relevant to carrying
29 out project management oversight activities under this section.

30 **"Sec. 24607. Financial assistance conditions**

1 "(a) FINANCIAL ASSISTANCE CONDITIONS.--The Secretary shall require, as
2 a condition of making any financial assistance under section 24605, that such financial
3 assistance shall comply with sections 24405(b), (c), (d), and (e) of this title, as amended,
4 in the same manner that funding under chapter 244 of part C of subtitle V of this title is
5 required to comply with sections 24405(b), (c), (d), and (e) of this title.

6 "(b) LOCAL HIRING.--

7 "(1) IN GENERAL.--A recipient of assistance may advertise, post job
8 opportunities on State job banks and with One Stop centers established under the
9 Workforce Investment Act, and award a contract for construction containing
10 requirements for the employment of individuals residing in or adjacent to any of
11 the areas in which the work is to be performed is for construction work required
12 under the contract, provided that--

13 "(A) all or part of the construction work performed under the
14 contract occurs in an area that has

15 "(i) a per capita income of 80 percent or less of the national
16 average; or

17 "(ii) an unemployment rate that is for the most recent 24-
18 month period for which data are available at least 1 percent greater
19 than the national average unemployment rate;

20 "(B) the estimated cost of the project of which the contract is a part
21 is greater than \$10 million;

22 "(C) the recipient may not require the hiring of individuals who do
23 not have the necessary skills to perform work in any craft or trade , except
24 for individuals who are subject to a apprenticeship program or other
25 training program meeting the requirements of subsection 24605(e) of this
26 title; and

27 "(D) the award of such a contract complies with agreements
28 subject to the Railway Labor Act (45 U.S.C. 151-188), if applicable.

29 "(2) ADVERTISEMENT.--In advertising an awarding a contract under
30 this subsection, the Secretary or a recipient of assistance shall ensure that the
31 requirements contained in the advertisement would not--

- 1 "(A) compromise the quality of the project;
- 2 "(B) unreasonably delay the completion of the project; or
- 3 "(C) unreasonably increase the cost of the project."

4 "(3) AVAILABLE PROGRAMS.--The Secretary shall make available to
5 recipients the workforce development and training programs set forth in section
6 24605(e)(4)(D)(ii) of this title to assist recipients who wish to establish training
7 programs that satisfy the provisions of subsection (b)(1)(C). The Secretary of
8 Labor shall make available its qualifying workforce and training development
9 programs to recipients who wish to establish training programs that satisfy the
10 provisions of section (b)(1)(C)."

11 (b) CONFORMING AMENDMENT.--The chapter analysis for subtitle V is
12 amended by inserting the following after the item relating to chapter 244:
13 "246. NATIONAL HIGH-PERFORMANCE RAIL SYSTEM.....24601".

14 **SEC. 9103. AMTRAK 5-YEAR BUSINESS PLANNING.**

15 (a) AMTRAK 5-YEAR BUSINESS LINE AND CAPITAL ASSET PLANS.--
16 Part C of subtitle V is amended by inserting the following new section after section
17 24316:

18 **"24317. Amtrak 5-year business line and capital asset plans**

19 "(a) IN GENERAL.--

20 "(1) DRAFT PLANS.--Not later than July 1 of each year, Amtrak shall
21 submit to the Secretary of Transportation draft 5-year business line plans and draft
22 5-year capital asset plans prepared in accordance with this section. Each draft
23 plan shall include information on historical performance, the subsequent base
24 fiscal year, and the five-year period that begins with the second full fiscal year
25 after the submission. Amtrak shall, in consultation with the Secretary of
26 Transportation, revise the draft plans, as appropriate.

27 "(2) FINAL PLANS.--Not later than February 15 of each year, Amtrak
28 shall submit to Congress and the Secretary of Transportation 5-year business line
29 plans prepared in accordance with this section. These plans shall form the basis
30 for Amtrak's general and legislative annual report to the President and Congress
31 required by subsection 24315(b) of this title.

1 "(3) UPDATED PLANS.--Amtrak shall submit updated 5-year business
2 line plans to Congress and the Secretary of Transportation no later than 60 days
3 after the date of enactment of an appropriations Act for the fiscal year. The
4 updated plan shall reflect the actual appropriations levels or obligation limits for
5 that fiscal year, and any corresponding adjustments to the subsequent fiscal years.
6 Amtrak shall submit updated 5-year capital asset plans to the Secretary of
7 Transportation no later than 60 days after the date of enactment of an
8 appropriations Act for the fiscal year.

9 "(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.--

10 "(1) AMTRAK BUSINESS LINES.--Amtrak shall prepare a 5-year
11 business line plan for each of the following business lines:

12 "(A) Northeast Corridor, as defined by section 24102(5)(A).

13 "(B) State corridors, as defined by section 24102(5)(D).

14 "(C) Long-distance routes, as defined by section 24102(5)(C).

15 "(D) National assets.

16 "(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.--The 5-year
17 business line plan for each business line shall include, at a minimum:

18 "(A) A statement of Amtrak's vision, goals, and objectives for the
19 business line, coordinated with any entities that are contributing capital or
20 operating funding to support passenger rail services within those business
21 lines, and aligned with Amtrak's Strategic Plan.

22 "(B) All projected revenues and expenditures for the business line,
23 including identification of revenues and expenditures incurred by:

24 "(i) Passenger operations.

25 "(ii) Non-passenger operations that are directly related to
26 the business line, including all ancillary business activities.

27 "(iii) Governmental funding sources, including revenues
28 and other funding received from States.

29 "(C) Projected ridership levels for all passenger operations.

1 "(D) A prioritized list of capital projects, including identified
2 funding sources, that is aligned with the Five-Year Capital Asset Plans
3 described in subsection (c).

4 "(E) Estimates of long-term and short-term debt and associated
5 principal and interest payments (both current and forecasts).

6 "(F) Annual profit and loss statements and forecasts and balance
7 sheets.

8 "(G) Annual cash flow forecasts.

9 "(H) A statement describing the methodologies and significant
10 assumptions underlying estimates and forecasts.

11 "(I) Specific performance measures that demonstrate measurable
12 improvement year over year in the financial results of Amtrak's
13 operations.

14 "(J) Financial performance for each route within each business
15 line, including descriptions of the cash operating loss and labor
16 productivity for each route.

17 "(K) Specific costs and savings estimates resulting from reform
18 initiatives.

19 "(L) Prior fiscal year and projected equipment reliability statistics,
20 in coordination with the equipment capital asset plan.

21 "(M) Identification and explanation of any adjustments made from
22 previously approved plans.

23 "(3) FIVE-YEAR BUSINESS LINE PLANS PROCESS.--In meeting the
24 requirements of this section, Amtrak shall:

25 "(A) Coordinate with the development of the capital asset plans
26 described in subsection (c) and ensure integration of each 5-year business
27 line plan with the 5-year capital asset plans.

28 "(B) For the Northeast Corridor business line plan, coordinate with
29 the Northeast Corridor Infrastructure and Operations Advisory
30 Commission, States, freight railroads, and commuter operators that access
31 Northeast Corridor infrastructure.

1 "(C) Ensure that Amtrak's annual budget request to Congress is
2 consistent with the information in the 5-year business line plans.

3 "(4) STANDARDS TO PROMOTE FINANCIAL STABILITY.--In
4 meeting the requirements of subsection (b) of this section, Amtrak shall:

5 (A) Apply sound budgetary practices.

6 (B) Use the categories specified in the financial accounting and
7 reporting system developed under section 203 of Division B of Public
8 Law 110-432 when preparing its five-year business plans.

9 "(c) AMTRAK 5-YEAR CAPITAL ASSET PLANS.--

10 "(1) CAPITAL ASSET CATEGORIES.--Amtrak shall prepare a 5-year
11 capital asset plan for each of the following capital asset categories:

12 "(A) Infrastructure, including all Northeast Corridor assets and
13 other Amtrak-owned infrastructure, and the associated engineering
14 facilities that support the maintenance and improvement of those assets.

15 "(B) Passenger rail equipment, including all rolling stock,
16 locomotives, and mechanical shop facilities that are used to overhaul
17 equipment.

18 "(C) Stations, including all Amtrak-served passenger rail stations.

19 "(D) Corporate, including assets such as information technology,
20 training centers, and other capital items that support the national passenger
21 rail system.

22 "(2) CONTENTS OF 5-YEAR CAPITAL ASSET PLANS.--Each capital
23 asset plan shall include, at a minimum:

24 "(A) A summary of Amtrak's 5-year strategic plan for each asset
25 category, including goals, objectives, any relevant performance metrics,
26 and statutory or regulatory actions affecting the assets.

27 "(B) An inventory of existing Amtrak capital assets, including
28 information regarding shared use or ownership, where applicable.

29 "(C) A prioritized list of proposed capital investments that:

30 "(i) Categorizes each capital project as being primarily
31 associated with--

1 "(I) normalized capital replacement;
2 "(II) backlog capital replacement;
3 "(III) improvements to support service
4 enhancements or growth; or
5 "(IV) strategic initiatives that will improve overall
6 operational performance, lower costs, or otherwise improve
7 Amtrak's corporate efficiency.

8 "(ii) Identifies the anticipated funding source for each
9 capital project.

10 "(iii) Describes the anticipated business outcomes of each
11 project, including: an assessment of the potential effect on
12 passenger operations, safety, reliability and resilience, and on
13 Amtrak's ability to meet regulatory requirements should the project
14 not be funded; and an assessment of the benefits and costs.

15 "(iv) Identifies where the capital assets are or will be jointly
16 used by intercity passenger rail service and other users, and that
17 identifies the proportionate share of this joint usage.

18 "(v) For projects that are expected to be fully or partially
19 funded through Federal grants, identifies the most appropriate
20 public agency or entity to receive those funds and implement each
21 capital project, in cases where that entity is not Amtrak.

22 "(3) 5-YEAR CAPITAL ASSET PLAN PROCESS.--In meeting the
23 requirements of subsection (c) of this section, Amtrak shall:

24 "(A) Coordinate with the development of the business lines
25 described in subsection (b)(1) of this section and ensure integration of
26 each 5-year capital asset plan with the 5-year business line plans.

27 "(B) For the infrastructure capital asset plan described in
28 subsection (c)(1)(A) of this section, coordinate with the Northeast
29 Corridor Infrastructure and Operations Advisory Commission, States,
30 freight railroads, and commuter operators that access Northeast Corridor
31 infrastructure.

1 (b) IDENTIFICATION OF DUPLICATIVE REPORTING REQUIREMENTS.--

2 (1) The Secretary shall review existing Amtrak reporting requirements and
3 identify where these requirements are duplicative with the business line and
4 capital asset plans required by this section.

5 (2) Where duplicative reporting requirements are administrative, the
6 Secretary shall eliminate such duplicative requirements.

7 (3) The Secretary shall submit a report to Congress with any
8 recommendations for repealing duplicative Amtrak reporting requirements.

9 **SEC. 9104. CLARIFICATION OF GRANT CONDITIONS.**

10 (a) RAIL CARRIERS.--Section 24405(b) is amended:

11 (1) By striking the title and inserting "(b) OPERATORS AND CERTAIN
12 RAILROAD TRANSPORTATION SERVICE PROVIDERS DEEMED RAIL
13 CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.--(1)".

14 (2) After "operations over" by inserting ", or that performs dispatching,
15 maintenance of way, or signal system work for, or in support of, rail operations that is
16 work performed by employees in crafts and classes recognized by the National Mediation
17 Board on,".

18 (3) By replacing "(1)", "(2)", and "(3)" with "(A)", "(B)", and "(C)".

19 (4) By inserting at the end the following:

20 "(2) Notwithstanding subsection (b) of this section:

21 "(A) An employer engaged primarily in the building and
22 construction industry, as that term is used in section 8(f) of the National
23 Labor Relations Act, which is performing work as a contractor for a rail
24 carrier shall not itself be considered a rail carrier solely as a result of
25 performance of that work.

26 "(B) An employer performing work as a contractor or
27 subcontractor consistent with a collective bargaining agreement covering
28 the railroad that owns rail infrastructure constructed or improved with
29 funding provided in whole or in part in a grant made under this chapter
30 shall not itself be considered a rail carrier solely as a result of performance
31 of that work.

1 "(C) An employer performing work as a contractor for an operator
2 in accordance with a collective bargaining agreement reached by the
3 operator and a union representing employees in a craft or class recognized
4 by the National Mediation Board covering work performed by that craft or
5 class shall not itself be considered a rail carrier solely as a result of
6 performance of that work."

7 (b) GRANT CONDITIONS.--Section 24405(c) is amended:

8 (1) By striking "railroad" and inserting "railroad or used by a railroad for
9 common carrier service".

10 (2) In subsection (c)(2), by striking "comply" and inserting "assure
11 compliance".

12 **SEC. 9105. RESEARCH AND DEVELOPMENT.**

13 (a) RESEARCH, DEVELOPMENT, TESTING, AND TRAINING.--Section
14 20108(a) is amended by inserting ", operations, and technology" after the word "safety".

15 (b) TECHNICAL CORRECTION.--Section 24910 is amended by striking
16 subsection (e).

17 **SEC. 9106. MISCELLANEOUS REVISIONS.**

18 (a) AMTRAK INDEBTEDNESS.--Division B of Public Law 110-432, the
19 Passenger Rail Investment and Improvement Act of 2008, is amended--

20 (1) by repealing section 204; and

21 (2) by revising section 205(a) to read as follows:

22 "(a) IN GENERAL.--The Secretary of the Treasury, in consultation with the
23 Secretary and Amtrak, may make agreements to restructure Amtrak's indebtedness as of
24 the date of enactment of this Act. This authorization expires on September 30, 2018."

25 (b) CRIMINAL PENALTIES.--Section 21311 is amended as follows:

26 (1) Subsection (a) is amended by deleting "and willfully";

27 (2) The following is inserted at the end:

28 "(c) CRIMINAL PENALTY.--A person who knowingly violates a provision of
29 this chapter shall, if the violator's activities have led or could have led to death or serious
30 injury, be fined under title 18, imprisoned for not more than 5 years, or both."

31 **Subtitle B--Policy**

1 **SEC. 9201. REGIONAL RAIL DEVELOPMENT AUTHORITIES.**

2 (a) IN GENERAL.--Part E of subtitle V is amended by inserting the following
3 after chapter 287:

4 **"CHAPTER 289--REGIONAL RAIL DEVELOPMENT AUTHORITIES**

5 "Sec.

6 "28901. Authority and objectives.

7 "28902. Structure.

8 "28903. Activities.

9 **"28901. Authority and objectives**

10 "(a) AUTHORITY.--The Secretary, in consultation with State governors, is
11 authorized to establish Regional Rail Development Authorities (hereafter referred to as
12 "RRDAs") to facilitate the development of multi-State high-performance rail services and
13 to coordinate these investments with other rail, transit, highway, and aviation system
14 services.

15 "(b) OBJECTIVES.--The objectives of RRDAs are as follows:

16 "(1) To establish multi-State public entities that have the authority to plan and
17 develop high-speed and intercity passenger rail infrastructure and services within
18 regions, in coordination with other planning and investment efforts in the region's
19 freight rail, transit, highway, and aviation infrastructure.

20 "(2) To develop and implement Regional Rail Development Plans that are
21 consistent with the framework established in the National Passenger Rail
22 Development Plan, including establishing a structure for State- and corridor-level
23 planning efforts.

24 "(3) To support the prioritization of intercity passenger rail investments, taking
25 into consideration the most logical, efficient, and cost-effective approach for
26 developing the regional passenger rail network.

27 "(4) To facilitate interoperability and integration across corridors and States
28 within regions.

29 **"28902. Structure**

30 "(a) GOVERNANCE.--

31 "(1) EXECUTIVE DIRECTOR.--

1 "(A) APPOINTMENT.--An RRDA shall be administered by an
2 Executive Director who is appointed by the Secretary.

3 "(B) SUPERVISION.--The Executive Director shall be subject to
4 the supervision and direction of the Secretary consistent with the
5 Executive Director's responsibilities and other requirements established in
6 this chapter.

7 "(C) EXPERTISE.--The Executive Director shall have
8 demonstrated expertise in the following three areas:

9 " (i) Passenger or freight rail operations.

10 " (ii) Transportation or infrastructure planning.

11 " (iii) Project, public, or corporate finance.

12 "(D) AUTHORITY.--The Executive Director shall be the chief
13 executive officer of the RRDA, with such executive functions, powers,
14 and duties as may be prescribed by this chapter or otherwise by the
15 Secretary.

16 "(E) RESPONSIBILITY.--The Executive Director shall have
17 responsibility for the day-to-day operations of the RRDA. In addition to
18 the other activities required to carry out the authorities and purposes of the
19 RRDA as set forth in this chapter, the Executive Director shall:

20 " (i) Establish and maintain a passenger rail corridor
21 development and delivery capability that consists of qualified
22 transportation infrastructure planning, financing, and construction
23 professionals directed to develop and deliver projects that are
24 consistent with the strategy and objectives set forth in the Regional
25 Rail Development Plan.

26 " (ii) Establish and maintain a technical assistance capability
27 at the RRDA that consists of a staff of qualified project
28 management professionals directed to assist other entities within
29 the region that are implementing high-speed and intercity
30 passenger rail projects.

31 "(2) REGIONAL COMMITTEE.--

1 "(A) ESTABLISHMENT.--There is established within the RRDA
2 a deliberative body to be known as the 'Regional Committee'.

3 "(B) MEMBERSHIP.--The membership of the Regional
4 Committee may be established and maintained as follows:

5 " (i) Governors or their designees from all States in the
6 region.

7 " (ii) Other individuals and organizations the Secretary
8 determines have a significant interest in rail issues in the region.

9 "(C) CONSULTATION.--The Regional Committee shall consult
10 with:

11 " (i) Elected officials and other community leaders in cities
12 or counties affected by high-speed or intercity passenger rail
13 projects.

14 " (ii) Economic development bodies.

15 " (iii) Business leaders in the region.

16 " (iv) Freight carriers with operations in the region.

17 " (v) Commuter rail agencies with operations in the region.

18 " (vi) Rail labor.

19 " (vii) Regional transportation and air quality planning
20 agencies.

21 " (viii) Other individuals or organizations that the Regional
22 Committee determines would provide valuable input into the
23 Committee's deliberations.

24 "(D) RESPONSIBILITIES.--The Regional Committee shall be
25 responsible for carrying out the following:

26 " (i) Proposing to the Secretary the Regional Rail
27 Development Plan within one year of the RRDA's establishment
28 and making recommendations to the Secretary for biennial
29 updates.

30 " (ii) Evaluating Service Development Plans and investment
31 plans and related materials or other analyses prepared by the

1 Executive Director for use in supporting applications to the
2 Secretary for Federal financial assistance and providing the
3 Secretary with recommendations or written objections to the Plan
4 and related materials as appropriate.

5 "(iii) Making recommendations to the Secretary for the
6 selection of private sector partners for designing, constructing,
7 operating, or maintaining a corridor.

8 "(iv) Evaluating and making recommendations to the
9 Secretary for the RRDA's Annual Report.

10 "(v) Making recommendations to the Secretary concerning
11 the powers outlined in section 28903 of this title.

12 "(E) MAJORITY VOTE.--An action or decision by the Regional
13 Committee shall be by majority vote of all members, whether in person or
14 in absentia. Each member shall be provided a reasonable opportunity to
15 vote on all matters before the Regional Committee.

16 "(F) PUBLICLY ACCESSIBLE MEETINGS.--All meetings of the
17 Regional Committee shall be publicly-accessible, and the Regional
18 Committee shall also provide regular updates and information on a
19 publicly-accessible Web site.

20 "(b) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.--The
21 Federal Advisory Committee Act shall not apply to Regional Rail Development
22 Authorities.

23 **"28903. Activities**

24 "(a) CORRIDOR DEVELOPMENT POWERS.--Regional Rail Development
25 Authorities established pursuant to this chapter shall have the power to undertake the
26 following corridor development activities:

27 "(1) Planning for Core Express Corridors, Regional Corridors, and Feeder
28 Corridors within their jurisdiction, including leading the development of the
29 Regional Rail Development Plan described in section 22602 of this title and
30 identifying proposed corridor alignments and station locations.

1 "(2) Planning that addresses transportation issues and infrastructure
2 investments for more efficient movement of people and goods through and among
3 corridors, including consideration of the most cost-effective transportation
4 investments to address a specific region's or corridor's transportation needs for
5 both people and goods.

6 "(3) Preparing engineering studies, environmental and health analyses,
7 project management plans, financial plans, service development plans and other
8 documentation necessary for developing and delivering new or improved high-
9 speed or intercity passenger rail services.

10 "(4) Receiving, managing, and expending Federal financial assistance,
11 including taking responsibility for all relevant reporting or other requirements
12 associated with that financial assistance.

13 "(5) Coordinating the financing package for project development and
14 delivery, including structuring and overseeing Federal, State, and local financial
15 assistance funds, and private-sector contributions.

16 "(6) Leading construction-related activities for developing the corridor,
17 including issuing requests for proposals/qualifications, managing contractors,
18 entering into contracts with public and private entities for construction of the
19 corridor, and other related activities.

20 "(7) Acquiring and preserving right-of-way for dedicated corridors;

21 "(8) Providing for or supporting negotiations with infrastructure owners
22 for new or improved shared-use passenger rail corridors.

23 "(9) Issuing requests for proposals for projects for the financing, design,
24 construction, operation, and/or maintenance of a high-speed intercity passenger
25 rail system operating within the RRDA's jurisdictions that shall include those
26 items described in paragraph (a)(4) of section 502 of Division B of Public Law
27 110-432.

28 "(b) FUNDING ELIGIBILITY.--Regional Rail Development Authorities are
29 eligible to receive Federal funding under the Rail Service Improvement Program, as
30 described in section 24605 of this title."

1 (b) RELATED AMENDMENT.--The analysis for subtitle V is amended by
2 inserting below the item for chapter 287 the following:

3 "289. Authority and objectives..... 28901
4 Structure..... 28902
5 Activities..... 28903".

6 **SEC. 9202. NORTHEAST CORRIDOR INFRASTRUCTURE AND**
7 **OPERATIONS ADVISORY COMMISSION.**

8 Section 24905 is amended as follows:

9 (1) By revising paragraph (c)(1)(B) to read as follows:

10 "(B) develop a proposed timetable for implementing the formula that
11 allows for a phased-in schedule that incorporates a reasonable amount of time for
12 agreements to be negotiated among affected parties, provided that the formula is
13 fully implemented no later than September 30, 2018."

14 (2) In paragraph (e), by striking "2013" and replacing with "2018".

15 (3) By inserting paragraph (g) to read as follows:

16 "(g) NORTHEAST CORRIDOR GOVERNANCE.--Not later than
17 September 30, 2014, the Commission shall issue a report with recommendations
18 regarding the appropriate mechanisms for managing, improving, financing,
19 operating, and maintaining the Northeast Corridor, including a clear delineation of
20 responsibilities among the Federal government, States, and Amtrak. This report
21 shall be submitted to the Secretary, the Committee on Commerce, Science, and
22 Transportation of the Senate, and the Committee on Transportation and
23 Infrastructure of the House of Representatives."

24 **SEC. 9203. STANDARDIZATION OF PASSENGER EQUIPMENT AND**
25 **PLATFORMS.**

26 (a) PASSENGER PLATFORMS.--Where level-entry boarding platforms are
27 required by law:

28 (1) New or rebuilt passenger platforms in Connecticut, Delaware, Maine,
29 Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and
30 Vermont shall be constructed and maintained at 48 inches above top of rail.

1 (2) New or rebuilt passenger platforms in Maryland and Pennsylvania
2 shall be constructed and maintained at 15 or 48 inches above top of rail, in
3 coordination with the lowest floor height of equipment serving the platform.

4 (3) New or rebuilt platforms at Union Station in Washington, District of
5 Columbia, shall be built and maintained to facilitate level boarding for the
6 equipment serving the platform.

7 (4) All other new or rebuilt passenger rail platforms shall be built and
8 maintained at 15 inches above top of rail.

9 (5) It is the intent of Congress to expressly preempt State and local laws,
10 regulations and rules on passenger platform height and setback.

11 (b) EXCEPTIONS.--

12 (1) A railroad owner may seek an exception to the passenger platform
13 height requirements by presenting information to the Federal Railroad
14 Administration of an actual conflict between the requirement and an existing
15 piece of equipment operated past the platform location. New or rebuilt passenger
16 rail equipment used on any route with a platform excepted under this subpart must
17 be equipped with an onboard lift.

18 (2) A railroad owner may seek an exception to the passenger platform
19 height requirements by presenting information to the Federal Railroad
20 Administration that it will provide level-boarding at a height other than that
21 provided in subsection (a).

22 (3) A system that is in operation on the date of this enactment that
23 provides a level-boarding platform at a height other than those described in
24 subsection (a) may continue to provide such service.

25 **SEC. 9204. NEXT GENERATION EQUIPMENT COMMITTEE.**

26 (a) REVISIONS TO DIVISION B OF PUBLIC LAW 110-432, THE
27 PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008.--Section
28 305 of Division B of Public Law 110-432 is amended:

29 (1) In subsection (a), by inserting "labor organizations that represent
30 employees who perform overhaul and maintenance work on passenger equipment
31 used for intercity passenger rail transportation," after "manufacturers,".

1 (2) By redesignating paragraph (e) as paragraph (f).

2 (3) By inserting new paragraph (e) to read as follows--

3 "(e) RAIL EQUIPMENT MANAGEMENT.--Not later than December 30, 2013,
4 the Next Generation Corridor Equipment Pool Committee shall issue a report with
5 recommendations regarding the appropriate mechanisms for procuring, managing,
6 and maintaining passenger rail cars and locomotives. This report shall be
7 submitted to the Secretary, the Committee on Commerce, Science, and
8 Transportation of the Senate, and the Committee on Transportation and
9 Infrastructure of the House of Representatives."

10 **SEC. 9205. BUY AMERICA.**

11 (a) IN GENERAL.--Part E of subtitle V is amended by inserting the following
12 after chapter 285:

13 **"CHAPTER 287--BUY AMERICA PREFERENCES**

14 "Sec.

15 "28701. Buying goods produced in the United States.

16 "28702. Fraudulent use of 'Made in America' label.

17 **"Sec. 28701. Buying goods produced in the United States**

18 "(a) PREFERENCE.--

19 "(1) IN GENERAL.--Notwithstanding any other provision of law, the
20 Secretary shall not obligate any funds authorized to be appropriated to carry out
21 subtitle V of this title and administered by the Department of Transportation, nor
22 shall the Secretary provide direct loans or loan guarantees under section 502 of
23 the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822),
24 unless steel, iron, and manufactured products used in the project are produced in
25 the United States.

26 "(2) NON-FEDERAL FUNDS.--Notwithstanding any other provision of
27 law, rolling stock and power train equipment (including train control,
28 communication, traction power equipment, and rolling stock prototypes)
29 purchased with non-Federal funds in connection with a project receiving Federal
30 financial assistance under subtitle V of this title or under section 502 of the
31 Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822),

1 shall only use steel, iron, and manufactured products produced in the United
2 States.

3 "(b) WAIVER.--The Secretary may waive subsection (a) of this section if the
4 Secretary finds that--

5 "(1) applying subsection (a) would be inconsistent with the public interest;

6 "(2) such materials and products produced in the United States are not
7 produced in a sufficient and reasonably available amount or are not of a
8 satisfactory quality;

9 "(3) the cost of the domestic material will increase the cost of the end
10 product by more than 25 percent; or

11 "(4) when procuring rolling stock or train control systems for high-speed
12 rail, as that term is defined by section 26105(2) of this title--

13 "(A) the rolling stock and train control systems are manufactured
14 in the United States substantially from components produced or
15 manufactured in the United States;

16 "(B) the rolling stock domestic material improvement plan
17 required by subsection (c) of this section addresses how the domestic
18 material content of the rolling stock and train control systems will be
19 increased over the duration of the contract; and

20 "(C) final assembly of the rolling stock and train control systems,
21 not including prototypes that will primarily be used to test the rolling stock
22 or train control systems, has occurred in the United States.

23 "(5) The waiver justifications contained in this subsection at paragraphs
24 (1)-(3) apply to all steel, iron, and manufactured products, including all rolling
25 stock.

26 "(c) ROLLING STOCK DOMESTIC MATERIAL IMPROVEMENT PLAN.--

27 All rolling stock procurements subject to the requirements of subsection (a) of this
28 section shall require that rolling stock procurement proposals include a plan to increase
29 the domestic material content of the rolling stock over the duration of the contract. This
30 plan shall address increasing the domestic material content of all components and
31 subcomponents. Significant weight shall be given in the proposal evaluation criteria for

1 the plan achieving the most domestic material content. The recipient of the Federal
2 financial assistance shall conduct an audit post-contract award to verify implementation
3 of the plan. As determined appropriate by the Secretary, a certain amount of funding
4 made available for the rolling stock procurement shall be used to implement the plan.

5 "(d) LABOR COSTS.--For purposes of this section, labor costs involved in final
6 assembly shall not be included in calculating the cost of components.

7 "(e) WAIVER NOTICE AND COMMENT.--If the Secretary determines that it is
8 necessary to waive the application of subsection (a) based on a finding under subsection
9 (b), the Secretary shall, before the date on which such finding takes effect--

10 "(1) make available to the public on the Department of Transportation's
11 public Web site the waiver request and a detailed written justification as to why
12 the waiver is needed;

13 "(2) publish in the Federal Register a detailed written justification as to
14 why the waiver is needed; and

15 "(3) provide notice of such finding and an opportunity for public comment
16 on such finding for a reasonable period of time not to exceed 15 days.

17 "(f) WAIVER PROHIBITED.--The Secretary may not make a waiver under
18 subsection (b) of this section for goods produced in a foreign country if the Secretary, in
19 consultation with the United States Trade Representative, decides that the government of
20 that foreign country--

21 "(1) has an agreement with the United States Government under which the
22 Secretary has waived the requirement of this section; and

23 "(2) has violated the agreement by discriminating against goods to which
24 this section applies that are produced in the United States and to which the
25 agreement applies.

26 "(g) STATE REQUIREMENTS.--The Secretary may not impose any limitation
27 on assistance provided under subtitle V of this title that restricts a State from imposing
28 more stringent requirements than this section on the use of articles, materials, and
29 supplies mined, produced, or manufactured in foreign countries, in projects carried out
30 with that assistance, or restricts a recipient of that assistance from complying with those
31 State-imposed requirements.

1 "(h) CERTIFICATION.--The Secretary may allow a manufacturer or supplier of
2 steel, iron, or manufactured goods to correct after bid opening any certification of
3 noncompliance or failure to properly complete the certification (but not including failure
4 to sign the certification) under this section if such manufacturer or supplier attests under
5 penalty of perjury that such manufacturer or supplier submitted an incorrect certification
6 as a result of an inadvertent or clerical error. The burden of establishing inadvertent or
7 clerical error is on the manufacturer or supplier.

8 "(i) REVIEW.--A party adversely affected by an agency action under this section
9 shall have the right to seek review under section 702 of title 5.

10 "(j) MINIMUM COST.--The requirements of this section shall only apply to
11 contracts for which the costs exceed \$100,000.

12 "(k) INTERNATIONAL AGREEMENTS.--This section shall be applied in a
13 manner consistent with United States obligations under international agreements.

14 **"Sec. 28702. Fraudulent use of 'Made in America' label**

15 "A person is ineligible to receive a contract or subcontract made with amounts
16 authorized under subtitle V of this title or section 502 of the Railroad Revitalization and
17 Regulatory Reform Act of 1976 (45 U.S.C. 822) if a court or department, agency, or
18 instrumentality of the Government decides the person intentionally--

19 "(1) affixed a 'Made in America' label, or a label with an inscription
20 having the same meaning, to goods sold in or shipped to the United States that are
21 used in a project to which this section applies, but were not produced in the
22 United States; or

23 "(2) represented that goods described in paragraph (1) of this section were
24 produced in the United States."

25 (b) CONFORMING AMENDMENT.--The analysis for subtitle V is amended by
26 inserting below the item for chapter 285 the following:

27 "287. Buy America preferences..... 28701
28 Fraudulent use of 'Made in America' label..... 28702."

29 (c) RELATED AMENDMENTS.--

30 (1) Section 24305 is amended by repealing subsection (f);

1 (2) Section 24405(a) is amended by redesignating paragraphs (1) through
2 (11), respectively, as paragraphs (2) through (12); and

3 (3) Section 24405(a) is amended by inserting at the beginning the
4 following:

5 "(1) This subsection applies to projects that have received Federal funding
6 to carry out this chapter prior to the enactment of the Rail Safety, Reliability, and
7 Efficiency for a Strong America Act."

8 **SEC. 9206. RAIL PASSENGER TRANSPORTATION LIABILITY AND**
9 **MANDATORY COVERAGE.**

10 (a) LIABILITY.--Section 28103 is amended as follows:

11 (1) By revising subsection (a)(2) by inserting, "including commuter rail
12 passengers," after the words "rail passenger,".

13 (2) By revising subsection (b) to read as follows:

14 "(b) CONTRACTUAL OBLIGATIONS.--A provider of rail passenger
15 transportation may enter into contracts that allocate financial responsibility
16 for claims and such contracts shall be enforceable notwithstanding any
17 other provision of law, common law or public policy or the nature of the
18 conduct giving rise to the damages or liability."

19 (3) By inserting at the end of subsection (e) the following:

20 "(4) the term 'rail passenger transportation' includes commuter rail
21 transportation."

22 (b) MANDATORY COVERAGE.--Subsection 28103(c) is amended by striking
23 "Amtrak" and inserting "A provider of rail passenger transportation".

24 **SEC. 9207. SHARED-USE STUDY.**

25 (a) IN GENERAL.--The Secretary shall conduct a study, in consultation with, as
26 appropriate, Amtrak, commuter, and other passenger rail operators, rail carriers that own
27 rail infrastructure over which both passenger and freight trains operate, States, the
28 Surface Transportation Board, and groups representing rail passengers and customers, in
29 order to evaluate the shared-use of right-of-way by passenger and freight rail systems and
30 the operational, institutional, and legal structures that would best support improvements
31 to both of these systems.

1 (b) AREAS OF STUDY.--In conducting the study, the Secretary shall evaluate:

2 (1) The access and use of railroad right-of-way by a railroad that does not
3 own the right-of-way. This evaluation shall include an analysis of passenger rail
4 services that operate over privately-owned right-of-way, including access
5 agreements, costs of access, and the resolution of disputes relating to such access
6 or costs.

7 (2) The effectiveness of existing contractual and regulatory mechanisms
8 for establishing, measuring, and enforcing train performance standards, including
9 identification of gaps in those existing mechanisms and designation of possible
10 new approaches.

11 (3) Mechanisms for measuring and maintaining benefits resulting from
12 publically-funded freight and/or intercity passenger rail improvements, including
13 those improvements directed towards shared-use right-of-way.

14 (4) Standard approaches to operations, capacity, and cost estimation
15 modeling that allows for transparent decision-making while also protecting the
16 proprietary interests of all parties.

17 (5) Other issues identified by the Secretary.

18 (c) REPORT.--Within 180 days after the establishment of a dedicated Rail
19 Account within the Transportation Trust Fund, the Secretary shall submit
20 recommendations developed pursuant to subsections (a) and (b), including any legislative
21 proposals consistent with such recommendations, to the Committee on Transportation
22 and Infrastructure of the House of Representatives, and the Committee on Commerce,
23 Science, and Transportation of the Senate.

24 (d) IMPLEMENTATION.--The Secretary shall integrate the recommendations
25 submitted under subsection (c) into its financial assistance programs under subtitle V and
26 section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C.
27 822), as appropriate. The Secretary may promulgate a rulemaking or rulemakings to
28 integrate such recommendations, if appropriate.

29 (e) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be
30 appropriated to the Secretary such sums as necessary to conduct the study described in
31 this section, to remain available until expended.

1 **SEC. 9208. DISADVANTAGED BUSINESS ENTERPRISES; DISPARITY AND**
2 **AVAILABILITY STUDY.**

3 (a) IN GENERAL.--The Secretary of Transportation shall continue actions to
4 conduct a nationwide disparity and availability study to establish the availability and
5 utilization of small business concerns owned and controlled by socially and economically
6 disadvantaged individuals ("small disadvantaged businesses") in publicly funded railroad
7 projects.

8 (b) DEFINITIONS.--In this section:

9 (1) SMALL BUSINESS CONCERN.--The term "small business concern"
10 means a small business concern as the term is used in section 3 of the Small
11 Business Act (15 U.S.C. 632). The term "small business concern" does not
12 include any concern or group of concerns controlled by the same socially and
13 economically disadvantaged individual or individuals that have average annual
14 gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as
15 adjusted annually by the Secretary for inflation.

16 (2) SOCIALLY AND ECONOMICALLY DISADVANTAGED
17 INDIVIDUAL.--The term "socially and economically disadvantaged individual"
18 has the meaning given the term in section 8(d) of the Small Business Act (15
19 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that
20 Act, except that women shall be presumed to be socially and economically
21 disadvantaged individuals for purposes of this section.

22 (c) REPORT.--Not later than 3 years after the date of enactment of this Act, the
23 Secretary shall transmit to the Committee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on Commerce, Science, and Transportation
25 of the Senate a report of the results of the nationwide disparity and availability study.

26 (d) SECRETARIAL ACTION.--If the Secretary finds a strong basis in evidence
27 demonstrating that gender or race discrimination or the effects of such discrimination is
28 adversely impacting the award and administration of contracts to small disadvantaged
29 businesses in Federal financial assistance programs for rail transportation administered by
30 the Department of Transportation, the Secretary should take appropriate and necessary
31 action to remedy the effects of such discrimination.

1 **Subtitle C--Planning**

2 **SEC. 9301. NATIONAL AND REGIONAL RAIL PLANNING.**

3 (a) IN GENERAL.--Part B of subtitle V is amended by inserting the following
4 after chapter 225:

5 **"CHAPTER 226--NATIONAL AND REGIONAL RAIL PLANNING**

6 "Sec.

7 "22601. National rail development plan.

8 "22602. Regional rail development plans.

9 **"Sec. 22601. National rail development plan**

10 "(a) IN GENERAL.--Within 1 year after the date of the enactment of this Act, the
11 Secretary of Transportation shall complete a National Rail Development Plan.

12 "(b) OBJECTIVES.--The objectives of the National Rail Development Plan are:

13 "(1) To set forth national policy involving high-performance rail
14 transportation, including presenting priorities and strategies to enhance high-
15 performance rail transportation.

16 "(2) To serve as the foundation for Regional Rail Development Plans.

17 "(c) CONTENTS.--The National Rail Development Plan shall include the
18 following elements:

19 "(1) Conditions under which Federal investments in regional networks
20 comprised of Core Express Corridors, Regional Corridors, and/or Feeder
21 Corridors are justified, to include, at a minimum, parameters addressing the
22 following criteria:

23 "(A) Population size and density.

24 "(B) Projected population and economic growth and changing
25 demographic characteristics.

26 "(C) Connections to local rail and bus transit and alternative
27 transportation options.

28 "(D) Economic profile of specific markets.

29 "(E) Congestion on existing transportation facilities and constraints
30 on future capacity enhancements, in relation to efficient movement of both
31 goods and people.

1 (F) Distances between markets.

2 (G) Geographic characteristics.

3 (2) Conditions under which Federal investments in freight rail projects
4 are justified.

5 (3) A discussion of benefits and costs of potential investments in high-
6 performance rail that considers both user and public benefits and costs from a
7 network perspective, to include factors such as potential passenger ridership or
8 freight tonnage changes, travel time reductions, enhanced mobility benefits,
9 improved reliability and resilience, environmental benefits, economic benefits,
10 and other public benefits, including sensitivity analyses on these factors.

11 (4) Issues related to timing and phasing for the implementation of
12 potential Core Express Corridors, Regional Corridors, and Feeder Corridors.

13 (5) A strategy for investments in intermodal passenger stations that are
14 linked to local public transportation and non-motorized transportation options,
15 and that connect to residential areas, commercial areas, and other nearby
16 transportation facilities.

17 (6) Policies and strategies for improving the competitiveness of the
18 nation's freight rail industry.

19 (7) Suggested performance standards for fiscal and operational
20 performance of new and enhanced high-performance rail services by service type.

21 (8) General description of the environmental benefits or impacts related
22 to the expansion of passenger and freight rail networks, including analysis of
23 climate change issues and implications.

24 (9) Recommendations regarding project financing, management and
25 implementation for corridor development, station development and similar
26 projects.

27 (10) Achievement of the objectives set forth in section 101 of the Rail for
28 America Act.

29 (11) Additional factors that the Secretary deems relevant for achieving
30 the objectives of this subsection.

31 **"Sec. 22602. Regional rail development plans**

1 "(a) IN GENERAL.--The Secretary shall facilitate the development of a Regional
2 Rail Development Plans to describe a multi-State region's plans for a comprehensive and
3 integrated rail network, including plans for public investment in projects that contribute
4 towards efficient movement and increased capacity for freight, by either Regional Rail
5 Development Authorities, described in chapter 289 of this title, or by any two or more
6 States that have entered into interstate compacts, agreements, or organizations for the
7 purpose of developing such a plan.

8 "(b) FEDERAL SHARE INCENTIVE.--A project proposal for Passenger
9 Corridor funding that is consistent with an adopted Regional Rail Development Plan shall
10 be eligible for a higher Federal share of total project costs under the Passenger Corridors
11 program, as described in subsection 24605(b)(7)(B) of this title, provided that the
12 Regional Rail Development Plan meets the content and process criteria set forth in this
13 paragraph.

14 "(c) CONTENTS AND PROCESS.--

15 "(1) CONTENTS.--At a minimum, the Regional Rail Development Plan
16 shall contain:

17 "(A) A map that shows specific alignment alternatives for the Core
18 Express Corridors, Regional Corridors, and Feeder Corridors that are
19 consistent with the criteria established in the National Rail Development
20 Plan and that identifies potential station locations.

21 "(B) An examination of multi-modal corridors and connections
22 that considers the most cost-effective means for achieving the region's
23 transportation goals and objectives.

24 "(C) A phasing plan for developing or upgrading specific segments
25 of the regional network.

26 "(D) A capital cost estimate for developing the regional network.

27 "(E) An analysis of operating financial forecasts, including high-
28 level ridership and revenue projections.

29 "(F) A benefit-cost analysis for the regional network that considers
30 both user and public benefits and costs from a network perspective, to
31 include factors such as ridership projections, travel time reductions,

1 enhanced mobility benefits, improved reliability and resilience,
2 environmental benefits, economic benefits, and other public benefits.

3 "(G) An analysis of potential land use policies and strategies for
4 areas near high-performance rail stations.

5 "(H) General description of the environmental benefits or impacts
6 that could result from implementation of the Regional Rail Development
7 Plan, including analysis of climate change issues and implications.

8 "(I) Consideration of the goals, policies, and investment priorities
9 described in highway and transit plans developed by States and
10 metropolitan planning organizations within the region."(J) Potential non-
11 Federal funding sources, including a detailed consideration of anticipated
12 private sector participation.

13 "(K) A proposal for the institutional and governance structures that
14 will be necessary to develop, operate, and maintain the regional network.

15 "(L) Other project implementation considerations, including an
16 analysis of the readiness of specific corridors to proceed for development
17 as evidenced by the completion of service development planning and
18 environmental analyses.

19 "(M) Identification of plans for cost-effective, public investment in
20 shared-benefit projects that contribute toward the efficient movement and
21 increased capacity for freight rail operations.

22 "(N) Evidence of support from affected States and local
23 jurisdictions.

24 "(2) PROCESS.--At a minimum, the process for creating the Regional
25 Rail Development Plan shall fulfill the following:

26 "(A) Be led and formally adopted either--

27 "(i) by a Regional Rail Development Authority, as
28 described in chapter 289 of this title, with the final plan being
29 formally adopted by the Regional Rail Development Authority; or

30 "(ii) by two or more States that have jointly engaged in the
31 planning process, with the final plan being formally incorporated

1 into the State Rail Plans, State Freight Plans, and Statewide
2 Transportation Improvement Plans of each State, as applicable.

3 "(B) Ensure substantial opportunities for involvement of affected
4 stakeholders, including but not limited to local communities, elected
5 officials, economic development bodies, business leaders, railroad
6 infrastructure owners, regional air quality planning agencies, Amtrak,
7 passenger rail service operators, freight railroad operators, representatives
8 of rail labor, metropolitan planning organizations, governing authorities
9 for transit systems or airports, Tribal governments, and the general public,
10 including local communities, low-income and minority populations,
11 people with disabilities, and older Americans.

12 "(C) Provide the stakeholders, including those listed in
13 subparagraph (B), reasonable opportunity to comment on and participate
14 in the development and implementation of the Plans, particularly with
15 regard to (c)(1)(A) and (G).

16 "(d) CONSISTENCY WITH NATIONAL RAIL DEVELOPMENT PLAN.--

17 "(1) ELIGIBILITY.--In order to be eligible for Federal funding through
18 the Passenger Corridor program, a Core Express Corridor, Regional Corridor, or
19 Feeder Corridor identified in the Regional Rail Development Plan shall be
20 consistent with the parameters identified in the National Rail Development Plan.

21 "(2) UPDATES.--In the event that the Regional Rail Development Plan is
22 adopted prior to publication of the National Rail Development Plan, the Regional
23 Plan shall be updated within 1 year of the publication of the National Plan.

24 "(3) WAIVER.--The Secretary may waive requirements under this
25 subsection as necessary to accommodate unique characteristics and situations in
26 specific regions.

27 "(e) FINANCIAL ASSISTANCE.--Planning activities to create a Regional Rail
28 Development Plan are eligible to receive Planning grants, as described in subsection
29 24605(e) of this title. The Federal share of such a grant shall not exceed 80 percent of the
30 total cost of the project."

1 (b) REVISIONS TO THE UNITED STATES CODE.--Section 103(j) is amended-

2 -

3 (1) by striking paragraphs (2) and (3); and

4 (2) by redesignating paragraphs (4) through (7), respectively, as
5 paragraphs (2) through (5).

6 **SEC. 9302. STATE RAIL PLANS**

7 Chapter 227 of Part B is amended:

8 (1) In section 22702(b)(4), by striking "5 years for reapproval by the
9 Secretary" and inserting "4 years for acceptance by the Secretary".

10 (2) By striking Section 22705(a)(12).

11 **Subtitle D--Safety Improvements**

12 **SEC. 9401. REQUIREMENT FOR UNIFORM OPERATING RULES.**

13 (a) AMENDMENT.--Chapter 201, as amended by this Act, is further amended by
14 adding at the end the following new section:

15 **"Sec. 20168. Uniform operating rules**

16 "(a) IN GENERAL.-- The Secretary of Transportation may prescribe
17 regulations or issue orders to require in small geographic areas, as defined by the
18 Secretary, where two or more railroads serve as host railroads for joint operations
19 that occur within a small geographic area, all such host railroads in the small
20 geographic area shall develop unified operating rules governing all operations
21 within the small geographic area with respect to the following:

22 "(1) signal aspects and indications, such that no aspect represents
23 multiple indications for any operations within the small geographic area;

24 "(2) after-arrival mandatory directives, such that the use of an
25 after-arrival mandatory directive is prohibited for any operations in non-
26 signaled territory within the small geographic area; and

27 "(3) forms used to convey track authority, such that track authority
28 for any operations within the small geographic area is conveyed using an
29 identical set of forms.

1 "(b) CONSTRUCTION.--Nothing in this section shall be construed to
2 limit the authority of the Secretary to prescribe regulations or issue orders not
3 authorized by this section."

4 (b) CONFORMING AMENDMENT.--The chapter analysis for chapter 201 is
5 amended by inserting after the item relating to section 20167 the following:

6 "20168. Uniform operating rules."

7 **SEC. 9402. POSITIVE TRAIN CONTROL.**

8 (a) IMPLEMENTATION.--Section 20157(a) is revised to read as follows:

9 "(a) IMPLEMENTATION.--

10 "(1) WHERE IMPLEMENTATION REQUIRED.--Each Class I railroad
11 carrier and each entity providing regularly scheduled intercity or commuter rail
12 passenger transportation shall develop and submit to the Secretary of
13 Transportation a plan for implementing a positive train control system by
14 December 31, 2015, governing operations on--

15 "(A) its main line over which intercity rail passenger transportation
16 or commuter rail passenger transportation, as defined in section 24102, is
17 regularly provided;

18 "(B) its main line over which poison- or toxic-by-inhalation
19 hazardous materials, as defined in sections 171.8, 173.115, and 173.132 of
20 title 49, Code of Federal Regulations, are transported; and

21 "(C) such other tracks as the Secretary may prescribe by regulation
22 or order.

23 "(2) INTEROPERABILITY AND PRIORITIZATION.--The plan shall
24 describe how the railroad carrier or other entity subject to subsection (a)(1) will
25 provide for interoperability of the system with movements of trains of other
26 railroad carriers over its lines and shall, to the extent practical, implement the
27 system in a manner that addresses areas of greater risk before areas of lesser risk.
28 The railroad carrier or other entity shall implement a positive train control system
29 in accordance with the plan.

1 "(3) PHASED IMPLEMENTATION.-- The Secretary shall prescribe
2 regulations to establish an implementation schedule for positive train control
3 systems to ensure successful implementation of positive train control systems.

4 "(4) EXTENSION AUTHORITY.--The Secretary may extend the
5 implementation deadline for one or more railroad carriers or other entities set by
6 regulations prescribed pursuant to paragraph (1) and paragraph (3) if the Secretary
7 determines that--

8 " (A) the railroad carrier or other entity has encountered technical
9 programmatic challenges, as identified by the Secretary in his 2012 report
10 to Congress pursuant to subsection (d), and those challenges have
11 negatively affected the successful implementation of positive train control
12 systems;

13 "(B) the railroad carrier or other entity has demonstrated
14 substantial progress in deploying positive train control to the extent
15 feasible;

16 "(C) the railroad carrier or other entity has taken actions to mitigate
17 risks to successful implementation, as identified by the Secretary in his
18 2012 report to Congress pursuant to subsection (d);

19 "(D) the railroad carrier or other entity is proceeding to implement
20 its plan expeditiously and successfully."

21 (b) PROVISIONAL OPERATION.--Section 20157(h) is amended to read as
22 follows:

23 "(h) CERTIFICATION.--

24 "(1) IN GENERAL.--The Secretary shall not permit the installation of any
25 positive train control system or component in revenue service unless the Secretary
26 has certified that any such system or component has been approved through the
27 approval process set forth in part 236 of title 49, Code of Federal Regulations, and
28 complies with the requirements of that part.

29 "(2) PROVISIONAL OPERATION.--The Secretary may permit, upon
30 submission of a positive train control implementation plan, the provisional
31 operation of a positive train control system or component in revenue service

1 where the development of the system or component has been approved by the
2 Secretary through the process set forth in part 236 of title 49, Code of Federal
3 Regulations, complies with the requirements of that part, and complies with any
4 conditions the Secretary may provide for such provisional operation.".

5 (c) ALTERNATIVE PROTECTION.--After subsection (i) of section 20157, the
6 following is inserted:

7 "(j) EXCEPTION FOR ALTERNATIVE PROTECTION.--

8 "(1) Notwithstanding the other provisions of this section, a railroad may
9 petition the Secretary to implement alternative risk mitigation strategies on a
10 particular a main line in place of a positive train control system that would
11 otherwise be required to be installed on such line under this section if such risk
12 mitigation strategies incorporate alternative technology or operating practices.

13 "(2) The Secretary may approve a plan to use such alternate risk
14 mitigation strategies under this provision on a main line identified by a railroad
15 carrier or other entity in a plan submitted to the Secretary if the Secretary
16 determines that--

17 "(A) the use of the alternative strategies will not result in a
18 decrease in the level of safety from that currently existing on the line;

19 "(B) the alternative strategies provide an appropriate level of risk
20 mitigation with regards to preventing the risks identified in subsection
21 (i)(3);

22 "(C) the alternative risk mitigation strategies will be implemented
23 as soon as possible.".

24 (d) SPECTRUM.--Chapter 201, as amended by this Act, is further amended by
25 adding the following new section:

26 "**Sec. 20169. Federal Communications Commission spectrum**

27 "Not later than 120 days after the date of enactment of the Rail for America Act,
28 the Secretary of Transportation and the Chairman of the Federal Communications
29 Commission shall coordinate to assess spectrum needs and availability for implementing
30 positive train control systems, as defined in section 20157 of this title. Such coordination
31 may include conversations with external stakeholders.".

1 (e) CONFORMING AMENDMENT.--The chapter analysis for chapter 201, as
2 amended by this Act, is further amended by inserting after the item relating to section
3 20168 the following:
4 "20169. Federal Communications Commission spectrum."

5 **SEC. 9403. HOURS OF SERVICE REFORM.**

6 (a) CESSATION OF EFFECTIVENESS.--Chapter 211, as amended by this Act,
7 shall cease to be effective upon the effective date of the regulations mandated by
8 subsection (c) of this section.

9 (b) AMENDMENT.--Upon the effective date of the regulations mandated by
10 subsection (c) of this section--

11 (1) the first sentence of section 20103(a) is amended to read as follows:

12 "(1) The Secretary of Transportation, as necessary, shall prescribe
13 regulations and issue orders for every area of railroad safety--

14 "(A) superseding the Federal hours of service laws
15 formerly codified at chapter 211 of this title and regulations and
16 orders pursuant to those laws; and

17 "(B) supplementing other regulations and other laws in
18 effect on October 16, 1970."; and

19 (2) the second sentence of section 20103(a), as amended by this Act, is
20 designated as paragraph (2).

21
22 (c) AMENDMENT.--Chapter 201, as amended by this Act, is further amended by
23 adding at the end the following new section:

24 **"Sec. 20171. Fatigue, including hours of service**

25 "(a) MANDATE TO CONVERT STATUTE TO REGULATIONS;
26 NONREVIEWABILITY; CESSATION OF EFFECTIVENESS OF CHAPTER
27 211.--

28 (1) The Secretary of Transportation shall prescribe regulations
29 embodying the substantive provisions of the Federal hours of service laws
30 codified at sections 21101-21106, 21108, and 21109 of this title and in so

1 doing may make changes necessary to transform those provisions into
2 regulatory form.

3 "(2) Notwithstanding any other provision of law, these regulations
4 shall not be subject to judicial review.

5 "(3) Upon the effective date of the regulations prescribed under
6 this subsection (a) (the status quo regulations), chapter 211 of this title
7 shall cease to be effective.

8 "(b) **AUTHORITY TO PRESCRIBE AMENDMENTS TO THE STATUS**
9 **QUO REGULATIONS.**--After the Secretary has prescribed the regulations
10 mandated by subsection (a) and after the regulations mandated by subsection (a)
11 have become effective, the Secretary may amend the regulations as the Secretary
12 deems necessary in accordance with the Secretary's general authority under
13 section 20103 of this title, to prevent and mitigate fatigue among individuals
14 performing safety-critical duties in train and engine service, signal or train control
15 service, or dispatching service, whether or not directly employed by a railroad
16 carrier.

17 "(c) **DETERMINATIONS COMMITTED TO THE DISCRETION OF**
18 **THE SECRETARY.**--In the prescription of any final rule amendment by the
19 Secretary to the regulations mandated by subsection (a), or to the regulations
20 authorized by subsection (b), determinations of scientific knowledge and literature
21 relating to fatigue, scientific and medical research on circadian rhythms and
22 human sleep and rest requirements, reasonable levels of fatigue prevention or
23 fatigue mitigation, and other related determinations and applications of scientific
24 knowledge and literature are committed to the discretion of the Secretary."

25
26 (d) **CONFORMING AMENDMENT.**--The chapter analysis for chapter 201, as
27 amended by this Act, is further amended by inserting after the item relating to section
28 20170 the following:

29 "20171. Fatigue, including hours of service."

1 (e) AMENDMENT.--Effective upon the effective date of the regulations
2 prescribed under subsection (c) of this section, the following new section of chapter 201,
3 as amended by this Act, shall become effective:

4 **"Sec. 20172. Maximum duty hours and subjects of collective bargaining**

5 "The number of hours that an employee may be required or allowed to be on duty
6 (a number formerly established by the Federal hours of service laws, formerly codified at
7 chapter 211 of this title, and presently established under section 20171 of this title) is the
8 maximum number of hours consistent with safety. Shorter hours of service and time on
9 duty of an employee are proper subjects for collective bargaining between a railroad
10 carrier and its employees."

11 (f) CONFORMING AMENDMENT.--Effective upon the effective date of
12 regulations prescribed under subsection (c) of this section, the following new item in the
13 chapter analysis for chapter 201, as amended by this Act, shall become effective:

14 "20172. Maximum duty hours and subjects of collective bargaining."

15 **SEC. 9404. AMENDMENTS TO THE SAFETY APPLIANCE LAW.**

16
17 (a) AMENDMENT.--Section 20303 is amended by adding at the end the
18 following new subsections:

19 "(d) DEFINITIONS AND CLARIFICATION.--In subsection (a)--

20 "(1) 'place at which the repairs can be made' means--

21 "(A) a location with a fixed facility for conducting the repairs that are
22 necessary to bring the defective or insecure vehicle into compliance with this chapter; or

23 "(B) a location where a mobile repair truck capable of making the repairs
24 that are necessary to bring the defective or insecure vehicle into compliance with this
25 chapter makes the same kind of repair at the location regularly (as specified in regulations
26 prescribed by the Secretary).

27 "(2) 'nearest' means the closest in the forward direction of travel for the
28 defective or insecure vehicle; and

29 "(3) movement of a defective or insecure vehicle from a location is
30 'necessary to make repairs' of the vehicle even though a mobile repair truck

1 capable of making the repairs has gone to the location on an irregular basis (as
2 specified in regulations prescribed by the Secretary).

3 "(e) ADDITIONAL CONDITIONS FOR MOVEMENT TO MAKE REPAIRS.--

4 The Secretary of Transportation may impose conditions for the movement of a defective
5 or insecure vehicle to make repairs in addition to those conditions set forth in subsection
6 (a) by prescribing regulations or issuing orders as necessary."

7 (b) AMENDMENT.--Section 20306 is amended by--

8 (1) striking the word "or" at the end of subsection (b)(1);

9 (2) striking the period at the end of subsection (b)(2) and inserting "; or";

10 and

11 (3) adding at the end a new subsection (b)(3) to read as follows:

12 "(3) a regulation as contemplated by section 553 of title 5, United States
13 Code."

14 **SEC. 9405. AMENDMENTS TO THE LOCOMOTIVE INSPECTION LAW.**

15 (a) AMENDMENT.--Section 20701 is amended by--

16 (1) redesignating its text as subsection (a) with the heading "General.--";

17 (2) striking the word "and" at the end of subsection (a)(2);

18 (3) striking the period at the end of subsection (a)(3) and inserting "; and";

19 and

20 (4) adding at the end a new subsection (a)(4) to read as follows:

21 "(4) if of a unique design or utilizing a new power source
22 technology, have been approved in advance by the Secretary."

23
24 (b) AMENDMENT.--Section 20701, as amended by this Act, is further amended
25 by adding at the end the following:

26 "(b) Definitions.--For the purposes of subsection (a)(4), the term "new power
27 source technology" means a technology that employs a source of motive power other than
28 diesel fuel, electricity, or steam."

29 **SEC. 9406. TECHNICAL AMENDMENT TO THE PROVISION ON**
30 **PROTECTION OF RAILROAD SAFETY RISK REDUCTION PROGRAM**
31 **INFORMATION.**

1 Section 20119(b) is amended to read as follows:

2 "(b) **AUTHORITY.**--Following completion of the study required under
3 subsection (a), the Secretary, if in the public interest, including public safety and
4 the legal rights of persons injured in railroad accidents, may prescribe a rule
5 subject to notice and comment to address the results of the study. This rule may
6 include provisions that withhold from discovery or admission into evidence (in
7 the course of civil litigation for damages involving personal injury, wrongful
8 death, or property damage against a carrier) any plan, document, report, survey,
9 schedule, list, or data compiled or collected solely for the purpose of developing,
10 evaluating, planning, or implementing a railroad safety risk reduction program
11 required under this chapter, including a railroad carrier's analysis of its safety
12 risks and its statement of the mitigation measures with which it will address those
13 risks. Any such rule prescribed pursuant to this subsection shall not become
14 effective until 1 year after its adoption."

15 **SEC. 9407. NOISE EMISSION STANDARDS.**

16 (a) **IN GENERAL.**--Chapter 201, as amended by this Act, is further amended by
17 adding at the end the following:

18 **"Sec. 20170. Noise emission standards**

19 "The Secretary of Transportation, with the concurrence of the
20 Administrator of the Environmental Protection Agency, may prescribe regulations
21 governing railroad-related noise emission standards for railroad carriers operating
22 on the general railroad system of transportation, including noise related to
23 magnetic levitation systems. Such regulations may consider variances in
24 maximum pass-by noise with respect to the speed of the equipment, account for
25 current engineering best practices, and encourage the use of noise mitigation
26 techniques only where reasonable and the benefits exceed the costs."

27 (b) **CONFORMING AMENDMENT.**--The chapter analysis for chapter 201, as
28 amended by this Act, is further amended by inserting after the item relating to section
29 20169 the following:

30 "20170. Noise emission standards."

31 **SEC. 9408. TECHNICAL AMENDMENT TO CHAPTER 201 GENERAL CIVIL**

1 **PENALTY PROVISION.**

2 Section 21301(a)(1), as amended by this Act, is further amended by inserting
3 immediately before the last sentence the following: "An act by an individual that causes
4 a railroad carrier to be in violation is a violation."

5 **SEC. 9409. MISCELLANEOUS AUTHORIZATION OF APPROPRIATIONS.**

6 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY STUDY.--There are
7 authorized to be appropriated to the Secretary such sums as necessary to conduct a study
8 of railroad operations that block highway-rail grade crossings, including the severity,
9 frequency, and other characteristics of such blockages, to remain available until
10 expended. For the purpose of this paragraph the term "highway-rail grade crossing" has
11 the definition given in section 20153(a) of title 49, United States Code.

12 (b) TRACK ELECTRIFICATION STUDY.--There are authorized to be
13 appropriated to the Secretary such sums as necessary to conduct a study of track
14 electrification and the development of standards for track electrification, to remain
15 available until expended.

16 (c) TRAIN LENGTH STUDY.--There are authorized to be appropriated to the
17 Secretary such sums as necessary to conduct a study of whether train length correlates
18 with the severity and frequency of train derailments, to remain available until expended.

19 **SEC. 9410. REPAIR AND REPLACEMENT OF DAMAGED TRACK**
20 **INSPECTION EQUIPMENT.**

21 Part A of subtitle V is amended by inserting the following after section 20120:
22 "**Sec. 20121. Repair and replacement of damaged track inspection equipment**

23 "The Secretary of Transportation may receive and expend cash, or receive and
24 utilize spare parts and similar items, from non-United States Government sources to
25 repair damages to or replace United States Government owned automated track
26 inspection cars and equipment as a result of third-party liability for such damages, and
27 any amounts collected under this section shall be credited directly to the Railroad Safety
28 and Operations account of the Federal Railroad Administration, and shall remain
29 available until expended for the repair, operation, and maintenance of automated track
30 inspection cars and equipment in connection with the automated track inspection
31 program."

1 **Subtitle E--Miscellaneous Revisions and Technical Corrections**

2 **SEC. 9501. AUTHORIZATION OF APPROPRIATIONS**

3 (a) AUTHORIZATION.--Section 20117(a) is amended to read as follows:

4 "(a) IN GENERAL.--There are authorized to be appropriated to the
5 Secretary of Transportation to carry out this subtitle and to carry out
6 responsibilities under chapter 51, as delegated or authorized by the Secretary, the
7 following sums:

8 "(B) \$185,250,000 for fiscal year 2015.

9 "(C) For fiscal year 2016 such sums as may be necessary.

10 "(D) For fiscal year 2017 such sums as may be necessary.

11 "(E) For fiscal year 2018 such sums as may be necessary.

12 (b) TECHNICAL CORRECTIONS.--

13 (1) Section 20117 is amended by striking subsection (e).

14 (2) Section 20154 is amended by striking subsection (i).

15 (3) Section 20158 is amended by striking subsection (c).

16 (4) Section 20167 is amended by striking subsection (e).

17 (5) Chapter 221 is amended by striking section 22108.

18 (6) Section 22301 is amended by striking subsection (g).

19 (7) Chapter 225 is amended by striking section 22505.

20 (8) Chapter 241 is amended by striking section 24104.

21 (9) Section 24105 is amended by striking subsection (e).

22 (10) Chapter 244 is amended by striking section 24406.

23 (11) Chapter 249 is amended by striking section 24909.

24 (12) Section 24910 is amended by striking subsection (e).

25 (13) Section 26104 is amended by--

26 (A) striking subsection (a); and

27 (B) redesignating subsection (b) as (a).

28 (14) Section 26106 is amended by striking subsection (h).

29 **SEC. 9502. TECHNICAL CORRECTIONS TO THE RAIL SAFETY**
30 **IMPROVEMENT ACT OF 2008.**

1 (a) FEDERAL RAILROAD ADMINISTRATION.--Section 103(c) is amended by
2 striking "the Administration shall consider the assignment and maintenance of safety as
3 the highest priority," and inserting "the Administration shall consider the improvement of
4 safety as the highest priority,".

5 (b) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL
6 PASSENGER ACCIDENTS.--Section 1139 is amended--

7 (1) in subsection (a)(1) by striking "phone number" and inserting
8 "telephone number";

9 (2) in subsection (a)(2) by striking "post trauma communication with
10 families" and inserting "post-trauma communication with families"; and

11 (3) in subsection (j)(2) by striking "railroad passenger accident" and
12 inserting "rail passenger accident".

13 (c) SOLID WASTE RAIL TRANSFER FACILITIES LAND-USE
14 EXEMPTION.--Section 10909 is amended--

15 (1) in subsection (b), in the matter preceding paragraph (1), by striking
16 "Clean Railroad Act of 2008," and inserting "Clean Railroads Act of 2008,"; and

17 (2) in subsection (e) by striking "Upon the granting of petition from the
18 State" and inserting "Upon the granting of a petition from the State".

19 (d) RULEMAKING PROCESS.--Section 20116 is amended--

20 (1) by inserting "(1)" after "unless"; and

21 (2) by inserting "(2)" before "the code, rule, standard, requirement, or
22 practice has been subject to notice and comment under a rule or order issued
23 under this part.".

24 (e) ENFORCEMENT REPORT.--Section 20120(a) is amended--

25 (1) in the matter preceding paragraph (1), by striking "website" and
26 inserting "Web site";

27 (2) in paragraph (1), by striking "accident and incidence reporting" and
28 inserting "accident and incident reporting";

29 (3) in paragraph (2)(G), by inserting "and" at the end; and

1 (4) in paragraph (5)(B) by striking "Administrative Hearing Officer or
2 Administrative Law Judge" and inserting "administrative hearing officer or
3 administrative law judge".

4 (f) RAILROAD SAFETY RISK REDUCTION PROGRAM.--Section 20156 is
5 amended--

6 (1) in subsection (c) by inserting a comma after "In developing its railroad
7 safety risk reduction program"; and

8 (2) in subsection (g) by inserting a comma after "good faith" and by
9 striking "non-profit" and inserting "nonprofit".

10 (g) Section 20159 is amended by striking "the Secretary" and inserting "the
11 Secretary of Transportation".

12 (h) NATIONAL CROSSING INVENTORY.--Section 20160 is amended--

13 (1) in subsection (a)(1) by striking the word "or" from the phrase
14 "concerning each previously unreported crossing through which it operates or
15 with respect to the trackage over which it operates"; and

16 (2) in subsection (b)(1)(A) by striking the word "or" from the phrase
17 "concerning each crossing through which it operates or with respect to the
18 trackage over which it operates".

19 (i) MINIMUM TRAINING STANDARDS.--Section 20162(a)(3) is amended by
20 striking "railroad compliance with Federal standards" and inserting "railroad carrier
21 compliance with Federal standards".

22 (j) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.--Section
23 20164(a) is amended by striking "after enactment of the Railroad Safety Enhancement
24 Act of 2008" and inserting "after the enactment of the Rail Safety Improvement Act of
25 2008".

26 (k) LIMITATIONS ON FINANCIAL ASSISTANCE.--Section 22106(b) is
27 amended by striking "interest thereof" and inserting "interest thereon".

28 (l) CHAPTER ANALYSIS FOR CHAPTER 243.--The item for section 24316 in
29 the chapter analysis for chapter 243 is amended by striking "to assist families of
30 passengers" and inserting "to address needs of families of passengers".

1 **SEC. 9503. TECHNICAL CORRECTION TO INTRODUCTORY TEXT OF**
2 **PUBLIC LAW 110-432.**

3 The introductory text of Public Law 110-432 (122 Stat. 4848) is amended by
4 striking "Federal Railroad Safety Administration" and inserting "Federal Railroad
5 Administration".

6 **SEC. 9504. TECHNICAL CORRECTIONS TO UNCODIFIED PROVISIONS OF**
7 **DIVISION A OF PUBLIC LAW 110-432, THE RAIL SAFETY IMPROVEMENT**
8 **ACT OF 2008.**

9 (a) TABLE OF CONTENTS.--Section 1(b) of division A of Public Law 110-432
10 (122 Stat. 4848), is amended--

11 (1) in the item for section 307, by striking "website" and inserting "Web
12 site".

13 (2) in the item for title VI, by striking "SOLID WASTE FACILITIES"
14 and inserting "SOLID WASTE RAIL TRANSFER FACILITIES"; and

15 (3) in the item for section 602, by striking "solid waste transfer facilities"
16 and inserting "solid waste rail transfer facilities".

17
18 (b) DEFINITIONS.--Section 2(a)(1) of division A of Public Law 110-432 (122
19 Stat. 4849) is amended by inserting a comma after the word "grade".

20 (c) RAILROAD SAFETY STRATEGY.--Section 102(a)(6) of title I of division A
21 of Public Law 110-432 (122 Stat. 4852) is amended--

22 (1) by striking "Improving the safety of railroad bridges, tunnels, and
23 related infrastructure to prevent accidents, incidents, injuries and fatalities caused
24 by catastrophic failures and other bridge and tunnel failures."; and

25 (2) by inserting "Improving the safety of railroad bridges, tunnels, and
26 related infrastructure to prevent accidents, incidents, injuries and fatalities caused
27 by catastrophic and other failures of such infrastructure.".

28 (d) OPERATION LIFESAVER.--Section 206(a) of title II of division A of Public
29 Law 110-432 (122 Stat. 4873) is amended by striking "Public Service Announcements"
30 and inserting "public service announcements".

1 (e) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.--
2 Section 307 of title III of division A of Public Law 110-432 (122 Stat. 4881) is amended-

3 -

4 (1) in the caption by striking "WEBSITE" and inserting "WEB SITE"; and

5 (2) in the text by striking "website" wherever it appears and inserting
6 "Web site".

7 (f) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR
8 MAINTENANCE-OF-WAY EMPLOYEES.--Section 412 of title IV of division A of
9 Public Law 110-432 (122 Stat. 4889) is amended by striking "Secretary of
10 Transportation" and inserting "Secretary".

11 (g) TUNNEL INFORMATION.--Section 414 of title IV of division A of Public
12 Law 110-432 is amended--

13 (1) by striking "parts 171.8, 173.115," (122 Stat. 4889) and inserting
14 "sections 171.8, 173.115, "; and

15 (2) by striking "part 1520.5" (122 Stat. 4890) and inserting "section
16 1520.5".

17 (h) SAFETY INSPECTIONS IN MEXICO.--Section 416 of title IV of division A
18 of Public Law 110-432 (122 Stat. 4890) is amended--

19 (1) in the introductory text by striking "Secretary of Transportation" and
20 inserting "Secretary"; and

21 (2) in paragraph (4) by striking "subsection" and inserting "section".

22 (i) HEADING OF TITLE VI.--The heading of title VI of division A of Public
23 Law 110-432 (122 Stat. 4900) is amended by striking "SOLID WASTE FACILITIES"
24 and inserting "SOLID WASTE RAIL TRANSFER FACILITIES".

25 (j) CAPTION OF SECTION 602.--The caption of section 602 of title VI of
26 division A of Public Law 110-432 (122 Stat. 4900) is amended by striking "SOLID
27 WASTE TRANSFER FACILITIES." and inserting "SOLID WASTE RAIL TRANSFER
28 FACILITIES.".

29 **SEC. 9505. TECHNICAL CORRECTIONS TO PROVISIONS OF THE HOURS**
30 **OF SERVICE LAWS AND RELATED CIVIL PENALTY PROVISION.**

1 (a) NONAPPLICATION, EXEMPTION, AND ALTERNATE HOURS OF
2 SERVICE REGIME.--Section 21102(c) is amended--

3 (1) by striking "APPLICATION OF HOURS OF SERVICE REGIME TO
4 COMMUTER AND INTERCITY PASSENGER RAILROAD TRAIN
5 EMPLOYEES" and inserting "APPLICATION OF HOURS OF SERVICE
6 REGIME TO COMMUTER AND INTERCITY PASSENGER RAILROAD
7 TRAIN EMPLOYEES, INCLUDING TOURIST, HISTORIC, SCENIC, OR
8 EXCURSION RAILROAD TRAIN EMPLOYEES";

9 (2) in paragraph (1) by inserting after "commuter rail passenger
10 transportation or intercity rail passenger transportation," the phrase "including
11 tourist, historic, scenic, or excursion rail transportation," and by striking
12 "including public authorities operating passenger service" and inserting "including
13 tourist, historic, scenic, or excursion railroad carriers and public authorities
14 operating passenger service";

15 (3) in paragraph (2) by inserting after "commuter rail passenger
16 transportation or intercity rail passenger transportation," the following phrase:
17 "including tourist, historic, scenic, or excursion rail transportation,";

18 (4) in paragraph (3)(A) by inserting after "commuter rail passenger
19 transportation or intercity rail passenger transportation" a comma and adding the
20 following phrase: "including tourist, historic, scenic, or excursion rail
21 transportation,"; and

22 (5) in paragraph (4) by striking the colon after "In this subsection" and
23 inserting a dash and by redesignating subparagraphs (C) and (D) as subparagraphs
24 (B) and (C) respectively.

25 (b) LIMITATIONS ON DUTY HOURS OF TRAIN EMPLOYEES.--Section
26 21103(e) is amended by striking "such railroads' efficient operations and on-time
27 performance of its trains." and inserting "such a railroad's efficient operations and on-
28 time performance of its trains.".

29 (c) REGULATORY AUTHORITY.--Section 21109(b) is amended--

30 (1) by striking "REGULATIONS GOVERNING THE HOURS OF
31 SERVICE OF TRAIN EMPLOYEES OF COMMUTER AND INTERCITY

1 PASSENGER RAILROAD CARRIERS" and inserting "REGULATIONS
2 GOVERNING THE HOURS OF SERVICE OF TRAIN EMPLOYEES OF
3 COMMUTER AND INTERCITY PASSENGER RAILROAD CARRIERS,
4 INCLUDING TRAIN EMPLOYEES OF TOURIST, HISTORIC, SCENIC, OR
5 EXCURSION RAILROAD CARRIERS"; and

6 (2) by inserting after "train employees engaged in commuter rail passenger
7 transportation and intercity rail passenger transportation (as defined in section
8 24102 of this title)" a comma and adding the following phrase: "including train
9 employees engaged in the transportation by railroad of passengers on tourist,
10 historic, scenic, or excursion railroad carriers,".

11 (d) CHAPTER 211 VIOLATIONS.--Section 21303(a)(1) is amended by inserting
12 after the comma in "including section 21103 (as such section was in effect on the day
13 before the date of enactment of the Rail Safety Improvement Act of 2008)," the following
14 phrase: "violating regulations or orders issued pursuant to chapter 211 of this title,".

15 **SEC. 9506. ELIMINATION OF CERTAIN FRA REPORTING**
16 **REQUIREMENTS.**

17 Section 102(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101) is
18 amended--

19 (1) by striking the heading for paragraph (1); and

20 (2) by striking paragraph (2).

21 **TITLE X-- MISCELLANEOUS**

22 **SEC. 10001. CONSIDERATION OF TRAVEL AND TOURISM IN AWARD OF**
23 **FINANCIAL ASSISTANCE.**

24 Section 305 of title 49, United States Code, is amended by inserting the following
25 at the end:

26 "(c) The Secretary shall--

27 "(1) encourage recipients of grants under this title and title 23 to fund
28 projects with the grants that support travel and tourism-based infrastructure within
29 the United States; and

1 "(2) consider the potential effects of travel and tourism within the United
2 States among the eligibility criteria when allocating funds for projects funded
3 under the titles."

4 **SEC. 10002. ELECTRONIC REPORTS AND REPORT MODIFICATION.**

5 (a) USE OF ELECTRONIC MEDIA FOR DOT REPORTS.--

6 (1) IN GENERAL.--Notwithstanding any other provision of law, the
7 Secretary of Transportation--

8 (A) may not publish any report required or authorized by law in a
9 printed format; and

10 (B) shall publish any such report by posting it on the Department's
11 Internet Web site in an easily accessible and downloadable electronic
12 format.

13 (2) EXCEPTION.--Paragraph (1) does not apply to any report with respect
14 to which the Secretary determines that--

15 (A) its publication in a printed format is essential to the mission of
16 the Department of Transportation, as determined by the Secretary; or

17 (B) its publication in accordance with the requirements of
18 paragraph (1) would disclose matter--

19 (i) described in section 552(b) of title 5, United States
20 Code; or

21 (ii) the disclosure of which would have an adverse impact
22 on safety or security, as determined by the Secretary.

23 (b) ANNUAL REPORTING REQUIREMENT ON NTSB MOST WANTED
24 LIST.--

25 (1) Section 1135(e)(1) of title 49, United States Code, is amended--

26 (A) by striking "On February 1 of each year" and inserting "Within
27 120 days after publication of the Board's annual 'most wanted list' "; and

28 (B) by striking "the report due on February 1 of ".

29 (2) Section 1135(e)(2) of title 49, United States Code is amended by
30 striking "on March 1 of each year" and inserting "after 30 days following the due
31 date,".

1 **SEC. 10003. AMENDMENT OF FEDERAL AID IN SPORT FISH**
2 **RESTORATION ACT.**

3 Section 4 of the Federal Aid in Fish Restoration Act (16 U.S.C. 777c) is
4 amended--

5 (1) in subsection (a), by striking "fiscal year through 2014," and inserting
6 "fiscal year through 2018,"; and

7 (2) in subsection (b)(1)(A), by striking "fiscal year through 2014," and
8 inserting "fiscal year through 2018,".

9 **SEC. 10004. AMENDMENTS TO CHAPTER 537 OF TITLE 46.**

10 Chapter 537 of title 46, United States Code, is amended--

11 (1) by amending section 53701(13) to read as follows:

12 "(13) Secretary.--The term 'Secretary' means--

13 "(A) the Secretary of Commerce with respect to fishing vessels and fishery
14 facilities; and

15 "(B) the Secretary of Transportation with respect to other vessels and
16 general shipyard facilities (as defined in section 53733(a) of this title).";

17 (2) in section 53706(c), by striking "Administrator" each place it appears and
18 inserting "Secretary or Administrator";

19 (3) in section 53707(b), by striking "Administrator" and inserting "Secretary or
20 Administrator";

21 (4) in section 53708(a), by striking "Administrator" each place it appears and
22 inserting "Secretary or Administrator";

23 (5) in section 53710(b)--

24 (A) in paragraph (1), by striking "Administrator's" and inserting
25 "Secretary's or Administrator's";

26 (B) in paragraph (2), by striking "Administrator" and inserting "Secretary
27 or Administrator";

28 (6) in section 53717--

29 (A) in subsection (b), by striking "Administrator" each place it appears
30 and inserting "Secretary or Administrator"; and

1 (B) by striking subsection (c) and redesignating subsection (d) as
2 subsection (c);

3 (7) in section 53718, by striking "Administrator" and inserting "Secretary or
4 Administrator";

5 (8) in section 53731, by striking "Administrator" each place it appears and
6 inserting "Secretary or Administrator";

7 (9) in section 53732, by striking "Administrator" each place it appears and
8 inserting "Secretary or Administrator"; and

9 (10) in section 53733, by striking "Administrator" each place it appears and
10 inserting "Secretary or Administrator".

11 **SEC. 10005. GOVERNMENT-WIDE AUTHORITY FOR ELECTRIC**
12 **CHARGING INFRASTRUCTURE AT NO COST TO THE**
13 **TAXPAYER.**

14 (a) ESTABLISHMENT OF AUTHORITY FOR GOVERNMENT-WIDE
15 PROVISION OF ELECTRIC CHARGING AT NO COST TO THE TAXPAYER.--

16
17 Chapter 79 of title 5, United States Code, is amended by adding at the end the
18 following:

19 "Sec. 7907. Government-Wide Authority for Electric Charging Infrastructure.

20 "(a) DEFINITIONS.--

21 "(1) COVERED INDIVIDUAL.--The term "covered individual" means--

22 "(A) any employee (as defined in section 2105 of this title;

23 "(B) a member of a uniformed service;

24 "(C) any other individual who performs services for or on behalf of
25 a Federal agency under a contract or subcontract with a Federal agency; or

26 "(D) a visitor to a Federal agency or facility.

27 "(2) FEDERAL AGENCY.--The term "Federal agency" has the meaning
28 given the term "Executive agency" in section 105 of this title, and also includes
29 the U.S. Postal Service, the Executive Office of the President, the military
30 departments as defined in section 102 of this title, and the judicial branch.

31 "(b) AUTHORITY.--

1 "(1) IN GENERAL.--The head of a Federal agency may--

2 "(A) construct, install, operate, and maintain electric charging
3 infrastructure on a reimbursable basis in parking areas under the
4 jurisdiction of the Federal agency; and

5 "(B) provide electricity on a reimbursable basis in parking areas
6 under the jurisdiction of the Federal agency for use by privately owned
7 vehicles used by covered individuals.

8 "(2) VENDORS AUTHORIZED.--In carrying out paragraph (1), the head
9 of a Federal agency may use 1 or more vendors on a commission or no-cost
10 contract basis.

11 "(3) USE OF CHARGING INFRASTRUCTURE FOR OFFICIAL
12 AGENCY VEHICLES.--The head of a federal agency may use electric charging
13 infrastructure installed for official agency vehicles, to the extent that it is
14 available, to provide electric vehicle charging under this section.

15 "(4) INTEGRATION OF RENEWABLE ENERGY.--The head of a
16 federal agency may encourage the inclusion of options for generating electricity
17 from renewable energy as part of the design of parking areas for the agency.

18 "(c) FEES.--The head of a Federal agency shall charge fees for electricity
19 provided to covered individuals sufficient to cover the initial and continuing costs to the
20 head of the Federal agency of carrying out this section, including the costs of any vendors
21 or other costs associated with maintaining the electric charging infrastructure.

22 "(d) DEPOSIT AND AVAILABILITY OF FEES AND COMMISSIONS.--Any
23 fees or commissions collected by the head of a Federal agency under this section--

24 "(1) shall be--

25 "(A) deposited monthly into the account of the Treasury from
26 which the amounts were made available to carry out this section,
27 notwithstanding section 3302(b) of title 31; and

28 "(B) transferred from the Treasury to an appropriate account of the
29 agency if the agency operates with a budget outside of the Treasury; and

30 "(2) shall be available for obligation by the head of the Federal agency
31 without further appropriation during--

1 (A) the fiscal year collected; and

2 (B) the fiscal year following the fiscal year collected.

3 (e) PARKING FEES.--If a Federal agency charges covered employees parking
4 fees for use of a facility that contains an electric vehicle charging facility provided under
5 this section, employees using the electric vehicle charging facility shall pay the same
6 parking fee as covered employees not using the electric vehicle charging facility."

7 (b) CONFORMING AMENDMENT.--The analysis for chapter 79 of title 5,
8 United States Code, is amended by adding at the end the following:
9 "7907. Government-Wide Authority for Electric Charging Infrastructure."

10 **TITLE XI--BUDGETARY INTERPRETATIONS AND TREATMENTS**

11 **SEC. 11001. AMOUNTS IN THIS ACT.**

12 (a) CONTRACT AUTHORITY.--Except as provided in subsection (c), or except
13 as explicitly provided otherwise by this Act or in title 23, United States Code, all funding
14 provided by this Act is contract authority as defined in section 3(2)(A)(iii) of the
15 Congressional Budget and Impoundment Act of 1974 (2 U.S.C. 622(2)(A)(iii)), and all
16 such contract authority shall become available for obligation in the fiscal year specified
17 in this Act and shall remain available until expended.

18 (b) OBLIGATION LIMITS.--

19 (1) IN GENERAL.--Except as explicitly provided, obligation limits
20 established by this Act shall apply for a term of one year and shall apply to
21 obligations to be incurred in the fiscal year specified. Notwithstanding any other
22 provision of law, obligation limits established by this Act shall not apply after
23 2018.

24 (2) EXCEPTIONS.--

25 (A) Except as provided in this Act, obligation limits established by
26 this Act shall apply to unobligated contract authority from the Highway
27 Trust Fund (other than the Mass Transit Account) prior to the date of
28 enactment of this Act.

29 (B) Obligation limitations established by this Act shall not apply
30 to--

1 (i) unobligated contract authority provided by this Act that
2 could have been obligated in a prior year within any obligation
3 limits applicable to that prior year or was exempt from such
4 limitations, but was not so obligated;

5 (ii) the use of fees authorized or provided by this Act as
6 described in subsection (d); and

7 (iii) reimbursable programs undertaken by accounts
8 established in this Act on behalf of discretionary accounts.

9 (3) OBLIGATION LIMITS IN APPROPRIATIONS ACTS.--

10 (A) During any session of Congress, appropriations Acts may
11 increase or decrease any obligation limit established by this Act for any
12 current year or budget year prior to fiscal year 2019.

13 (B) During any session of Congress, it shall not be in order in
14 either the House of Representatives or the Senate for any appropriations
15 Act to alter obligation limits under this Act for any outyear.

16 (C) This paragraph is enacted by the Congress--

17 (i) as an exercise of the rulemaking power of the House of
18 Representatives and the Senate, respectively, and as such is
19 deemed a part of the rules of each House, respectively, and such
20 procedures supersede other rules only to the extent that they are
21 inconsistent therewith; and

22 (ii) with full recognition of the constitutional right of either
23 House to change the rules (so far as relating to the procedure of
24 that House) at any time, in the same manner and to the same extent
25 as in the case of any other rule of that House.

26 (c) LIQUIDATING CASH.--There is authorized to be appropriated such sums as
27 may be necessary for the liquidation of obligations incurred under contract authority
28 created by this Act or under contract authority provided from the Highway Trust Fund as
29 it existed in any version at any time prior to the effective date of this Act.

30 (d) ADMINISTRATIVE FEES.--The collection and expenditure of fees to cover
31 certain administrative costs under this Act for a fiscal year, if subject to annual

1 appropriations, shall be treated as discretionary offsetting collections and discretionary
2 appropriations, respectively. The collection and expenditure of fees to cover certain
3 administrative costs under this Act for a fiscal year, if not subject to annual
4 appropriations, shall be treated as mandatory offsetting collections and mandatory
5 appropriations, respectively.

6 **SEC. 11002. DIRECT OR MANDATORY SPENDING.**

7 (a) NEW CONTRACT AUTHORITY; OUTLAYS.--The contract authority
8 created by this Act and the outlays flowing from that contract authority shall be treated as
9 direct spending or mandatory spending for all purposes.

10 (b) PRIOR FUNDING OF THE HIGHWAY TRUST FUND.--To the extent that
11 contract authority from the Highway Trust Fund enacted prior to the date of the
12 enactment of this Act produces outlays in fiscal year 2015 or beyond, as of October 1,
13 2014, those outlays shall be treated as direct spending or mandatory spending for all
14 purposes and shall be attributed to the Transportation Trust Fund.

15 **SEC. 11003. TREATMENT FOR STATUTORY PAYGO AND RELATED**
16 **PURPOSES.**

17 (a) GENERAL RULE.--Except as provided in subsection (b), and consistent with
18 the definition of direct spending in section 250(c)(8) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 900(c)(8)), the following
20 shall be treated as direct spending for purposes of Presidential and Congressional budgets
21 and the Statutory Pay-As-You-Go Act of 2010 (124 Stat. 8):

22 (1) Contract authority of the Transportation Trust Fund under this Act, the
23 outlays flowing therefrom, and the outlays flowing from contract authority
24 previously provided from the Highway Trust Fund.

25 (3) Except as provided in section 11004, 11005, and 11006 of this title,
26 legislation reauthorizing or amending this Act.

27 (b) TRANSITIONAL RULE; EXCESS REVENUES ARE DEDICATED TO
28 DEFICIT REDUCTION.--For purposes of Presidential and Congressional budgets and
29 the Statutory Pay-As-You-Go Act of 2010 (124 Stat. 8), calculations of the budgetary
30 effects of this Act when it is initially enacted shall be as follows:

1 (1) The baseline projections of total outlays for the Highway Trust Fund
2 and of new outlays for the general fund accounts listed in paragraph (2) shall be
3 treated as offsets to the total level of mandatory outlays of the Transportation
4 Trust Fund resulting from this Act.

5 (A) For this purpose, "new outlays" means outlays that flow from
6 contract authority provided by this Act.

7 (B) For this purpose, the budgetary resources to which the baseline
8 projection shall apply are--

9 (i) the discretionary budget authority provided for fiscal
10 year 2014, for the accounts listed in paragraph (2); and

11 (ii) the obligation limits for fiscal year 2014 applicable to
12 the Highway Trust Fund, and shall be projected under section
13 257(c) of the Balanced Budget and Emergency Deficit Control Act
14 of 1985, as amended [2 U.S.C. 907(c)], except that contract
15 authority of the Highway Trust Fund not subject to those
16 obligation limits shall be projected under section 257(b) of that
17 Act.

18 (2) The general fund programs referred to in paragraph (1) are--

19 (A) the general fund portion of National Highway Traffic Safety
20 Administration, Operations and Research (69X0650).

21 (B) Federal Transit Administration, Administrative Expenses (69
22 1120).

23 (C) Federal Transit Administration, Capital Investment Grants
24 (69X1134).

25 (D) Federal Transit Administration, Research and University
26 Research Centers (69X1137).

27 (E) Federal Transit Administration, Technical Assistance and
28 Standards Development (69X1142).

29 (F) Federal Railroad Administration, Operating Subsidy Grants to
30 the National Railroad Passenger Corporation (69X0121).

1 (G) Federal Railroad Administration, Capital and Debt Service
2 Grants to the National Railroad Passenger Corporation (69X0125).

3 (H) National Infrastructure Investments (69X0143).

4 (3) If the increase in net governmental receipts under this Act, relative to
5 current law, exceeds the increase in mandatory outlays under this Act as measured
6 under paragraph (1) for either or both of the periods covered by the five-year
7 scorecard and the ten-year scorecard established by the Statutory Pay-As-You-Go
8 Act of 2010 (124 Stat. 8), the amounts of that excess in net governmental receipts
9 shall not be recorded on those respective scorecards, with the result that this Act
10 shall not be shown as reducing Pay-As-You-Go deficits or increasing Pay-As-
11 You-Go surpluses.

12 **SEC. 11004. SCORING OF CHANGES IN CONTRACT AUTHORITY IN**
13 **APPROPRIATIONS ACTS.**

14 Consistent with scorekeeping guidelines in effect from 1990 through the
15 enactment of this Act, changes enacted in annual appropriations Acts during a session of
16 Congress to the level of contract authority provided by this Act shall be scored as
17 discretionary to the extent they increase or decrease contract authority in the current year
18 or the budget year, and shall be scored as mandatory or direct spending to the extent they
19 increase or decrease contract authority in an outyear. To the extent any such change in
20 contract authority produces changes in estimated outlays in any year, that change in
21 outlays shall be scored as discretionary if it is generated by a change in contract authority
22 that is scored as discretionary, and shall be scored as mandatory if it is generated by a
23 change in contract authority that is scored as mandatory.

24 **SEC. 11005. SCORING OF CHANGES IN OBLIGATION LIMITS IN**
25 **APPROPRIATIONS ACTS.** [Determine in consultation with Congress.]

26 **SEC. 11006. SCORING OF TRANSFERS BETWEEN THE GENERAL FUND**
27 **AND THE TRANSPORTATION TRUST FUND.** [Determine in
28 consultation with Congress.]

29 **SEC. 11007. SPECIAL RULE.**

1 (a) IN GENERAL.--On September 30, 2018, the Secretary shall permanently
2 cancel, and return such amounts to the Treasury, the contract authority described in
3 subsection (b).

4 (b) REFERENCED CONTRACT AUTHORITY.--The contract authority
5 referenced in subsection (a) are those amounts apportioned under the Federal Aid
6 Highway program that are available to each State for fiscal years 2015 through 2018, that
7 are in excess of contract authority provided for fiscal years 2015 through 2018 by section
8 2001 of this Act.

9 (c) CANCELLATION METHOD.--When implementing subsection (a), the
10 cancellation shall be taken from unobligated balances that remain from contract authority
11 enacted before the enactment of [this Act].

12 (d) LIMITED APPLICABILITY.--This section shall not apply to contract
13 authority provided by [this Act] or prior acts that is exempt from obligation limitations.

14
15